



## Workforce Innovation and Opportunity Act

# Priority of Service Policy

No individual in the United States may, on the basis of race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship or participation in any WIOA Title I-financially assisted program or activity, be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any WIOA Title I-financially assisted program or activity.



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"Equal opportunity employment/program. Auxiliary aids and services are available upon request to individuals with disabilities."

## Priority of Service Policy

### I.PURPOSE:

The purpose of this policy is to provide guidance to the Northeast Workforce Development Area (NEWDA) system partners for the implementation of Priority of Service (POS) under the WIOA Title I Adult and Dislocated Worker programs. This establishes the Northeastern Workforce Development Board (NEWDB) standards in implementing POS in accordance with applicable State and Federal laws, rules and regulations. Review of this policy and subsequent revisions may be necessitated as a result of changes or additions to current Federal or State guidance.

### II.BACKGROUND:

Under WIOA, priority must be given to eligible Veterans and their Spouse's, 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. Priority must be provided regardless of the level of funds received by the local Board under the following definitions:

#### A. The Statutory Priority for Adult Funds

When using WIOA Adult funds to provide individualized career services and/or training services, Oklahoma Works One-Stop Center staff must give priority to, public assistance recipients, other low-income individuals (as defined in WIOA Section 3(36)), and individuals who are basic skills deficient (as defined in WIOA 3(5)). English language learners meet the criteria for "basic skills deficient" and must be included in the priority populations for the title I Adult programs.

#### B. Priority Populations under WIOA

Priority and special populations for the Adult and DLW programs are addressed at 20 CFR §§ 680.600 through .660.

The term "individual with a barrier to employment" means a member of one or more of the following populations:

- Low-income individuals;
- Veterans and Eligible Spouses
- Indians, Alaska Natives, and Native Hawaiians;
- Individuals with disabilities, including youth who are individuals with disabilities (as defined in sec. 3 of the Americans with Disabilities Act of 1990 (42 USC 12102) and individuals who are in receipt of Social Security Disability Insurance);
- Older individuals (age 55 and older);
- Ex-offenders;
- Displaced homemakers;
- Homeless individuals (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))), or homeless children and youths (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)));
- Youth who are in or have aged out of the foster care system;
- Individuals who are:
  - English language learners (29 USC 3272(7));
  - Individuals who have low levels of literacy (for example, an individual who 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
- Individuals facing substantial cultural barriers;
- Eligible migrant and seasonal farmworkers (as defined in WIOA 167(i)(1-3));
- Individuals within two years of exhausting lifetime TANF
- Single parents (including single pregnant women); and
- Long-term unemployed individuals (unemployed for 27 or more consecutive weeks).

#### C. Veterans and Adult Priority

Veterans and eligible spouses continue to receive priority of service for all DOL-funded employment training programs, which include WIOA programs. As for the DLW program, the only priority of service is the veteran's priority of service. **A veteran must, however, 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.

**Legal Use of Federal Funds:** WIOA funds may not be used to help employers to fill positions that promote or support the use, possession or distribution of marijuana.

#### III. REFERENCES:

WIOA Section 134(c)(3)(E) of WIOA  
 WIOA Section 3(36) low-income individuals  
 WIOA 3(5) basic skills deficient  
 20 CFR §§ 680.600 through .660  
 OWDI# 19-2017 CHANGE 1 A/DLW

**BABEL NOTICE:** (29CFR 38.9(g)(3)): This document contains vital service information. If English is not your preferred language, please contact:

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To enable telephone conversation between people with speech or hearing loss and people without speech or hearing loss please call Oklahoma Relay at 711(<http://www.oklahomarelay.com/711.html>) or TDD/TTY: 800-722-0353

#### IV. POLICY PRIORITY OF SERVICE (POS):

Priority of Service establishes the parameters under which adults and dislocated workers may be determined eligible for Title I services under the WIOA. In order to manage available WIOA funds, the NEWDB focuses efforts on individuals who are determined low income (meaning continuous

priority of service) when determining eligibility for Adult/DLW services. While WIOA allows for funding of individuals not meeting the priority standards, such determinations must be approved by NEWDB Executive Director prior to expenditure of funds.

#### 4.1 POS Determination

Under WIOA, **The Statutory Priority for Adult Funds, Section 134(c)(3)(E)**, establishes a priority requirement with respect to funds allocated to a local area for adult employment and training activities. **Priority Populations under WIOA**, across all titles, focuses on serving individuals with barriers to employment and seeks to ensure access to quality services for these populations. **Veterans and Adult Priority under WIOA**, establishes that Veterans and eligible spouses continue to receive priority of service for all DOL-funded employment training programs.

Career Managers are responsible for ensuring Priority of Service determination are conducted in accordance with this policy. **Due to the statutorily required priority for Adult funds, priority must be provided in the following order:**

- ***First, to veterans and eligible spouses*** who are also included in the groups given statutory priority for WIOA Adult formula funding. 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 provided with WIOA Adult formula funds for individualized career services and training services.
- ***Second, to non-covered persons*** (i.e., individuals who are not veterans or eligible spouses) who are included in the groups given priority for WIOA Adult formula funds. This means adults and dislocated workers who are recipients of public assistance, low-income, and/or basic skills deficient
- ***Third, to veterans and eligible spouses*** who are not included in WIOA's priority groups, meaning they are not recipients of public assistance, not low-income, and not basic skills deficient
- ***Fourth, to non-covered persons*** who are not included in groups given priority for WIOA Adult formula funds, such as persons living within a designated Promise Zone or high poverty area., and/or underemployed individuals.
- ***Last, to non-covered persons*** outside the groups given priority under WIOA, such as individuals who are both, not low-income and not earning a self-sufficient wage.

Note: Priority 4-5 require may be enrolled on a case by case basis only with NEWDB Executive Director approval. In cases where an individual is qualifying for Title I funds under priority 4-5 all supporting documentation must be submitted to NEWDB as part of the approval process.

#### 4.2 Further Military Consideration in Determining POS:

- When **past** income is an eligibility determinant for any Federal employment or training program, including the title I Adult and DLW 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 in making an eligibility determination. This applies to the veteran and to other individuals for whom those amounts would normally be applied, e.g., the military spouse. Military earnings are not to be included when calculating income for veterans or transitioning service members for priority of service, in accordance with 38 U.S.C. 4213.

To further clarify, 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, WIOA 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.

- **Serving Separating Service Members and Military Spouses with Dislocated Worker Funds**  
Service members exiting the military, including, but not limited to, those who receive or are eligible for Unemployment Compensation for Ex-Military members (UCX), generally qualify as dislocated workers. Dislocated Worker funds under title I can help separating service members to enter or reenter the civilian labor force. 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, to meet the required dislocated worker definition. While in most instances an individual will have to be eligible for or have exhausted entitlement to unemployment compensation in order to receive dislocated worker services, separating service members on a terminal leave from the military may be provided career services while the service member is still part of the Active Duty military, but has an imminent separation date, provided that their discharge will be anything other than dishonorable. It must be noted, however, that federal policy requires a separating service member to meet the dislocated worker requirement of being unlikely to return to his or her previous industry or occupation in the military.

**NOTE:** Under WIOA, there is no exclusion of payments for unemployment compensation, child support payments, and old-age survivors’ insurance benefits from the income calculations for determining if an individual is low-income. These exclusions, which were previously provided under WIA sec. 101(25), no longer apply.

**V. POLICY ADDITIONS AND CLARIFICATIONS:**

The NEWDB Executive Director is authorized to issue additional instructions, guidance, approvals, forms, etc. to further implement the requirements of this policy.

APPROVED BY:

  
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David Chaussard  
Northeast Workforce Development Board Chair

2-13-19  
Date