



**November 12, 2010**

TO: Members of the Montgomery County Workforce Investment Board

FM: Barbara Kaufmann, Montgomery County Division of Workforce services

### **Background**

On November 7, 2002, the Jobs for Veterans Act (JVA), Public Law (P. L.) 107-288 was signed into law. One provision of the JVA, codified at 38 U.S.C.4215, establishes a priority of service requirement for covered persons (i.e., veterans and eligible spouses, including widows and widowers, as defined by this statute) in qualified job training programs.

While recipients of DOL funds for qualified job training programs such as Montgomery County have been required to provide priority of service since 2002, the Maryland Department of Labor, Licensing and Regulation has asked local workforce areas to develop a Veterans Priority of Service policy with applicable procedures that is consistent with the requirements of recent notices from the US Department of Labor. In reviewing the existing procedures with Veterans Service Staff located at MontgomeryWorks and other staff, the current policy was reviewed and is being strengthened and brought to the WIB for approval.

### **Previous policy**

“Preference is given to Veterans per the Veterans’ Priority Provisions of the “Jobs for Veterans Act” (PL 107-288). Veterans and eligible spouses will always have priority of service on a “first come, first served” basis for all Individual Training Accounts (ITAs) in Montgomery County until ITA funding is expended in any program year.”

### **Proposed policy**

“Preference is given to Veterans per the Veterans’ Priority Provisions of the “Jobs for Veterans Act” (PL 107-288). Veterans and eligible spouses will always have priority of service on a “first come, first served” basis in the following ways.

- Veterans and eligible spouses will have first access to information and registration of workshops provided at MontgomeryWorks
- Veterans and eligible spouses will be referred by the Veterans representatives to the Intensive Services Unit and be assigned an ISU counselor promptly.
- Veterans and eligible spouses will have priority of service on a “first come, first served” basis for all ITAs in Montgomery County until ITA funding is expended in any program year.

- Veterans and eligible spouses cannot be required to exhaust their benefits prior to gaining access to WIA training”

Also attached is the plan submitted to the Department of Labor, Licensing, and Regulation which provides further detail on definitions of veterans and eligible spouses and how the services will be implemented at MontgomeryWorks.

**MONTGOMERY COUNTY VETERANS PRIORITY OF SERVICE POLICY  
AND PLAN  
November, 2010**

**Montgomery County has adopted the following policy**

“Preference is given to Veterans per the Veterans’ Priority Provisions of the “Jobs for Veterans Act” (PL 107-288). Veterans and eligible spouses will always have priority of service on a “first come, first served” basis for all Individual Training Accounts (ITAs) in Montgomery County until ITA funding is expended in any program year.”

The Workforce Investment Board will re-commit to the priority of service and approve an updated policy at its November 17, 2010 meeting which states:

“Preference is given to Veterans per the Veterans’ Priority Provisions of the “Jobs for Veterans Act” (PL 107-288). Veterans and eligible spouses will always have priority of service on a “first come, first served” basis in the following ways.

- Veterans and eligible spouses will have first access to information and registration of workshops provided at MontgomeryWorks
- Veterans and eligible spouses will be referred by the Veterans representatives to the Intensive Services Unit and be assigned an ISU counselor promptly.
- Veterans and eligible spouses will have priority of service on a “first come, first served” basis for all ITAs in Montgomery County until ITA funding is expended in any program year.
- Veterans and eligible spouses cannot be required to exhaust their benefits prior to gaining access to WIA training”

Veterans and eligible spouses are made aware of priority of service entitlement through

- TAP/DTAP training sessions
- When receiving “staff assisted services”
- Signage posted in the One-Stop Centers
- Workshops/orientations
- Handouts/fliers, fact sheets and presentations by One-Stop staff
- From LVER and Business Services Team representatives when conducting employer contacts
- DLLR’s website
- MontgomeryWorks Website
- Montgomery County Commission on Veterans

Veterans Service is to prepare a statement that will be placed on the website and publications. The statement will be placed on publications as they are re-printed.

Signage announcing the Priority of Service for Veterans and eligible spouses will be prominently displayed throughout MontgomeryWorks. This signage will include a statement requesting military spouses to contact a Veterans Representative to determine their eligibility for Priority of Service.

**Eligibility for Priority of Service.** Veterans and eligible spouses, including widows and widowers as defined in the statute and regulations, are eligible for priority of service. For the purposes of implementing priority of service, program operators use the broad definition of veteran found in 38 U.S.C. 101(2).

Under this definition, the term “veteran” means a person who served at least one day in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable, as specified in 38 U.S.C. 101(2). Active service includes full-time Federal service in the National Guard or a Reserve component. This definition of “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).

“Eligible spouse” as defined at section 2(a) of the JVA (38 U.S.C. 4215[a]) means the spouse of any of the following:

- a. Any veteran who died of a service-connected disability;
- b. 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 the line of duty by a hostile force; or
  - iii. Forcibly detained or interned in the line of duty by a foreign government or power;
- c. Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs; or
- d. Any veteran who died while a disability was in existence. A spouse whose eligibility is derived from a living veteran or service member (i.e., categories b. or c. above) would lose his or her eligibility if the veteran or service member were to lose the status that is the basis for the eligibility (e.g. if a veteran with a total service-connected disability were to receive a revised disability rating at a lower level). Similarly, for a spouse whose eligibility is derived from a living veteran or service member, that eligibility would be lost upon divorce from the veteran or service member.

### **Identification of Veterans**

Individuals accessing MontgomeryWorks for the first time are asked to fill out a registration form. The form asks individuals if they are veterans. Those identifying themselves are referred to the Veteran Services representatives. Those registering/enrolling on MWE by themselves are also encouraged to identify themselves as veterans.

### **Applying Priority of Services**

Programs provided by Montgomery County fall into two basic categories: -universal access programs and programs that require prospective participants to meet specified eligibility criteria.

**Universal access programs.** For workforce programs that operate or deliver services to the public as a whole without targeting specific groups, veterans and eligible spouses receive priority of service over all other program participants. Universal access programs include use of equipment in the resource room and workshops held.

- For access to the resource room and the equipment, veterans and their eligible spouses, may use the equipment prior to others.
- For workshops, Veterans and their eligible spouses receive notification of class registration dates one day prior to public release

**Programs with Eligibility Criteria.** Programs with eligibility criteria are considered to be intensive and training services. Veteran or eligible spouse must first meet the eligibility criteria in order to be considered eligible for: a) enrollment in the program; b) receipt of priority for enrollment in the program; and c) priority for receipt of services.

- Veterans and eligible spouses receive assistance from the Veterans representatives who determine if the veteran or eligible spouse meets the eligibility requirements for referral to the Intensive Services Unit (ISU). If the veteran or eligible spouse meets the eligibility requirements they are immediately referred to ISU without a waiting period.
- Those veterans and eligible spouses being served by the ISU are in the queue for training which is a first come, first served” basis for all ITAs in Montgomery County until ITA funding is expended in any program year.

#### **Training of staff and partners**

- Veterans’ staff makes a presentation annually at a MontgomeryWorks staff meeting.
- Veterans’ staff will present to staff of the youth provider.
- Copies of the WIFI, TEGE No. 10-09 and VPL No. 07-09 will be made and distributed to MontgomeryWorks staff. They will be asked to sign that they have received this information.
- Veterans’ staff will train new staff added after the training described above.
- MontgomeryWorks will send a reminder to both its required and non-mandated partners about priority of services with instructions of how to refer individuals to the Veterans Representatives.