

Updated August 2023

What is priority of service?

Section 134(c)(3)(E) of WIOA establishes a priority requirement with respect to funds allocated to a local area for adult employment and training activities. Center staff must give priority of service in providing services to:

- Veterans and eligible spouses
- Recipients of public assistance
- Other low-income individuals, and
- Individuals who are basic skills deficient

Individuals who are underemployed and meet the definition of a low-income individual may receive career and training services under the Adult program on a priority basis. Additionally, individuals who meet the definition of an individual with a barrier to employment (WIOA 3(24)) who are underemployed may also be served in the Adult program.

Individuals who are underemployed may include:

- Individuals employed less than full-time who are seeking full-time employment;
- Individuals who are employed in a position that is inadequate with respect to their skills and training;
- Individuals who are employed who meet the definition of a low-income individual in WIOA sec. 3(36); and
- Individuals who are employed, but whose current job's earnings are not sufficient compared to their previous job's earnings from their previous employment, per State and/or local policy.

Veterans and eligible spouses continue to receive priority of service for all USDOL-funded job training programs, which include WIOA programs. However, as described in TEGL 10-09, when programs are statutorily required to provide priority for a particular group of individuals, such as the WIOA priority described above, priority must be provided in the following required order.

- I. First, to veterans and eligible spouses who are also included in the groups given statutory priority for WIOA adult formula funds. 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 would receive first priority for services provided with WIOA adult formula funds.
- II. Second, to non-covered persons (that is, individuals who are not veterans or eligible spouses) who are included in the groups given priority for WIOA adult formula funds.
- III. Third, to veterans and eligible spouses who are not included in WIOA's priority groups.
- IV. Last, to non-covered persons outside the groups given priority under WIOA.

Priority for services does not preclude service to individuals who are not low-income or not receiving public assistance or not a veteran, but rather establishes the order of precedence for service as provided at WIOA and section 134(b)(3)(E).

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, in accordance with 38 U.S.C. 4213.

Priority Categories/Service Order

Staff should follow the following guidelines when providing services at the career center. Once staff have determined which priority group a customer may qualify as, services should be provided in the following order to customers.

Priority of Service Status for Career & Training Services	
Priority 1	Veterans and eligible spouses who are: <ul style="list-style-type: none"> ▪ Low income, or ▪ Recipients of public assistance, or ▪ Who are basic skills deficient
Priority 2	Individuals who are: <ul style="list-style-type: none"> ▪ Low income (see OG 27-2021 definition), or ▪ Recipients of public assistance, or ▪ Who are basic skills deficient <p>NOTE: DOL has mandated that states ensure that at least 75% of adults meet at least one of these categories.</p>
Priority 3	Veterans and eligible spouses who are: <ul style="list-style-type: none"> ▪ Not low income, and ▪ Not recipients of public assistance, and ▪ Not basic skills deficient
Priority 4	Individuals who do not meet the above status who are at/below 200% of the federal poverty level guidelines based on family size and family income (self-sufficiency).
Priority 5	All other individuals who do not meet the above guidelines. This category does not qualify for WIOA funded career and training services without

requested approval from local Board.

Procedures for Services

Welcome the Customer	<ul style="list-style-type: none"> NOTE: All centers will display veterans' priority of service signage that is visible upon entry. All customers visiting an NCWorks Career Center will be greeted in a timely and professional manner by staff. Customers will be asked to sign-in at the reception area. Sign-in sheets will assist staff in identifying the priority status of customers based on their self-identification.
Staff Identify Customers Priority Status	<ul style="list-style-type: none"> Staff will make efforts in identifying which category a customer may qualify. Veterans will be thanked for their service. Staff will make a determination on the order of precedence for services for those customers currently at the center. Once order is determined, the provision of basic career services will begin.
Staff Provides Basic Career Services	<ul style="list-style-type: none"> Staff will provide basic career services to include NCWorks registration and initial assessment of needs. Based on assessment, services will be provided. If determined that customer is in need of individualized career and training services, customer will be referred to WIOA service provider staff.
Training Services	<ul style="list-style-type: none"> If determined eligible for training services, individuals must qualify in Priority 1-4. Those individuals who fall in Priority 5 are not eligible for WIOA funded services beyond basic career services without requested approval from local Board.

Veterans and eligible spouses will receive the first level of priority of service in universal access programs and services delivered through NCWorks Career Centers for all USDOL-funded programs, including Wagner-Peyser and the Workforce Innovation and Opportunity Act programs.

Guidance on Serving Veterans & Veteran Eligibility (DWS Operational Guidance 19-2021)

The Jobs for Veterans Act affords priority of service to covered veterans and eligible spouses over non-covered persons for the receipt of employment, training, and placement services provided under new or existing job training programs funded in whole or in part, by the U.S. Department of Labor (DOL).

Determining Eligibility: To be eligible for priority of service you must meet the following definition as a Covered Person. The term ‘covered person’ means any of the following individuals:

- **A Veteran:** A person who served at least one day in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable.
- **Eligible Spouse:** The spouse of any of the following individuals:
 - Any veteran who died of a service connected disability.
 - Any veteran who has a total disability resulting from a service- connected disability.
 - Any veteran who died while a disability so evaluated was in existence.
 - Any member of the Armed Forces serving on active duty who, at the time of application for assistance under this section, is listed, pursuant to section 556 of title 37 and regulations issued by the Secretary concerned, in one or more of the following categories and has been so listed for a total of more than 90 days -- missing in action, captured in the line of duty by a hostile force, or forcibly detained or interned in line of duty by a foreign government or power.

What it Means: Veterans’ priority of service means the right of eligible covered persons to take precedence over eligible non-covered persons in obtaining services. For example, this could mean:

- The covered person receives access to the service or resource earlier in time than the non-covered person; or
- If the service or resource is limited, the covered person receives access to the service or resource before the non-covered person.

Eligible Programs: Below is a list of programs affected by the passage of the priority of service law. This list is not all inclusive, but provides an example of the type of programs in which priority of service to qualified veterans exists. Before priority of service can be extended to any covered person in these programs, the covered person **MUST** be qualified to participate in the program.

- WIOA Adult/Dislocated Worker
- Trade Act Programs
- Wagner-Peyser Employment Service
- Senior Community Service Employment Programs

- National Emergency Grant
- Migrant and Seasonal Farm Worker Program
- WIOA Demonstration Projects
- Career One-Stop Electronic Tools
- Indian and Native American Programs
- Labor Market Information Grants

Additional information can also be found in the USDOL guide: [A Protocol for Implementing Priority of Service for Veterans and Eligible Spouses](#)

References:

[DWS Priority of Service for Adults OG 27-2021](#)

[DWS Priority of Service for Veterans and Eligible Spouses in all US Department of Labor \(USDOL\) Job Training Programs OG 19-2021](#)

[Summary of Priority of Service for Eligible Veterans and Spouses – OG 19-2021; Attachment 1](#)