



**POLICY  
NUMBER**

**105**

## **Workforce Policy**

<b>Title:</b>	<b>Priority of Service</b>
<b>Policy Type:</b>	Programmatic
<b>Program:</b>	Workforce Innovation and Opportunity Act
<b>Effective:</b>	02/20/2020

### **I. PURPOSE AND SCOPE**

The purpose of this administrative policy is to outline to local workforce development boards (LWDBs) the requirements for providing priority of service to eligible individuals under the Workforce Innovation and Opportunity Act (WIOA).

### **II. BACKGROUND**

The Workforce Innovation and Opportunity Act requires priority be given to public assistance recipients, other low-income individuals and individuals who are basic skills deficient, when providing individualized career services and training services for adult participants. The U.S. Department of Labor (USDOL) Jobs for Veterans Act (JVA) and the Veterans' Benefits, Healthcare, and Information Technology Act of 2006 outlines the Priority of Service for WIOA-eligible veterans and eligible spouses. Other eligible individuals may be served only after first serving individuals who meet the established veteran priority of service criteria. Priority of service applies to participants served in the WIOA adult program. Priority of service does not apply to participants served in the WIOA dislocated worker program.

### **III. AUTHORITY**

Public Law 113-128, Workforce Innovation and Opportunity Act, [Sections 3 and 134\(c\)\(3\)\(E\)](#)

20 Code of Federal Regulations (CFR) [20 CFR 680.600 - 680.660](#); [20 CFR 683.230](#) and [20 CFR Part 1010](#)

[Title 38, United States Code \(U.S.C.\) 4213](#)

[Training and Employment Guidance Letter \(TEGL\) No. 19-16](#) and [TEGL 10-09](#)

[Section 445.004](#), Florida Statutes

#### **IV. POLICIES AND PROCEDURES**

Priority of service means adults who meet the criteria outlined in this administrative policy must be served before other persons for the receipt of individualized career services and training services.

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

WIOA focuses on serving individuals with barriers to employment and ensures access to these services on a priority basis. LWDBs must give priority for the provision of individualized career and training services in the following sequential order:

1. Recipients of public assistance.
2. Low-income individuals. Payments for unemployment compensation, child support payments and old-age survivors' insurance are not excluded from income calculations for determining if an individual is low income.
3. Individuals who are basic skills deficient.

##### **B. Veteran and Adult Priority of Service**

Veterans and eligible spouses receive priority of service for all USDOL-funded job training programs, which include WIOA programs. However, when programs are statutorily required to provide priority for a particular group, such as the WIOA priority for adult funds described above, priority must be provided in the order described below. Veterans who receive priority of service must meet all WIOA adult program eligibility requirements. For income-based eligibility determinations, amounts paid while on active duty or paid by the Department of Veterans Affairs (VA) for vocational rehabilitation, disability payments, or related VA-funded programs cannot be considered income for eligibility purposes.

LWDBs must ensure veterans and eligible spouses are made aware of their eligibility to priority of service, the full array of workforce programs and services available to them, and any applicable eligibility requirements for those programs and services.

Priority of service must be provided to eligible WIOA adult program participants in the following order:

1. Veterans and eligible spouses who are also recipients of public assistance, other low-income individuals, including the underemployed, or individuals who are basic skills deficient.

2. Individuals who are not veterans or eligible spouses who are included in the groups given WIOA priority selection criteria, (public assistance recipient, other low-income individuals including underemployed or basic skills deficient).
3. All other veterans and eligible spouses who are not included in the WIOA priority groups (see above items 1 and 2).
4. Other individuals who do not meet the statutory priority, but who are identified as priority populations established by the Governor and/or local workforce development boards.
5. Other individuals who do not meet the statutory priority and who do not meet the Governor's or local workforce development board's discretionary priority, but who do meet the WIOA adult program eligibility.

#### **C. Veterans' Registration in Employ Florida**

A veteran's self-registration in the state's management information system, Employ Florida, will automatically record service code 089 - Notification of Veterans Priority of Service. Veterans and individuals who register in Employ Florida, or who are entered in Employ Florida by staff must be advised of their eligibility to priority of service and the code 189 must be entered on the service plan screen by staff. The 089 and 189 service codes are priority of service indicators.

#### **D. Local Operating Procedures**

Local operating procedures guide how LWDBs operationalize policies related to their priority of services. Each LWDB must develop LOPs that at a minimum:

1. Establish standardized procedures for implementing priority of service for WIOA Adult Program participants.
2. Provide comprehensive, customer-driven and seamless priority of services that offers adults, veterans and eligible spouses a full range of employment and training services.
3. Establish a process to identify additional priority individuals who are eligible to receive priority of service and ensure the process is consistent with priority of service for veterans and the provisions of WIOA.
4. Any additional priority populations identified by the LWDB or the state should be reflected in WIOA local area plan(s).

#### **E. State and Local Monitoring**

Services and activities provided under WIOA must be monitored annually for compliance by the Department of Economic Opportunity (DEO). DEO will monitor the requirements outlined in this policy and local operating procedures. Additionally, LWDBs must establish monitoring policies and procedures that include, at minimum:

1. The roles of the employer, participant and LWDB staff; and

2. Monitoring procedures of employers and worksites to ensure all parties are and remain in compliance.

LWDBs must ensure participating employers agree to cooperate with monitoring efforts by the state and/or LWDB and adhere to all other applicable local, state and federal rules and regulations.

## V. DEFINITIONS

1. **Basic Skills Deficient** – An individual who is unable to compute or solve problems, or read, write, or speak English at a level necessary to function on the job, in the individual's family or in society.
2. **Eligible Spouse** - The spouse of:
  - a. Any veteran who died of a service-connected disability.
  - b. 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:
    - i. Missing in Action.
    - ii. Captured in line of duty by a hostile force; or
    - iii. Forcibly detained or interned in line of duty by a foreign government or power.
  - c. Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs.
  - d. Any veteran who died while a disability was in existence.
3. **Low Income** – An individual who:
  - a. Receives, or in the past six months has received, or is a member of a family that is receiving or in the past six months has received, assistance through the Supplemental Nutrition Assistance Program (SNAP) 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 (TANF) 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;
  - b. Is in a family with total family income that does not exceed the poverty line; or 70 percent of the Lower Living Standard Income Level;
  - c. 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)));
  - d. 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.);
  - e. Is a foster child for whom state or local government payments are made; or

- f. Is an individual with a disability whose own income meets the income requirement, but who is a member of a family whose income does not meet this income requirement.
- 4. **Public Assistance Recipient** – An individual who receives, or in the past six months has received, or is a member of a family that receives or in the past six months has received, assistance through one or more of the following:
  - a. Supplemental Nutrition Assistance Program.
  - b. Temporary Assistance for Needy Families.
  - c. Supplemental Security Income; or
  - d. Other state or local income-based assistance.
- 5. **Veteran** – An individual who served in the active military, naval, or air service, and was discharged or released under conditions other than dishonorable. Active service includes full-time duty in the National Guard or a Reserve component, other than full-time duty for training purposes (38 U.S.C. 101(2)).
- 6. **Veteran Priority of Service** – Veterans and eligible spouses are given priority over non-covered persons for the receipt of employment, training and placement services provided under a qualified job training program. Priority means veterans and eligible spouses are entitled to precedence over non-covered persons for services. This means a veteran or an eligible spouse either receives access to a service earlier in time than a non-covered person or, if the resource is limited, the veteran or eligible spouse receives access to the services instead of or before the non-covered person.