

THE OREGON CONSORTIUM & OREGON WORKFORCE ALLIANCE
POLICY MEMORANDUM #WIA-26-R10/11

DATE: October 27, 2011

SUBJECT: Priority of Services

REFERENCE:

- WIA Section 134(d)(4)(E)
- TEGL 10-09 Priority of Service for Veterans and Eligible Spouses
- TEGL 27-10 Program Year 2010/ Fiscal Year 2011 Performance Reporting and Data Validation Timelines; Attachment A

PURPOSE:

To direct Workforce Investment Act funds to those most in need, while complying with U.S. Department of Labor Priority of Service requirements.

DEFINITIONS:

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. "Active Service" 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.

Eligible Spouse: 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 would lose his or her eligibility if the veteran or service member were to lose the status that is the basis for the eligibility. 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. (38 U.S.C. 4215[a])

Public Assistance Recipient: an individual who received public assistance in the last six months, such as General Assistance, SNAP (food stamps), Social Security Disability Insurance (SSDI), Supplemental

Security Income (SSI) or Temporary assistance for Needy Families (TANF).

Low Income Individual: an individual who is determined low-income based on the definitions in WIA 101(25). Receipt of public assistance is collected in WOMIS. Income below the poverty level is also collected.

Covered-Individual: an individual who is eligible for Priority of Service.

Non-covered Individual or Person: an individual who is *not* eligible for Priority of Service.

BACKGROUND:

Priority of Service occurs when a covered-individual is given priority over non-covered individuals for the receipt of employment, training and placement services provided under WIA IB. These individuals are entitled to precedence over non-covered persons for services – the covered individual either receives access to a service earlier in time than a non-covered person or, if resources are limited, receives access to the service instead of or before the non-covered person.

Recipients (and sub-recipients) of U.S. Department of Labor (DOL) funds for Workforce Investment Act (WIA) programs are subject to the priority of service regulations, and are thus required by law to provide priority of service to veterans and eligible spouses. This is a requirement of receiving DOL funds. It is important to note that a veteran or eligible spouse must first meet any and all of the eligibility criteria in order to be considered eligible for enrollment in the program, receipt of priority for enrollment and priority for receipt of services.

In addition, the WIA [Section 134(d)(4)(E)] requires when funds allocated for Adult Employment and Training activities are limited, priority shall be given to recipients of public assistance and other low-income individuals for intensive services and training services [WIA Section 101(25)]. The public assistance and low-income priority does not apply to Dislocated Worker funds.

POLICY:

To address the requirement of the Workforce Investment Act, TOC/OWA is establishing the following prioritization for services:

- a. For workforce programs that operate or deliver services to the public without targeting specific groups, veterans and eligible spouses must receive priority of service over all other program participants.
- b. For Programs with Eligibility Criteria, veterans and eligible spouses who meet the eligibility criteria will receive priority for enrollment in the Program, as well as priority for receipt of services.
- c. For Programs with Statutory or Mandatory Priorities, priority of service is applied as described below:
 1. Veterans and eligible spouses who meet the program-specific mandatory priorities will receive the highest level of priority of service.

2. Non-covered individuals who meet the program's mandatory priority receive the second level of priority of service.
3. Veterans and eligible Spouses outside the program-specific mandatory priority receive the third level of priority of service.
4. Non-covered individuals outside the program's mandatory priority receive the lowest level of priority of service.

d. WIA Adult Formula funds are limited; therefore, Priority of Service must be given to recipients of public assistance and other low-income adults for WIA Adult Formula funded Employment and Training activities. Prioritization of service will be applied as described in Part c. above.

Criteria for priority of services are compiled during the WOMIS registration process. For any participant receiving an Intensive or Training service through WIA funds, supporting documentation must be collected (TEGL 27-10). For veterans and eligible spouses, an electronic or hard copy of the DD-214 form, letter from the Veterans' Administration, the crossmatch with veterans data or other document as allowed by the DOL must be gathered and filed.

For Public Assistance recipients, an electronic or hard copy of a cross-match with TANF or other public assistance records, copy of authorization to receive cash public assistance, copy of public assistance check, medical card showing cash grant status, public assistance records or refugee assistance records must be gathered and filed. Documents to be collected to support Low Income include an electronic or hard copy of an Alimony Agreement, applicant statement, award letter from Veterans' Administration, bank statements, compensation award letter, court award letter, pension statement, employer statement/contact, family or business financial records, housing authority verification, pay stubs, pension statement, public assistance records, quarterly estimated tax for self employed persons, Social Security benefits or UI documents.

As necessary, TOC/OWA and Regional Contractors may add additional criteria relevant to further prioritize population and applicants to target populations and/or employment opportunities of interest or concern.

ACTION:

The TOC/OWA administrative office and Regional Contractors shall follow this policy. This policy will remain in effect from the date of issue until such time that a revision is required.

INQUIRIES:

Inquiries should be addressed to the Chief Administrative Officer at 1-866-888-4TOC.



Kris Latimer
Chief Executive Officer

Ratified by the Oregon Workforce Alliance
October 27, 2011

