

## **Workforce Services Policy – Priority of Service for Adults, Veterans, and Eligible Spouses**

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### **Executive Summary:**

#### **1. What is general the purpose of this policy?**

To provide guidance to Local Workforce Development Boards (LWDBs) on the requirements for providing priority of service to all covered persons and identified populations. This guidance will differentiate the requirements based on a participant's "point of entry" and their enrollment into a program to receive employment and/or training services.

#### **2. What are the notable guidelines conveyed within this policy?**

This policy:

- Defines priority of service
- Defines priority populations to receive WIOA services
- Establishes any covered person who is seeking WIOA services must be provided priority of service at their "point of entry" into the workforce system.
- Establishes employment and training priority of service
- Explains the order to apply priority of service
- Establishes Local Workforce Development Board (LWDB) policy requirements

#### **3. Have there been any changes since the last policy? If so, describe the modification(s).**

The WFS Adult Priority of Service Guidance and the WFS Veteran and Eligible Spouse Priority of Service Policy were combined into a single policy.

#### **4. What must the Local Workforce Development Board do to meet the requirements of this policy?**

LWDBs must develop criteria, policies, and procedures for applying priority of service for employment and training services. The LWDB policy must be reflective of the requirements in this policy.

#### **5. How does this policy affect the workforce system?**

Priority of service establishes that veterans will receive access to all services and programs that administered through WIOA.



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**Workforce Services Policy – Priority of Service for Adults, Veterans, and Eligible Spouses**

**Effective Date:** March 26, 2021

**Duration:** Automatic Annual Renewal

**Purpose:**

To provide guidance to Local Workforce Development Boards (LWDBs) on the requirements for providing priority of service to all covered persons and identified populations. This guidance will differentiate the requirements based on a participant's "point of entry" and their enrollment into a program to receive employment and/or training services.

**Scope:**

Office of the Governor, Tennessee Department of Labor and Workforce Development (TDLWD); Division of Workforce Services (WFS); Tennessee Department of Economic and Community Development (ECD); Tennessee Department of Education (TDOE); Tennessee Department of Human Services (DHS); State Workforce Development Board (SWDB); Title I – Adult, Dislocated Worker, and Youth Programs, Title II – Adult Education and Family Literacy Act Program(AE); Title III – Wagner-Peyser Act Program (WP); Title IV – Vocational Rehabilitation Program (VR); Regional Planning Council (RPC); Local Workforce Development Boards (LWDB); Local Workforce Development Areas (LWDA); American Job Center (AJC); One-Stop Operator (OSO); Workforce System Sub-Recipients (Sub-Recipients); Workforce System Partners (Partners)

**I. Priority of Service Defined:**

"Priority of service" means the right to take precedence over a person with lower priority in obtaining employment and training services. WIOA implements priority of service to recipients of public assistance, low-income individuals, and those who are basic skills deficient<sup>1</sup>. These priorities are in addition to the requirements that veterans and their eligible spouses receive priority of service<sup>2</sup>.

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<sup>1</sup> TEGL 7-20 (3)(b)

<sup>2</sup> 20 CFR 680.650

## **A. Priority Populations Defined:**

### **1. Veteran:**

A veteran is a person who has served at least one (1) day of active duty in the military, naval, or air service, and who was discharged or released from such service with other than a dishonorable discharge.

### **2. Eligible Spouse:**

An eligible spouse must meet one (1) of the following qualifications <sup>3</sup>:

- A spouse of any veteran who died of a service-connected disability;
- A spouse of 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 ninety (90) days:
  - Missing in action
  - Captured in the line of duty by a hostile force, or
  - Forcibly detained or interned in the line of duty by a foreign government or power;
- A spouse of a veteran who has a total disability resulting from a service-connected disability, as evaluated by the department of Veteran Affairs; or
- A spouse of any veteran who died while a disability was in existence.

A spouse will lose eligibility if it is derived from a living veteran, or a service member, who loses their status which made them eligible. Such a situation would be: if a veteran, with a total service-connected disability, were to receive a revised-disability rating at a lower level.

Similarly, a spouse, whose eligibility is derived from a living veteran or service member, would lose that eligibility upon a divorce from that veteran or service member.

The spouse of a veteran who died as the result of a service-connected disability, or died while a disability was in existence, would not lose covered status through subsequent remarriage.

### **3. Low-Income Individual (LII):**

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:

#### **Recipient of Public Assistance:**

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) program;
- Supplemental Security Income (SSI) program; or
- State or local income-based public assistance.

#### **Low-Income Includes:**

- Recipients of public assistance (defined above),

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<sup>3</sup> VPL 07-09 (VI)

- Individuals in a family with total income below seventy percent (70%) of the lower living standard income level,
- Homeless,
- Foster youth, or
- Individuals with disabilities with an income below seventy percent (70%) of the lower living standard income level.

A youth eighteen (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 (6) months prior to the date of co-enrollment.

Under WIOA, an individual with a disability, whose family does not meet income eligibility criteria<sup>4</sup>, will qualify for priority as a low-income adult<sup>5</sup>.

#### **4. Basic Skills Deficient:**

WIOA defines basic skills deficient<sup>6</sup> as "an individual who is unable to compute or solve problems, read, 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 LWDB 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).

#### **5. Underemployed:**

Individuals are employed full or part-time and must also meet the definition of a low-income individual in order to be eligible for the adult priority.

#### **6. Covered Person**

An individual who meets the above definition of veteran or eligible spouse.

## **II. "Point of Entry" Priority of Service**

Any covered person who is seeking WIOA services must be provided priority of service at their "point of entry" into the workforce system. The "point of entry" includes physical locations, such as AJCs, as well as websites and other virtual service delivery resources. The following items must be detailed and defined by the LWDBs in their local policy:

- How covered persons are made aware of priority of service
- How covered persons are made aware of full array of programs and services available to them

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<sup>4</sup> 20 CFR 680.640

<sup>5</sup> WIOA Section 3(36)

<sup>6</sup> WIOA Section 3(5)

- How welcome function staff will identify a covered person (must be through self-attestation only)
- How priority of service allows a covered person to take precedence over a non-covered person
- How the one-stop operator will monitor priority of service at the “point of entry” and during training or employment services
- How the One-Stop Operator will ensure signs are displayed and clearly describe the priority of service. This must include physical and electronic “points of entry”.

### **III. Employment and Training Priority of Service:**

The priority of service for veterans and eligible spouses always 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 recipient of individualized career and training services in the WIOA Title I Adult program<sup>7</sup>. LWDBs may add additional categories to give priority to other individuals for the Title I Adult program.

#### **A. How to Apply Priority of Service:**

Priority of service must be provided in the following order<sup>8</sup>:

1. Veterans and eligible spouses who are recipients of public assistance, low-income individuals, or individuals who are basic skills deficient receive first priority for services.
2. Individuals (not veterans or eligible spouses) who are recipients of public assistance, low-income individuals, and individuals who are basic skills deficient (including English language learners) and Title I Adult program eligibility.
3. Veterans and eligible spouses who meet Title I Adult program eligibility.
4. Other individuals (not veterans or eligible spouses) who do not meet the statutory priority (such as public assistance recipients, other low-income individuals including underemployed, or those who are basic skills deficient), but do meet discretionary criteria established by the Local Workforce Development Board (LWDB), and Title I Adult program eligibility.
5. Persons outside the groups given priority under WIOA but do meet Title I Adult program eligibility.

#### **B. Percentage of Priority Populations Served**

The LWDBs will be expected that seventy-five percent (75%) of individuals enrolled in the Title I Adult program must be a recipient of public assistance, low-income, or basic skills deficient as identified in the above section as priority of service level one (1) and two (2). A priority group that is identified by the Governor of Tennessee or a LWDB will not count towards the 75%. Any LWDB who does not meet this metric will be placed under sanctions per the State Workforce Development Boards (SWDB) policy.

### **IV. Local Workforce Development Board Policy Requirements:**

WIOA requires the State and LWDBs to develop criteria, policies, and procedures for applying priority of service for employment and training services<sup>9</sup>. The LWDB policy must be reflective of the above requirements in this policy along with following:

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<sup>7</sup> TEGL 7-20 (4)

<sup>8</sup> TEGL 7-20 (4)(a)

<sup>9</sup> 20 CFR 680.600(b); TEGL 19-16

- How veterans will receive priority of service based on "point of entry";
- How the local area will define "low-income" (it may be more stringent than the state definition in this Adult Priority of Services guidance) and the relevant data used to establish the definition
- Local procedures for determining priority during the Title I Adult eligibility process and enrollment;
- The criteria and procedures used to assess priority for basic skills deficient individuals; and
- Any local discretionary priorities that will be established in addition to the four targeted groups, the data to support the need for the local priority, and the documentation that will be required from an individual for the local priority.

**References:**

20 CFR 680.600; 20 CFR 680.640; 20 CFR 680.650; 20 CFR 683.230, 20 CFR 688.31; 29 CFR 31, 33, 35, 36; 42 U.S.C. Section 2000(d); TEGL 19-16; Title VII of the Civil Rights Act of 1964, as amended; Title VII Section 717 of 42 U.S.C. Section 2000e-16; WIOA Sections (3)(15)(A)(i)(ii), 3(16)(A)(ii); WIOA Section 3(24); WIOA Section 3(5)(8); WIOA Section 3(36); WIOA Section 134(c)(3)(E); WIOA Section 188;

**Contact:**

For any questions related to this policy, please contact the Program Integrity Unit at [Workforce.Board@tn.gov](mailto:Workforce.Board@tn.gov).



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Tim Berry, State Workforce Development Board Chair