



POLICY: PRIORITY OF SERVICE

EFFECTIVE DATE: **POLICY NUMBER: 2017 -13**

PURPOSE

To establish a local policy for the WorkSource Montgomery development area on guidance that may be used for the purpose of determining Priority of Service for Workforce Innovation and Opportunity Act (WIOA) eligible Title I Adult program customers. They include, but are not limited to, WagnerPeysner, Trade Act, and the Workforce Investment Act (WIA) of 1998.

BACKGROUND

The Workforce Innovation and Opportunity Act (WIOA) §134(c)(3)(E) requires priority be given to public assistance recipients, other low-income individuals, and individuals who are basic skills deficient, when providing individualized career services and training services using WIOA Title I Adult program funds. In addition, Training and Employment Guidance Letter (TEGL) No. 3-15 specifies that priority should also be applied to individuals that are both underemployed and low-income. WIOA provides a focus on serving individuals with barriers to employment, and the intent of this priority in the law is to ensure access to these populations on a priority basis. Under WIOA, priority of service is required regardless of the funding levels and also is expanded to include individuals who are basic skills deficient.¹

The WorkSource Montgomery, Inc. Board will apply a priority of service to Montgomery County residents who qualify under the categories listed below for receipt of individualized career services and training services under WIOA adult Title I programs. Priority of Service does not apply to the dislocated worker or youth programs.

CANCELLATIONS

This policy supersedes all pre-existing policies for priority of service.

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.

QUESTIONS

Questions relating to this policy should be directed to the Director, Talent Development / WIOA at policy@worksourcemontgomery.com, or 240-641-6736.

PRIORITY OF SERVICE POLICY

Priority of service means that individuals in the targeted groups (veteran, public assistance recipients, other low-income individuals, individuals who are basic skills deficient, and underemployed who are also low-income) are given priority over other individuals for receipt of individualized career services and training services funded by the WIOA Title I Adult program. Veterans within these groups receive priority over non-veterans. Adult priority is determined for the targeted groups during eligibility and enrollment. Priority of service cannot be waived. (20 CFR 1010.250) Priority of service does not guarantee that by virtue of his/her status an individual will always receive service. The individual must be eligible and able to benefit from the services and application of priority of service is also subject to additional criteria as the WorkSource Montgomery, Inc Board has determined to be appropriate as listed below under Residency Requirement. (20 CFR 680.600(b))

Interaction of the Veteran's and Adult Priority of Service

The priority of service for veterans and eligible spouses applies across all qualified employment and training programs. 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 receipt of individualized career services and training services in the WIOA Title I Adult program.

With regard to the priority of service for veterans and eligible spouses, and in accordance with the Jobs for Veterans Act of 2008 (JVA); priority of service for the WIOA Title I Adult program must be applied in the following order:

1. Veterans and eligible spouses who meet the *statutory* priority (public assistance recipient, other low-income individuals including the underemployed, or basic skills deficient) and Adult program eligibility will receive the highest level of priority for services;

2. Other individuals (not veterans or eligible spouses) who meet the *statutory* priority (public assistance recipient, other low-income individuals including underemployed, or basic skills deficient) and Adult program eligibility then receive the second level of priority for services;
3. All other veterans and eligible spouses who meet Adult program eligibility, then receive the third level of priority for services;
4. Other individuals (not veterans or eligible spouses) who do not meet the statutory priority (public assistance recipient, other low-income individuals including underemployed, or basic skills deficient) then receive the fourth level of priority for services.
5. Other individuals (not veterans or eligible spouses) who do not meet the statutory priority (public assistance recipient, other low-income individuals including underemployed, or basic skills deficient), but do meet Adult program eligibility, then receive the fifth level of priority for services.

Target Populations Identified to Receive Priority of Service

There are five (5) groups of individuals targeted for priority when providing individualized career services and training services in the WIOA Title I Adult program: public assistance recipients; other low-income individuals; individuals who are basic skills deficient; and individuals who are both underemployed and low-income.

1. **Veterans and eligible spouses**, including widows and widowers as defined in the statute and regulations, are eligible for priority of service. For the purposes of implementing priority of service, program operators use the broad definition of veteran found in 38 U.S.C. 101(2).

Veterans and eligible spouses will always have priority of service on a “first come, first served” basis in the following ways:

- Veterans and eligible spouses will have first access to information and registration of workshops provided at WorkSource Montgomery, Inc.
- Veterans and eligible spouses will be referred by the Veterans representatives to the Intensive Services Unit (ISU) and be assigned an ISU counselor promptly.

- Veterans and eligible spouses will have priority of service on a “first come, first served” basis for all ITAs in Montgomery County until ITA funding is expended in any program year.
- Veterans and eligible spouses cannot be required to exhaust their benefits prior to gaining access to WIA training.

2. **Recipients of public assistance** includes individuals who receive, or in the past six (6) months have received, or are a member of a family that is receiving or in the past six (6) months has received, assistance through one (1) or more of the following:

- Supplemental Nutrition Assistance Program (SNAP);
- Temporary Assistance for Needy Families (TANF);
- Supplemental Security Income (SSI); or
- State or local income-based public assistance.

Low-income includes:

- Individuals in a family with total income below the poverty line or 70% of the lower living standard income level;
- Homeless;
- Foster youth; and
- Individuals with disabilities with individual income below the poverty line or 70% of the lower living standard income level.
- Youth in-school up to age 21; or parents of such a youth who are eligible to receive a free or reduced-price lunch.

A youth 18 or older, who was determined low-income for the WIOA Title I Youth Program, may be co-enrolled in the WIOA Title I Adult Program without an eligibility re-determination, and be counted as an individual who meets Adult priority of service, if the original determination was made no more than six (6) months prior to the date of co-enrollment.

3. **Basic skills deficient** is defined as an adult who is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the participant's family, or in society.

In assessing basic skills, WSM will only use assessment instruments that are valid and appropriate for this target population, and will provide reasonable accommodation in the assessment process, if necessary, for individuals with disabilities. Standardized assessments will be administered

following published guidelines and locators/appraisals will be used to determine the appropriate level of use of such assessments.

An adult may be assessed as basic skills deficient through case manager observations and documented in case notes. A case manager may document basic skills deficient using any one (1) of the following:

- Basic skills assessment questions or test results
- School records
- Referral or records from a Title II Adult Basic Education program
- Referral or records from an English Language Learner program

4. **Underemployed** individuals are employed full-time or part-time and must also meet the definition of a low-income individual in order to be eligible for the Adult priority of service.

MONITORING

WSM acknowledges that the U.S. Department of Labor and the State of Maryland has the authority to monitor and assess compliance with priority of service procedures for WIOA Title I programs. To ensure that policies are being followed and expectations are being met, WSM staff or a designee will review accessibility of facilities and services periodically to ensure compliance. It will be the responsibility of the program operator to make any corrections and to conduct an internal review if areas of concern are found.

DISCLAIMER

This policy is based on WSM's interpretation of the statute, along with the Workforce Investment and Opportunity Act; Final Rule released by the U.S. Department of Labor and federal and state policies relating to WIOA implementation. This policy will be reviewed and updated based on any additional federal or state guidance.