

PRINCE GEORGE’S COUNTY WORKFORCE DEVELOPMENT BOARD

WIOA Priority of Service Policy

POLICY NUMBER:	1.4000.100.26
EFFECTIVE:	December 19, 2021
APPROVING AUTHORITY:	Board Chair Prince George’s County Workforce Development Board
RESPONSIBLE STAFF:	Executive Director, Director, Case Managers, Director, American Job Center Staff – WIOA and Contract Providers
RESPONSIBLE OFFICE:	Program Performance & Data Management

SUMMARY:

This policy establishes an LWIA priority of service standard to determine funding priority for registrants requesting individualized career services or training services under Title I of the Workforce Innovation and Opportunity Act (WIOA). The standard applies to all registrants in the WIOA Adult program.

POLICY:

The Workforce Innovation and Opportunity Act of 2014 (WIOA) requires priority to “public benefits recipients, other low-income individuals, and individuals who are basic skills deficient” when providing career and training services using WIOA Title I Adult funds.

POLICY GUIDELINES:

Key Definitions

Covered person – The regulations adopt and apply this statutory term, including eligible spouses, as defined by the statute, and veterans, as defined by the regulations.

Veteran – The regulations specify that the definition for veteran specified at 38 U.S.C. 101(2) applies across all qualified job training programs to prioritize service. That definition includes two critical criteria:

- Service in the active military, naval, or air service; and,
- Discharge under conditions other than dishonorable.

The definition of veteran specified by the regulations for priority of service is functionally equivalent to the definition enacted by the Workforce Investment Act (WIOA) and codified at 29 U.S.C. 2801(49)(A).

Eligible Spouse - as defined in section 2(a) of JVA (38 U.S. C. 4215(a)), means the spouse of any of the following:

- Any veteran who died of a service-connected disability;
- 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;

- Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs;
- As indicated above in this section, any veteran who died while a disability was in existence.

Low-Income Individual – By WIOA Law Section 3(36), a low-income individual is an individual who –

- Receives or is a member of a family that receives cash payments under a Federal, State, or local income-based public assistance program;
- Received an income, or is a member of a family that received a total family income, for the six months before applying for the program involved (exclusive of public assistance program payments) that, about family size, does not exceed the higher of –
 - The poverty line, for an equivalent period; or
 - 70% of the lower living standard income level, for an equivalent period;
- Is a member of a household that receives food stamps;
- Qualifies as a homeless individual;
- Is a foster child;
- Receives or is eligible to receive a free or reduced-price lunch; or
- Is an individual with a disability whose own income meets the requirements of this clause but who is a member of a family whose income does not meet such requirements

An individual who is “basic skills deficient” By WIOA Law Section 3(5) —The term “basic skills deficient” means, concerning an individual— (A) who is a youth, that the individual has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or (B) who is a youth or adult, that the individual 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 society. A case manager may also document basic skills deficiency using any one of the following:

1. Basic skills assessment questions or test results (e.g., TABE)
2. School records
3. Referral or records from a title II Adult Basic Education program
4. Referral or records from an English Language Learner program

If a standardized test is used to assess basic skills, the test should include reading, writing, or computing skills. Lacking soft skills or specific skills needed for a particular job may not be used to determine an otherwise high-functioning individual as basic skills deficient.

Target Populations

For WIOA Title I Adult Program employment and training services, Local Areas must provide Priority of Service to individuals in the following target populations by WIOA, Maryland’s State Plan, and their approved Local Plan:

Target Populations: Individuals with Barriers to Employment - WIOA Section 3(24)
Displaced Homemakers
Eligible migrant and seasonal farmworkers
Ex-offenders
Homeless individuals
Individuals facing substantial cultural barriers
Individuals with disabilities, including youth with disabilities
Individuals within two years of exhausting lifetime eligibility under Part A of the Social Security Act
Individuals who are English language learners
Unemployed individuals, including the long-term unemployed

Individuals who have low levels of literacy
Individuals without a High School Diploma
Low-income individuals (including Temporary Assistance for Needy Families (TANF) and Supplemental Nutrition Assistance Program (SNAP) recipients)
Native Americans, Alaskan Natives, and Native Hawaiians
Older individuals
Single parents (including single pregnant women and non-custodial parents)
Veterans
Youth who are in or have aged out of the foster care system

According to Training and Employment Guidance Letter (TEGL) 7-20, priority must be provided in the following order:

Priority of Service for the WIOA Title I Adult Program	
1 st Priority	Veterans and eligible spouses 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 receive priority for services with WIOA Adult formula funds for individualized career services and training services.
2 nd Priority	Non-covered persons (that is, individuals who are not veterans or eligible spouses) who are included in the groups given priority for WIOA adult formula funds
3 rd Priority	Veterans and eligible spouses who are not included in WIOA’s priority groups.
4 th Priority	Priority populations established by the Governor’s Workforce Development Board and Workforce Development Board.
5 th Priority	Non-covered persons outside the groups are given priority under WIOA.

In addition to veterans and their eligible spouses, TEGL 7-20 specifies that at least 75 percent of a State's participants receiving individualized career and training services in the Adult program are from at least one of the following priority groups: recipients of public assistance, individuals who are basic skills deficient, or those who are low income. (TEGL 7-20 specifies that at least 75 percent of a State's participants receiving individualized career and training services in the Adult program are from the first and second priorities.)

Priority of service status is established during eligibility determination and does not change during participation. Priority does not apply to the dislocated worker population.

The WIOA adult funding priority of service doesn’t affect or negate the priority of service provided to veterans and eligible spouses. Veterans and eligible spouses continue to receive priority of service among all eligible individuals; however, they must meet the WIOA Adult program eligibility criteria. Thus, for WIOA adult services, the program’s eligibility determination must be made first, and then the veteran’s priority applied. Veterans and eligible spouses that are not low-income, recipients of public assistance, or basic skills deficient are not included in the required 75 percent priority of service calculation.

The priority established under WIOA 134(c)(2)(A)(xii) 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.

REASON FOR POLICY:

EXCLUSIONS TO THE POLICY:

None

FORMS:

WIOA Priority of Service Fact Sheet

RELATED POLICY:

- Jobs for Veterans Act (JVA) of 2008
- WIOA (Public Law 113-128) Sections 3 and 134(c)(2)(A)(xii)
- Training and Employment Guidance Letter (TEGL) 10-16,
- TEGL 19-16
- TEGL 21-16
- TEGL 7-20
- MDOL Workforce Innovation and Opportunity Act (WIOA) Title I Youth Program Policy Issuance 2021-14
- MDOL Workforce Innovation and Opportunity Act (WIOA) Title I Adult & Dislocated Policy Issuance 2021-13

APPROVING SIGNATURES:



[Charnetia Young \(Feb 23, 2022 13:57 EST\)](#)

Board Chair
Prince George's County Workforce Development Board

Feb 23, 2022

Date

PRIORITY OF SERVICE FACT SHEET

Suppose funds available under the WIOA Title I-B Adult Employment and Training Grant for the American Job Career Center are limited. In that case, priority shall be given to veterans, veteran's eligible spouses, public assistance, and low-income recipients.

Covered person – The regulations adopt and apply this statutory term, including eligible spouses, as defined by the statute, and veterans, as defined by the regulations.

Veteran – The regulations specify that the definition for veteran specified at 38 U.S.C. 101(2) applies across all qualified job training programs to prioritize service. That definition includes two critical criteria:

Service in the active military, naval, or air service; and,

Discharge under conditions other than dishonorable.

The definition of veteran specified by the regulations for priority of service is functionally equivalent to the definition enacted by the Workforce Innovation and Opportunity Act (WIOA) and codified at 29 U.S.C. 2801(49)(A).

Eligible Spouse - as defined in section 2(a) of JVA (38 U.S. C. 4215(a)), means the spouse of any of the following:

Any veteran who died of a service-connected disability;

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;

Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs;

As indicated above in this section, any veteran who died while a disability was in existence.

Public Assistance Recipient – By WIOA Law Section 101 (37), a public assistance recipient receives cash payments from the Federal, State, or local government for which a needs or income test determines eligibility.

Low-Income Individual – By WIOA Law Section 101 (25), a low-income individual is an individual who –

- Receives or is a member of a family that receives cash payments under a Federal, State, or local income-based public assistance program;
- Received an income, or is a member of a family that received a total family income, for the six months before application for the program involved (exclusive of unemployment compensation, child support payments, public assistance program payments, and old-age and survivors insurance benefits received under section 202 of the Social Security Act (42 USC 402)) that, about family size, does not exceed the higher of –

The poverty line, for an equivalent period; or 70% of the lower living standard income level, for an equivalent period;

Is a member of a household that receives (or has been determined within the six months before application for the program involved to be eligible to receive) food stamps under the Food Stamp Act of 1977 (7 USC 2001 et seq);

Qualifies as a homeless individual, as defined in subsection (a) and (c) of section 103 of the Stewart B. McKinney Homeless Assistance Act (42 USC 11302);

Is a foster child on behalf of whom State or local government payments are made; or

In cases permitted by regulations promulgated by the Secretary of Labor, an individual with a disability whose own income meets the requirements above, but a family member whose income does not meet such requirements.

PRIORITY OF SERVICE FACT SHEET

Target Populations

For WIOA Title I Adult Program individualized career and training services, local workforce areas must provide priority of service to individuals in the following target populations, by the Act, the State Plan, and the approved Local Plan.

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Ex-offenders
Homeless individuals
Individuals facing substantial cultural barriers
Individuals with disabilities, including youth with disabilities
Individuals within two years of exhausting lifetime eligibility under Part A of the Social Security Act
Individuals who are English language learners
Unemployed individuals, including the long-term unemployed
Individuals who have low levels of literacy
Individuals without a High School Diploma
Low-income individuals (including Temporary Assistance for Needy Families (TANF) and Supplemental Nutrition Assistance Program (SNAP) recipients)
Native Americans, Alaskan Natives, and Native Hawaiians
Older individuals
Single parents (including single pregnant women and non-custodial parents)
Veterans
Youth who are in or have aged out of the foster care system

Order of Priority

For the WIOA Title I adult program, priority must be provided in the following order:

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