



# Montgomery County Workforce Investment Board

Policy: **PRIORITY OF SERVICE FOR WORKFORCE INVESTMENT ACT  
PROGRAM PARTICIPANTS**

Effective Date: July 1, 2012

Policy Number: 2012 -16

**SUBJECT: PRIORITY OF SERVICE FOR WORKFORCE INVESTMENT ACT (WIA)  
PROGRAM PARTICIPANTS**

**PURPOSE:** To provide guidance for the application of Priority of Service for employment and training programs funded under the Workforce Investment Act (WIA) of 1998.

**REFERENCES:** Reference: Title 20 CFR Part 652 et al. Preamble, Subpart F—Priority and Special Populations, p. 49343

**EFFECTIVE DATE:** July 1, 2012

**ACTION REQUIRED:** Within 15 days of the receipt of this policy it is the recipient's responsibility to ensure all staff are informed of the policy and to create an internal process to ensure accountability.

## **BACKGROUND:**

The Secretary of the U.S Department of Labor assumes that adult funding is generally limited because there are not enough adult funds available to provide services to all of the adults who could benefit from such services. However, the Secretary also recognizes that conditions are different from one area to another and funds might not be limited in all areas. Because of this, the regulations require that all local boards must consider the availability of funds in their area. In making this determination, the availability of other federal funding, such as Temporary Assistance to Needy Families funds, should be taken into consideration. Unless the local board determines that funds are not limited in the local area, priority for intensive and training services must be given to recipients of public assistance and other low-income individuals. States and local boards must establish criteria by which the local areas can determine the availability of funds and the process by which any priority will be applied.

Local boards may administer their priority for adult recipients of public assistance and other low-income adults to include intensive and training services for other individuals.

## **POLICY:**

The Director of the WIB will invoke the WIA Priority for Services provision when WIA funds are limited, which mandates that recipients of public assistance and other low income individuals, covered persons and spouses of covered persons<sup>1</sup> are given priority for intensive and training

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<sup>1</sup> Refer to Montgomery County WIB Policy Number: 2012-15, Priority of Service for Veterans and Eligible Spouses. The priority of service regulations refer to those veterans and spouses who are eligible for priority of service as 'covered persons'.

services offered through the countywide MontgomeryWorks Centers.

The priority of service policy will be implemented when a determination is made that expenditures for WIA-funded intensive and training services have reached a level of 90 percent of total fiscal year funding at the end of a fiscal year's 3<sup>rd</sup> quarter. WIB staff will use the Management Information System to perform a quarterly review of participant and fiscal reports to determine if a funding limitation exists.

**A. Priority of Service for Statutory Targeting Programs** (*workforce development programs that mandate priority of service to targeted or certain groups i.e. public assistance recipients/low income individuals*) as depicted on Attachment 1.

As required by federal regulation, the list of the targeted groups of individuals contained therein shall receive priority for intensive and training services when WIA funds are limited.

**B. Priority of Service for Veterans**

Title 20 of the Code of Federal Regulations (CFR) Section 1010.200 requires that veterans and/or their eligible spouses (hereinafter referred to as "covered persons") must also be afforded priority of service over non-covered persons for the receipt of WIA-funded workforce development programs including self-directed, informational and staff-assisted activities (i.e., job search assistance, labor market information, comprehensive assessment, training), if the covered person otherwise meets general eligibility requirements under WSD08-10.

Pursuant to federal regulations which specify that priority of service to covered persons (i.e., veterans and eligible spouses) is to be applied in conjunction with priority of service guidelines for statutory targeting programs, the WIB adopts and implements the following guidelines:

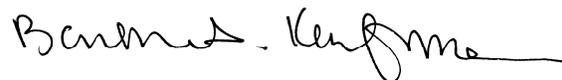
1. When WIA funding is not limited, covered persons who otherwise meet general eligibility requirements for WIA programs shall receive priority over non-covered persons for the receipt of WIA-funded workforce development programs including self-directed, informational and staff-assisted activities (i.e., job search assistance, labor market information, comprehensive assessment, and training) provided through MontgomeryWorks Centers.
2. During a time of funding limitation, the veteran's priority of service provision shall be applied *in conjunction with* the provisions for priority of service for statutory targeting programs identified in Policy2012-15 or its successor.

**Approved:**

**November 14, 2012**

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Date of Board Approval



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Barbara Kaufmann, WIB Director

**Attachment 1**

**DETERMINATION CRITERIA for Priority of Service**

<b>Non-Covered Persons</b>	<b>Covered Persons</b>
<p><b>Recipients of public assistance or low income individuals</b>, which are defined by the Act as an individual who:</p> <ol style="list-style-type: none"> <li>1. Receives, or is a member of a family that receives, cash payment under a public assistance program, or</li> <li>2. Received an income or is a member of a family whose total income for the past six months prior to application did not exceed the poverty line or 70% of the lower living standard income level, or</li> <li>3. Is a member of a household that receives or has been determined within the last six months to be eligible to receive food stamps, or</li> <li>4. Qualifies as a homeless individual, or</li> <li>5. Is an individual with a disability whose income meets the requirements of the program but who is a member of a family whose income does not meet such requirements.</li> </ol>	<p>Is one of the following:</p> <ol style="list-style-type: none"> <li>1. A “veteran” who is an individual who served in the active military, naval, or air service, and who was discharged or released from such service under conditions other than dishonorable (WIA definition);</li> <li>2. A “recently separated veteran” is any veteran who applies for participation under this title within 48 months after discharge or release from active military, naval, or air service (WIA definition); or</li> <li>3. The ‘spouse” of a veteran who died of a service connected disability; a member on active duty who (at the time of spouse’s application) is listed as missing in action, captured in the line of duty, or</li> <li>4. Forcibly detained; or one who died while being evaluated for it.</li> </ol> <p>The term veteran is defined in WIA Title 1 Section 101(49). The term covered spouse is defined in P.L. 107-288 Section 4215 (a). The term priority of service is defined in P.L. 107-288 Section 4215 (3).)</p>

Upon MIS and management notification that 3<sup>rd</sup> quarter expenditures have reached the maximum level, the Director of the WIB or designee will invoke the priority of services policy, and immediately issue electronic notification (e-mail) informing the Workforce Investment Board (WIB) and any vendors for whom this applies of the necessity of this action.

In addition to this federally mandated statute which targets public assistance recipients and other low-income individuals, priority of service shall also be afforded to veterans and/or their eligible spouses for the provision of WIA-funded employment, training and placement services provided through the Centers. The regulations further specify that taking precedence may mean that the covered person receives access to the service or resource earlier in time than the non-covered person or, if the service or resource is limited, the covered person receives

access to the service or resource instead of or before the non-covered person. The regulations specify how the priority of service is to be applied across three different types of qualified job training programs including universal access programs that do not target specific groups, discretionary targeting programs that focus on certain groups but are not mandated to serve target group members before other eligible individuals, and statutory targeting programs that are mandated by federal law to provide priority or preference to certain groups. The following sections provide guidance for applying the priority of service provisions to both veterans and public assistance/low income individuals as depicted in 20 CFR, Subpart C, §1010.310 and WSD08-10.

<p><b>Universal Access Programs</b> (do not target specific groups)</p>	<p><b>First Priority:</b> Covered persons.</p> <p><b>Second Priority:</b> Non-covered persons.</p>
<p><b>Discretionary Targeting Programs</b></p>	<p><b>First Priority:</b> Covered persons (whether within discretionary targeting or not).</p> <p><b>Second Priority:</b> Non-covered persons within discretionary targeting.</p> <p><b>Third Priority:</b> Non-covered persons outside discretionary targeting.</p>
<p><b>Statutory Targeting Programs</b></p>	<p><b>First Priority:</b> covered persons who meet the statutory priorities or spending requirements.</p> <p><b>Second Priority:</b> non-covered persons who meet the statutory priorities or spending requirements.</p> <p><b>Third Priority:</b> covered persons outside the statutory priorities or spending requirements.</p> <p><b>Fourth Priority:</b> non-covered persons outside the statutory priorities or spending requirements.</p>