
Priority of Service Policy

As required by the Workforce Innovation and Opportunity Act, local workforce development areas must target certain populations for priority of service selection in accordance with WIOA Section 134(c)(3)(E) and 20 CFR 680.600 and 20 CFR 680.640 when providing individualized career services and training services using WIOA Title I Adult Program funds. In addition, Training and Employment Guidance Letter (TEGL) No. 3-15 specifies that priority should also be applied to individuals with barriers to employment. This requirement is regardless of funding levels and has been expanded to include individuals who are basic skills deficient (including English Language Learners). Targeted populations must first meet the eligibility requirements for the WIOA Title I Adult Program and adult priority is determined for the targeted groups during eligibility and enrollment. WIOA funds allocated for dislocated workers are not subject to this policy.

Definitions

Basic skills deficient is defined as an adult 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 participant's family, or in society.

Eligible Spouse is an individual who is the spouse of any of the following:

- a) Any veteran who died of a service-connected disability;
- b) 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 the line of duty by a hostile force; or
 - iii. Forcibly detained or interned in the line of duty by a foreign government or power;
- c) Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veteran Affairs; or
- d) Any veteran who died while a disability was in existence.

A spouse whose eligibility is derived from a living veteran or service member (i.e., categories b. or c. 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.

Individuals with a barrier to employment are a member of one (1) or more of the following populations:

- Displaced homemakers;
- Low-income individuals
- Indians, Alaska Natives and Native Hawaiians, as such terms are defined in WIOA Sec. 166;
- Individuals with disabilities, including youth who are individuals with disabilities;
- Older individuals (to mean an individual age 55 or older),
- Ex-offenders;
- Homeless individuals (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), or homeless children and youths (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434(a)(2)));
- Youth who are in or have aged out of the foster care system;
- Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers;
- Eligible migrant and seasonal farmworkers, as defined in WIOA Section 167(i);
- Individuals within two (2) years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et. seq.);
- Single parents (including single pregnant women);
- Long-term unemployed individuals; or
- Such other groups as the Governor involved determines to have barriers to employment.

Individualized career services include comprehensive and specialized assessments, development of an individual employment plan, group and individual counseling, career planning, short-term prevocational services, internships and work experiences, workforce preparation activities, financial literacy services, out-of-area job search and relocation assistance, and English language acquisition and integrated education and training programs.

Low-income individual includes individuals that are a member of one (1) or more of the following populations:

- Recipients of public assistance (as defined below);
- Individuals in a family with total income below the poverty line or 70% of the lower living standard income level;
- Homeless;
- Foster youth;
- A recipient of or is eligible to receive a free or reduced-price lunch under the Richard B. Russell National School Lunch Act; or
- Individuals with disabilities with individual income below the poverty line or 70% of the lower living standard income level.

Recipients of public assistance includes individuals who receive, or in the past six (6) months have received, or are a member of a family that is receiving or in the past six (6) months has received, assistance through one (1) or more of the following:

- Supplemental Nutrition Assistance Program (SNAP);
- Temporary Assistance for Needy Families (TANF);
- Supplemental Security Income (SSI); or
- State or local income-based public assistance.

Statutory priority groups are groups of individuals given priority of service in compliance with the statutory requirements of WIOA. The three (3) groups of individuals targeted for priority when providing individualized career services and training services in the WIOA Title I Adult Program are:

- Public assistance recipients;
- Low-income individuals; and
- Individuals who are basic skills deficient.

Veteran is a person who served on active duty in the military service (of the U.S.) for a period of more than 180 days and who was discharged or released with other than a dishonorable discharge; or was discharged or released from active duty because of a service-connected disability; or was discharged as a member of a reserve component under an order to active duty pursuant to Section 672(a), (d), or (g), 673 or 673(b) of Title 10, who served on active duty during a period of war or in a campaign or expedition for which a campaign badge is authorized and was discharged from such duty with other than a dishonorable discharge.

Applying Priority of Service

Individuals in the statutory priority groups are given priority over other individuals for receipt of individualized career services and training services funded by the WIOA Title I Adult Program. Veterans and eligible spouses within these groups receive priority over non-veterans. Adult priority is determined for the targeted groups during eligibility and enrollment.

Veterans' Priority of Service Across Programs

Eligible veterans and eligible spouses receive priority of service across **all** programs and funding streams based on WIOA eligibility criteria.

Interaction of the Adult Priority and Veterans' Priority of Service

The priority of service for veterans and eligible spouses applies across all qualified employment and training programs; however, the priority of service for public assistance recipients, low-income individuals, and individuals who are basic skills deficient is a statutory priority that applies only to the receipt of individualized career services and training services in the WIOA Title I Adult Program. With regard to the priority of service for veterans and eligible spouses, priority of service for the WIOA Title I Adult Program must be applied in the following order:

1. Veterans and eligible spouses who meet the requirements of a statutory priority group and Adult Program eligibility must receive the highest level of priority for services;

2. Other individuals (not veterans or eligible spouses) who meet the requirements of a statutory priority group and Adult Program eligibility then receive the second level of priority for services;
3. All other veterans and eligible spouses who do not meet the requirements of a statutory priority group but do meet Adult Program eligibility, then receive the third level of priority for services;
4. Other individuals (not veterans or eligible spouses) who do not meet the requirements of a statutory priority group but do meet a local area or Governor established discretionary priority and Adult Program eligibility, then receive the fourth level of priority for services; and
5. Other individuals (not veterans or eligible spouses) who do not meet the requirements of a statutory priority group and do not meet the local discretionary priority, but do meet Adult Program eligibility, then receive the fifth level of priority for services.

Local Area Assessments, Requirement and Discretionary Policy

Basic Skills Assessment

In assessing basic skills, WIOA Title I program services contractor staff may only use assessment instruments that are valid and appropriate, and must provide reasonable accommodation in the assessment process, if necessary, for individuals with disabilities. Standardized assessments must be administered following published guidelines and locators/appraisals must be used to determine the appropriate level of use of such assessments.

An adult may be assessed as basic skills deficient through case management 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 deficient using any one (1) of the following:

- Basic skills assessment questions or test results;
- School records
- Referral or records from a Title II Adult Basic Education Program; or
- Referral or records from an English Language Learner Program.

Case notes must provide an auditable trail back to the source of the verified information. The career planner does not need to keep a hard copy of the information verified in the participant's case file. For example, a career planner verifies an individual is basic skills deficient by viewing school records, specifically, enrollment in a WIOA Title II Adult Education/Literacy Program. The case notes must include auditable information, such as the name of the school and the date of enrollment, which could allow an auditor/monitor to later retrieve this information.

Example: 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 otherwise high-functioning individuals as basic skills deficient.

A youth 18 or older, who was determined basic skills deficient for the WIOA Title I Youth Program, may be co-enrolled in the WIOA Title I Adult Program without an eligibility re-determination, and be counted as an individual who meets Adult priority of service, if the original determination was made no more than six (6) months prior to the date of co-enrollment.

The NWPA Job Connect Board reserves the right to adopt a more stringent definition for “low-income” or include additional criteria (specifically for the purposes of determining Adult Program priority) that may be applied to one or more of the low-income categories listed above that is consistent with local economic conditions and any other criteria as determined by the NWPA Job Connect Board.

A youth 18 or older, who was determined low-income for the WIOA Title I Youth Program, may be co-enrolled in the WIOA Title I Adult Program without an eligibility re-determination, and be counted as an individual who meets Adult priority of service, if the original determination was made no more than six (6) months prior to the date of co-enrollment.

Performance Goals

The local workforce development area’s success in achieving priority of service for the targeted groups within the Adult Program will be measured by a state-established formula comparing the percentage of individuals in the three (3) statutory priority groups, adding those in the local discretionary priority group who were enrolled in the Adult Program versus the percentage of all other individuals who were enrolled in the program.

The state’s goal for the local workforce development area is to serve a greater percentage of Adult customers from the priority targeted groups than all other individuals. The local workforce development area must ensure a minimum benchmark of 50.1% of Adult participants be composed of individuals in one or more of the three (3) statutory priority groups. Data reporting from the WIOA Title I program contractor will be reviewed and outreach to recruit the statutory priority groups will be conducted, if needed, to ensure that this goal is met.

REFERENCE

WIOA Section 134(c)(3)(E)
 20 CFR 680.600
 20 CFR 680.640

HISTORY

Name	Date	Rev Level	Description of change	Effective Date
Deb O’Neil	08/07/2014	A	Policy approved under new LWIB	
Deb O’Neil	10/20/2014	B	Revisions per state recommendation	12/17/2014
Deb O’Neil	03/07/2016	C	Revisions per WIOA	04/29/2016
Deb O’Neil	05/11/2016	D	Revisions per state review	06/09/2017

Deb O'Neil/ Susan Richmond	12/2021/5/27/2022	E	Revisions per revised state policy	07/08/2022
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