Policy Letter #4

TO: **All Mid-Carolina Workforce Development Board Service Providers**

FROM: **Samantha Wullenwaber, Director**

SUBJECT: **Priority of Service Policy**

PURPOSE

To provide guidance on the requirements for providing priority of service to all covered persons and identified populations.

BACKGROUND

The Workforce Innovation and Opportunity Act (WIOA) establishes a priority requirement for the use of funds allocated to the Local Area for certain adult employment and training activities. Priority of service must be given to recipients of public assistance, low-income individuals, and those who are basic skills deficient, regardless of the amount of funds available to provide services. These priorities are in addition to the requirements that veterans and their eligible spouses receive.

To comply with WIOA and the U.S. Department of Labor (USDOL) requirements, the Division of Workforce Solutions (DWS) requires at least 50.1% of the individuals enrolled in WIOA Title I Adult meet the criteria of at least one of the priority of service categories. States that continuously do not meet the mandated goal may be subject to findings or corrective action (USDOL Training and Employment Guidance Letter (TEGL) 07-20).

Recipients of public assistance, individuals who are basic skills deficient, or those identified as being low-income, as these categories are further defined below, represent some of the workforce system's most in need participants, and are the three priority groups that WIOA specifically mandates are entitled to receive priority of service (in addition to veterans and eligible spouses) for individualized career or training services under the WIOA Adult program.

Definitions:
Low-Income Individual (WIOA Section 3(36)): A low-income individual is defined as a person who meets any of the following criteria and will satisfy the low-income requirement for WIOA Title I Adult services:

1. Recipients of Public Assistance: Individuals who receive, or in the past six months have 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:
   - Supplemental Nutrition Assistance Program (SNAP);
   - Temporary Assistance for Needy Families (TANF) program;
   - Supplemental Security Income (SSI) program; or
   - State or local income-based public assistance.

2. Other low-income individuals include:

- individuals in a family with a total income below 70% of the lower living standard income level;
- homeless;
- foster youth; or
- individuals with disabilities with an income below 70% of the lower living standard income level.

A youth 18 or older, who was determined to be a low-income individual eligible for the WIOA Title I Youth program, may be co-enrolled in the WIOA Title I Adult program without an additional determination of eligibility. They may be counted as an individual who meets adult priority of service if the original determination was made no more than six months prior to the date of co-enrollment. Under WIOA, an individual with a disability, whose family does not meet income eligibility criteria, will qualify for priority as a low-income adult.

Basic Skills Deficient Individual (WIOA Section 3(5)): The term "basic skills deficient" is defined as a youth or adult who is unable to compute or solve problems, or read, or write, or speak English, at a level necessary to function on the job, in the individual's family, or in society. It is expected that any such basic skills deficiencies will be determined by an objective, valid, and reliable assessment such as the Comprehensive Adult Student Assessment Systems (CASAS) or Tests of Adult Basic Education (TABE). If the Local Area WDB determines the priority of service will also be based on basic skills deficient criteria, then the participant's file must contain academic tests (including the participant's name, date of test, and results). The Local Area WDB may, but is not required to, use assessments approved for use in the Department of Education's National Reporting System (NRS).

The priority of service for public assistance recipients, other low-income individuals, and individuals who are basic skills deficient is a statutory priority that applies only to the recipient of individualized career and training services in the WIOA Title I Adult program. Local Area WDBs may add additional categories to give priority to other individuals for the Title I Adult program.

In accordance with guidance provided by 20 CFR part 680, TEGLs 19-16 and 07-20, North Carolina and Local Areas must apply priority of service in the order listed below:

1. First, to veterans and eligible spouses (who also are included in the groups given statutory priority for WIOA adult formula funds). This means that veterans and eligible spouses who also are 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 (individuals who are not veterans or eligible spouses) who are included in the groups given priority for WIOA adult formula funds (recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient as described above).
3. Third, to veterans and eligible spouses who are not included in WIOA's priority groups.

4. Fourth, to any other populations identified by the Governor or Local Area WDB for priority.
5. Last, to non-covered persons outside the groups given priority under WIOA.

***Note**: When past income is an eligibility determinant for federal employment or training programs, any amounts received as military pay or allowances by any person who served on active duty, and certain other specified benefits, must be disregarded for the veteran and for other individuals for whom those amounts would normally be applied in making an eligibility determination. Military earnings are not to be included when calculating income for veterans or transitioning service members for this priority.*

ACTION

Priorities of service for individualized career and training services means the right of eligible covered persons to take precedence over eligible non-covered persons in obtaining these services. Taking precedence may mean that eligible covered individuals receive access to the service or resource earlier in time than the non-covered individual; or if the service or resource is limited, the eligible covered individual would receive access to the service or resource instead of or before an eligible non-covered individual.

Veterans and eligible spouses are given a services intake form to determine their eligibility for priority of services provided by Disabled Veterans' Outreach Program (DVOP) Specialists. Based on their responses to the questionnaire they may receive services from a DVOP Specialist or an NCWorks Career Advisor. Veterans and eligible military spouses will receive the first level of priority of service in universal access programs and services delivered through NCWorks Career Centers for all USDOL funded programs, including the Wagner-Peyser and WIOA Programs.

At the initial meeting with the veteran representative or Career Advisor, veteran or eligible spouse customers will be made aware of their entitlement to priority of service and the full array of services available including applicable eligibility requirements for programs and/or services.

Individuals that are not veterans or eligible spouses but may fall into the groups given priority for WIOA formula funds will be interviewed to determine their eligibility for priority of service. If it is determined that they fall within one of the groups given priority for WIOA formula funds, they are made aware of their entitlement to priority of service and the full array of services available including applicable eligibility requirements for programs and/or services.

WIOA Service Providers will be expected to ensure that a sufficient number of adults receiving individualized career and training services in the Local Area are from one of the priority of service categories (public assistance, low-income individuals, and individuals who are basic skills deficient) as outlined in attachment A of this policy. To assist with tracking, service providers can run the Priority Summary reports for Adult and Dislocated Worker on NCWorks Online. These reports can be accessed on NCWorks Online under detailed reports, case management – program specific, WIOA Title I, Priority Summary – Adult and/or Priority Summary – Dislocated Worker.

The Final Rule does not change or add to pre-existing program requirements regarding verification of the eligibility of a veteran or eligible spouse. It is neither necessary nor appropriate for program operators to require verification of the status of a veteran or eligible spouse at the point of entry unless the individual who self-identifies as a veteran or eligible spouse:

a. is to immediately undergo eligibility determination and be registered or enrolled in a program; and
b. the applicable federal program rules require verification of veteran or eligible spouse status at that time.

Even in those instances in which eligibility determination and enrollment occur at the point of entry, a veteran or eligible spouse should be enrolled and provided immediate priority and then be permitted to follow up subsequently with any required verification of his or her status as a veteran or eligible spouse.

When programs are statutorily required to provide priority for a particular group of individuals, priority must be provided in the following order (per TEGL 10-09):

1. Veterans and eligible military spouses who are also included in the groups given statutory priority for WIOA adult formula funds. 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 receive priority for services provided with WIOA adult formula funds.
2. Non-covered individuals (those who are not veterans or eligible spouses) who are included in the groups given priority for adult formula funds.
3. Veterans and eligible spouses who are not included in WIOA's priority groups.
4. Non-covered individuals outside the groups are given priority under WIOA.

Priority for services does not preclude service to individuals who are not low-income or not receiving public assistance or not a veteran but rather establishes the order of precedence for service as provided in WIOA section 134(b)(3)(E).

PRIORITY OF SERVICE

Priority of service means, with respect to applicable WIOA programs, certain populations will be given priority over others (as indicated below) for the receipt of certain employment, training, and placement services provided under WIOA. Veterans within these groups receive priority over non-veterans.

In accordance with guidance provided by 20 CFR part 680, TEGLs 19-16 and 07-20, priority of service will be applied in the order listed below for individuals that receive individualized career services and training services under WIOA:

1. First, to veterans and eligible spouses (who also are included in the groups given statutory priority for WIOA adult formula funds). This means that veterans and eligible spouses who also are 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 (individuals who are not veterans or eligible spouses) who are included in the groups given priority for WIOA adult formula funds (recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient as described above).
3. Third, to veterans and eligible spouses who are not included in WIOA's priority groups.
4. Fourth, to any other populations identified by the Governor or Local Area WDB for priority. The Local Area has not identified any additional categories to give priority to other individuals for the Title I Adult program.
5. Last, to non-covered persons outside the groups given priority under WIOA.

REFERENCES

TEGL 10-09: Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or part by the USDOL

TEGL 19-16: Guidance on Services provided through Adult and Dislocated Worker Programs under the WIOA and WP Employment Service, as amended by title III of WIOA, and for Implementation of the WIOA Final Rules

TEGL 26-13: Eligibility and Services Provided Under Workforce Grants Administered by the E & T Administration

OG 27-2021, Change 1: Priority of Service for Adults

OG 19-2021: Priority of Service for Veterans and Eligible Spouses in all U.S. DOL Job Training Programs

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REVISION DATES

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