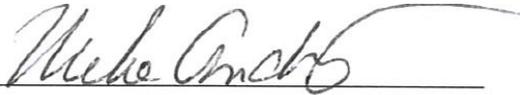
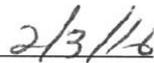


**State of Alaska**  
**Department of Labor and Workforce Development**

<b>Division:</b> Employment and Training Services	<b>Policy:</b> 07-509
<b>Subject:</b> Military Veteran Priority of Service	<b>Pages:</b> 4
<b>Reference:</b> <a href="#">Training and Employment Guidance Letter (TEGL) 10-09</a> ; <a href="#">Eligibility Requirements for Veterans Under Federal Employment and Training Programs, 38 U.S.C. 4213</a> ; <a href="#">Jobs for Veterans Act (JVA) of 2002, Public Law (P.L.) 107-288, Section 2(a)</a> ; <a href="#">Veterans' Benefits, Health Care and Information Technology Act of 2006, P.L. 109-461</a> ; <a href="#">Priority of Service for Covered Persons Final Rule, 20 CFR Part 1010, Fed. Reg. 78132 Dec. 19, 2008</a> ; <a href="#">Federal Register/Vol. 80, No.73, 20 CFR Parts 601,651,652 et al., Subpart E – Priority and Special Populations</a> ; <a href="#">Workforce Innovation and Opportunity Act, H.R. 803, Section 1(b) Sec.3. Definitions</a> ; <a href="#">Workforce Innovation and Opportunity Act, H.R. 803, Chapter 2, Sec. 134(c)(3)(E)</a> ; <a href="#">38 U.S. Code §4215, Title 38- Veterans' Benefit</a>	<b>Effective:</b> 2/3/2016
<b>Approved:</b>  Mike Andrews, Director	 Date

**1. Parties Affected**

This policy applies to Division of Employment and Training Services (DETS) staff and grant recipients receiving federal public funds from DETS.

**2. Background**

The [Jobs for Veterans Act \(PL 107-288\)](#) provides an emphasis on serving veterans by establishing a priority of service for veterans and certain spouses in all employment and training programs funded by the U.S. Department of Labor.

**3. Policy**

Covered individuals under veterans' priority must receive veteran's priority consistent with programmatic eligibility standards and other priorities mandated by statute. To be served in a program, a covered individual must meet the statutory eligibility criteria to qualify as a

participant and then, if the participant is a veteran or a spouse of certain veterans, must be given priority over participants who are non-veterans.

Per [TEGL 10-09](#), covered persons eligible for priority of service shall include veterans and eligible spouses, as defined in statute and regulations. For the purposes of implementing priority of service, the broad definition of veteran found in [38 U.S.C. 101\(2\)](#).

- a) **Veteran** is a person who served at least one (1) day in the active military, naval, or air service, and was discharged or released therefrom with other than dishonorable. Active service includes full-time Federal service in the National Guard or a Reserve component.

Active service does not include full-time duty performed strictly for training purposes (i.e., that which often is referred to as “weekend” or “annual” training), nor does it include full-time active duty performed by National Guard Personnel who are mobilized by State rather than Federal authorities (State mobilizations usually occur in response to events such as natural disasters).

- b) **Eligible Spouse** is the spouse of any of the following:
- i) Any veteran who died of a service-connected disability, or
  - ii) 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:
    - (1) Missing in action;
    - (2) Captured in line of duty by a hostile force; or
    - (3) Forcibly detained or interned in line of duty by a foreign government or power.
  - iii) any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs; or
  - iv) any veteran who died while a disability was in existence.

A spouse whose eligibility is derived from a living veteran or service member would lose their eligibility if the veteran or service member were to lose the status that is the basis for the eligibility. A spouse whose eligibility is derived from a living veteran or service member, that eligibility would be lost upon divorce from the veteran or service member.

c) **Applying Priority of Service**

In addition to the eligibility criteria that all covered persons are required to meet, some programs also have priorities that establish a rank order to be observed in enrolling or serving participants. These priorities can be of two types:

- i) statutory; or,
- ii) discretionary

Equal Opportunity Employer/Program  
Auxiliary aids and services are available upon request to individuals with disabilities

Programs with mandatory priority shall apply priority of service as described:

**i) Programs with Statutory Priorities** – Some programs are required by law to provide priority of preference for a particular group of individuals or require the program to spend a certain portion of program funds on a particular group of persons. One example of this type of program is the Workforce Innovation and Opportunity Act (WIOA) adult program, which targets low-income, recipients of public assistance, and basic skills deficient individuals. The WIOA adult program will apply Priority of Service as described below:

- (1) First, to veterans and eligible spouses who are also included in the groups given statutory priority for WIOA adult funds. This means that veterans and eligible spouses who are also recipients of public assistance, low-income, or who are basic skills deficient would receive first priority for services with WIOA adult funds.
- (2) Second, to non-covered persons who are included in the groups given priority for WIOA adult funds.
- (3) Third, to veteran and eligible spouses who are not included in WIOA's priority groups.
- (4) Last, to non-covered persons outside the groups given priority under WIOA.

**ii) Programs with Discretionary Priorities** – Some qualified job training programs may include a focus on a particular group or make efforts to provide a certain level of service to a particular group without the authorizing law specifically mandating that the target group be served before other eligible individuals. For these programs, because the discretionary focus is not statutorily mandated, veterans and eligible spouses must receive the highest priority for programs or services with a discretionary targeting requirement. These types of programs will apply Priority of Service as described below:

- (1) First, to veterans and eligible spouses regardless of the discretionary targeting requirement.
- (2) Second, to non-covered persons within the discretionary target group.
- (3) Third, to persons outside the discretionary target group.

#### **4. Responsibility**

- a) Grant recipients are responsible for:
  - i) Compliance with WIOA and its accompanying regulations, applicable federal/state/local laws, and department policies.
  - ii) Ensure priority of services is provided to veterans and their spouses as outlined in this policy.

- iii) Data collection and reporting of veterans and their spouses in DETSs' case management system.
- b) DETS Staff is responsible for:
  - i) Ensure compliance with priority of services for federally funded programs.
  - ii) Monitor the implementation of priority of services to ensure that veterans and eligible spouses are being served according to federal/state/local laws/statutes and regulations.

## 5. Definitions

- a) **Adult** is an individual who is 18 years or older
- b) **Covered Person** is a Veteran or Eligible Spouse of a veteran who is eligible for priority of service.
- c) **Non-Covered Person** is an individual who is not a veteran or spouse of a veteran.