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POLICY # 9

Title:	Priority of Service and Self Sufficiency-Adult/DW	
Program:	Workforce Innovation and Opportunity Act	
Effective:	July 1, 2023	
Revision #:	8	Original policy date: July 24, 2015

Purpose: To establish guidelines in priority of service to customers seeking assistance through WIOA adult and dislocated worker activities.

References: WIOA §3; §133(b)(2)(A), §133(b) (3); 134(c)(3)(E); 20 CFR 680.600; ‘Jobs for Veterans Act’, PL 107-288; WorkForce WV WIOA Policy No. 2-16; WorkForce WV Guidance Notice No. 4-16, Veterans, under WIOA section 3(63)(A) and 38 U.S.C. 101; U.S.C. 4215; TEGL 19-16; TEGL 7-20; (20 CFR 675.300)

Background: WIOA specifies that priority must be implemented regardless of funds available to provide services in the local area. Priority of service must be given to **Veterans, recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient.**

In addition, WIOA allows for flexibility for local WDBs to define self-sufficiency as a basis for determining career and training services for employed or unemployed Adults and Dislocated Workers.

Policy: WIOA Basic Career Services will be provided to all individuals seeking assistance without regard to specific eligibility criteria. WIOA Career and Training services that require significant staff time or assistance will be provided to eligible individuals based on priority of service, as outlined below.

□ *Family* (20 CFR 675.300) -means two or more persons related by blood, marriage, or decree of court, who are living in a single residence, and are included in one or more of the following categories:

- (1) A married couple and dependent children;
- (2) A parent or guardian and dependent children; or
- (3) A married couple.

ADULT FUNDS

First Priority: Veterans, and or eligible spouses (covered persons) who are low-income or recipients of public assistance or are basic skills deficient.

Second Priority: Individuals (non-covered persons) who are low-income or recipients of public assistance, or individuals who are basic skills deficient.

Third Priority: Veterans and eligible spouses who are not low-income and are not recipients of public assistance or basic skills deficient.

Fourth Priority: Any other WDBMOV resident who does not meet the WDBMOV self- sufficiency definition.

Fifth Priority: Any other WDBMOV resident that does not meet the above priorities.

Individuals who are underemployed and meet the definition of a low-income individual may receive career and training services under the Adult program on a priority basis. Individuals who meet the definition of an individual with a barrier to employment (see WIOA sec. 3(24)) who are underemployed may also be served in the Adult program.

Definitions

Veteran- A person who served at least one day in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable, as specified in 38 U.S.C. 101(2).

Eligible spouse - defined at section 2(a) of the JVA (38 U.S.C. 4215[a]) means the spouse of any of the following:

- Any veteran who died of a service-connected disability
- Any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed 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;
 - Forcibly detained or injured in the line of duty by a foreign government or power;
 - Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs;

- Any veteran who died while a disability was in existence;
- A spouse whose eligibility is derived from a living veteran or service member 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- An individual who:

- 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;
- Is in a family with total family income that does not exceed the higher of—the poverty line; or 70 percent of the lower living standard income level;
- Is a homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 1403e-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)));
- Received or is eligible to receive a free or reduced lunch under the Richard B. Russell National School Lunch Act (42 U.S.C 1751 et.seq.);
- Is a foster child on behalf of whom State or local government payments are made; or
- Is an individual with a disability whose own income meets the income requirement of the higher of the poverty line; or 70% of the LLSIL, but who is a member of a family whose income does not meet this requirement.

Basic Skills Deficient – An individual unable to compute or solve problems, read, write, or speak English, at a level necessary to function on the job, in the individual's family, or in society. For WIOA purposes, the State further defines Basic Skills Deficient as an individual who:

- Lacks a high school diploma or high school equivalency and is not enrolled in secondary education;
- Enrolled in a Title II Adult Education/Literacy program;
- Reading and/or Math assessment at an 8.9 or below grade level. (Regions using WorkKeys assessment will be WorkKeys level at or below 4);
- Determined to be Limited English Skills proficient through staff-documented observations;
- Other objective criteria determined to be appropriate by the local area and documented in its required policy.

* 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.

Self Sufficiency- For the purposes of determining eligibility for receipt of a WIOA ITA, or On-the-Job training an adult is considered self-sufficient if s/he has received income or is a member of a family that has a total family income (for the six-month period immediately prior to application for WIOA services) that is 250% or above the WV Lower Living Standard Income Level (non-metropolitan) for the current Program Year. Self Sufficiency income is waived if a participant is attending a Registered Apprenticeship program funded through an Apprenticeship Training Account (ATA) or will be attending a customized training program and the employer is paying for a minimum of 51% of the training cost. An employed Dislocated Worker is considered economically self-sufficient if his or her current wage is equal to or greater than 80% of his or her wage at the time of dislocation.

DISLOCATED WORKER FUNDS

Priority of service does not apply to (DW) funded employment and training activities however, a priority of service to veterans and eligible spouses must be applied to dislocated worker (DW) funded programs.

This policy does not prohibit serving other customers but sets priority of service only.

Action: All American Job Centers (AJC) located within WDBMOV area or serving customers from WDBMOV area will be made aware of this policy. WDBMOV will direct the local One Stop Operator on application of priority of service for career and training services based on factors including, but not limited to, funding allocation, regional needs, and unique circumstances that may impact the economic climate in the WDBMOV area. Eligibility for priority of service shall be determined by the (AJC) and tracked through the WIOA Management Information System. Exceptions to this policy may be approved by the WDB Director or designee on a case-by-case basis.

Expiration Date: This policy shall be in effect until revised or canceled by the Workforce Development Board Mid-Ohio Valley.