



*As approved by the CSS Workforce New York Board 04-27-2023*

## **Priority of Service Requirements under the WIOA Title I Adult Program**

Priority of Service will be provided in the following order for the delivery of individualized career services and all training services in compliance with WIOA §134(c)(3)(E), WIOA § 680.210 (d), § 680.600, TEGL 19-16, TA #12-12.5, TA 23-01.

### **CSS Workforce NY Priority of Service Policy**

Recipients of public assistance, other low-income individuals, individuals who are basic skills deficient, and veterans and their eligible spouses must receive priority of service in all NYSDOL-funded training programs, including WIOA programs. However, as described in TEGL No. 10-09, when programs are statutorily required to provide priority for a particular group of individuals, such as the WIOA priority for Adult funds, priority must be provided in the following order:

- I. First, to Veterans and Eligible Spouses who are included in the groups given statutory priority for WIOA Adult formula funding. 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 first priority for individualized and career services with WIOA Adult formula funds;
- II. Second, to individuals who are not Veterans or Eligible Spouses who are included in the three populations given priority for WIOA Adult formula funds (recipients of Public Assistance, Other Low-Income individuals, or individuals who are Basic Skills Deficient);
- III. Third, to Veterans and Eligible Spouses who are not included in WIOA's three priority Adult groups (recipients of Public Assistance, Other Low-Income individuals, or individuals who are Basic Skills Deficient);
- IV. Fourth, to additional priority populations established by NYSDOL (Individuals with Disabilities, Justice-involved Individuals and Single Parents) and/or the LWDBs; and
- V. Last, to non-covered persons outside the populations given priority under WIOA (including the three additional priority populations identified by NYSDOL listed in item 4 above and underemployed individuals).

The LWDB for Chemung Schuyler Steuben has opted to create no additional priority populations.

One-Stop Career Center staff must record accurate customer demographic data and all barrier-related information into their appropriate case management system to ensure customers are being identified as one or more of the priority Adult populations. Accurate data reporting will ensure appropriate enrollments, positive performance outcomes, OSOS data integrity and Identification of potential fiscal and programmatic system vulnerabilities.

The statutory priority only applies to Adult Program funds and only applies to providing individualized career and training services. Funds allocated for Dislocated Workers (DWs) and Youth are not subject to this requirement.

There are no restrictions to providing basic career services; they may be provided to any eligible WIOA Adult. Basic career services are generally entered into OSOS as activities and are located in the L1: Service Definitions OSOS Guide under the L1 – Staff Assisted Basic category.

### **Basis for CSS Workforce NY Priority of Service Policy**

WIOA states that local programs must have a policy to ensure priority of service is given to Military Veterans and eligible spouses, and to customers most in need of services. Military Veterans and eligible spouses as defined under WIOA sec 3(63)A and 38 USC 101 and TA 23-01, must receive priority of service in all Department of Labor funded training programs under 38 USC 4215 and described in 20 CFR part 1010. A Military Veteran or eligible spouse must still meet each program's eligibility criteria to receive services under the respective employment and training program.

Priority for individualized career services and training services funded with WIOA Title I Adult funds must be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient in the local area. The law does not necessarily mean that these services may only be provided to individuals meeting the priority of service qualifications. Individuals must still meet each program's eligibility criteria to receive services under the respective employment and training program.

The related Adult Priority Population performance measure extends to Adults receiving Individualized Career Services or training services Under WIOA.

#### **I. Requirement to Serve Priority Populations under the WIOA Title I Adult Program**

To comply with WIOA and US Department of Labor Employment and Training Administration (USDOL ETA) requirements, the NYSDOL requires at least 50.1 percent of WIOA Title I Adults receiving individualized career or training services in each Local Workforce Development Area (LWDA) to fall into at least one (1) of the following three (3) priority populations:

1. Recipients of public assistance;
2. Other low-income individuals; and
3. Individuals who are basic skills deficient, which includes English Language Learners.

## II. Priority of Service Requirements Under the WIOA Title I Adult Program

Under the WIOA Title I Adult Program, in addition to the three (3) required populations identified above, veterans and their eligible spouses must also continue to receive priority of service in all NYSDOL-funded training programs, including WIOA programs.

NYSDOL also considers the following individuals with barriers to employment as priority populations for individualized career and training services, if they do not already fall under one (1) of the WIOA-required populations:

1. Individuals with disabilities;
2. Justice-involved individuals; and
3. Single parents.

## III. Data Entry and DEV Requirements

One-Stop Career Center staff must follow procedures outlined in the following One-Stop Operating System (OSOS) Guides to ensure Adult priority of service demographic data is recorded consistently and accurately:

1. 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?>
2. ii. Comprehensive Assessment and Supplemental Data.  
[https://dol.ny.gov/system/files/documents/2023/01/osos-comp-assess-guide-12\\_29\\_22.pdf?](https://dol.ny.gov/system/files/documents/2023/01/osos-comp-assess-guide-12_29_22.pdf?)

Staff must follow both OSOS Guides to ensure customers are being identified as a member of one (1) or more Adult priority populations at the time of enrollment.

## Definitions

**Military Veterans** are defined as “a person who has served at least one day in the active military, naval or air service and who was discharged or released from such service with other than a dishonorable discharge.” This definition includes Federal activation of a Reserve Component, other than active duty for training. See TA12-12.4 for a full list of Eligible Military Veterans and **eligible spouses**.

**Public Assistance** is defined as “Federal, State or local government cash payments for which eligibility is determined by a needs or income test.” (i.e.: SSI, SSD, local general relief payments to homeless individuals)

**Low-Income Individual** is defined as an individual who;

- Receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008, the program of block grants to States for temporary assistance for needy families program under part A of title IV of the Social Security Act , or the supplemental security income program established under title XVI of the Social Security Act, or State or local income-based public assistance
- Is in a family with total family income that does not exceed the higher of
  - The poverty line or
  - 70 percent of the lower living standard income level
- Is a homeless individual
- Receives or is eligible to receive a free or reduced-price lunch, or
- Is a foster child on behalf of whom State or local government payments are made
- Is an individual with a disability whose own income meets the income requirement of clause above but who is a member of a family whose income does not meet the requirements.

\* 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.

**Basic Skills Deficient** is defined in WIOA 3(5)(B) as

- A youth that has English, reading, writing or computing skills at or below the 8th grade level on a generally accepted standardized test or
- A youth or 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 individuals' family or in society.