



**WORKFORCE INNOVATION AND OPPORTUNITY ACT
(WIOA)
PROGRAM POLICY NOTICE NO. 8**

EFFECTIVE DATE: JANUARY 11, 2019

SUBJECT: PRIORITY OF SERVICES

REFERENCES.

Workforce Innovation and Opportunity Act (WIOA), July 22, 2014, §3, §133, §134, WIOA Final Rules – U.S. Department of Labor (Title I); 20 CFR §680.680; Public Law 107-28, 38 U.S.C. 4213; 20 CFR 683.230

PURPOSE.

The purpose of this policy is to provide NALWDB Service Providers general guidance regarding priority of service for the Workforce Innovation and Opportunity Act (WIOA) .

BACKGROUND.

WIOA allows local Boards to establish a Priority of Service Policy under §134(c)(3)(E) of the Act:

PRIORITY- With respect to funds allocated to a local area for adult employment and training activities under paragraph (2)(A) or (3) of §133(b), priority shall be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient for receipt of career services described in paragraph (2)(A)(xii) and training services. The appropriate local board and the Governor shall direct the one-stop operators in the local area with regard to making determinations related to such priority.

A. ADULT PRIORITY OF SERVICES

With respect to funds allocated to a local area for adult employment and training activities under paragraph (2)(A) or (3) of WIOA §33(b), priority shall be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient for receipt of career services described in paragraph WIOA §134(c)(2)(A)(xii) and training services. Low income is defined as an individual's income being at or below 100% of the LLSIL. The priority applied must follow the order outlined below in the section titled "Order of Priority".

B. General Provisions:

Across all titles, WIOA focuses on serving “individuals with barriers to employment” and seeks to ensure access to quality services for these populations. The priority populations under WIOA are:

Individuals with Barriers to Employment

The population included in the “individuals with barriers to employment” in WIOA § 3(24) include:

- (a) Displaced homemakers
- (b) Low-income individuals
- (c) Indians, Alaska Natives, and Native Hawaiians as such terms are defined in WIOA §166
- (d) Individuals with disabilities
- (e) Older individuals (55 or over)
- (f) Ex-offenders
- (g) Homeless Individuals
- (h) Youth who have aged out of the foster care system
- (i) Individuals who are English language learners; who have low levels of literacy and individuals facing substantial cultural barriers
- (j) Migrant seasonal farmworkers defined in WIOA §16(i)
- (k) Individuals within two years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601)
- (l) Single parents (including single pregnant women)
- (m) Long-term unemployed (27 Consecutive weeks or more)
- (n) Such other groups as the Governor determines to have barriers.

Residency Priority

The NALWDB Priority of Service Policy includes individuals who have resided in the NALWDB service area for at least 30 days. The NALWDB service area is defined to exclude adjoining service areas covered by the Navajo Nation’s Workforce Board. Individuals from the Navajo Nation service area should be referred to the nearest Navajo Nation WIOA Service Center during NALWDB periods of Priority of Services.

Veteran Priority

A veteran or the qualifying spouse of a veteran is entitled to, and must be given priority over, a non-veteran when the veteran or qualifying spouse meets WIOA eligibility requirements. Priority extends from selection to enrollment to funding decisions after enrollment. This means that 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 service instead of or before the non-covered person.

Although veteran priority should not be confused with eligibility, case managers must verify veteran status when enrolling a veteran or qualifying spouse.

Veterans and eligible spouses covered by Public Law 107-288, continue to receive priority of service for all DOL funded job training programs. The veteran or covered person must otherwise meet the eligibility requirements for enrollment. For income-based eligibility determination and for determining priority of service, military pay or allowances paid while on active duty or paid

by the Department of Veteran's 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.

C. Order of Priority:

Priority must be applied in the following order:

- a. First, 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 would receive first-priority for services with WIOA.
- b. Second, to non-covered persons (that is, individuals who are not veterans or eligible spouses) who are included in the groups given priority for Adult formula funds.
- c. Third, to veterans and eligible spouses who are not included in WIOA's priority groups.
- d. Fourth, priority populations established by the Governor and/or Local WDB.
- e. Last, to non-covered persons outside the groups given priority under WIOA.

DEFINITIONS

Other Low-Income Individuals includes persons (or their families) whose past 6-months income is below the poverty line or below 70% of the LLSIL (Lower Living Standard Income Level). Income level is defined to exclude Unemployment Compensation, child support, cash public assistance (Federal, State, or local), and old-age or survivors insurance benefits under §202 of the Social Security Act.

Recipients of Public Assistance including recipients or persons whose family is a recipient of cash payments under a Federal, State, or local income-based public assistance program such as TANF, SSI, food-stamps, General Assistance, etc.

Training Policy Limitation: The NALWDB policy excludes from Priority of Service for training those individuals who have already earned an Associate Degree or higher. Their request for skills training should only be short term training that leads to unsubsidized employment and if they meet the requirement of item E below, this policy will not apply.

Underemployed Individuals: includes persons (or their families) whose past 6-months income is at or below 100% of LLSIL and who experience seasonal, part-time, and/or temporary employment patterns on a regular basis.

Veteran: A veteran is defined as 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.

Qualifying Spouse: is the spouse of any of the following:

- a. Any veteran who died of a service connected disability; or,
- b. Any member of the Armed Forces who is listed in one of the following categories for at least 90 days: missing in action, captured in the line of duty, forcibly detained by a foreign government; or,

This policy rescinds any previous NALWDB policy regarding subject.

INQUIRIES: Contact WIOA Program Manager at 505-986-0363.



NALWDB CHAIR



DATE