



Priority of Service for Veterans and Eligible Spouses

The U.S. Department of Labor (DOL) issued new regulations implementing priority of service for veterans and eligible spouses, as provided by the Jobs for Veterans Act (JVA), and as specified by the Veterans' Benefits, Health Care, and Information Technology Act of 2006. JVA calls for priority of service to be implemented by all "qualified job training programs," defined as "any workforce preparation, development or delivery program or service that is directly funded, in whole or in part, by the Department of Labor." The purpose of these regulations is to further articulate how priority of service is to be applied across all new and existing qualified job training programs. The new regulations appear in the December 19, 2008 edition of the *Federal Register* and are effective as of January 19, 2009.

Key Definitions

- **Covered person** – The regulations adopt and apply this statutory term, which includes *eligible spouses*, as defined by the statute, and *veteran*, as defined by the regulations.
- **Veteran** – The regulations specify that the definition for *veteran* specified at 38 U.S.C. 101(2) applies across all qualified job training programs for the purpose of priority of service. That definition includes two key criteria:
 - Service in the active military, naval, or air service; and,
 - Discharge under conditions other than dishonorable.
- **Eligible spouse** – For Veterans Priority of Service an eligible spouse is/was married to a veteran who:
 - Dies of a service-connected disability or died while a total service connected disability per VA evaluation was in existence;
 - Service member is missing in action, captured or forcibly detained by a foreign power for more than 90 days; or,
 - Veteran has total service-connected disability, per VA evaluation.

Identifying and Informing Covered Persons

- The regulations require all recipients of funds for qualified job training programs to identify covered persons at the *point of entry* to programs and/or services so they can take full advantage of priority of service. Point of entry includes physical locations, such as One-Stop Career Centers, as well as web sites and other virtual service delivery resources.
- The regulations require all recipients to implement policies to ensure that covered persons are aware of:
 - Their entitlement to priority of service;
 - The full array of programs and services available to them; and,
 - Any applicable eligibility requirements for those programs and/or services.

Implementing Priority of Service

- The regulations provide that priority of service means the right of eligible covered persons to take precedence over eligible non-covered persons in obtaining services. They further specify that taking precedence may mean:
 - The covered person receives access to the service or resource earlier in time than the non-covered person; or
 - 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.
- The regulations specify how priority of service is to be applied across three different types of qualified job training programs:
 - Universal access programs that do not target specific groups;
 - Discretionary targeting programs that focus on certain groups but are not mandated to serve target group members before other eligible individuals; and,
 - Statutory targeting programs that are mandated by federal law to provide priority or preference to certain groups.