



Mississippi Valley Workforce Development Board

Priority of Service Policy

Approved Date: April 26, 2021

Effective Date: April 26, 2021

Amended Date: N/A

A. Purpose

1. To provide guidance and establish the procedures regarding priority of service for veterans, recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient served with Workforce Innovation and Opportunity Act (WIOA) funds.

B. Background

1. WIOA establishes a priority requirement for the use of funds allocated to a local area for certain adult employment and training activities. Under WIOA sec.134(c)(3)(E), American Job Center (AJC) staff, when using WIOA Adult program funds to provide individualized career services and training services, must give priority of service to recipients of public assistance, low-income individuals, and individuals who are basic skills deficient (including English language learners).
2. AJC staff must prioritize services to these populations at all times, regardless of the amount of funds available to provide services in the local area.
 - a. These priorities are in addition to the requirements in the WIOA regulations at 20 CFR 680.650 that veteran and their eligible spouses receive priority of service for all Department of Labor (DOL)-funded job training programs, including the WIOA Adult program.
 - b. A veteran must meet each program's eligibility criteria to receive services under the respective employment and training program.

C. Definitions

1. Priority of Service
 - a. Priority of Service is defined as the right of eligible covered persons to take precedence over eligible non-covered persons in obtaining DOL-funded services. It is important to understand that Priority of Service does not change the intended function of a program or service. Covered persons must meet all statutory eligibility and program requirements for participation in order to receive priority for a program or service.
2. Recipients of Public Assistance

- a. For the purposes of WIOA, a public assistance recipient includes an individual (or an individual who is part of a family) currently receiving, or who in the past 6 months has received assistance through (any of the following programs):
 - i. Supplemental Nutrition Assistance Program (SNAP)
 - ii. Temporary Assistance for Needy Families (TANF)
 - iii. Supplemental Security Income (SSI); or
 - iv. Refugee Cash Assistance (RCA)
 - v. Any other State or local income-based public assistance

3. Low-Income Individuals

- a. WIOA sec. 3(36) defines a low-income individual as someone who receives public assistance as described above or:
 - i. receives, or in the past 6 months has received, 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 XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or State or local income-based public assistance;
 - ii. is in a family with total family income that does not exceed the higher of (I) the poverty line; or (II) 70 percent of the lower living standard income level;
 - iii. is a homeless individual (as defined in Section 41403(6) of the Violence Against Women Act of 1994 (42.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)));
 - iv. 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.);
 - v. is a foster child on behalf of whom State or local government payments are made; or
 - vi. is an individual with a disability whose own income meets the income requirement of clause (ii), but who is a member of a family whose income does.

Note- A participant imprisoned or detained under an Act of Congress or State law does not meet the definition of homelessness. Additionally, a participant who may be sleeping in a temporary accommodation while away from home should not, as a result of that alone, be recorded as homeless.

4. Individuals Who Are Basic-Skills Deficient

- a. An individual is considered basic skills deficient when they meet one of the following:
 - i. Lack a high school diploma or equivalency and is not enrolled in secondary education; or
 - ii. Is enrolled in Title II adult education (including enrolled for English Language Acquisition); or
 - iii. Has poor English-language skills and would be appropriate for ESL, even if the individual isn't enrolled at the time of WIOA participation; or

- iv. The career planner makes observations of deficient functioning, and, as justification, records those observations in the data management system; or
- v. Scores below 9.0 grade level (8.9 or below) on the Test of Adult Basic Education (TABE); Comprehensive Adult Student Assessment Systems (CASAS) or other allowable assessments as per National Reporting System (NRS) developed by the U.S. Department of Education's Division of Adult Education and Literacy; or
- vi. Individual does not earn the National Career Readiness Certificate (NCRC) (e.g., one or more of the scores are below a Level 3 on the Workplace Documents, Applied Math, or Graphic Literacy assessments).

D. Application of Priority

1. According to Department of Labor (DOL) veterans and eligible spouses receive priority of service for all DOL-funded job-training programs, which include WIOA programs.
2. In the WIOA Adult and Dislocated Worker Programs, the current law requires that priority for individualized career and training services be given as shown below when adult funds allocated to a local area are limited:
 - a. To veterans and eligible spouses who are included in the groups given statutory priority for WIOA Adult formula funding.
 - i. 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 first priority for services with WIOA Adult formula funds for individualized career services and training services.
 - b. 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.
 - c. To veterans and eligible spouses who are not included in WIOA's priority groups.
 - d. The MVWDB has defined the fourth priority to cover people with disabilities.
 - e. Last, to non-covered persons outside the groups given priority under WIOA."

Note: 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.

3. Individuals with Barriers to Employment
 - a. Individuals with barriers to employment may include:
 - i. Displaced homemakers
 - ii. Indians, Alaska Natives, and Native Hawaiians
 - iii. Individuals with disabilities, including youth who are individuals with disabilities
 - iv. Older individuals (age 55 and older)
 - v. Ex-offenders
 - vi. Youth who are in or have aged out of the foster care system
 - b. Individuals who are:
 - i. English language learners

- ii. Individuals who have low levels of literacy (an individual is unable to compute or solve programs, or read, write, or speak English at a level necessary to function on the job, or in the individual's family, or in society); and
- iii. Individuals facing substantial cultural barriers
- iv. Eligible migrant and seasonal farmworkers
- v. Individuals within two years of exhausting lifetime TANF eligibility
- vi. Single parents (including single pregnant women)
- vii. Long-term unemployed individuals (unemployed for 27 or more consecutive weeks)
- viii. Underemployed Individuals.

E. Underemployed Individuals

1. In addition to providing career and training services to individuals who are unemployed, there must be programming provided for the significant number of job seekers who are underemployed.
 - a. Unemployed individual - An individual who is without a job, able to work, and is available for work.
 - b. The determination of whether an individual is without a job is made in accordance with the criteria used by the Bureau of Labor Statistics in defining individuals as unemployed.
2. The definition of underemployed is an individual who is:
 - a. Not employed in career of choice, or a low skilled position;
 - b. Employed less than full-time but is seeking full-time employment;
 - c. Working multiple jobs to earn a livable salary;
 - d. Employed in a position that is inadequate with respect to their skills and training;
 - e. Employed but earns under the local economic self-sufficiency wage;
 - f. Employed, but whose current job earnings are not sufficient compared to their earnings from their job of dislocation;
 - g. An individual who is unemployed and does not meet the Dislocated Worker eligibility criteria.
3. A minimum of 60% of WIOA Adult Title 1 participants will be served under priority of service categories 1, 2, and 3. A maximum of 40% of WIOA Adult Title 1 participants will be served under the 4th and Fifth Priority of service categories. Any changes in these percentages will need to be approved by the MVWDB executive committee.

F. Veterans Qualification:

1. A veteran is a person who served at least one day in the active military, naval, or air service, and who was discharged or released for conditions other than dishonorable.
2. Active service includes full-time Federal service in the National Guard or a Reserve component.
3. This definition of "active service" does not include full-time duty performed strictly for training purposes (i.e., that which often is referred to as "weekend" or "annual" training), nor does it include full-time active duty performed by National Guard personnel who are

mobilized by state rather than Federal authorities, such as mobilization in response to events such as natural disasters).

G. Eligible Spouse Qualification (must meet one of the qualifications below):

1. A spouse of any veteran who died or has a service-connected disability; or
2. A spouse of any member of the Armed Forces serving on active duty who, at the time of application for priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:
 - a. Missing in action; or
 - b. Captured in the line of duty by a hostile force; or
 - c. Forcibly detained or interned in the line of duty by a foreign government or power; or
 - d. A spouse of a veteran who has a total disability resulting from service- connected disability, as evaluated by the Department of Veteran Affairs; or
 - e. A spouse of any veteran who died while a disability was in existence.
3. The processes for identifying covered persons will not require verification of the status of an individual as a covered person at the point of entry unless they immediately undergo eligibility determination and enrollment in a program.
4. A covered person may be enrolled and given immediate priority and then be permitted to follow-up subsequently with any required verification of his/her status as a covered person.

H. Priority of Service will be ensured by:

1. Identifying veterans and other covered persons using the acceptable documentation.
2. Coordinating service delivery, outreach, employer and all other related activities with Local Veterans Employment Representative (LVER) and Disabled Veterans Outreach Program (DVOP) staff.
3. Identifying employers who are interested in hiring veterans.
4. Promoting job fairs for veterans and eligible spouses.
5. Assisting veterans and eligible spouses before other customers.
6. IowaWORKS allows registered Veterans to view job postings 24 hours before the public.
7. Service providers will work with the LVER and DVOP specialists to encourage additional referrals to the WIOA programs for veterans.

Equal Opportunity Programs/Employer – Auxiliary aids and services available upon request for individuals with disabilities