

## WIOA Adult Program Priority of Service

### Purpose

This policy provides guidance and establishes the procedures regarding priority of service for recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient served with Workforce Innovation and Opportunity Act (WIOA) adult funds.

### References

- 👉 WIOA (Public Law 113-128) Sections 3 and 134
- 👉 Workforce Investment Act (WIA) Section 134
- 👉 Title 20 Code of Federal Regulations (CFR) “WIOA, Notice of Proposed Rule Making” (NPRM), Sections 680.150, 680.600, 680.610, and 680.650
- 👉 Training and Employment Guidance Letter (TEGL) 06-14, Program Year 2013/Fiscal Year 2014 Data Validation and Performance Reporting Requirements and Associated Timelines, Attachment A (September, 10, 2014)
- 👉 TEGL 03-15, Guidance on Services Provided through the Adult and Dislocated under the Workforce Innovation and Opportunity Act and Wagner-Peyser, as Amended by WIOA, and Guidance for the Transition to WIOA Services (July 1, 2015)
- 👉 Workforce Services Directive WSD19-04, Subject: Priority of Service for Veterans and Eligible Spouses (September 11, 2019)
- 👉 Workforce Services Directive 15-14, Subject: WIOA Adult Priority of Service (January 22, 2016)

### Background

The WIA required that if funds allocated to a local area for adult employment and training activities were limited, priority of service was to be provided to recipients of public assistance and other low-income individuals for intensive services and training services.

The WIOA made several changes to the priority of service requirement by adding individuals who are basic skills deficient as a priority population, changing intensive services to career individualized services, and removing the provision stating priority of service is only applied if funding is limited.

Veterans and eligible spouses continue to receive priority of service for all Department of Labor (DOL) funded programs amongst all participants. These requirements were not affected by the

passage of WIOA and must still be applied in accordance with guidance previously issued by the DOL and Workforce Services Directive WSD19-04.

## Priority of Service Requirement

As stated in WIOA Section 134(c)(3)(E), with respect to individualized career services and training services funded with WIOA adult funds, priority of service must be given to recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient.

Priority of service status is established at the time of eligibility determination and does not change during the period of participation. Priority does not apply to the dislocated worker population. The WIOA adult funding priority of service doesn't affect or negate the priority of service provided to veterans and eligible spouses. A Veteran is a person who served at least one day in the military, naval, or air service, and who was discharged or released under conditions other than dishonorable. Veterans and eligible spouses continue to receive priority of service among all eligible individuals; however, they must meet NOVA's Veteran's Priority of Service criteria. Thus, for adult services, the program's eligibility determination must be made first, and then veteran's priority applied. For additional guidance on providing priority of service to veterans through NOVA's career center system, please reference NOVA's Veteran's Priority of Service Policy.

### Definitions

For purposes of this policy the following definitions apply.

#### Basic Skills Deficient

An individual that is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual's family, or in society (WIOA Section 3[5]).

| <i>Criteria used to determine whether an individual is basic skills deficient:</i>                                                                                                   |                                                                                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| <b>Criteria Used</b>                                                                                                                                                                 | <b>Documentation Required</b>                                                           |
| Lacks a high school diploma or high school equivalency and is not enrolled in secondary education                                                                                    | Self attestation                                                                        |
| Enrolled in a Title II Adult Education/Literacy program                                                                                                                              | School records or verification from school official                                     |
| English, reading, writing, or computing skills at an 8.9 grade level or below                                                                                                        | Results of academic assessment, such as Wonderlic, CASAS, etc                           |
| Determined to be limited English-skills proficient through staff-documented observations                                                                                             | Case note clearly demonstrating staff assessment of English skills                      |
| Lacking computer literacy defined as: non-technical knowledge of computers and how to use them; familiarity and experience with computers, computers, software, and computer systems | Case note clearly demonstrating staff assessment of computer skills or self attestation |

#### Case Notes

Paper or electronic statements by the case manager that identifies, at a minimum, (1) a participant's status for a specific data element, (2) the date on which the information was obtained, and (3) the case manager who obtained the information. If case notes are used as a documentation source, the case notes must provide an auditable trail back to the source of information verified. The case manager does not need to keep a hard copy of the information verified in the participant's case file

### **Low income**

An individual that meets one of the four criteria below:

- A. Receives, or in the past six months has received, or is a member of a family that is receiving or in the past six months has received, assistance through the supplemental nutrition assistance program (CalFresh/Food Stamps), temporary assistance for needy families program, supplemental security income program, or state or local income-based public assistance.
- B. In a family with total family income that does not exceed the higher of the following:
  - 1. the poverty line; or
  - 2. 70 percent of the Lower Living Standard Income Level.
- C. A homeless individual.
- D. An individual with a disability, whose own income does not exceed the income requirement, but is a member of a family whose total income does (WIOA Section 3[36]).

### **Public Assistance Recipient**

An individual that receives federal, state, or local government cash payments for which eligibility is determined by a needs or income test (WIOA Section 3[50]).

### **Self Attestation**

When a participant states his or her status for a particular data element, such as low income, and then signs and dates a form acknowledging this status. The key elements for self-attestation are:

- A. the participant identifying his or her status for permitted elements; and
- B. signing and dating a form attesting to this self-identification. The completed self-attestation form with signature remains part of the eligibility verification and must be filed in the participant's MIS file.

Note that, self-attestation is not to be used as the primary method of gathering documentation to verify data elements. ***Self-attestation as a documentation source is only to be used when the preferred options of paper documentation or third party corroboration are not available.***

### **Career and Training Services**

Under WIOA, the WIA core and intensive services are merged into a new category entitled "career services." The career services category includes basic career services, found at WIOA Section 134(c)(2)(A)(i)-(xi), and individualized career services, found at WIOA Section 134(c)(2)(A)(xii). Basic career services are not subject to the priority of service requirement; however, individualized career services and training services are subject to the requirement (Title 20 CFR NPRM Section 680.150).

### *Basic Career Services*

Basic career services are not subject to priority of service, and consist of the following:

- A. Determination of eligibility to receive services.
- B. Outreach, intake, and orientation to the services available through the one-stop delivery system.
- C. Initial assessment of skill levels (including literacy, numeracy, and English language proficiency), aptitudes, abilities (including skills gaps), and supportive service needs.
- D. Labor exchange services, including the following:
  1. job search and placement assistance and, career counseling, such as the information on in-demand industry sectors and occupations as well nontraditional employment; and
  2. recruitment and other business services on behalf of employers in the local area, such as information and referral to specialized business services not traditionally offered through the one-stop delivery system.
- E. Referrals to, and coordination of activities with, other programs and services, including programs and services within the one-stop delivery system and other workforce development programs.
- F. Workforce and labor market employment statistics information, including information relating to local, regional, and national labor market areas, including the following:
  1. job vacancy listings and the job skills necessary to obtain them; and
  2. information on local in demand occupations and the earnings, skill requirements, and opportunities for advancement that accompany them.
- G. Information on performance and program cost of eligible providers of training services, youth workforce investment activities, adult education, career and technical education activities at the postsecondary level, career and technical education activities available to school dropouts, and vocational rehabilitation services.
- H. Information regarding how the local area is performing on the local performance accountability measures and any additional performance information with respect to the one-stop delivery system in the local area.
- I. Information on, and referral to, supportive services or assistance, including the following:
  1. childcare, child support, medical or child health assistance under title XIX or XXI of the Social Security Act;
  2. benefits under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008;
  3. assistance through the earned income tax credit under section 32 of the Internal Revenue Code of 1986;
  4. assistance under a state program for temporary assistance for needy families funded under part A of title IV of the Social Security Act; and
  5. other supportive services and transportation available in the local area.
- J. Information and assistance regarding filing claims for unemployment compensation.

- K. Assistance in establishing eligibility for programs of financial aid assistance for training and education programs that are not funded under WIOA.

### ***Individualized Career Services***

Individualized career services are subject to priority of service, and consist of the following:

- A. Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include the following:
  - 1. diagnostic testing and use of other assessment tools; and
  - 2. in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.
- B. Development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals, including providing information on eligible providers of training services and career pathways to attain career objectives.
- C. Group counseling.
- D. Individual counseling.
- E. Career planning.
- F. Short-term prevocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct, to prepare individuals for unsubsidized employment or training.
- G. Internships and work experiences linked to careers.
- H. Workforce preparation activities.
- I. Financial literacy services.
- J. Out-of-area job search assistance and relocation assistance.
- K. English language acquisition and integrated education and training programs.

### ***Training Services***

Training services are subject to priority of service, and consist of the following:

- A. Occupational skills training, including training for nontraditional employment.
- B. On-the-job training.
- C. Incumbent worker training.
- D. Programs that combine workplace training with related instruction, which may include cooperative education programs.
- E. Training programs operated by the private sector.
- F. Skill upgrading and retraining.
- G. Entrepreneurial training.
- H. Transitional jobs.
- I. Job readiness training provided in combination with another training service.

- J. Adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with another training service.
- K. Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

**Documentation**

NOVA and sub-recipient staff may use the following sources of documentation to verify whether an adult participant qualifies for priority of service under WIOA.

| Priority of Service                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Priority of Service Criteria                                                                                                                                      | Acceptable Documentation<br>(Only the documentation sources listed below may be used)                                                                                                                                                                                                                                                                                                                                                                 |
| Recipient of public assistance                                                                                                                                    | Cross-match with public assistance database<br>Copy of authorization to receive cash public assistance<br>Copy of public assistance check<br>Medical card showing cash grant status<br>Public assistance records<br>Refugee assistance records                                                                                                                                                                                                        |
| Low income                                                                                                                                                        | Alimony agreement<br>Award letter from Veterans Administration<br>Bank statements<br>Compensation award letter<br>Court award letter<br>Pension statement<br>Employer statement/contact<br>Family or business financial records<br>Housing authority verification<br>Pay stubs<br>Public assistance records<br>Quarterly estimated tax for self-employed persons<br>Social Security benefits<br>Unemployment Insurance documents<br>Self attestation* |
| Basic skills deficient<br>(see Definition section)                                                                                                                | School records<br>Results of academic assessment<br>Case notes*<br>Self attestation*                                                                                                                                                                                                                                                                                                                                                                  |
| <p><i>* Reference the Definition section of this policy for additional guidance on case notes and self-attestation being used for documentation purposes.</i></p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                       |