

**RESOLUTION OF THE NEW YORK CITY WORKFORCE INVESTMENT BOARD
EXECUTIVE COMMITTEE
APPROVING PRIORITY OF SERVICE POLICY**

WHEREAS, the American Recovery and Investment Act of 2009 (ARRA) provides additional funding for Workforce Investment Act of 2009 (WIA) authorized activities, which must be implemented expeditiously and effectively, in accordance with US Department of Labor Training and Employment Guidance Letter No. 14-08 (TEGL 14-08), and

WHEREAS, TEGL 14-08 indicates that priority use of WIA Adult formula funds provided under ARRA must be for services to recipients of public assistance and other low-income individuals as described in WIA Section 134(d)(4)(e), and

WHEREAS, TEGL 14-08 also requires state and local areas to incorporate a priority of service policy for veterans and eligible spouses sufficient to meet the requirements of 20 CFR Part 1010 for purposes of both WIA Adult formula funds and WIA Dislocated Worker formula funds provided under ARRA; and

WHEREAS, WIA Section 101(37) defines “public assistance” as Federal, State, or local government cash payments for which eligibility is determined by a needs or income test, and

WHEREAS, WIA Section 101(25) defines “low-income individual” as an individual who:

- (A) receives, or is a member of a family that receives, cash payments under a Federal, State, or local income based public assistance program;
- (B) received an income, or is a member of a family that received a total family income, for the 6-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, payments described in subparagraph (A), and old-age and survivors insurance benefits received under section 202 of the Social Security Act (42 U.S.C. 402)) that, in relation to family size, does not exceed the higher of (i) the poverty line, for an equivalent period; or (ii) 70 percent of the lower living standard income level, for an equivalent period;
- (C) is a member of a household that receives (or has been determined within the 6-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 U.S.C. 2011 et seq.);
- (D) qualifies as a homeless individual, as defined in subsections (a) and (c) of section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302);
- (E) is a foster child on behalf of whom State or local government payments are made; or
- (F) in cases permitted by regulations promulgated by the Secretary of Labor, is an individual with a disability whose own income meets the requirements of a program described in subparagraph (A) or of subparagraph (B), but who is a member of a family whose income does not meet such requirements,

and

WHEREAS, WIA Section 49(A) defines “veteran” as an individual who served in the active military, naval, or air service, and who was discharged or released from such service under conditions other than dishonorable, and

WHEREAS, “eligible spouse” is not defined in WIA, but is defined in 20 CFR Part 1010 as the spouse of any of the following: (1) any veteran who died of a service connected disability; (2) 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 line of duty by a hostile force; or (iii) forcibly detained or interned in line of duty by a foreign government or power; (3) any veteran who has a total disability resulting from a service connected disability, as evaluated by the Department of Veterans Affairs; (4) any veteran who died while a disability, as indicated in (3), was in existence, and

WHEREAS, the Workforce Investment Board estimates that the New York City Local Workforce Investment Area will receive ARRA funding amounting to approximately \$16 million in Adult formula funding and approximately \$14 million for Dislocated Worker formula funding, and

NOW, THEREFORE, BE IT RESOLVED the New York City Local Workforce Investment Board, Executive Committee, hereby establishes the following Priority of Service Policy with respect to ARRA-funded programs in the New York City Local Workforce Investment Area in order to meet the requirement that ARRA funding be spent efficiently and effectively:

1. Priority of service with respect to programs funded by ARRA Adult formula funding shall be provided to recipients of public assistance, low income individuals, veterans and eligible spouses, as described above;
2. Priority of service with respect to programs funded by ARRA Dislocated Worker formula funding shall be provided to veterans and eligible spouses, as described above.

This Resolution shall take effect immediately.