

Approved by Broome Tioga WDB: 3/22/2024

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BROOME-TIOGA WORKFORCE **PRIORITY OF SERVICE POLICY IN ADULT PROGRAM**

“Except as otherwise provided in this title, the following conditions apply to all programs under this title:

1) Each program under this title shall provide employment and training opportunities to those who can benefit from, and who are most in need of, such opportunities....” (Sec 194 General Program Requirements)

Priority of service applies to any program or service for workforce preparation, development, or delivery that is directly funded, in whole or in part, by WIOA funds.

The term “priority of service” means, with respect to any qualified job training program, that a covered person shall be given priority over nonveterans for the receipt of employment, training, and placement services provided under that program, notwithstanding any other provision of law. Such priority includes giving access to such services to a covered person before a non-covered person or, if resources are limited, giving access to such services to a covered person instead of a non-covered person. (US Code 38 section 4215)

Priority for Service:

Guidance as found in USDOL/ETA through TA# 23-01 *Serving Priority Populations and Priority of Service under the Workforce Innovation and Opportunity Act (WIOA) Title I Adult Program* (January 20, 2023)

<https://dol.ny.gov/system/files/documents/2023/01/ta-23-01.pdf>

mandates priority use of WIOA Adult formula funds, contained within its jurisdiction, for services to recipients of public assistance; other low-income individuals; and Individuals who are basic skills deficient which includes English Language Learners.

Veterans priority is always in effect for federal funds;

- Identified Veterans or Eligible spouses receive immediate priority of service status over non-covered persons for all system services.
- Those veterans identified by NYS or MSQ to be DVOP eligible are referred to the local Disabled Veterans' Outreach Program Specialist (DVOP). In the case where veterans are not DVOP eligible, BTWNY Center staff provide for Career Center services and resources as appropriate.

1. Veterans(or eligible spouses of veterans):

- a) Disabled Veterans
- b) Veterans who are receiving public assistance and/or low-income veterans
- c) Veterans who are basic skills deficient

2. Adults:

At least 50.1% of WIOA Title I Adults receiving individualized career or training services must fall into at least one (1) of the following three (3) priority populations:

- Recipients of public assistance as stated in the current ES102;
- Other low-income individuals; and

- Individuals who are basic skills deficient, which includes English Language Learners.
TA#23-01

3. **Veteran and eligible spouses** who are not low-income or receiving public assistance
4. **Additional priority populations per NYSDOL:** Individuals with disabilities, justice-involved individuals, and single parents.
5. **Residents:** of the County in which the Career Center is located for **funded services for Training only**
 - a) Where possible, due to limited funding, residents of another county receiving services at different county Career Center will be referred back to their county of residence for funding for training services (ITA/OJT).
Other than funding for training services, there is no difference/priority in services provided to residents/non-residents of Career Center location. All customers will receive the same level of service no matter what Career Center they choose to attend.

Definitions:

(Per WIOA sec 3(63) –Definitions- Veteran is defined as found in section 101 of title 38, United States Code)

Veteran - The term “veteran” means a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable

Recently Separated Veteran- any veteran who applies for participation under this Act with 48 months after the discharge or release from active military, naval or air force

Active service -includes full-time duty in the National Guard or a Reserve component, other than full-time duty for training purposes. This definition to be applied for the purposes of the priority differs from and is broader than the definition of “eligible veteran,” which is applied under Veterans and Wagner-Peyser grant programs.

Eligible Spouse - Under Title 38, United States Code Section 4215(a), the term “eligible spouse” means –

- (A) the spouse of any veteran who died of a service-connected disability;
- (B) the spouse of 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 ninety 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;
 or
- (C) the spouse of any veteran who has a total disability permanent in nature resulting from a service-connected disability; or
- (D) the spouse of a veteran who died while a disability so evaluated was in existence.

For “A” and “D” above, the re-marriage of the spouse would not terminate their eligibility. However, if a spouse becomes divorced from a veteran under “B” and “C” above, eligibility for priority of service is terminated. This policy does not exclude from eligibility spouses who were not citizens at the time that the veteran was discharged or retired, nor does it stipulate that a spouse had to be married to a veteran at the time of his or her discharge or retirement.

The final regulations surrounding the Jobs for Veterans Act (JVA) which created the priority of service requirement for covered persons under its authority specifically states that all program activities (including those obtained through Requests for Proposals (RFP), solicitation for grant awards, sub-grants, contracts, sub-contracts, and Memoranda of Understanding) issued or executed by qualified job training program operators, must be administered in compliance with this priority of service.

Basic Skills Deficient: WIOA section 3(5). The term “basic skills deficient” means, with respect to an individual 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. *Note: Individuals who are English language learners meet the criteria for basic skills deficient and must be included in the priority populations for the Title I Adult Program.~~an adult, that is unable to compute or solve problems, or read, write, or speak English~~

Refer to Attachment A in TA 23-01 for full list of key terms and definitions

<https://dol.ny.gov/system/files/documents/2023/01/ta-23-01.pdf>

Data Entry and Data Element Validation (DEV) Requirements:

- a. To ensure Adult priority of service demographic data is recorded consistently and accurately, the procedures outlined in the following One-Stop Operating System (OSOS) Guides must be followed:
 - i. Creating a Basic Customer Record;
<https://dol.ny.gov/system/files/documents/2021/03/creating-a-basic-customer-record-osos-guide-12-10-2018.pdf>
 - ii. Comprehensive Assessment and Supplemental Data.
https://dol.ny.gov/system/files/documents/2023/01/osos-comp-assess-guide-12_29_22.pdf

This is to ensure customers are being identified as a member of one (1) or more Adult priority populations at the time of enrollment.

Note: All demographic data must be entered into OSOS prior to recording a staff-assisted service/activity.

- b. All staff completing data entry must comply with WDS TA #17-07: Use of One-Stop Operating System and Re-Employment Operating System (June 28, 2017).

<https://dol.ny.gov/system/files/documents/2024/02/ta-17-07-use-of-osos-and-reos-02-09-2024.pdf>

- c. WDS TA# 23-03 Data Element Validation (DEV) for Titles I and III under the Workforce Innovation and Opportunity Act (WIOA), National Dislocated Worker Grants (NDWGs), the Trade Adjustment Assistance (TAA) Program, and the Jobs for Veterans State Grants (JVSG) Program (April 28, 2023) must be followed. Staff should reference the Excel or Word version of Attachment A to TA #23-03.

https://dol.ny.gov/workforce-professionals-tools?f%5B0%5D=filter_term%3A2076

- d. A Basic Skills Assessment should be done for each individual seeking services. This can be found in the following link:

<https://dol.ny.gov/system/files/documents/2023/12/basic-skills-assessment-12-05-2023.pdf>