



TURTLE MOUNTAIN  
COMMUNITY COLLEGE



## **TREND Procedure for Veterans Priority of Service**

### **Veterans Priority of Service**

The requirement to provide priority of service applies to all programs that receive funding from the Department of Labor. At Turtle Mountain Community College, these programs are those associated with the Training for Regional Energy in North Dakota (TREND) TAACCCT grant. All program activities, regardless of how they are procured, must be administered in compliance with priority of service requirements.

### Background

On December 19, 2008, the Department of Labor (DOL) issued new regulations (20 CFR 1010) implementing the Jobs for Veterans Act (JVA 2002) and the Veterans' Benefits, Health Care, and Information Technology Act (2006). The regulations went into effect on January 19, 2009 and do the following:

- Set forth requirements for each “qualified” program to provide priority of service for veterans and eligible spouses and require all grantees to have policies providing priority of service whether provided on-line or in-person;
- Require that, for purposes of implementing priority of service, the broad definition of “veteran” meaning 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 be used (38 U.S.C. 101(2)0);
- Add new requirements related to persons who physically access service delivery points or who access virtual service delivery programs on websites (See 20 CFR 1010.300);
- Applicants to any “qualified” DOL programs and services must be able to learn about priority of service and to indicate whether they are veterans etc.;
- Program staff must initiate data collection for any person claiming priority at point of entry; and
- Applicants who are veterans must be given the menu of programs and services to which the priority applies, and any additional program eligibility requirements.

### Understanding What it Means to Provide Priority of Service

“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. This means that a veteran or an eligible spouse either receives access to a service earlier in time than a non-covered person or, if the resource is limited, the veteran or eligible spouse receives access to the service instead of or before the non-covered person.

### Identifying Veterans and Eligible Spouses

Veterans and eligible spouses must be given the opportunity to identify themselves at the point of entry to the system or program, and veterans and eligible spouses must be given the opportunity to take full advantage of the priority. When identifying veterans and eligible spouses, veterans and eligible spouses must be made aware of:

- Their entitlement to priority of service
- The full array of employment, training and placement services available
- Applicable eligibility requirements for programs and services

### 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, the broad definition of veteran found in 38 U.S.C. 101(2) is used:

- Veteran
  - 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. 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
- Eligible spouse defined at section 2(a) of the JVA (38 U.S.C. 4215[a]) means the spouse of any of the following:
  - Any veteran who died of a service-connected disability
  - 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:
    - Missing in action
    - Captured in the line of duty by a hostile force
    - Forcibly detained or interned in the line of duty by a foreign government or power

- Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs
- Any veteran who died while a disability was in existence
  - A spouse whose eligibility is derived from a living veteran or service member 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.

The priority of service regulations refer to those veterans and spouses who are eligible for priority of service as "covered persons" and refer to those not eligible for priority of service as "non-covered persons." In the interest of specificity, this procedure refers to those eligible as "veterans and eligible spouses." However, in the interest of brevity, this procedure also adopts the regulatory terminology by referring to those who are not eligible as "non-covered persons."

#### Verifying Status

It is neither necessary nor appropriate to require verification of the status of a veteran or eligible spouse at the point of entry, unless the individual who self-identifies as a veteran or eligible spouse:

- is to immediately undergo eligibility determination and be registered or enrolled in a program, and
- the applicable federal program rules require verification of veteran or eligible spouse status at that time

Even in those instances in which eligibility determination and enrollment occur at the point of entry, a veteran or eligible spouse should be enrolled and provided immediate priority and then be permitted to follow-up subsequently with any required verification of his or her status as a veteran or eligible spouse.

After providing the appropriate priority of service to self-identifying veterans or eligible spouses, source documentation should be obtained to demonstrate a student is an eligible veteran or the spouse of an eligible veteran by identifying and having on file a copy of either their DD 214, Military ID Card, or VA documents or official college documentation that demonstrates eligibility and that used one of those documents to verify eligibility.

#### Applying Priority of Service

- Grantees and sub-grantees must comply with federal law, regulations, and guidance on priority of service, using the broad definition for veterans and eligible spouses (20 CFR 1010.110).
- Veterans and eligible spouses must receive priority of service over all other program participants.

- Veterans and eligible spouses receive the first level of priority in universal access programs.
- Veterans and eligible spouses receive the first level of priority in any 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 such as NCRC, and related support services).

#### Measurements

- Data records and reports on covered participants and entrants will be available Training will be conducted on Priority of Service.

#### References

- Jobs for Veterans Act, Public Law (Pub. L.) 107-288 (Nov. 7, 2002).
- Veterans' Benefits, Health Care, and Information Technology Act (Pub. L.109-461) (Dec. 22, 2006).
- Priority of Service for Covered Persons (20 CFR 1010) Issued: Dec. 19, 2008; Effective: Jan. 19, 2009.
- Training and Employment Guidance Letter (TEGL) No. 10-09 Issued Nov. 10, 2009.
- Veterans Program Letter (VPL) No. 07-09 Issued Nov. 10, 2009

Procedure located on TMCC's TREND webpage: <http://www.tm.edu/academics/trend/>