

SOP 20-01
WIOA Title I Adult Priority of Service
Revision 2
Standard Operating Procedures
Grow Southwest Indiana Region 11
Approval Date: 05/15/2020
Revision Approval Date: 03/25/2022
Revision Approval Date: 8/25/2023

Purpose

To provide guidance on Workforce Innovation and Opportunity Act (WIOA) Title 1 Adult Program Priority of Service (POS) requirements for individualized career services and training services.

Change Summary 2

Changes include the following:

- The Eligibility Determinations for Veterans section now includes clarified information regarding veteran priority of service and WIOA Title I.
- Policy emphasizes that, if a participant is a public assistance recipient, a low-income individual, or a basic skills deficient individual, then the participant must be categorized under one of those three priority populations in addition to any local priority groups.
- Additional information on priority of service benchmarks.
- For clarity, the Priority of Service Calculation section has been reformatted.
- Attachment B, Adult Priority of Service Documentation Table) has been updated with the most recent information from TEGL 23-19, Change 2.
- Attachment C, Additional Priority of Service Population Form, is included along with details of when and how this form should be submitted to DWD.

Rescission

DWD Policy 2019-04, Change I *WIOA Title 1 Adult Priority of Service*

Action

DWD Policy 2019-04 Change 2 WIOA Title I Adult Priority of Service will be implemented as Region 11 SOP 20-01 Revision 2.

Content

With a focus on serving “individuals with barriers to employment”, WIOA seeks to ensure this population has increased access to quality services and opportunities for education, training, support, and employment. WIOA sec. 134 (c)(3)(E) prioritizes services for those who have the most need for and who would benefit from employment and training services; WIOA identifies three groups with employment barriers and requires priority be given to these individuals when providing individualized career services and training services using WIOA Title I Adult program funds:

1. **Public assistance recipients**
2. **Other low-income individuals, and**
3. **Individuals who are basic skills deficient including English Language Learners.**

Priority requirements must be followed in the local area regardless of the amount of funds available for providing services.

Priority of Service Groups and Eligibility

Determined during eligibility and enrollment, priority status for WIOA Title I Adult participants does not change during the period of participation. When providing individualized career and training services in the Title I Adult program, local areas must give priority of service to the three priority groups described below. Acceptable documentation for verifying eligibility is provided in Attachment B.

In Region 11, determination of priority status is determined at the earliest possible point that may include but is not limited to:

- welcome to the WorkOne offices
- during IRA activities, or
- during eligibility and enrollment with Wagner-Peyer, WIOA, TAA, RESEA, or other programs.

Recipients of public assistance, defined by WIOA sec 3(50), includes individuals who receive cash payments from Federal, State, or local government for which eligibility is determined by a needs or income test.

Low-income individuals, defined by WIOA sec.3(36), describes individuals who meet one of the following criteria:

- Receives, or in the past six 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 Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), or a state or local income-based public assistance program;
- In a family with total family income that does not exceed the higher of:
 - The poverty line or
 - 70 percent of the Lower Living Standard Income Level (LLSIL);

- A homeless individual, homeless child/youth, or
- Receives or is eligible to receive a free reduced-price lunch, or
- A foster child on behalf of whom state or local government payments are made, or
- An individual with a disability whose own income meets the income requirements above, but is a member of a family whose total income does not meet this requirement.

Basic Skills Deficient, defined by WIOA sec. 3(5), describes an individual who meets at least one of the following criteria as basic skills deficient:

- 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 United States Department of Labor (USDOL) Employment and Training Administration (ETA) includes English language learners in the basic skills deficient group.)

TEGL 23-19, Change 2 states that basic skills deficiency data can be validated through assessment test results, among other documentation. Local areas are to follow their own assessment policies to determine which assessments should be used as a measurement of basic skills deficiency. Further guidance regarding assessments is under development by DWD.

The following criteria may be utilized for determining basic skills deficiency in the region. Individuals must meet at least one of the following:

- Lacks a high school diploma or equivalency and is not enrolled in secondary education;
- Scores 8.9 or below on the Test of Adult Basic Education (TABE);
- Enrolled in a Title II Adult Education/Literacy Program;
- Has poor English language skills (includes English Language Learners); or
- The individual's case manager makes observations of deficiency and records justification in a case note.

Eligibility Determinations for Veterans

For WIOA Adult programs, priority of service must be provided in the following order:

1. First, to veterans and eligible spouses who are included in the groups given statutory priority for WIOA Adult formula funding. This means that veterans and eligible spouses who are also recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient receive first priority for services with WIOA Adult formula funds for individualized career services and training services.
2. Second, to non-covered persons (that means individuals who are not veterans or eligible spouses) who are included in the groups given priority for WIOA Adult formula funds.
3. Third, to veterans and eligible spouses who are not included in the WIOA's priority groups.
4. Fourth, priority populations established by the Governor and/or local WDB.
5. Last, to non-covered persons outside the groups given priority under WIOA.

When determining priority of service eligibility for WIOA Title I Adult employment or training programs, the following cannot be included in past income calculations:

- Military pay received while serving on active duty
- Compensation for service-connected disability or death or vocational rehabilitation
- Benefits for education and training services funded by the Department of Veterans Affairs (VA)
- Compensation received by an eligible dependent or indemnity compensation for service-connected deaths
- Educational assistance for eligible dependents and survivors of veterans under 38 U.S.C 3500

Southwest Indiana Workforce Board will follow the requirement that WIOA program operators may not require veterans or their spouses to exhaust their entitlement to VA-funded training benefits prior to allowing them to enroll in WIOA-funded training.

Priority of Service Goal and Minimum Rate

Per DOL, at least 75 percent of the participants in the WIOA Title I Adult program who receive individualized career and training services are to be from at least one of the priority groups. This state-level goal may be phased in by DOL; states are encouraged to consider establishing additional benchmarks for local areas. DWD continues to evaluate local level benchmarks and will provide additional guidance when available.

Additional Priority of Service Groups

- The Governor and/or local WDBs may establish a process that also gives priority to other individuals eligible for such services; this process must be consistent with priority of service for veterans (20 CFR § 680.650) and WIOA sec. 134(c)(3)(E).
- Any additional groups identified by the Governor or local WDBs should be reflected in the WIOA State Plan and the Local Area Plan.
- To establish an additional priority of service group, local areas must submit the form in Attachment C to policy@dwd.in.gov. A Word version of this attachment is available on the DWD's policy website.
- Priority populations established in this process have a lower priority than the WIOA Adult Priority of Service or Veteran priority populations established in statute.
- If a participant is a public assistance recipient, a low-income individual, or a basic skills deficient individual, then the participant must be categorized under the applicable priority populations as well as in any relevant additional priority groups.
- The provision of services to priority populations established by the Governor and/or local WDBs will not impact the statutory priorities for the WIOA Adult or Veteran priority populations.
- When reviewing state progress against the 75 percent benchmark, USDOL will consider state progress against additional priority populations established by the Governor and/or local WDBs on a case-by-case basis. DWD does not consider additional priority groups

established by the Governor and/or local WDBs to contribute toward the state’s progress toward the 50.1 percent minimum.

Locally Established POS Groups Data Entry

- Once locally established priority groups are identified, policies/processes are developed, and the local plan updated, local areas must ensure the locally established priority group is appropriately documented within DWD’s case management system.
- See DWD TA 2021-09 Change I: locally Established POS Group Data Entry Instruction for step-by step data entry guidance.
- Again, participants who meet the standards of one of the three priority groups (public assistance recipient, low-income individual, or basic skills deficient individual) must be recorded as such, even if they meet the standards of an additional priority groups as well.

Priority of Service Calculation

Table 1 depicts how DWD calculated progress toward USDOL’s 75% benchmark. The total number of participants who are public recipients, low-income individuals, or basic skills deficient individuals (numerator) is divided by the sum of all participants receiving adult individualized career and/or training services (denominator).

NOTE: Although a participant may fall into more than one of the three priority populations, the participant still only counts once toward the 75% benchmark. However, DWD urges local areas to collect data validation elements on all priority populations for which a participant qualifies.

Table 1: POS Calculation

Priority Calculation: 75% Benchmark
Sum of participants in at least one of the following populations: Public Assistance Recipients, Low-income Individuals, or Basic Skills Deficient <u>(including English Language Learners) Individuals</u>
Sum of all participants receiving Adult Individualized Career and/or Training Services

Oversight and Monitoring

Compliance with priority of service guidance and regulations will be reviewed and assessed during routine oversight and monitoring. Analysis will include:

- a review of the local WIOA Title I Priority of Service Policy
- related procedures, training and monitoring developed and/or conducted by the LWDB and/or the authorized services providers
- file and/or system review of client data and
- interviews with staff and leadership to assess understanding and consistent correct implementation of the local policy.

Action

- Grow Southwest Indiana Workforce Board Inc. developed and will implement this WIOA Title Priority of Service policy to ensure priority of service within the workforce region reflects the requirements of DWD Policy 2019-04, Change 2.
- This policy will support any additional priority group identified by the Governor's Workforce Cabinet and any locally identified priority groups. At this time, Grow Southwest Indiana Workforce Board Inc. has not established additional priority groups.
- The local area will submit Attachment C (Additional Local priority of Service Population Form) to policy@dwd.in.gov for approval of any additional local priority of service populations.
- Priority of service will be addressed within the local plan and a copy of the current Local WIOA Title I Priority of Service policy will be included in the local plan.
- Priority procedures are established in the policy above and training will be provided to leadership and staff including attachments A, B, and C.
- Annual monitoring will include priority of service to confirm application of this policy and procedures on a consistent basis.

Attachments

A - References

B - Adult Priority of Service Documentation Table

C - Additional Local POS Population Form

Effective Date

Immediately

Ending Date

Upon rescission

Attachment A

References

- WIOA Sections 3, 134
- 20 CFR 680.600, 680.650, 675.300
- 38 U.S.C. 3500, 38 U.S.C. 4213
- TEGL 10-09 *Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or in part by the U.S. Department of Labor (DOL), November 19, 2009*
- TEGL 23-19, Change 2 *Guidance for Validating Required Performance Data Submitted by Grant Recipients of U.S. Department of Labor (DOL) Workforce Programs*
- TEGL 26-13 *Impact of the U.S. Supreme Court's Decision in United States v. Windsor on Eligibility and Services Provided Under Workforce Grants Administered by the Employment and Training Administration*
- TEGL 7-20 *Effective Implementation of Priority of Service Provisions for Most in Need Individuals in the Workforce Innovation and Opportunity Act (WIOA) Adult Program*
- TEGL 19-16 *Guidance on Services provided through the Adult and Dislocated Worker programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Service (ES), as amended by Title III of WIOA, and for implementation of the WIOA Final Rules*
- WIOA Desk Reference: Priority of Service for WIOA Adult Funds
- WIOA Desk Reference: Adult and Dislocated Worker Key Resources – Special Populations
- Section 41403(6) of the Violence Against Women Act of 1994
- Section 725(2) of the McKinney-Vento Homeless Assistance Act
- Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.)

Attachment B
Priority of Service Documentation Table

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

Priority of Service Criteria	Acceptable Documentation
Recipient of Public Assistance	<ul style="list-style-type: none"> • Copy of authorization to receive case public assistance • Copy of public assistance check • Medical card showing cash grant status • Public assistance eligibility verification • Cross match
Low-income at Program Entry	<ul style="list-style-type: none"> • 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 • UI claim documents • Copy of authorization to receive cash public assistance • Copy of public assistance check • Public assistance eligibility verification • Cross-match with refugee assistance records • Cross-match with public assistance records • Cross- match with UI wage records • Self-attestation *
Basic Skills Deficient	<ul style="list-style-type: none"> • Applicable records from education institution (transcripts, academic assessments, or other school documentation) • Assessment test results • Case notes

*Self-attestation is a participant's statement of his or her status for a particular element (i.e. low income) with a signed and dated form

acknowledging this status (TEGL 23-19, Change 2 Attachment II). This applies to all references to “self-attestation” within this table. Forms must be maintained in DWD’s case management system.

Attachment C

Additional Local Priority of Service Population Form

WIOA Title I Adult – Additional Priority of Service Population Form				Region:	
Population Feature	WDB Response				
<p>Describe priority of service population <i>Criteria, characteristics of group members. Use one form per additional population.</i></p>					
<p>Reason for Designation <i>Describe the circumstances leading to a POS designation. How will creating a local POS population help this group?</i></p>					
<p>Why are members of this population unlikely to be included in the WIOA priority populations? <i>Public Assistance Recipients, Low-Income Individuals, and Basic Skills Deficient Individuals</i></p>					
<p>Describe the timeline for serving this population. <i>If there is not a specific timeline, please explain.</i></p>					
<p>Service Goals <i>What are the SMART (Specific, Measurable, Achievable, Realistic, Timeframe) goals for the population? Percentage of clients served, number of clients achieving a specific milestone, etc.</i></p>	Specific Goal	Measurement		Why is it Achievable/ Realistic?	Timeframe to Accomplish (If applicable)
		Method (How)	Frequency (How Often)		
<p>Outreach & Engagement Strategies <i>How will the local area try to connect the target population with WorkOne services?</i></p>	Strategy			Resources Needed	Timeframe

