

**GREATER MEMPHIS LOCAL WORKFORCE DEVELOPMENT BOARD (GMLWDB)**

**GREATER MEMPHIS LOCAL WORKFORCE DEVELOPMENT AREA**

<b>EFFECTIVE DATE:</b>	March 1, 2021
<b>DURATION:</b>	Indefinite
<b>POLICY:</b>	Priority of Service
<b>PURPOSE:</b>	To provide guidance for (1) defining priority groups; and (2) ensuring designated groups are given priority to receive WIOA services during the eligibility and enrollment processes.

**REFERENCE(S):**

- [Title I of the Workforce Innovation and Opportunity Act \(WIOA\) of 2014](#), Sections 3, 134(c)(3)(E); see also 20 CFR 680.600 and 680.650
- [TEGL 3-15](#): Guidance on Services Provided through the Adult and Dislocated Worker Program under the Workforce Innovation and Opportunity Act (WIOA or Opportunity Act) and Wagner Peyser, as Amended by WIOA, and Guidance for the Transition to WIOA Services

**BACKGROUND:**

Section 134(c)(3)(E) of the Workforce Innovation and Opportunity Act (WIOA) 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) 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 was required for public assistance recipients and other low-income individuals, when funds were limited. Under WIOA, priority of service is required regardless of the funding levels.

**POLICY/ACTION:**

**I. What It Means to Provide Priority of Service**

Priority of service means that individuals included in the Priority Groups identified above (i.e., public assistance recipients, other low-income individuals, individuals who are basic skills deficient, and underemployed/unemployed individual with a barrier to employment) are given priority over other individuals for receipt of individualized career services and training services funded by the Title I Adult program. Veterans within these groups receive priority over non-veterans. Adult priority is determined during eligibility and enrollment.

<sup>1</sup> [TEGL 7-20\(3\)\(b\)](#)

## **II. 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>.

### **A. Priority Population 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. Lower-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);

<sup>2</sup> 20 CFR 680.650

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

- 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),
- 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. Underemployment:**

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 and eligible spouse.

**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>.

<sup>4</sup> 20 CFR 608.640

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

<sup>6</sup> WIOA Section 3(35)

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

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

**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 not meet Title I Adult Program eligibility.

**B. Percentage of Priority Population Served**

The GMLWDA will expect that seventy-five percent (75%) of individuals enrolled in the Title I Adult program will meet one of those top four (4) priority levels in the above section. Any GMLWDA Provider and/or Partner who does not meet this metric will be placed under sanctions per the GMLWDB policy.

**IV. “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 are detailed and defined by the GMLWDB in its 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,
- 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, and
- 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”.)

**EXCEPTIONS:**

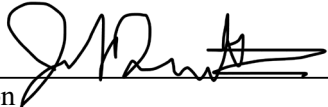
The Executive Director or his/her designee may make exceptions to the requirements herein. Such exceptions will be made on a case-by-case basis and shall be documented.

**OTHER ELIGIBILITY/ITA COORDINATION:**

This Policy does not change, modify or set aside any other policies, procedures or guidance regarding the issuance of Individual Training Accounts (ITAs). All limitations and restrictions for the award of an ITA shall be done under existing Policy. This Policy is intended to only address the priority of service to adults.

**INQUIRIES**

Please contact Amber Covington, Executive Director, [acovington@memphischamber.com](mailto:acovington@memphischamber.com) with any questions or concerns regarding this policy.



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Jay Robinson  
GMLWDA Board Chair

5/21/2021

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Adopted Date

*GMLWDB is a proud partner of the American Job Center network, is an Equal Opportunity Employer. The Career Center System is an Employer/Equal Opportunity Program. Auxiliary aids and services are available upon request to individuals with disabilities. TTY: 1-800-848-0299*

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