



EASTERN

EASTERN WORKFORCE BOARD, INC.

Proudly serving Adair, Cherokee, McIntosh, Muskogee, Okmulgee, Sequoyah and Wagoner Counties in Oklahoma

PRIORITY OF SERVICE POLICY



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TABLE OF CONTENTS

Purpose.....	3
Authority.....	3
Background.....	3
Policy.....	3
Order of Priority.....	3
Basis of Determination.....	4
Final Decision.....	5
Definitions.....	5
Career and Training Services.....	6
Documentation.....	8
Delivering Services to Priority Customers.....	8
Equal Opportunity and Nondiscrimination Statement.....	9
Priority of Service Ranking Worksheet.....	10
Priority of Services Determination Chart.....	11
Approval Register.....	11

PURPOSE:

This policy provides guidance and establishes the procedures regarding priority of service for recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient served with Workforce Innovation and Opportunity Act (WIOA) adult funds.

REFERENCE/AUTHORITY:

WIOA (Public Law 113-128) Sections 3 and 134, Title 20 Code of Federal Regulations (CFR) “WIOA, Notice of Proposed Rule Making” (NPRM), Sections 680.150, 680.600, 680.610, and 680.650, Training and Employment Guidance Letter (TEGL) 06-14, Oklahoma Office of Workforce Issuance #6-2016.

BACKGROUND:

The Workforce Investment Act (WIA) of 1998 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.

Since the passage of WIOA on July 22, 2014, there were several changes made to the priority of service requirement which includes the addition of individuals who are basic skills deficient as a priority population, changing intensive services to career individualized services, and removing the provision stating priority of service is only applied if funding is limited.

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 WIOA and must still be applied in accordance with guidance previously issued by the DOL.

POLICY:

As stated in WIOA Section 134©(3), 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. Veterans are also a priority population as a result of the Jobs for Veterans Act of 2002. Under WIOA, **Priority of service must be provided regardless of the level of funds.**

ORDER OF PRIORITY:

Veterans and eligible spouses continue to receive priority of service for all DOL-funded employment training programs, which include WIOA programs. For Adult and Dislocated Worker programs, priority must be provided in the following order:

Priority of Service for the WIOA Title I Adult Program (Individualized Career Services & Training Services)

- *1st Priority* – Veterans and eligible spouses who are also low-income, recipients of public assistance and/or basic skills deficient/English Language Learners;
- *2nd Priority* – Individuals (including Veterans) who are included in the Priority Populations groups for WIOA Title I Adult Program;
- *3rd Priority* – Veterans and Eligible spouses who are not included in the Priority Populations groups;
- *4th Priority* – Priority populations established by the LWDB (source documentation requirements must be clearly defined in EWB policy); and
- *5th Priority* – Individuals outside the groups given priority under WIOA.

Pursuant to 20 CFR §680.600(c), the local WIB and the governor may establish a process that also gives priority to other individuals eligible to receive such services, provided that it is consistent with priority of service for veterans (§680.650) and the priority provisions of WIOA §134(c)(3)(E).

EWB has designated the following categories to be included in the list of additional priorities That may receive appropriate WIOA services (OWDI #2-2019);

- Adults living in a “High Poverty” area as designated by the US Census;
- Displaced homemakers;
- Indians, Alaska Natives, and Native Hawaiians;
- Individuals with disabilities;
- Older individuals’
- Ex-offenders;
- Individual who face substantial culture barriers;
- Eligible Migrant Seasonal Farm Workers;
- Individuals within 2 years of exhausting lifetime TANF eligibility;
- Single parents (including single pregnant women; and
- Long-term unemployed individuals (27 or more consecutive weeks).

OWDI #06-2016 states local workforce boards must establish written policies and procedures to ensure priority for the populations described above for participants served in the WIOA Adult program, for eligibility determinations beginning on or after July 1, 2015. As part of regular monitoring and oversight responsibilities, OOWD staff is required to ensure all local areas have developed and implemented such policies, and that the policies demonstrate how priority of service is tracked for the aforementioned groups, which may include tracking referrals from partner entities and programs such as Temporary Assistance for Needy Families (TANF), the Supplemental Nutrition Assistance Program (SNAP), and Adult Basic Education (ABE). This document is developed in accordance with the state guideline.

Serving Separating Service Members and Military Spouses with Dislocated Worker Funds Service members exiting the military, including, but not limited to, recipients of Unemployment Compensation for Ex-Military members (UCX), generally qualify as dislocated workers. Dislocated Worker funds under Title I can help separating service members to enter or reenter the civilian labor force. A separating service member needs a notice of separation, either a DD214 from the Department of Defense, or other appropriate documentation that shows a separation or imminent separation from the Armed Forces, to meet the required dislocated worker definition. While in most instances an individual will have to be eligible for or have exhausted entitlement to unemployment compensation in order to receive dislocated worker services, separating service members on a terminal leave from the military may be provided career services while the service member is still part of the Active Duty military, but has an imminent separation date, provided that their discharge will be anything other than dishonorable. It must be noted, however, that federal policy requires a separating service member to meet the dislocated worker requirement of being unlikely to return to his or her previous industry or occupation.

WIOA expands the definition of dislocated workers to include military spouses who have lost employment as a direct result of a relocation to accommodate a permanent change in duty station of the spouse. Military spouses may also qualify if they are a dependent spouse of a member of the Armed Forces on active duty whose family income is significantly reduced, as determined by the State or local area, because of a deployment, a call or order to active duty, a permanent change of station, or the service-connected death or disability of the service member. Military spouses may also qualify if they are unemployed or underemployed and are experiencing difficulty in obtaining or upgrading employment.

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 in making an eligibility determination. This applies to the veteran and to other individuals for whom those amounts would normally be applied, e.g., the military spouse. Military earnings are not to be included when calculating income for veterans or transitioning service members for this priority, in accordance with 38 U.S.C. 4213.

Priority of service status is established at the time of eligibility determination and does not change during the period of participation. The WIOA adult funding priority of service doesn't affect or negate the priority of service provided to veterans and eligible spouses. A Veteran is a person who served at least one day in the military, naval, or air service, and who was discharged or released under conditions other than dishonorable. Veterans and eligible spouses continue to receive priority of service among all eligible individuals; however, they must meet EWBs Veteran's Priority of Service criteria. Thus, for adult services, the program's eligibility determination must be made first, and then veteran's priority applied.

WHAT TO DO IF YOU DID NOT REGISTER AND ARE NOW 26 YEAR OF AGE OR OLDER?

If the participant has passed their 26th birthday and is now being denied eligibility for WIOA services, you may follow these next steps.

- Complete Selective Service Approval for Service Form on behalf of the client.
- Provide copies of documents that support your participant's explanation, showing any periods when they were hospitalized, institutionalized, or incarcerated occurring between their 18th and 26th birthdays and that supports their statement.
- If the participant is a non-citizen, they will be required to provide documents that show when they entered the United States.
- The Selective Service Approval for Service Form must be filled out completely.

BASIS OF DETERMINATION

For participants who were required to register, the decision will be based on whether the failure to register was knowing or willful.

- **Knowing.**
 - Was the participant aware of the requirement to register or not?
 - Participant knew about the requirement to register, was he misinformed about the applicability of the requirement to him (e.g., veterans who were discharged before their 26th birthday were occasionally told that they did not need to register)? What date did the participant first learn that he was required to register?
 - Where did the participant live when he was between the ages of 18 and 26?
- **Willful.**
 - Was the failure to register done deliberately and intentionally?
 - The participant did have the mental capacity to choose whether or not to register and decided not to register?

FINAL DECISION

The final decision regarding approval for services will be made by Eastern Workforce Board.

DEFINITIONS:

For purposes of this policy 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]).

<i>Criteria used to determine whether an individual is basic skills deficient:</i>	
Criteria Used	Documentation Required
Lacks a high school diploma or high school equivalency and is not enrolled in secondary education	Self- attestation
Enrolled in a Title II Adult Education/Literacy program	School records or verification from school official
English, reading, writing, or computing skills at an 8.9 grade level or below	Results of academic assessment
Determined to be limited English---skills proficient through staff--- documented observations	Case note clearly demonstrating staff assessment of English skills
Lacking computer literacy defined as: non---technical knowledge of computers and how to use them; familiarity and experience with computers, computers, software, and computer systems	Case note clearly demonstrating staff assessment of computer skills or self-attestation

Low income

An individual that meets one of the four criteria below:

- A. 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 (Food Stamps), temporary assistance for needy families program, supplemental security income program, or state or local income---based public assistance.
- B. In a family with total family income that does not exceed the higher of the following:
 - 1. the poverty line; or
 - 2. 70 percent of the Lower Living Standard Income Level.
- C. A homeless individual.
- D. 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 (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]).

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:

- A. the participant identifying his or her status for permitted elements; and
- B. signing and dating a form attesting to this self---identification. The completed self---attestation form with signature remains part of the eligibility verification and must be filed in the participant’s MIS file.

Note that, 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.***

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, found at WIOA Section 134(c)(2)(A)(i)---(xi), and individualized career services, found at WIOA Section 134(c)(2)(A)(xii). 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 Section 680.150).

Basic Career Services

Basic career services **are not** subject to priority of service, and consist of the following:

- A. Determination of eligibility to receive services.
- B. Outreach, intake, and orientation to the services available through the one---stop delivery system.
- C. Initial assessment of skill levels (including literacy, numeracy, and English language proficiency), aptitudes, abilities (including skills gaps), and supportive service needs.
- D. Labor exchange services, including the following:
 - 1. job search and placement assistance and, career counseling, such as the information on in--- demand industry sectors and occupations as well nontraditional employment; and
 - 2. recruitment and other business services on behalf of employers in the local area, such as information and referral to specialized business services not traditionally offered through the one---stop delivery system.
- E. Referrals to, and coordination of activities with, other programs and services, including programs and services within the one---stop delivery system and other workforce development programs.
- F. Workforce and labor market employment statistics information, including information relating to local, regional, and national labor market areas, including the following:
 - 1. job vacancy listings and the job skills necessary to obtain them; and
 - 2. information on local in demand occupations and the earnings, skill requirements, and opportunities for advancement that accompany them.
- G. Information on performance and program cost of eligible providers of training services, youth workforce investment activities, adult education, career and technical education activities at the postsecondary level, career and technical education activities available to school dropouts, and vocational rehabilitation services.
- H. Information regarding how the local area is performing on the local performance accountability measures and any additional performance information with respect to the one--- stop delivery system in the local area.
- I. Information on, and referral to, supportive services or assistance, including the following:
 - 1. childcare, child support, medical or child health assistance under title XIX or XXI of the Social Security Act;
 - 2. benefits under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008;
 - 3. assistance through the earned income tax credit under section 32 of the Internal Revenue Code of 1986;
 - 4. assistance under a state program for temporary assistance for needy families funded under part A of title IV of the Social Security Act; and
 - 5. other supportive services and transportation available in the local area.
- J. Information and assistance regarding filing claims for unemployment compensation.
- K. Assistance in establishing eligibility for programs of financial aid assistance for training and education programs that are not funded under WIOA.

Individualized Career Services

Individualized career services **are** subject to priority of service, and consist of the following:

- A. Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include the following:
 - 1. diagnostic testing and use of other assessment tools; and
 - 2. In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.
- B. Development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals, including providing information on eligible providers of training services and career pathways to attain career objectives.
- C. Group counseling.
- D. Individual counseling.
- E. Career planning.
- F. Short-term prevocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct, to prepare individuals for unsubsidized employment or

training.

- G. Internships and work experiences linked to careers.
- H. Workforce preparation activities.
- I. Financial literacy services.
- J. Out-of-area job search assistance and relocation assistance.
- K. English language acquisition and integrated education and training programs.

Training Services

Training services **are** subject to priority of service, and consist of the following:

- A. Occupational skills training, including training for nontraditional employment.
- B. On the job training
- C. Incumbent worker training
- D. Programs that combine workplace training with related instruction, which may include cooperative education programs.
- E. Training Programs operated by the private sector
- F. Skill upgrading and retraining
- G. Entrepreneurial training
- H. Transitional jobs
- I. Job readiness training provided in combination with another training service
- J. Adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with another training service
- K. Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

Documentation

Service Provider staff may use the following sources of documentation to verify whether an adult participant qualifies for priority of service under WIOA

Priority of Service	
Priority of Service Criteria	Acceptable Documentation (Only the documentation sources listed below may be used)

Recipient of public assistance	Cross---match with public assistance database Copy of authorization to receive cash public assistance Copy of public assistance check Medical card showing cash grant status Public assistance records Refugee assistance records
Low income	Alimony agreement Award letter from Veterans Administration Bank statements Compensation award letter Court award letter Pension statement Employer statement/contact Family or business financial records Housing authority verification Pay stubs Public assistance records Quarterly estimated tax for self---employed persons Social Security benefits Unemployment Insurance documents Self attestation*
Basic skills deficient (see Definition section)	School records Results of academic assessment Case notes* Self-attestation*
<i>* Reference the Definition section of this policy for additional guidance on case notes and self-attestation being used for documentation purposes.</i>	

Clearly, not every person who is married to a veteran can be considered a “covered” spouse for the purpose of these procedures. So, the designated center Title I eligibility staff must carefully ask the customer if s/he falls within any of the categories listed above. If the customer confirms that s/he matches any of these four criteria, then the customer may be considered a “covered person” for the purpose of this procedure.

Delivering Services to Priority Customers

After a Jobs for Veterans Priority Customer has been identified at the point of entry, the center Title I staff member may proceed to offer the normal services that are usually available to Workforce Oklahoma customers.

Jobs for Veterans Priority Customers do not receive different services than non-covered customers. However, they are eligible to receive priority treatment in the manner that the services or resources are delivered.

In practical terms, “priority treatment” means:

1. The covered person will receive access to the service or resource earlier in time than non-covered Persons; or
2. If the service or resource is limited, covered persons will receive access to the service or resource instead of or before any non-covered customers.

EWB’s local workforce system is committed to giving a meaningful advantage to Priority Customers who are seeking access to services. Our Priority Treatment system is an important acknowledgment of the sacrifices of the men and women who have served in the U.S. armed forces and of potential customers who are skills deficient or have a low income.

Priority of Service Guidelines for Training Services Before any customer may receive any type of Training Service, there must be a determination of which Priority Group the customer belongs to. To make this determination, a Workforce Oklahoma Title I staff professional must collect and review documentary evidence to support the customer's unique circumstances. A case file must be opened, and appropriate documentation must be saved in the customer's file.



After each customer's Priority group has been determined, Training Services may be offered according to the following guidelines:

A customer must meet a certain threshold of need before s/he may receive Training Services. Training Services may be offered to Adults and Dislocated Workers in accordance with WIOA §134(b)(3)(A)(i)—

- (I) Who, after an interview, evaluation, or assessment, and career planning, have been determined by staff as appropriate to:
 - Be unlikely or unable to obtain or retain employment, that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment, through the career services described in paragraph (2)(A)(xii);
 - Be in need of training services to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and
 - Have the skills and qualification to successfully participate in the selected program of training services.
- (II) Who select programs of training services that are directly linked to the employment opportunities in the local area or the planning region, or in another area to which the adults or dislocated workers are willing to commute or relocate;
- (III) Who meet the requirements of subparagraph (B); and
- (IV) Who are determined to be eligible in accordance with the priority system in effect under subparagraph (E).

Individuals who are underemployed and meet the definition of a low-income individual may receive career and training services under the Adult program on a priority basis per TEGL 19-16 §10. Individuals who meet the definition of an individual with a barrier to employment who are underemployed may also be served in the Adult program; however, unless they are a recipient of public assistance, a low-income individual, or are basic skills deficient, they are not eligible for service on a priority basis.

Procedures for the Delivery of Training Services

- Eligible customers must be ranked in terms of the Priority Group of each customer, with Priority Group “1” customers at the top of the list and Priority Group “5” customers at the bottom of the list.
- All Training Services should be assigned according to priority group. The EWB Board exception to priority occurs when a customer in Priority 4 or 5 is enrolled in OJT or Apprenticeship training. In these cases, the employer has interviewed and selected the participant they wish to proceed with. In these cases, the skills and aptitudes desired by the employer will outweigh the priority of the participants.
- If two or more equally-ranked customers are available for enrollment into a Training activity, the One-Stop Operator, in conjunction with the Service Provider, may implement a participant selection process consistent with EWB Policy. At all time, the selection process must be designed to provide an equal opportunity for referral. An unbiased random selection process may be used.

Equal Opportunity and Nondiscrimination Statement

All Recipients, and Sub-recipients / Sub-grantees must comply with WIOA's Equal Opportunity and Nondiscrimination provisions which prohibit discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title-I financially assisted program or activity.

Attachment #1

Priority of Service Ranking Worksheet

For Adult Customers Seeking Individualized Career Services and/or Training Services.

Customer

Name: _____

PID: _____

Determination Date _____

- *1st Priority* – Veterans and eligible spouses who are also low-income, recipients of public assistance and/or basic skills deficient/English Language Learners;
- *2nd Priority* – Individuals (including Veterans) who are included in the Priority Populations* groups for WIOA Title I Adult Program;
- *3rd Priority* – Veterans and Eligible spouses who are not included in the Priority Populations* groups;
- *4th Priority* – Priority populations established by the LWDB (source documentation requirements must be clearly defined in LWDB policy); and
- *5th Priority* – Individuals outside the groups given priority under WIOA.

DOCUMENTATION:

(1) **JFV Covered.** To document that this customer is a Veteran or a Covered Spouse under the Jobs for Veterans Act, a Workforce Oklahoma staff professional must validate the following statement with appropriate documentation:

- **The OSL record for this individual shows that**

S/he is a Veteran or an “Other Eligible” person. YES _____ NO _____

(2) **WIOA Priority:** to verify that this person is a “WIOA Priority” customer, additional documentation must be reviewed and validated. Use the EWB’s Memo on “Priority of Service and Special Populations” to document that the customer meets the definition of:

- **Public Assistance Recipient**
- **Or Low Income Individual**
- **Or Basic Skills Deficient**

YES _____ NO _____

CERTIFICATION:

I certify that this determination of Priority Rank is true and correct, to the best of my knowledge, based on information provided by the customer named above.

Career Manager:

Date:

ADDITIONAL INSTRUCTIONS:

Circle the correct Priority Rank number for this customer. Use this Priority Rank number when referring the customer to an individualized Career Service or a Training Service.

Veteran Priority? Yes__No__	WIOA Priority?	
	Yes	No
	1	2
	3	4
	OTHER:	5

Priority of Services determination chart:

Attachment #2

✓ priority of service applies

✗ priority of service does not apply

Participant's Status	Adult Program Services	Dislocated Worker Program Services
Veterans, eligible spouses of veterans or service members receive priority of service in all WIOA Title I programs	✓ All Services	✓ All Services
Low-income or basic skills deficient and all others	✗ Basic Career Services ✓ Individualized Career Services ✓ Training Services ✗ Supportive Services	✗ Basic Career Services ✗ Individualized Career Services ✗ Training Services ✗ Supportive Services



EWB POLICY APPROVAL REGISTER

Each required policy of the Workforce Innovation and Opportunity Act (WIOA) and the Eastern Workforce Board (EWB) shall be submitted to the Policy Committee for review and comment who will then present policy(s) to the Executive Committee for its recommendation for approval. The Executive Committee recommendation for approval will be presented at the next scheduled board meeting.

Title Of Policy	PRIORITY OF SERVICE		
Current Eff. Date	WIA		
Revision Purpose	Update to WIOA & Rev. 2 - 2017- Center Certification Requirements		
	1-2014	2-2017	3 -- 2019
Author	CS	JH	JH
APPROVED	Executive Committee		1-8/14/2014 2-10/2/2017
APPROVED	EWB Board		2- 2/2017
			3-

Revision #3 adds language to the policy add additional barriers for eligibility.

Executive Director: Jerri Stoutermire, EdD. _____
Signature:

Board Chairman: Earnie Gilder _____
Signature: