

CAPE FEAR LOCAL POLICY NO. P-WDB-002-2022

SUBJECT: CFWDB Priority of Service Policy for Adults

REFERENCE: North Carolina Department of Commerce Division of Workforce Solutions Guidance Number OG 19-2021; North Carolina Department of Commerce Division of Workforce Solutions Guidance Number OG 27-2021

PURPOSE: The purpose of this policy is to ensure compliance with The Jobs for Veterans Act, Public Law 107-288 (“the Act”). The Act establishes a priority of service requirement for covered persons (i.e. veterans and eligible spouses, including widows and widowers) in qualified job training programs. Veterans and eligible spouses will receive the first level of priority of service in universal access programs and services delivered through NC Career Centers for all USDOL funded programs, including the Wagner-Peyser and WIOA programs. Additionally, Priority of Service must be given to recipients of public assistance, low-income individuals, and those who are basic skills deficient. 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. States that continuously do not meet the mandated goal may be subject to findings or corrective action (USDOL Training and Employment Guidance Letter (TEGL) 07-20). Therefore, WDBs, including the Cape Fear WDB, are expected to ensure that a sufficient number of adults receiving individualized career and training services in the Local Area regions are from one of the priority of service categories: public assistance, low-income individuals, and individuals who are basic skills deficient. Local policies and procedures, to include monitoring practices, should be reviewed and updated accordingly to accommodate this guidance

POLICY: Individuals who are unemployed and meet the definition of a low-income individual, are underemployed, or who have a barrier to employment may also be served in the Adult program. The definition of under-employed individuals includes:

- Individuals employed less than full-time who are seeking full-time employment;
- Individuals who are employed in a position that is inadequate with respect to their skills and training;
- Individuals who are employed who meet the definition of a low-income individual in WIOA sec 3(36); and
- Individuals who are employed, but whose current earning are not sufficient compared to THEIR previous job’s earning from their previous employment, per State and or local policy.

Veterans and eligible spouses continue to receive priority of service for all USDOL-funded job training programs, which include WIOA programs. However, as described in **20 CFR Part 1010**, some programs are required to provide priority to a particular group of individuals, services must be provided in the following order.

- Veterans and eligible spouses who are also recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient.
- Individuals who are not veterans or eligible spouses but are included in the groups given priority for adult services.
- Veterans and eligible spouses who are not included in WIOA's priority groups.
- Last, to non-covered persons outside the groups given priority under WIOA.

In accordance with U.S.C. 4213, military earnings are disregarded when determining eligibility.

Services shall be provided in the following order:

1. Veterans and eligible spouses who are:
 - Low income or
 - Public Assistance Recipients
 - Basic skills deficient
2. Individuals who are:
 - Low income, or
 - Public Assistance Recipients, or
 - Who are basic skills deficient
3. Veterans and eligible spouses who are:
 - Not low income, and
 - Not recipients of public assistance, and
 - Not basic skills deficient
4. Individuals who do not meet the above status who are at 200% of the federal poverty level guidelines based on family size and family income (self-sufficiency)
5. All other individuals who do not meet the above guidelines.

ACTION: Guide for Providing Policies and Procedures for Providing Services:

- Welcome the Customer in a timely and professional manner
- Determine the customer's needs and priority status

- Provide Basic Career Services to include NCWorks registration and initial assessment of needs
- If it is determined that customer needs training services, then the customer will be referred to the WIOA training staff
- If the customer is eligible for the provision of training services, then they must qualify in Priorities 1 -4
- Customers who fall into priority 5 will only receive basic career services

DWS Operational Guidance No. OG 19-2021 and attached documents is required to be maintained on file and made available to all USDOL/Veterans Employment and Training Service (VETS), and other federal and state personnel conducting office audit reviews.

Veterans and spouses will receive priority of service under the Jobs for Veterans Act. Veterans and spouses will receive priority of services prior to non-covered persons under **any** program funded by the US Department of Labor.

If funding is not available to provide services to all qualified persons in a Career Center, the covered person will receive access to services earlier in time than the non-covered person.

Further information for providing Priority of Service to participants can be found in DWS Operational Guidance OG 19-2021 and OG 27-2021 attached.

Effective Date: Immediately

Revised Date: November 29, 2021

Expiration Date: Indefinite

Contact: Cape Fear Development Board Director

Distribution: CFWDB WIOA Providers
CFWDB Staff
NC Division of Workforce Solutions

ATTACHMENTS: **A:** DWS Operational Guidance OG-19-2021
B: DWS Operational Guidance OG 27-2021

ATTACHMENT

“A”



**NORTH CAROLINA DEPARTMENT OF COMMERCE
DIVISION OF WORKFORCE SOLUTIONS**

DWS Operational Guidance Number: OG 19-2021

Date: June 28, 2021

**Subject: Priority of Service for Veterans and Eligible
Spouses in all U.S. Department of Labor (USDOL) Job
Training Programs**

From:

**Chet Mottershead
Assistant Secretary for Workforce**

Purpose: To emphasize to staff of Local Area Workforce Development Boards (WDBs), Division of Workforce Solutions (DWS) offices, and NCWorks Career Centers provisions of the Workforce Innovation and Opportunity Act (WIOA) Final Rule for Priority in all federally-funded training and employment programs as prescribed in the Jobs for Veterans Act, to provide instruction on the implementation of the provisions, and to rescind PS 03-2017.

Background: The Jobs for Veterans Act, Public Law 107-288, was signed into law on November 7, 2002. One provision of the Jobs for Veterans Act, codified at 38 U.S.C. § 4215, establishes a priority of service requirement for covered persons (i.e., veterans and eligible spouses, including widows and widowers, as defined by this statute) in qualified job training programs. Relevant documents are provided as attachments.

Action: All appropriate staff must be aware of and comply with Priority of Service for Veterans and Eligible Spouses Final Rule, effective January 19, 2009, codified at 20 C.F.R. Part 1010. The Local Area WDB will develop policies implementing priority of service for the One-Stop Career Centers and other service delivery providers in its Local Area Plan. This Operational Guidance and attached documents must be maintained on file and made available to all USDOL/Veterans Employment and Training Service (VETS), and other federal and state personnel conducting office audit reviews.

Effective Date: Immediately

Expiration: Indefinite

Contact: DWS Veterans' Employment Services

Attachment 1: Summary of Priority of Service for Eligible Veterans and Spouses

Attachment 2: A Protocol for Implementing Priority of Service for Veterans and Eligible Spouse (Training and Employment Notice 15-10)

ATTACHMENT

“B”

	NORTH CAROLINA DEPARTMENT OF COMMERCE DIVISION OF WORKFORCE SOLUTIONS
	DWS Operational Guidance Number: OG 27-2021
	Date: November 29, 2021
	Subject: Priority of Service for Adults
	From:  Chet Mottershead Assistant Secretary for Workforce

Purpose: To provide guidance to Local Area Workforce Development Boards (WDBs) on the requirements for providing priority of service to all covered persons and identified populations.

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. States that continuously do not meet the mandated goal may be subject to findings or corrective action (USDOL Training and Employment Guidance Letter (TEGL) 07-20).

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.

Definitions:

Low-Income Individual (WIOA Section 3(36)): A low-income individual is defined as a person who meets any of the following criteria and will satisfy the low-income requirement for WIOA Title I Adult services:

1. Recipients of Public Assistance: Individuals who receive, or in the past six months have received, or are a member of a family that is receiving or in the past six months has received, assistance through one or more of the following:
 - Supplemental Nutrition Assistance Program (SNAP);
 - Temporary Assistance for Needy Families (TANF) program;
 - Supplemental Security Income (SSI) program; or
 - State or local income-based public assistance.

2. Other low-income individuals include:
 - individuals in a family with a total income below 70% of the lower living standard income level;
 - homeless;
 - foster youth; or
 - individuals with disabilities with an income below 70% of the lower living standard income level.

A youth 18 or older, who was determined to be a low-income individual eligible for the WIOA Title I Youth program, may be co-enrolled in the WIOA Title I Adult program without an additional determination of eligibility. They may be counted as an individual who meets adult priority of service if the original determination was made no more than six months prior to the date of co-enrollment. Under WIOA, an individual with a disability, whose family does not meet income eligibility criteria, will qualify for priority as a low-income adult.

Basic Skills Deficient Individual (WIOA Section 3(5)): The term “basic skills deficient” is defined as a youth or adult who is unable to compute or solve problems, or read, or write, or speak English, at a level necessary to function on the job, in the individual’s family, or in society. 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 Local Area WDB determines the priority of service will also 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). The Local Area WDB may, but is not required to, use assessments approved for use in the Department of Education's National Reporting System (NRS).

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. Local Area WDBs may add additional categories to give priority to other individuals for the Title I Adult program.

In accordance with guidance provided by 20 CFR part 680, TEGLs 19-16 and 07-20, North Carolina and Local Areas must apply priority of service in the order listed below:

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.
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.

Action: The Local Area WDBs will be expected to ensure that a sufficient number of adults receiving individualized career and training services in the Local Area regions are from one of the priority of service categories: public assistance, low-income individuals, and individuals who are basic skills deficient. Local policies and procedures, to include monitoring practices, should be reviewed and updated accordingly to accommodate this guidance

Effective Date: Immediately

Expiration: Indefinite

Contact: DWS Planner and Monitor