



To: Workforce Development Board Directors
WorkOne Operators
Youth Coordinators

From: Regina Ashley 
Associate Chief of Operations for Policy

Date: July 2, 2015

Subject: MEMORANDUM
Interim Guidance on WIOA Title I Adult Priority of Service

Purpose

This Interim Guidance discusses priority of service requirements for Workforce Innovation and Opportunity Act (WIOA) Title I Adults for both Career Services and Training Services. Priority applies for low-income individuals, participants on public assistance, and individuals who are basic skills deficient. Veterans (and eligible spouses) continue to receive priority of service for all DOL-funded training programs under 38 U.S.C. 4215 and 20 CFR 1010.

References

- Workforce Innovation and Opportunity Act, Section 134(c)(3)(E)
- WIOA Proposed Regulations, Section 680.600

Content

WIOA Title I Section 134(c)(3)(E) requires that priority of service be given to “recipients of public assistance, other low income individuals, and individuals who are basic skills deficient for receipt of career services ... and training services.” As indicated in the NPRM Preamble, “WIOA builds on the priority given under WIA to providing training services to low-income individuals receiving public assistance.” Further, unlike WIA where priority was required only when funds were limited, “[p]riority must be given regardless of funding levels” in WIOA. As described in the Act, WIOA increases access to and opportunities for employment, education, training, and support services that individuals need, “*particularly those with barriers to employment.*”

Section 194(1) requires that services be provided to those who can benefit from “*and who are most in need of such opportunities.*” The addition of Temporary Assistance for Needy Families (TANF) as a mandatory partner and the inclusion of Adult Education as a core partner in the one-stop delivery system highlight federal intent to bring the populations served by those programs into the opportunities provided by WIOA.

“Priority of service” status is established at the time of eligibility determination for WIOA Title I Adult Registrants and does not change during the period of participation. Priority does *not* apply to the dislocated worker population.

Proposed rule 680.650 re-affirms that veterans continue to receive priority of service in all DOL-funded training programs but that a “veteran must still meet each program’s eligibility criteria.” Thus for WIOA Title I Adult services, the program’s eligibility and priority considerations must be made first, and then veteran’s priority applied.¹

Local areas must give priority of service to participants that fall into one the below priority categories:

- 1) Recipients of public assistance.
- 2) Other low income individuals. The term “low income individual” is defined at Section 3(36) means an individual who:
 - Receives, or in the past 6 months has received or is a member of a family that is receiving or has received in the past six months, assistance through the supplemental nutrition program (SNAP), TANF, supplemental security income under title XVI of the Social Security Act, or a state or local income-based public assistance program; or
 - Is in a family with total family income that does not exceed the higher of:
 - The poverty line or
 - 70% of the lower living standard income level or
 - Is a homeless individual or
 - Is an individual with a disability whose own income meets the income requirements above, but who is a member of family whose income does not meet this requirement.
- 3) Individuals who are basic skills deficient. The term “basic skills deficient” is defined at Section 3(5) to mean means a youth or 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 individual’s family, or in society. The Department of Workforce Development (DWD) is providing guidance for making this determination by defining it as an individual who meets ANY ONE of the following:
 - Lacks a high school diploma or equivalency and is not enrolled in secondary education; or
 - Scores 8.9 or below on the TABE; or

¹ For example, three individuals are applying for services. Two of them are receiving public assistance and one is not. The first two receive priority for enrollment over the third individual. Of the two who fall into the priority categories, one of them is a veteran and the other is not. The veteran would receive priority for enrollment.

- Is enrolled in Title II adult education (including enrolled for ESL); or
- Has poor English language skills (and would be appropriate for ESL even if the individual isn't enrolled at the time of WIOA entry into participation); or
- Is WorkINDiana eligible (Title II participants are eligible for WorkINDiana up to a year after exit); or
- The case manager makes observations of deficient functioning and records those observations as justification in a case note.

Local areas will track priority of service in the state's case management system. Local areas must have written policies that delineate how they will give priority of service and must adhere to these policies. DWD will provide technical assistance to local areas that do not have 50% or more of their adult participants enrolled into one of the priority categories. Participants served as incumbent workers are excluded from the priority calculation.

Effective Date

July 6, 2015

Ending Date

Upon rescission

Contact for Questions

policy@dwd.in.gov

Action

Local Workforce Development Boards (WDBs) are to ensure WorkOne Operators and service providers recruit individuals in the priority of service categories and provide appropriate services to meet those populations' needs. Operators are to regularly review the percentages of WIOA Title I Adult participants who are priority participants and adjust strategies as needed to reach the goal of enrolling at least 50% of adults as priority participants. The percentage applies only to *new* participants in PY 15. Carry-in participants will not be included in the determination.