



## **CENTRAL OKLAHOMA WORKFORCE INNOVATION BOARD**

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### **Priority of Service**

***Pursuant to WIOA 134(c)(3)(E)***

**Approved and Published: February 2023**

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**PURPOSE: To implement local procedures for the oversight, monitoring, and review of participant data entered into the virtual case management system. This policy and procedure are designed to ensure the timely, complete, and accurate entry of participant data. The requirements herein are applicable to the COWIB's service provider(s) using the virtual case management system.**

*The Central Oklahoma Workforce Innovation Board (COWIB) is the policy and guidance board for the Workforce Oklahoma system in Central Oklahoma. We are business leaders with a goal to establish a highly skilled, productive workforce in our 9-county area.*

*The Central Oklahoma Workforce Innovation Board (COWIB) complies with WIOA's Equal Opportunity and Nondiscrimination provisions which prohibit discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, or, the basis of citizenship status or participation in a WIOA Title-1 financially assisted program or activity.*

*COWIB is an Equal Opportunity Employer/ Program. Auxiliary aids and services are available upon request to individuals with disabilities. This was financed in whole or in part by fund from the US Dept. of Labor as administered by the Oklahoma Office of Workforce Development.*

<http://www.cowib.org/>



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## Priority of Service

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# COWIB Policy on Priority of Service

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## Purpose

This issuance provides guidance and procedures for the administration and oversight of Priority of Services. It is the intention of COWIB that this document conforms to the pertinent legislation, regulation, state issued policies, and the Board’s intent to provide quality customer services. Review of this policy and subsequent revisions may be necessitated as a result of changes or additions to current Federal or State guidance.

## Authority

The authority for this policy is derived from the following:

- WIOA 134(c)(3)(E)
- CFR 680.600 through .660
- TEGL 07-20
- OWDI #07-2020, Change 1
- #TA-01-2021

## Statutory Priority for Adult Funds

Section 134(c)(3)(E) of the Workforce Innovation and Opportunity Act (WIOA) establishes a priority of services requirement with respect to funds allocated to a local area for adult employment and training activities. According to OWDI #07-2020, when using WIOA Adult funds to provide individualized career services and/or training services, Oklahoma Works One-Stop Center staff must give priority to public assistance recipients, other low-income individuals (as defined in WIOA Section 3(36)), and individuals who are basic skills deficient (as defined in WIOA 3(5)). English language learners meet the criteria for “basic skills deficient” and must be included in the priority populations for the title I Adult program. Under WIOA, priority of service must be implemented regardless of the level of funds available to provide services in the local area.

## Low-Income Individual (as defined in WIOA Section 3(36))

(A) In General. –The term “low-income individual” means an individual who—

- (i) 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.
- (ii) Is in a family with total family income that does not exceed the higher of—
  - (I) The poverty line; or
  - (II) 70 percent of the lower living standard income level;
- (iii) Is a homeless individual (as defined in section 41403(6) of the Violence Against

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Women Act of 1994 (42 U.S.C. 14043e-2(6))), or a homeless child or youth (as defined under section 425(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)));

- (iv) 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 sez.);
- (v) Is a foster child on behalf of whom State or local government payments are made; or
- (vi) 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.

(B) Lower Living Standard Income Level. – The term “lower living standard income level” means that income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary of Labor based on the most recent lower living family budget issued by the Secretary.

### Basic Skills Deficient (as defined in WIOA 3(5))

Basic Skills Deficient. –The term “basic skills deficient” means, with respect to an individual—

- (A) Who is a youth, that the individual has English reading, writing, or computing skills at or below the 8<sup>th</sup> grade level on a generally accepted standardized test; or
- (B) Who is a youth or adult, that the individual 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.

The priority established in the previous paragraph does not necessarily mean that these services may only be provided to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient. COWIB has established a written policy and procedures to ensure priority for the populations described in the paragraph above, for participants served in the WIOA Adult program.

Under WIOA, there is no exclusion of payments for unemployment compensation, child support payments, and old-age survivors’ insurance benefits from the income calculations for determining if an individual is low-income. These exclusions, which were previously provided under WIA sec. 101(25), no longer apply.

### Veterans and Adult Priority

Veterans and eligible spouses continue to receive priority of service for all DOL-funded employment training programs, which include WIOA programs. As for the DLW program, the only priority of service is the veteran’s priority of service. A veteran must, however, meet each program’s eligibility criteria to receive services under the respective employment and training program. For income-based eligibility determinations and for determining priority of service, military pay or allowances paid while on active

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duty or paid by the Department of Veterans Affairs (VA) for vocational rehabilitation, disability payments, or related VA-funded programs are not to be considered as income, in accordance with 38 U.S.C. 4213 and 20 CFR § 683.230.

When past income is an eligibility determinant for any Federal employment or training program, including the title I Adult and DLW programs, any amounts received as military pay or allowances by any person who served on active duty and certain other specified benefits, must be disregarded in making an eligibility determination. This applies to the veteran and to other individuals for whom those amounts would normally be applied, e.g., the military spouse. Military earnings are not to be included when calculating income for veterans or transitioning service members for priority of service, in accordance with 38 U.S.C. 4213.

To further clarify, VA benefits for education and training services do not constitute “other grant assistance” under WIOA’s eligibility requirements. Therefore, eligibility for VA benefits for education or training services do not preclude a veteran or the veteran’s eligible spouse from receiving WIOA funded services, including training funds. Similarly, WIOA program operators may not require veterans or spouses to exhaust their entitlement to VA funded training benefits prior to allowing them to enroll in WIOA funded training.

Due to the statutorily required priority for Adult funds, priority must be provided in the following order:

- First, to veterans and eligible spouses who are also included in the groups given statutory priority for WIOA Adult formula funding. This means that veterans and eligible spouses who are also recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient receive first priority for services provided with WIOA Adult formula funds for individualized career services and training services.
- Second, to non-covered persons (i.e., individuals who are not veterans or eligible spouses) who are included in the groups given priority for WIOA Adult formula funds.
- Third, to veterans and eligible spouses who are not included in WIOA’s priority groups.
- Fourth, to priority populations established by the LWDB (for example, for non-covered persons who are not included in groups given priority for WIOA Adult formula funds, such as persons living within a designated Promise Zone).
- Last, to non-covered persons outside the groups given priority under WIOA.

(See Attachment 1 for the Priority Ranking Worksheet)

### Priority Populations under WIOA

According to OWDI #07-2020, across all titles, WIOA focuses on serving individuals with barriers to employment and seeks to ensure access to quality services for these populations. Priority and special populations for the Adult and DLW programs are addressed at 20 CFR §§ 680.600 through .660.

The term “individual with a barrier to employment” means a member of one or more of the following

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populations:

- Displaced homemakers;
- Low-Income individuals;
- Indians, Alaska Natives, and Native Hawaiians; as such terms defined in WIOA section 166
- Individuals with disabilities, including youth who are individuals with disabilities (as defined in sec. 3. Of the Americans with Disabilities Act of 1990 (42 USC 12102) and individuals who are in receipt of Social Security Disability Insurance);
- Older individuals (age 55 and older);
- Ex-offenders;
- Homeless individuals (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 1403e-2(6))), or homeless children and youths (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)));
- Youth who are in or have aged out of the foster care system;
- Individuals who are:
  - English language learners (WIOA sec. 203(7));
  - Individuals who have low levels of literacy (for example, an individual who is unable to compute or solve programs, or read, write, or speak English at a level necessary to function on the job, or in the individual's family, or in society); and
  - Individuals facing substantial cultural barriers.
- Eligible migrant and seasonal farmworkers (as defined in WIOA 167(i)(1-3));
- Individuals within two years of exhausting lifetime TANF eligibility;
- Single parents (including single pregnant women); and
- Long-term unemployed individuals (unemployed for 27 or more consecutive weeks).

Each priority or special population to which an individual belongs must be listed in the Individual Employment Plan (IEP) to help ensure the provision of any services for the individual to obtain or retain employment.

### Local Policy

#### Identification of Covered Persons at the Point of Entry

At COWIB, we will identify covered persons at the point of entry to our programs and services. This identification process will be implemented each time a customer accesses our system – whether the contact is made by telephone, email, internet, or in person.

#### Procedure for Identifying Covered Persons

Before any other service or screening process is implemented, the Career Navigator (or receptionist or other staff person working the Welcome Unit) should ask the customer:

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“Are you a Veteran or the spouse or widow(er) of a veteran?”

If the customer replies positively, then follow-up questions must be asked to confirm that the individual meets the definition of “covered person” as given in the Jobs for Veterans Act.

Confirm that the individual served in the active military, naval, or air service, and was discharged or released under conditions other than dishonorable.

**Background Information:** There are several types of discharge or release categories that apply to former military service members, including—

- Honorable;
- General;
- Other Than Honorable;
- Bad Conduct;
- Dishonorable;
- Entry Level Separation

In most cases, it is not necessary to determine the exact type of discharge the veteran received. If the customer confirms that s/he received any type of discharge or administrative separation other than a “Dishonorable” discharge, then s/he may be considered a “Veteran” for the purpose of these procedures.

*Follow-Up for “Spouse” of a Veteran.* If the customer is the spouse or widow(er) of a veteran, the Career Navigator must confirm that the individual:

- i. Was the spouse of any veteran who died of a service-connected disability.
- ii. Is the spouse of any member of the Armed Forces serving on active duty who, at the time of application for assistance under this section, is listed, pursuant to section 556 or title 37 and regulations issued thereunder, by the Secretary concerned 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 line of duty by a hostile force, or (III) forcibly detained or interned in line of duty by a foreign government or power.
- iii. Is married to any veteran who has a total disability resulting from a service-connected disability.
- iv. Is the surviving spouse of any veteran who died while a disability so evaluated was in existence.

Clearly, not every person who is married to a veteran can be considered a “covered” spouse for the purpose of these procedures. So, the Career Navigator must carefully ask the customer if s/he falls within any of the categories listed above.

If the customer confirms that s/he matches any of these four criteria, then the customer may be considered a “covered person” for the purpose of this procedure.

### Explaining Priority of Service



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If the customer identifies him/herself as a “covered person,” then the staff must promptly advise the individual that they are considered to be a Jobs For Veterans priority customer of the Workforce Oklahoma system.

A brief explanation of the meaning of “Jobs For Veterans priority customer” should be offered. The explanation should include the following points of information:

1. The participant is entitled to priority treatment over non-covered customers in the delivery of Services;
2. This explanation is being offered to the participant so that they may take the fullest advantage of their status as a priority customer;
3. There are additional eligibility requirements that must be met in order to access the full array of services offered by our system.

### Delivering Services to Priority Customers

After a Jobs For Veterans Priority Customer has been identified at the point of entry, the staff member may proceed to offer the normal services that are usually available to Workforce Oklahoma customers.

Jobs For Veterans Priority Customers do not receive different services than non-covered customers. However, they are eligible to receive priority treatment in the manner that the services or resources are delivered.

In practical terms, “priority treatment” means:

1. The covered person will receive access to the service or resource earlier in time than non-covered persons; or
2. If the service or resource is limited, covered persons will receive access to the service or resource instead of or before any non-covered customers.

This Priority Treatment system for covered customers is not intended to completely replace the usual rule for delivering services – that is, “first come; first serve.” In fact, these Priority of Service Guidelines should not generally be used to “bump” non-covered customers who have been waiting longer than a covered person for a limited resource or service opportunity.

Even so, our local workforce system is committed to giving a meaningful advantage to Priority Customers who are seeking access to services. Our Priority Treatment system is an important acknowledgment of the sacrifices of the men and women who have served in the U.S. armed forces.

### Priority of Service Guidelines for Training Services

Before any customer may receive any type of Training Service, there must be a determination of which Priority Group the customer belongs to. To make this determination, a Workforce Oklahoma staff professional must collect and review documentary evidence to verify the customer’s unique circumstances. A case file must be opened, and appropriate documentation must be saved in the



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customer's file.

After each customer's Priority group has been determined, Training Services may be offered according to the following guidelines:

A customer must meet a certain threshold of need before s/he may receive Training Services. Training Services may be offered to Adults and Dislocated Workers in accordance with WIOA §134(b)(3)(A)(i)—

- (I) Who, after an interview, evaluation, or assessment, and career planning, have been determined by staff as appropriate to—
  - (aa) Be unlikely or unable to obtain or retain employment, that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment, through the career services described in paragraph (2)(A)(xii);
  - (bb) Be in need of training services to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and
  - (cc) Have the skills and qualification to successfully participate in the selected program of training services.
- (II) Who select programs of training services that are directly linked to the employment opportunities in the local area or the planning region, or in another area to which the adults or dislocated workers are willing to commute or relocate;
- (III) Who meet the requirements of subparagraph (B); and
- (IV) Who are determined to be eligible in accordance with the priority system in effect under subparagraph (E).

According to TEGL 19-16 §11, In addition to providing career and training services to individuals who are unemployed, a significant number of job seekers are underemployed. Examples of underemployed individuals that the policies may include are:

- Individuals employed less than full-time who are seeking full-time employment;
- Individuals who are employed in a position that is inadequate with respect to their skills and training;
- Individuals who are employed who meet the definition of a low-income individual in WIOA sec. 3(36); and
- Individuals who are employed, but whose current job's earnings are not sufficient compared to their previous job's earnings from their previous employment.

Individuals who are underemployed and meet the definition of a low-income individual may receive career and training services under the Adult program on a priority basis per TEGL 19-16 §10. Individuals who meet the definition of an individual with a barrier to employment who are underemployed may

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also be served in the Adult program; however, unless they are a recipient of public assistance, a low-income individual, or are basic skills deficient, they are not eligible for service on a priority basis. (Assignment to Priority 4.)

### Procedures for the Delivery of Training Services

- Eligible participants must be ranked in terms of the Priority Group of each participant, with Priority Group “1” participants at the top of the list and Priority Group “4” participants at the bottom of the list.
- All Training Services should be assigned according to priority group. The COWIB Board exception to priority occurs when a participant is enrolled in OJT (On the Job) or Apprenticeship training. In these cases, the employer has interviewed and selected the participant they wish to proceed with. In these cases, the skills and aptitudes desired by the employer will outweigh the priority group ranking. When an individual with a CNA (Certified Nursing Assistant) is willing to increase his or her skillset to become an LPN (Licensed Practical Nurse). The individual will be allowed to have training approved as a Priority Group 4. As long as the individual’s employment goal is to meet the threshold to economic self-sufficient or wages comparable to or higher than wages from previous employment. This education and career ladder track must be approved by the COWIB CEO prior to an individual’s approval for training. In addition, if an individual with an LPN (Licensed Practical Nurse) is willing to increase his or her skillset to become a RN (Registered Nurse). The individual will be allowed to have training approved as a Priority Group 4. Again, as long as the individual’s employment goal is to meet the threshold to economic self-sufficient or wages comparable to or higher than wages from previous employment. This education and career ladder track must be approved by the COWIB CEO prior to an individual’s approval for training.
- If two or more equally-ranked participants are available for enrollment into a Training activity, the One-Stop Operator, in conjunction with the Service Provider, may implement a participant selection process consistent with COWIB Policy. At all time, the selection process must be designed to provide an equal opportunity for referral. An unbiased random selection process may be used.

### Equal Opportunity and Nondiscrimination Statement

All Recipients, and Sub-recipients / Sub-grantees must comply with WIOA’s Equal Opportunity and Nondiscrimination provisions which prohibit discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title-I financially assisted program or activity.

### Addenda / Revisions

The COWIB Chief Executive Officer is authorized to issue additional instructions, guidance, approvals,

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and/or forms to further implement the requirements of policy, without making substantive change to the policy, except in situations when a new or updated state and federal guidance is issued.

## Priority Ranking Worksheet

For Adult Customers Seeking Individualized Career Services And/or Training Services

Customer Name: \_\_\_\_\_

Participant ID Number: \_\_\_\_\_

Determination Date: \_\_\_\_\_

**Priority Rank (check one):**

1. \_\_\_ JFV Covered & "WIOA Priority"
2. \_\_\_ "WIOA Priority" only
3. \_\_\_ "JFV", not in WIOA Priority Group
4. \_\_\_ Neither "JFV" nor "WIOA Priority"

**DOCUMENTATION:**

**(1) JFV Covered.** To document that this customer is a Veteran or a Covered Spouse under the Jobs for Veterans Act, a Workforce Oklahoma staff professional must validate the following statement with appropriate documentation:

**The OSL record for this individual shows that s/he is a Veteran or an "Other Eligible" person.**  YES  NO

**(2) "WIOA Priority"** To verify that this person is a "WIOA Priority" customer, additional documentation must be reviewed and validated. Use the COWIB's Memo on "Priority of Service and Special Populations" to document that the customer meets the definition of:

**Public Assistance Recipient**  YES  
**OR Low-Income Individual**  NO  
**OR Basic Skills Deficient**

**CERTIFICATION:**

I certify that this determination of Priority Rank is true and correct, to the best of my knowledge, based on information provided by the customer named above.

\_\_\_\_\_  
 Career Navigator \_\_\_\_\_ Date

Additional Instructions.

Circle the correct Priority Rank number for this customer. Use this Priority Rank number when referring the customer to an individualized Career Service or a Training Service

For customers in Priority Rank 1 or Priority Rank 2, enter appropriate documentation in the participant record.

		WIOA Priority?	
		Yes	No
JFV Priority?	Yes	<b>1</b>	<b>3</b>
	No	<b>2</b>	<b>4</b>