

SOUTHWESTERN AREA WORKFORCE DEVELOPMENT BOARD

Priority of Service Policy 24-03

Effective Date

April 10, 2025

Applicability

WIOA Adult & Dislocated Worker.

Purpose

The purpose of this policy is to provide the SAWDB Service Providers with general guidance regarding priority of service for the Workforce Innovation and Opportunity Act (WIOA).

References

- A. Workforce Innovation and Opportunity Act (WIOA), July 22, 2014, Section 134(c)(3) € 133€, WIOA Final Rules-U.S. Department of Labor (Title I).
- B. 20 CFR 680.680; Public Law 107-28,38 U.S.C. 4213.
- C. 20 CFR 683.230.
- D. NMDWS 20-002 Adult/Dislocated Worker Program Eligibility
- E. NMAC 11.2.8.12

Background

WIOA allows local boards to establish a Priority of Service Policy under € 134(c)(3) (E) of the Act:

- A. Adult Priority of Services
With respect to funds allocated to a local area for adult employment and training activities under paragraph (2)(A) or (3) of WIOA section 133(b), priority shall be given to recipients of public assistance, or other low-income individuals, and individuals who are basic skills deficient for receipt of career services described in paragraph WIOA section 134(b)(2)(A)(xiii) and training services. Low income is defined as an individual's income being at or below 100% of the LLSIL. The priority applied must follow the order outlined below in the section titled "Priority of Service."

Priority of Service: Adult Priority

With respect to funds allocated to a local area for adult employment and training and training activities under paragraph (2)(A) or (3) of WIOA section 133(b), priority shall be given to recipients of public assistance, or other low-income individuals, and individuals who are basic skills deficient for receipt of

career services described in paragraph WIOA section 134(b)(2)(A)(xiii) and training services.

Priority of Service must always be given to covered persons (i.e., veterans and eligible spouses, including widows and widowers) regardless of whether or not the priority of service is in place. Priority of service is required for the provisions of career services and training services, including individual training accounts, a veteran's priority to public assistance recipients, and low-income individuals required by WIOA regulations will be established as follows:

- a. First Priority will be provided to recipients of public assistance, low-income individuals, or individuals who are basic skills deficient who are also veterans or eligible spouses of veterans.
- b. Second Priority will be provided to recipients of public assistance, low-income individuals, or individuals who are basic skills deficient who are not veterans or eligible spouses of veterans.
- c. Third Priority will be provided to veterans or eligible spouses of veterans who are not recipients of public assistance, low-income, or basic skills deficient.
- d. Last Priority will be provided to adults in need of services who are not recipients of public assistance, not low-income, or basic skills deficient.

Priority of Service: Veteran Priority

Veterans and eligible spouses covered by Public Law 107-288, who otherwise meet the eligibility requirements for enrollments and for whom WIOA services are deemed appropriate, are to be given priority over non-veterans for the receipt of employment, training, and placement services provided under the program.

A veteran or the qualifying spouse of a veteran is entitled to, and must be given priority over, a non-veteran when the veteran or qualifying spouse meets WIOA eligibility requirements. Priority extends from selection to enrollment, and then to funding decisions after enrollment. This means that 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.

Although veteran priority should not be confused with eligibility, case managers must verify veteran status when enrolling a veteran or a qualifying spouse. Verification documents will be submitted as part of the applicant's enrollment packet.

Definitions

Other Low-Income Individuals: includes persons (or their families) whose past six-month income is below the poverty line or below 100% of LLSIL

(lower Living Standard Income Level). Income level is defined to exclude Unemployment Compensation, child support, cash public assistance (Federal, State, or local), and old-age or survivors insurance benefits under §202 of the Social Security Act.

Recipients of Public Assistance: Referral processes can occur in a telephone environment, in face-to-face settings, or through written communication (including email) or a combination of these channels. A selected referral process may combine aspects of each of the processes.

Underemployed Individuals: Includes persons (or their families) whose past six-month income is at or below 100% of LLSIL and who experience seasonal, part-time, and/or temporary employment patterns regularly.

A Veteran: is defined as 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 Federal service in the National Guard or a Reserve component. This definition of “active service” does not include full-time duty performed strictly for training purposes, which is often referred to as “weekend” or “annual” training. Nor does it include full-time active duty performed by National Guard personnel who are mobilized by the State rather than Federal Authorities.

A Qualifying Spouse: is the spouse of any of the following:

- a. Any veteran who died of a service-connected disability; or,
- b. Any member of the Armed Forces who is listed in one of the following categories for at least 90 days:
 - i. missing in action
 - ii. captured in the line of duty,
 - iii. forcibly detained by a foreign government; or,
- c. Any veteran who has a total disability resulting in a service-connected disability; or,
- d. Any veteran who died while a disability was in existence

Action

With the establishment of this policy, the provider will be required to track the Priority status and maintain documentation accordingly for every participant. Once Priority of Service has been entered, due to any limitations, the provider will be required to establish a waitlist and to endeavor to prioritize the correct populations every two weeks.

This is sufficient time to determine eligibility and get supporting documentation to ensure priority populations are being served.

The SAWDB will determine whether a priority of service is in place based on current funding levels, and it is at their discretion.

Special Priority

Events that trigger the local area to go into special priority and require a waitlist are:

- A. Service Provider failure to meet the 75% threshold required in the grant agreement.
- B. SAWDB votes to designate a period of special priority.

In the case of the directive from NMDWS 20-002 regarding the 75% threshold for category 1/2/3 populations. If the subgrantee has not reached the threshold of 75% of all applicants being from one of those categories, the board can implement a special priority of service. This special priority states that the subgrant recipient can only service participants from categories 1, 2, and 3, but not category 4, until the 75% threshold is reached.

Inquiries

Questions related to this policy should be directed to the Administrative Entity at (575) 744-4857.

Attested

This policy was reviewed and approved by the SAWDB on April 10, 2025.

Sylvia Washington

SAWDB Chair