



Adult Priority of Service Policy – July 1, 2022

(Replaces August 2017 policy)

I. PURPOSE:

The North Central Workforce Development Board (WBD) is committed to a priority service system where those individuals most in need, with additional barriers to employment, will be served first regardless of funding levels. The PA CareerLink® centers utilize a comprehensive mix of activities in order to provide employment and training opportunities to those individuals who can benefit from, and who are in need of such opportunities.

II. REFERENCES:

- Workforce Innovation and Opportunity Act of 2014 (WIOA or Opportunity Act), Public Law (Pub. L.) 113-128, enacted July 22, 2014
- Training and Guidance Letter (TEGL) 07-20, Effective Implementation of Priority of Service Provisions for Most in Need individuals in the Workforce Innovation and Opportunity Act (WIOA) Adult Program.
- Training and Employment Guidance Letter (TEGL) No. 26-13, *Impact of the U.S. Supreme Court's Decision in United States vs Windsor on Eligibility and Services Provided Under Workforce Grants Administered by the Employment and Training Administration*
- Training and Employment Guidance Letter (TEGL) No. 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.*
- Training and Employment Guidance Letter (TEGL) No. 06-14, *Program Year (PY) 2013/Fiscal Year (FY) 2014 Data Validation and Performance Reporting Requirements and Associated Timelines*

III. BACKGROUND:

The Workforce Innovation and Opportunity Act (WIOA or Opportunity Act) requires priority be given to veterans and their eligible spouses for all U.S. Department of Labor- funded job training programs as well as to public assistance recipients, low-income individuals and individuals who are basic skills deficient (including English language learners) when providing individualized career services and training services using WIOA title I Adult program funds. 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. Under the WIA priority was required for public assistance recipients and

other low-income individuals when funds were limited. Under the WIOA, priority of service is required regardless of the funding levels and also is expanded to include individuals who are basic skills deficient.

IV. DEFINITIONS:

A. “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 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.

B. “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 their spouse applying 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 of power
- c) Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans 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.

C. “Individuals with barriers to employment” includes: displaced homemakers; low-income individuals; Indians, Alaska Natives, and Native Hawaiians; individuals with disabilities; older individuals; ex-offenders; homeless individuals; youth who are in or have aged out of the foster care system; individuals who are English language learners, have low literacy levels, or face substantial cultural barriers; eligible Migrant and Seasonal Farm Workers; individuals within two (2) years of exhausting lifetime eligibility under TANF; single parents (including pregnant women); long-term unemployed individuals; and members of other groups identified by the Governor.

D. The Adult priority of service applies to individualized career services and training services. **“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.

E. “Statutory priority groups” – are groups 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.

1. **“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.

2. **“Low-income”** includes:

- Recipients of public assistance (defined above);
- 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.

3. **“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.

V. POLICY:

Local workforce areas are required to have Adult priority of service policies and procedures in place that include:

- Local procedures for determining priority during the eligibility process and enrollment;
- Criteria and procedures that will be used to assess priority for basic skills deficient individuals;
- Any local discretionary priorities that will be established in addition to the three (3) statutory priority groups, the data to support the need for the local priority, and the documentation that will be required from an individual for the local priority; and
- Local procedures for internal monitoring of the goal to serve a minimum of 50.1% of Adult participants from the priority target groups.

A. What it means to provide priority of service:

Priority of service means that individuals in the statutory priority groups (public assistance recipients, low-income individuals, individuals who are basic skills deficient) 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.

B. Veteran's Priority of Service Across Programs:

Eligible veterans and eligible spouses receive the highest priority of service across all programs and funding streams in WIOA. Example, an eligible veteran who is also a dislocated worker will receive priority of service in the dislocated worker program. Likewise, an eligible spouse who is 20 years old and a displaced homemaker would receive priority of service as a WIOA out-of-school youth in the Title I Youth program (after the appropriate Title I OSY eligibility determination is made).

C. 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. 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. Local boards may establish a local discretionary priority that also gives priority to other individuals specifically for 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 (public assistance recipient, low-income individuals, or individuals who are basic skills deficient) 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 (public assistance recipient, low-income individuals, or individuals who are basic skills deficient) and Adult program eligibility then receive the second level of priority for services;
3. All other veterans and eligible spouses who 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 (public assistance recipient, low-income individuals, or individuals who are basic skills deficient), but do meet a local discretionary priority and Adult program eligibility, then receive the fourth level of priority for services;
5. Other individuals (not veterans or eligible spouses) who do not meet the requirements of a statutory priority (public assistance recipient, low-income individuals, or individuals who are basic skills deficient) and do not meet the local discretionary priority, but do meet Adult program eligibility, then receive the fifth level of priority for services.

VI. LOCAL AREA ASSESSMENTS:

In assessing basic skills, local workforce staff may only use assessment instruments that are valid and appropriate for this target population, 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 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 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;
- 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.

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 redetermination, 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.

Local policy may further define the criteria that will be used to identify and document basic skills deficient individuals.

VII. LOCAL DISCRETIONARY PRIORITY:

The North Central Workforce Development Board is not establishing an additional priority to the three statutory priorities at this time. Should a priority be established, the data to support the need for the local priority and the documentation required from the individual will be part of this process.

VIII. PERFORMANCE GOALS/MONITORING:

The North Central Workforce Development Board's success in achieving priority of service for the statutory priority groups within the Title I Adult program will be measured by a state-established formula comparing the percentage of individuals in the three (3) statutory priority groups (public assistance recipients, low-income individuals, and individuals who are basic skills deficient), who were enrolled in the Adult program versus the percentage of all other individuals who were enrolled in the Adult program.

Additionally, the North Central Workforce Development Board will utilize the CWDS system as well as a file review to monitor adherence to this policy on a quarterly basis.

The Workforce Development Board envisions 75% of Adult program participants be in at least one or more of the three statutory priority groups. The minimum benchmark is 50.1% of Adult participants be composed of individuals in one or more of the three statutory priority groups.

IX. EXPIRATION:

Ongoing

X. INQUIRIES:

Questions shall be directed to:

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Auxiliary aids and services are available upon request to individuals with disabilities.

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