WORKFORCE INNOVATION AND OPPORTUNITY ACT

Priority of Service Policy

IMPORTANT! This document contains **important information** about your rights, responsibilities, and/or benefits. It is critical that you understand the information in this document, and we will provide the information in your preferred language at no cost to you. **Call Lafonda Colbert (580) 357-3500** for assistance in the translation and understanding of the information in this document.

¡IMPORTANTE! Este documento contiene **información importante** sobre sus derechos, responsabilidades y/o beneficios. Es importante que usted entienda la información en este documento. Nosotros le podemos ofrecer la información en el idioma de su preferencia sin costo alguno para usted. **Llame al Lafonda Colbert (580) 357-3500** para pedir asistencia en traducir y entender la información en este documento.

Telephone Relay Service is available by dialing 711 or 800-722-0353

EQUAL OPPORTUNITY AND NONDISCRIMINATION STATEMENT: All Recipients and sub-recipients/subgrantees 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.

South Central Oklahoma Workforce Board's Workforce Innovation and Opportunity Act Title I program funding statement can be found at https://scowib.info/funding

Caddo County, Grady County, McClain County, and City of Chickasha Labor Market Area
Comanche County, Cotton County, Tillman County, and City of Lawton Fort Sill Labor Market Area
Jefferson County, Stephens County, and City of Duncan Labor Market Area

Equal Opportunity Programs/Employer
Auxiliary aids and services available upon request for individuals with disabilities.
South Central Oklahoma Workforce Board's Workforce Innovation and Opportunity Act Title I program funding statement can be found at https://scowib.info/funding

PRIORITY OF SERVICE POLICY

PURPOSE:
The purpose of this policy is to establish South Central Oklahoma Workforce Board's policy for Priority of Service. This policy is established in accordance with applicable State and Federal laws and regulations.

BACKGROUND:
Under WIOA, priority must be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient in the provision of individualized career services and training services. Priority must be provided regardless of the level of funds received by the local Board.

DEFINITIONS:
Veterans and eligible spouses, including widows and widowers as defined in the statue and regulations, are eligible for priority of service. For the purposes of implementation priority of service, the Final Rules requires that program operators use the broad definition of veteran found in 38 U.S.C. 101(2). Under this definition, the term "veteran" means a person who served at least one day in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable, as specified in 38 U.S.C. 101(2). Active service includes full-time Federal service in the National Guard or a Reserve component. This definition of "active service" does not include full-time duty performed strictly for training purposes (i.e., that which often is referred to as "weekend" or "annual" training), nor does it include full-time active duty performed by National Guard personnel who are mobilized by State rather than Federal authorities (State mobilizations usually occur in response to events such as natural disasters). "Eligible spouse" as defined at section 2(a) of the JVA (38 U.S.C. 4214[a]means the spouse of any of the following:

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.

POLICY:

STATUTORY PRIORITY AND SPECIAL POPULATIONS FOR ADULT PROGRAMS

ETA and the State continue to focus on the requirement to serve individuals with the barriers to employment2 listed in WIOA 3(24). All barriers to employment must be documented in the individual employment plan (IEP), including each of the barriers reported in the demographics section of the virtual case management system, as well as those later addressed during an interview, assessment, or evaluation. The IEP must also document steps that will be taken to resolve the barriers, progress toward barrier removal, and indicate when the barrier has been resolved or removed.

The Statutory Priority and Special Populations for Adult Programs include individuals with the following barriers to employment:

1. Displaced homemakers, as defined in WIOA 3(16);
2. Low-income individuals;
3. Indigenous Americans, including individuals who identify as Native Americans or American Indians, Alaska Natives, and Native Hawaiians;
4. Individuals with disabilities, as defined in WIOA 3(25) and including individuals who are in receipt of Social Security Disability Insurance);
5. Older individuals (age 55 and older);
6. Ex-offenders;
7. Homeless individuals (as defined in section 41403(6) of the Violence Against Women Act of 1994 or a homeless child or youth as defined under section 725(2) of the McKinney-Vento Homeless Assistance Act;
8. Youth who are in or have aged out of the foster care system;
9. Individuals who are:
    a. English language learners (WIOA 203(7)),
    b. Individuals who have low levels of literacy, defined as an individual who is unable to compute or solve mathematical problems or read, write, or speak English at a level necessary to function on a job, in the individual's family, or in society; and
    c. Individuals facing substantial cultural barriers;
10. Eligible migrant and seasonal farmworkers (as defined in WIO 167(i)(1-3);
11. Individuals within two years of exhausting lifetime TANF eligibility;
12. Single parents (including single pregnant women);
13. Long-term unemployed individuals (unemployed for 27 or more consecutive weeks); and
14. Other groups the State determines to have barriers to employment

PRIORITY POPULATIONS UNDER WIOA

Due to the statutorily required priority for Adult funds, priority must be provided in the following order:

- Priority 1: Veterans and eligible spouses who are also included in the groups 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 receive first priority for services provided with WIOA Adult formula funds for individualized career services and training services.
- Priority 2: Non-covered persons (i.e., 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.
- Priority 3: Veterans and eligible spouses who are not low income or receiving public assistance, and those who are not basic skills deficient.
- Priority 4: Any other priority population established by the LWDB. (An example, for non-covered persons who are not included in groups given priority for WIOA Adult formula funds, such as persons living within a designated Promise Zone.) A Priority 4 locally established priority population must be documented in local policy.**
- Priority 5: Non-covered persons outside the groups given priority for WIOA funding. This priority includes individuals who are considered to be particularly vulnerable due to specific barriers to employment, as listed in WIOA 3(24).

**** PRIORITY POPULATIONS ESTABLISHED BY THE LOCAL WORKFORCE DEVELOPMENT BOARD**

1. Individuals participating or scheduled to participate in a Registered Apprenticeship program
2. Individuals that are committed to an On-the-Job Training opportunity with a local business
3. Individuals that are going into a Critical Demand Occupation and meet the 250% of the Lower Living Standard Income Level income eligibility requirement.

In addition, Section 1.a of Attachment A which follows provides specific information about how income and benefits derived from military service relate to the statutory low-income priority that applies to certain workforce programs. Section 3 of Attachment A points out that the GI Bill and other education and training benefits administered by the Department of Veterans Affairs are not required to be coordinated with WIOA training (i.e., veterans and eligible spouses cannot be required to exhaust their VA benefits prior to gaining access to WIOA training). Section 4 of Attachment A identifies the implications of priority of service for the processes of some specific workforce programs that are impacted by this requirement.

ACTION REQUIRED: SCOWB will disseminate the Priority of Service Policy to all SCOWB contractors, staff, and board members. All contractors, staff, and board members will be responsible for following this policy.

ATTACHMENTS:
Attachment A- Aspects of Workforce Programs that Relate to Priority of Service

APPROVED: 8/9/2023

Aspects of Workforce Programs that Relate to Priority of Service

This attachment identifies some aspects of workforce programs that are outside the direct scope of priority of service but that relate to the implementation of priority of service in an operational environment, including:

- Program eligibility and priority of service;
- Relevance of the Jobs for Veterans State Grants to priority of service;
- Exclusion of VA funded training from coordination with WIOA training; and,
- Implications of priority of service for other workforce programs and processes.

These four topics are treated in the sections that follow.

1) Program Eligibility

Two aspects of program eligibility relate to effective implementation of priority of service. The first is the exemption of military income from consideration in determining eligibility for those programs that have a statutory requirement to serve low-income individuals. The second is the verification of the status of veterans and eligible spouses that is required by some workforce programs as part of their eligibility determination and enrollment processes. Both aspects are treated below.

a) Exemption of Military Service-Related Income. Program operators responsible for programs that include income criteria in the eligibility rules or targeting policies (such as the WIOA formula programs) should note that many types of income related to military service are not to be included when determining if a covered person meets "low income" eligibility standards or targeting policies. The WIOA regulations (20 CFR 667.255) state, in accordance with 38 U.S. Code Part 4213, that "any amounts received as military pay or allowances by any person who served on active duty, and certain other specified benefits must be disregarded when determining if a person is a 'low-income individual' for eligibility purposes." All pay and/or financial allowances earned while a veteran was on active duty are exempt. Title 38 U.S.C. 4213 also exempts from inclusion in "low income" calculations any financial benefits received by a covered person under the following Chapters of Title 38 of the U.S. Code:

11. Compensation for service-connected disability or death.
13. Dependency and indemnity compensation for service-connected deaths.
30. All-volunteer force educational assistance program.
31. Training and rehabilitation for veterans with service-connected disabilities.
35. Survivors' and dependents' educational assistance.
36. Administration of educational benefits

Also excluded from "low income" calculations are benefits received under Chapter 106 of Title 10 U.S. Code, Educational assistance for members of the selected reserve.

In contrast to the various types of military income and benefits identified above that are exempt from inclusion in low-income calculations, certain other types of military-related income are not exempt. Specifically, pension payments authorized by Title 10 U.S. Code, such as those received by military retirees whether or not their retirement was based on disability, are not exempt and are to be included in "low income" calculations. Also not exempt are pension benefits paid under Chapter 15 of Title 38 U.S. Code.

b) Verification of the Status of Veterans and Eligible Spouses. As indicated in the guidance document, verification of status for veterans and eligible spouses is not required in order to provide priority of service. However, to the extent that the programs providing priority of service have their own requirements regarding verification of the

status of veterans and eligible spouses, it is a matter that relates to the effective implementation of priority of service by those programs. Accordingly, some preliminary guidance is provided below.
The status of a veteran or an eligible spouse can be verified by referring a variety of official documents, including, but not limited to:

- A DD 214 (issued following separation from active duty);
- An official notice issued by the Department of Veterans Affairs that establishes entitlement to a disability rating or award of compensation to a qualified dependent;
- An official notice issued by the Department of Defense that documents the eligibility of an individual, based on the missing or detained status of that individual's active duty spouse; or
- An official notice issued by a State veterans' service agency that documents veteran status or spousal rights, provided that the State veterans' service agency requires Federal documentation of that information.

To mitigate the burden of establishing proof of covered person status, States also may establish other means for verifying status, such as electronic communication with official databases, such as those maintained by State veterans' service agencies, provided that the organizations responsible for those sources can certify the accuracy of their records and have effective procedures for matching their records with the covered persons seeking services. As indicated in the Preamble to the regulations, the Department intends to issue further guidance on this matter in the future.

2) Relevance of the Jobs for Veterans State Grants Program
The Veterans' Employment and Training Service (VETS) provides Jobs for Veterans State Grants JVSG) to the States to support the program activities and services provided by the Workforce Centers for veterans. The JVSG funds support the appointment and assignment of Disabled veterans' Outreach Program (DVOP) Specialists and Local Veterans Employment representatives (LVERs). The definitions of veterans and "other eligible persons" applicable to services provided by DVOP and LVER staff are different from and narrower than those which are applicable within the priority of service "covered person" definition (e.g., for veterans other than those whose service time was limited by discharge due to disability, 181 days or more of active duty time is required). So, the universe of individuals eligible for services by the DVOP and LVER staff is a sub-set of the broader universe of individuals entitled to priority of service by the Jobs for Veterans Act.

Operators of programs subject to the priority of service regulations are strongly encouraged to establish effective linkages with the State JVSG program staff, for two-way referrals of individuals for services. Such linkages would be advantageous to the individuals in need of services, and also to the program operators. The JVSG program staff members perform case management services for veterans and other eligible persons who require intensive employability development services, and also focus on employer relations activities to develop jobs for veterans and other eligible persons. Another significant aspect of the JVSG program is the partnering of those specialists with the military services to provide transition services to men and women leaving active duty and returning to civilian life, and involvement in Reserve and National Guard units' de-activation activities when those personnel end their active duty stints and return to civilian life. Effective linkages between those veterans' program specialists and all qualified job training programs subject to the priority of service requirements would help to achieve the underlying purpose of the priority of service requirements, by establishing effective means of outreach to a significant portion of the universe of covered persons, and communication of information about employment and training opportunities offered in local communities by qualified job training programs.

3) Exclusion of VA Funded Training from "Other Grant Assistance in Coordination with WIOA Funded Training.
WIOA, as well as the WIOA interim regulations refer to the requirement to coordinate WIOA funded training with "other grant assistance," such as Pell grants. In some service delivery environments, these provisions have been interpreted to mean that veterans or spouses who are eligible for the GI Bill or other forms of VA funded education or training are required to coordinate their entitlement to those benefits with their eligibility for WIOA funded training. In some circumstances, this has been further interpreted to mean that the VA funded training entitlement must be exhausted before the veteran or spouse can be enrolled in WIOA funded training. VA benefits for education and training services clearly are not included in the statutory and regulatory category of "other grant assistance." Therefore, veterans and spouses are not required to coordinate their entitlement to those benefits with any concurrent eligibility that they may have for WIOA funded training (and therefore, should not preclude them from receiving WIOA funded services). Similarly, WIOA program operators may not require veterans or spouses to exhaust their entitlement to VA funded training benefits prior to allowing them to enroll in WIOA funded training.

4) Implications of Priority of Service for Other Workforce Programs and Processes
Below are some of the programs and processes that are impacted by priority of service.

a) Unemployment Insurance Programs That Interface with Services. The Worker Profiling and Reemployment Services (WPRS) program and the Reemployment and Eligibility Assessments (REA) each apply specified criteria to identify certain categories of Unemployment Insurance (UI) claimants who are required to report in-person to a service delivery location, typically a One-Stop Career Center. Claimants are directed to report to a specific location at a specific time and the failure to comply with the requirement to report as directed raises an issue on the claim, which must be resolved. This may lead to disqualification for an extended period or a determination of ineligibility for a shorter time. The intent of the requirement to report is to reinforce compliance with eligibility requirements including ability to work, availability for work and actively seeking work, and other requirements for eligibility.

Prior guidance applicable to WPRS referred to the requirement to report as a "referral." That designation implied delivery of a service, which would result in the application of priority of service at this step of the call-in process. This guidance clarifies that, for both WPRS and the REAs, the requirement to report, including the written notice provided to claimants, is not considered to be a service and, therefore, priority of service does not apply at this point in the selection process.

Policy guidance directs that both WPRS and REA claimants should be referred to services as appropriate, thus some claimants may receive reemployment services and others may not. This distinction is based both on the availability of reemployment services and on the needs of the claimant. This guidance clarifies that, upon reporting in-person to a service delivery location, those claimants required to report under WPRS or REA who are veterans or eligible spouses are entitled to priority of referral to available reemployment services or to any other qualified job training program for which they are eligible.

Priority of service applies to all referrals to any qualified job training program(s) for which a veteran or eligible spouse is eligible, regardless of the organizational affiliation or funding source of the staff members who come into contact with claimants who are veterans or eligible spouses at the service delivery location. In addition, upon referral to a qualified job training program, the priority of service requirement includes priority for enrollment in the program, as well as priority for participation in the full range of services available through the program.

a) Workforce Center Services. Because Workforce Centers offer various types of services including staff-assisted services as well as guidance and materials, State and local boards must immediately assess their current operations for compliance purposes and improvement opportunities, if they have not already done so.

b) National Programs. National programs that statutorily target certain segments of the population must ensure the implementation of the principles outlined in this guidance in order to assure that the dual intentions of Congress - service to targeted population(s) and priority of service to veterans and eligible spouses -are simultaneously accomplished.

c) Self-Service Tools. Any informational or service delivery Web site developed with funding from a qualified job training program or grant will be expected to provide information on priority of service for veterans and eligible spouses, and how to access assistance from any applicable program or grant via the nearest Workforce Center. It is important to note that self-service instructions will be expected to go beyond mention of or referral to Local Veterans' Employment Representatives and Disabled Veterans' Outreach Program specialists.