

# Southwest Arkansas Workforce Development Board

## Workforce Innovation and Opportunity Act (WIOA)

Policy Number: SWAWDB -011	
Title: Priority of Services	
Reference: TEGL 19-16; ADWS Policies No. WIOA 1-B 2.2 & 2.8	
Effective Date: February 28, 2020	Revised Date: August 9, 2022

Purpose: Define the Priority of Services

### Veteran Priority of Services

The purpose of this policy is to clarify the priority of services for veterans in WIOA Title 1-B programs and services in accordance with the Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, Training and Employment Guidance Letters (TEGLs) and policies of the Arkansas Workforce Development Board (ADWB) and Southwest Arkansas Workforce Development Board (SWAWDB).

### Policy

Veterans and eligible spouses, as defined in ADWS Policy No WIOA 1-B-1-2 (definitions), WIOA §§ 3(63), 38 U.S.C. Section 101, PL 107-288, and TEGL 10-09, receive priority of service for all USDOL funded job training programs, which include WIOA programs (Arkansas State Plan: *TEGL's 19-16 10-09; 38 U.S.C. 4215; PL 107-288;*). A veteran or eligible spouse must meet each program's eligibility criteria to receive services [38 U.S.C 4215 U.S.C. 4102(d); WIOA §511(gg)(2)(A); 20 CFR 6800.650 &683.230; TEGL 19-16]. Additional details concerning priority are given with the eligibility requirements for the program.

Other regulations concerning veteran preference and the status of military-based funds in determining eligibility are:

1. Veterans and eligible spouses should identify themselves at the point of entry into the system or program to take full advantage of the priority of service {TEGL 10-09}. If the veteran or eligible spouse identity is not declared at the point of entry, the status may be identified during the interview and registration process.
2. When an individual is identified as a veteran or eligible spouse, the WIOA Title I-B Service Provider must notify the applicant of his or her priority of service, the full array of employment, training, and placement services available, and the applicable eligibility requirements for programs and services [TEGL 10-09].
3. For income-based eligibility determinations, 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. This policy applies for both the "low-income individual" requirement of Youth programs, and for the priority of services for "low-income individuals" for Adult funds. [20 CFR 680.650; 20 CFR 683.230; 38 U.S.C. 4213; TEGs 10-09 & 19-16].
4. VA benefits for education and training services are not included in the category of "other sources of training grants" listed in 20 CFR 680.230(b) [Comments concerning §680.230 in the

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WIOA Final Rule; TEGLs 10-09 & 19-16 ]. Veterans or spouses who are eligible for the GI Bill or other forms of VA funded education or training are not required to coordinate these benefits with WIOA-funds for training purposes. VA funds for training do not need to be exhausted before WIOA funds can be used for training for a veteran or eligible spouse [TEGL 19-16].

5. Pension payments, whether or not their retirement was based on disability, are not exempt and are to be included in “low income” calculations [TEGL 10-09]. 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 (20 CFR 680.650, 683.230; TEGL 10-09 & 19-16.)
6. Specific details concerning priority for Adult eligibility are given in ADWS Policy No. WIOA I-B – 2.3 (Eligibility for Adult Program).
7. Veterans priority of services applies to all WIOA Title I-B programs, although each veteran must meet particular eligibility requirements for each program in which he or she is enrolled [20 CFR 680.610 & 680.650; 38 U.S.C. 4215; 20 CFR part 1010; DOL comments concerning 20 CFR 680.610; TEGL 19-16]. In addition, special rules for veterans and their spouses apply in determining the eligibility of dislocated workers (See ADWS Policy No. WIOA I-B – 2.4 Eligibility for Dislocated Worker Program).
8. Written copies of local priority of service will be maintained at all service delivery points and, to the extent practicable, will be posted in a way that makes it possible for members of the general public to easily access them [TEGL 10-09].

### **Statutory Priority for Adults**

WIOA establishes a priority requirement with respect to funds allocated to a local area for adult employment and training activities. Priority for individualized and training services shall be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient, to include English Language Learners (WIOA Section 134(c)(3)(E); 20 CFR 680.600 & 680.650). This established priority does not necessarily mean that these services may only be provided to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient. This policy defines a process that also gives priority to other individuals eligible to receive such services, provided that it is consistent with the priority of services for veterans and the priority provisions of WIOA Sec. 134(c)(3)(E) and 20 CFR 680.600.

When programs are statutorily required to provide priority for a particular group of individuals, priority must be provided in the order described below (TEGL 19-16):

1. First, priority of services is Veterans and eligible spouses (see ADWS Policy No. 1.2 for definition) who are also included in the groups given statutory priority for WIOA Title I-B


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Adult formula funds. This means that veterans and eligible spouses who are also recipients of public assistance, other low-income individuals, or are individuals who are basic skills deficient would receive first priority for services with WIOA Adult formula funds for individualized career services and training services.

- II. Second priority of service is individuals who are not veterans or eligible spouses, but who are recipients of public assistance, other low-income individuals, or are individuals who are basic skills deficient.
- III. Third priority of service is given to veterans and eligible spouses who are not recipients of public assistance, are not other low-income individuals, and are not basic skills deficient. Local areas must make policies and procedures that prioritize individuals in this category based on priority populations identified by the LWDB.
- IV. Fourth priority of service is individuals who do not meet the statutory requirements for priority, are not veterans or eligible spouses, who are not a recipient of public assistance, not low-income, and are not basic skills deficient. but are members of the DOL identified "Hard to Serve populations with other barriers to employment.
- V. The last priority of service is given to individuals who are not veterans, eligible spouses, recipients of public assistance, other low-income individuals, basic-skills deficient, or members of the priority population identified by the LWDB.

Priority will be given to non-covered persons outside the groups given priority if all applicants have been served from these groups. Once this has been approved, staff must have all documentation in the master and skeleton files.

  
SWAWDB Chairman

8/9/22  
Date