

REPUBLIC OF PALAU
WORKFORCE POLICY NO. 04-001-2010

Effective Date: April 01, 2010

TO : State Workforce Investment Board Members
Executive Committee

FROM : Ms. Josephine Ulengchong
WIA Office Executive Director

SUBJECT : **Priority of Service for Eligible Veterans**

PURPOSE

To provide the State Workforce Investment Board members and Executive Committee/Local Workforce Investment Board with information on applying priority of service for all new and existing qualified job training programs for eligible veterans, specifically:

- Applicable definitions in compliance with the Jobs for Veterans Act (PL 107-288, 38 USC 4215)
- Identifying and informing eligible veterans
- Implementing priority of service
- Priority order
- Priority of service for support services; and
- Data collection

This policy shall use and provide information and guidance on Training and Employment Guidance Letter (TEGL) No. 10-09, issued by the U. S. Department of Labor, Employment and Training Administration on November 10, 2009, and entitled “Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or in part by the U. S. Department of Labor (DOL).” TEGL 10-09 provides further information on implementing priority of services for covered persons.

Boards and WIA Office must ensure that the following definitions are used when implementing priority of service:

Eligible Veteran – any one of the following:

- Federal/state qualified veteran – a person who served in the active military, naval, or air service, and who was discharged or released from there under conditions other than dishonorable as specified at 38 U.S.C 101(2). Active services include full-time duty in the National Guard or a Reserve component, other than full-time for training purposes.
- Federal qualified spouse – the spouse of:
(1) any veteran who died of a service-connected disability;

- (2) 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:
 - (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;
- (3) any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs;
- (4) any veteran who died while a disability, as indicated in paragraph (3) of this section, was in existence.

Boards and WIA Office must be aware that the spouse of a living veteran or service member (definition 2 or 3 above) will lose his or her eligibility if the veteran or service member loses the status that is the basis for eligibility. For example, the spouse of a veteran with a total service-connected disability will not be eligible if the veteran's disability is revised to a lower level. Similarly, a spouse whose eligibility is derived from a living veteran or service member will lose his or her eligibility upon divorce from the veteran or service member.

Non-eligible person – an individual who does not meet the definition of eligible veteran.

Point of entry – will include any service received from front-line staff, as part of an application process for a specific program, or through any other method by which eligible veterans express an interest in receiving services in-person.

Identifying and Informing Eligible Veterans

Boards and WIA Office must ensure that eligible veterans are:

- Identified at the point of entry; and
- Informed of:
 - their right to priority of service;
 - the full array of employment, training, and placement services available under priority of service; and
 - any applicable eligibility requirements for those programs and services.

Boards and WIA Office must ensure this policy is implemented and that procedures are developed:

- to identify eligible veterans at the point of entry by allowing individuals to self-identify as eligible veterans (e.g., placing a “sign-in” sheet at the front desk of Palau WIA Office that prompts all customers to declare their eligible veteran status prior to receiving services); and

Boards and WIA Office must ensure that eligible veterans receiving staff-assisted services sign a Veteran's Administration (VA) Release of Information Form (see attachment 1) to certify that they meet the definition of eligible veteran. *[Note: If a veteran presents a DD-214 upon arrival at the Palau WIA Office, staff can use the DD-214 instead of the VA release of information form].*

Priority of Service for veterans must be addressed in the Republic of Palau Single State Workforce Investment Board's Strategic Plan.

Implementing Priority of Service

Boards and WIA Office must be aware of the applicable categories of qualified job training programs in which priority of service will apply:

- (Guam only) Universal access programs (e.g., Wagner-Peyser-funded services) that deliver services as a whole and that do not target specific groups;
- Workforce Investment Act-funded services (available in Palau – Adult, Dislocated Workers, and Youth programs) that focus on certain groups but do not specifically mandate that target groups be served before other eligible individuals; and

Boards and WIA Office must be aware of the following:

- Veterans are not required to exhaust VA benefits as a pre-condition for receiving WIA training.
- Priority of service means the right of eligible veterans to take precedence over non-eligible persons in obtaining workforce services.
- Taking precedence can mean:
 - Eligible veterans receive access to workforce services before non-eligible persons; or
 - If workforce services are limited, eligible veterans receive access to workforce services instead of or before non-eligible persons.

Boards and WIA Office must be aware that they do not have the authority to establish priorities within the priorities established by the regulations.

Boards and WIA Office also must ensure that non-eligible persons who are currently receiving workforce services are not displaced in order to provide priority of service to eligible veterans. Boards must ensure that the next available workforce services are provided to eligible veterans.

Example 1: An eligible veteran enters Palau WIA Office to use a computer for job search. However, all computers are being used by non-eligible persons and there several non-eligible persons in line. In this case, the eligible veteran would receive priority by being moved to the front of the line, but does not displace one of the non-eligible persons already using a computer.

Example 2: 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, the eligible veteran will receive priority by being moved to the top of that list.
- Second, priority of service applies when an individual is both:
 - approved for funding; and
 - accepted or enrolled in a training class.

Therefore, once a non-eligible person has been approved for funding and accepted or enrolled in a training class, an eligible veteran who is identified subsequently will not take the place of the non-eligible person from that training class.

Priority Order

Boards and WIA Office must ensure the following order of priority for workforce services is applied:

1. Eligible veterans continue to receive priority over all other equally qualified individuals in the receipt of services funded in whole or in part by DOL, in accordance with 38 U.S.C. §4215.
2. Eligible veterans receive priority over all other equally qualified individuals in the receipt of employment assistance or job training services funded in whole or in part by state funds.

Priority of Service for Support Services

To ensure that eligible veterans receive priority over all other equally qualified individuals in the receipt of workforce services, they also must have access to needed support services (e.g., child care, transportation, etc.).

Implementing priority of service for the majority of support services is not difficult; however, because child care services are unique, the following guidance is provided.

Child Care

Boards and WIA Office must be aware that the priority of child care services for eligible veterans is contingent upon the availability of Workforce Investment Act funds. A waiting list for Workforce Investment Act-funded child care services must not discontinue care for a child currently enrolled in child care services in order to serve a child of an eligible veteran.

Data Collection

WIA Office must document the receipt of staff-assisted workforce services from the WIA Office.

ATTACHMENT:

Attachment 1: *VA Release of Information Form*

