



Policy Letter #4

TO: All Mid-Carolina Workforce Development Board Service Providers
FROM: Mid-Carolina Workforce Development Staff
SUBJECT: Priority of Service Policy

PURPOSE

To provide guidance on the requirements for providing priority of service to all covered persons and identified populations.

BACKGROUND

The Workforce Innovation and Opportunity Act (WIOA) establishes a priority requirement for the use of funds allocated to the Local Area for certain adult employment and training activities. Priority of service must be given to recipients of public assistance, low-income individuals, and those who are basic skills deficient, regardless of the amount of funds available to provide services. These priorities are in addition to the requirements that veterans and their eligible spouses receive.

The U.S. Department of Labor (USDOL) has mandated that states work toward a goal of ensuring that at least 75% of the individuals enrolled in Title I Adult meet the criteria of at least one of the priority of service categories. Local Areas that continuously do not meet the mandated goal may be subject to findings or corrective action.

Recipients of public assistance, individuals who are basic skills deficient, or those identified as being low-income, as these categories are further defined below, represent some of the workforce system's most in need participants, and are the three priority groups that WIOA specifically mandates are entitled to receive priority of service (in addition to veterans and eligible spouses) for individualized career or training services under the WIOA Adult program. 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.

ACTION

Priorities of service for individualized career and training services means the right of eligible covered persons to take precedence over eligible non-covered persons in obtaining these services. Taking precedence may mean that eligible covered individuals receive access to the service or resource earlier in time than the non-covered individual; or if the service or resource is limited, the eligible covered individual would receive access to the service or resource instead of or before an eligible non-covered individual.

Veterans and eligible spouses are given a services intake form to determine their eligibility for priority of services provided by Disabled Veterans' Outreach Program (DVOP) Specialists. Based on their responses to the questionnaire they may receive services from a DVOP Specialist or an NCWorks Career Advisor. Veterans and eligible military spouses will receive the first level of priority of service in universal access programs and services delivered through NCWorks Career Centers for all USDOL funded programs, including the Wagner-Peyser and WIOA Programs.

At the initial meeting with the veteran representative or Career Advisor, veteran or eligible spouse

customers will be made aware of their entitlement to priority of service and the full array of services available including applicable eligibility requirements for programs and/or services.

Individuals that are not veterans or eligible spouses but may fall into the groups given priority for WIOA formula funds will be interviewed to determine their eligibility for priority of service. If it is determined that they fall within one of the groups given priority for WIOA formula funds, they are made aware of their entitlement to priority of service and the full array of services available including applicable eligibility requirements for programs and/or services.

WIOA Service Providers will be expected to ensure that a sufficient number of adults receiving individualized career and training services in the Local Area are from one of the priority of service categories (public assistance, low-income individuals, and individuals who are basic skills deficient) as outlined in attachment A of this policy. To assist with tracking, service providers can run the Priority Summary reports for Adult and Dislocated Worker on NCWorks Online. These reports can be accessed on NCWorks Online under detailed reports, case management – program specific, WIOA Title I, Priority Summary – Adult and/or Priority Summary – Dislocated Worker.

The Final Rule does not change or add to pre-existing program requirements regarding verification of the eligibility of a veteran or eligible spouse. It is neither necessary nor appropriate for program operators to require verification of the status of a veteran or eligible spouse at the point of entry unless the individual who self-identifies as a veteran or eligible spouse:

- a. is to immediately undergo eligibility determination and be registered or enrolled in a program; and
- b. the applicable federal program rules require verification of veteran or eligible spouse status at that time.

Even in those instances in which eligibility determination and enrollment occur at the point of entry, a veteran or eligible spouse should be enrolled and provided immediate priority and then be permitted to follow up subsequently with any required verification of his or her status as a veteran or eligible spouse.

When programs are statutorily required to provide priority for a particular group of individuals, priority must be provided in the following order (per TEGL 10-09):

1. Veterans and eligible military spouses who are also included in the groups given statutory priority for WIOA adult formula funds. 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 priority for services provided with WIOA adult formula funds.
2. Non-covered individuals (those who are not veterans or eligible spouses) who are included in the groups given priority for adult formula funds.
3. Veterans and eligible spouses who are not included in WIOA's priority groups.
4. Non-covered individuals outside the groups are given priority under WIOA.

Priority for services does not preclude service to individuals who are not low-income or not receiving public assistance or not a veteran but rather establishes the order of precedence for service as provided in WIOA section 134(b)(3)(E).

PRIORITY OF SERVICE

Priority of service means, with respect to applicable WIOA programs, certain populations will be given priority over others (as indicated below) for the receipt of certain employment, training, and placement services provided under WIOA. Veterans within these groups receive priority over non-veterans.

In accordance with guidance provided by 20 CFR part 680, TEGLs 19-16 and 07-20, priority of service will be applied in the order listed below for individuals that receive individualized career services and

training services under WIOA:

1. First, to veterans and eligible spouses (who also are included in the groups given statutory priority for WIOA adult formula funds). This means that veterans and eligible spouses who also are recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient would receive first priority for services provided with WIOA adult formula funds.
2. Second, to non-covered persons (individuals who are not veterans or eligible spouses) who are included in the groups given priority for WIOA adult formula funds (recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient as described above).
3. Third, to veterans and eligible spouses who are not included in WIOA's priority groups.
4. Fourth, to any other populations identified by the Governor or Local Area WDB for priority. The Local Area has not identified any additional categories to give priority to other individuals for the Title I Adult program.
5. Last, to non-covered persons outside the groups given priority under WIOA.

REFERENCES

TEGL 10-09: Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or part by the USDOL

TEGL 19-16: Guidance on Services provided through Adult and Dislocated Worker Programs under the WIOA and WP Employment Service, as amended by title III of WIOA, and for Implementation of the WIOA Final Rules

TEGL 26-13: Eligibility and Services Provided Under Workforce Grants Administered by the E & T Administration

DWS OG 27-2021: Priority of Service for Adults

DWS OG 19-2021: Priority of Service for Veterans and Eligible Spouses in all U.S. DOL Job Training Programs

CREATION DATE

July 2022

REVISION DATE

January 2024

December 2024

June 2025

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION Priority of Service for Veterans and Eligible Spouses
	CORRESPONDENCE SYMBOL OWI
	DATE November 10, 2009

TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 10-09

TO: STATE WORKFORCE AGENCIES
STATE WORKFORCE ADMINISTRATORS
STATE WORKFORCE LIAISONS
STATE AND LOCAL WORKFORCE BOARD CHAIRS AND DIRECTORS
STATE LABOR COMMISSIONERS
ONE-STOP CAREER CENTERS
WORKFORCE INVESTMENT ACT SECTION 166 INDIAN AND NATIVE AMERICAN GRANTEEES
WORKFORCE INVESTMENT ACT SECTION 167 MIGRANT AND NATIONAL FARMWORKER JOBS PROGRAM GRANTEEES
WORKFORCE INVESTMENT ACT SECTION 204 SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM (SCSEP) GRANTEEES
EMPLOYMENT AND TRAINING ADMINISTRATION REGIONAL ADMINISTRATORS
SUB-RECIPIENTS OF DEPARTMENT OF LABOR FUNDS

FROM: JANE OATES *Jane Oates*
Assistant Secretary
Employment and Training Administration

RAYMOND M. JEFFERSON *Raymond M. Jefferson*
Assistant Secretary
Veterans' Employment and Training Service

SUBJECT: Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or in part by the U.S. Department of Labor (DOL)

RESCISSIONS Training Employment and Guidance Letter 5-03	EXPIRATION DATE Continuing
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1. **Purpose.** The purpose of this Training and Employment Guidance Letter (TEGL) is to provide information to assist and support those agencies and other grantees that receive funds from the Department to operate qualified job training programs in the implementation of the Priority of Service for Veterans and Eligible Spouses Final Rule. This joint guidance is being issued concurrently by the Employment and Training Administration (ETA) and the Veterans' Employment and Training Service (VETS). Veterans' Program Letter 07-09 is the VETS guidance that corresponds to this TEGL.
2. **References.**
 - Veteran's Benefits, Title 38, United States Code (U.S.C.), Section 101(2) (38 U.S.C. 101(2))
 - Eligibility Requirements for Veterans Under Federal Employment and Training Programs, 38 U.S.C. 4213,
 - The Jobs for Veterans Act (JVA) of 2002, Public Law (P.L.) 107-288, section 2(a) codified at 38 U.S.C. 4215,
 - Veterans' Benefits, Health Care and Information Technology Act of 2006, P.L. 109- 461
 - Priority of Service for Covered Persons Final Rule, 20 CFR Part 1010, Fed. Reg. 78132 Dec.19, 2008
 - Training and Employment Guidance Letter (TEGL) 5-03 (rescinded by this TEGL)
3. **Background.** On November 7, 2002, the Jobs for Veterans Act (JVA), Public Law (P. L.) 107-288 was signed into law. One provision of the JVA, codified at 38 U.S.C. 4215, establishes a priority of service requirement for covered persons (i.e., veterans and eligible spouses, including widows and widowers, as defined by this statute) in qualified job training programs.

Since the passage of the JVA, ETA and VETS have provided policy guidance to the workforce investment system regarding the implementation of priority of service, including ETA's issuance of TEGL 05-03 in September 2003. On December 22, 2006, the Veterans' Benefits, Health Care, and Information Technology Act of 2006 (P.L. 109-461) was enacted. Section 605 of that statute requires the Department to implement priority of service via regulation, and 20 CFR Part 1010, published on December 19, 2008, reflects the Department's response to that statutory requirement.

The Final Rule took effect on January 19, 2009. While recipients of DOL funds for qualified job training programs have been required to provide priority of service since 2002, the publication of the Final Rule signals that those recipients subject to the regulations should review, and if necessary, enhance their current policies and procedures to ensure that adequate protocols are in place.

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION WIOA – Adult, Dislocated Worker, ES
	CORRESPONDENCE SYMBOL OWI
	DATE March 1, 2017

ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER WIOA NO. 19-16
OPERATING GUIDANCE for the WORKFORCE INNOVATION AND
OPPORTUNITY ACT

TO: STATE WORKFORCE AGENCIES
STATE WORKFORCE ADMINISTRATORS
STATE WORKFORCE LIAISONS
STATE AND LOCAL WORKFORCE BOARD CHAIRS AND DIRECTORS
LABOR COMMISSIONERS
AMERICAN JOB CENTERS

FROM: BYRON ZUIDEMA
Deputy Assistant Secretary

SUBJECT: Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Service (ES), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules

1. **Purpose.** To provide guidance to the workforce system on delivering services under the Adult and Dislocated Worker programs under WIOA Title I, and individuals served by the ES program, as amended by WIOA Title III, under the WIOA Final Rule.

WIOA, signed into law on July 22, 2014, supersedes titles I and II of the Workforce Investment Act of 1998 (WIA) and amends the Wagner-Peyser Act of 1933 and the Rehabilitation Act of 1973. In general, WIOA took effect on July 1, 2015, the first full program year after enactment, unless otherwise noted. On August 19, 2016, the Departments of Labor (DOL) and Education published the WIOA Final Rules in the Federal Register. The DOL-only rule became fully effective on October 18, 2016, 60 days after it was published on the Federal Register.

In order to continue implementation of WIOA prior to publication of the final rule, DOL issued a Training and Employment Guidance Letter (TEGL) 3-15, on July 1, 2015, which provided guidance to the public workforce system on delivering services to adults and dislocated workers under WIOA. This TEGL rescinds TEGL 3-15, and provides updated guidance to the public workforce system on service delivery to adults and dislocated workers, consistent with WIOA and the WIOA Final Rules. The section of the final rule pertaining to services for adults and dislocated workers under WIOA title I can be found at 20 CFR part

RESCISSIONS TEGL 3-15	EXPIRATION DATE Continuing
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REFERENCE

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION WIA/Same-Sex Marriage
	CORRESPONDENCE SYMBOL OWI
	DATE June 18, 2014

ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 26-13

TO: STATE WORKFORCE AGENCIES
STATE WORKFORCE LIAISONS
STATE WORKFORCE ADMINISTRATORS
STATE AND LOCAL WORKFORCE BOARD CHAIRS AND DIRECTORS
STATE LABOR COMMISSIONERS
NATIONAL FARMWORKER JOBS PROGRAM GRANTEES
SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM GRANTEES
YOUTHBUILD GRANTEES
INA PROGRAM GRANTEES
JOB CORPS OPERATORS

FROM: PORTIA W. [Signature]
Assistant Secretary

SUBJECT: Impact of the U.S. Supreme Court's Decision in *United States v. Windsor* on Eligibility and Services Provided Under Workforce Grants Administered by the Employment and Training Administration



1. Purpose. To advise you of the implications of the *Windsor* decision for ETA workforce grant programs.

2. References.

- Workforce Investment Act of 1998 (WIA), as amended (29 U.S.C 2801, et seq.);
- Workforce Investment Act of 1998 regulations, 20 CFR Part 652 et al;
- Wagner-Peyser Act, as amended (29 U.S.C. 49, et seq.);
- 2006 Older Americans Act Amendments (OAA) (Pub. L. 109-365, 42 U.S.C. 3056 et seq.);
- Training and Employment Guidance Letter (TEGL) No. 12-06, *Revised Income Inclusions and Exclusions and Procedures for Determining Senior Community Service Employment Program (SCSEP) Eligibility* Attachment 2;
- 38 U.S.C. 4215, Priority of service for veterans in Department of Labor job training programs;
- 20 CFR part 1010, Application of Priority of Service for Covered Persons;
- *United States v. Windsor*, 570 U.S. 12, 133 S. Ct. 2675 (2013); and

RESCISSIONS None	EXPIRATION DATE Continuing
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REFERENCE

	NORTH CAROLINA DEPARTMENT OF COMMERCE DIVISION OF WORKFORCE SOLUTIONS
	DWS Operational Guidance Number: OG 27-2021
	Date: November 29, 2021
	Subject: Priority of Service for Adults
	From:  Chet Mottershead Assistant Secretary for Workforce

Purpose: To provide guidance to Local Area Workforce Development Boards (WDBs) on the requirements for providing priority of service to all covered persons and identified populations.

Background: The Workforce Innovation and Opportunity Act (WIOA) establishes a priority requirement for the use of funds allocated to the Local Area for certain adult employment and training activities. Priority of service must be given to recipients of public assistance, low-income individuals, and those who are basic skills deficient, regardless of the amount of funds available to provide services. These priorities are in addition to the requirements that veterans and their eligible spouses receive.

The U.S. Department of Labor (USDOL) has mandated that states work toward a goal of ensuring that at least 75% of the individuals enrolled in Title I Adult meet the criteria of at least one of the priority of service categories. States that continuously do not meet the mandated goal may be subject to findings or corrective action (USDOL Training and Employment Guidance Letter (TEGL) 07-20).

Recipients of public assistance, individuals who are basic skills deficient, or those identified as being low-income, as these categories are further defined below, represent some of the workforce system's most in need participants, and are the three priority groups that WIOA specifically mandates are entitled to receive priority of service (in addition to veterans and eligible spouses) for individualized career or training services under the WIOA Adult program.

Definitions:

Low-Income Individual (WIOA Section 3(36)): 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:

1. **Recipients of Public Assistance:** Individuals who receive, or in the past six months have received, or are a member of a family that is receiving or in the past six months has received, assistance through one or more of the following:
 - Supplemental Nutrition Assistance Program (SNAP);
 - Temporary Assistance for Needy Families (TANF) program;
 - Supplemental Security Income (SSI) program; or
 - State or local income-based public assistance.
2. **Other low-income individuals include:**
 - individuals in a family with a total income below 70% of the lower living standard income level;
 - homeless;
 - foster youth; or
 - individuals with disabilities with an income below 70% of the lower living standard income level.

A youth 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 months prior to the date of co-enrollment. Under WIOA, an individual with a disability, whose family does not meet income eligibility criteria, will qualify for priority as a low-income adult.

Basic Skills Deficient Individual (WIOA Section 3(5)): The term “basic skills deficient” is defined as a youth or adult who is unable to compute or solve problems, or read, or 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 Local Area WDB 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). The Local Area WDB may, but is not required to, use assessments approved for use in the Department of Education's National Reporting System (NRS).

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. Local Area WDBs may add additional categories to give priority to other individuals for the Title I Adult program.

In accordance with guidance provided by 20 CFR part 680, TEGLs 19-16 and 07-20, North Carolina and Local Areas must apply priority of service in the order listed below:

1. First, to veterans and eligible spouses (who also are included in the groups given statutory priority for WIOA adult formula funds). This means that veterans and eligible spouses who also are recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient would receive first priority for services provided with WIOA adult formula funds.
2. Second, to non-covered persons (individuals who are not veterans or eligible spouses) who are included in the groups given priority for WIOA adult formula funds (recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient as described above).
3. Third, to veterans and eligible spouses who are not included in WIOA's priority groups.
4. Fourth, to any other populations identified by the Governor or Local Area WDB for priority.
5. Last, to non-covered persons outside the groups given priority under WIOA.



***Note:** When past income is an eligibility determinant for federal employment or training 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 for the veteran and for other individuals for whom those amounts would normally be applied in making an eligibility determination. Military earnings are not to be included when calculating income for veterans or transitioning service members for this priority.*

Action: The Local Area WDBs will be expected to ensure that a sufficient number of adults receiving individualized career and training services in the Local Area regions are from one of the priority of service categories: public assistance, low-income individuals, and individuals who are basic skills deficient. Local policies and procedures, to include monitoring practices, should be reviewed and updated accordingly to accommodate this guidance

Effective Date: Immediately

Expiration: Indefinite

Contact: DWS Planner and Monitor

	NORTH CAROLINA DEPARTMENT OF COMMERCE DIVISION OF WORKFORCE SOLUTIONS
	DWS Operational Guidance Number: OG 19-2021
	Date: June 28, 2021
	Subject: Priority of Service for Veterans and Eligible Spouses in all U.S. Department of Labor (USDOL) Job Training Programs
	From:  Chet Mottershead Assistant Secretary for Workforce

Purpose: To emphasize to staff of Local Area Workforce Development Boards (WDBs), Division of Workforce Solutions (DWS) offices, and NCWorks Career Centers provisions of the Workforce Innovation and Opportunity Act (WIOA) Final Rule for Priority in all federally-funded training and employment programs as prescribed in the Jobs for Veterans Act, to provide instruction on the implementation of the provisions, and to rescind PS 03-2017.

Background: The Jobs for Veterans Act, Public Law 107-288, was signed into law on November 7, 2002. One provision of the Jobs for Veterans Act, codified at 38 U.S.C. § 4215, establishes a priority of service requirement for covered persons (i.e., veterans and eligible spouses, including widows and widowers, as defined by this statute) in qualified job training programs. Relevant documents are provided as attachments.

Action: All appropriate staff must be aware of and comply with Priority of Service for Veterans and Eligible Spouses Final Rule, effective January 19, 2009, codified at 20 C.F.R. Part 1010. The Local Area WDB will develop policies implementing priority of service for the One-Stop Career Centers and other service delivery providers in its Local Area Plan. This Operational Guidance and attached documents must be maintained on file and made available to all USDOL/Veterans Employment and Training Service (VETS), and other federal and state personnel conducting office audit reviews.

Effective Date: Immediately

Expiration: Indefinite

Contact: DWS Veterans' Employment Services

Attachment 1: Summary of Priority of Service for Eligible Veterans and Spouses

Attachment 2: A Protocol for Implementing Priority of Service for Veterans and Eligible Spouse (Training and Employment Notice 15-10)