

WIOA Adult Program Priority of Service Local Policy and Procedures

Military Veterans and their eligible spouses as defined under WIOA section 3(63)A and 38 USC 101 and Technical Advisory (TA) 23-01 must receive priority of service in all Department of Labor funded training programs under 39 USC 4215 and described in 20 CFR Part 1010.

To comply with WIOA, USDOL Employment and Training Administration and NYSDOL requirements, **at least 50.1% of WIOA Title I Adults** receiving individualized career or training services must fall into at least one of the following priority populations regardless of available funding level:

1. Recipients of Public Assistance
2. Other low-income individuals
3. Individuals who are basic skills deficient, including English Language Learners

Individuals with the barriers below are defined as priority populations for individualized career and training services if they do not fall under one of the WIOA-required populations:

4. Individuals with disabilities
5. Justice-involved individuals, and
6. Single parents

If funding is limited, the priority individual will receive access to services before or instead of the non-covered individual.

APPLYING PRIORITY OF SERVICE

The WIOA establishes a priority requirement for providing individualized career and/or training services. Career Center staff must record accurate demographic information and all the barrier related information on customers in the One Stop Operating System (OSOS) and ensure that they are being identified as one or more of the priority Adult populations. Individuals who fall into one of the priority services groups must still meet the programs' eligibility criteria to receive the respective services.

1. Veterans and eligible spouses who are recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient must be given first priority for WIOA Individualized Career Services and Training Services;
2. Second, non-covered persons who are not Veterans or their eligible spouses and who are recipients of public assistance, are low-income or are basic skills deficient are given priority for WIOA Adult funds;
3. Third, Veterans and eligible spouses who are not included in WIOA's three priority Adult groups;

4. Fourth, the three additional priority populations:
 - Individuals with disabilities;
 - justice -involved individuals and
 - single parents.
5. Finally, to non-covered individual's outside the priority populations under WIOA.

KEY DEFINITIONS

1. Low Income Individual

WIOA Section 3(36)(A) defines the **term “low income individual”** to mean a person who:

- (i) receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the program of block grants to States for temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or State or local income-based public assistance;
- (ii) is in a family with total family income that does not exceed the higher of—
 - (I) the poverty line; or
 - (II) 70 percent of the lower living standard income level;
- (iii) is a homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), or a homeless child or youth (as defined under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)));
- (iv) receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);
- (v) is a foster child on behalf of whom State or local government payments are made; or

(vi) is an individual with a disability whose own income meets the income requirement of clause (ii), but who is a member of a family whose income does not meet this requirement.

Note: Under WIOA, there is no exclusion of payments for unemployment compensation, child support payments, and old-age survivors benefits from the income-calculations for determining is an individual is low-income.

2. Basic Skills Deficient

WIOA Section 3(5) defines the **term “basic skills deficient”**, with respect to an individual:

(A) who is a youth, that the individual has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or

(B) who is a youth or adult, that the individual 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.

Note: Individuals who are English language learners meet the criteria for basic skills deficient and must be included in the priority populations for the Title I Adult program.

3. Individuals with Barriers to Employment; WIOA Section 3(24) / TEGL No. 19-16

The populations included in the “individuals with barriers to employment” in WIOA sec. 3(24) include:

- (a) Displaced homemakers (as defined in WIOA sec. 3(16));
- (b) Low-income individuals (as defined in WIOA sec. 3(36));
- (c) Indians, Alaska Natives, and Native Hawaiians (as defined in WIOA sec. 166(b));
- (d) Individuals with disabilities, including youth who are individuals with disabilities (as defined in WIOA sec. 3(25) (includes individuals who are in receipt of Social Security Disability Insurance);
- (e) Older individuals (age 55 and older) (as defined in WIOA sec. 3(39));
- (f) Ex-offenders (“offender” as defined in WIOA sec. 3(38));
- (g) Homeless individuals or homeless children and youths;

- (h) Youth who are in or have aged out of the foster care system;
- (i) Individuals who are:
 - (1) English language learners (WIOA sec. 203(7)),
 - (2) Individuals who have low levels of literacy (an individual is unable to compute or solve programs, or read, write, or speak English at a level necessary to function on the job, or in the individual's family, or in society); and
 - (3) Individuals facing substantial cultural barriers;
- (j) Eligible migrant and seasonal farmworkers (as defined in WIOA sec. 167(i)(1-3));
- (k) Individuals within two years of exhausting lifetime TANF eligibility;
- (l) Single parents (including single pregnant women);
- (m) Long-term unemployed individuals (unemployed for 27 or more consecutive weeks); and
- (n) Such other groups as the Governor involved determines to have barriers to employment.

4. Recipients of Public Assistance

Examples include:

- Temporary Assistance for Needy Families (TANF)
- Food Stamps / Supplemental Nutrition Assistance Program (SNAP)
- General Assistance (GA) State/Local
- Refugee Cash Assistance (RCA)
- Supplemental Security Income (SSI)
- Social Security Disability Insurance (SSDI)
- Exhausting TANF within two years

5. Individualized Career Service (§678.430)

Individualized career services must be made available if determined to be appropriate in order for an individual to obtain or retain employment. These services include the following services, as consistent with program requirements and Federal cost principles:

- (1) Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include—
 - (i) Diagnostic testing and use of other assessment tools; and
 - (ii) In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;
- (2) Development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve his or her employment goals, including the list of, and information about, the eligible

- training providers (as described in § 680.180 of this chapter);
- (3) Group counseling;
- (4) Individual counseling;
- (5) Career planning;
- (6) Short-term pre-vocational services including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct services to prepare individuals for unsubsidized employment or training;
- (7) Internships and work experiences that are linked to careers (as described in § 680.170 of this chapter);
- (8) Workforce preparation activities;
- (9) Financial literacy services as described in sec. 129(b)(2)(D) of WIOA and § 681.500 of this chapter;
- (10) Out-of-area job search assistance and relocation assistance; and
- (11) English language acquisition and integrated education and training programs.

6. Training Services (§680.200)

Types of training services are listed in WIOA sec. 134(c)(3)(D) and in paragraphs (a) through (k) of this section. This list is not all-inclusive and additional training services may be provided.

- (a) Occupational skills training, including training for nontraditional employment;
- (b) On-the-job training (OJT) (see §§ 680.700, 680.710, 680.720, and 680.730);
- (c) Incumbent worker training, in accordance with WIOA sec. 134(d)(4) and §§ 680.780, 680.790, 680.800, 680.810, and 680.820;
- (d) Programs that combine workplace training with related instruction, which may include cooperative education programs;
- (e) Training programs operated by the private sector;
- (f) Skills upgrading and retraining;
- (g) Entrepreneurial training;
- (h) Transitional jobs in accordance with WIOA sec 134(d)(5) and §§ 680.190 and 680.195;
- (i) Job readiness training provided in combination with services listed in paragraphs (a) through (h) of this section;
- (j) Adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with training services listed in paragraphs (a) through (g) of this section; and

- (k) Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training (see §§ 680.760 and 680.770).