



January 5, 2023

EASTERN CAROLINA LOCAL AREA ISSUANCE NO. 2022-09

SUBJECT: Priority of Service

PURPOSE: To provide guidance on the requirements for providing priority of service to all covered persons and identified populations and to rescind Eastern Carolina Local Area Issuance No. 2016-03, Change 1 dated June 12, 2017.

BACKGROUND: The Workforce Innovation and Opportunity Act (WIOA) establishes a priority requirement for the use of funds allocated to the Local Area for certain adult employment and training activities. Priority of service must be given to recipients of public assistance, low-income individuals, and those who are basic skills deficient, regardless of the amount of funds available to provide services. These priorities are in addition to the requirements that veterans and their eligible spouses receive.

The U.S. Department of Labor (USDOL) has mandated that states work toward a goal of ensuring that at least 75% of the individuals enrolled in Title I Adult meet the criteria of at least one of the priority of service categories. Local Areas that continuously do not meet the mandated goal may be subject to findings or corrective action.

Recipients of public assistance, individuals who are basic skills deficient, or those identified as being low-income, as these categories are further defined below, represent some of the workforce system's most in need participants, and are the three priority groups that WIOA specifically mandates are entitled to receive priority of service (in addition to veterans and eligible spouses) for individualized career or training services under the WIOA Adult program.

The priority of service for public assistance recipients, other low-income individuals, and individuals who are basic skills deficient is a statutory priority that applies only to the recipient of individualized career and training services in the WIOA Title I Adult program.


ACTION: WIOA Service Providers will be expected to ensure that a sufficient number of adults receiving individualized career and training services in the Local Area are from one of the priority of service categories (public assistance, low-income individuals, and individuals who are basic skills deficient) as outlined in attachment A of this policy. To assist with tracking, service providers can run the Priority Summary reports for Adult and Dislocated Worker on NCWorks Online. These reports can be accessed on NCWorks Online under detailed reports, case management – program specific, WIOA Title I, Priority Summary – Adult and/or Priority Summary – Dislocated Worker.

EFFECTIVE DATE: Immediately

EXPIRATION DATE: Indefinite

CONTACT: Executive Director

DISTRIBUTION: Eastern Carolina NCWorks Career Centers (WIOA Title I & Title III Staff)


Tammy Childers, Executive Director

Attachment A – Priority of Service

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PRIORITY OF SERVICE

Priority of service means, with respect to applicable WIOA programs, certain populations will be given priority over others (*as indicated below*) for the receipt of certain employment, training, and placement services provided under WIOA. Veterans within these groups receive priority over non-veterans.

In accordance with guidance provided by 20 CFR part 680, TEGLs 19-16 and 07-20, priority of service will be applied in the order listed below for individuals that receive individualized career services and training services under WIOA:

1. **First**, to veterans and eligible spouses (who also are included in the groups given statutory priority for WIOA adult formula funds). This means that veterans and eligible spouses who also are recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient would receive first priority for services provided with WIOA adult formula funds.
2. **Second**, to non-covered persons (individuals who are not veterans or eligible spouses) who are included in the groups given priority for WIOA adult formula funds (recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient as described above).
3. **Third**, to veterans and eligible spouses who are not included in WIOA's priority groups.
4. **Fourth**, to any other populations identified by the Governor or Local Area WDB for priority. ***The Local Area has not identified any additional categories to give priority to other individuals for the Title I Adult program.***
5. **Last**, to non-covered persons outside the groups given priority under WIOA.

Note: 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 to be included when calculating income for veterans or transitioning service members for this priority. ***This does not apply to individuals that are on Active Duty in the military.***

PROCEDURES FOR PRIORITY OF SERVICE

Priority of service for individualized career and training services means the right of eligible covered persons to take precedence over eligible non-covered persons in obtaining these services. Taking precedence may mean that eligible covered individuals receive access to the service or resource earlier in time than the non-covered individual; or if the service or resource is limited, the eligible covered individual would receive access to the service or resource instead of or before an eligible non-covered individual.

Signs regarding priority of services to veterans and eligible spouses are posted in the NCWorks Career Centers. Upon entering the NCWorks Career Center, individuals identified as a veteran or eligible spouse by a greeter/front desk staff will be informed of priority of service as it pertains to services offered in the NCWorks Career Center. Veterans and eligible spouses are given a services intake form to determine their eligibility for priority of services provided by Disabled Veterans' Outreach Program (DVOP) Specialists. Based on their responses to the questionnaire they may receive services from a DVOP Specialist or an NCWorks Career Advisor. Veterans and eligible military spouses will receive the first level of priority of service in universal access programs and services delivered through NCWorks Career Centers for all USDOL funded programs, including the Wagner-Peyser and WIOA Programs.

At the initial meeting with the veteran representative or career advisor, veteran or eligible spouse customers will be made aware of their entitlement to priority of service and the full array of services available including applicable eligibility requirements for programs and/or services.

Individuals that are not veterans or eligible spouses but may fall into the groups given priority for WIOA formula funds will be interviewed to determine their eligibility for priority of service. If it is determined that they fall within one of the groups given priority for WIOA formula funds, they are made aware of their entitlement to priority of service and the full array of services available including applicable eligibility requirements for programs and/or services.

KEY DEFINITIONS**ADULT** (WIOA Sec. 3(2)) –

Except as otherwise specified in section 132, the term “adult” means an individual who is age 18 or older.

BASIC SKILLS DEFICIENT (WIOA Sec. 3(5)(A)(B)) –

The term “basic skills deficient” means, with respect to an individual – **(A)** who is a youth, that the individual has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or **(B)** who is a youth or adult, that the individual 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.

***Note:** It is expected that any such basic skills deficiencies will be determined by an objective, valid, and reliable assessment such as the Comprehensive Adult Student Assessment Systems (CASAS) or Tests of Adult Basic Education (TABE). If the service provider determines the priority of service will be based on basic skills deficient criteria, then the participant’s file must contain academic tests (including the participant’s name, date of test, and results).*

ELIGIBLE SPOUSE (TEGL 19-16 Attachment III) –

means an individual whose military active duty or veteran spouse was –

- 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; or
 - 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 Department of Veterans Affairs; or
- d. Any veteran who died while a disability 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). Similarly, for a spouse whose eligibility is derived from a living veteran or service member, that eligibility would be lost upon divorce from the veteran or service member.

FAMILY (20 CFR 675.300) –

means two or more person related by blood, marriage, or decree of court, who are living in a single residence, and are included in one or more of the following categories:

- A. A married couple and dependent children;
- B. A parent or guardian and dependent children; or
- C. A married couple.

LOW-INCOME INDIVIDUAL (WIOA Sec. 3(36)(A)) - **(A) IN GENERAL.** –

The term “low-income individual” means an individual who - **(i)** receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the program of block grants to States for temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or 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; **(ii)** is in a family with total family income that does not exceed the higher of— **(I)** the poverty line; or **(II)** 70 percent of the lower living standard income level; **(iii)** 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))); **(iv)** 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.); **(v)** is a foster child on behalf of whom State or local government payments are made; or **(vi)** is an individual with a disability whose own income meets the income requirement of clause (ii), but who is a member of a family whose income does not meet this requirement.

LOWER LIVING STANDARD INCOME LEVEL (WIOA Sec. 3(36)(B)) –

The term “lower living standard income level” means that income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary of Labor based on the most recent lower living family budget issued by the Secretary.

RECENTLY SEPARATED VETERAN (WIOA Sec. 3(63)(B)) –

The term “recently separated veteran” means any veteran who applies for participation under this Act within 48 months after the discharge or release from active military, naval, or air service.

VETERAN (WIOA Sec. 3(63)(A)) - (A) VETERAN –

The term “veteran” has the meaning given the term in section 101 of title 38, United States Code (§101. *Definitions – For the purposes of this title – (2) The term “veteran” means a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable.*)