

HempsteadWorks Priority of Service Policy

The Town of Hempstead Local Workforce Investment Board has established the following Priority of Service Policy under the Workforce Investment Act (WIA) of 1998: *Priority of service is provided to residents of the Town of Hempstead/City of Long Beach, who are either **public assistance recipients, veteran*s and eligible spouses of veterans****, **economically disadvantaged (i.e. low income) individuals***** or **dislocated workers**. Residents of the Town of Hempstead/City of Long Beach also will receive priority consideration for enrollment into training funded through Individual Training Accounts (ITAs).*

In addition, the Jobs for Veterans Act of 2002 made a number of amendments to encourage military veterans' access to services within an integrated one-stop service delivery system. One such amendment creates a priority of service for veterans (and some spouses) "who otherwise meet the eligibility requirements for participation" in United States Department of Labor training programs. As mandated in Federal regulation, One-Stop Career Centers are required to implement priority of service and will need to have clear strategies for providing veterans and eligible spouses of veterans with quality service at every phase of services offered. Veterans' priority of service was also mandated in the Final Rule, 20CFR Part 1010, which went into effect on January 19, 2009. Also, the American Recovery and Reinvestment Act (ARRA) of 2009 requires a statutory priority for recipients of public assistance and other low-income individuals. New York State Department of Labor Technical Advisory Number 09-16 provides the following clarification to reconcile the application of priority of service under ARRA with the Jobs for Veterans Act of 2002: "It is important to understand that veterans' priority of service is not intended to displace the core mission of any particular program. More specifically, a priority of service within a priority is created for those programs that are derived from a federal statutory mandate (such as ARRA) that requires a priority or preference for a particular group of individuals. As an example, when we collectively compare recipients of public assistance and other low-income individuals with veterans and eligible spouses of veterans, the following priority order is applicable:

1. The first population to receive intensive and training services is public assistance and low-income veterans (or eligible spouses of veterans);
2. The second priority is for public assistance and low-income non-veterans;
3. The third priority is for veterans (or eligible spouses of veterans) who are not low income or receiving public assistance;
4. The last priority is for adults who are non-veterans who are not low-income or receiving public assistance."

***Veteran**

*Under the Final Rule, a veteran is defined as "a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable." This is essentially the same as the WIA definition found in WIA Law at Section 101(49). Active service includes full-time duty in the National Guard or a Reserve component, other than full-time duty for training purposes. This definition to be applied for the purposes of the priority differs from and is broader than the definition of "eligible veteran," which is applied under Veterans and Wagner-

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Peyser grant programs. Under Title 38, United States Code Section 4211, the term “eligible veteran” means a person who – (A) served on active duty for a period of more than 180 days and was discharged or released therefrom with other than a dishonorable discharge; (B) was discharged or released from active duty because of a service-connected disability; or (C) as a member of a reserve component under an order to active duty, served on active duty during a period of war or in a campaign or expedition for which a campaign badge is authorized and was discharged or released from such duty with other than a dishonorable discharge. It is very important that the distinction between the two definitions is understood and applied correctly. USDOL is bound by law to use the “Final Rule” definition as it was the intent of Congress that priority of service be made available to a broad category of former service members. However, the definition of veteran to be applied for the purposes of the priority does not alter the statutory reporting requirements for Wagner-Peyser and Veteran Grants, which require application of the more narrowly defined definition of eligible veteran. In other words, a veterans’ priority is not intended to displace the core mission of any particular program.

****Eligible Spouse**

Under Title 38, United States Code Section 4215(a), the term “eligible spouse” means – (A) the spouse of any person who died of a service-connected disability; (B) the spouse of 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 ninety 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; or (C) the spouse of any person who has a total disability permanent in nature resulting from a service-connected disability; or (D) the spouse of a veteran who died while a disability so evaluated was in existence. USDOL provides additional clarification for “A” and “D” above by indicating that the re-marriage of the spouse would not terminate their eligibility. However, if a spouse becomes divorced from a veteran under “B” and “C” above, eligibility for priority of service is terminated. It is further understood that the JVA does not exclude from eligibility spouses who were not citizens at the time that the veteran was discharged or retired, nor does it stipulate that a spouse had to be married to a veteran at the time of his or her discharge or retirement.

*****Economically Disadvantaged (i.e. Low Income) Individual**

The parameters to be used to qualify someone as a low-income individual are defined in the Workforce Investment Act (WIA) of 1998 (Public Law 105-220) at Section 101(25). Additionally, in order to consider an individual as a “family of one,” our local policy defines the phrase contained in the passage of the statute “received an income,” to mean that an individual living with other family members (as defined in WIA Sec. 101 (15)), must have received sufficient income to contribute to fifty percent (50%) or more of that individual’s support for the last six (6) months prior to participation. Income earned while on active duty status is disregarded in our eligibility determinations.

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