



**WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA)
POLICY NOTICE NO. 8 Rev. 3**

EFFECTIVE DATE: March 31, 2026

SUBJECT: PRIORITY OF SERVICE

I. PURPOSE

The purpose of this policy is to establish a clear, compliant framework for the application of Priority of Service for the Workforce Innovation and Opportunity Act (WIOA) Adult Program in accordance with federal statute, regulations, and U.S. Department of Labor (USDOL) guidance. This policy ensures that individuals with the greatest barriers to employment receive priority access to career and training services when funds are limited.

II. AUTHORITY

This policy is issued pursuant to the following legal authorities:

- Workforce Innovation and Opportunity Act (WIOA), Pub. L. 113–128, 133(b), 134(c)(3)(E)
- 20 CFR 680.600–680.660 (Priority of Service for Adult Program)
- 20 CFR 683.230 (Nondiscrimination and equal opportunity provisions)
- Public Law 107–288 (Jobs for Veterans Act)
- 20 CFR Part 1010 (Priority of Service for Veterans and Eligible Spouses)
- Training and Employment Guidance Letter (TEGL) No. 10-09
- Training and Employment Guidance Letter (TEGL) No. 19-16
- NMAC 11.2.8
- NMDWS State administrative guidance supporting implementation

III. POLICY STATEMENT

Priority of Service applies to the receipt of individualized career services and training services funded under the WIOA Adult Program when resources are limited. Priority of Service does not alter eligibility requirements; rather, it determines the order in which eligible individuals receive services.

IV. PRIORITY OF SERVICE — WIOA ADULT PROGRAM

Pursuant to WIOA 134(c)(3)(E) and 20 CFR §680.600, priority for individualized career services and training services must be given to individuals who are:

- a) Recipients of public assistance.
- b) Low-income individuals; and
- c) Individuals who are basic skills deficient.
- d) When funds are limited, service providers must ensure that individuals meeting one or more of the above criteria are served before individuals who do not meet these criteria.



V. VETERAN AND ELIGIBLE SPOUSE PRIORITY

In accordance with the Jobs for Veterans Act (Pub. L. 107–288) and 20 CFR Part 1010, veterans and eligible spouses are entitled to Priority of Service over non-covered persons for the receipt of employment, training, and placement services funded in whole or in part by the U.S. Department of Labor.

Veteran Priority must be applied in conjunction with WIOA Adult Priority of Service as follows:

- A. **First**, veterans and eligible spouses who are recipients of public assistance, low-income, or basic skills deficient receive the highest priority.
- B. **Second**, non-covered persons who meet WIOA Adult priority criteria.
- C. **Third**, veterans and eligible spouses who do not meet WIOA Adult priority criteria.
- D. **Fourth**, non-covered people who do not meet WIOA Adult priority criteria.

VI. ORDER OF PRIORITY WHEN FUNDS ARE LIMITED

When WIOA Adult funds are limited, the following order of priority must be applied:

- a) Veterans and eligible spouses who are recipients of public assistance, low-income, or basic skills deficient.
- b) Non-covered persons who are recipients of public assistance, low-income, or basic skills deficient.
- c) Veterans and eligible spouses who do not meet WIOA Adult priority criteria.
- d) Non-covered persons who do not meet WIOA Adult priority criteria.
- e) This order of priority must be consistently applied and documented in participant case files.

VII. DEFINITIONS

A. Recipient of Public Assistance

An individual who receives, or is a member of a family that receives, cash payments or other forms of income-based public assistance, including but not limited to Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), Supplemental Nutrition Assistance Program (SNAP), or General Assistance.

B. Low-Income Individual

An individual who meets the definition of low-income as set forth in WIOA 3(36) and 20 CFR 680.250, including individuals whose income is at or below 100 percent of the Lower Living Standard Income Level (LLSIL) or who meet an alternative low-income criterion under WIOA.

C. Basic Skills Deficient

An individual who meets the definition of basic skills deficient as defined in WIOA 3(5) and 20 CFR 680.600.

D. Veteran and Eligible Spouse

Definitions are consistent with 38 U.S.C. 4215 and 20 CFR 1010.110.



VIII. PROHIBITED PRACTICES

The following practices are prohibited:

- a) Imposing residency duration requirements as a condition of eligibility or priority.
- b) Excluding individuals from training services solely based on possession of an associate degree or higher.
- c) Establishing priority criteria inconsistent with WIOA, federal regulations, or USDOL guidance.

IX. DOCUMENTATION AND MONITORING

Service providers must document Priority of Service determinations in the participant case file, including verification of veteran status and priority criteria. Compliance with this policy is subject to monitoring and review by the Local Workforce Development Board and state oversight entities.

X. EFFECTIVE DATE AND REVIEW

This policy shall take effect upon approval and will be reviewed periodically to ensure ongoing compliance with federal and state requirements.

This policy rescinds any previous NALWDB policy regarding subject.

INQUIRIES; Contact WIOA Program Manager at (505) 986-0363.



NALWDB CHAIR

3-31-26

DATE