PRIORITY OF SERVICE for USDOL programs

North Carolina DVET Lane Dyer
North Carolina State JVSG Director Archie Barrow
What is Priority of Service?
Priority of Service: DEFINITION

• “Priority of Service means the right of veterans and eligible spouses to take precedence over a non-covered person in obtaining all employment and training services.”

• Veterans receive these services earlier in time, or instead of non-covered persons.
Priority of Service: SCOPE

• Recipients of USDOL funds for job training programs are subject to priority of service regulations, and are required by law to provide priority of service to veterans and eligible spouses. (20 CFR 1010.110).

• “Job Training Program” means any program or service for workforce preparation, development, or delivery that is directly funded, in whole or in part, by USDOL.

• For the purpose of this guidance, the term “Program Operator" is intended to refer to a recipient or a sub-recipient of USDOL funds for a qualified job training program.

• Agreement by a program operator to implement priority of service is a condition of receipt of USDOL funds.
Priority of Service: INTERPRETATION

• Priority of service means that veterans and eligible spouses are given priority for the receipt of employment, training, and placement services.

• Priority means that veterans and eligible spouses are entitled to precedence over non-covered persons for services and either receives access to a service earlier in time than a non-covered person or, if the resource is limited, receives access to the service instead of or before the non-covered person.

• It is important to note that state and local program operators do not have the discretion to establish further priorities within the overall priority established by the regulations.
Priority of Service: IMPLEMENTATION

• States must address priority of service in their comprehensive strategic plan for their workforce investment system and develop policies for the delivery of priority of service by the State Workforce Agency, Local Workforce Investment Boards, and Career Centers for all job training programs delivered through the workforce system.

• The policy or policies must require that processes are in place to ensure that veterans and eligible spouses are identified at the point of entry and given an opportunity to take full advantage of priority of service.
Priority of Service: IMPLEMENTATION

• States' policies must require each Local Workforce Investment Board to develop and include in its strategic local plan, policies and procedures implementing priority of service for the local One-Stop Career Centers and for service delivery by local workforce preparation and training providers.

• Written copies of local priority of service policies should be maintained at all service delivery points and available to the general public.
Who is a Veteran? Two Definitions

- 38 U.S.C. 101(2) - served at least one day in the active military; their discharge is other than dishonorable. Full time duty for training only or for state National Guard duties does not confer veteran status.
  - Applies to Priority of Service, also to WIOA and HVRP

- 38 U.S.C. 42(4211)(4) - 181 days or more of active military service and discharge other than dishonorable; discharged due to service connected disability; reservist served on active duty.; and sole survivorship.
  - Applies to Jobs for Veterans State Grant (JVSG)
Who is an Eligible Spouse?

• 38 U.S.C. 4215(a)(B)

• A spouse of a veteran who –
  • Is MIA or a POW for at least 90 days
  • Died of a service connected disability
  • Has a total disability resulting form a service connected disability
  • Died while a total disability was in existence
Verifying Veteran Status

• It is not appropriate to require verification of veteran status at the point of entry.

• Self-attestation is sufficient for access to employment services.

• The only services requiring prior verification of eligibility are those that require a commitment of outside resources, such as classroom training.

• If documentation is not available, the veteran should be enrolled on a priority basis while waiting on proof of eligibility.
Verifying Veteran Status

• Status can be verified by referring to the following documents
  • Form DD-214.
  • Official VA notice of disability establishing entitlement to rating or compensation.
  • Official notice from DoD documenting eligibility.
  • Official notice from the NC Division of Military and Veteran Affairs of entitlement.
How do you obtain a DD-214?
Request Military Service Records

Recent military service and medical records are not online. However, most veterans and their next of kin can obtain free copies of their DD Form 214 (Report of Separation) and the following military service records any of the ways listed below.

Looking for?
- DD 214/Separation Documents
- Official Military Personnel File (OMPF)
- Replacement Medals
- Medical and Health Records

What if I’m not the Veteran or next-of-kin? Can I still access files?
- It depends on the date the service member separated from the military. Military personnel records are open to the public 62 years after they leave the military. (To calculate this, take the current year and subtract 62.) Records of any veteran who separated from the military 62 (or more) years ago can be ordered by anyone for a copying fee (detailed below under “cost”). See Access to Military Records by the General Public for more details.

But what if it’s been less than 62 years?
- Records of individuals who left service less than 62 years ago are subject to access restrictions and only limited information or copies may be released to the general public within the provisions of the law.

The Freedom of Information Act (FOIA) and the Privacy Act provide...
Notice

Please do NOT create multiple, separate requests for each of the menu selections available in Step 2 as that may delay the handling of your request. Briefly clarify your request in the comments field.

Privacy Act of 1974 Compliance Information

The following information is provided in accordance with 5 U.S.C. 552a(e)(3) and applies to this collection of information. Authority for collection of the information is 44 U.S.C. 2907, 3101, and 3103, and E.O. 9397 of November 22, 1943. Disclosure of the information is voluntary. If the requested information is not provided, it may delay servicing your inquiry because NPRC may not have all of the information needed to locate the veteran’s record. The purpose of the information collected is to assist NPRC in locating the correct military service record(s) or information to answer your inquiry. The information collected will serve as a record of disclosure. The information collected may also be disclosed to the Department of Defense components, The Department of Veterans Affairs, the Department of Homeland Security (Coast Guard), or the National Archives and Records Administration when the original custodian of the military health and personnel records transfers all or parts of those records to that agency. If the service member was a member of the National Guard, the form may also be disclosed to the Adjutant General of the appropriate state, District of Columbia, or Puerto Rico, where he or she served.

Paperwork Reduction Act Public Burden Statement

Public burden for this collection of information is estimated to be five minutes, including time for reviewing instructions and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden, to National Archives and Records Administration (NHP), 8601 Adelphi Road, College Park MD 20740-6001.
Veterans or Next of Kin

1. Are you the:
   Please Select  

2. What is your relationship to the deceased veteran?
   Please Select  

3. Are you seeking information concerning:
   Please select  

Veterans or Next of Kin

1. Are you the:
   Veteran

2. What is your relationship to the deceased veteran?
   Not Applicable

3. Are you seeking information concerning:
   Former Military Service

By pressing the 'Continue' button you declare that you are the veteran or the veteran's next of kin.

If you are other than the veteran or next of kin you must complete the SF 180.

You can obtain the SF180 online or via Fax-on-Demand.

Exit
**Veteran Service Details**

Note: If the veteran served in more than one branch of service, a separate request form is required for each.

1. **What was the veteran's branch of service?**
   - Army

2. **What was the veteran's service component?**
   - Active

3. **Was the veteran an Officer or Enlisted?**
   - Officer

4. **Please select the most appropriate category for your request, even if more than one applies:**
   - Benefits

5. **Please select from the following:**
   - Not Applicable

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**Benefits**

Based on the selections you have made, we will provide you with a [Report of Separation](#).

A Report of Separation generally is needed for the following:

- Home Loans
- Veteran Organizations Membership
- Social Security
- Burial/Flag
- Education
- Homeless Veteran Services

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**Previous**

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**Continue**
Documents Requested

REPORT OF SEPARATION (DD Form 214 or equivalent) This contains information normally needed to verify military service. Using this online system, a copy may be sent to the veteran or the deceased veteran’s next of kin at this time.

- I would like to request an UNDELETED Report of Separation.
- I would like to request a DELETED Report of Separation.

This normally will be a copy of the full separation document including such sensitive items as the character of separation, authority for separation, reason for separation, reenlistment eligibility code, separation (SPD/SPN) code, and dates of time lost. An undeleted version is ordinarily required to determine eligibility for benefits.

The following information will be deleted from the copy sent: authority for separation, reason for separation, reenlistment eligibility code, separation (SPD/SPN) code, and for separations after June 30, 1979, character of separation and dates of time lost.

Comments
(Please do not use "Enter" key)

If information or documents other than a Report of Separation are needed, please indicate here what you require.

Please include all information and documents needed in “Comments” above. Do NOT create separate requests for information, as this may delay the handling of your requests.
<table>
<thead>
<tr>
<th>First Name:</th>
<th>Carl</th>
</tr>
</thead>
<tbody>
<tr>
<td>Company Name:</td>
<td></td>
</tr>
<tr>
<td>Street Address:</td>
<td>5100 Swampy Road</td>
</tr>
<tr>
<td>(Include Apt/Suite #)</td>
<td></td>
</tr>
<tr>
<td>City:</td>
<td>St. Joe</td>
</tr>
<tr>
<td>State:</td>
<td>Mo</td>
</tr>
<tr>
<td>Zip:</td>
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</tr>
<tr>
<td>Country:</td>
<td></td>
</tr>
<tr>
<td>Daytime phone:</td>
<td>816 555 4444</td>
</tr>
<tr>
<td>Fax Number:</td>
<td></td>
</tr>
<tr>
<td>E-mail address:</td>
<td><a href="mailto:bettlebailey@swampy.com">bettlebailey@swampy.com</a></td>
</tr>
</tbody>
</table>

This information is not required in order to process your request for military records. However, if provided, we will use it to contact you if additional information is needed to locate your record and to keep you informed about the status of your request.

Please enter a valid email address
Verification

Please review the information that you have entered. If you wish to change something simply use the Previous button to navigate to the proper screen and make the changes.

Once you press Continue your application for the documents requested will be submitted and you will not be able to go back and make any changes.

<table>
<thead>
<tr>
<th>Veteran/Next of Kin:</th>
<th>Veteran</th>
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<tbody>
<tr>
<td>Branch of Service:</td>
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<tr>
<td>Officer/Enlisted:</td>
<td>Officer</td>
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<tr>
<td>Request Regarding:</td>
<td>Benefits</td>
</tr>
<tr>
<td>Veteran First Name:</td>
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<tr>
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<tr>
<td>Veteran Last Name:</td>
<td>Bailey</td>
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<tr>
<td>Veteran SSN:</td>
<td>111000000</td>
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</table>

<table>
<thead>
<tr>
<th>Relationship to Veteran:</th>
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</thead>
<tbody>
<tr>
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<tr>
<td>Request Category:</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Veteran Date of Birth:</td>
<td>01/01/1950</td>
</tr>
<tr>
<td>Veteran Place of Birth:</td>
<td>St. Joe, Mo</td>
</tr>
<tr>
<td>Approx. Date Discharged:</td>
<td>01/1980</td>
</tr>
<tr>
<td>Service Number:</td>
<td>undefined</td>
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**Documents will be mailed to:**

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<tr>
<th>Company:</th>
<th>First Name:</th>
<th>Street:</th>
<th>Last Name:</th>
<th>City:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Carl</td>
<td></td>
<td>Bailey</td>
<td>St. Joe</td>
</tr>
</tbody>
</table>

5100 Swammy Road
Signature Verification

Monday, July 22, 2019 2:58:45 PM CDT

National Personnel Records Center
Military Personnel Records
1 Archives Drive
Saint Louis, MO 63138-1002

Service Request Number: 2-23139274285

Attention: NPRC WEB

Service Request Number: 2-23139274285

I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the information that I provided is true and correct.

Requester is: Veteran
Relationship: Not Applicable

(Signature Required)

Please allow at least 90 days after you return the signature page before following-up on the status of your request. During that time, please do not resubmit your request as doing so will add further delay.

(Print Name)
Priority of Service: TRAINING SERVICES

• For a service such as classroom training, priority of service applies to the selection procedure, as follows.
  • First, if there is a waiting list for the formation of a training class, priority of service requires a veteran or eligible spouse to go to the top of that list.
  • Second, priority of service applies up to the point at which an individual is both:
    • a) approved for funding and,
    • b) accepted or enrolled in a training class.

*Once a non-covered person has been enrolled in a training class, priority of service is not intended to allow a veteran or eligible spouse who is identified subsequently to "bump" the non-covered person from that training class.*
Applying Priority of Service

• Universal Access programs – veterans and eligible spouses must receive priority of service over all others.

• Programs with Eligibility Criteria – veterans and eligible spouses must first meet eligibility criteria and then receive priority of service within any sub-group.
Applying Priority of Service

• Statutory Criteria – required by law to provide a priority or preference for a particular group (e.g. low income). Priority of Service applies within the sub-group.

• Discretionary Priorities – program includes a focus on serving a particular group without being mandated in law. Priority of Service applies without restriction.
Priority of Service: EXAMPLE

- **Statutory** – A veteran at 90% of the poverty rate and a non-veteran at 10% of the poverty rate both present for WIOA services. Both are eligible for services.
- The non-veteran may have greater need, but the veteran is seen first due to priority of service requirements.

- **Discretionary** – A local WDB is focused on serving an urban population in their service area and requires that priority be given to clients who live inside the city limits of a city in the service area. Veterans who do not live in the city limits must still receive priority of service if they reside in the service area.
Exemption of Military Service-Related Income

• Programs with income criteria in rule or policy must note that most income related to military service should not be considered in eligibility assessments.
  • Compensation for service-connected disability/death.
  • Educational Assistance funds (GI Bill) for Active Military or Reserve members.
  • Training and rehabilitation payments to disabled veterans.
  • Survivor’s and dependents’ educational assistance.

• Pension benefits are **not** exempt.
Exclusion of VA Funded Training Allowances

• WIOA regulations require the coordination of WIOA funded training with “other grant assistance” (e.g. Pell Grants).

• VA funded benefits are not included in the statutory and regulatory category of “other grant assistance.”

• Program operators may not require veterans or eligible spouses to exhaust their entitlement to VA funded training benefits prior to enrollment in WIOA.
Monitoring Priority of Service

• US Department of Labor will monitor the implementation and operation of programs to ensure Priority of Service is observed.

• Monitoring is the responsibility of the Veterans’ Employment and Training Service (VETS) and the agency responsible for the program’s administration and oversight.
Priority of Service: GUIDANCE

• TEGL 10-09; VPL 07-09
  • Attachment A – continuation of guidance.
  • Attachment B – comprehensive FAQ’s for Priority of Service.

• TEN 15-10

A Protocol for Implementing Priority of Service For Veterans and Eligible Spouses”
  • Provides an excellent training protocol that can be used in training AJC office staff, WIB staff and SWA staff on Priority of Service requirements for veterans and eligible spouses.
  • The protocol goes into considerable detail regarding the responsibilities for Priority of Service at each level.
Priority of Service: QUICK REFERENCE

**TEGL 10-09 (VPL 07-09)**
Indicates specific requirements placed on state workforce agencies, WIBs and AJC office staff in implementing Priority of Service for veterans and eligible spouses as they relate to USDOL funded training and employment programs.

- **Page 4:** Eligibility for Priority of Service as a veteran or eligible spouse.
- **Page 6:** Guidance on applying Priority of Service to programs (like WIOA) that have statutory or discretionary eligibility criteria.

**In TEGL 10-09, Attachment A**

- **Page 11:** Addresses the exclusion of most military income when programs have a low income requirement.
- **Page 12:** Guidance on verification of veteran status and that of eligible spouses.
- **Page 13:** Definition of a veteran for both Priority of Service consideration and for JVSG services, explaining the difference between the two.
- **Page 13:** The exclusion of GI Bill benefits from WIOA consideration with other grant assistance funding.
Thank you!

ANY QUESTIONS?