

# **SWW Veterans Priority of Service Policy**

## **Background**

On November 7, 2002 President Bush signed the Jobs for Veterans Act (JVA) which created a priority of service requirement for covered persons in qualified USDOL job training programs. Regulations implementing priority of service became effective on January 19, 2009. A covered person under the Final Rule is a veteran or an eligible spouse of a veteran.

Priority of service means that a “covered person” shall be given priority over a “non-covered” person for the receipt of employment, training and placement services. Priority means the right to take precedence over non-covered persons in obtaining services. Taking precedence may mean; (1) the covered person receives access to the service or resource earlier in time than the non-covered person, or (2) 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 to the extent they are otherwise appropriate for such service.

## **Veteran Definition**

A veteran is defined as “a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable.” Active service includes full-time duty in the National Guard or a Reserve component, other than full-time duty for training purposes.

## **Eligible Spouse Definition**

Under Title 38, United States Code Section 4215(a), the term “eligible spouse” means – (A) the spouse of any person who died of a service-connected disability; (B) the spouse of any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than ninety days: (i) missing in action, (ii) captured in line of duty by a hostile force, or (iii) forcibly detained or interned in line of duty by a foreign government or power; or (C) the spouse of any person who has a total disability permanent in nature resulting from a

service-connected disability; or (D) the spouse of a veteran who died while a disability so evaluated was in existence.

USDOL provides additional clarification for “A” and “D” above by indicating that the re-marriage of the spouse would not terminate their eligibility. However, if a spouse becomes divorced from a veteran under “B” and “C” above, eligibility for priority of service is terminated.

### **Implementation of Policy**

It is important to understand that veterans’ priority of service is not intended to displace the core mission of any particular program. More specifically, a priority of service within a priority is created for those programs that are derived from a federal statutory mandate (such as the Recovery Act) that requires a priority or preference for a particular group of individuals. As an example, when you collectively compare recipients of public assistance and other low-income individuals with veterans and eligible spouses of veterans, the following priority order is applicable:

1. The first population to receive intensive and training services is public assistance and low-income veterans (or eligible spouses of veterans);
2. The second priority is for public assistance and low-income non-veterans;
3. The third priority is for veterans (or eligible spouses of veterans) who are not low income or receiving public assistance;
4. The last priority is for adults who are non-veterans who are not low-income or receiving public assistance.

Front line staff has been made aware of the veterans priority of service policy and will use the following “Veterans Priority of Service Definitions” and the “Jobs for Veterans Worksheet” to determine who might qualify.

## VETERANS' PRIORITY OF SERVICE DEFINITIONS

(Resource Document to Provide Guidance to Front-Line and Impacted Staff)

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*An individual who self-identifies as a “veteran” or “spouse of a veteran” may qualify for One-Stop Priority of Service based on the following definitions. Please familiarize yourself with the stated definitions as indicated below.*

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1. **VETERAN** – a veteran for purposes of priority of service is defined as “a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable.” Active service includes full-time duty in the National Guard or a Reserve component, other than full-time duty for training purposes.
  
2. **ELIGIBLE VETERAN** – the statutory reporting requirements for Wagner-Peyser and Veteran Grants require application of a more narrowly defined definition of eligible veteran. Under Title 38, United States Code Section 4211, the term “eligible veteran” means a person who:
  - a) Served on active duty for a period of more than 180 days and was discharged or released therefrom with other than a dishonorable discharge; OR
  
  - b) Was discharged or released from active duty because of a service-connected disability;  
OR
  
  - c) As a member of a reserve component under an order to active duty, 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 a dishonorable discharge.

3. **ELIGIBLE SPOUSE**— an individual may identify as a spouse of a veteran and qualify for priority of service. The term “eligible spouse” means:
- a) The spouse of any person who died of a service-connected disability; OR
  - b) The spouse of any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:
    - Missing in action; OR
    - Captured in line of duty by a hostile force; OR
    - Forcibly detained or interned in line of duty by a foreign government or power.
  - c) The spouse of any person who has a total disability permanent in nature resulting from a service-connected disability; OR
  - d) The spouse of a veteran who died while a disability so evaluated was in existence.

**JOBS FOR VETERANS  
DETERMINATION WORKSHEET**

Customer Name \_\_\_\_\_

Participant ID Number \_\_\_\_\_

*(if any)*

**Yes \_\_\_ No \_\_\_ “Are you a veteran?”**

If “Yes...”

Did you serve in the active military, naval, or air service? \_\_\_ Yes; \_\_\_ No.

Were you discharged or released under conditions other than dishonorable? \_\_\_ Yes; \_\_\_ No.

**If the customer can answer “Yes” to *both* of these questions, then s/he qualifies as a “covered person” under the Jobs For Veterans Act (JVA).**

**Yes \_\_\_ No \_\_\_ “Are you married to a veteran?”**

If “Yes...”

Does your spouse have a total disability resulting from a service-connected disability?

\_\_\_ Yes; \_\_\_ No.

Is your spouse listed as forcibly detained or interned by a foreign government or power, missing in action, or captured in the line of duty, and has been so listed for a total of more than 90 days?

\_\_\_ Yes; \_\_\_ No.

**If the customer can answer "Yes" to either of these questions, then s/he qualifies as a "covered person" under the Jobs For Veterans Act (JVA).**

**Yes \_\_\_ No \_\_\_ "Are you the surviving spouse of a veteran?"**

If "Yes..."

Did your spouse die of a service-connected disability? \_\_\_ Yes; \_\_\_ No.

Did your spouse die while a total disability resulting from a service-connected disability was in existence? \_\_\_ Yes; \_\_\_ No.

**If the customer can answer "Yes" to either of these questions, then s/he qualifies as a "covered person" under the Jobs For Veterans Act (JVA).**

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**DETERMINATION:** Based on the information provided to me by the customer, I have determined that this individual ...

**Is \_\_\_ Is Not \_\_\_** ... a covered person under the Jobs For Veterans Act.

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**Workforce Professional**

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**Date**