

June 10, 2009

ST. LAWRENCE COUNTY WORKFORCE INVESTMENT BOARD  
RESOLUTION NO.09-06-07

Approved by the WIB Executive Committee on April 22, 2009

**ESTABLISHING A PRIORITY OF SERVICE POLICY FOR ADULT EMPLOYMENT AND TRAINING ACTIVITIES AS REQUIRED BY THE AMERICAN RECOVERY & REINVESTMENT ACT OF 2009**

**WHEREAS**, the American Recovery and Reinvestment Act of 2009 (hereinafter “the Recovery Act”) was signed into law by President Barack Obama on February 17, 2009, and

**WHEREAS**, Title VIII of the Recovery Act provides funds for adult employment and training activities, “Provided, That a priority use of these funds shall be services to individuals described in 134(d)(4)(E) of the Workforce Investment Act (hereinafter “WIA”), and

**WHEREAS**, WIA Section 134(d)(4)(E) states that, “ in the event that funds allocated to a local area for adult employment and training activities are limited...priority shall be given to recipients of public assistance and other low-income individuals for intensive and training services,” and

**WHEREAS**, 20 CFR Part 1010 of the Jobs for Veterans Act (hereinafter “JVA”) provides regulations implementing priority of service for veterans and eligible spouses in Department of Labor job training programs, and

**WHEREAS**, under Section 1010.310(b)(3) of JVA, when the veterans priority is applied in conjunction with another statutory priority (like the Recovery Act’s priority for recipients of public assistance and low-income individuals) veterans and eligible spouses who are members of the Recovery Act priority group must receive the highest priority within that priority group, followed by non-veteran members of the Recovery Act priority group,

**NOW, THEREFORE, BE IT RESOLVED** that the St. Lawrence County Workforce Investment Board (SLCWIB) hereby adopts a priority of service policy for the use of Adult funds made available through the Recovery Act that recognizes the priority of low-income veterans to receive Recovery Act training funds, followed by those eligible individuals who are recipients of public assistance and other low-income individuals,

**BE IT FURTHER RESOLVED** that SLCWIB authorizes use of the attached form to identify Veterans, recipients of public assistance and other, low-income individuals, along with the attached “Income Eligibility Determination Process” previously adopted for eligible youth in 2002, and now to be utilized to determine low-income status for Adult Priority of Service.

Pursuant to WIB Bylaws, Article IX, Section 2:

[WIB Executive Committee Approval: 04/22/2009: Kennedy/Caswell; 4/0/0]

**PRIORITY OF SERVICE  
IDENTIFICATION**

Note: This form shall be utilized to identify those individuals who qualify for Priority of Services when funds allocated to a local area for adult employment and training activities are limited and defines (per Workforce Development System Technical Advisory 08-08) "low-income individual."

- 1. Receives (or is a member of a family that receives) cash payments under a Federal, State or local income-based assistance program;
- 2. Has (or is a member of a family that has) received a total family income for the six-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, and welfare payments) which, in relation to the family size, was not in excess of the higher of (i) the official poverty level (as defined by the Office of Management and Budget, and revised annually) for an equivalent period, or (ii) 70 percent (70%) of the Lower Living Standard Income Level for an equivalent period;
- 3. Is a member of a household that receives Food Stamps, or was determined eligible to receive Food Stamps in the last six months, pursuant to the Food Stamp Act of 1977;
- 4. Qualifies as a homeless individual, per section 103 (a) and (c) of the McKinney Act;
- 5. Is a foster child on behalf of whom State or local payments are made;
- 6. Is an individual with a disability whose own income is at or below the poverty level or 70% of the Lower Living Standard Income Level or receives public assistance, but whose family income does not meet said requirements;
- 7. Is a Veteran.

Public Assistance recipients are individuals who receive Federal, State or local government cash payments for which eligibility was determined by a needs or income test.

Priority of Services Determination based on the responses to the above-listed categories:

Based on the responses to the above-listed priority categories, this individual...

Qualifies]  
 Does Not Qualify]      ....for Priority of Services.

\_\_\_\_\_  
Counselor Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Customer Name

<p><b>PRIORITY OF SERVICE DETERMINATION</b></p>
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Note: Income eligibility is a function of family resources and family size.

**Income is:**

- Monetary compensation for services, including wages, tips, salary, commissions, or fees before any deductions
- Net receipts from non-farm self-employment (receipts from a person's own unincorporated business, professional enterprise, or partnership, after deductions for business expense)
- Net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses)
- Regular payments from railroad retirement, strike benefits from union funds, worker's compensation, and training stipends
- Alimony, Military family allotments, or other regular support from an absent family member or someone not living in the household
- Private pensions, government employee pensions (including military retirement pay)
- Regular insurance or annuity payments (including state disability insurance)
- College or university scholarships (not needs-based), grants, fellowships, and assistantships
- Dividends, interest, net rental income, net royalties, periodic receipts from estates or trust
- Net gambling or lottery winnings
- Severance payments
- Terminal leave pay
- Social Security Disability Insurance payments

**Income is not:**

- Unemployment Insurance
- Child support payments (including foster care child payments)
- Need-based Public Assistance payments (including TANF, Supplemental Security Income, Emergency Assistance money payments, and non-federally-funded general assistance or general relief money payments)
- Social Security Old Age and Survivors' Insurance benefit payments
- Financial assistance under Title IV of the Higher Education Act, i.e., Pell Grants
- Supplemental Educational Opportunity Grants and Federal Work Study
- Needs-based scholarship assistance
- Loans
- Veterans Benefits
- Income earned while the veteran was on active military duty and certain other veterans' benefits, i.e., compensation for service-connected disability, compensation for service-connected death, vocational rehabilitation, and education assistance
- Capital gains
- Any assets drawn down as withdrawals from a bank, the sale of property, a house or a car
- Tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury
- Non-cash benefits such as employer paid or union-paid portion of health insurance or other fringe benefits, food or housing received in lieu of wages
- The value of food and fuel produced and consumed on farms
- The imputed value of rent from owner occupied nonfarm or farm housing
- Medicare, Medicaid, food stamps, school meals, and housing assistance
- Allowances, earnings and payments to individuals participating in programs under this Act (except OJT wages)

## **Policy No. 20**

When a federal statute excludes income received under that statute in determining eligibility for programs operated under other federal laws, such income is also excluded in WIA eligibility determination.

The total of included income for the most recent six-month period is multiplied by two to determine the annual income. The income from each family member is included in the total family income. The annual income is located on the published poverty/lower living standard guidelines according to family size.