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**Bureau of Workforce Programs/Transformation (BWP/BWT)**  
**Policy Issuance (PI): 04-26, Change 1**

**Date:** November 18, 2009  
**To:** Michigan Works! Agency (MWA) Directors  
**From:** Liza Estlund Olson, Director, Bureau of Workforce Transformation (**SIGNED**)  
**Subject:** Implementation of the Veterans' Priority Provision of the Jobs for Veterans Act

**Programs**

**Affected:** All U.S. Department of Labor (USDOL) Funded Programs Including, But Not Limited to: Workforce Investment Act (WIA), Trade Adjustment Assistance (TAA), National Emergency Grants (NEG), Wagner-Peyser, and Senior Community Service Employment Program

**References:** BWP PI 07-16, issued September 13, 2007, and subsequent changes  
BWT PI 08-23, issued January 26, 2009  
BWP PI 08-04, issued August 12, 2008, and subsequent changes  
OWD PI 02-19, issued May 23, 2002  
The WIA Act of 1998  
Jobs for Veterans Act (Pub. L.107-288)  
BWP PI 07-18, issued December 22, 2008, and subsequent changes  
U.S. Department of Labor - Veterans' Employment and Training Service, 20 CFR Part 1010 Priority of Service for Covered Persons; Final Rule

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**Rescissions:** None

**Background:** The USDOL has issued new regulations implementing priority of service for veterans and eligible spouses, as provided by the Jobs for Veterans Act (JVA), and as specified by the Veterans' Benefits, Health Care, and Information Technology Act of 2006. JVA calls for priority of service to be implemented by all "qualified job training programs," defined as "any workforce preparation, development or delivery program or service that is directly funded, in whole or in part, by the Department of Labor." Since enactment of JVA in 2002, priority of service has been implemented under policy guidance issued by the Employment and Training Administration. The purpose of these regulations is to further articulate how priority of service is to be applied across all new and existing qualified job training programs. The 20 CFR Part 1010 Priority of Service for Covered Persons; Final Rule appeared in the December 19, 2008, edition of the Federal Register and became effective as of January 19, 2009.

### **Key Definitions**

- *Covered person* – The regulations adopt and apply this statutory term, which includes *eligible spouses*, as defined by the statute, and *veteran*, as defined by the regulations.
- *Veteran* – The regulations specify that the definition for *veteran* specified at 38 U.S.C. 101(2) applies across all qualified job training programs for the purpose of priority of service. That definition includes two key criteria:
  - Service in the active military, naval, or air service; and,
  - Discharge under conditions other than dishonorable.
- The definition of *veteran* specified by the regulations for priority of service is functionally equivalent to the definition enacted by the WIA and codified at 29 U.S.C. 2801(49)(A).

**Policy:** For all programs funded in whole or part by USDOL, priority to veterans must be established for those participants who meet the covered person eligibility criteria. The JVA provides that veterans and eligible spouses of veterans are identified as covered persons and are entitled to priority over non-covered persons for the receipt of employment, training, and placement services. The purpose of this policy is to ensure that covered persons are made aware of: (1) their entitlement to priority of service; (2) the full array of employment, training, and placement services available under priority of service; and (3) any applicable eligibility requirements for those programs and/or services. Veterans' priority does not change the requirement that participants must qualify as eligible under existing and new USDOL funded programs and does not change local ability to budget funding among Core, Intensive, Training, and Supportive Services in the WIA

programs. In order for priority of service to be implemented successfully, the Michigan Department of Energy, Labor & Economic Growth (DELEG) realizes that proper signage at the point of entry, will play a dominant role in covered persons recognizing their status. As a result, DELEG has developed signage for distribution to MWAs and satellite locations.

### **Identifying and Informing Covered Persons**

The regulations require all recipients of funds for qualified job training programs to identify covered persons at the point of entry to programs and/or services so they may take full advantage of priority of service. Point of entry includes physical locations, such as One-Stop Centers, as well as web sites and other service delivery resources.

### **Implementing Priority of Service**

The regulations define priority of service as the right of eligible covered persons to take precedence over eligible non-covered persons in obtaining services.

Taking precedence may mean:

- The covered person receives access to the service or resource earlier in time than the non-covered person; or
- If the service or resource is limited, the covered person receives access to the service or resource instead of or before the non-covered person.

Priority of service is to be applied across three different types of qualified job training programs:

- Universal access programs that do not target specific groups;
- Discretionary targeting programs that focus on certain groups but are not mandated to serve target group members before other eligible individuals; and,
- Statutory targeting programs that are mandated by federal law to provide priority or preference to certain groups.

Under all USDOL funded programs, when an MWA has determined that a limitation in program funding exists, and priority of service must be provided to recipients of public assistance and other low-income individuals, veterans' services priority must be applied as follows:

- 1) Veterans meeting income eligibility
- 2) Non-veterans meeting income eligibility
- 3) Veterans not meeting income eligibility

## **Data Collection and Reporting on Priority of Service**

The regulations refer to covered persons at the point of entry as *covered entrants*. Those qualified job training programs that have served an average of 1,000 or more covered persons per year over the three most recent years of operation are required to collect and report data on covered entrants.

- Six programs currently meet the size threshold for reporting on covered entrants: (1) WIA Adult; (2) WIA Dislocated Worker; (3) NEG; (4) Wagner-Peyser State Grants; (5) TAA; and, (6) Senior Community Service Employment Program.
- All MWAs must collect and maintain data on covered and non-covered persons who receive services, including individual record data for those programs that require establishment and submission of individual records for persons receiving services.

**Action:** MWAs shall revise current local processes and procedures to ensure compliance with the JVA, P.L. 107-288 and 20 CFR Part 1010 Priority of Service for Covered Persons; Final Rule for all workforce programs funded in whole or in part by USDOL. Local Workforce Investment Boards are to develop and include in their strategic local plans, policies for implementation and delivery of priority of service by:

- Local One-Stop Centers; and,
- Local workforce preparation and training providers.

**Inquiries:** Questions regarding this policy issuance should be directed to Mr. Bruce Griffith, Section Manager, Veterans' Services Division, South Region, at (517) 241-8665.

This policy issuance is available for downloading from the Internet system. Contact Ms. Janice Vernon Parris at (517) 241-8671 for details. The information contained in this policy issuance will be made available in alternative format (large type, audio tape, etc.) upon special request to this office.

**Expiration:** Ongoing

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