

DET General Policy #10



Date: September 13, 2017

Division of Employment and Training

Priority of Service

BACKGROUND

Section 134 (c)(3)(E) of WIOA establishes a priority requirement with respect to funds allocated for adult employment and training services. Veterans, eligible spouses (covered persons), recipients of public assistance, low-income individuals, and individuals who are basic skills deficient are given priority of service for the receipt of employment, training, and placement services provided under all Delaware Division of Employment and Training (DDET) funded programs.

This includes, but is not limited to services covered under WIOA Title I Adult programs which are utilized to provide individualized career services, training services or both. These services can include but is not limited to; specialized assessments, developing an individual employment plan, counseling, work experiences, occupational skills training and incumbent worker training.

This means that an individual who is included in a priority group either receives access to a service earlier than others, or if resources are limited, they receive access to the service instead of others.

Individuals must first meet program eligibility requirements in orders to obtain priority of service.

POLICY

The priority of service will be applied in the following order:

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.
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, (these are recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient).
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 Board for priority.
(Currently Delaware does not have any identified categories)
5. Last, to non-covered persons outside the groups given priority under WIOA.

DEFINITIONS

VETERAN: A veteran who is eligible or spouse of an eligible veteran who is entitled to receive priority of service is a person who has served at least one day in the active military, naval, or air service, and who was discharged or released from service under any condition other than a condition classified as dishonorable is a covered person. This definition includes Reserve units and National Guard units activated for Federal Service.

It is important to note that the definition of veteran in the Jobs for Veterans Act (JVA), the Priority of Service Regulations and TEGL 10-09 and 3-14 differs from the definition of veteran that applies to reporting of Wagner-Peyser services and to eligibility to receive services from a Disabled Veterans' Outreach Program (DVOP) specialist.

The veteran definition that requires the individual to have over 180 days of active service still applies to Wagner-Peyser reporting and to eligibility for DVOP services but does not apply to priority of service in DOL-funded employment and training programs. It is the responsibility of DDET to ensure that policies and procedures and staff training reflect the correct eligibility definition.

Eligible Spouse: As defined in 38 U.S.C. 4215 (a), means the spouse of any of the following:

- a. Any veteran who died of a service connected disability;
- b. 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 90 days:
 - i. Missing in action;
 - ii. Captured in the line of duty by a hostile force; or
 - iii. Forcibly detained or interned in the line of duty by a foreign government or power.
- c. Any veteran who has a total disability resulting from a service-connected, as evaluated by the Department of Veterans Affairs or veteran who died while such a disability was in existence.

Recipients of public assistance: this includes recipients of any Federal, State, or local government cash payments for which eligibility is determined by a needs or income test.

Other low-income individuals:

- i. 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 (7 U.S.C. 2011 et seq.), 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 (42 U.S.C. 601 et seq.), or the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or State or local income-based public assistance;
- ii. is in a family with total family income that does not exceed the higher of—
 - (I) the poverty line; or
 - (II) 70 percent of the lower living standard income level;
- iii. is a homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6))), or a homeless child or youth (as defined under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)));
- iv. receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);
- v. is a foster child on behalf of whom State or local government payments are made; or
- vi. is an individual with a disability whose own income meets the income requirement of clause (ii), but who is a member of a family whose income does not meet this requirement.

LOWER LIVING STANDARD INCOME LEVEL.—The term “lower living standard income level” means that income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary of Labor based on the most recent lower living family budget issued by the Secretary.

Basic skills deficient: a youth who has English reading, writing, or computing skills at or below the 8th grade level.

PROCEDURE:

Individuals eligible for priority of service will be notified by:

- Veterans' Priority Statement is posted at the home page of Delaware JobLink (DJL). It can be found at <https://joblink.delaware.gov>.
- Verbal notification during group or one-on-one orientations and assessments.
- Verbally for any new work registrant who comes into any of our four local AJC offices and satellite office/s.
- Priority of Service handouts is given to all veterans who come into any of our four local AJC
- Core program areas of concentration shall be all DET Programs with specific emphasis on Apprenticeship and Training.

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