



## PRIORITY OF SERVICE

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### PURPOSE

This policy provides the guidance and establishes the procedures regarding the priority of service requirement for U.S. Department of Labor (DOL) funded programs and services.

This policy supersedes Local Policy Bulletin #2019-07 Priority of Service, dated December 12, 2019. Retain this policy until further notice.

### SCOPE

The Workforce Development Board of Ventura County (WDBVC) and its contractors and subrecipients.

### REFERENCES

- WIOA (Public Law 113-128) Sections 3(5), 3(36), and 3(50), and 134
- Workforce Services Directive WSD15-14 (PDF), Subject: WIOA Adult Program Priority of Service (January 22, 2016)
- Workforce Services Directive WSD19-04 (PDF), Subject: Priority of Service for Veterans and Eligible Spouses (September 11, 2019)
- TEGL 7-20 – Effective Implementation of Priority of Service Provisions for Most in Need Individuals in the Workforce Innovation and Opportunity Act (WIOA) Adult Program (November 24, 2020)

### POLICY

#### Definitions

The definitions listed below are for the purposes of implementing priority of service only. The definitions of “veteran” and “eligible spouse” applicable to the priority of service requirement are different from, and broader than, the definitions of “veteran” and “other eligible persons” applicable to services provided by the Disabled Veterans’ Outreach Program Specialist and Local Veterans’ Employment Representative staff.

*Basic Skills Deficient* – An individual that 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 in society (WIOA Section 3[5]). Criteria used to determine whether an individual is basic skills deficient includes the following:

- Lacks a high school diploma or high school equivalency and is not enrolled in postsecondary education.

*The Workforce Development Board of Ventura County is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.*

- Enrolled in a Title II Adult Education/Literacy program.
- English reading, writing, or computing skills at or below the 8th grade level (8.9 or below) on a generally accepted standardized test.
- Determined to be Limited English Skills proficient through staff-documented observations.
- Other objective criteria determined to be appropriate by the WDBVC and documented in its Basic Skills Deficiency policy.

*Case Notes* – Paper or electronic statements by the case manager that identifies, at a minimum, (1) a participant's status for a specific data element, (2) the date on which the information was obtained, and (3) the case manager who obtained the information. If case notes are used as a documentation source, the case notes must provide an auditable trail back to the source of information verified. The case manager does not need to keep a hard copy of the information verified in the participant's case file.

*Example:* A case manager verifies an individual is basic skills deficient by viewing school records, specifically, enrollment in a Title II Adult Education/Literacy program. The case notes must include auditable information, such as the name of the school and the date of enrollment, which could allow an auditor/monitor to later retrieve this information. The case manager would not need to keep a hard copy of the school record in the participant's file (TEGL 06-14, Attachment A).

*Covered Person* – a veteran or eligible spouse.

*Eligible Spouse* – the spouse (including the same-sex spouse) of any of the following:

- a. Any veteran who died of a service-connected disability.
- b. Any member of the Armed Forces serving on active duty who, at the time of application or 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 the line of duty by a hostile force.
  - iii. Forcibly detained or interned in the line of duty by a foreign government or power.
- c. Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the U.S. Department of Veterans Affairs (VA).
- d. Any veteran who died while a disability, as indicated in category c. of this definition, was in existence.

A spouse whose eligibility is derived from a living veteran or service member (i.e., categories b. or c. above) would lose his or her eligibility if the veteran or service member were to lose the status that is the basis for the eligibility (e.g., if a veteran with a total service-connected disability were to receive a revised disability rating at a lower level), or upon divorce from the veteran or service member.

Note: A surviving spouse who is a widow or widower AND remarries on or after December 16, 2003, AND on or after attaining age 57, is entitled to continue to receive Dependency and Indemnity Compensation.

*Low-Income* – An individual that meets one of the four criteria below:

1. Receives, or in the past six months has received, or is a member of a family that is receiving, or in the past six months has received, assistance through the Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance For Needy Families (TANF) program, Supplemental Security Income program, or state or local income-based public assistance.
2. In a family with total family income that does not exceed the higher of the following:
  - a. The poverty line.
  - b. 70 percent of the Lower Living Standard Income Level.
3. A homeless individual.
4. An individual with a disability whose own income does not exceed the income requirement, but is a member of a family whose total income does. (Reference WIOA Section 3[36])

*Non-covered Person* – any individual who neither meets the definition of veteran nor the definition of eligible spouse.

*Public Assistance Recipient* – An individual that receives federal, state, or local government cash payments for which eligibility is determined by a needs or income test (WIOA Section 3[50]).

*Point of Entry* – the point at which a veteran or eligible spouse expresses an interest in receiving employment, training, and placement services. It may be in-person or online, and can include physical locations such as reception areas, resource areas, and self-service kiosks in an America's Job Center of California (AJCC), as well as websites such as CalJOBS, and other virtual service delivery resources.

*Priority of Service* – with respect to any qualified job training program, a covered person shall be given priority over a non-covered person for the receipt of employment, training, and placement services provided under that program, notwithstanding any other provision of the law. Such priority includes giving access to such services to a covered person before a noncovered person or, if resources are limited, giving access to such services to a covered person instead on a non-covered person.

*Program Operator* – a recipient or subrecipient of DOL funds for a qualified job training program.

*Qualified Job Training Program* – any program or service for workforce preparation, development, or delivery that is directly funded, in whole or in part by the DOL.

*Recipient* – an entity that is awarded federal financial assistance, in whole or in part, directly from the DOL or through a subaward for any qualified job training program.

*Self-Attestation* – When a participant states his or her status for a particular data element, such as low income, and then signs and dates a form acknowledging this status. The key elements for self-attestation are (1) the participant identifying his or her status for permitted elements, and (2) signing and dating a form attesting to this self-identification. The form and signature can be on paper or in the Local Area management information system, with an electronic signature (TEGL 06- 14, Attachment A).

\*Note that self-attestation is not to be used as the primary method of gathering documentation to verify data elements. Self-attestation as a documentation source is only to be used when the preferred options of paper documentation or third party corroboration are not available.

*Subrecipient* – an entity that is awarded federal financial assistance through a subaward funded by the DOL for any qualified job training program.

*Veteran* – 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 duty in the National Guard or a Reserve component, other than full-time duty for training purposes. Active service does not include full-time active duty performed by National Guard personnel who are mobilized by state rather than federal authorities.

### **Priority of Service**

As stated in the WIOA Section 134(c)(3)(E), with respect to individualized career services and training services funded with WIOA adult funds, priority of service must be given to recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient.

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

The DOL Employment and Training Administration envisions that giving priority of service to individuals means ensuring 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 priority groups mentioned above, and expects this rate will be no lower than 50.1 percent in any state. The WDBVC will ensure priority of service is being implemented, including that at least 50.1 percent or more of the individuals receiving WIOA Adult-funded individualized career or training services are from a priority population. If the WIOA Adult program does not meet the minimum 50.1 percent benchmark, the WDBVC may initiate a review of compliance with the statutory requirement to provide priority of services to the priority population.

## **Priority of Service for Veterans and Eligible Spouses**

Program operators are required to provide priority of service to veterans and eligible spouses for all WIOA and Wagner-Peyser funded activities, including technology–assisted activities. Priority of service means that veterans and eligible spouses are entitled to take precedence over non-covered persons in obtaining employment, training, and placement services. More specifically, 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.

In implementing priority of service, program operators must ensure veterans and eligible spouses receive basic career services and individualized career services before other noncovered individuals. Additionally, they must ensure veterans and eligible spouses receive first priority on waiting lists for training slots, and are enrolled in training prior to non-covered persons. However, once a non-covered participant is enrolled in a workshop or training class, priority of service is not intended to allow a veteran or eligible spouse to bump the noncovered participant from that class or service.

Program operators must ensure that priority of service is applied by all subrecipients of DOL funds. Pertinent language should be included in contracts, subgrants, solicitations for proposals, memorandums of understanding, and other service provision agreements.

### **Applying Priority of Service**

The application of priority of service varies depending on the eligibility requirements of the particular program. There are four basic categories of DOL-funded programs: universal access programs, programs that require participants to meet specified eligibility criteria, programs with statutory priorities, and programs with discretionary priorities. The following describes how priority of service applies to these basic types of programs.

#### *Universal Access Programs*

For workforce programs that operate or deliver services to the public as a whole without targeting specific groups (e.g., WIOA basic career services), veterans and eligible spouses receive priority of service over all other program participants.

#### *Programs with Eligibility Criteria*

Eligibility criteria identify basic conditions that each participant in a specific program is required to meet. For example, for the WIOA Adult, Dislocated Worker, and Youth programs, every participant is required to meet program eligibility requirements (e.g., age, selective service registration, etc.). A veteran or eligible spouse must first meet all of the eligibility criteria in order to be considered eligible for participation in the program. Once determined eligible for

participation, the veteran or eligible spouse receives priority for participation in the program and receipt of services.

### *Programs with Statutory Priorities*

In addition to the eligibility criteria that all participants are required to meet, some programs have priorities that target certain populations and establish a rank order for enrolling or serving participants (e.g., the WIOA priority for Adult funds to serve recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient). While veterans' priority is required under federal law and cannot be waived, it is not intended to displace existing eligibility requirements and statutory priorities. Therefore, in these instances, veterans and eligible spouses must first meet both the program's eligibility and statutory priority criteria to receive priority for participation in the program and receipt of services. Program operators must determine the status of each individual veteran or eligible spouse and apply priority of service in the following order:

1. Veterans and eligible spouses who meet the program's statutory priority requirement (e.g., veterans and eligible spouses who are also recipients of public assistance, other low income individuals, or individuals who are basic skills deficient).
2. Non-covered persons who meet the program's statutory priority requirement (e.g., non-covered persons who are recipients of public assistance, other low income individuals, or individuals who are basic skills deficient).
3. Veterans and eligible spouses who do not meet the program's statutory priority requirement.
4. Priority populations established by the Governor and/or Local Workforce Development Board.
5. Non-covered persons outside the program's statutory priority requirement.

### *Programs with Discretionary Priorities*

Programs with discretionary priorities may make an effort to provide a certain level of service to a particular group. However, the law does not mandate that the target group be served before other eligible individuals. With respect to priority of service, the only feature that distinguishes discretionary targeting programs from universal access programs is the additional application of the discretionary targeting criterion to non-covered persons. Therefore, program operators must apply priority of service in the order below:

1. Veterans and eligible spouses.
2. Non-covered persons within the discretionary targeting group.
3. Non-covered persons outside the discretionary targeting group.

### *Income Eligibility Requirements*

When determining eligibility for programs that have a statutory requirement to serve low income

individuals, many types of military service-related income are exempt. Specifically, the following pay, financial allowances, and financial benefits must be disregarded for veterans, transitioning service members, or any other individuals for whom these amounts would normally be applied in making an eligibility determination.

- Military pay or allowances paid while on active duty.
- Military pay or allowances paid by the VA for vocational rehabilitation, disability payments, or related VA-funded programs (including the VA work study allowance), and including any financial benefits received under the following chapters of Title 38 U.S.C.:
  - Chapter 11 - Compensation for service-connected disability or death.
  - Chapter 13 - Dependency and indemnity compensation for service-connected deaths.
  - Chapter 30 - All-volunteer force educational assistance program.
  - Chapter 31 - Training and rehabilitation for veterans with service-connected disabilities.
  - Chapter 33 – Post-9/11 educational assistance.
  - Chapter 35 - Survivors' and dependents' educational assistance.
  - Chapter 36 - Administration of educational benefits.
- Any benefits received under Title 10 U.S.C. Chapter 106 - Educational assistance for members of the selected reserve.

In contrast, the following types of military-related income are included in low-income calculations:

- Pension payments authorized by Title 10 U.S.C., such as those received by military retirees, whether or not their retirement was based on disability.
- Pension benefits paid under Title 38 U.S.C. Chapter 15 – Pensions for low-income, wartime veterans who are disabled for reasons not connected or related to their military service.

It is also important to note that VA benefits for education and training services do not constitute “other grant assistance” under WIOA’s eligibility requirements. Therefore, veterans or eligible spouses who are eligible for the GI Bill or other forms of VA-funded education or training are not required to coordinate their entitlement to those benefits with their eligibility for WIOA-funded training, as stipulated under 20 CFR Section 680.230. Specifically, program operators may not require veterans or eligible spouses to exhaust their entitlement to VA-funded training prior to enrolling them in WIOA-funded training.

### *Integrate Service Delivery to Support Priority Populations*

WIOA places a strong emphasis on planning across multiple partner programs to ensure alignment in service delivery strategies. In coordination with the WIOA Adult program, the full participation of partners as one workforce system in each AJCC maximizes resources and aligns services to support these priority populations in an integrated manner.

AJCC partners can work together in the following ways to ensure the workforce system is prioritizing those most in need:

- Cross-train staff from different programs to understand other partner programs and to share their expertise about the needs of specific populations, including those most in need, so that all staff can better serve all customers. Both the Wagner-Peyser Act Staffing Flexibility Final Rule (effective on February 5, 2020) and the Trade Adjustment Assistance for Workers Final Rule (effective on September 21, 2020) provide additional staffing flexibility to states. The flexibility also brings the programs into closer alignment and allows states the option to provide some services funded under WIOA, Wagner-Peyser, and TAA through streamlined staffing arrangements or to utilize cross-training for program staff so states and local areas can quickly react to changing customer needs.
- Staff the center with career counselors skilled in advising job seekers of their options, who are knowledgeable about local labor market dynamics, aware of available services inside and outside the AJCC, and skilled in developing customers skills for employment success.
- Develop and implement operational policies that achieve an integrated system of case management, using technology to achieve alignment in service delivery that meets customers' needs.
- Partner across programs, including community-based and philanthropic organizations, to effectively maximize necessary services, including supportive services, to those most in need while minimizing duplicative processes and resource use.
- Develop outreach strategies with partner programs to ensure that those most in need are identified and served. Outreach strategies should include referrals across federal, state, local, community-based organizations, and philanthropic organizations, including those that provide supportive services. By leveraging partners' networks, AJCC networks can get leads and improve recruitment of priority populations that are in need of assistance, some of which can represent large numbers of potential participants.
  - MOUs may outline referral processes and data sharing to capture and record characteristics of individuals served.
- Encourage, develop, and implement the use of career pathways for those most in need. For more information and technical assistance on career pathways, please visit the following resources:
  - Career Pathways Community (WorkforceGPS) - <https://careerpathways.workforcegps.org/>
  - Career Pathways Toolkit - [https://careerpathways.workforcegps.org/resources/2016/10/20/10/11/Enhanced\\_Career\\_Pathways\\_Toolkit](https://careerpathways.workforcegps.org/resources/2016/10/20/10/11/Enhanced_Career_Pathways_Toolkit)

### **Identifying Veterans and Eligible Spouses**

Program operators must put processes into place to ensure that veteran and eligible spouses are identified at the point of entry and given an opportunity to take full advantage of priority of service. The point of entry includes physical locations such as AJCCs, as well as websites such as



CalJOBS, and other virtual service delivery resources. These processes should ensure that veterans and eligible spouses are aware of their entitlement to priority of service, the full array of employment, training, and placement services available under priority of service, any applicable eligibility requirements for those programs and services, and in cases of online points of entry, how to access assistance via the nearest America’s Job Center of California.

**Documenting Eligibility for Priority of Service**

It is not necessary for staff to verify the status of priority of service until the individual undergoes eligibility determination and is enrolled in a WIOA individualized career service or training service. Until the point at which the participant receives an individualized career service or training service, an individual who states they meet the priority eligibility criteria must be accorded priority of service on the basis of self-attestation.

In those instances in which eligibility determination and enrollment in a WIOA individualized career service occur at the point of entry, a covered person must be enrolled, provided immediate priority, and permitted to follow-up subsequently with any required verification of his or her status as a covered person.

Program operators may use the following sources of documentation to verify whether a participant qualifies for priority of service under WIOA:

PRIORITY OF SERVICE	
Priority of Service Criteria	Acceptable Documentation (Only the documentation sources listed below may be used.)
<b>1. Recipient of Public Assistance</b>	<ul style="list-style-type: none"> <li>• Cross-match with public assistance database</li> <li>• Copy of authorization to receive cash public assistance</li> <li>• Copy of public assistance check</li> <li>• Medical card showing cash grant status</li> <li>• Public assistance records</li> <li>• Refugee assistance records</li> </ul>
<b>2. Low Income</b>	<ul style="list-style-type: none"> <li>• Alimony agreement</li> <li>• Award letter from veteran’s administration</li> <li>• Bank statements</li> <li>• Compensation award letter</li> <li>• Court award letter</li> <li>• Pension statement</li> <li>• Employer statement/contact</li> <li>• Family or business financial records</li> <li>• Housing authority verification</li> <li>• Pay stubs</li> <li>• Public assistance records</li> <li>• Quarterly estimated tax for self-employed persons</li> <li>• Social Security benefits</li> </ul>

	<ul style="list-style-type: none"> <li>• Unemployment Insurance documents</li> <li>• Self attestation*</li> </ul>
<b>3. Basic Skills Deficient</b>	<ul style="list-style-type: none"> <li>• School Records                             <ul style="list-style-type: none"> <li>○ A referral or records from a Title II Basic Adult Education program or English Language Learner program</li> </ul> </li> <li>• Results of academic assessment</li> <li>• Case notes*</li> <li>• Self-Attestation*</li> </ul>
<b>4. Veteran</b>	<ul style="list-style-type: none"> <li>• DD-214</li> <li>• Letter from U.S. Department of Veterans Affairs</li> <li>• Cross match with other veteran databases</li> <li>• Self-Attestation*</li> </ul>
<b>5. Eligible Spouse</b>	<ul style="list-style-type: none"> <li>• Marriage License or Income Tax Return</li> <li>• Self-Attestation*</li> </ul>

\*Please reference the definition section of this directive for additional guidance on case notes or self-attestation being used for documentation purposes.

For reporting and statistical purposes, the WDBVC recommends program operators document all barriers of employment to accurately measure populations served.

### Workforce Development Board of Ventura County Policy and Procedures

Program operators must establish policy and procedures for implementing priority of service within existing service delivery strategies. Program operator policies must ensure that priority populations, especially veterans and eligible spouses, are identified at the point of entry and given an opportunity to take full advantage of priority of service. These policies must ensure that priority populations are aware of their entitlement to priority of service, the full array of employment, training, and placement services available under priority of service, and any applicable eligibility requirements for those programs and/or services. Additionally, program operators must ensure that written copies of local priority of service policies are maintained at all service delivery points and, to the extent practicable, posted in a way that makes it possible for members of the general public to easily access them.

The WDBVC encourages service providers to consider establishing benchmarks, in addition to DOL’s benchmark and goal discussed above, as a way to recognize whether priority is being provided to these populations. Benchmarks could include the percentage of individuals in individualized career or training services from at least one priority group (DOL encourages states to set a minimum of 75 percent), or the percentage of individuals from at least one priority group receiving individualized career or training services. Priority populations established by the Governor and/or the WDBVC should have a lower priority than the WIOA Adult or Veteran priority populations established in statute. DOL expects that the provision of services to priority populations established by the Governor and/or the WDBVC will not impact the statutory priorities for the WIOA Adult or Veteran priority populations. Though not relevant for the 50.1 percent minimum which should be met by all states, when reviewing state progress against the

75 percent benchmark, DOL will consider state progress against additional priority populations established by the Governor and/or the WDBVC.

**ACTION**

Bring this policy to the attention of all affected staff.

**INQUIRIES**

Inquiries regarding this policy can be addressed to the WDBVC at 805-477-5306.

/S/ Rebecca Evans, Executive Director  
Workforce Development Board of Ventura County