

Bay Consortium Workforce Development Board

Policy Number: 02-02
Effective Date: November 2, 2002
Revised Date: November 1, 2021
Title: WIOA Priority of Service Policy

PURPOSE

To create a Priority of Service Policy that establishes a process and priority ranking system which gives priority for services to veterans, recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient served with WIOA adult funds.

REFERENCES

- Section 4215 of Title 38 United States Code;
- Workforce Innovation and Opportunity Act, Section 3(24);
- Workforce Innovation and Opportunity Act, Section 102 (2) (C) (21);
- Workforce Innovation and Opportunity Act, Section 134 (c) (2) (A) (xii);
- Workforce Innovation and Opportunity Act, Section 134 (c) (3) (E);
- 20 Code of Federal Regulations 676.105;
- 20 Code of Federal Regulations 679.560 (b) (21);
- 20 Code of Federal Regulations 680.140 (a);
- 20 Code of Federal Regulations 680.650;
- Required Elements for Submission of the Unified or Combined State Plan and Plan Modification under the Workforce Innovation and Opportunity Act – OMB Control # 1205-0522;
- Training and Employment Guidance Letter # 22-04 - Serving Military Spouses as Dislocated Workers under the Workforce Investment Act Dislocated Worker Grant;
- Training and Employment Guidance Letter # 10-16, Change 1 - Performance Accountability Guidance for WIOA Title I, Title II, Title III, and Title IV Core Programs;
- Training and Employment Guidance Letter # 19-16 – Guidance on Services provided through the Adult and Dislocated Worker Programs under WIOA and the Wagner-Peyser Act Employment Service (ES), as amended by Title III of WIOA, and for Implementation of the WIOS Final Rules;
- Training and Employment Guidance Letter # 07-20—Effective Implementation of Priority of Services Provisions for Most in Need Individuals in the Workforce Innovation and Opportunity Act (WIOA) Adult Program;
- Training and Employment Notice # 15-10 – Protocol for Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or in part by the U.S. Department of Labor (DOL);
- Virginia Board of Workforce Development Policy 600-01 (2016), Veterans’ Priority of Service;
- VWL 18-04 Change 2 Priority of Service



BACKGROUND

WIOA mandates, under the Adult Formula funds, priority of service be given to those who are veterans and their eligible spouses, those who are basic skills deficient, those who receive public assistance, and those who are low income individuals, therefore all services under the umbrella of individualized services shall be first granted to those cohorts identified above.

DEFINITIONS

For the purpose of this policy, the following definitions apply.

Priority of Service – is when an eligible individual receives access to a service earlier in time than an individual not in a priority group or, if the resource is limited, the person in the priority group receives access to the service instead of a person outside any priority group.

WIOA Priority Groups - The WIOA Title I Adult program has a statutory priority of service criteria for individuals who are:

- i. Recipients of public assistance (SNAP, TANF or SSI recipient within the last 6 months); or
- ii. Other low-income individuals including an individual with a disability whose own income meets the income requirement of item above, but who is a member of a family whose income does not meet the requirement; or
- iii. Individuals who are basic skills deficient.
- iv. Family Income at or below the Poverty Line or 70% of the Lower Living Standard Income Level (LLSIL), whichever is greater;
- v. Be Low Income Home Energy Assistance Program, Subsidized Child Care Benefits, or Refugee Assistance recipient;
- vi. Homeless; or
- vii. Individuals with a felony conviction (Dishonorable Discharge is excluded from this category);

Other Definitions:

Adult: a person who is 18 years of age or older.

Basic Skills Deficient: WIOA Sec 3(5)(B) The term “basic skills deficient” means, with respect to an Individual:

- A. who is a youth, that the individual has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or
- B. who is a youth or adult, that the individual is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual’s family, or in society.

Covered Person: is a Veteran or eligible spouse who met the required Priority of Service criteria.

Eligible Spouse: the spouse of any of the following:

- A. Any veteran who died of a service-connected disability
- B. Any veteran who has a total disability resulting from a service-connected disability
- C. Any veteran who dies while a disability so evaluated was in existence
- D. Any member of the Armed Forces serving active duty who, at the time of application for assistance, is listed, pursuant to section 556 of title 37 and regulations issued by the Secretary concerned, 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.

Low -Income Individuals – The term “low-income individual” means an individual who;

- 1. Is in a family with total family income that does not exceed the higher of:
 - a. the poverty line; or
 - b. 70 percent of the lower living standard income level;
- 2. Is a homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6), or a homeless child or youth (as defined under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a (2));
- 3. Receives or is eligible to receive a free or reduced-price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);
- 4. Is a foster child on behalf of whom State or local government payments are made; or
- 5. Is an individual with a disability whose own income meets the income requirement of clause (1), but who is a member of a family whose income does not meet this requirement;
- 6. Is a youth who lives in a “high poverty area” defined in WIOA sec. 3(36)

Individuals with Barriers to Employment:

- 1. Displaced homemakers
- 2. Low-income individuals
- 3. Indians, Alaska Natives, and Native Hawaiians
- 4. Individuals with disabilities including youth who are individuals with disabilities
- 5. Older individuals (55 and older)
- 6. Ex-offenders
- 7. Homeless individuals (as defined in the Violence Against Women Act), or homeless children and
- 8. youths (as defined in the McKinney-Vento Homeless Assistance Act)
- 9. Youth who are in, or have aged out of, the foster care system.
- 10. Individuals who are English language learners, individuals who have low levels of literacy, and
- 11. individuals facing substantial cultural barriers
- 12. Eligible migrant and seasonal farmworkers
- 13. Individuals within two years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (TANF)
- 14. Single parents (including single pregnant women)



15. Long-term unemployed individuals
16. Such other groups as the Governor involved determines to have barriers to employment [WIOA Sec. 3(24)]

Non-Covered Person: Refers to an individual who isn't a veteran or eligible spouse, and who may or may not be in the WIOA priority groups.

Recipients of Public Assistance: These are individuals who receive, or, in the past six months received, or are a member of a family that is receiving or in the past six months has received, assistance through one or more of the following:

1. Supplemental Nutrition Assistance Program
2. Temporary Assistance for Needy Families
3. Supplemental Security Income
4. State or local income-based public assistance

Veteran: a person who served in the active military, naval or air service, and who was discharged or released under conditions other than dishonorable.

LOCAL POLICY

It should be noted that the term “priority of service” refers to a preferential ranking. It conveys the idea that higher consideration should be applied to a given population, such as recipients of public assistance, low-income individuals and Veterans and eligible spouses, including widows and widowers, when providing individualized and training services.

Applying Priority of Service

In accordance with federal and state policy, veterans and eligible spouses are given priority of service for the receipt of employment, training and job placement services under all DOL funded job training programs and services, including WIOA Title I programs.

Virginia Career Works Centers must prominently display, in all public areas, signage that informs individuals of the priority of service for veterans and eligible spouses.

In addition to veterans and eligible spouses, the WIOA Title I Adult program has three mandatory priority populations, the WIOA Priority Groups. For programs that do not have mandatory priority populations (such as the WIOA Dislocated Worker program), veterans always receive first priority followed by all other participants. All individuals meeting the priority of service, including veterans, must still meet the individual program's eligibility criteria to receive services under the respective employment and training program.

Priority of service guidelines shall determine the order of precedence for delivery of individualized career and training services to those who have **been deemed eligible** under the Adult Title I program.

Priority of service applies to the selection procedure for services, to include individualized career and training services, in the following manner: if there is a waiting list for the service, priority of service is intended to require that a person in a priority group goes to the top of that list. Once a person outside any priority group has been approved for funding and accepted/enrolled in a training class, priority of service does not allow a person in a priority group to “bump” the enrolled person from that training class. Staff will complete the WIOA Priority of Service status form (Attachment A) to document the Priority of Service category and maintain the form in the customer’s file.

When programs are statutorily required to provide priority to a particular group of individuals, as described above, priority must be provided in the following order:

1. *First*, to veterans and eligible spouses who are also included in the WIOA Priority groups given statutory priority for WIOA Adult formula funds. This means that veterans and eligible spouses who are public assistance recipients, other low-income individuals, or individuals who are basic skills deficient would receive first priority for services provided with WIOA Adult formula funds for individualized career services and training services.
2. *Second*, to non-covered persons (that is, individuals who are not veterans or eligible spouses) who are included in the WIOA Priority groups given statutory priority for WIOA Adult formula funds.
3. *Third*, to veterans and eligible spouses who are not included in WIOA’s priority groups.
4. *Fourth*, to priority populations established by the Governor and/or Local WDB.
5. *Last*, to non-covered persons outside the WIOA Priority groups given priority under WIOA.

The established priority of service criteria outlined above does not mean that individualized career and/or training services may only be provided to recipients of public assistance, low-income individuals, and individuals who are basic skills deficient. The Bay Consortium Workforce Development Region may serve eligible individuals that do not fall into a priority group, and should focus on serving eligible individuals facing barriers to employment. However, the Department of Labor (DOL) does expects that 75% of participants should fall within these priority groups and no lower than 50.1% in any state.

COMPLIANCE

The WIOA Service Provider shall track the results of who received and who did not receive training services due to priority of service criteria. Information used to make the determination needs to be addressed in the data. This information shall be given Board Staff upon request, for monitoring purposes. A Priority of Service Verification Form (Attachment A) will be completed, a copy uploaded in applicant’s file and logged on the quarterly Priority of Service Tracking Sheet (Excel Document) for monitoring purposes.



Attachment A

Priority of Service Verification Form

Purpose: This form is to be used to document the Priority of Service category of a Title I Adult participant.

Participant's Name: _____

State ID: _____ **Participation Date:** _____

PRIORITY OF SERVICE CATEGORY: (CHECK 1 OF THE FOLLOWING):

A. Veteran or Eligible Spouse:

a. Veteran: Yes ___ No ___

b. Eligible Spouse: Yes ___ No ___

c. Meets Adult Priority Criteria:

i. Is currently receiving public assistance: Yes ___ No ___ or

ii. Is low income: Yes ___ No ___ or

iii. Is basic skills deficient: Yes ___ No ___

B. A non-veteran who:

a. Meets Adult Priority Criteria:

i. Is currently receiving public assistance: Yes ___ No ___ or

ii. Is low income: Yes ___ No ___ or

iii. Is basic skills deficient: Yes ___ No ___

C. A veteran or eligible spouse of a veteran who is not included in WIOA priority groups:

a. Yes ___

b. No ___

D. A non-veteran who is not included in WIOA priority groups:

a. Yes ___

b. No ___

E. Other priority groups identified by the Governor or the Bay Consortium Workforce Development Board. Any priority group identified must have been included in the Combined State Plan or the Local Workforce Development Area Plan.

a. Yes ___

b. No ___

Case Manager: _____

Date Completed: _____