

- Individuals laid off on a temporary basis with a specific return date and/or determined by UI to be attached to an employer (e.g., a leave of absence) do not meet the criteria of unlikely to return to work in a previous industry or occupation.

Boards may establish policies and procedures for use in determining an individual's eligibility as a dislocated worker, consistent with the definition at WIOA § 3 (15). These policies and procedures may address such conditions as: what constitutes a "general announcement" of plant closing under WIOA § 3 (15)(B)(ii) or (iii) and what constitutes "unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters" for determining the eligibility of self-employed individuals, including family members and farmworkers or ranch hands, under WIOA § 3 (15)(C).

## II. SERVICE PRIORITY FOR INDIVIDUALIZED SERVICES AND TRAINING SERVICES

Priority of service is not an eligibility criterion, ~~but rather, Priority of service~~ is a means to ensure emphasis on providing services to ~~higher-need~~ these populations. ~~However, inclusion in a priority group does not bypass WIOA eligibility requirements.~~

### WIOA Priority Populations

WIOA specifies that

~~P~~priority for ~~a~~Adult services must be given to recipients of public assistance, ~~or~~ other low income individuals, ~~and with added priority for~~ individuals who are basic skills deficient. ~~Unlike its predecessor, WIOA requires that P~~priority applies regardless of funding levels, making the priority of service automatic for all WIOA Adult funding.

~~Individualized career services and training services must be given on a priority basis, regardless of funding levels, to:~~

~~A. Public assistance recipients and other low-income adults; and~~

~~B. Individuals who are basic skills deficient.~~

### Veterans Priority of Service

Veterans under WIOA § 3 (63)(A) receive priority of service for all USDOL-funded programs as described in the Jobs for Veterans Act (38 U.S.C. 4215 (2)), meaning priority must be given to veterans and eligible spouses for Adult, Dislocated Worker, and Youth programs. According to TEGL 10-09, veterans and eligible spouses, including widows and widowers as defined in the statute and regulations, are eligible for priority of service. The Final Rule requires that the broad definition of "veteran" found in 38 U.S.C. 101(2) be used. Additionally, "eligible spouse" is defined in section 2(a) of the Jobs for Veterans Act.. ~~Veterans and eligible spouses of veterans who otherwise meet the~~

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~~eligibility requirements for adult programs must receive the highest priority for services. TEGL 3-15 references TEGL 10-09 regarding order of priority for veterans and eligible spouses.~~

~~While veterans receive priority for WIOA services, LWDAs and applicable service providers must have a referral process in place for directing Veterans with Significant Barriers to Employment to the Disabled Veterans Outreach Program to ensure the most effect provision of services.~~

#### Implementing Priority of Service in WIOA Adult Programs

~~Implementing priority means that these individuals receive services earlier in time or instead of non-priority individuals. Veterans and eligible spouses of veterans who otherwise meet the eligibility requirements for Adult programs must receive the highest priority for services. For Adult programs, WIOA priority and Veteran priority categories should be merged and provided in the following order:~~

~~Priority must be provided in the following order:~~

~~2.1. First, to veterans and eligible spouses who are also recipients of public assistance, are low income individuals, or who are basic skills deficient. Military earnings are not to be included as income for veterans and transitioning service members.~~

~~3.2. Second, to individuals who are not veterans or eligible spouses who meet WIOA priority criteria.~~

~~4.3. Third, to veterans and eligible spouses who are not included in WIOA's priority groups.~~

~~5. Last, to individuals outside the groups given priority under WIOA, but who still meet the eligibility criteria.~~

~~4. While Veterans receive priority through WIOA services, LWDAs and applicable services providers must have a referral process in place for directing Veterans with Significant Barriers to Employment to the Disabled Veterans Outreach Program to ensure the most effect provision of services.~~

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~~III-NOTE: Individuals with a disability are not automatically included in a priority category solely on the basis of the disability. However, individuals with disabilities are considered a family of one for income determination purposes, which usually (but not always) indicates their status as low-income. Additionally, receipt of SSI would qualify an individual as a recipient of public assistance and meets the definition of low-income detailed below, thus placing that individual in a priority category.~~

#### IV-III. LOW INCOME INDIVIDUALS

~~An individual who meets any one of the following criteria satisfies the low-income requirement for WIOA adult services:~~

- A. Receives, or in the past six months has received, or is a member of a family that is receiving, or in the past six months has received, assistance through SNAP, TANF, or the Supplemental Security Income (SSI) program, or state or local income-based public assistance;
- B. Is a member of a family with a total family income that does not exceed the higher of –(I) the HHS poverty line; or (II) 70 percent of the USDOL 70% lower living standard income level;
- C. Is a homeless individual, as defined in § 41403 (6) of the Violence Against Women Act of 1994, or a homeless child or youth as defined in § 725 (2) of the McKinney-Vento Homeless Assistance Act;
- D. Receives or is eligible to receive a free or reduced-price lunch under the NSLA
- E. Is a foster youth, on behalf of whom state or local government payments are made; or
- F. Is an individual with a disability whose own income meets WIOA's income requirements, even if the individual's family income does not meet the income requirements of the income eligibility criteria for payments under any federal, state, or local public assistance program.