



**GUAM WORKFORCE DEVELOPMENT BOARD  
RESOLUTION NO. 2017-002**

**A RESOLUTION RELATIVE TO THE APPROVAL OF THE VETERANS PRIORITY OF  
SERVICE POLICY**

***WHEREAS***, the Workforce Innovation and Opportunity Act (WIOA) was signed into law on July 22, 2014, reauthorizing the Workforce Investment Act (WIA) of 1998; and

***WHEREAS***, the Guam Department of Labor through the Disabled Veterans Outreach Program (DVOP), is committed to serving transitioning service members, veterans, and their families by providing resources to assist and prepare them to obtain meaningful careers and maximize their employment opportunities; and

***WHEREAS***, a key principle in the WIOA is to provide local areas with the authority to make policy and administrative decisions with the flexibility to tailor the workforce system to the needs of its community; and

***WHEREAS***, The Guam Department of Labor is the administering entity of the Workforce Innovation and Opportunity Act funded programs, the Disabled Veteran's Outreach Program (DVOP), as authorized by Executive Order 2015-01; and

***WHEREAS***, Guam's Combined State Plan for Program Year 2016-2019, requires that within the platform for delivery of services at the Guam American Job Center, all customers to the Guam American Job Center (AJC) shall be assessed to determine their employment barriers and supportive service needs;

***WHEREAS***, in order to ensure maximum flexibility, the Guam Department of Labor will make available priority of service to customers of the Guam American Job Center (AJC); and

***WHEREAS***, the purpose of this policy is to provide guidance outlining the requirements of the priority of service and the obligations of the Guam American Job Center (AJC) in complying with and implementing those requirements. It is our intent to ensure that priority of service is provided to all covered persons, as required by 38 U.S.C. § 4215 (b) and 20 CFR Parts 1001 and 1010.

**GUAM WORKFORCE DEVELOPMENT BOARD  
GUAM DEPARTMENT OF LABOR**

APPROVED	RESPONSIBILITY	ORIGINATION DATE	NUMBER	PAGES
 <b>Frank F. Blas, Jr.,</b> Chairman  Guam Workforce Development Board	<b>American Job            Center (AJC)</b>			1 of 11
<b>TITLE: PRIORITY OF SERVICE</b>				

**I. PURPOSE**

The purpose of this policy is to provide guidance outlining the requirements of the priority of service and the obligations of the Guam American Job Center (AJC) in complying with and implementing those requirements. It is our intent to ensure that priority of service is provided to all covered persons, as required by 38 U.S.C. § 4215 (b) and 20 CFR Parts 1001 and 1010.

Effective January 9, 2009, 20 CFR 1010, requires job training programs to provide priority of service to a covered person who is also defined as a veteran or eligible spouse.

This requirement applies to all programs funded by the U.S. Department of Labor.

**II. POLICY**

Program operators, including grant sub-recipients, must implement priority of service to covered persons (veterans and eligible spouses) as a condition of receiving funding from the United States Department of Labor (USDOL). This requirement cannot be waived. Operating policies and procedures must be updated to include the latest information on veterans' priority. Staff at all levels of the American Job Center (AJC) system and other USDOL programs shall be trained in priority of service requirements so that an applicant's status is assessed in light of program-specific requirements such as WIOA and veterans' priority requirements.

Program operators are responsible for ensuring that adequate protocols are established to identify covered persons, inform them of their entitlement to priority of service, and provide information on the array of employment, training, and placement services and program eligibility requirements.

**III. PROCEDURE**

In conjunction with the Guam Workforce Development Board (GWDB), the Guam AJC, along with its partners, shall develop procedures for complying with the priority of service to covered persons which include, but are not limited, to:

- 1. Identifying veterans and eligible spouses at the point of entry.**

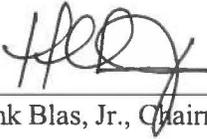
**RESOLUTION**

***NOW, THEREFORE, BE IT RESOLVED***, that the Guam Workforce Development Board (GWDB) adopts the Priority of Service policy.

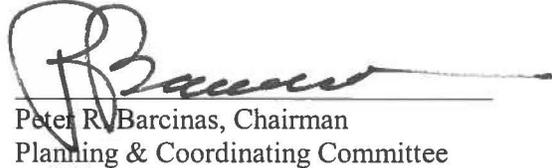
Adopted this 5<sup>TH</sup> day of April, 2017.

**ATTESTED:**

**For the GUAM WORKFORCE DEVELOPMENT BOARD**



Frank Blas, Jr., Chairman, GWDB



Peter R. Barcinas, Chairman  
Planning & Coordinating Committee

a. Prominently displayed notices. To encourage individuals to self-identify as veterans and eligible spouses, the Guam AJC must prominently post notices or signs at the reception area, that clearly describe priority of service and provide instructions on its application.

b. Staff shall be trained to inquire about the status of a covered person at the reception area. Reception area and the resource area may have a sign-in sheet and/or a designated area for veterans and eligible spouses. If an individual self-identifies as a veteran or eligible spouse, the individual shall be provided immediate priority of service without the need for verification.

c. Self-Identification through Virtual Services. Internet websites operated by the Guam Department of Labor, funded in whole or in part by the U.S. Department of Labor, must provide priority of service information and instructions on where to self-identify as a veteran or eligible spouse through the virtual registration. Once identified through the virtual access point, the American Job Center staff, including the staff of the Disabled Veterans Outreach Program (DVOP) and the Local Veterans' Employment Representative(s) (LVER), shall contact the covered person within 24-hours from alert, to inform them of the array of One-Stop services.

d. Pre-Recorded Announcements. Pre-recorded greetings on voicemail systems shall inform callers about priority of service for veterans and eligible spouses.

e. Reception Verification. It is not required to verify covered person's status at reception. Self-identification through a checklist is sufficient.

f. Service Strategy. Service strategies implemented should be consistent in providing priority of service, including, but not limited to, self-service resources and staff-assisted services.

## **2. Applying the priority of service rule.**

a. General Rule. Among those who are eligible for WIOA and other applicable programs, a veteran or eligible spouse shall be given precedence over a non-covered person.

b. The application of precedence means that the veteran or eligible spouse shall receive access to services earlier in time than the non-covered person, or if the service is limited, the veteran and eligible spouse shall receive access to the services instead of or before the non-covered person. This only applies at a given point in time, if there are both covered and non-covered persons who are eligible for a service or services.

c. Waiting List. Veterans and eligible spouses are to be placed ahead or receive first priority over non-covered persons on any waiting list that is maintained for any program or service that meets the definition of a Qualified Job Training Program. However, once a participant, covered or non-covered, is enrolled in a program, or has

a confirmed start date, he or she may not be displaced by a veteran or eligible spouse for that program.

d. Universal Access to Programs and Services. For workforce programs that operate or deliver services to the general public without targeting specific groups, veterans and eligible spouses must receive priority of service over all other program participants.

e. Programs with Eligibility Criteria. Eligibility criteria identify basic conditions each participant in a specific program is required to meet. A veteran or eligible spouse must first meet all of the program statutory eligibility criteria in order to be considered eligible for:

(i) enrollment in the program;

(ii) receipt of priority enrollment in the program; and

(iii) receipt of priority of service.

### **3. Verifying Status.**

a. It is important to distinguish between identifying a veteran or eligible spouse for priority of service and the verification of the status of the veteran or eligible spouse.

b. If an individual self-identifies as a veteran or eligible spouse, that individual shall be provided immediate priority in the delivery of all employment and training services or other applicable programs and/or services.

c. When a veteran or eligible spouse undergoes eligibility determination and subsequent registration and enrollment in a program or service using federal resources outside of the Basic Career Services and DVOP/LVER services, and the applicable program requires verification of veteran or eligible spouse status, then the staff shall proceed with verifying the status.

d. In those instances in which eligibility determination and enrollment occur at the point of entry, a veteran or eligible spouse who meets the program-specific criteria and is eligible for enrollment, shall be provided immediate priority, is then enrolled, and then permitted to follow-up subsequently with any required verification of his or her status as a veteran or eligible spouse. If documentation does not support the status of the veteran or eligible spouse, the staff should revise the individual's status in HIREGUAM. DVOP representatives serving such individuals shall refer the individual(s) for other appropriate services in the workforce system.

e. For programs or services that cannot rely on self-attestation as a form of veteran or eligible spouse verification, verification only needs to occur at the point at which a decision is made to commit outside resources to one individual over another. In contrast, the commitment of the program staff's effort does not require verification of status by a veteran or eligible spouse. Thus, if a veteran or eligible spouse self-identifies, staff shall deliver any appropriate services, while permitting the veteran or eligible spouse to follow-up subsequently with verification of his or her status.

#### **4. Monitoring Compliance.**

- a. Monitoring will be jointly performed by the Veteran's Employment Training Service (VETS) and the U.S. Department of Labor, to ensure that covered persons are made aware of and provided priority of service, as required by 20 CFR § 1010.240.
- b. Local Areas shall review their procedures to assure that service providers capture and report required data on veteran's priority of service in HIREGUAM.

#### **5. Data Collection and Reporting.**

- a. Qualified job training program that have served, at the national level, an average of 1,000 or more covered persons each year for the three most recent years, are required to collect and report data on covered entrants. Covered persons are called covered entrants at the point of entry (20 CFR 1010.300).
- b. Six programs meet the reporting threshold: (1) WIOA Adult; (2) WIOA Dislocated Worker; (3) National Emergency Grants; (4) Wagner-Peyser State Grants; (5) Trade Adjustment Assistance (TAA); and, (6) Senior Community Service Employment Program.
- c. The Information Collection Request (ICR) requires: (1) a report on covered entrants; and, (2) application of the new definitions for veterans and eligible spouses in existing reports on covered participants.
- d. The ICR further requires that programs below the size threshold to apply the new definitions for veterans and eligible spouses in their existing reporting on covered persons.
- e. Programs listed in 5.b. above, must collect individual record data on covered persons from the point of entry.
- f. For both covered and non-covered persons in qualified job training programs information collected includes, but is not limited to:
  - (1) Status of persons receiving services;
  - (2) Types of services provided;
  - (3) Dates that services were received; and
  - (4) Employment outcomes.
- g. The HIREGUAM is the automated database used by Guam to collect and report data on covered entrants to the programs and services offered by the one-stop network.

### **IV. DEFINITIONS**

#### **1. Covered Person**

A veteran or eligible spouse as defined in section 2(a) of the Jobs for Veterans Act (38 U.S.C. 4215(a)).

a. Veteran: A person who served at least one day in the active military, naval, or air service, and who was discharged or released from service under any condition other than a condition classified as dishonorable. This definition includes persons in Reserve and National Guard units activated for Federal service.

b. Eligible Spouse

- A spouse of any veteran who died of a service-connected disability;
- A spouse of any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs;
- A spouse of any veteran who died while a disability (a service-connected disability) was in existence;
- A spouse of any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in either of the following statuses for a total of more than 90 days: missing in action, captured in the line of duty by a hostile force, or forcibly detained or interned in the line of duty by a foreign government or power.

**2. Non-Covered Person**

Any individual who meets neither the definition of "veteran," as defined in this section, nor the definition of "eligible spouse" as defined in this section.

**3. Priority of Service**

- A covered person, if eligible for services, shall be given precedence over a non-covered person in obtaining services or access to resources; and
- Given precedence means the veteran or eligible spouse receives access to services earlier in time than the non-covered person, or if the service is limited, the covered person receives access to the service instead of or before the non-covered person.

**4. Point of Entry**

The point at which a covered person enters the employment and training service delivery system or to any particular program. This applies to the Guam American Job Center, HIREGUAM, telephone and/or email inquiries.

**5. Qualified Job Training Program**

Any workforce preparation program or services to include employment, training, and placement services that are directly funded, in whole or in part, by the USDOL.

**6. Significant Barriers to Employment (SBE)**

1. A special disabled or disabled veteran, as defined in 38 U.S.C. § 4211(1) and (3).  
Special disabled and disabled veterans are those:

- Who are entitled to compensation (or who for the receipt of military retired pay would be entitled to compensation) under laws administered by the Secretary of Veterans Affairs; or
- Were discharged or released from active duty because of a service-connected disability;

2. Homeless.

Considered to be any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions in the individual's or family's current housing situation, including where the health and safety of children are jeopardized, and who have no other residence and lack the resources or support networks to obtain other permanent housing, as defined in Section 103(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302(a));

3. A recently-separated service member, as defined in 38 U.S.C. § 4211(6), who at any point in the previous 12 months has been unemployed for 27 or more consecutive weeks;

4. An offender, as defined by WIOA § 3(38), and who has been released from incarceration within the last 12 months;

5. Lacking a high school diploma or equivalent certificate;

6. Low-income

7. Are between 18-24 years of age

8. Transitioning Members of the Armed Forces.

Defined as an individual in active duty status (including separation leave) who registers for employment services and is within 24 months of retirement, or 12 months of separation.

And who has been identified as:

- a. Is in need of intensive services
- b. Member of the Armed Forces who are wounded, ill, or injured and receiving treatment in military treatment facility or warrior transition units; and
- c. The spouse or other family caregivers of such wounded, ill, or injured members.

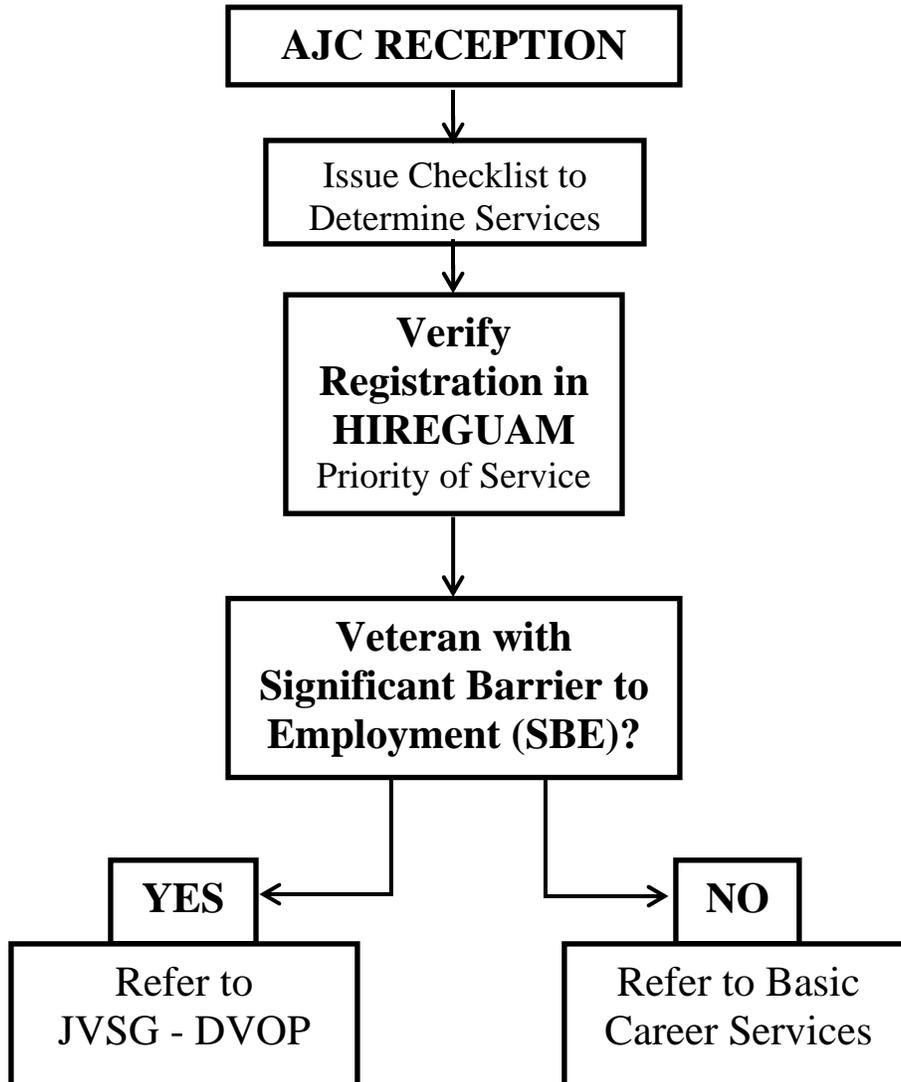
The term "family caregiver" is defined as follows at Section 172G(d) of Title 38, United States Code (38 U.S.C. 1720G (d)) – Assistance and support services for caregivers:

- (1) The term caregiver, with respect to an eligible veteran... means an individual who provides personal care services to the veteran.
- (2) The term family caregiver, with respect to an eligible veteran means a family member who is a caregiver to the veteran.
- (3) The term family member, with respect to an eligible veteran means an individual who---

- A. Is a member of the family of the veteran, including---
  - (i) a parent;
  - (ii) a spouse;
  - (iii) a child;
  - (iv) a step-family member; or
  - (v) an extended family member; and
- B. Lives with, but is not a member of the family of the veteran.

**PROCESS FLOW**

- I. Reception
- II. Verify Registration in HIREGUAM (VOS)
- III. Verify if Veteran with Significant Barrier to Employment (SBE)
- IV. AJC Orientation optional only for those veterans with SBE



## VETERAN STATUS DEFINED

<u>Priority of Service</u>	<u>JVSG Program - DVOP</u>
<p>Under 20 CFR Part 1010 and 38 U.S.C. 4215, "Priority of Service" is provided to all "Covered Persons". Section 4215(a)(1) defines "Covered Persons" to mean veterans and spouses "of any of the following:</p> <ul style="list-style-type: none"> <li>a. Any veteran who died of a service-connected disability</li> <li>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 for the following categories and has been so listed for a total of more than 90 days: <ul style="list-style-type: none"> <li>i. Missing in Action</li> <li>ii. Captured in the line of duty by a hostile force; or</li> <li>iii. Forcibly detained or interned in the line of duty by a foreign government or power; or</li> </ul> </li> <li>c. Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs or any veteran who died while such a disability was in existence"</li> </ul> <p>Under the regulatory definition of "covered persons", "veteran" is defined as it is in 38 U.S.C. 101(2) 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."</p> <p>Active service includes full-time duty in the National Guard or a Reserve component, other than full-time duty for training purposes.</p>	<p>38 U.S.C. 4101(4) and 4211(4) define the term "Eligible Veteran" as a person who:</p> <ul style="list-style-type: none"> <li>a) Served on active duty for a period of more than 180 days and was discharged or released with other than a dishonorable discharge;</li> <li>b) Was discharged or released from active duty because of a service-connected disability;</li> <li>c) Was a member of a reserve component under an order to active duty pursuant to section 12301(a), (d), or (g), 12302, Or 12304 of title 10, 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; or</li> <li>d) Was discharged or released from active duty by reason of a sole survivorship (as that term is defined in section 1174(i) of title 10.</li> </ul> <p>Under 38 U.S.C. 4101(5), "eligible spouses" are the same spouses who are included as "Covered Persons" for purposes of priority of service".</p>

## VETERAN STATUS DEFINED

### Significant Barriers to Employment (SBE)

1. A special disabled or disabled veteran, as those terms are defined in 38 U.S.C. § 4211(1) and (3); Special disabled and disabled veterans are those:
  - Who are entitled to compensation (or who for the receipt of military retired pay would be entitled to compensation) under laws administered by the Secretary of Veterans Affairs; or
  - Were discharged or released from active duty because of a service-connected disability.
2. \*Homeless, as defined in Section 103(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302(a);  
(\**Homeless* also is considered to be any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions in the individual's or family's current housing situation, including where the health and safety of children are jeopardized, and who have no other residence and lack the resources or support networks to obtain other permanent housing.)
3. A recently-separated service member, as defined in 38 U.S.C. § 4211(6), who at any point in the previous 12 months has been unemployed for 27 or more consecutive weeks;
4. An offender, as defined by WIOA § 3(38), who has been released from incarceration within the last 12 months;
5. Lacking a high school diploma or equivalent certificate;
6. Low-income (as defined by WIOA at § 3(36));
7. Are between 18-24 years of age;
8. \*\*Transitioning members of the Armed Forces who have been identified as:  
\*\**A Transitioning Service Member* is defined as an individual in active duty status (including separation leave) who registers for employment *services* and is within 24 months of retirement or 12 months of separation.)
  - a. Is need of intensive services
  - b. Members if the Armed Forces who are wounded, ill, or injured and receiving treatment in military treatment facilities or warrior transition units; and
  - c. The spouses or other family caregivers of such wounded, ill, or injured members.

The term "family caregiver" is defined as follows at Section 172G(d) of Title 38, United States Code (38 U.S.C. 1720G (d) – Assistance and support services for caregivers:

- (1) The term 'caregiver', with respect to an eligible veteran... means an individual who provides personal care services to the veteran.
- (2) The term 'family caregiver', with respect to an eligible veteran... means a family member who is a caregiver to the veteran.
- (3) The term 'family member', with respect to an eligible veteran... means an individual who---
  - (A) Is a member of the family of the veteran, including---
    - (i) a parent;
    - (ii) a spouse;
    - (iii) a child;
    - (iv) a step-family member; or
    - (v) an extended family member; and
  - (B) Lives with, but is not a member of the family of the veteran."