

State of Alaska
Department of Labor and Workforce Development

Divisions: Employment and Training Services (DETS), Alaska Workforce Investment Board (AWIB)	Policy: 07-509.1
Subject: Military Veteran Priority of Service	Pages: 3
Reference: Training and Employment Guidance Letter (TEGL) 10-09 ; Eligibility Requirements for Veterans Under Federal Employment and Training Programs, 38 U.S.C. 4213 ; Jobs for Veterans Act (JVA) of 2002, Public Law (P.L.) 107-288, Section 2(a) ; Veterans’ Benefits, Health Care and Information Technology Act of 2006, P.L. 109-461 ; Priority of Service for Covered Persons Final Rule, 20 CFR Part 1010, Fed. Reg. 78132 Dec. 19, 2008 ; Federal Register/Vol. 80, No.73, 20 CFR Parts 601,651,652 ; 20 CFR Part 680 Subpart E – Priority and Special Populations et el; Workforce Innovation and Opportunity Act, H.R. 803, Section 1(b) Sec.3. Definitions ; Workforce Innovation and Opportunity Act, H.R. 803, Chapter 2, Sec. 134(c)(3)(E) ; 38 U.S. Code §4215, Title 38-Veterans’ Benefit	Effective: 2/3/2016 Revised: 6/19/2020
Approved:  _____ Louise Dean, Executive Director, AWIB	6/30/2020 _____ Date
Approved:  _____ Patsy Westcott, Director, DETS	6/30/2020 _____ Date

1. Parties Affected

This policy applies to Alaska Workforce Investment Board (AWIB) and Division of Employment and Training Services (DETS) staff and subrecipients receiving federal public funds from AWIB/DETS.

2. Background

The [Jobs for Veterans Act \(PL 107-288\)](#) establishes 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 persons under veterans priority must receive priority service consistent with programmatic eligibility standards and other priorities mandated by statute. To be served in a

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program, a covered person must first 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 service over non-covered persons.

Per [TEGL 10-09](#), covered persons eligible for priority of service shall be referred to as veterans and eligible spouses, as defined in statute and regulations, and refer to those not eligible for priority of service as “non-covered persons.” For the purposes of implementing priority of service, the broad definition of veteran found in [38 U.S.C. 101\(2\)](#) is used.

- a) **Veteran** is a person who served at least one day in the active military, naval, or air service, and was discharged or released therefrom under conditions 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 as the result of a service-connected disability;
 - 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 experiencing a disability.

A spouse whose eligibility is derived from a living veteran or service member loses their eligibility if the veteran or service member loses the status that is the basis for the eligibility or upon divorce from the veteran or service member.

Applying Priority of Service

In addition to the eligibility criteria that all covered persons must meet, some programs have priorities that establish ranking for enrolling or serving participants. These priorities are statutory or discretionary.

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 is the Workforce Innovation and Opportunity Act (WIOA) Adult program, which targets low-income individuals, recipients of public assistance, and basic skills deficient individuals who are 18 years of age or older.

The WIOA Adult program will apply Priority of Service as follows:

- (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 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 veterans 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.

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 mandating that the target group be served before other eligible individuals. These types of programs will apply Priority of Service as follows:

- (1) first, to veterans and eligible spouses regardless of the discretionary targeting requirement;
- (2) second, to non-covered persons within the discretionary target group; and
- (3) third, to persons outside the discretionary target group.

4. Responsibility

Subrecipients are responsible for compliance with WIOA and its accompanying regulations, applicable federal, state, and local laws, statutes, regulations, and department policies; ensuring that priority of services is provided to veterans and their spouses as outlined in this policy. Subrecipients are also responsible for data collection and reporting of veterans and their spouses in AWIB/DETS case management system.

AWIB/DETS staff is responsible for ensuring compliance with priority of service requirements for federally funded programs, and monitoring the implementation of priority of service to guarantee veterans and eligible spouses are being served according to federal, state, and local laws, statutes, and regulations.