



**PROCEDURE TRANSMITTAL**

<b>SUBJECT:</b>	<b>Workforce Innovation Opportunity Act (WIOA) Priority of Service</b>	<b>Policy/Guidance No.: #3 PY2021-22</b>
<b>APPLIES TO:</b>	<b>Workforce Services WIOA Adult Service Providers</b>	<b>Effective Date: 04-28-22</b>
		<b>Revised Date:</b>
		<b>Expiration Date: Indefinite</b>
<b>REFERENCE:</b>	<ul style="list-style-type: none"> <li>• <b>Public Law 113-128, Workforce Innovation and Opportunity Act, Sections 3 and 134(c)(3)(E)</b></li> <li>• <b>20 Code of Federal Regulations (CFR) 20 CFR 680.600 – 680.660; 20 CFR 683.230 and 20 CFR Part 1010</b></li> <li>• <b>Title 38, United States Code (U.S.C.) 4213 – Veteran’s Benefits</b></li> <li>• <b>Training and Employment Guidance Letter (TEGL) 19-16 and 10-09</b></li> </ul>	

**I. PURPOSE**

The purpose of this procedural transmittal is to provide guidance on the eligibility criteria that will be used when providing services to the Workforce Innovation Opportunity Act (WIOA) Adult population. The WIOA enhances the focus on providing services to the most vulnerable individuals, who are recipients of public assistance, individuals who are deficient in basic skills, or those who are low-income.

**II. BACKGROUND**

The Workforce Innovation and Opportunity Act requires priority be given to public assistance recipients, other low-income individuals and individuals who are basic skills deficient, when providing individualized career services and training services for adult participants. The U.S. Department of Labor (USDOL) Jobs for Veterans Act (JVA) and the Veterans’ Benefits, Healthcare, and Information Technology Act of 2006 outlines the Priority of Service for

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WIOA-eligible veterans and eligible spouses. Other eligible individuals may be served only after first serving individuals who meet the established veteran priority of service criteria. Priority of service applies to participants served in the WIOA adult program. Priority of service does not apply to participants served in the WIOA dislocated worker program.

### III. PROCEDURE

Priority of service means adults who meet the WIOA eligibility must be served before other persons for the receipt or individualized career services and training services. Veterans are included in the priority groups and must be provided with services before non-veterans are served as described below.

#### A. Statutory Priority for Adult Funds

WIOA focuses on serving individuals with barriers to employment and ensures access to these services on a priority basis. Priority for the provision of individualized career and training services will be provided in the following sequential order:

1. Recipients of public assistance, who is an individual who receives, or in the past six months has received, or is a member of a family that receives or in the past six months has received, assistance through one or more of the following:
  - Supplemental Nutrition Assistance Program;
    - The Supplemental Nutrition Assistance Program (SNAP) established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.)
  - Temporary Assistance for Needy Families;
    - The program of block grants to States for Temporary Assistance for Needy Families (TANF) program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)
  - Supplemental Security Income
    - The Supplemental Security Income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or state or local income-based public assistance
  
2. Low-income individuals. Payments for unemployment compensation, child support payments and old-age survivors' insurance are not excluded from income calculations for determining if an individual is low income.
  - Is in a family with total family income that does not exceed the poverty line; or 200 percent (Miami-Dade County) 250 percent (Monroe County) of the Lower Living Standard Income Level;
  - Is a homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), or a homeless child or youth (as defined under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a (2)));

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- Receives or is eligible to receive a free or reduced-price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);
- Is a foster child for whom state or local government payments are made; or
- An individual with a disability whose own income meets the income requirement, but who is a member of a family whose income does not meet this income requirement.

3. Individuals who are basic skills deficient.

- 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.

4. Incumbent Workers (No Income Criteria)

- Employed individuals where the employer has contracted for training services to be provided through the Incumbent Worker Training Program.

B. Veteran and Adult Priority of Service

A veteran is an individual who served in the active military, naval, or air service, and 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 (38 U.S.C. 101(2)).

Veterans and eligible spouses receive priority of service for all USDOL-funded job training programs, which include WIOA programs. However, when programs are statutorily required to provide priority for a particular group, such as the WIOA priority for adult funds described above, priority must be provided in the order described below. Veterans who receive priority of service must meet all WIOA adult program eligibility requirements. For income-based eligibility determinations, amounts paid while on active duty or paid by the Department of Veterans Affairs (VA) for vocational rehabilitation, disability payments, or related VA-funded programs cannot be considered income for eligibility purposes.

To ensure that veterans and eligible spouses are made aware of their eligibility to receive priority of service, that includes the full array of workforce programs and services available to them, and any applicable eligibility requirements for those programs and services, the Veteran Priority of Service Form must be completed and signed by the applicant and staff. The original will be maintained in the file and a copy provided to the applicant.

Veterans and eligible spouses are given priority over non-covered persons for the receipt of employment, training and placement services provided under a qualified job training program. Priority means veterans and eligible spouses are entitled to precedence over non-covered persons for services. This means 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 services instead of or before the non-covered person.

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- An eligible Spouse consist 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:
    - Missing in Action;
    - Captured in line of duty by a hostile force; or
    - 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;
  - Any veteran who died while a disability was in existence.

Priority of service must be provided to eligible WIOA adult program participants in the following order:

1. Veterans and eligible spouses who are also recipients of public assistance, other low-income individuals, including the underemployed, or individuals who are basic skills deficient.
2. Individuals who are not veterans or eligible spouses who are included in the groups given WIOA priority selection criteria, (public assistance recipient, other low income individuals including underemployed or basic skills deficient).
3. All other veterans and eligible spouses who are not included in the WIOA priority groups (see above items 1 and 2).
4. Other individuals who do not meet the statutory priority, but who are identified as priority populations established by the Governor and/or local workforce development boards.
5. Other individuals who do not meet the statutory priority and who do not meet the Governor’s or local workforce development board’s discretionary priority, but who do meet the WIOA adult program eligibility.

**C. Veterans’ Registration in Employ Miami-Dade (EMD)/Employ Monroe (EM)**

A veteran’s self-registration in the state’s management information system, Employ Florida, will automatically record service code 089 - Notification of Veterans Priority of Service. Veterans and individuals who register in EMD/EM, or who are entered in EMD/EM by staff must be advised of their eligibility to priority of service and the code 189 must be entered on the service plan screen by staff. The 089 and 189 service codes are priority of service indicators.

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