

Policy: Priority of Service

Effective Date: January 1, 2024

Purpose: to provide guidance to staff for priority of service as is required under the workforce Innovation and Opportunity Act for Title I participants.

REFERENCES:
WIN 11-16 Change 1(A)
TEGL 3-15

POLICY AND PROCEDURES:

The NJ Department of Labor and Workforce Development issued NJ Workforce Innovation Notice (NJWIN) 11-16 Change 1 (A) on February 21, 2018. This document codified prior State policies and Federal WIOA legislation that defined groups and individuals that are to be granted priority of service.

Essex County is committed to carrying out procedures to ensure that there so identified receive this priority. There are four (4) basic categories for priority, and they are:

- 1) Veterans and Eligible Spouse
- 2) Recipients of Public Assistance
- 3) Other Low-Income Recipients
- 4) Persons Who Are Basic Skills Deficient

Determining Eligibility for Priority of Service for Veterans and Eligible Spouses:

The following are used to determine eligibility for priority of service over non-veterans for receipt of services (covered person). This priority is only used if the person is already eligible under one of the WIOA programs.

- 1) Veteran
- 2) Spouse of any of the following:

- a. Any veteran who died of a service-connected disability.
- b. Any member of the Armed Forces on active duty, who at the time of application for assistance under this section, is listed in one of the following categories for at least 90 days; missing in action; captured in the line of duty by hostile force; forcibly detained or interned in line of duty by a foreign government or power.
- c. Any veteran who has a total disability resulting from a service-connected disability.
- d. Any veteran who died while a disability so evaluated was in existence.

Any amounts received as military pay or allowance by any person who served on active duty and certain other specified benefits must be disregarded for veterans and other individuals for whom the amounts would normally be applied in making an eligibility determination. (TEGL 3-15) VA benefits for education and training services do not constitute “other grant assistance” under WIOA’s eligibility requirements. Therefore, eligibility for VA benefits or 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.

Note that for programs that do not have mandatory priority populations (such as the WIOA Dislocated Worker Program), veterans always receive first priority followed by all other participants. The Essex County One-Stop Center prominently displays, in all public areas, signage that informs individuals of the priority of service for veterans and eligible spouses.

Recipience of Public Assistance

These are individuals who receive, or, in the past six months received, or are a member of a family that is receiving, or I the past six months has received, assistance through one or more or the following:

- a) Supplemental Nutrition Assistance Program
- b) Temporary Assistance for Needy Families
- c) Supplemental Security Income
- d) State or local income-based public assistance

Other Low-Income Individuals

Other low-income individuals include those who are any one of the following:

- 1) In a family with total family income that does not exceed the higher of –
 - a. The poverty line; or
 - b. 70 percent of the lower living standard income level.
- 2) A homeless individual as defined in the Violence Against Women Act of 1994, or a homeless child or youth (as defined under section 725(2) of the McKinney-Vento Homeless Assistance Act.

- 3) An individual who receives or is eligible to receive a free or reduced-price lunch under the Richard B. Russell National School Lunch Act;
- 4) A foster child on behalf of whom State or local government payments are made; or
- 5) An individual with a disability whose own income meets the income requirement of clause.
(1), but who is a member of a family whose income does not meet this requirement.

Basic Skills Deficient Individual

A basic-skills deficient individual, for the purposes of the WIOA Adult and Dislocated Worker programs, is an adult 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 is an individual who meets any one of the following criteria:

- 1) Has English reading, writing, or computing skills at or below the 8th grade level (at or below 8.9 grade level) on a generally accepted standardized test or a comparable score on a criterion referenced test.
- 2) Lacks a high school diploma or high school equivalency and is not enrolled in secondary education.
- 3) Is currently enrolled in a WIOA Title II adult literacy program.