



**WORKFORCE INNOVATION AND OPPORTUNITY ACT
(WIOA)
PROGRAM POLICY NOTICE NO. 8, REVISION 2**

EFFECTIVE DATE: February 23, 2022

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;
- NMDWS 20-002 A and DW Eligibility
- NMAC 11.2.8.12

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:

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 "Priority of Service."

Priority of Service

Adult Priority

With respect to funds allocated to a local area for adult employment and training activities under paragraph (2)(A) or (3) of WIOA section 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 WIOA section 134(b)(2)(A)(xiii) and training services.

Priority of Service must always be given to covered persons (i.e., veterans, and eligible spouses, including widows and widowers) regardless of whether or not the priority of service is in place. Priority of service is required for the provision of career services and training services, including

individual training accounts, a veteran's priority as well as priority to public assistance recipients and low-income individuals required in WIOA regulations will be established as follows:

- 1.) First priority will be provided to recipients of public assistance, low-income or individuals who are basic skills deficient *who are also* veterans or eligible spouses of veterans
- 2.) Second priority will be provided to recipients of public assistance, low-income or individuals who are basic skills deficient *who are not* veterans or eligible spouses of veterans
- 3.) Third priority will be provided to veterans or eligible spouses of veterans who are not recipients of public assistance, low-income or basic skills deficient.
- 4.) Last priority will be provided to Adults in need of service who are not recipients of public assistance, not low-income, or basic skills deficient.

Veteran Priority

Veterans and eligible spouses covered by Public Law 107-288, who otherwise meet the eligibility requirements for enrollments and for whom WIOA services are deemed appropriate, are to be given priority over non-veterans for the receipt of employment, training, and placement services provided under the program.

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. Verification documents will be submitted as part of the applicant's enrollment packet.

DEFINITIONS

Other Low-Income Individuals includes persons (or their families) whose past 6-months income is below the poverty line or below 100% 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.

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.

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*.

Active service includes full-time Federal service in the National Guard or a Reserve component. This definition of "active service" does not include full-time duty performed strictly for training purposes which is often referred to as "weekend" or "annual" training. Nor does it include full-time active duty performed by National Guard personnel who are mobilized by the State rather than Federal authorities.

A qualifying spouse is the spouse of any of the following:

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

In Practice

With the establishment of this policy the provider will be required to track Priority status and maintain documentation as such on every participant. Once Priority of Service has been entered, due to any limitations, the provider will be required to establish a waitlist and to endeavor to prioritize the correct populations every two weeks.

This should be a sufficient amount of time to determine eligibility and get supporting documentation to make sure that priority populations are being serviced.

The NALWDB will be able to determine whether or not priority of service is in place based on current funding levels and it is up to their discretion.

Special Priority

Events that trigger the local area to go into special priority and require a waitlist are:

- Service Provider failure to meet the 75% threshold required in the grant agreement.
- NALWDB vote to designate a period of special priority.

In the case of the directive from NMDWS 20-002 regarding the 75% threshold for category 1/2/3 populations. If the subgrantee has not reached the threshold of 75% of all applicants being from one of those categories, the board can implement a special priority of service. This special priority states that the subgrant recipient can only service participants from category 1/2/3 but not category 4 until the 75% threshold is reached.

This policy rescinds any previous NALWDB policy regarding subject. INQUIRIES: Contact WIOA Program Manager at 505-986-0363.



NALWDB CHAIR

2/23/22

DATE