

P.O. Box 995
1550 Gadsden Street
Columbia, SC 29202
dew.sc.gov



Henry McMaster
Governor

William H. Floyd, III
Executive Director

STATE INSTRUCTION NUMBER 23-01

To: Local Workforce Area Signatory Officials
Local Workforce Area Board Chairs
Local Workforce Area Administrators
DEW Area Directors
DEW Regional Managers

Subject: **Priority of Service for Veterans and Spouses**

Issuance Date: February 23, 2024

Effective Date: February 23, 2024

Purpose: To provide guidance on priority of service for veterans and eligible spouses in US Department of Labor (DOL) funded job training programs. **This policy expires State Instruction 08-06.**

References:

- Jobs for Veterans Act of 2002, Public Law 107-288
- Workforce Innovation and Opportunity Act, Public Law 113-128 § 102
- 20 CFR Part 1010
- Veterans Program Letters (VPLs) 07-09; 03-14 and 03-14, Changes 1 and 2
- Training and Employment Guidance Letters (TEGLs) 10-09; 19-13 and 19-13, Changes 1 and 2; 23-19, Changes 1 and 2
- Training and Employment Notice (TEN) 15-10
- State Instructions 11-09; 15-17, Change 3; 20-09

Background: The Jobs for Veterans Act of 2002 (JVA) encouraged access for veterans to services within the integrated one-stop service delivery system, including establishing priority of service for veterans and eligible spouses who are eligible for DOL training programs.

Key definitions from the final rule for priority of service for covered persons (20 CFR Part 1010):

Veterans' Priority of Service—Covered persons who meet program eligibility requirements must be given priority over non-covered persons for the receipt of all services provided under the program, notwithstanding any other provision of the law.

Covered Person:

1. Veteran—a person who served in the active military, naval, or air service, and who was discharged or released 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. Spouse of any of the following—
 - a. Any veteran who died of a service-connected disability
 - b. Any member of the Armed Forces serving on active duty who, at time of application, is listed in one or more of the following categories and has been so listed for more than 90 days: missing in action, captured in the line of duty, or forcibly detained
 - c. Any veteran who has a total disability resulting from a service-connected disability as evaluated by the Department of Veterans Affairs
 - d. Any veteran who died while a disability indicated above was in existence

Non-covered person—Any individual who meets neither the definition of veteran nor eligible spouse as defined above.

Policy: This policy applies to all qualified job-training programs (any program or service for workforce preparation, development, or delivery that is directly funded in whole or in part by DOL), including, but not limited to, the following programs: WIOA Title I Adult and Dislocated Worker (DW) programs, Wagner-Peyser Employment Service (ES) Programs, Trade Adjustment Assistance (TAA) Program, National Dislocated Worker Grant (DWG) Programs, Migrant and Seasonal Farm Worker (MSFW) Program. For information related to the WIOA Title I Adult Program Priority of Service, see State Instruction 15-17, Change 3.

In implementing priority of service for covered persons, the following rules apply:

1. A covered person must first meet the program’s eligibility requirements in order to receive priority of service.
2. Once found eligible for services, the covered person must receive the highest priority for the program or service, i.e., the covered person must take precedence over eligible non-covered persons in obtaining services.
3. Veterans’ priority of service cannot be waived.

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

Verifying Status

Staff should attempt to verify status as a covered person at the time of making an eligibility determination and enrolling the individual into a program. Self-attestation is allowed at this time. If self-attestation is used, staff should encourage the participant to provide additional source documentation after enrollment for data validation purposes.

Exception for services that require a commitment of financial resources. However, once the decision is made to enroll a covered person over a non-covered person and to commit financial resources (e.g., classroom training), staff must seek additional source documentation as shown in TEGL 23-19, Change 2, Attachment II.

For more information on data verification and source documentation, see State Instruction 20-09, Performance Data Validation for DOL Workforce Programs; TEGL 10-09; and TEGL 23-19, Change 2, Attachment II.

JVA and Local Plans

Local Workforce Development Boards (LWDBs) must have policies implementing priority of service for the SC Works centers and other service delivery providers in its Local Plan. Policies should include procedures that:

- Identify covered persons at the point of entry
- Provide information about employment-related rights and benefits for covered persons who apply to or are assisted by a program
- Train staff to collect required data elements for covered persons when enrolling persons into the WIOA Title I programs
- Monitor all grantees/contractors
- Track the local area's service levels of covered persons, including:
 - Percentage of program participants that are covered persons
 - Percentage of participants who are covered persons who receive intensive and training services
 - Analysis of whether the representation of covered persons is in proportion to the incidence of their representation in the labor market

JVA and DOL-Funded Grants or Contracts

DOL-funded grants or contracts issued locally must include language to ensure that all LWDA grantees/contractors are fully aware of the JVA requirements and of their obligation to design and deliver services accordingly. Such language may include:

This program is subject to the provisions of the Jobs for Veterans Act of 2002 (Public Law 107-288 and 20 CFR Part 1010) which provides priority of service to veterans and spouses of certain veterans for the receipt of employment, training, and placement services in any job training program directly funded, in whole or in part, by the US Department of Labor. To obtain priority service, a veteran or spouse must meet the program's eligibility requirements.

All requests for proposal, grants, contracts, and (where feasible) Memoranda of Understanding or other service provision agreements must be administered in compliance with veterans' priority provisions and must include the language. Existing grants and contracts must be modified to include the language.

Action: Please ensure that all appropriate staff receive and understand this guidance.

Inquiries: Questions may be directed to WorkforcePolicy@dew.sc.gov.

Nina Staggers

Nina Staggers, Assistant Executive Director
Workforce Development Division