

POLICY

TITLE:	Priority of Service	PROGRAM:	Adult
EFFECTIVE DATE:	July 1, 2012	REVISIONS:	May 12, 2021

Background:

Section 134 (c)(3)(E) of the Workforce Innovation and Opportunity Act requires that with respects to funds allocated to a local area for Adult employment and training activities, priority shall be given to recipients of public assistance, other low income individuals and individuals who are basic skills deficient for receipt of career services and training services. The New River/Mount Rogers Workforce Development Board has also added offenders to this priority of services group. Federal priority guidelines apply to adult funds only; therefore, funds allocated for youth and dislocated workers are not subject to this requirement.

Definition of Limited Funds:

The Workforce Development Board has determined that the term “limited funds” will be applicable when 50% of the available program year Adult Program formula funds have been expended. Until such time as the 50% threshold is attained, the 200% Non-Metro LLSIL may be used in lieu of the low income standard. Pursuant to this determination, the following Adult priority levels shall be applicable.

Adult Priority of Services:

First priority for career and training services will be given to veterans and eligible spouses who are receiving public assistance or are classified as low income or are basic skills deficient.

Second priority for career and training services will be given to non-covered persons (individuals who are not veterans or eligible spouses) who are receiving public assistance or are classified as low income or are basic skills deficient.

Third priority for career and training services will be given to veterans and eligible spouses who are not receiving public assistance or are not classified as low income or are not basic skills deficient.

Fourth priority for career and training services will be given to individuals meeting the WDB Self-Sufficiency and Employed Worker Policy or individuals who are offenders or individuals who lack a high school diploma or GED or individuals with a disability or individuals with barriers to employment.

Local Area priority of service is any individual that meets any of the above criteria OR any individual that is eligible for Temporary Assistance for Needy Families (TANF) OR any individual that has a mental or emotional health disorder (including Substance Use Disorder) and has the ability to reach the goal of full-time unsubsidized employment.

Compliance with the Jobs for Veterans Act

The NR/MR WDB will provide veterans and eligible spouses priority of service at each level, as specified in the Jobs for Veterans Act and its implementing regulations at 20 CFR part 1010.

A Veteran is defined as **“a person who served in the active military, naval or air service who was discharged or released there from under conditions other than dishonorable.”** Active services include full-time duty in the National Guard or a Reserve component, other than full-time duty for training purposes.

The term “eligible spouse” means:

- A. the spouse of any person who died of a service-connected disability;
- B. the spouse of any member of the Armed Forces serving on active duty who, at the time of the application for the priority, is listed on one or more of the following categories and has been so listed for a total of more than ninety days:
 - i. missing in action;
 - ii. captured in line of duty by hostile force; or
 - iii. forcibly detained or interned in line of duty by a foreign government or power;
- C. the spouse of any person who has a total disability permanent in nature resulting from a service-connected disability; or
- D. the spouse of a veteran who died while a disability so evaluated was in existence.

The United States Department of Labor (USDOL) provides additional clarification for “A” and “D” above by indicating that the re-marriage of the spouse would not terminate their eligibility. However, if a spouse becomes divorced from a veteran under “B” and “C” above, eligibility for priority of service is terminated.

It is further understood that this policy does not exclude from eligibility spouse who were not citizens at the time that the veteran was discharged or retired, nor does it stipulate that a spouse had to be married to a veteran at the time of his or her discharge or retirement.

Priority of Service

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

WIOA Title I Programs

While veterans and eligible spouses receive priority of service for all DOL funded job training programs and services to include WIOA Title I Programs, the veteran or eligible spouse must still meet each program's eligibility criteria to receive services under the respective employment and training programs. 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 are not to be considered as income in accordance with federal law.