



**Buffalo and Erie County
Workforce Investment Board, Inc.**

LOCAL POLICY BULLETIN

BECWIB BULLETIN # 1-18 DATE: January 10, 2018

TO: Lavon Stephens, Administrative Director, WDC, Inc.
FROM: Heather Gresham, Executive Director, WIB, Inc.
SUBJECT: **Priority of Service under WIOA**
REFERENCES: Title 1 of the Workforce Innovation and Opportunity Act, Sec. 134(c)(3)(E); 20 CFR 680.600 through 680.660; TEGL 10-09; TEN15-10a1: and TA12-12.4.

EFFECTIVE DATE: Immediately

Effective immediately, our Local Workforce Development Area (LWDA) revises and replaces the following policies concerning Priority of Service: Local Policy Bulletin #10-17 dated November 3, 2017, Local Policy Bulletin # 9-17, dated October 19, 2017, and BECWIB Interim Memorandum dated August 24, 2017.

POLICY STATEMENT

The Buffalo and Erie County Workforce Investment Board is committed to providing a Priority of Service to eligible Adult, and Veterans and their Eligible Spouses for individualized career services and training services, under the directives and guidelines of the Workforce Innovation and Opportunity Act of 2014 and its regulations.

This Priority of Service Policy applies to (1) WIOA Adult-funded individualized career services and training services (including ITAs), and (2) Veterans and Eligible Spouses under all qualified job training programs funded under Title I of WIOA. This Priority of Service policy is to be utilized with the WIB's Individual Training Accounts policy.

Please share this information with appropriate staff.

c: Leslie Ayer, Terry Chatfield, Ken Colon, Jeff Conrad, Makeda Holley, Christina Lopez, Brenda McDuffie, Deborah Miller, Jeff Nixon, Denise Raymond, Russell Sferlazza, Karen Simmons, Jeff Conrad, Demone Smith, Joe Sullivan, Cindy Trowman, Mary Zerpa and WIB staff.

PRIORITY OF SERVICE

WIOA establishes priority requirements with funds allocated to a local area for *adult employment and training activities* [WIOA Section 134 (c)(3)(E)]. This statutory priority does not apply to employment and training activities using dislocated worker funds. However, WIOA does require a priority of service for Veterans and Eligible Spouses who receive services under *any* qualified job training program funded by the U.S. Department of Labor (20 CFR 680.650; TEGL 10-09 (https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=2816; and TA#1212.4 <https://labor.ny.gov/workforcenypartners/ta/ta12-12-4-veterans-priority-of-service.pdf>). Therefore, a priority of service to veterans and eligible spouses must be applied to dislocated worker (DW) funded programs, as well.

What follows are the rules governing priority of service application to (1) WIOA Adult funded career and training services as outlined in 20 CFR 680.600 through 680.660, and (2) Veterans and Eligible Spouses under all qualified job training programs funded under Title I of WIOA.

A. PRIORITY OF SERVICE FOR WIOA ADULT-FUNDED INDIVIDUALIZED CAREER SERVICES

Priority of service for Individualized Career Services using Adult funds must be provided in the following order:

First Priority, to covered persons (veterans and eligible spouses) who are:

- Recipients of public assistance, or
- Other low income (as defined by WIOA sec. 3(36), or
- Basic skills deficient.

Second Priority, to individuals (non-covered persons, that is, individuals who are not veterans or eligible spouses) who are:

- Recipients of public assistance, or
- Other low income [as defined by WIOA sec. 3(36)], or
- Basic skills deficient.

Third Priority, to veterans and eligible spouses that meet Adult program eligibility.

Fourth Priority, to individuals (non-covered persons) who do not meet the above priorities but are Adults whose current hourly wage is less than the self-sufficiency wage established by the Board. The current self-sufficiency wage is \$25.00 per hour.

Guidance concerning hourly wage verification may be found in Attachments A and B of NYSDOL TA 11-12.2 (see: <https://labor.ny.gov/workforcenypartners/ta/TA11-12.2.pdf>).

B. PRIORITY OF SERVICE FOR WIOA ADULT- FUNDED TRAINING SERVICES.

Priority of service for WIOA Adult-funded training services including ITAs must be provided in the same order as Adult funded individualized career services. *No other group will be eligible for an Adult-funded ITA.*

Acceptance and Verification:

If there is a waiting list for the formation of a training class, priority of service requires an individual in a priority group to go to the top of the list. *However*, priority of service for training services applies only up to the point at which an individual is both approved for funding and accepted or enrolled into the training program. Therefore, once an individual who is not in a priority group has been approved for funding and accepted or enrolled into the training program, priority of service is not intended to allow an individual in a priority group who is identified subsequently to “bump” the individual not in the priority group from the training program.

Unlike individualized career services, *prior* verification of veteran and eligible spouse status is required for priority acceptance or enrollment into Adult-funded training services (see TEN15-10a1 at <https://wdr.doleta.gov/directives/attach/TEN/ten2010/ten15-10a1.pdf>). The verification of veteran or eligible spouse status can be through a variety of official documents, including, but not limited to, those documents referenced in Attachment A to TEGL 10-09.

C. PRIORITY OF SERVICE DEFINITIONS

The Priority of Service Policy incorporates the following definitions:

1. Basic Skills Deficient

WIOA focuses on serving individuals with barriers to employment, as defined in WIOA sec. 3(24), which has been expanded to include individuals who are basic skills deficient.

For WIOA Adults, “Basic Skills Deficient” means an individual who 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. The inability to compute or solve problems or to read, write or speak English at the necessary level may be documented by one of the following the following:

- (1) A score on the TABE test equivalent to the 8th grade level or below;
- (2) An equivalent assessment on the National Reporting System (NRS) benchmarks crosswalk;
- (3) An assessment approved and accredited by the New York State Department of Education; or
- (4) A self-attestation that an individual with a primary language other than English is limited-English proficient.

2. Career Services (Basic, Individualized and Follow-up).

Career Services are defined in 20 CFR 678.430. It includes Basic, Individualized and Follow-up services. These services are further articulated in TEGL 19-16 (see: https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=3851) and TEGL 16-16 (see: https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=8772).

3. Covered Person

Covered person is defined as a veteran or an eligible spouse. Covered persons must meet all statutory eligibility and program requirements for participation in order to receive priority for a program or service.

The status of a veteran or eligible spouse of a veteran may be verified by the documents described in paragraph 1(b) of Attachment A to TEGL10-09 (November 10, 2009). See https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=2816.

4. Eligible Spouse (WIOA Sec.3 (15) (E); TEGL 10-09 https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=2816).

An “eligible spouse” means the spouse of any of the following:

- A 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:
 - Missing in action,
 - Captured in the line of duty by a hostile force, or
 - Forcibly detained or interned in the 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; or
- Any veteran who died while a disability was in existence.

5. Low-Income Individual

The term “Low-Income Individual” is defined in WIOA Sec. 3(36)(A), and include an individual who is:

- a recipient of public assistance through SNAP, TANF, and SSI, or
- in a family with total family income that does not exceed the higher of
 - (1) the poverty line, or
 - (2) 70% of the lower living standard income level.

6. Priority of Service

Priority of service means that individuals in priority groups are given priority over individuals not in those groups for the receipt of WIOA Adult-funded career and training services. (WIOA sec. 134 (c) (3) (E); and 20 CFR 680.600 through 680.660).

This means that an individual in a priority group either receives access to a service earlier in time than an individual not in the group or, if the resource is limited, the individual in the priority group receives access to the service instead of or before individuals who are not in the priority group.

7. Training Services are governed by sections 20 CFR 680.200 through 680.230, and 20 CFR 680.300 through 680.350. These services are further explained in TEGl 19-16 https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=3851; and TEGl 16-16 https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=8772 .

8. Veteran
A veteran is a person who served in the active military, naval or air service and who is discharged or released therefrom under conditions other than dishonorable (WIOA Sec. 3(63)(A); 38 USC Sec. 101).

Refernce Links:

Workforce Innovative and Opportunity Act

<https://www.congress.gov/113/bills/hr803/BILLS-113hr803enr.pdf>

Federal Register - Part VI of Vol. 81, No. 161 (Department of Labor final rules for WIOA)

20 CFR Part 680, Subpart E – Priority and Special Populations (Sections 680.600 – 680.660)

<https://www.law.cornell.edu/cfr/text/20/part-680>

ETA Statement on Veteran Eligibility and Priority of Service

https://www.doleta.gov/layoff/Veterans_Priority_Service_Policy.cfm