

## West Virginia State Workforce Development Board

**Policy Area:** Administrative Provisions

**Title of Policy:** Priority of Service

**Number:** 400-01 (2024)

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**Approved by:** WV State Workforce Development Board

**Revision Date:**

### I. Purpose

This issuance provides Local Workforce Development Boards and service providers guidance on serving individuals under Priority of Service requirements in accordance with the Workforce Innovation and Opportunity Act (WIOA).

### II. Summary:

The U.S. Department of Labor (USDOL) has issued guidance requiring recipients of WIOA funds to implement two Priority of Service requirements: (1) a Veterans Priority of Service requirement for grantees of funds that operate job training programs, and (2) a Priority of Service requirement for local areas that operate the WIOA Adult program. This policy implements these two Priority of Service provisions in compliance with federal law and USDOL guidance.

This policy replaces the following WorkForce West Virginia policies:

- WorkForce West Virginia Policy 2-16 (2016), Priority of Service Policy for Adult Title I Funding
- WorkForce West Virginia Policy 4-16 (2015), Veteran Priority of Service

### III. References

- Workforce Innovation and Opportunity Act (Pub. L. 113-128)
- Section 4215 of Title 38 United States Code
- United States Department of Labor, *Workforce Innovation and Opportunity Act; Final Rule*, 20 CFR, Title V, Part 676.105
- United States Department of Labor, *Workforce Innovation and Opportunity Act; Final Rule*, 20 CFR, Part 679.560, 680.140, and 680.650
- Training and Employment Guidance Letter No. 22-04, *Serving Military Spouses as Dislocated Workers under the Workforce Investment Act Dislocated Worker Grant*
- Training and Employment Guidance Letter No. 10-16, Change 1, *Performance Accountability Guidance for WIOA Title I, Title II, Title III, and Title IV Core Programs*

- Training and Employment Guidance Letter No. 19-16, *Guidance on Services provided through the Adult and Dislocated Worker Programs under WIOA and the Wagner-Peyser Act Employment Service (ES), as amended by Title III of WIOA, and for Implementation of the WIOA Final Rules*
- Training and Employment Guidance Letter No. 07-20, *Effective Implementation of Priority of Services Provisions for Most in Need Individuals in the Workforce Innovation and Opportunity Act (WIOA) Adult Program*
- Training and Employment Notice No. 15-10, *Protocol for Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or in part by the U.S. Department of Labor*

#### **IV. Policy**

Screening an individual at the point of entry for priority of service under the Workforce Innovation and Opportunity Act (WIOA) means determining whether the individual qualifies for preferential access to certain employment and training services. Priority of service ensures that specific populations, such as veterans, low-income individuals, and those with barriers to employment, are prioritized for available resources.

Veterans priority of service applies to all WIOA-funded job training services. WIOA service providers shall have procedures in place at the point of entry to screen participants for services as priority populations.

For the WIOA Adult program, priority of service guidelines for both veterans and low-income populations, as defined by law, determine the order of precedence for delivering individualized career and training services to those deemed eligible. This priority applies to the selection procedure for services, including individualized career and training services, ensuring that individuals in a priority group move to the top of any waiting list. Once a nonpriority individual has been approved for funding and enrolled in a training class, priority of service does not allow a priority group member to displace the enrolled individual.

#### **Definitions**

- **Priority of Service:** When an eligible individual receives access to a service earlier than an individual not in a priority group, or if the resource is limited, the individual in the priority group receives access to the service instead of someone outside any priority group.
- **Adult:** A person who is 18 years of age or older.
- **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 Match assessment is at an 8.9 or below grade level; ○ Determined to be Limited English Skills proficient through staff-documents observations;
- Other objective criteria determined to be appropriate by the local area and documents in its required policy
- **Covered Person:** A veteran or eligible spouse who meets the required Priority of Service criteria.
- **Eligible Spouse:** The spouse of any of the following:
  - Any veteran who died of a service-connected disability. ○ Any veteran who has a total disability resulting from a service-connected disability. ○ Any veteran who died while a disability was in existence.
  - Any member of the Armed Forces serving on active duty who, at the time of application for assistance, is listed under section 556 of title 37 and regulations issued by the Secretary concerned, in one or more of the following categories and has been so listed for more than 90 days:
    - Missing in action,
    - Captured in the line of duty by a hostile force,
    - Forcibly detained or interned in the line of duty by a foreign government or power.
- **Low-Income Individuals:** The term "low-income individual" means an individual who:
  - Is in a family with a total family income that does not exceed the higher of:
    - The federal party line (FPL) a measure of income issued every year by the United States Department of Health and Human Services; 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. 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)));
  - 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.);
  - 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 clause (1), but who is a member of a family whose income does not meet this requirement;
  - Is a youth who lives in a "high poverty area" as defined in WIOA sec. 3(36).
  - Recipients of Income-Based Public Assistance: Individuals who receive, or have received in the past six months, or are members of a family that is receiving or has received in the past six months, assistance through one or more of the following:
    - Supplemental Nutrition Assistance Program (SNAP)
    - Temporary Assistance for Needy Families (TANF)

- Supplemental Security Income (SSI)
- State or local income-based public assistance
- **Individuals with Barriers to Employment:** Includes:
  - Displaced homemakers
  - Low-income individuals
  - Native American, Alaska Natives, and Native Hawaiians
  - Individuals with disabilities, including youth with disabilities
  - Older individuals (55 and older)
  - Offenders/Ex-offenders
  - Homeless individuals or homeless children and youths
  - Youth who are in, or have aged out of, the foster care system
  - Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers
  - Eligible migrant and seasonal farmworkers
  - Individuals within two years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (TANF)
  - Single parents (including single pregnant women) ○ Long-term unemployed individuals
  - Such other groups as determined by the Governor to have barriers to employment [WIOA Sec. 3(24)]
- **Non-Covered Person:** Refers to an individual who is not a veteran or an eligible spouse and who may or may not be in the WIOA priority groups.
- **Veteran:** A person who served in the active military, naval, or air service and who was discharged or released under conditions other than dishonorable.

For the WIOA Adult program, priority must be provided in the following order:

- **First Priority:** Veterans and eligible spouses who are also in the WIOA Priority Groups (income-based public assistance recipients, other low-income individuals, or individuals who are basic skills deficient)
- **Second Priority:** Non-covered persons (non-veterans and eligible spouses) who are in the WIOA Priority Groups
- **Third Priority:** Veterans and eligible spouses who are not in the WIOA Priority Groups
- **Fourth Priority:** Priority populations established by the Governor and/or Local Workforce Development Board (LWDB)
- **Last Priority:** Non-covered persons outside the WIOA Priority Groups

## V. Procedures

LWDBs are required to develop policies and procedures for integrating and improving the priority of service within existing service delivery strategies for the identified populations. American Job Center/One Stop managers must collaborate with their LWDBs to establish business processes that ensure priority populations are identified at the point of entry. This involves informing customers about:

- Their entitlement, or lack thereof, to priority of service;
- The full array of employment, training, and placement services available under priority of service; and
- Any applicable eligibility requirements for those programs and/or services.

At the point of entry into West Virginia's workforce development system, it is acceptable to use self-attestation for barriers to employment to be used to determine priority status. Verification of priority status is required when a customer receives individualized career or training services.

USDOL guidance states that priority of service for the WIOA Adult program sets a target of at least 75% of the state's participants receiving individualized career and training services from one of the low-income priority groups with a minimum threshold of 50.1%. WorkForce West Virginia is responsible for monitoring LWDBs to ensure they maintain this expected ratio and align with the USDOL guidance. WorkForce West Virginia will also provide technical assistance to ensure successful implementation of this measure.

When developing policies related to applying priority of service, consideration must be given to:

- The availability of other funds for providing employment and training programs;
- The needs of any locally identified priority groups in a local area, which must fall within the categories of individuals with barriers to employment as defined in WIOA and in alignment with state and local plans;
- Compliance with the 50.1-75% baseline of WIOA Adult program enrollees being members of priority groups.

WorkForce West Virginia (WFWV) is the state agency responsible for monitoring LWDBs compliance with the development and implementation of Priority of Service. Additionally, WFWV is tasked with providing technical assistance related to WIOA Title I and Title III. To support these efforts, WFWV will also issue additional guidance as needed to ensure effective implementation of Priority of Service.

WFWV can generate ad-hoc reports upon request from the State Workforce Development Board (SWDB) to provide insight into regional performance regarding priority of service. Requests must specify the desired parameters, and WFWV will deliver reports within an agreed timeframe to support SWDB decision-making and program evaluation.