Some Updates on Priority of Service

2010 JVSG Conference
June 10, 2010
Issuance of Joint Guidance

- Training and Employment Guidance Letter (TEGL) No.10–09, issued by ETA
- Veterans’ Program Letter (VPL) No. 07–09, issued by VETS
- Identical content issued in each agency’s guidance format on the same date – November 10, 2009
- The only known instance of VETS and ETA issuing joint guidance
- Available on both agencies’ home pages
Veteran Definition I

- Veteran definition included in the regulations: The term “veteran” means a person who served at least one day in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable, as specified in 38 U.S.C. 101(2). Active service includes full-time duty in the National Guard or a Reserve component, other than full-time duty for training purposes.
Veteran Definition II

- Veteran definition clarified in joint guidance: “Active service includes full-time Federal service in the National Guard or a Reserve component. This definition of “active service” does not include … full-time active duty performed by National Guard personnel who are mobilized by State rather than Federal authorities (State mobilizations usually occur in response to events such as natural disasters).”
Can an Eligible Spouse Lose Eligibility Under Any of These Conditions?

<table>
<thead>
<tr>
<th>Basis of Spouse Eligibility</th>
<th>Loss of Status</th>
<th>Divorce</th>
<th>Remarriage</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Veteran died of service connected Disability</td>
<td>N/A</td>
<td>N/A</td>
<td>No</td>
</tr>
<tr>
<td>b) Service Member is missing, captured or detained</td>
<td>Yes</td>
<td>Yes</td>
<td>N/A</td>
</tr>
<tr>
<td>c) Veteran has a total, service connected disability, per VA Evaluation</td>
<td>Yes</td>
<td>Yes</td>
<td>N/A</td>
</tr>
<tr>
<td>d) Veteran died while a disability as defined in c) was in existence</td>
<td>N/A</td>
<td>N/A</td>
<td>No</td>
</tr>
</tbody>
</table>
Clarifying Verification – I

- The regulations state: “The processes for identifying covered persons are not required to verify the status of an individual as a veteran or eligible spouse at the point of entry unless they immediately undergo eligibility determination and enrollment in a program.”

- “Self–attestation” of covered person status is sufficient to receive priority of service.
Clarifying Verification – II

- The regulations state: “Even in those instances in which eligibility determination and enrollment take place at the point of entry, the Department believes that the covered person should be enrolled and given immediate priority and then be permitted to follow-up subsequently with any required verification of his/her status as a covered person.”

- “Self-attestation” of covered person status is sufficient for program enrollment.
Clarifying Verification – III

- The joint guidance clarifies that, while awaiting verification:
  - Program staff may provide intensive services to covered persons on a priority basis
  - Services based on outside resources, such as classroom training, may not be provided to covered persons on a priority basis

- “Self-attestation” of covered person status is sufficient to receive intensive services but not classroom training.
Eligibility Criteria and Priorities

- Two Categories of programs:
  - Universal access Programs
  - Programs with eligibility criteria and/or statutory priorities

- Priority of service is a statutory priority (a mandatory priority or focus for certain groups)

- Priority of service applies to:
  - Universal access Programs
  - Programs with eligibility criteria and/or other statutory priorities
Universal Access Programs

**Universal Access Programs** – Do not include eligibility criteria (e.g., Wagner–Peyser services)

- **First level of priority** – Veterans and eligible spouses
- **Second level of priority** – Non-covered persons
Programs with Eligibility Criteria

- **Eligibility criteria** are conditions that all participants must meet, for example:
  - SCSEP includes four eligibility criteria
  - Participants in the WIA Dislocated Worker Program must meet the dislocation criterion

- **First priority level** – veterans and eligible spouses who meet the eligibility criteria

- **Second priority level** – non-covered persons who meet the eligibility criteria
Programs with Other Statutory Priorities

- For persons who **meet** the statutory priority:
  - **First level of priority** – Veterans and eligible spouses who also meet the statutory priority
  - **Second level of priority** – Non-covered persons who meet the statutory priority

- For persons who **don’t meet** the statutory priority:
  - **Third level of priority** – Veterans and eligible spouses who don’t meet the statutory priority
  - **Fourth level of priority** – Non-covered persons who don’t meet the statutory priority
Statutory Priority Example

WIA Adult program – statutory priority for low-income individuals and public assistance recipients, if WIB determines funds are limited:

- **First level of priority** – veterans or eligible spouses who are low-income or public assistance recipients
- **Second level of priority** – non-covered persons who are low-income or public assistance recipients
- **Third level of priority** – veterans or eligible spouses who are *not* low-income or public assistance recipients
- **Fourth level of priority** – non-covered persons who are *not* low-income or public assistance recipients
Program Eligibility and Income

- Military income **to be excluded** when determining if a veteran or eligible spouse meets a “low income” criterion
  - Pay or allowances while on active duty
  - Service-connected disability compensation
  - VA educational assistance (e.g., “GI Bill”)

- Military income **not to be excluded** when determining if a veteran or eligible spouse meets a “low income” criterion – pension for military retirees
VA Benefits and WIA Training

- WIA statute and regulations require coordination of “other grant assistance” (e.g. Pell grants) with WIA training.

- Guidance clarifies that VA benefits are not “other grant assistance,” and therefore, veterans are not required to exhaust VA benefits, such as GI Bill benefits, as a pre-condition for receiving WIA training.
Joint Monitoring

- The guidance specifies that monitoring will be conducted jointly by VETS and the agency responsible for the program (typically ETA)
- VETS and ETA have not yet developed and issued specific guidelines for joint monitoring
- Three levels of joint monitoring opportunities
  - Data validation monitoring (joint = optional)
  - Priority of service monitoring (joint = mandatory)
  - Formula grant monitoring (joint = optional)
An Upcoming Opportunity

- ETA is in the final stages of planning a major on-the-job training (OJT) initiative for dislocated workers based on ARRA funds.
- Veterans and eligible spouses will qualify for priority of service under this initiative.
- OJT has proven to be very effective for veterans in prior implementations.
  - Veterans’ Job Training Act (VJTA)
  - Service Members’ Occupational Conversion and Training Act (SMOCTA)