

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: WIOA ADULT PROGRAM PRIORITY OF SERVICE

SUBJECT MATTER HIGHLIGHTS

This policy provides guidance and establishes 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* adult funds.

COMMENTS DUE

July 15, 2015

Comments can be submitted through one of the following ways:

Fax	WSD, Attention: Marissa Clark at 916-654-9753
E-Mail	Marissa.Clark@edd.ca.gov (Include "draft comments" in the subject line)
Mail	WSD / P.O. Box 826880 / MIC 50 / Sacramento, CA 94280-0001

All comments received by the end of the comment period will be considered before the final directive is issued. The Workforce Services Branch does not respond individually to each comment received. However, a summary of comments will be released with the final directive. **Comments received after the specified due date will not be considered.**

If you have any questions, contact Marissa Clark at 916-654-6552.

WORKFORCE SERVICES DRAFT DIRECTIVE

Number: WSDD-119

Date: June 30, 2015

69:123:ja:17595

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: WIOA ADULT PROGRAM PRIORITY OF SERVICE

EXECUTIVE SUMMARY

Purpose

This policy provides guidance and establishes 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.

Scope

This directive applies to all Local Workforce Development Areas (local areas).

Effective Date

This directive is effective on the date of issuance.

REFERENCES

- WIOA (Public Law 113-128) Sections 3 and 134
- *Workforce Investment Act* (WIA) Section 134
- Title 20 *Code of Federal Regulations* (CFR) "WIOA, Notice of Proposed Rule Making" (NPRM), Sections 680.150, 680.600, 680.610, and 680.650
- Training and Employment Guidance Letter (TEGL) 06-14, *Program Year 2013/Fiscal Year 2014 Data Validation and Performance Reporting Requirements and Associated Timelines*, Attachment A (September, 10, 2014)
- Workforce Services Directive WSD08-10, Subject: *Final Rule on Priority of Service for Veterans and Eligible Spouses* (June 29, 2009)

The EDD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

STATE-IMPOSED REQUIREMENTS

This directive contains some state-imposed requirements. These requirements are printed in ***bold, italic type***.

FILING INSTRUCTIONS

Retain this directive until further notice.

BACKGROUND

The WIA required that if funds allocated to a local area for adult employment and training activities were limited, priority of service was to be provided to recipients of public assistance and other low-income individuals for intensive services and training services.

The WIOA made several changes to the priority of service requirement by adding individuals who are basic skills deficient as a priority population, changing intensive services to career individualized services, and removing the provision stating priority of service is only applied if funding is limited.

Veterans and eligible spouses continue to receive priority of service for all Department of Labor (DOL) funded programs amongst all participants. These requirements were not affected by the passage of WIOA and must still be applied in accordance with guidance previously issued by the DOL and Workforce Services Directive [WSD08-10](#).

POLICY AND PROCEDURES

Priority of Service Requirement

As stated in WIOA Section 134(c)(3)(E), with respect to individualized career services and training services funded with WIOA adult funds, priority of service must be given to recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient.

The state has defined the term “priority” to mean that 51 percent or more of the participants served with WIOA adult funds must be either low-income, recipients of public assistance, or basic skills deficient.

Priority of service status is established at the time of eligibility determination and does not change during the period of participation. Priority does not apply to the dislocated worker population.

The WIOA adult funding priority of service doesn't affect or negate the priority of service provided to veterans and eligible spouses. Veterans and eligible spouses continue to receive priority of service among all eligible individuals; however, they must meet the WIOA adult program eligibility criteria. Thus, for WIOA adult services, the program's eligibility determination must be made first, and then veteran's priority applied. Veterans and eligible

spouses that are low-income, recipients of public assistance, or basic skills deficient are not included in the required 51 percent priority of service calculation. For additional guidance on providing priority of service to veterans through the one-stop system, please reference Workforce Services Directive [WSD08-10](#).

Local Workforce Development Boards (local boards) may establish additional priority groups for their local area (e.g., residents of the local area, individuals with disabilities, etc.). However, these additional priority groups are not included in the required 51 percent priority of service calculation.

Definitions

For purposes of this directive, the following definitions apply:

Basic Skills Deficient – An individual that 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 (WIOA Section 3[5]). **Criteria used to determine whether an individual is basic skills deficient includes the following:**

- **Lacks a high school diploma or high school equivalency and is not enrolled in secondary education.**
- **Enrolled in a Title II Adult Education/Literacy program.**
- **English, reading, writing, or computing skills at an 8.9 or below grade level.**
- **Determined to be Limited English Skills proficient through staff-documented observations.**
- **Other objective criteria determined to be appropriate by the local area and documented in its required policy.**

Case Notes - Paper or electronic statements by the case manager that identifies, at a minimum, (1) a participant's status for a specific data element, (2) the date on which the information was obtained, and (3) the case manager who obtained the information. If case notes are used as a documentation source, the case notes must provide an auditable trail back to the source of information verified. The case manager does not need to keep a hard copy of the information verified in the participant’s case file.

Example: A case manager verifies an individual is basic skills deficient by viewing school records, specifically, enrollment in a 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. The case manager would not need to keep a hard copy of the school record in the participant’s file (TEGL 06-14, Attachment A).

Low-Income - An individual that meets one of the five criteria below:

1. Receives, or in the past six months has received, or is a member of a family that is receiving or in the past six months has received, assistance through the supplemental nutrition assistance program, temporary assistance for needy families program,

supplemental security income program, or state or local income-based public assistance.

2. Has received with the past school year, a Board of Governor's (BOG) community college fee waiver.
3. In a family with total family income that does not exceed the higher of the following:
 - a. The poverty line.
 - b. 70 percent of the Lower Living Standard Income Level.
4. A homeless individual.
5. An individual with a disability whose own income does not exceed the income requirement, but is a member of a family whose total income does (WIOA Section 3[36]).

Public Assistance Recipient - An individual that receives federal, state, or local government cash payments for which eligibility is determined by a needs or income test (WIOA Section 3[50]).

Self-Attestation - When a participant states his or her status for a particular data element, such as low income, and then signs and dates a form acknowledging this status. The key elements for self-attestation are (1) the participant identifying his or her status for permitted elements and (2) signing and dating a form attesting to this self-identification. The form and signature can be on paper or in the local area management information system, with an electronic signature (TEGL 06-14, Attachment A).

Note that, self-attestation is not to be used as the primary method of gathering documentation to verify data elements. Self-attestation as a documentation source is only to be used when the preferred options of paper documentation or third party corroboration are not available.

Career and Training Services

Under WIOA, the WIA core and intensive services are merged into a new category entitled "career services." The career services category includes basic career services, found at WIOA Section 134(c)(2)(A)(i)-(xi), and individualized career services, found at WIOA Section 134(c)(2)(A)(xii). Basic career services are not subject to the priority of service requirement; however, individualized career services and training services are subject to the requirement (Title 20 CFR NPRM Section 680.150).

Basic Career Services

Basic career services are not subject to priority of service, and consist of the following:

- Determination of eligibility to receive services.
- Outreach, intake, and orientation to the services available through the one-stop delivery system.
- Initial assessment of skill levels (including literacy, numeracy, and English language proficiency), aptitudes, abilities (including skills gaps), and supportive service needs.
- Labor exchange services, including the following:

- Job search and placement assistance and, career counseling, such as the information on in-demand industry sectors and occupations as well nontraditional employment.
- Recruitment and other business services on behalf of employers in the local area, such as information and referral to specialized business services not traditionally offered through the one-stop delivery system.
- Referrals to, and coordination of activities with, other programs and services, including programs and services within the one-stop delivery system and other workforce development programs.
- Workforce and labor market employment statistics information, including information relating to local, regional, and national labor market areas, including the following:
 - Job vacancy listings and the job skills necessary to obtain them.
 - Information on local in demand occupations and the earnings, skill requirements, and opportunities for advancement that accompany them.
- Information on performance and program cost of eligible providers of training services, youth workforce investment activities, adult education, career and technical education activities at the postsecondary level, career and technical education activities available to school dropouts, and vocational rehabilitation services.
- Information regarding how the local area is performing on the local performance accountability measures and any additional performance information with respect to the one-stop delivery system in the local area.
- Information on, and referral to, supportive services or assistance, including the following:
 - Child care, child support, medical or child health assistance under title XIX or XXI of the *Social Security Act*.
 - Benefits under the supplemental nutrition assistance program established under the *Food and Nutrition Act* of 2008.
 - Assistance through the earned income tax credit under section 32 of the *Internal Revenue Code* of 1986.
 - Assistance under a state program for temporary assistance for needy families funded under part A of title IV of the *Social Security Act*.
 - Other supportive services and transportation available in the local area.
- Information and assistance regarding filing claims for unemployment compensation.
- Assistance in establishing eligibility for programs of financial aid assistance for training and education programs that are not funded under WIOA.

Individualized Career Services

Individualized career services are subject to priority of service, and consist of the following:

- Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include the following:
 - Diagnostic testing and use of other assessment tools.

- In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.
- Development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals, including providing information on eligible providers of training services and career pathways to attain career objectives.
- Group counseling.
- Individual counseling.
- Career planning.
- Short-term prevocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct, to prepare individuals for unsubsidized employment or training.
- Internships and work experiences linked to careers.
- Workforce preparation activities.
- Financial literacy services.
- Out-of-area job search assistance and relocation assistance.
- English language acquisition and integrated education and training programs.

Training Services

Training services are subject to priority of service, and consist of the following:

- Occupational skills training, including training for nontraditional employment.
- On-the-job training.
- Incumbent worker training.
- Programs that combine workplace training with related instruction, which may include cooperative education programs.
- Training programs operated by the private sector.
- Skill upgrading and retraining.
- Entrepreneurial training.
- Transitional jobs.
- Job readiness training provided in combination with another training service.
- Adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with another training service.
- Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

Documentation

Local areas may use the following sources of documentation to verify whether an adult participant qualifies for priority of service under WIOA.

PRIORITY OF SERVICE	
Priority of Service Criteria	Acceptable Documentation (Only the documentation sources listed below may be used.)
1. Recipient of Public Assistance	<ul style="list-style-type: none"> • Cross-match with public assistance database • Copy of authorization to receive cash public assistance • Copy of public assistance check • Medical card showing cash grant status • Public assistance records • Refugee assistance records
2. Low Income	<ul style="list-style-type: none"> • Alimony agreement • Award letter from veteran's administration • Bank statements • Compensation award letter • Court award letter • Pension statement • Employer statement/contact • Family or business financial records • Housing authority verification • Pay stubs • Public assistance records • Quarterly estimated tax for self-employed persons • Social Security benefits • Unemployment Insurance documents • Self attestation*
3. Basic Skills Deficient	<ul style="list-style-type: none"> • School Records • Results of academic assessment • Case notes* • Self-Attestation*
<p>*Please reference the definition section of this directive for additional guidance on case notes or self-attestation being used for documentation purposes.</p>	

Local Policy

The WIOA priority of service provisions go into effect July 1, 2015. Local boards must implement the priority of service requirements beginning July 1, 2015, and establish local policy and procedures for priority of service by September 1, 2015.

ACTION

Please bring this directive to the attention of all relevant parties.

INQUIRIES

If you have any questions, please contact your [Regional Advisor](#) at 916-654-7799.

/S/ JOSÉ LUIS MÁRQUEZ, Chief
Central Office Workforce Services Division

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