



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Labor and Training

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WORKFORCE INVESTMENT NOTICE: 04-09 (change 1)
Workforce Investment Act

TO: WORKFORCE INVESTMENT AREAS

FROM: Donna Treglia, Acting Administrator - Workforce Investment Office

SUBJECT: Priority of Service for Veterans

DATE: April 27, 2009

1. **PURPOSE.** To transmit guidance regarding the Priority of Service for Veterans and Eligible Spouses
2. **REFERENCES.** [Federal Register dated December 19, 2008 \(20 CFR part 1010 Priority of Service for Covered Persons; Final Rule\)](#)
3. **BACKGROUND.** On December 19, 2008, new regulations were issued to further articulate how priority of service is to be applied across all new and existing qualified job training programs.

Key Definitions:

Veteran means 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.

Eligible Spouse means the spouse of any of the following:

- (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.

Covered Person means a veteran or eligible spouse.

- 4. IMPLEMENTATION:** “Priority of service” means, with respect to any qualified job training program, that a covered person shall be given priority over a non-covered person for the receipt of employment, training, and placement services provided under that program, notwithstanding any other provision of the law.

Priority in the context of providing priority of service to veterans and other covered persons in qualified job training programs covered means the right to take precedence over non-covered persons in obtaining services. Depending on the type of service or resource being provided, taking precedence may mean:

- (1) The covered person receives access to the service or resource earlier in time than the non-covered person; or
- (2) 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.

Please note that the priority of service does not change the intended function of a program or service. Covered persons must meet all statutory eligibility and program requirements for participation in order to receive priority for a program or service.

Local Workforce Investment Boards must develop and include in their strategic plans, policies implementing priority of service for the local One-Stop Career Centers and for service delivery by local workforce preparation and training providers. These policies must establish processes to ensure that covered persons are identified at the point of entry, whether in person or virtual, so the covered persons are able to take full advantage of priority of service. These processes shall ensure that covered persons are aware of:

- (1) Their entitlement to priority of service;
- (2) The full array of employment, training and placement services available under priority of service; and
- (3) Any applicable eligibility requirements for those programs and/or services

Priority of service applies to every qualified job training program funded, in whole or in part, by the United States Department of Labor, including:

(1) Any such program or service that uses technology to assist individuals to access workforce development programs (such as job and training opportunities, labor market information, career assessment tools, and related support services); and

(2) Any such program or service under the public employment service system, One-Stop Career Centers, the Workforce Investment Act of 1998, a demonstration or other temporary program; any workforce development program targeted to specific groups; and those programs implemented by States or local service providers based on Federal block grants administered by the Department.

4. **EFFECTIVE DATE.** January 19, 2009
5. **ACTION REQUIRED.** Upon receipt, local workforce areas should develop a policy to insure veterans' priority of service as outlined in this WIN.
6. **INQUIRIES.** Questions concerning this subject may be directed to me at 462-8784 or Mavis McGetrick at 462-8791.