



# WIOA Adult Program and Veteran Priority of Service

Department: Office of Economic & Workforce Development

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Supersedes: 20-24

## **PURPOSE**

This policy provides guidance and establishes the procedures regarding priority of service for adults, veterans, and spouses of certain veterans served with Workforce Innovation and Opportunity Act (WIOA) Adult funds.

## **REFERENCES**

- [WIOA, Public Law 113-128](#) (29 U.S.C. Sec. 3101, et. seq.) enacted July 9, 2014, Sections 3 and 134
- [Title 20 Code of Federal Regulations \(CFR\) WIOA Final Rule](#), Sections 680.150, 680.600, 680.610, 680.650, and 683.230
- [TEGL 19-16 \(PDF\)](#), 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)
- [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)
- [TEGL 5-03](#), Implementing the Veterans' Priority Provisions of the "Jobs for Veterans Act" (September 16, 2003)
- [Jobs for Veterans Act of 2002](#) (P.L. 107-288)
- [EDD Workforce Services Directive WSD15-14](#): WIOA Adult Program Priority of Service (January 22, 2016)
- [EDD Workforce Services Directive 19-04](#): Priority of Service for Veterans and Eligible Spouses (Sept 11, 2019)
- [EDD Workforce Services Directive 22-03](#): WIOA Data Validation Source Documentation (August 12, 2022)

## **BACKGROUND**

The WIOA requires priority of service for adult employment and training activities for recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient, which includes English Language Learners, for individualized and training services. Veterans and eligible spouses continue to receive priority of service for all US Department of Labor (DOL) funded programs amongst all participants.

In Program Year (PY) 2020, the United States Department of Labor (DOL) released TEGL 7-20 to share the vision of the WIOA Adult Program priority of service requirements. The DOL envisions that at least 75 percent of participants receiving individualized career and training services in the WIOA Adult Program are from at least one of the priority groups.

In alignment with TEGL 7-20, the California Employment Development Department requires local areas to meet a minimum 75 percent priority of service rate of individuals in an individualized career or training service.

Service providers are also 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, service providers must ensure veterans and eligible spouses receive basic career services and individualized career services before other noncovered 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 noncovered participant from that class or service.

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, regardless of funding levels, must be given to recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient.

Veterans and eligible spouses continue to receive priority of service for all DOL funded programs amongst all participants. These requirements are not affected by the passage of WIOA and must still be applied in accordance with guidance previously issued by DOL and EDD's [Workforce Services Directive WSD 19-14](#).

## **DEFINITIONS**

For purposes of this directive, the following definitions apply:

*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 includes the following:

- Lacks a high school diploma or high school equivalency and is not enrolled in post-secondary education.
- Enrolled in a Title II Adult Education/Literacy program.
- English, reading, writing, or computing skills at an 8.9 or below grade level.

- Determined to be Limited English Skills proficient through staff-documented observations.
- Other objective criteria determined to be appropriate by the Local Area and documented in its required policy.

*Low-Income* – An individual who:

- 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 Needy Families (TANF), program Supplemental Security Income Program (SSI), or state or local income-based public assistance; **OR**
- In a family with total family income that does not exceed the higher of the following:
  - The poverty line; or
  - 70 percent of the Lower Living Standard Income Level; **OR**
- A homeless individual; **OR**
- An individual with a disability whose own income does not exceed the income requirement, but is a member of a family whose total income does, **OR**
- Is a foster child on behalf of whom state or local government payments are made ([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]).

*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.

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

- Any veteran who died of a service-connected disability.
- 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:
  - Missing in action.
  - Captured in the line of duty by a hostile force.
  - Forcibly detained or interned in the line of duty by a foreign government or power.
- Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the U.S. Department of Veterans Affairs (VA).
- Any veteran who died while a disability, as indicated in category c. of this definition, was in existence.

A spouse whose eligibility is derived from a living veteran or service member (i.e., categories b. or c. 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 -- a tax free monthly benefit paid to eligible survivors of military Servicemembers who whose death was attributable to active duty.

*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 noncovered person or, if resources are limited, giving access to such services to a covered person instead on a non-covered person.

## **POLICY AND PROCEDURES**

### **Priority of Service Requirement**

Priority of service status is established at the time of eligibility determination and does not change during the period of participation. Priority does not apply to the dislocated worker population.

Veterans and eligible spouses 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 TEGL 10-09, 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. Other individuals not included in WIOA's priority groups. [Reference – [TEGL 3-15](#) Guidance on Services Provided through the Adult and Dislocated under the Workforce Innovation and Opportunity Act and Wagner Peyser, as Amended by WIOA, and Guidance for the Transition to WIOA Services], including WISF priority groups.

WISF, San Francisco's designated Workforce Development Board, has identified the following additional priority groups:

- San Francisco residents
- Individuals experiencing homelessness
- Individuals with disabilities
- Individuals who are justice-involved
- Public housing residents
- Section 8 residents

Service providers must establish policy and procedures for implementing priority of service for the aforementioned groups, veterans and eligible spouses within existing service delivery strategies. Local policies must 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. These policies must 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, and any applicable eligibility requirements for those programs and/or services. Additionally, service providers must ensure that written copies of local priority of service policies are maintained at all service delivery points and, to the extent practicable, posted in a way that makes it possible for members of the general public to easily access them.

#### **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.

Please refer to [WSD 19-04](#) for detail on the type of military service-related income which may be counted in determining income eligibility.

#### **Documentation of Priority Status**

Proper documentation of Priority Status is required. The below outlines acceptable documentation for priority status.

<b>Priority of Service</b>	
<b>Priority of Service Criteria</b>	<b>Acceptable Documentation</b> (Only the documentation sources listed below may be used.)
1. Veteran's Status	<ul style="list-style-type: none"> <li>• A DD 214 (issued following separation from active duty).</li> <li>• 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.</li> <li>• 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-duty spouse; or</li> <li>• An official notice issued by a State veterans' service agency that documents veteran status or spousal rights, provided</li> </ul>

	that the State veterans' service agency requires Federal documentation of that information.
2. Recipient of Public Assistance	<ul style="list-style-type: none"> <li>• Crossmatch with public assistance database</li> <li>• Copy of authorization to receive cash public assistance</li> <li>• Copy of public assistance check</li> <li>• Medical card showing cash grant status</li> <li>• Public assistance records</li> <li>• Refugee assistance records</li> </ul>
3. Low Income	<ul style="list-style-type: none"> <li>• Alimony agreement</li> <li>• Award letter from veteran's administration</li> <li>• Bank statements</li> <li>• Compensation award letter</li> <li>• Court award letter</li> <li>• Pension statement</li> <li>• Employer statement/contact</li> <li>• Family or business financial records</li> <li>• Housing authority verification</li> <li>• Pay stubs</li> <li>• Public assistance records</li> <li>• Quarterly estimated tax for self-employed persons</li> <li>• Social Security benefits</li> <li>• Unemployment Insurance documents</li> <li>• Self-attestation*</li> </ul>
4. Basic Skills Deficient	<ul style="list-style-type: none"> <li>• School Records</li> <li>• Results of academic assessment</li> <li>• Case notes*</li> <li>• Self-Attestation*</li> </ul>
*Please refer to <a href="#">WSD 22-03</a> of this directive for additional guidance on case notes or self-attestation being used for documentation purposes.	

## **INQUIRIES**

Inquiries should be addressed to the OEWD Director of Workforce Strategy at (415) 701-4848 or email [workforce.connection@sfgov.org](mailto:workforce.connection@sfgov.org).

*OEWD and its service providers shall follow this policy. This policy will remain in effect from the date of issue until such time that a revision is required.*