

MERCED COUNTY WORKFORCE DEVELOPMENT BOARD

1900 Airdrome Entry · Atwater, CA 95301 · (209) 724-2000 · Fax (209) 383-4039

POLICY BULLETIN

MCWDB PB # 14-21	Date of Release: September 22, 2021
To:	All Merced County Workforce Development Board Staff and Service Providers
From:	Erick Serrato, Merced County Workforce Development Board
Effective Date:	September 22, 2021
Subject:	WIOA Adult Program Priority of Service
Responsible Official:	MCWDB Program Manager

PURPOSE

This policy provides guidance and establishes the procedures regarding Priority of Service for Veterans and Eligible Spouses, recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient (this includes English Language Learners) served with Workforce Innovation and Opportunity Act (WIOA) Adult funds.

BACKGROUND

The Workforce Investment Act (WIA) required that if funds allocated to a Local Area for adult employment and training activities were limited, priority of service was to be provided to recipients of public assistance and other low-income individuals for intensive services and training services.

Priority of Service means that individuals in the targeted groups are given priority over other individuals for receipt of Individualized Career Services and Training Services funded by the Title I Adult program. Seventy-five percent (75%) of the local participants receiving individualized career and training services in the Adult program are from at least one of the priority groups mentioned below. However, local service providers are encouraged to reach the benchmark of 80% of local participants from at least one of the priority groups listed below.

The WIOA made several changes to the Priority of Service requirement by adding individuals who are basic skills deficient a priority population, changing intensive services to individualized career services, and removing the provision stating priority of service is only applied if funding is limited. WIOA provides a focus on serving individuals with barriers to employment, and this priority intends to ensure access to these populations on a priority basis. Priority of Service does not apply to the Dislocated Worker or Youth Programs.

Veterans and eligible spouses continue to receive priority of service for all Department of Labor (DOL) funded programs amongst all participants. These requirements were not affected by the passage of the WIOA. They must still be applied in accordance with guidance previously issued by the DOL, Workforce Services Directive WSD19-04, and Merced County Workforce Development Board #15-21.

POLICY

Priority of Service Requirement

As stated in 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 of Service cannot be waived. (20 CFR 1010.250) Priority of Service does not guarantee that an individual will always receive service by virtue of his/her status. The individual must be eligible and be able to benefit

from the services. (20 CFR 680.600(b)) Once another participant is enrolled in a WIOA individualized career or training service, that participant may not be displaced by an individual who qualifies for Priority of Service.

Veterans and eligible spouses continue to receive priority of service among all eligible individuals; however, they must meet the WIOA adult program eligibility criteria and meet the criteria under WIOA Section 134(c)(3)(E).

When programs are statutorily required to provide priority, such as the WIOA Adult program, then the priority must be provided in the following order:

1. Veterans and eligible spouses included in the groups are given statutory priority for WIOA Adult formula funds. This means that Veterans and eligible spouses who are also recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient will receive first priority for services provided with WIOA Adult formula funds.
2. Non-covered persons (that is, Individuals who are not Veterans or eligible spouses) who are the recipient of public assistance, other low-income individuals, or individuals who are basic skills deficient (per MCWDB Policy #09-21).
3. Veteran participants and eligible spouses who are not recipients of public assistance, low-income individuals, or who are not basic skills deficient.
4. Other individuals not included in WIOA's priority groups

B. Career and Training Services

Under WIOA, the WIA Core and Intensive services are merged into a new category entitled "Career Services." 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.

C. Documentation

Appropriate supporting documentation to support any of the Priority of Service criteria listed above must be collected. The use of Self-Attestation may be used in minimal cases if staff is unable to obtain the required supporting documentation. Veteran DD214s cannot be Self-Attested. In addition to the documentation needed, the qualifying priority group category or categories must be entered in the participant's CalJOBS Eligibility Case Note.

D. Income Exception

When past income is an eligibility determinant for Federal employment or training programs, any amounts received as military pay or allowances by any person who served on active duty and certain other specified benefits must be disregarded for the veteran and for other individuals for whom those amounts would normally be applied in making an eligibility determination. Military earnings are not included when calculating income for veterans or transitioning service members for this priority.

REFERENCES

WIOA Sections 3(5), 3(36), 3(50) and 134(c)(3)(E)
20 CFR Sections 680.600, 680.610, 680.650, 680.230
TEGL 03-15, TEGL 07-20, TEGL 10-09, TEGL 19-16, TEGL 26-13,
EDD Workforce Services Directive WSD19-04, WSD 15-14
Department of Labor Employment and Training Administration – WIOA Desk Reference
Jobs for Veterans Act (JVA) of 2002 (Public Law 107-288)
MCWDB Priority of Service for Veterans and Eligible Spouses policy #15-21