

# NASWA

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# The U.S. Department of Labor's Veterans' Employment and Training Service

## *Priority of Service Overview*



# Priority of Service

The term 'priority of service' means, with respect to any qualified job training program, that a covered person shall be given priority over non-veterans for the receipt of employment, training, and placement services provided under that program.



# Statutory Overview & Definitions

- Established by the “Jobs for Veterans Act,” to amend Title 38 USC, Chapter 42 Section 4215
- A “covered person” is a veteran or a spouse of a veteran who:
  - Died of service connected disability (SCD)
  - 90 days listed as; MIA, POW
  - Total disability resulting from SCD
  - Died while SCD was in existence
- A qualified job training program is any workforce preparation, development, or delivery program or service that is directly funded in whole or in part by the Department of Labor (DOL) including:
  - Services using technology to assist access to programs.
  - Such programs under the One-Stop career centers or WIA or other programs implemented by States or localities based on DOL administered block grants.



# Entitlement to Priority of Service

- A “covered person” is entitled to priority of service under any qualified job training program *if the person otherwise meets the eligibility requirements* for participation in such program.”
- The Secretary of Labor may establish priorities among covered persons to take into account the needs of disabled veterans and special disabled veterans, and such other factors as the Secretary determines appropriate including “setting priorities within priorities.”
- Administration of programs at the state and local levels shall:
  - Provide information and POS to covered persons regarding benefits and services
  - Ensure that each covered person who applies to or who is assisted by such a program is informed of their employment related rights.



## Secretary's Responsibilities

- Submit “priority of service” results within the Veterans’ Employment and Training Service (VETS) Annual Report to Congress.
- Evaluate whether covered persons are receiving priority of service and are being fully served by qualified job training programs.
- Evaluate whether the representation of veterans in such programs is in proportion to the incidence of representation of veterans in the labor market, including within groups that the Secretary may designate for priority under such programs.



# Policy and Program Implementation

- Memorandum from the Assistant Secretary for Policy in March, 2003 specifying Departmental “priority of service” guidance to be used by DOL agencies in developing their program-specific implementation.
- Employment and Training Administration (ETA) guidance as specified in Training and Employment Guidance Letter (TEGL) No. 5-03 “priority of service” pertaining to workforce programs implemented by the States and other funded workforce investment system partners.
- Program-specific guidance related to ETA-funded workforce programs, posted on the ETA web page in 2003.



# GAO Report to Congress

- Joint ETA/VETS response to the December 2005 GAO-06-176 report titled: *Veterans' Employment and Training Service – Labor Actions Needed to Improve Accountability and Help State Implement Reforms to Veterans' Employment* which specifically addressed the following:
  - ✓ Providing States and local areas with clear guidance and assistance regarding the provision of “priority of service”.
  - ✓ Monitoring the extent that all labor workforce programs are providing “priority of service”.



## Congressional Action

- Public Law 109-461 adopted on December 22, 2006, under sec. 605 Department of Labor Implementation of Regulations for priority of service which specified that, "*Not later than two years after the date of the enactment of this Act, the Secretary of Labor shall prescribe regulations to implement section 4215 of title 38, United State Code.*"



# Regulatory Response

- Notice of Proposed Rulemaking Workgroup
- Final Rule to be finalized by December 22, 2008  
(Two years after enactment of the law)



## Additional Information

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