



I. Purpose

To establish local policy regarding priority of service for the Area 20 Workforce Development Board.

II. Effective

Immediately

III. Background

On November 7, 2002, the Jobs for Veterans Act (JVA), Public Law (P.L.) 107-288 was signed into law. One provision of the JVA, codified at 38 U.S.C. 4215, establishes a priority of service requirement for covered person in qualified job training programs. While recipients of DOL funds for qualified job training programs have been required to provide priority of service since 2002, the publication of 20

C.F.R. Part 1010, Priority of Service for Covered Persons; Final Rule, which took effect on January 19, 2009, signaled that recipients of DOL funds for these job training programs should review and, if necessary, enhance their current policies and procedures to ensure that adequate protocols are in place. Training and Employment Guidance Letter (TEGL) 03-24 updates OhioMeansJobs center staff roles with Jobs for Veterans' Grants (JVSG) and priority of service. It emphasizes statutory duties and describes staffing flexibilities available to meet their responsibilities while maximizing the integration of services and collaboration of partners in the workforce development system and OhioMeansJobs centers.

IV. Definitions

Definitions can be found in WIOAPL No. 15-20.1 and are included at the end of this policy.

V. Requirements

Priority of service means that covered persons are given priority over non-covered persons for the receipt of employment, training, and placement services funded in whole or in part by DOL, including Wagner-Peyser, Trade Adjustment Assistance (TAA), Workforce Investment Act, Senior Community Service Employment Program, Indian and Native American Programs, Migrant and Seasonal Farmworkers, Workforce Innovation in Regional Economic Development Competitive Grants, and National Emergency Grants.

Procedure

- Individuals coming into the OhioMeansJobs (OMJ) Centers for the first time will be asked to complete a registration form upon entry to the center. OMJ staff will also verbally engage with customers entering the center and ask if they have served in the military; are a veteran or eligible spouse of a veteran or someone who served in the military.
- Individuals identified as having served in the military; a veteran, or covered spouse, will be provided a JFS 01863, Veteran Questionnaire. It is a requirement for OMJ staff to offer this form, it is not a requirement for the individual to complete it.
- Individuals identified as a veteran or covered person, via the JFS 01863 will be referred to the Wagner Peyser representative.

Priority of Service

Priority for WIOA adult-funded programming is given to low-income individuals, recipients of public assistance, and individuals that are basic skills deficient.

A low income veteran or eligible spouse takes precedence, with all other qualifying requirements being equal, over a low income non-covered person in obtaining individualized career services and training services. Veterans and eligible spouses must first meet eligibility criteria in order to be enrolled and receive priority of service.

All things being equal, priority of services will be given first to county residents, then to other residents of Ohio. Customers with residence outside of Area 20 (Fairfield, Pickaway, Ross, Hocking, and Vinton counties), will need to provide documentation of attempting to access services in their home county. Area 20's ability to serve those outside of the Area will depend on funding availability.

VI. Monitoring:

Ohio Job and Family Services Veteran Services staff and the OhioMeansJobs center staff will continuously evaluate responsibilities and continuity of service as needed and at quarterly partner meetings. All OhioMeansJobs center staff shall be trained on priority of service.

Definitions

Covered person: A veteran or an eligible spouse.

Disabled veteran: A veteran who is entitled to compensation (or who, except for the receipt of military retired pay, would be entitled to compensation) under the Department of Veteran Affairs, or a veteran who was discharged or released from active duty, because of a service-connected disability.

Disabled Veterans' Outreach Program (DVOP) Specialist: The individual who provides federally required basic and individualized career services and facilitates placements to meet the employment needs of eligible veterans and eligible spouses. DVOP specialists must prioritize service to special disabled veterans, other disabled veterans, and other categories of eligible veterans in accordance with priorities determined by the Secretary of Labor. DVOPs place maximum emphasis on assisting eligible populations who are economically or educationally disadvantaged.

Eligible spouse: An individual who is one of the following:

1. The spouse of any person who died of a service-connected disability.
2. The spouse of any member of the Armed Forces serving on active duty who, at the time of application for assistance, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:
 - a. Missing in action;
 - b. Captured in the line of duty by a hostile force;
 - c. Forcibly detained or interned in the line of duty by a foreign government or power for a total of more than 90 days; or
 - d. The spouse of any person who has a total (100%) disability permanent in nature resulting from a service-connected disability or the spouse of a veteran who died while a disability was so evaluated was in existence.

Eligible veteran (for Jobs for Veterans State Grant (JVSG) Program): A person who:

1. Served on active duty for a period of more than 180 days and was discharged (or) released with other than a dishonorable discharge; or
2. Was discharged or released from active duty because of a service-connected disability; or
3. Is a member of a reserve component under an order to active duty pursuant to 10 U.S.C. 12301(a), (d) or (g), 12302 or 12304, served on active duty during a period of war or in a campaign or expedition for which a campaign badge is authorized, and was discharged or released from such duty with other than dishonorable discharge; or
4. Was discharged or released from active duty by reason of a sole survivorship discharge.

Family caregiver: For the JVSG program, with respect to an eligible veteran, a family member who is a caregiver of the veteran who provides personal care services to a service member who is wounded, ill, or injured and receiving treatment in a military treatment facility or warrior transition unit.

Family member: With respect to an eligible veteran, an individual who:

1. Is a member of the family of the veteran, including:
 - a. A parent;
 - b. A spouse;
 - c. A child;
 - d. A step-family member; and
 - e. An extended family member; or
2. Lives with but is not a member of the family of the veteran.

Homeless individual (Sections 103 (a) and (b) of the McKinney – Vento Homeless Assistance Act (42 U.S.C. 11302 (a) and (b), as amended)) means:

1. An individual or family:
 - a. Who lacks a fixed, regular, adequate nighttime residence;
 - b. With a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;
 - c. Living in a supervised publicly or privately operated shelter designated to provide temporary living accommodations (including hotels and motels paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing); or
 - d. Who resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided; or
2. An individual or family:
 - a. Who will imminently lose their housing, including housing they own, rent, or live in without paying rent, are sharing with others, and rooms in hotels or motels not paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, as evidenced by:
 - (i) A court order resulting from an eviction action that notifies the individual or family that they must leave within 14 days;
 - (ii) The individual or family having a primary nighttime residence that is a room in a hotel or motel and where they lack the resources necessary to reside there for more than 14 days; or
 - (iii) Credible evidence indicating that the owner or renter of the housing will not allow the individual or family to stay for more than 14 days, and any oral statement from the individual seeking homeless assistance that is found to be credible evidence for the purposes of this clause; and
 - b. Has no subsequent residence identified; and
 - c. Lacks the resources or support networks needed to obtain other permanent housing; or
3. Unaccompanied youth and homeless families with children and youth defined as homeless under other Federal statutes who:
 - a. Have experienced a long-term period without living independently in permanent housing;
 - b. Have experienced persistent instability as measured by frequent moves over such period; and
 - c. Can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.
4. Notwithstanding any of the provisions above, the definition of “homeless” shall include any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions in the individual's or family's current housing situation, including where the health and safety of the children are jeopardized, and who have no other residence or lack the resources or support networks to obtain other permanent housing.

Low-income individual (Section 3(36)(A)(i) and (ii) of the Workforce Innovation and Opportunity Act (WIOA)): For the purposes of this policy, the term "low-income individual" means an individual who receives or in the past 6 months has received, assistance through the supplemental nutrition assistance program (SNAP) established under the Food and Nutrition Act of 2008; the program of block grants to States for temporary assistance for needy families (TANF) program under part A of title IV of the Social Security Act, or the supplemental security income (SSI) program established under title XVI of the Social Security Act, or other income-based public assistance, or is in a family with total family income that does not exceed the higher of:

- (i) The poverty line; or

(ii) 70 percent of the lower living standard income level.

Non-covered person: Any individual who meets neither the definition of "veteran," nor the definition of "eligible spouse."

Offender (Section 3(38) of WIOA): An adult or juvenile who:

1. Is or has been subject to any stage of the criminal justice process, and for whom services under WIOA may be beneficial; or
2. Requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

Priority of service: With respect to any qualified job training program, a covered person shall be given priority over a non-covered person in obtaining all employment, training, and placement services provided under the program.

Recently separated service member: Any veteran during the three-year period beginning on the date of such veteran's discharge or release from active duty.

Service-connected disability: A disability resulting from disease or injury incurred or aggravated during active military service.

Special disabled veteran: A veteran who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the U.S. Department of Veterans Affairs for:

1. Disabilities rated at 30 percent or higher; or
2. Disabilities rated at 10 to 20 percent, if the individual has a serious employment handicap; or
3. A veteran who was discharged or released from active duty because of a service-connected disability.

Transitioning service member: An individual in active-duty status (including separation leave) who registers for employment services and is within 24 months of retirement or 12 months of separation.

Veteran (for priority of service): Any person who served at least one day in the active military, naval, air, or space service, and who was discharged or released under conditions other than "dishonorable." Active service includes full-time Federal service in the National Guard or a Reserve component, other than full-time duty for training purposes.

Veteran of the Vietnam Era: Any person who fulfills the previous definition of "Veteran" and served in the Republic of Vietnam at any time between November 1, 1955, and May 7, 1975, or any part of my active duty service was between August 5, 1964, and May 7, 1975.