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Approved By: Alisa Munoz, Acting Executive Director

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) Title I Adult program funds.

BACKGROUND

The Workforce Investment and Opportunity Act (WIOA) requires priority of service for adult employment and training activities for recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient, which includes English Language Learners, for training and individualized career services. Veterans and eligible spouses continue to receive priority of service for all Department of Labor (DOL) funded programs amongst all participants.

POLICY

A. 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 (including English Language Learners). America's Job Center of California℠ (AJCC) staff must always prioritize services to these populations, regardless of the amount of funds available to provide services in the Local Area.

Priority of Service status is established at the time of eligibility determination and does not change during the period of participation. The Priority does not apply to the Dislocated Worker population. Veterans and eligible spouses continue to receive priority of service 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). The Adult Priority of Service Verification form shall be used to determine and document priority of service status.

As described in Training and Employment Guidance Letter TEGL 19-16, when programs are statutorily required to provide priority, such as the WIOA adult program, then the 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 but possess a barrier to employment, which includes, but is not limited to:
    - Individuals with Disabilities
    - Older Individuals (55+)
    - Current or Ex-Offenders
    - Eligible migrant and seasonal farm workers
    - Single Parents, including single pregnant women
    - Long-term Unemployed
    - Indians, Alaska Natives and Native Hawaiians
    - Unable to obtain consistent employment due to lack of certificates/training
    - Aged out of the foster care system (Ages 18-24)
    - Other justified barrier, restriction, or circumstance preventing sustainable employment and retention

For additional guidance on providing priority of service to veterans through the America's Job Center of California^{SM} (AJCC) system, please reference Workforce Services Directive WSD19-04 and Pacific Gateway's Priority of Service for Veterans and Eligible Spouses policy P-WIOA-VPS-1.B.

B. Definitions

For the purpose of this policy, the definitions included in Attachment 1 apply.

C. Career and Training Services

Under WIOA, only individualized Career and Training Services are subject to the priority of service requirement as outlined in 20 CFR Section 680.600. The requirement does not apply to Basic Career Services. These program services are tracked in CalJOBS using the appropriate CalJOBS activity codes. For a detailed list of services and activity type, refer to WSD19-06.

Attachment II lists the WIOA services under Basic Career, Individualized Career, and Training services.

D. Documentation

Attachment III lists sources of documentation that shall be used to verify whether an adult participant qualifies for priority of service under WIOA.

For additional guidance on participant source documentation requirements, refer to WSD22-15.

E. Priority of Service Calculation

The Employment Development Department is required to monitor local areas compliance with adult program priority of service.

The state priority of service rate is calculated based on the number of participants exited from the program who are identified as a priority population and received an individualized career or training service during their period of participation. Pacific Gateway should strive to achieve the 75 percent priority of service rate of individuals in an individualized career or training service.

REFERENCES

- WIOA (Public Law 113-128) Sections 3 and 134
- Title 20 *Code of Federal Regulations* (CFR) WIOA Final Rule, Sections 680.150, 680.600, 680.650
- Training and Employment Guidance Letter (TEGL) 07-20, *Effective Implementation of Priority of Service Provisions for Most in Need Individuals in the Workforce Innovation and Opportunity Act (WIOA) Adult Program* (November 24, 2020)
- TEGL 19-16, *Guidance on Services Provided Through the Adult and Dislocated Worker Programs Under the WIOA and the Wagner-Peyser Act Employment Services (ES), as Amended by Title III, Under the WIOA Final Rule* (March 1, 2017)
- Workforce Services Directive WSD22-15, *WIOA Data Validation Source Documentation*
- *WSD19-09, Strategic Co-Enrollment – Unified Plan Partners* (February 12, 2020)
- WSD19-04, *Priority of Service for Veterans and Eligible Spouses*, (September 11, 2019)
- WSD24-06, *Adult Program Priority of Service*, November 8, 2024

INQUIRIES

For questions or assistance related to this policy, please contact the Pacific Gateway Workforce Innovation Network staff at (562) 570-3748.

ATTACHMENT(S)

- Definitions (Attachment I)
- WIOA Services (Attachment II)
- Documentation (Attachment III)

ATTACHMENT I - Definitions

Priority of Service	
Term	**Definition**
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 post-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. • Lacking computer literacy such as non-technical knowledge of computers and how to use them and/or familiarity and experience with computers, software, and computer systems.
Case Notes	Paper or electronic statements by the career specialist 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 career specialist 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 career specialist does not need to keep a hard copy of the information verified in the participant's case file. Example: A career specialist 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 career specialist would not need to keep a hard copy of the record in the participant's file (TEGL 06-14, Attachment A).
Low Income	An individual who meets one of the following criteria: 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 Needy Families (TANF), Supplemental Security Income (SSI) 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 (LLSIL) 3. A homeless individual 4. An individual with a disability whose own income meets the income requirement, but who is a member of a family whose income does not meet the requirement. (Reference 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 is 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 an electronic / digital format. * Note that while self-attestation should not be the primary method of gathering documentation to verify data elements, it may be used when an item is unverifiable, or it is unreasonably difficult to obtain. The applicant's difficulty in obtaining documentation does not need to entail hardship or suffering to justify using self-attestation.
Veteran	A Veteran is defined as any individual who: 1. Served in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable; OR 2. The Spouse of any of the following individuals: a. Any Veteran who died of a service-connected disability; b. 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: i. Missing in Action ii. Captured in the line of duty by a hostile force; or iii. Forcibly detained or interned in the line of duty by a foreign government or power; c. Any Veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs; d. Any Veteran who died while a disability, as indicated in paragraph (c) of this section, was in existence.

ATTACHMENT II – WIOA Services

WIOA CATEGORY OF SERVICES	TYPE OF SERVICES

Basic Career Services	**Basic career services must be made available to all individuals seeking services offered by the one-stop delivery system, and include the following:**
	• Determinations of whether the individual is eligible to receive assistance from the adult, dislocated worker, or youth programs.
	• Outreach, intake (Including identification through the state's Worker Profiling and Reemployment Services system of unemployment insurance (UI) claimants likely to exhaust benefits), and orientation to information and other services available through the one-stop delivery system.
	• Initial assessment of skill levels including literacy, numeracy, and English language proficiency, as well as aptitudes, abilities (including skills gaps), and supportive service needs.
	• Labor exchange services, including the following:
	  ○ Job Search and placement assistance, and, when needed by an individual, career counseling, including the following:
	  ▪ Provision of information on in-demand industry sectors and occupations [as defined in WIOA Section 3(23].
	  ▪ Provision of information on nontraditional employment [as defined in WIOA Section 3(37) of].
	• Provision of referrals to and coordination of activities with other programs and services, including those within the one-stop delivery system and, when appropriate, other workforce development programs.
	• Provision of workforce and labor market employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including the following:
	  ○ Job vacancy listings in the labor market areas
	  ○ Information on job skills necessary to obtain the vacant jobs listed
	  ○ Information relating to local occupations in demand and the earnings, skill requirements, and opportunities for advancement for those jobs
	• Provision of performance information and program cost information on eligible providers of training services by program and type of providers.
	• Provision of information about how the Local Area is performing on local performance accountability measures, as well as any additional performance information relating to the area's one-stop delivery system.
	• Provision of information relating to the availability of supportive services or assistance, and appropriate referrals to those services and assistance , including (1) child care, (2) child support, (3) medical or child health assistance available through the state's Medicaid program and Children's Health Insurance Program, (4) benefits under 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.

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 mays 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 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 training

ATTACHMENT III - DOCUMENTATION

PRIORITY OF SERVICES – ACCEPTABLE DOCUMENTATION
(Only the documentation sources listed below may be used)

Veteran or Eligible Spouse of a Veteran

- DD-214 or Veteran Administration letter or record (excludes dishonorable discharge)
- Proof of marriage to a veteran, which may include Military spouses ID Card, Marriage Certificate, Military Records, Newspaper Article, Obituary Notice, DD-214, Death Certificate, Medical Records

Low Income Public Assistance

SNAP / CalFresh, TANF/CalWORKS, SSI, Other State or local income-based public assistance

- Public assistance record, including online print-out
- Public Assistance Telephone Verification form with a copy of electronic benefits card

Low-income Household or Individual

Household Size

- State / Federal ID or DL
- School records or ID
- Social security card
- Birth certificate
- Hospital birth record
- Family Size & Income Self-attestation form
- Signed Program Application
- Self-attestation

Income

- Pay stubs or W-2
- Unemployment insurance claim records
- Compensation award letter
- Court award letter
- Pension Statement
- Family or business financial records
- Self-employment tax records
- Social Security Administration records
- Veteran Administration records
- Family Size & Income Self-attestation form
- Self-attestation

Low-income Homeless

- Housing Authority verification
- Homeless agency referral or records
- Shelter records
- Telephone verification
- Signed Program Application
- Self-attestation

Low-income individual with a disability whose own income meets the income requirement, but who is a member of a family whose income does not meet the requirement.

Disability

- Social Security Administration records
- Veteran Administration records
- Confidential Disability Questionnaire
- Signed Program Application
- Self-attestation

Income

Refer to Income list above

Basic Skills Deficient

- Assessment test results
- School records
- Case Notes
- Signed Program Application - ELL Only
- Self-attestation

Barrier to Employment

- Court, parole, probation or arrest record
- Federal, state or local ID/License
- Birth certificate or hospital birth record
- DD-214 or Veteran Administration records
- Department of Children & Family Services records
- Tribal records
- Confidential Disability Questionnaire
- Case Notes
- Signed Program Application
- Self-attestation