

South Central Workforce Development Board (SCWDB)



POLICY: PRIORITY OF SERVICE FOR WIOA PROGRAM PARTICIPANTS

EFFECTIVE DATE: JULY 1, 2016

**POLICY NUMBER: 2016-01
REVISION 1: DECEMBER 2018**

SUBJECT: PRIORITY OF SERVICE FOR ADULTS

PURPOSE:

To provide guidance and establish 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.

EFFECTIVE DATE: July 1, 2016

ACTION REQUIRED:

Within 15 days of the receipt of this policy it is the recipient's (e.g., vendors, partners) responsibility to ensure all staff are informed of the policy and to create an internal process to ensure accountability.

BACKGROUND:

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. Under this section, America Job Center staff responsible for these funds must give priority to **recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient** in the provision of individualized career services and training services. Under WIA, priority was required to be given to public assistance recipients and low-income individuals when States and local areas determined that allocated funds were limited. **Under WIOA, priority must be provided regardless of the level of funds.** WIOA also expanded the priority to include individuals who are basic skills deficient. WIOA provides a focus on serving individuals with barriers to employment, and the intent of this priority in the law is to ensure access to these populations on a priority basis. Priority of Service does not apply to the dislocated worker or youth programs.

POLICY:

Priority of service means that individuals in the targeted groups (public assistance recipients, other low-income individuals, and individuals who are basic skills deficient) are given priority over other individuals for **receipt of individualized career services and training services** funded by the Title I Adult program. Veterans within these groups receive priority over non-veterans. Adult priority is determined for the targeted groups during eligibility and enrollment.

Priority for receipt of individualized career services and training services will be given to customers who are **residents of the South Central Workforce Area in the following order**, regardless of funding levels:

1. First, to veterans and eligible spouses who are also recipients of public assistance, other low-income individuals, or basic skills deficient will receive first priority for services provided with WIOA adult formula funds¹.
2. Second, to non-covered persons (that is, individuals who are not veterans or eligible spouses) who are recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient.
3. Third to veterans and eligible spouses who are not recipients of public assistance, not low-income individuals, or who are not basic skills deficient.
4. Last, to all other persons not listed above – those who do not qualify as veterans, eligible spouses, recipients of public assistance, low-income individuals, or basic skills deficient individuals.

Priority of service cannot be waived. (20 CFR 1010.250) Priority of service does not guarantee that by virtue of his/her status an individual will always receive service. The individual must be eligible and able to benefit from the services. (20 CFR 680.600(b)) Once another participant is enrolled in a WIOA individualized career or training service, that participant may not be displaced by an individual who qualifies for priority of service.

WIOA does not either prohibit or require local residency for an individual to receive services from the local area. As stated above, **priority for receipt of individualized career services and training services will be given to customers who are residents of the South Central Workforce Area**. Non-residents may only be served if, as part of their career plan, it is stated explicitly that they are moving or will move to the 10-county region upon obtaining a job.

WIOA Case Managers must include the determination of this priority in the customer's file with appropriate case notes.

Performance Goals

It is the intent of the WDB and will be tracked with the service providers that at least 51 percent of WIOA title I-funded adult customers who are served at a South Central Kentucky Career Center will qualify for and receive priority of service. The WDB fiscal agent will monitor this through an internal report and the compliance monitoring tool. **Contractors will conduct active outreach to recruit priority of service groups if they are not meeting this performance goal.**

Definitions:

The term "Priority of Service" means, with respect to any qualified job training program, that a *covered person* shall be given priority over *non-covered person* for the receipt of employment, training and placement services provided under that program, notwithstanding any other provisions of the law.

¹ Veterans and eligible spouses continue to receive priority of service for all DOL-funded job training programs, which include WIOA programs. See SCWDB Policy #2016-14 Priority of Service for Veterans and Eligible Spouses. 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 order specified.

"Covered Person" – as defined in section 2(a) of the Jobs for Veterans Act (JVA) of 2008 means a veteran or eligible spouse. A veteran is defined as a person who served at least one day in the active military, naval, or air service and who was discharged under conditions other than dishonorable, as specified in 38 U.S.C. 101(2).

"Eligible Spouse" - as defined in section 2(a) of the JVA means the spouse of any of the following individuals:

- (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 service under this section, 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 the 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 having a disability, as indicated in bullet (3) of this definition was in existence.¹ A spouse whose eligibility is derived from a living veteran or service member (i.e., category 2 or 3 above) would lose his or her eligibility if the veteran or service member were to lose the status that is the basis for the eligibility (e.g. if a veteran with a total service connected disability were to receive a revised disability rating at a lower level). Similarly, for a spouse whose eligibility is derived from a living veteran or service member, that eligibility would be lost upon divorce from the veteran or service member.

A "low-income individual" is an individual who:

- (1) Receives, or is a member of a family that receives, cash payments under a Federal, State, or local income-based public assistance program;
- (2) 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 that, in relation to family size, does not exceed the higher of
 - a. The Federal Poverty Line for an equivalent period (see Attachment); or
 - b. 70 percent of the Lower Living Standard Income Level (LLSIL) for an equivalent period (see WSM Policy #2016-09);
- (3) Is a member of a household that receives food stamps;
- (4) Qualifies as a homeless individual;
- (5) Is a foster child;
- (6) Receives, or is eligible to receive a free or reduced price lunch; or
- (7) Is an individual with a disability whose own income meets the requirements of this clause, but who is a member of a family whose income does not meet such requirements.

An individual who is "*basic skills deficient*" is an individual who 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. An adult may be assessed as basic skills deficient through case manager observations and documented in case notes. For example, the career planner may observe that the adult is not able to read or fill out an application form, or does not have basic computer literacy. A case manager may also document basic skills deficiency using any one of the following:

1. Basic skills assessment questions or test results (e.g. TABE)
2. School records
3. Referral or records from a title II Adult Basic Education program
4. Referral or records from an English Language Learner program

If a standardized test is used to assess basic skills, the test should include reading, writing, or computing skills. Lacking soft skills or specific skills needed for a particular job may not be used to determine an otherwise high-functioning individual as basic skills deficient.

Requirements:

Individuals eligible for priority of service shall be identified at the point of entry, whether that is at a South Central Kentucky Career Center site or online self-service application. Upon identification they shall be notified of:

1. Their entitlement to priority of service;
2. The full array of programs and services available to them;
3. Any applicable eligibility requirements for those programs and services.

WIOA Case Managers must include the determination of this priority in the customer's file with appropriate case notes.

An individual who qualifies for priority of service under this policy must be informed upon identification of their entitlement to priority of service. South Central WDB provider staff must ensure that individuals who qualify for priority of service receive career and training services before other non-covered individuals and receive first priority on any waiting lists that are maintained for training slots. However, once a participant is enrolled in a workshop, training, or service, he or she may not be displaced by an individual qualified for priority of service.

REFERENCES:

- WIOA Section 134(b)(3)(E);
- Jobs for Veterans Act (JVA) of 2008;
- TEGL 3-15 (Guidance on Services Provided through the Adult and Dislocated Worker Program under the Workforce Innovation and Opportunity Act (WIOA or Opportunity Act) and Wagner Peyser, as Amended by WIOA, and Guidance for the Transition to WIOA Services);
- 20 CFR Parts 676, 677, and 678 - Workforce Innovation and Opportunity Act; Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions; Final Rule
- Kentucky Career Center, WIOA Preliminary Policy on Adult Priority of Service Policy # 16-006, Date of Issue: April 1,2016

Approved:

3-17-2017
Date of WDB Approval

2-23-2017
Date of Governance
Committee Approval

Signed by:


Ron Sowell, WDB Chairman