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JAN VOGEL
EXECUTIVE DIRECTOR

DATE: December 12, 2024 (Up-date)

TO: South Bay Workforce Investment Board, South Bay Workforce Investment Board, Inc., South Bay One-Stop Business & Career Centers, Youth Programs, Special Projects, Contractors, and Partners

SUBJECT: **DIRECTIVE NO. 24-05**
WIOA Adult Program Priority of Service

PURPOSE:

This policy provides guidance and establishes procedures regarding priority of service for recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient served with Workforce Innovation and Opportunity Act (WIOA) Title I Adult Program funds.

SCOPE:

This directive applies to all recipients of the Workforce South Bay Workforce Investment Board, South Bay Workforce Investment Board, Inc., South Bay One-Stop Business & Career Centers, Youth Programs, Special Projects, Contractors, and Partner. This directive supersedes SBWIB Directive 16-04, WIOA Adult Program Priority of Service.

EFFECTIVE DATE:

This directive is effective on the date of issuance.

REFERENCES:

- WIOA (Public Law 113-128) Sections 3(5), 3(36), and 3(50) and 134
- Title 20 Code of Federal Regulations (CFR) WIOA Final Rule, Sections 680.150, 680.600, 680.650, Training and Employment Guidance Letter (TEGL) 07-20, Effective Implementation of Priority of Service Provisions for Most in Need Individuals in the Workforce Innovation and Opportunity Act (WIOA) Adult Program (November 24, 2020), TEGL 19-16, Guidance on Services Provided Through the Adult and Dislocated Worker Programs Under the WIOA and the Wagner-Peyser Act Employment Services (ES), as Amended by Title III, Under the WIOA Final Rule (March 1, 2017) Workforce Services Directive WSD22-15, WIOA Data Validation Source Documentation
- WSD24-06, Adult Program Priority of Service
- WSD19-09, Strategic Co-Enrollment – Unified Plan Partners (February 12, 2020)
- WSD19-04, Priority of Service for Veterans and Eligible Spouses, (September 11, 2019)
- Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109-461)
- Jobs for Veterans Act (JVA) of 2002 (Public Law 107-288)
- Title 38 United States Code (U.S.C.) Sections 101(2), 4213, and 4215(a), and Chapters 11, 13, 15, 30-31, 33, and 35-36.
- Title 20 Code of Federal Regulations (CFR) Part 1010: "Priority of Service for Covered Persons"

- Title 20 CFR Sections 680.600, 680.650, and 683.230
- Training and Employment Guidance Letter (TEGL) 19-16, Subject: Guidance on Services provided through the Adult and Dislocated Worker Programs under the WIOA and the Wagner-Peyser Act Employment Services, as amended by Title III of WIOA, and for implementation of the WIOA Final Rules (March 1, 2017)
- TEGL 26-13, Subject: Impact of the U.S. Supreme Court's Decision in United States v. Windsor on Eligibility and Services Provided Under Workforce Grants Administered by the Employment and Training Administration (June, 18, 2014)
- TEGL 10-09, Subject: Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or part by DOL (November 10, 2009)
- WSD15-14, WIOA Adult Program Priority of Service (January 22, 2016)

DEFINITIONS:

The definitions listed below are for the purposes of implementing priority of service only. The definitions of “veteran” and “eligible spouse” applicable to the priority of service requirement are different from, and broader than, than the definitions of “veteran” and “other eligible persons” applicable to services provided by the Disabled Veterans’ Outreach Program Specialist and Local Veterans’ Employment Representative staff.

Adult - An individual who is 18 or older.

Basic Skills Deficient - An individual that is unable to compute or solve problems. Or read, write, or speak English, at a level necessary to function on the job, in the individual’s family, or in society (WIOA Section 3 [5]).

Criteria used to determine whether an individual is basic skills deficient:	
<i>Criteria Used</i>	<i>Documentation Required</i>
<i>Lacks a high school diploma or high school equivalency and is not enrolled in post-secondary education</i>	<i>Self-attestation</i>
<i>Enrolled in a Title II Adult Education/Literacy program</i>	<i>School records or verification from school official</i>
<i>English, reading, writing, or computing skills at an 8.9 grade level or below</i>	<i>Results of standard assessment</i>
<i>Determined to be limited English-skills proficient through staff-documented observations</i>	<i>Case note clearly demonstrating staff assessment of English skills</i>
<i>Lacking computer literacy defined as: non-technical knowledge of computers and how to use them; familiarity and experience with computers, computers, software, and computer systems</i>	<i>Test results of computer skills assessment</i>

In assessing basic skills, one-stop staff may only use assessment instruments that are valid and appropriate for this target population, and must provide reasonable accommodation in the assessment process, if necessary, for individuals with disabilities. Standardized assessments must be administered following published guidelines and locators/appraisal must be used to determine the appropriate level of use of such assessments.

Case Notes - Case notes refer to either paper or electronic statements by the case manager that identify, at a minimum, the following:

- A participant's status for a specific data element
- The date on which the information was obtained
- The case manager who obtained the information

Low-Income - An individual that meets one of the four criteria below:

1. Receives, or in the past six months has received, or is a member of a family that is receiving, or in the past six months has received, assistance through the Supplemental Nutrition assistance Program (SNAP), Temporary Assistance For the Needy Families (TANF), program supplemental security income program, or state or local income-based public assistance.
2. In a family with total family income that does not exceed the higher of the following:
 - a) The poverty line.
 - b) 70 percent of the Lower Living Standard Income Level.
3. A homeless individual.
4. An individual with a disability whose own income meets the income requirement, but who is a member of a family whose income does not meet the requirement.

(Reference WIOA Section 3 [36])

Public Assistance Recipient - An individual that receives federal, state or local government cash payments for which eligibility is determined by a needs or income test (WIOA Section 3 [50]).

Self-Attestation - Self-attestation (also referred to as a participant or applicant statement) occurs when a participant states their status for a particular data element, and then signs and dates a form acknowledging this status. The key elements for self-attestation are as follows:

- The participant identifies their status for permitted elements.
- The participant signs and dates a form attesting to this self-identification. The form and signature can be on paper or in CalJOBS with a remote signature or other accepted electronic method. For more information on the CalJOBS Remote Electronic Signature feature, refer to the CalJOBS Remote Electronic Signature User Guide located in the Staff Online Resources section of CalJOBS.
- While self-attestation should not be the primary method of gathering documentation to verify data elements, it may be used when an item is unverifiable, or it is unreasonably difficult to obtain. The applicant's difficulty in obtaining documentation does not need to entail hardship or suffering to justify using self-attestation. *A case note should accompany any use of the self-attestation to identify the use and or reason.*

Covered Person – a veteran or eligible spouse.

Eligible Spouse – the spouse (including the same-sex spouse) of any of the following:

1. Any veteran who died of a service-connected disability.
2. 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:
 - a. Missing in action.
 - b. Captured in the line of duty by a hostile force.
 - c. Forcibly detained or interned in the line of duty by a foreign government or power.
3. Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the U.S. Department of Veterans Affairs (VA).
4. Any veteran who died while a disability, as indicated in category 3 of this definition, was in existence.
 - a. A spouse whose eligibility is derived from a living veteran or service member (i.e., categories 2 or 3 above) would lose his or her eligibility if the veteran or service member were to lose the status that is the basis for the eligibility (e.g., if a veteran with a total service-connected disability were to receive a revised disability rating at a lower level), or upon divorce from the veteran or service member.

Note: A surviving spouse who is a widow or widower AND remarries on or after December 16, 2003, AND on or after attaining age 57, is entitled to continue to receive Dependency and Indemnity Compensation.

Non-covered Person – any individual who neither meets the definition of veteran nor the definition of eligible spouse.

Point of Entry – the point at which a veteran or eligible spouse expresses an interest in receiving employment, training, and placement services. It may be in-person or online, and can include physical locations such as reception areas, resource areas, and self-service kiosks in an America's Job Center of California (AJCC), as well as websites such as CalJOBS, and other virtual service delivery resources.

Priority of Service – with respect to any qualified job training program, a covered person shall be given priority over a non-covered person for the receipt of employment, training, and placement services provided under that program, notwithstanding any other provision of the law. Such priority includes giving access to such services to a covered person before a non-covered person or, if resources are limited, giving access to such services to a covered person instead on a non-covered person.

Program Operator – a recipient or subrecipient of DOL funds for a qualified job training program.

Qualified Job Training Program – any program or service for workforce preparation, development, or delivery that is directly funded, in whole or in part by the DOL.

Recipient – an entity that is awarded federal financial assistance, in whole or in part, directly from the DOL or through a subaward for any qualified job training program.

Subrecipient – an entity that is awarded federal financial assistance through a subaward funded by the DOL for any qualified job training program.

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. Active service includes full-time duty in the National Guard or a Reserve component, other than full-time duty for training purposes. Active service does not include full-time active duty performed by National Guard personnel who are mobilized by state rather than federal authorities.

Priority of Service Calculation

The state priority of service rate is calculated based on the number of participants exited from the program who are identified as a priority population and received an individualized career or training service during their period of participation. This number is divided by the total number of participants exited from the program who have received an individualized career or training service.

Career and Training Services

Under WIOA, only Individualized Career and Training Services are subject to the priority of service requirement as outlined in 20 CFR Section 680.600. The requirement does not apply to Basic Career Services.

Individualized Career Services

Individualized career services are subject to priority of service, and consist of the following:

- Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include the following:
 - Diagnostic testing and use of other assessment tools.
 - In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.
- Development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve his or her employment goals, including the list of, and information about, eligible training providers.
 - Group and/or individual counseling and mentoring.
 - Career planning (e.g. case management).
- Short-term pre-vocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare individuals for unsubsidized employment or training, in some instances pre-apprenticeship programs may be considered short-term pre-vocational services.
- Internships and work experiences that are linked to careers.
- Workforce preparation activities that help an individual acquire a combination of basic academic skills, critical thinking skills, digital literacy skills, and self-management skills, including competencies in utilizing resources, using information, working with others, understanding systems, and obtaining skills necessary for successful transition into and completion of postsecondary education, or training, or employment.

- Financial literacy services.
- Out-of-area job search assistance and relocation assistance.
- English language acquisition and integrated education and training programs.

Training Services

Training services are subject to priority of service, and consist of the following:

- Occupational skills training, including training for nontraditional employment.
- On-the-job training.
- Incumbent worker training.
- Programs that combine workplace training with related instruction, which may include cooperative education programs.
- Training programs operated by the private sector.
- Skill upgrading and retaining.
- Entrepreneurial training.
- Transitional jobs.
- Job readiness training provided in combination with another training service.
- Adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with another training service.
- Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

POLICY AND PROCEDURES:

As stated in WIOA Section 134 (c)(3)(E), with respect to individualized career services and training services funded with WIOA Adult funds, priority of service must be given to recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient (including English Language Learners). America’s Job Center of California (AJCC) staff must always prioritize services to these populations, regardless of the amount of funds available to provide services in the Local Area.

Priority of service status is established at the time of eligibility determination and does not change during the period of participation. The priority of service does not apply to the WIOA Dislocated Worker program.

Veterans and eligible spouses will continue to receive priority of service among all eligible individuals. However, they must meet the WIOA Adult program eligibility criteria and meet the criteria under WIOA Section 134(c)(3)(E). As described in TEG 19-16, when programs are statutorily required to provide priority, such as the WIOA Adult program, then priority must be provided in the following order:

1. Veterans and eligible spouses who are also recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient.
2. Individuals who are the recipient of public assistance, other low-income individuals, or individuals who are basic skills deficient.
3. Veterans and eligible spouses who are not included in WIOA’s priority groups.
4. Priority populations established by the Governor and/or Local Workforce Development Board (Local Board).
5. Other individuals not included in WIOA’s priority groups.

[Reference – [TEGL 19-16](#)]

For additional guidance on providing priority of service to veterans through the one-stop system, please reference Workforce Services Directive [WSD19-04](#).

Priority of Service

Program operators are required to provide priority of service to veterans and eligible spouses for all WIOA and Wagner-Peyser funded activities, including technology–assisted activities. Priority of service means that veterans and eligible spouses are entitled to take precedence over non-covered persons in obtaining employment, training, and placement services. More specifically, a veteran or an eligible spouse either receives access to a service earlier in time than a non-covered person or, if the resource is limited, the veteran or eligible spouse receives access to the service instead of or before the non-covered person.

In implementing priority of service, program operators must ensure veterans and eligible spouses receive basic career services and individualized career services before other non-covered individuals. Additionally, they must ensure veterans and eligible spouses receive first priority on waiting lists for training slots and are enrolled in training prior to non-covered persons. However, once a non-covered participant is enrolled in a workshop or training class, priority of service is not intended to allow a veteran or eligible spouse to bump the non-covered participant from that class or service.

Program operators must ensure that priority of service is applied by all subrecipients of DOL funds. Pertinent language should be included in contracts, subgrants, solicitations for proposals, memorandums of understanding, and other service provision agreements.

Applying Priority of Service

The application of priority of service varies depending on the eligibility requirements of the particular program. There are four basic categories of DOL-funded programs: universal access programs, programs that require participants to meet specified eligibility criteria, programs with statutory priorities, and programs with discretionary priorities. The following describes how priority of service applies to these basic types of programs.

Universal Access Programs

For workforce programs that operate or deliver services to the public as a whole without targeting specific groups (e.g., WIOA basic career services), veterans and eligible spouses receive priority of service over all other program participants.

Programs with Eligibility Criteria

Eligibility criteria identify basic conditions that each participant in a specific program is required to meet. For example, for the WIOA Adult, Dislocated Worker, and Youth programs, every participant is required to meet program eligibility requirements (e.g., age, selective service registration, etc.). A veteran or eligible spouse must first meet all of the eligibility criteria in order to be considered eligible for participation in the program. Once determined eligible for participation, the

veteran or eligible spouse receives priority for participation in the program and receipt of services.

Programs with Statutory Priorities

In addition to the eligibility criteria that all participants are required to meet, some programs have priorities that target certain populations and establish a rank order for enrolling or serving participants (e.g., the WIOA priority for Adult funds to serve recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient). While veterans' priority is required under federal law and cannot be waived, it is not intended to displace existing eligibility requirements and statutory priorities. Therefore, in these instances, veterans and eligible spouses must first meet both the program's eligibility and statutory priority criteria to receive priority for participation in the program and receipt of services. Program operators must determine the status of each individual veteran or eligible spouse and apply priority of service in the following order:

1. Veterans and eligible spouses who meet the program's statutory priority requirement (e.g., veterans and eligible spouses who are also recipients of public assistance, other low income individuals, or individuals who are basic skills deficient)
2. Non-covered persons who meet the program's statutory priority requirement (e.g., non-covered persons who are recipients of public assistance, other low income individuals, or individuals who are basic skills deficient).
3. Veterans and eligible spouses who do not meet the program's statutory priority requirement.
4. Priority populations established by the Governor and/or Local Workforce Development Board.
5. Non-covered persons outside the program's statutory priority requirement.

Programs with Discretionary Priorities

Programs with discretionary priorities may make an effort to provide a certain level of service to a particular group. However, the law does not mandate that the target group be served before other eligible individuals. With respect to priority of service, the only feature that distinguishes discretionary targeting programs from universal access programs is the additional application of the discretionary targeting criterion to non-covered persons. Therefore, program operators must apply priority of service in the order below:

1. Veterans and Eligible spouses
2. Non-covered persons within the discretionary targeting group.
3. Non-covered persons outside the discretionary targeting group.

Income Eligibility Requirements

When determining eligibility for programs that have a statutory requirement to serve low income individuals, many types of military service-related income are exempt. Specifically, the following pay, financial allowances, and financial benefits must be disregarded for veterans, transitioning service members, or any other individuals for whom these amounts would normally be applied in making an eligibility determination.

- Military pay or allowances paid while on active duty
- Military pay or allowances paid by the VA for vocational rehabilitation, disability payments, or related VA-funded programs (including the VA work

study allowance), and including any financial benefits received under the following chapters of Title 38 U.S.C.:

- Chapter 11 - Compensation for service-connected disability or death.
- Chapter 13 - Dependency and indemnity compensation for service-connected deaths.
- Chapter 30 - All-volunteer force educational assistance program.
- Chapter 31 - Training and rehabilitation for veterans with service-connected disabilities.
- Chapter 33 – Post-9/11 educational assistance.
- Chapter 35 - Survivors' and dependents' educational assistance.
- Chapter 36 - Administration of educational benefits.
- Any benefits received under Title 10 U.S.C. Chapter 106 - Educational assistance for members of the selected reserve.

In contrast, the following types of military-related income are included in low-income calculations:

- Pension payments authorized by Title 10 U.S.C., such as those received by military retirees, whether or not their retirement was based on disability.
- Pension benefits paid under Title 38 U.S.C. Chapter 15 – Pensions for low-income, wartime veterans who are disabled for reasons not connected or related to their military service.

It is also important to note that VA benefits for education and training services do not constitute “other grant assistance” under WIOA’s eligibility requirements. Therefore, veterans or eligible spouses who are eligible for the GI Bill or other forms of VA-funded education or training are not required to coordinate their entitlement to those benefits with their eligibility for WIOA-funded training, as stipulated under 20 CFR Section 680.230. Specifically, program operators may not require veterans or eligible spouses to exhaust their entitlement to VA funded training prior to enrolling them in WIOA-funded training.

Identifying Veterans and Eligible Spouses

Program operators must put processes into place to ensure that veteran and eligible spouses are identified at the point of entry and given an opportunity to take full advantage of priority of service. The point of entry includes physical locations such as AJCCs, as well as websites such as CalJOBS, and other virtual service delivery resources. These processes should ensure that veterans and eligible spouses are aware of their entitlement to priority of service, the full array of employment, training, and placement services available under priority of service, any applicable eligibility requirements for those programs and services, and in cases of online points of entry, how to access assistance via the nearest America’s Job Center of California.

Documenting Eligibility for Priority of Service

It is not necessary for staff to verify the status of a veteran or eligible spouse until the individual undergoes eligibility determination and is enrolled in a WIOA individualized career service or training service. Until the point at which the participant receives an individualized career service or training service, an individual who states they meet the veterans’ priority eligibility criteria must be accorded veterans’ priority of service on the basis of self-attestation.

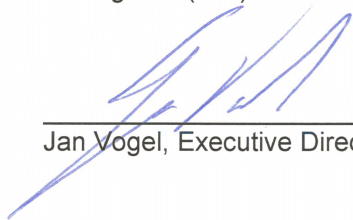
In those instances, in which eligibility determination and enrollment in a WIOA individualized career service occur at the point of entry, a covered person must be enrolled, provided immediate priority, and permitted to follow-up subsequently with any required verification of his or her status as a covered person.

ACTION

Ensure that all career center staff, subrecipients and partners are informed and adhere to the contents stated in this directive.

INQUIRIES

If you have any questions regarding this directive, please contact the Compliance Manager at (310) 970-7700.



Jan Vogel, Executive Director

Attachment
(Attachment 1 - Documentation List)

The SBWIB is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

DOCUMENTATION LIST

The following sources of documentation will be used to verify whether an adult participant qualifies for priority of service under WIOA:

Priority of Service	
Priority of Service Criteria	Acceptable Documentation (Only the documentation listed below may be used.)
1. Public Assistance Recipient	<ul style="list-style-type: none"> • TANF Eligibility Verification • TANF Period of Benefit Receipt Verification • SSI/SSDI Receipt of Benefits Verification • SNAP Eligibility Verification • Documentation of Food Stamp Benefit Receipt • Referral Transmittal from SNAP Copy of authorization to receive cash public assistance • Copy of public assistance check • Medical card showing cash grant status • Public assistance eligibility verification
2. Low – Income	<ul style="list-style-type: none"> • Award letter from veteran’s administration • Bank statements • Compensation award letter • Court award letter • Pension statements • Employer statement/contact • Family or business financial records • Housing authority verification • Pay stubs • Public assistance eligibility verification • Quarterly estimated tax for self-employed persons • Social Security benefits • Unemployment Insurance documents • Copy of Authorization to Receive Cash Public Assistance • Copy of Public Assistance Check • For Youth Participant Only: Case Note Documenting Living in a High Poverty Area • Self- attestation*

<p>3. Basic Skills Deficient</p>	<ul style="list-style-type: none"> • Applicable Records from Education Institution (Transcripts, academic assessments, or other school documentation) • Assessment Test Results • Case notes* • If an individual is an English Language Learner (ELL) and basic skills deficient, then a signed application is sufficient to document ELL/basic skills deficient. However, if the participant is basic skills deficient and NOT ELL, then a case note and/or assessment is needed • Self-attestation*
<p>4. Veteran and/or Eligible Spouse</p>	<ul style="list-style-type: none"> • Department of Defense Form (DD 214) • Veteran’s Administration Letter or Record Cross match with veteran’s data: • An official notice issued by the Department of Veterans Affairs that establishes entitlement to a disability rating or award of compensation to a qualified dependent; • An official notice issued by the Department of Defense that documents the eligibility of an individual, based on the missing or detained status of that individual’s active spouse; or • An official notice issued by a State veterans’ service agency that documents veteran status or spousal rights, provided that the State veterans’ service agency requires Federal documentation of that information.
<p><i>*Please reference the definition section of this directive for additional guidance on case notes or self-attestation being used for documentation purposes.</i></p>	