

ATTACHMENT I

**PRIORITY OF SERVICE POLICY
FIELD GUIDANCE MEMORANDUM 404**

**VETERAN PRIORITY OF SERVICE POLICY
FIELD GUIDANCE MEMORANDUM 405**



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References:

Workforce Innovation and Opportunity Act of 2014, Title I - Sections 3, Chapter 3
WIOA Final Rules published in the Federal Register, Vol. 81, No. 161, dated August 19, 2016,
Sections 680.210(d), 680.600, 680.610, 680.620, 680.650

Background:

Before a customer can access Individualized Career or Training Level Services, there are a number of service considerations that must be reviewed and evaluated. First, WIOA formula funding is limited and services are only available to serve a finite number of customers during any given Program Year. This means that higher-tiered services beyond Basic Career services (which are available to the general public with only minimal registration requirements) are carefully metered-out to eligible customers since customer demand may exceed supply and/or local capacity. For this reason, customers meeting certain federal WIOA Priority requirements will be given access to these services with higher priority versus customers not meeting these requirements, all things being equal.

Of course, federal priority consideration must also be balanced against broader customer program needs. Consequently, every effort is made early in the registration and intake process to begin identifying and assessing a customer’s individual situation and program needs. For example, if a customer’s needs can be effectively addressed at a lower level of service, then access to other higher level services may not be appropriate or necessary. Conversely, if a customer’s needs are wide ranging and immediate, then access to the full range of available services can be expedited accordingly.

Priority Determination:

First, the federal WIOA legislation requires priority consideration be given to two priority groups: 1) Adults who are Low Income and/or Public Assistance Recipients and/or Basic Skills Deficient and 2) All eligible Veterans.

Next, since the local Workforce Development Board has made an advance determination that demand for services will generally exceed supply, the GPWDB has expanded this basic federal priority consideration to include other locally recognized priorities and/or barriers-to-employment for both the Adult and Dislocated Worker populations. So in addition to the federal mandates, a locally instituted priority consideration ranking system is also used to help prioritize the flow of customers being recommended by the Career Planners for enrollment into higher tiered services at the One Stop.

This system is extremely flexible in that it allows for real time recalibration of base-line priority thresholds based on funding availability, system capacity and the changing level of system-wide, customer demand on the system at any point in time. A key feature of this process is its

ability to regulate the flow of participants to a level that the system can reasonably expect to process based on current staffing and customer demand. Customer priority will be evaluated using a structured weighting of priority indicators within each customer funding group and compared against that program group's pre-defined, service capacity threshold. All priority rankings will be based on a quantitative review of objective demographic criteria that is applied consistently to every customer seeking services within the same population (i.e. adult or dislocated worker) and service level (i.e. Individualized Career or Training level) groupings.

Priority of Service - Quick Overview Chart:

Note: The federal priority associated with Low Income, Public Assistance Recipients and BSD only applies to the Adult program.

- First Priority - Veterans and "Eligible Spouses" (see GPWDB's Veterans Policy) who also meet the federal priority mandate (i.e. low-income and/or recipients of public assistance and/or basic skills deficient) and other local priority threshold.
- Second Priority - Individuals who are not Veterans or "Eligible Spouses", but meet the federal mandate of low-income, recipients of public assistance and/or basic skills deficient criteria and other local priority threshold.
- Third Priority - Veterans and "Eligible Spouses" who meet the threshold for other local priority consideration.
- Fourth Priority - Individuals who are not Veterans or "Eligible Spouses" but meet the threshold for other local priority consideration.

Note: As part of the base-line federal priority requirement, GPWDC has established a local goal of endeavoring to serve a minimum of 33% Low Income (based on the traditional 100% HHS or 70% LLSIL poverty guidelines), Public Assistance recipients or Basic Skills Deficient (BSD) individuals under the Adult program. Additionally, GPWDC has established a broader local goal of serving no fewer than 60% of Adults who meet the definition for Low Income or "Near Low Income" (defined as 150% of the traditional HHS Poverty Guidelines), Public Assistance recipient, or BSD individuals.

Other Local Service Priorities:

The following is a list of current federal and other GPWDB approved barriers/priority considerations that will be in effect until this FGM is formally superseded. *Note: Approved Barriers appear in no particular order.* Both the federal barriers and other local considerations will be used to assign points and establish local priority weighting as described above. Similar barriers cannot be combined to meet the minimum requirements. Application of these barriers for priority weighting consideration is predicated on proper verification.

Federal barriers:

1. Recipient of Public Assistance or Low Income
2. Basic Skill Deficient
3. Veteran with Entitlements or Spouse of Veteran with Entitlements
4. Veteran without Special Entitlements
5. Single Parent
6. Long-Term Unemployed (15 weeks or more out of last 26 weeks)
7. High school Drop-Out (No high school diploma or GED equivalent)
8. Disability
9. Ex-Offender (Misdemeanor or Felony)
10. Homeless Individual
11. Older Individuals (Age 55+)
12. Foster Child 18-21 year old (or recently aged-out)
13. Displaced Homemaker
14. Individuals within 2 years of exhausting lifetime eligibility (part A, Title IV, SSA)
15. Indians, Alaska Natives, and Native Hawaiians (as defined in Section 166)
16. Eligible Migrant and Seasonal Farm Workers

Other local considerations:

17. LWDA Resident
18. LWDA Employer (DW only)
19. Near Low Income
20. Highest Grade Completed
21. Profiled and/or Rapid Response Referred Recipient (DW only)
22. Unemployment Insurance Recipient/Exhaustee (DW only)
23. Layoff Status (DW only)
24. Local Labor Market Analysis (DW only)
25. Career Planner/Counselor recommendation

Additional populations may be added or other adjustments made due to strategic planning considerations made by the Board.

Utilizing this general process, all customers will be processed on a first-come, first-served basis assuming they meet the minimum priority scoring threshold in effect at the time of service referral.

Selection for Advanced Level Services (Individualized Career Services or Training):

Customers accessing services at the Basic Career Services who are in need of higher tiered services will be advanced to Individualized Career Level Services in the manner outlined below if all the minimum requirements for advancement have first been satisfied.

The advancement strategy offered for Individualized Career Services or Training Services does not automatically qualify (or entitle) a customer to access these services; instead it only allows them immediate consideration for services. To determine whether or not a customer will be selected for enrollment into Advanced Levels of Services (i.e. Individualized or Training Services), a Priority Determination Form (see Attachment xx) will be used to rank a customer's need based on a locally developed "most-in-need" scoring system. Priority determinations will be made separately for both the Adult and Dislocated Worker populations. The results of all priority determinations will be maintained in the participant's file in the event the process or the results are questioned or challenged.

The relative weighting of an applicant's need is based on a numeric score that is derived using the attached Priority Determination Forms and the process described above. Following a calculation, the resulting numeric score will be used to make an enrollment decision in one of two ways depending on the demand for services at any given point in time. At any single point in time throughout a program year, a "minimum threshold for services level" (i.e. a raw score) selection methodology will be in effect, depending on available funding and customer volume, in order to prioritize which customers are selected for enrollment into the Advanced Levels of Services. The minimum threshold level in effect at any given time will be documented in advance and maintained for review with the corresponding date of implementation.

Minimum Requirements for Advancement to Individualized Career Level Services (Requires Full Registration):

1. Meets all WIOA eligibility requirements
2. Full registration has been completed
3. Is Unemployed or Underemployed and in need of Individualized Career Services to obtain or retain employment, as defined by WIOA
4. Initial Development of the Individual Service Strategy (i.e. Modules 1, 2 and 3) has been completed
5. Applicant meets the established minimum Priority Threshold ranking level in effect at the time Module 3 is being completed.

Customers accessing services under Basic or Individualized Career Services may access Training Level Services if all the minimum requirements for advancement have first been satisfied.

Minimum Requirements for Accessing Training Level Services:

1. Meets all WIOA eligibility requirements
2. Full registration has been completed
3. Is Unemployed or Underemployed and has been identified by a Career Planner as being in need of Training Services to obtain or retain employment, as defined by WIOA
4. Development of the Individual Service Strategy (i.e. Modules 1, 2, 3 and 4) has been completed
5. Applicant meets the established minimum Priority Threshold ranking level in effect at the time Module 4 is completed.
6. Counselor recommends training support based on full review of applicant's needs and situation and request for training is supported by local Labor Market Analysis justifying such training.

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BACKGROUND:

The Jobs For Veterans Act, enacted into Public Law 107-288 on November 7, 2002, made a number of amendments to encourage military veterans' access to services within an integrated one-stop service delivery system. One such amendment creates a priority of service for veterans (and some spouses) "who otherwise meet the eligibility requirements for participation" in DOL training programs (Adult, Dislocated Worker and Youth). Federal regulations (Final Rule, 20CFR Part 1010) that went into effect on January 19, 2009, mandate that local boards implement a priority of service policy for Veterans and Eligible Spouses, and to have clear strategies for providing veterans and eligible spouses of veterans with quality services at every phase of services offered.

POLICY:

The Greater Peninsula Workforce Development Board (GPWDB) has implemented and supports a priority of service policy for Veterans and Eligible Spouses of Veterans (covered persons) at every phase of services consistent with applicable agency policy. Veteran priority of service requires that covered persons must be served prior to non-covered persons assuming all other program specific requirements are equal among eligible participants. Covered persons must still meet all eligibility and program requirements, as they apply to each respective program.

In addition to the across-the-board Veteran (and covered spouse) priority for all WIOA programs, the GPWDB also enforces a priority of service policy for recipients of public assistance and other low-income individuals who receive intensive and training level services under the WIOA Adult or DW funding source, as well as for other local priority rated target groups as demonstrated by standardized agency records and forms used to document an individual's applicable priority rating. When access to available funding is limited, the local priority of service policy will be used to rank and/or re-calibrate access to available intensive and training level services under the Adult or DW Formula funded programs consistent with assigned priority ranking and policy.

General Notice of Peninsula Worklink Specific Procedure and Policies: Individuals eligible for priority of service will be made aware of local policy by:

- Mandatory registration on Veteran compliant VAWC database
- Information provided in WIOA Orientation sessions or Agency published WIOA marketing materials and brochures as applicable.
- Agency postings in the Career Resource Center, as applicable
- Information collected using standardized WIOA agency forms.



- Verbal notice at the one-on-one preliminary assessments and eligibility determination meeting that is conducted with all customers formally requesting access to higher-tiered WIOA services
- Posting on the website to make individuals aware of the priority of service policies
- Applicants identified as Veterans through the VAWC registration process are immediately referred to the Local Veterans Employment Representative (LVER) who makes the individual aware of the services available and reinforces the priority status.
- Specific reference in all WIOA Annual Plans and planning documentation

INCORPORATION INTO NEW ACTIVITIES:

All contracts/contract language will be reviewed to ensure priority of service language is included at the point any new contracts are being written and/or distributed. Contracts missing this language will be revised to include it.

With multiple priority of service ratings in effect, the ranking for priority for service will be applied as follows:

- A. Program-eligible veterans and eligible spouses who meet low-income and/or public assistance priorities will receive the highest level of priority of service as determined by the priority point assignments ^{1,2}.
- B. Program-eligible individuals who are low-income and/or public assistance recipients will receive the second level of priority of service as determined by the priority point assignments.
- C. Veterans and eligible spouses outside the low-income and/or public assistance priorities but with other applicable priority rated barriers will receive the third level of priority of service
- D. All non-veterans and eligible spouses and non-low income and/or public assistance recipients will receive the next level priority of service based on their cumulative priority point assignments for other the other rated categories.

Note¹: Under the WIOA Youth Program, which is a means-tested program, all Covered Persons will be prioritized using only the A and B rankings as noted above (categories C and D will not apply). While a limited number veterans (or covered spouses) may apply for or access these youth services giving the age restriction, all veterans will be identified at time of application and processed using the priority determination service philosophy and requirement.

Note²: Many recently-discharged veterans will meet low-income criteria, as military pay while on active duty is not counted for income determination purposes. Note: The definition (see below) of veteran applicable to the covered person priority of service is broader than the definition of veteran used for the services provided by the Disabled Veteran Outreach Program (DVOP) staff and Local Veteran Employment Specialists (LVERs).

As individual requests for intensive and training services come through, individuals eligible for priority of service will be identified as part of the standardized Individual Service Strategy Modules. Assigned Priority will be provided to all documented, priority rated groups as stipulated by the standardized program forms and systems being used to process all eligible customers seeking Intensive and Training services.

If there is a waiting list for services, veterans and eligible spouses will be selected based on the ranking criteria outlined above, provided the covered person has been determined eligible and is qualified for the service. However, when a non-covered person is already receiving a service, a veteran or eligible spouse who is identified subsequently will not displace that non-covered person receiving the service.

Individuals who identify themselves as covered persons are not required to verify their status as veterans or eligible spouses at the point of initial registration, unless they immediately undergo WIOA eligibility determination and enrollment into intensive and/or training level services. Note that documentation of status should be obtained for all covered customers receiving intensive or training services.

DEFINITIONS:

Veteran - A veteran is defined as "a person who served in the active military, naval, or air service, and who was discharged or released from such service under conditions other than dishonorable." This is essentially the same as the WIOA definition found in WIOA Law at Section 3(63). Active service includes full-time duty in the National Guard or a Reserve component, other than full-time duty for training purposes. The general term "veteran" includes an individual who has served at least one day in active military, naval or air service, and was discharged under "other than dishonorable" conditions. Note that this is the WIOA definition of veteran (at least one day of active military service), not the definition used for LVERs and DVOP staff to provide services (at least 180 days of active military service). This WIOA definition for Veterans that is applied for the purposes of determining priority differs from and is broader than the definition of "eligible veteran," which is applied under Veterans and Wagner-Peyser grant programs.

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Eligible Veteran - Under Title 38, United States Code Section 4211, the term “eligible veteran” means a person who – (A) served on active duty for a period of more than 180 days and was discharged or released with other than a dishonorable discharge; (B) was discharged or released from active duty because of a service-connected disability; or (C) 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 other than a dishonorable discharge. It is very important that the distinction between the two definitions (veteran and eligible veteran) is understood and applied correctly. USDOL is bound by law to use the “Final Rule” definition as it was the intent of Congress that priority of service be made available to a broad category of former service members. However, the definition of veteran to be applied for the purposes of the priority does not alter the statutory reporting requirements for Wagner-Peyser and Veteran Grants, which require application of the more narrowly defined definition of “eligible veteran.” In other words, a veterans’ priority is not intended to displace the core mission of any particular program.

Eligible Spouse - The term “eligible spouse” means – (A) the spouse of any person who died of a service-connected disability; (B) the 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 days: (i) missing in action, (ii) captured in line of duty by a hostile force, or (iii) forcibly detained or interned in line of duty by a foreign government or power; or (C) the spouse of any person who has a total disability permanent in nature resulting from a service connected disability; or (D) the spouse of a veteran who died while a disability so evaluated was in existence. USDOL provides additional clarification for “A” and “D” above by indicating that the re-marriage of the spouse would not terminate their eligibility. However, if a spouse becomes divorced from a veteran under “B” and “C” above, eligibility for priority of service is terminated. It is further understood that the JVA does not exclude from eligibility spouses who were not citizens at the time that the veteran was discharged or retired, nor does it stipulate that a spouse had to be married to a veteran at the time of his or her discharge or retirement.

Public Assistance Recipient – In accordance with WIOA Law Section 3 (50), a public assistance recipient is someone who receives cash payments from the Federal, State or local government for which eligibility is determined by a needs or income test.

Low Income Individual – In accordance with WIOA Law Section 3 (36), the term “low income individual” means an individual who:

- ✓ Receives, or in the past 6 months has received or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the program of block grants to States for temporary assistance for needy families’ program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or State or local income-based public assistance;
- ✓ Is in a family with total family income that does not exceed the higher of:
 - The poverty line; or
 - 70 percent of the lower living standard income level;
- ✓ Is a homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), or a homeless child or youth (as defined under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)));
- ✓ Receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);
- ✓ Is a foster child on behalf of whom State or local government payments are made; or
- ✓ Is an individual with a disability whose own income meets the income requirement of clause (ii), but who is a member of a family whose income does not meet this requirement.

The following documents are appropriate for verifying covered person status:

- A. A DD 214 (Discharge Papers and Veterans Separation Documents)
- B. An official notice issued by the Department of Veterans Affairs establishing entitlement to a disability rating or award of compensation to a qualified dependent
- C. An official notice issued by the Department of Defense that documents veteran status or spousal rights
- D. An official notice issued by a state veterans' service agency that documents veteran status or spousal rights
- E. An official DOD issued Dependent’s ID identifying spouse of covered veteran

Eligible spouses whose eligibility is based on the disability of a living veteran spouse should obtain the relevant documentation from the U.S. Department of Veterans Affairs.



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If there are any questions pertaining to this policy or how it impacts existing program procedures and other current policies, please contact Gary Butler at 826-3327.

Other Policy Cross-References:

NOTE: The below policies are currently under review and updating as it pertains to WIOA rules and guidance. During the interim these former policies will serve as general guidance pending all appropriate WIOA adjustments as necessary.

- Standard Operating Procedure 2002-01r General Program Guidance
- Standard Operating Procedure 2002-02r One-Stop Access and Customer Service
- Standard Operating Procedure 2012-03r WIOA One-Stop Service Levels, Eligibility Requirements and Related Local Workforce Development Area Defined Policies/Procedures
- Field Guidance Memorandum 2010-200 Program Suitability, Eligibility and Individual Service Plan Modules

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