

Priority of Service Policy/ Veteran Priority of Service Policy

Introduction – Policy Reference: WIOA Law and Regulations

20 CFR § 680.600 - What priority must be given to low-income adults and public assistance recipients and individuals who are basic skills deficient served with adult funds under title I of the Workforce Innovation and Opportunity Act?

(a) WIOA sec. 134(c)(3)(E) states that priority for individualized career services (see § 678.430(b) of this chapter) and training services funded with title I adult funds must be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient (as defined in WIOA sec. 3(5)(B)) in the local area.

(b) States and local areas must establish criteria by which the one-stop center will apply the priority under WIOA sec. 134(c)(3)(E). Such criteria may include the availability of other funds for providing employment and training-related services in the local area, the needs of the specific groups within the local area, and other appropriate factors.

(c) The priority established under paragraph (a) of this section does not necessarily mean that these services only may be provided to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient. The Local WDB and the Governor may establish a process that also gives priority to other individuals eligible to receive such services, provided that it is consistent with priority of service for veterans (see § 680.650) and the priority provisions of WIOA sec. 134(c)(3)(E), discussed above in paragraphs (a) and (b) of this section.

§ 680.650 Do veterans receive priority of service under the Workforce Innovation and Opportunity Act?

Yes, veterans, as defined under WIOA sec. 3(63)(A) and 38 U.S.C. 101, receive priority of service in all Department of Labor-funded training programs under 38 U.S.C. 4215 and described in 20 CFR part 1010. A veteran still must meet each program's eligibility criteria to receive services under the respective employment and training program. For income-based eligibility determinations, amounts paid while on active duty or paid by the Department of Veterans Affairs (VA) for vocational rehabilitation, disability payments, or related VA-funded programs are not to be considered as income, in accordance with 38 U.S.C. 4213 and § 683.230 of this chapter.

Under *WIOA*, priority requirements under the *Adult* and *Dislocated Worker* programs are given to individuals with connections to the military.

1. Veterans and eligible spouses continue to receive priority of service for all *USDOL*-funded job training programs, which include WIOA programs.
2. As described in *TEGL* 10-09 and 19-16 when programs are statutorily required to provide priority for a particular group of individuals, such as are outlined in WIOA Policies on Eligibility in the Adult Eligibility section of this policy manual, priority must be provided in the following order:
 1. First, to veterans and eligible spouses who are also included in the groups given statutory priority for WIOA Adult Formula funds.

1. This means that veterans and eligible spouses who are also recipients of *Public Assistance*, other low-income individuals, or individuals who are *Basic Skills Deficient* would receive first priority for services provided with WIOA adult formula funds.
2. Second, to non-covered persons (that is, individuals who are not veterans or eligible spouses) who are included in the groups given priority for WIOA adult formula funds.
3. Third, to veterans and eligible spouses who are not included in WIOA's priority groups.
4. Last, to non-covered persons outside the groups given priority under WIOA.
3. A *Veteran* who is eligible or spouse of an eligible veteran who is entitled to receive priority of service is a person who has 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 is a covered person.
 1. This definition includes Reserve units and National Guard units activated for Federal Service.
 2. Please reference TEGL 15-10 and 10-09 for further discussion on who is a covered person under these provisions and how to determine the status of veterans and their eligible spouses.
 4. Local areas must establish written policies and procedures to ensure priority for the populations described above for participants served in the WIOA *Adult Program*, for eligibility determinations beginning on or after July 1, 2015.
 5. Exiting service members and their spouses may be treated as dislocated workers under the following guidance.
 1. Under TEGL 22-04, service members exiting the military, including, but not limited to, recipients of Unemployment Compensation for Ex-Military members (UCX), generally qualify as dislocated workers.
 1. Dislocated Worker funds under Title I can help separating service members to enter or reenter the civilian labor force. Generally a separating service member needs a notice of separation, either a DD-214 from the Department of Defense, or other appropriate documentation that shows a separation or imminent separation from the Armed Forces qualifies as the notice of termination or layoff, to meet the required dislocated worker definition.
 2. Additionally, in most instances an individual will have to be eligible for or exhausted entitlement to unemployment compensation in order to receive dislocated worker services.
 3. In the case of separating service members, because they may be on a terminal leave from the military, it may make sense to begin providing *Career Services* while the service member may still be part of the Active Duty military, but has an imminent separation date.
 4. It is appropriate to provide career services to separating service members who will be imminently separating from the military, provided that their discharge will be anything other than dishonorable.
 5. Lastly, the *Employment and Training Administration (ETA)* policy generally dictates that a separating service member meets the dislocated worker requirement that an individual is unlikely to return to his or her previous industry or occupation.
 2. Regarding military spouses, WIOA expands the definition of dislocated workers to include military spouses who have lost employment as a direct result of a relocation to accommodate a permanent change in duty station of the spouse.
 1. Military spouses may also qualify if they are a dependent spouse of a member of the Armed Forces on active duty whose *Family* income is significantly reduced, as determined by the State or *Local Area*, because of a deployment, a call or order to active duty, a permanent change of station, or the service-connected death or disability of the service member.
 2. Military spouses also can qualify if they are unemployed or *Underemployed* and are experiencing difficulty in obtaining or upgrading employment as defined under WIOA.

Jefferson/Franklin Consortium has determined that funds for adult and dislocated worker employment and training activities may become limited. If funding becomes limited, priority shall be given to recipients of public assistance, other low-income individuals and individuals who are basic skills deficient. Priority does not mean that only those prioritized may be served, but they must be given first consideration.

For individuals in need of basic and individualized career services only, and are not in need of services that require financial support from Title I Adult Funds, staff may complete a basic WIOA enrollment for that purpose without requiring the individual's income. If it is later determined that the individual needs services that require expenditure of Title I Adult Funds,

then the delivery of these services will be based upon eligibility outlined in priority levels and the participant's income must be added to the WIOA MOJobs record.

When coordinating priority of service for Veterans with recipients of public assistance and other low income individuals **eligible veterans will receive the highest priority** defined as veterans who are recipients of public assistance and low-income veterans. Next in the priority are other non-veterans who are recipients of public assistance, low-income non-veterans, and individuals who are basic skills deficient.

If funding is available and Adult customer's income exceeds Priority Level I defined thresholds, the following policy will be follows.

Serving WIOA Adults with income exceeding 70% Department of Labor Lower Living Standard Level or Health and Human Services poverty guideline:

Recognizing the priorities available in WIOA (CFR 680.600), the Jefferson/Franklin Region will make participant funds available as stated below:

Title I WIOA Adult funds will first be allocated to Priority Level I, followed by the allocation of funds to Priority Level II and Priority level III. Title I WIOA Adult funds allocated to Priority Level II and III will be limited to 45% of Total Title I WIOA Adult Funding. In the instance that Dislocated Worker funds are transferred, and made available to Adult WIOA programs, these funds will follow the same guidelines as other Title I Adult Funds.

Priority Level I

1. An individual who receives, or is a member of a family who receives cash public assistance,
2. An individual who receives, or is a member of a family who receives or has been determined within the six months prior to eligibility determination, eligible to receive SNAP Benefits (food stamps);
3. An individual or member of a family whose annualized incomes does not exceed the higher of
 - (a) Department of Health and Human Services poverty guidelines, or
 - (b) the Department of Labor's 70 percent Lower Living Standard Income Level
4. An individual who is basic skills deficient

Priority Level II

1. An individual or member of a family whose annualized income does not exceed 250 percent of the Lower Living Standard Income Level, or
2. 250 percent of Department of Health and Human Services poverty guideline

Priority Level III

1. An individual or member of a family with a documented need for Adult Title I Services who is not eligible to receive services under Priority level I or Priority Level II listed above.