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DATE: November 9, 2016

TO: South Bay One-Stop Business & Career Centers

SUBJECT: Directive No. 16-04
WIOA ADULT PROGRAM PRIORITY OF SERVICE

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 of South Bay One-Stop Business & Career Centers. This directive supersedes SBWIB Directive 07-08, Priority of Services for WIA Services.

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
- Workforce Innovation and Opportunity Act (WIOA) Final Rule, 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)
- TEGL 03-15, Guidance on Services Provided through the Adult and Dislocated under the Workforce Innovation and Opportunity Act and Wagner Peyser, as Amended by WIOA, and Guidance for Transition to WIOA Services (July 1, 2015)
- Workforce Services Directive WSD 15-14, Subject: WIOA Adult Program Priority of Service

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 and training services.

JAN VOGEL
EXECUTIVE DIRECTOR

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:

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.

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.**

Veterans and eligible spouses continue to receive priority among all eligible individuals; however, they must meet the WIOA adult program eligibility criteria and meet the criteria under WIOA Section 134(c)(3)(E). As described in TEGL 10-09, when programs are statutorily required to provide priority, such as the WIOA adult program, then priority must be provided in the following order:

1. Veterans and eligible spouses who are also recipients of public assistance, other low income individuals, or individuals who are basic skills deficient.
2. Individuals who are the recipient of public assistance, other low-income individuals, or individuals who are basic skills deficient.
3. Veterans and eligible spouses who are not included in WIOA's priority groups.
4. Other individuals not included in WIOA's priority groups.

[Reference – TEGL 3-15 *Guidance on Services Provided through the Adult and Dislocated under the Workforce Innovation and Opportunity Act and Wagner-Peyser, as Amended by WIOA, and Guidance for the Transition to WIOA Services*]

For additional guidance on providing priority of service to veterans through the one-stop system, please reference Workforce Services Directive WSD08-10.

Definitions:

The following definitions will apply under this policy:

Adult - An individual who is 18 or older.

Low-Income - An individual that meets one of the four 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 (SNAP), Temporary Assistance For the Needy Families (TANF), program supplemental security income program, or state or local income-based public assistance.
2. 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.
3. A homeless individual.
4. 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.

(Reference WIOA Section 3 [36]).

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:	
<i>Criteria Used</i>	<i>Documentation Required</i>
<i>Lacks a high school diploma or high school equivalency and is not enrolled in secondary education</i>	<i>Self attestation</i>
<i>Enrolled in a Title II Adult Education/Literacy program</i>	<i>School records or verification from school official</i>
<i>English, reading, writing, or computing skills at an 8.9 grade level or below</i>	<i>Results of standard assessment</i>
<i>Determined to be limited English-skills proficient through staff-documented observations</i>	<i>Case note clearly demonstrating staff assessment of English skills</i>
<i>Lacking computer literacy defined as: non-technical knowledge of computers and how to use them; familiarity and experience with computers, computers, software, and computer systems</i>	<i>Test results of computer skills assessment</i>

In assessing basic skills, one-stop 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/appraisal must be used to determine the appropriate level of use of such assessments.

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. For example, a case manager 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.

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 date 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.

Veteran - For the purpose of providing Priority of Service in the WIOA Adult Program; a veteran means a person who served in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable, as specified in 38 U.S.C. 101 (2). Active service also includes full-time duty in the National Guard or Reserve component, other than full time duty for training purposes. This definition to be applied for the purposes of the priority differs from and is broader than the definition of "eligible veteran," which is applied under Veterans and Wagner-Peyser grant programs.

Eligible Veterans – Under Title 38, United States Code Section 4211, the term "eligible veteran" means a person who – (A) served on active duty for a period of more than 180 days and was discharged or released therefrom with other than a dishonorable discharge; (B) was discharged or released from active duty because of a service-connected disability; or (C) as a member of a reserve component under an order to active duty, 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 or released from such duty with other than dishonorable discharge. It is very important that the distinction between the two definitions is understood and applied correctly. USDOL is bound by law to use the WIOA related definition as it was the intent of Congress that priority of service be made available to a broad category of former service members. However, the definition of veteran to be applied for the purposes of the priority does not alter the statutory reporting requirements for Wagner-Peyser and Veteran Grants, which require application of the more narrowly defined definition of eligible veteran. In other words, a veterans' priority is not intended to displace the core mission of any particular program.

Eligibility Spouse of a Veteran – The spouse (including the same-sex spouse) of any of the following:

- Any veteran who died of a service-connected disability;
- 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:
 - Missing in action;
 - Captured in line of duty by a hostile force; or
 - Forcibly detained or interned in line of duty by a foreign government or power;
- Any veteran who has a total disability resulting from a service connected disability, as evaluated by the Department of Veterans Affairs;
- Any veteran who died while a disability, as indicated in the 3rd bullet above, was in existence.

Note: Consistent with Training and Employment Guidance Letter 26-13, the definition of “eligible spouse” includes same-sex spouses.)

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 Section 680.150).

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 his or her employment goals, including the list of, and information about, eligible training providers.
- Group and/or individual counseling and mentoring.
- Career planning (e.g. case management).
- Short-term pre-vocational 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, in some instances pre-apprenticeship programs may be considered as short-term pre-vocational services.

- Internships and work experiences that are linked to careers.
- Workforce preparation activities that help an individual acquire a combination of basic academic skills, critical thinking skills, digital literacy skills, and self-management skills, including competencies in utilizing resources, using information, working with others, understanding systems, and obtaining skills necessary for successful transition into and completion of postsecondary education, or training, or employment.
- 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 retaining.
- 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.

If you have any questions regarding this directive, please contact Compliance Manager at (310) 970-7700.



Jan Vogel
Executive Director

Approved Executive Committee Meeting: 11/9/2016

Documentation

The following sources of documentation will be used 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 statements • 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 • Unemployment Insurance documents • Self- attestation* •
3. Basic Skills Deficient	<ul style="list-style-type: none"> • School Records <ul style="list-style-type: none"> ○ A referral or records from a Title II Basic Adult Education program or English Language Learner program • Results of academic assessment • Case notes* • Self-attestation*
4. Veteran and/or Eligible Spouse	<ul style="list-style-type: none"> • Department of Defense Form (DD 214) • Veteran’s Administration Letter or Record • Cross match with veteran’s data: <ul style="list-style-type: none"> ○ An official notice issued by the Department of Veterans Affairs that establishes entitlement to a disability rating or award of compensation to a qualified dependent;

	<ul style="list-style-type: none">○ An official notice issued by the Department of Defense that documents the eligibility of an individual, based on the missing or detained status of that individual's active spouse; or○ An official notice issued by a State veterans' service agency that documents veteran status or spousal rights, provided that the State veterans' service agency requires Federal documentation of that information.
<p>*Please reference the definition section of this directive for additional guidance on case notes or self-attestation being used for documentation purposes.</p>	