



CENTRAL REGION

Workforce Innovation and Opportunity Act (WIOA) Program Policy #101

Subject: Adult Funding and Universal Priority of Service

Effective Date: November 14, 2012

Revised: January 10, 2018

Policy Statement: The purpose of this policy is to establish priority of service provisions for WIOA Title 1 Adult funds which gives priority for services to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient who are served with WIOA adult funds.

This policy also incorporates Veterans' Preference requirements within an overall priority structure that applies to all WIOA funding received in Central Region.

Part 1- WIOA Title I Adult Funding

Background: Section 134(c) (3)(E) of WIOA establishes a priority requirement with respect to funds allocated to a local area for adult employment and training activities. Under this section, when VA Career Works Lynchburg Center staff use WIOA Adult funds to provide individualized career services, training services or both, priority must be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient in the provision of individualized career services and training services.

Under WIA priority was required to be given to public assistance recipients and low-income individuals when states and local areas determined WIOA Title 1 Adult funds were limited. However, under WIOA, priority must be implemented regardless of the amount of funds available to provide services in the local area. WIOA also expanded the priority to include individuals who are basic skills deficient. WIOA provides a focus on serving individuals with barriers to employment, and the intent of this priority in the law is to ensure access to these populations on a priority basis. Priority of Service does not apply to the dislocated worker or youth programs.

Policy: Priority of service means that individuals in the targeted groups (public assistance recipients, other low-income individuals, and individuals who are basic skills deficient) are given priority over other individuals for receipt of individualized career services and training services funded by the WIOA Title I Adult program. Veterans within these groups receive priority over non-veterans.

Adult priority is determined for the targeted groups during eligibility and enrollment priority for receipt of individualized career services and training services will be given to customers in the following order:

1. Veterans and eligible spouses who are also recipients of public assistance, other low-income individuals, or basic skills deficient will receive first priority for services provided with WIOA adult funds.

2. Non-covered persons (individuals who are not veterans or eligible spouses) who are recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient.
3. Veterans and eligible spouses who are not recipients of public assistance, not low income individuals, or who are not basic skills deficient.
4. All others not meeting the above criteria that have barriers to employment (TEGL 19-16, #9 , Priority Populations under WIOA)

Priority of service cannot be waived. (20 CFR 1010.250) and does not guarantee an individual will receive service. The individual must be eligible and able to benefit from individualized career services and/or training services. When an individual has been enrolled in a WIOA individualized career or training service, that participant may not be displaced by an individual who qualifies for priority of service.

Part 2- Veteran and Eligible Spouse's Priority of Service

Background: The Jobs for Veterans Act (JVA) of 2008 and the Veterans' Benefits, Health Care, and Information Technology Act of 2006 provides that covered Veterans and eligible spouses receive "Priority of Service." The purpose of Priority of Service is to give first consideration for program participation to covered Veterans and eligible spouses who also meet the eligibility criteria of a USDOL training, employment, or placement service in any workforce preparation program.

Policy: Veterans and eligible spouses continue to receive priority of service for all DOL-funded job training programs, which include WIOA programs. However, as described in TEGL 10-09, when programs are statutorily required to provide priority for a particular group of individuals, such as the WIOA priority for Adult funds described above, priority must be provided in the order described above. A veteran must meet each program's eligibility criteria to receive services under the respective employment and training program.

For income-based eligibility determinations and for determining priority of service, military pay or allowances 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 20 CFR 683.230.

Additionally, VA benefits for education and training services do not constitute "other grant assistance" under WIOA's eligibility requirements. Therefore, eligibility for VA benefits for education or training services do not preclude a veteran or the veteran's eligible spouse from receiving WIOA funded services, including training funds. Similarly, Central Region program operators may not require veterans or spouses to exhaust their entitlement to VA funded training benefits prior to allowing them to enroll in WIOA funded training.

Definitions:

The term “Priority of Service” means, with respect to any qualified job training program, that a covered person shall be given priority over non-covered person for the receipt of employment, training and placement services provided under that program, notwithstanding any other provisions of the law.

“Covered Person” – as defined in section 2(a) of the Jobs for Veterans Act (JVA) of 2008 means a veteran or eligible spouse. A veteran is defined as a person who served at least one day in the active military, naval, or air service and who was discharged under conditions other than dishonorable, as specified in 38 U.S.C. 101(2).

“Eligible Spouse” - as defined in section 2(a) of the JVA means the spouse of any of the following individuals: 1. Any veteran who died of a service-connected disability; 2. Any member of the Armed Forces serving on active duty who, at the time of application for service under this section, is listed 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 line of duty by a foreign government or power; 3. Any veteran who has a total disability resulting from a service-connected disability as evaluated by the Department of Veterans Affairs; 4. Any veteran who died while having a disability, as indicated in bullet (3) of this definition was in existence.¹ A spouse whose eligibility is derived from a living veteran or service member (i.e., category 2 or 3 above) 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.

“Low-income individual” is an individual who: 1. Receives, or is a member of a family that receives, cash payments under a Federal, State, or local income-based public assistance program; 2. Received an income, or is a member of a family that received a total family income, for the six-month period prior to application for the program that, in relation to family size, does not exceed a. The Federal Poverty Line for an equivalent period; or b. 70 percent of the Lower Living Standard Income Level (LLSIL). 3. Is a member of a household that receives food stamps; 4. Qualifies as a homeless individual; 5. Is a foster child; 6. Receives, or is eligible to receive a free or reduced price lunch; or 7. Is an individual with a disability whose own income meets the requirements of this clause, but who is a member of a family whose income does not meet requirement.

“Basic skills deficient” is an individual who 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. An adult may be assessed as basic skills deficient through case manager observations and documented in case notes. For example, the career planner may observe that the adult is not able to read or fill out an application form, or does not have basic computer literacy. A case manager may also document basic skills deficiency using any one of the following: a basic skills assessment, school records, referral or records to a Title II Adult Basic Education Program or referral or records to an English Language Learner Program.