



Policy

SECTION: WIOA & Veterans	POLICY# 020-C0062	PAGE: 1 of 5
TITLE: Priority of Service – WIOA & Veterans		EFFECTIVE DATE: 5.21.20
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DISTRIBUTION: CAREERSOURCE TAMPA BAY STAFF

PURPOSE: To provide guidance to CareerSource Tampa Bay (CSTB) WIOA, Youth, TAA, and WP staff, vendor, service provider on the requirements for providing priority of service to eligible individuals under the Workforce Innovation and Opportunity Act (WIOA).

BACKGROUND: WIOA requires priority to be given to public assistance recipients, other low-income individuals and individuals who meet the definition of basic skills deficient, when providing individualized career services and training services (TEGL 19-16). The U.S. Department of Labor Jobs for Veterans’ Act and Veterans’ Benefits, Healthcare, and Information Technology Act of 2006 outlines the Priority of Service for WIOA eligible veterans and eligible spouses. Other eligible individuals may be served only after first serving individuals who meet the established veteran priority of service criteria. Priority means veterans and eligible spouses are entitled to precedence over non-covered persons for services. Priority of service applies to participants served in the WIOA adult program. Priority of service does not apply to participants in the WIOA dislocated workers program.

POLICY:

In accordance with CareerSource Florida Administrative Policy #105 Priority of Service, any adult who meets the criteria outlined in this administrative service policy must be served before other persons for the receipt of individualized career and training services.

WIOA Statutory Priority for Adult Funds

WIOA focuses on serving individuals with barriers to employment and ensures access to these services on a priority basis. Section 134(C)(3)(E) of WIOA establishes a priority requirement with respect to funds allocated to a local area for adult employment and training activities. Under this section, American Job Center staff that are responsible for these funds and must give priority to recipients in the following statutory sequential order:

1. Recipients of public assistance.
2. Low-income individuals.

- a. Payments for unemployment compensation, child support payments and old-age survivors' insurance are not excluded from income calculations for determining if an individual is low income.
 - b. For income-based eligibility determinations, amounts paid while on active duty or paid by the Department of Veterans Affairs (VA) for vocational rehabilitation, disability payments, or related VA funded programs cannot be considered income for eligibility purposes.
 - c. For additional information on included and excluded income, please refer to CSTB WIOA Low-Income Calculation Guidelines & Income Exclusions & Inclusion Procedure #018-C003.
3. Individuals who are basic skills deficient, as defined in WIOA Section 3(5).

As referenced in the CSTB WIOA Four Year Workforce Services Plan, CSTB adheres to the requirements for adult employment and training activities outlined in WIOA Section 133 (b), as priority of service regardless of funding levels.

Priority of service status is established at the time of eligibility determination for WIOA Title I Adult registrants and does not change throughout participation. WIOA Section 134 (c) requires that an eligible trainee must have the skills and qualifications to successfully participate in the selected program of training services in addition to meeting the other eligibility criteria. WIOA Adult priority of service is outlined in CSTB WIOA Title I Eligibility Criteria POLICY# 019-C0035.

Veteran and Adult Priority of Service

Veterans and eligible spouses are given priority over non-covered persons for the receipt of employment, training and placement services provided under qualified job training programs. The Jobs for Veterans Act, PL 107-288, signed into law on November 7, 2002, requires that there be priority of service for veterans and eligible spouses in any workforce preparation, development, or delivery program or service directly funded in whole or in part, by the USDOL (38 U.S.C. 4215). The Priority of Service regulations, codified at 20 CFR 1010, were issued December 19, 2008 and require qualified job training programs to implement priority of service for veterans and eligible spouses, effective January 19, 2009.

The regulations require that CSTB identify veterans and eligible spouses at the "point of entry," which can be at the One-Stop Centers or virtual delivery points, such as through Employ Florida (EF). In addition, CSTB staff are required to be trained to inform all veterans or eligible spouses at the time of their arrival at any of the CSTB centers that they are eligible for Priority of Service. A veteran's self-registration in EF will automatically record a service code 089- Notification of Veterans Priority of service. If CSTB staff assist with the registration, then the customer must be notified of their eligibility of priority of service and code 189- Notification of Veteran Priority of Service will be staff generated.

A. Eligibility

Covered persons may self-attest their status as eligible for priority of service. The only services that require eligibility verification are those cases where a decision is made to commit funding (WIOA training) to a covered person over another non-covered individual. Covered persons, for purposes of the provision of priority of service, are defined as follows:

- a) **Veteran:** 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. It does not include full-time duty performed strictly for training purposes, nor does it include full-time active duty performed by National Guard personnel who are mobilized by state rather than federal authorities.
- b) **Eligible Spouse:** The spouse of:
 - a. A veteran who died of a service-connected disability.
 - b. A 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;
 - iii. Forcibly detained or interned in the line of duty by a foreign government or power;
 - iv. A spouse of any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs; or
 - v. A spouse of any veteran who died while a total, service-connected disability was in existence.

The statutory requirements for the Jobs for Veterans' State Grant (JVSG) require application of a more narrowly defined definition of veteran. For purposes of receiving individualized career services from a Disabled Veteran Outreach Program (DVOP) specialist, "eligible veteran" means a person who meets any of the following:

- a) Served on active duty for a period of more than 180 days and was discharged or released with a character of service other than dishonorable;
- b) Was discharged or released from active duty by reason of a sole survivorship discharge;
- c) Was discharged or released from active duty because of a service-connected disability; or
- d) As a member of a reserve component under an order to active duty, served on active duty during a period of war or in a campaign or expedition for which a campaign badge is authorized and was discharged or released from such duty with a character of service other than dishonorable.

B. Identifying Covered Persons

To identify covered persons who access career centers and/or programs and notify the individual with timely and useful information on priority of service for covered persons the following measures include, but are not limited to:

- a) **Point of Entry:** Ensuring CSTB Front Desk staff ask individuals at the point of entry if he/she, or his/her spouse, is currently serving, or has ever served in the U.S. military; CSTB issues a sticker to all Veteran customers at point of entry. This

- allows our staff to acknowledge and thank the Veteran for their service while they are accessing services in the CSTB Career Center locations/programs.
- b) Electronic Intake Systems: CSTB utilizes ATLAS electronic kiosk system to capture individuals self-identification as a covered person.
 - c) Prominently Displayed Notices: CSTB has posters and pull up banners in our prominently displayed in our career centers to promote Veteran services
 - d) Staff Training: All career center personnel must receive priority of service training on an annual basis. Training is conducted by one of our Local Veteran Employment Representative (LVER)
 - e) Websites: CSTBs website nclude an explanation of priority of service for covered persons; and
 - f) Program Orientations: Orientations, conducted remotely or in person, must include an explanation of priority of service for covered persons.

Monitoring

CSTB conducts programmatic monitoring throughout the Program Year (PY) by our internal Program Monitors under the direction of the Director of MIS and Data Services. CSTB establishes an Annual Quality Check Programmatic Monitoring plan that outlines the schedule for internal programmatic monitoring. We utilize the established DEO Programmatic Monitoring Tools as the baseline to conduct our reviews. For this particular area in general, CSTB's internal monitors review the Wagner-Peyser Veteran questions to determine if a job seeker is registered in EmployFlorida (EF) as a veteran, determine if appropriate priority of service codes were entered (089 or 189), and review the necessary components of an assessment (102 or 203) and EDP (205) if a case management code (128 or 129) was given.

References

- CareerSource Florida Administrative Policy #105: http://www.floridajobs.org/docs/default-source/lwdb-resources/policy-and-guidance/guidance-papers/2020-guidance-papers/adminpolicy105_priorityofsvc---final.pdf?sfvrsn=308643b0_2
- CareerSource Florida Administrative Policy #111: http://www.floridajobs.org/docs/default-source/lwdb-resources/policy-and-guidance/guidance-papers/2021-guidance-papers/administrative-policy-111-priority-of-service-for-veterans-and-eligible-spouses.pdf?sfvrsn=30ad4eb0_2
- CareerSource Florida Administrative Policy #009 On-the-Job Training: http://www.floridajobs.org/docs/default-source/lwdb-resources/policy-andguidance/guidance-papers/2019-quidance-papers/adminpol009_ojt-new.pdf?sfvrsn=2
- TEGL 8-15 Second Title I WIOA Youth Program Transition Guidance: https://wdr.doleta.gov/directives/attach/TEGL/TEGL_08-15.pdf
- TEGL 19-16 WIOA Operating Guidance: https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=3851
- TEGL 21-16 Third WIOA Title I Youth Formula Program Guidance: https://wdr.doleta.gov/directives/attach/TEGL/TEGL_21-16.pdf
- TEGL 23-14 WIOA Youth Program Transition: https://wdr.doleta.gov/directives/attach/TEGL/TEGL_23-14.pdf
- Workforce Innovation and Opportunity Act (WIOA) Public Law 113-1 28,129, 170 (c), 3(2) and 189 (h): www.govinfo.gov/content/pkg/PLAW-113publ128.pdf

- 20 Code of Federal Regulations 680.600 – 680.660: <https://www.govinfo.gov/content/pkg/CFR-2019-title20-vol4/pdf/CFR-2019-title20-vol4-part680.pdf>
- 20 Code of Federal Regulations 683.230: <https://www.govinfo.gov/content/pkg/CFR-2019-title20-vol4/pdf/CFR-2019-title20-vol4-sec683-230.pdf>
- 20 Code of Federal Regulations Part 1010: <https://www.govinfo.gov/content/pkg/CFR-2019-title20-vol4/pdf/CFR-2019-title20-vol4-part1010.pdf>

INQUIRIES: Any questions about this policy should be directed to the Chief Policy & Performance, Programs Director, and his/her designee.