



RIVERSIDE COUNTY
WORKFORCE DEVELOPMENT BOARD

Workforce Innovation and Opportunity Act (WIOA)
**Priority of Service
POLICY**

Date: August 15, 2024

Number: 19-03

PURPOSE:

The Riverside County Workforce Workforce Development Board (WDB) establishes this policy to provide priority of service for veterans and eligible spouses, low-income individuals, public assistance recipients and basic skills deficient individuals and other identified priority groups for individualized career services and training services funded under the Workforce Innovation and Opportunity Act.

EFFECTIVE DATE:

Upon Release

REFERENCES:

- WIOA Section (Public Law 113-128) [3\(5\)](#), [3\(36\)](#), [3\(50\)](#), and [134](#)
- *Veterans Benefits, Health Care, and Information Technology Act of 2006* (Public Law 109-461)
- *Jobs for Veterans Act (JVA) of 2002* (Public Law 107-288)
- Title 38 *United States Code* (U.S.C.) Sections [101\(2\)](#), [4213](#), and [4215\(a\)](#), and Chapter 11, 13, 15, 30-31, 33, and 35-36
- Title 20 *Code of Federal Regulations* (CFR) Part [1010](#): "Priority of Service for Covered Persons"
- Title 20 CFR Sections [680.600](#), [680.650](#), [683.230](#)
- Training and Employment Guidance Letter (TEGL) [19-16](#), Subject: *Guidance on Services provided through the Adult and Dislocated Worker Programs under the WIOA and the Wagner-Peyser Act Employment Services, as amended by Title III of WIOA, and for implementation of the WIOA Final Rules* (March 1, 2017)
- Training and Employment Guidance Letter (TEGL) [26-13](#), Subject: *Impact of the U.S. Supreme Court's Decision in United States v. Windsor on Eligibility and Services Provided Under Workforce Grants Administered by the Employment*

and Training Administration (June 18, 2014)

- Training and Employment Guidance Letter (TEGL) [10-09](#), Subject: Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or part by DOL (November 10, 2009)
- Workforce Services Directive [WSD-15-14](#), Subject: *WIOA Adult Program Priority of Service* (January 22, 2016)
- Workforce Services Directive [WSD19-04](#), Subject: *Priority of Service Veterans and Eligible Spouses* (September 11, 2019)
- Workforce Services Directive [WSD22-04](#), WIOA Data Validation (September 1, 2022)
- Workforce Services Directive [WSD19-06](#), CalJOBSSM Activity Codes (December 27, 2019)

LOCALLY IMPOSED REQUIREMENTS:

Locally imposed requirements are printed in ***bold, italic type***.

BACKGROUND:

Pursuant to the WIOA, priority for individualized career services and training services funded with Title I Adult funds must be given to recipients of public assistance and other low-income individuals who are basic skills deficient. In addition, all recipients of Department of Labor funds are required by law, in accordance with the Jobs for Veterans Act (JVA), to revise and improve employment, training, and job placement services furnished to veterans. Section 2(a) of the Act mandates priority of service to veterans and eligible spouses “who otherwise meet the eligibility requirements for participation” in DOL programs.

DEFINITIONS:

For purposes of this directive, the following definitions apply:

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.*
- *Enrolled in a Title II Adult Education/Literacy program.*
- *English, reading, writing, or computing skills at an 8.9 or below grade level.*
- *Determined to be Limited English Skills proficient through staff-documented observations.*
- *Other objective criteria determined to be appropriate by the Local Area and documented in its required policy.*

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 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 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.

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).

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])

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]).

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

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 CaliforniaSM (AJCC), as well as websites such as CalJOBSSM, 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 non-covered person or, if resources are limited, giving access to such services to a covered person instead on a non-covered person.

*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,
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: 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.

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.

POLICY:

Under WIOA Section 134, the career services category includes basic career services and individualized career services. Basic career services are not subject to the priority of service requirement. However, individualized career services and training services are subject to the requirement (Title 20 CFR NPRM Section 680.150).

Service	Description	Priority of Service
Basic Career Services	*Self-Service: individuals independently access workforce development system information and services. *Information-Only Services or Activities: services providing readily available information that does not require staff assessment such as individual's skills, education, or career objectives. * Staff-Assisted: services other than self-service and information-only services or activities.	No
Individualized Career Services	*Provided to participants after AJCC staff determine that such services are required to retain or obtain employment.	Yes
Training Services	*Services provided through an Individual Training Account (ITA) or through a training contract	Yes
*Please reference Workforce Services Directive 19-06 , CalJOBS SM Activity Codes for additional definitions and guidance.		

As described in TEGL 10-09, when programs are statutorily required to provide priority, such as the WIOA adult program, the priority must be provided in the following order:

1. Veterans and eligible spouses who are also recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient.
2. Individuals who are the recipient of public assistance, other low-income individuals, or individuals who are basic skills deficient.
3. Veterans and eligible spouses who are not included in WIOA's priority groups.
4. Other individuals not included in WIOA's priority groups.

PRIORITY OF SERVICE FOR VETERANS AND ELIGIBLE SPOUSES

The JVA requires program operators 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 a non-covered person. The veterans' priority of service requirement does not change program eligibility criteria as a veteran and/or eligible spouse must first qualify for the specific program before the priority of service for veterans and eligible spouses is applied. Veterans and/or eligible spouses must be made aware of:

- Their entitlement to priority of service;
- The full array of employment, training, and placement services available; and,
- Applicable eligibility requirements for programs and services.

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- Survivor's and dependent's 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 GBI 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.

PRIORITY OF SERVICE FOR RECIPIENTS OF PUBLIC ASSISTANCE, OTHER LOW-INCOME INDIVIDUALS, OR INDIVIDUALS WHO ARE BASIC SKILLS DEFICIENT

As stated in WIOA Section 134(c)(3)(E), with respect to individualized career services and training services (i.e., job search assistance, labor market information, comprehensive assessment, and training) 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 OF SERVICE IMPLEMENTATION FOR OTHER WORKFORCE 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, 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 HWS-WDD.
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.

Local Procedures

Identifying Veterans and Eligible Spouses

HWS/WDD staff 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 CalJOBSSM, 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 CaliforniaSM.

Refer to Knowledge Management on the WDC/Partner Intranet site for procedures related to this policy.

Documenting Eligibility for Priority of Service


It is not necessary for staff to verify the status of a veteran or eligible spouse 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 veterans' priority eligibility criteria must be accorded veterans' 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.

REVISION HISTORY:

Revision Dates: 08/13/2024, 04/18/2016, 07/10/2008, 01/01/2005

Original Policy Date: 06/01/2002


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