

## Exhibit 26

### WORKFORCE INVESTMENT NOTICE: 04-09

**SUBJECT:** Implementing the Veterans' Priority Provisions of the "Jobs for Veterans Act" (PL 107-288)

**DATE:** June 20, 2005

**Purpose:** To inform local areas of the veterans' priority provisions of the "Jobs for Veterans Act"

**Background:** On November 2, 2002, President Bush signed the "Jobs for Veterans Act" (Pub. L. 107-288). Section 2(a) of the Act 38 U.S.C. 4215(a) creates a priority of service for veterans (and some spouses) "who otherwise meet the eligibility requirements for participation" in DOL training programs.

**References:** "Jobs for Veterans Act" (Pub. L.107-288).

**Policy Guidance:** The Workforce Investment Act (WIA) Adult and Dislocated Worker formula-funded program Title I is covered by the section 4215 veterans' priority. WIA is a program that targets specific groups other than veterans. The following policy guidance outlines the application of the veteran's priority requirement in these circumstances.

Under WIA, the veteran's priority is applied by assessing a person's status in light of both the veterans' priority and the existing provision(s). The terms used for these targeting provisions (such as priority, preference, and spending requirements or limitations) may vary by program. The specific term used for these targeting provisions is not as important as the effect the provisions have on the program. It is important to distinguish the targeting provisions that are statutory and mandatory compared with those that are regulatory and/or optional. The veterans' priority is a statutory mandate, but one that is not intended to displace the core function of the WIA program.

#### Cases Where the Existing Targeting Is Required By Law:

For example, certain targeting provisions are derived from a statutory mandate that requires a priority or preference for a particular group of

participants or requires spending a certain portion of program funds on a particular group of participants. These are mandatory priorities. For these programs, the veterans' priority is applied as follows:

- ▣ An individual meeting both the veterans' and the mandatory priorities or spending requirement or limitation would obtain the highest preference for the program.
- ▣ Non-veterans within the program's mandatory priority would receive a preference over eligible veterans outside the program-specific mandatory priority or spending requirement or limitation.
- ▣ Similarly, eligible veterans outside the program-specific mandatory priority or spending requirement or limitation would receive priority over non-veterans outside the priority or spending requirement or limitation (once the spending requirement or limitation is met).

#### Cases Where the Existing Targeting is Discretionary and Not Required By Law

Other targeting provisions may require the program to focus on a particular group of participants, or to make efforts to provide a certain level of service to such a group, but do not specifically mandate that the favored group be served before other eligible individuals. Whether these provisions are found in statute or regulation, these are discretionary or optional priorities. The veterans' priority is applied as follows:

- ▣ The veterans' priority would take precedence over these priorities. Within the program as a whole, grantees are required to implement the veterans' priority in advance of the opportunities and services provided to the population group covered by the optional priority.

**Impact:** Adult/Dislocated Worker Local Resource Allocation and Individual Training Accounts (ITAs) - Consistent with the principle that veterans' priority must be applied within the existing context of the relevant Department of Labor program, the Jobs for Veterans Act does not change the requirement that participants must qualify as eligible under the Workforce Investment Act, nor does it change local area ability to budget funds among core, intensive, training and supportive serves. Local programs are not required to change their allocations among services to reserve funds for veterans, but are required to ensure that eligible veteran workers are given priority over non-veterans for all available services.

Program Registration - When there is a registration requirement associated with receipt of services for an impacted program or grant, collection of the individual's veteran status will be necessary.

Self-Service Tools - Any informational or service delivery Web site developed with funding from an impacted program or grant will be expected to provide information on veterans' priority and how to access assistance via the nearest One-Stop Center in receiving priority service from any applicable program or grant.

**Action:** Upon receipt, local workforce areas should develop a local policy to insure veteran preference as outlined in this WIN and local planning guidance instructions (WIN 04-03).