

Policy and Procedure

Title:	Priority of Services	Number:	OP 13-03
Effective Date:	07/25/2013	Revisions:	8.22.18

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.

Reference

- WIOA Section 134(b)(3)(E);
- Jobs for Veterans Act (JVA) of 2002;
- 20 CFR Parts 676, 677, and 678 - Workforce Innovation and Opportunity Act; Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions; Final Rule
- TEGL 19-16 (Guidance on delivering services under the Adult and Dislocated Worker Programs under WIOA Title I and individuals served by the ES program, as amended by WIOA Title III under the WIOA Final Rule.
- VBWD Policy 600-01

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. **The above priority established does not mean that these services may only be provided to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient.**

Priority for receipt of individualized career services and training services will be given to customers in the following order:

1. Covered Persons (veterans and eligible spouses) who are:
 - **Low income** (attachment A) (as defined by WIOA Sec. 3(36)), or
 - Recipients of public assistance, or
 - Who are basic skills deficient.
2. Individuals (non-covered persons) who are:
 - **Low income** (attachment A)(as defined by WIOA Sec. 3(36)), or
 - Recipients of public assistance, or
 - Who are basic skills deficient.
3. Veterans and eligible spouses who are:
 - Not low income, and
 - Not recipients of public assistance, and
 - Not basic skills deficient.
4. Priority populations established by the Local WDB which include individuals whose income is less than the “Living Wage” as calculated by the MIT Living Wage Calculator Tool. (attachment B)

Priority of service cannot be waived. (20 CFR 1010.250) Priority of service does not guarantee that by virtue of his/her status an individual will always receive service. The individual must be eligible and able to benefit from the services. (20 CFR 680.600(b)) Once another participant is enrolled in a WIOA individualized career or training service, that participant may not be displaced by an individual who qualifies for priority of service.

Definitions:

"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 VBWD Policy 600-01 means the spouse of any of the following individuals:

1. Any veteran who died of a service-connected disability;
2. Any veteran who has a total disability resulting from a service-connected disability
3. Any veteran who died while a disability so evaluated was in existence
4. Any member of the Armed forces serving on active duty who, at the time of application for assistance, is listed, pursuant to section 556 of title 37 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:
 - 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.

"Low-income individual" is an individual who:

1. Receives, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the program of block grants to States for temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C 601 et seq.), or the supplemental security income program established under title XCVI of the Social Security Act (42 U.S.C 1381 et seq.), or State or local income-based public assistance;
2. Is in a family with total family income that does not exceed the higher of
 - a. The Federal Poverty Line for an equivalent period; or
 - b. 70 percent of the Lower Living Standard Income Level (LLSIL); or
 - c. Is less than the "living wage" as calculated by the MIT Living Wage Calculator Tool.
3. 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. 1143a(2)));
4. Receives or is eligible to receive free or reduced price lunch under the Richard B. Russell National School Act (42 U.S.C. 1751 et seq) (**does not apply to Adults**);
5. Is a foster child on behalf of whom State or local government payments are made;
6. 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 requirements?

An individual who is "*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 A Career Specialist may document basic skills deficiency using any one of the following:

1. Basic skills assessment questions or test results (CASAS, TABE)
2. School records
3. Referral or records from a title II Adult Basic Education program
4. Referral or records from an English Language Learner program

Lacking soft skills or specific skills needed for a particular job may not be used to determine an otherwise high- functioning individual as basic skills deficient.

Date approved by Board:

8-22-18

Signed by:


Jeff Stapel, Chair

Revisions:

August 22, 2018