
Chautauqua County Workforce Investment Board

Policy Name: Priority of Services
Effective Date: 4/1/06
Revised 12/1/09

Explanation:

Priority of service means that a covered person* shall be given priority over a non-covered person for the receipt of employment, training, and placement services provided under the programs funded by WIA. Priority in the context of providing “priority of service to veterans and other covered persons” means the right to take precedence over non-covered persons in obtaining services. Taking precedence may mean; (1) the covered person receives access to the service or resource earlier in time than the non-covered person, or (2) if the service or resource is limited, the covered person receives access to the service or resource instead of or before the non-covered person.

All efforts will continue to be made to provide services through available public and private agencies or grants (Pell, TAP, Department of Social Services, Welfare to Work, VESID, etc.) if a customer is eligible for those services.

The WIB declares that the following Priority of Services is in place when funds are limited. Access to core services will continue for all customers even when the WIB has declared priority of services is in place for either intensive, training and/or supportive services.

Policy:

The Workforce Investment Board of Chautauqua County has declared a priority of service policy to be in effect for **Veterans and Eligible Spouses of Veterans** at every phase of services offered.

The Workforce Investment Board of Chautauqua County has also declared a priority of service policy to be in effect for **recipients of public assistance and other low-income individuals who receive intensive and training services under the WIA ARRA Adult funding source.**

The Workforce Investment Board of Chautauqua County has also declared a priority of service policy for individuals **who receive training and/or supportive services under the WIA Formula funding and ARRA funding based on the following criteria**

Current recipients of public assistance and other low-income individuals including those eligible for food stamps and HEAP

Currently enrolled and receiving an equivalent of a passing grade in training funded by the WIA and has not reached the ITA funding cap.

Currently receiving supportive services and **has not reached the supportive services funding cap.**

The Workforce Investment Board of Chautauqua County has NOT declared a priority of service policy for individuals who receive intensive services under the WIA Formula Funding and ARRA funding

Definitions:

Veteran - A veteran is defined as “a person who served in the active military, naval, or air service, and who was discharged or released from such service under conditions other than dishonorable.” This is essentially the same as the WIA definition found in WIA Law at Section 101(49). 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 Veteran - Under Title 38, United States Code Section 4211, the term “eligible veteran” means a person who – (A) served on active duty for a period of more than 180 days and was discharged or released there from with other than a dishonorable discharge; (B) was discharged or released from active duty because of a service-connected disability; or (C) as a member of a reserve component under an order to active duty, served on active duty during a period of war or in a campaign or expedition for which a campaign badge is authorized and was discharged or released from such duty with other than a dishonorable discharge. It is very important that the distinction between the two definitions is understood and applied correctly. USDOL is bound by law to use the “Final Rule” definition as it was the intent of Congress that priority of service be made available to a broad category of former service members. However, the definition of veteran to be applied for the purposes of the priority does not alter the statutory reporting requirements for Wagner-Peyser and Veteran Grants, which require application of the more narrowly defined definition of eligible veteran. In other words, a veterans’ priority is not intended to displace the core mission of any particular program.

Eligible Spouse - The term “eligible spouse” means – (A) the spouse of any person 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 person 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. USDOL provides additional clarification for “A” and “D” above by indicating that 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. It is further understood that the JVA 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.

Public Assistance Recipient – In accordance with WIA Law Section 101 (37), a public assistance recipient is one who receives cash payments from the Federal, State or local government for which eligibility is determined by a needs or income test.

Low Income Individual – In accordance with WIA Law Section 101 (25), a low income individual is an individual who –

- Receives, or is a member of a family that receives, cash payments under a Federal, State or local income-based public assistance program;
- Received an income, or is a member of a family that received a total family income, for the six-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, public assistance program payments, and old-age and survivors insurance benefits received under section 202 of the Social Security Act (42 USC 402)) that, in relation to family size, does not exceed the higher of –
 - The poverty line, for an equivalent period; or
 - 70% of the lower living standard income level, for an equivalent period;
- Is a member of a household that receives (or has been determined within the six-month period prior to application for the program involved to be eligible to receive) food stamps pursuant to the Food Stamp Act of 1977 (7 USC 2001 et seq);
- Qualifies as a homeless individual, as defined in subsection (a) and (c) of section 103 of the Stewart B. McKinney Homeless Assistance Act (42 USC 11302);
- Is a foster child on behalf of whom State or local government payments are made; or
- In cases permitted by regulations promulgated by the Secretary of Labor, is an individual with a disability whose own income meets the requirements above, but who is a member of a family whose income does not meet such requirements.
- In addition, income earned while on active duty status is disregarded in our eligibility determinations.

ITA (individual training accounts) and Supportive Services CAP – is the maximum amount of funds that an individual can receive during a program year. The CAP is set by WIB policy.

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