

WIOA Priority of Service for High-Need Adults *Reference Guide*

CLASP's *Opportunities for Action* is a series of short memos with recommendations for state and local areas to fully realize the options in the Workforce Innovation and Opportunity Act (WIOA) to help low-income and lower-skilled youth and adults achieve economic success.

WIOA provides many opportunities to help low-income and lower-skilled youth and adults achieve economic success. For the Title I – Adult program, the priority of service in Sec. 133(c)(3)(E) requires that recipients of public assistance, other low-income individuals, and individuals who are basic-skills deficient (a group CLASP refers to as “high-need adults”) receive priority for career and training services. Policy in the statute, final rules, federal guidance, planning requirements, and data collection all work together to guide implementation of this priority. Preceded by CLASP recommendations, this reference guide provides quick access to text and citations for priority requirements. CLASP urges states and local areas to use these policies to implement a strong priority of service so that more high-need adults receive the employment and training services they need.

Recommendations and Examples

- States and local areas should set a percent target for the number of priority individuals served or the percentage of funding spent on such individuals.
 - For example, in its state plan, Pennsylvania set a target of 70 percent of participants from priority populations.ⁱ
- Local areas should conduct outreach to priority populations.
 - For example, local areas should do outreach to areas of the community that are likely to have priority populations and inform them of the services available, including through social services agencies.
- WIOA agencies should exchange data with human services agencies to notify them that TANF and SNAP E&T beneficiaries are participating in WIOA-funded services. Such data exchanges can ensure that when WIOA services are provided to SNAP recipients who are Able-bodied Adults Without Dependents (ABAWDs), these individuals are counted as participating in approved SNAP training that is required to maintain their SNAP benefits.
- State and local plans should clearly describe implementation of priority of service, as required.
 - Maryland ranks four groups in order of priority:
 - First Priority: Veterans and eligible spouses who are also low-income, recipients of public assistance. and/or basic skills deficient
 - Second Priority: Individuals who are not veterans or eligible spouses, but meet criteria to be considered a target population;
 - Third Priority: Veterans and eligible spouses who did not meet "first priority" conditions; and

- **Fourth Priority:** Individuals who are not veterans and do not meet criteria to be considered a target population.ⁱⁱ
- State plans should clearly describe how they will monitor the local area’s application of the priority of service, as required.
 - Wisconsin’s state plan states that “Compliance with the priority of service policy will be reviewed as part of the routine program monitoring conducted by the Local Program Liaisons (LPLs).”
- States should monitor local areas to ensure they are appropriately implementing the priority in the way they described in their state plans.
 - In Ohio, the priority provision will be part of the annual WIOA programmatic monitoring, which includes interviews with staff and review of participant files, for adherence to federal law, regulations, and state and local policies.ⁱⁱⁱ
- States should have stand-alone policies on the priority to emphasize its importance.
 - Indiana has a stand-alone policy on priority of service that states that the Adult program’s eligibility and priority considerations must be made first, and then veteran’s priority applied.^{iv}
- Local areas should modify service delivery and wrap-around services to best serve these populations.

Reference Guide to the Statute, Final Rule, Guidance, Planning Requirements, and Data Collection

The Statute^v

“(E) PRIORITY.—With respect to funds allocated to a local area for adult employment and training activities under paragraphs (2)(A)^{vi} or (3)^{vii} of section 133(b), priority shall be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient for receipt of career services described in paragraph (2)(A)(xii)^{viii} and training services.^{ix} The appropriate local board and the Governor shall direct the one-stop operators in the local area with regard to making determinations related to such priority.”^x

Final Rule^{xi}

“Some of the notable changes to this part from the NPRM regulatory text include that the Final Rule clarifies that the priority of service in the adult program for individuals who are public assistance recipients, other low-income individuals and for individuals who are basic skills deficient exists at all times, not just when funds are limited.”^{xii}

“§ 680.600 What priority must be given to low-income adults and public assistance recipients and individuals who are basic skills deficient served with adult funds under title I of the Workforce Innovation and Opportunity Act?”

“(a) WIOA sec. 134(c)(3)(E) states that priority for individualized career services (see § 678.430(b) of this chapter) and training services funded with title I adult funds must be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient (as defined in WIOA sec. 3(5)(B)) in the local area.

“(b) States and local areas must establish criteria by which the one-stop center will apply the priority under WIOA sec. 134(c)(3)(E). Such criteria may include the availability of other funds for providing employment

and training-related services in the local area, the needs of the specific groups within the local area, and other appropriate factors.

“(c) The priority established under paragraph (a) of this section does not necessarily mean that these services only may be provided to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient. The Local WDB and the Governor may establish a process that also gives priority to other individuals eligible to receive such services, provided that it is consistent with priority of service for veterans (see § 680.650) and the priority provisions of WIOA sec. 134(c)(3)(E), discussed above in paragraphs (a) and (b) of this section.”^{xiii}

Guidance^{xiv}

“Priority for Adult Funds

“Section 134(c)(3)(E) of WIOA establishes a priority requirement with respect to funds allocated to a local area for adult employment and training activities. Under this section, one-stop center staff responsible for these funds must give priority to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient in the provision of individualized career services, discussed in Section 4 of this TEGL, and training services, discussed in Section 7. Under WIA, priority was required to be given to public assistance recipients and low-income individuals when States and local areas determined that allocated funds were limited. Under WIOA, priority must be provided regardless of the level of funds. WIOA also expanded the priority to include individuals who are basic skills deficient as defined in WIOA section 3(5).

“Veterans and eligible spouses continue to receive priority of service for all DOL-funded job training programs, which include WIOA programs. However, as described in TEGL 10-09, when programs are statutorily required to provide priority for a particular group of individuals, such as the WIOA priority described above, priority must be provided in the following order:

- i. First, to veterans and eligible spouses who are also included in the groups given statutory priority for WIOA adult formula funds. 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 would receive first priority for services provided with WIOA adult formula funds.
- ii. Second, to non-covered persons (that is, individuals who are not veterans or eligible spouses) who are included in the groups given priority for WIOA adult formula funds.
- iii. Third, to veterans and eligible spouses who are not included in WIOA’s priority groups.
- iv. Last, to non-covered persons outside the groups given priority under WIOA.

“Note: When past income is an eligibility determinant for Federal employment or training programs, any amounts received as military pay or allowances by any person who served on active duty, and certain other specified benefits must be disregarded for the veteran and for other individuals for whom those amounts would normally be applied in making an eligibility determination. Military earnings are not to be included when calculating income for veterans or transitioning service members for this priority, in accordance with 38 U.S.C. 4213.”

State Plan Requirement

The state plan must: “(4) Describe how the State will implement and monitor the priority for public assistance recipients, other low-income individuals, and individuals who are basic skills deficient in accordance with the requirements of WIOA sec. 134(c)(3)(E), which applies to individualized career services and training services funded by the Adult Formula program.”^{xv}

Local Plan Requirements

“(b) The plan must include a description of the following requirements at WIOA secs. 108(b)(2)– (21):...

“(21) The direction given by the Governor and the Local WDB to the onestop operator to ensure priority for adult career and training services will be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient consistent with WIOA sec. 134(c)(3)(E) and § 680.600 of this chapter.”^{xvi}

Data Collection

Department of Labor-only Participant Individual Record Layout (PIRL)^{xvii} will facilitate monitoring of the Priority because the following must be reported for each individual using the PIRL:

- Public Assistance Recipient^{xviii}
- Low Income Status at Program Entry^{xix}
- Low Levels of Literacy/Basic Skills Deficient at Program Entry^{xx}

Related CLASP resources: [CLASP's previous *Opportunity for Action* memo on Priority of Service for High-Need Adults.](#)

Questions? Contact [Anna Cielinski](#).

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Endnotes:

ⁱ <http://www.dli.pa.gov/Businesses/Workforce-Development/Documents/Pennsylvania%20WIOA%20Combined%20State%20Plan%20-%20As%20Substantially%20Approved.pdf>

ⁱⁱ <http://www.dllr.maryland.gov/wdplan/wdstateplan.pdf>

ⁱⁱⁱ <http://www.workforce.ohio.gov/Portals/0/FINAL%202016%20Combined%20Plan.pdf>

^{iv} https://secure.in.gov/dwd/files/Priority_of_Service_interim_guidance_final.pdf

^v Workforce Innovation and Opportunity Act of 2014 [Public Law 113-128],

<https://www.congress.gov/113/plaws/publ128/PLAW-113publ128.pdf>

^{vi} Within State Allocation, Formula Allocations, Adult Employment and Training Activities.

^{vii} Adult Employment and Training Discretionary Allocations.

^{viii} (2) Career Services. —

(A) Services Provided —...

“(xii) services, if determined to be appropriate in order for an individual to obtain or retain employment, that consist of—

(I) comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include—

- (aa) diagnostic testing and use of other assessment tools; and
 - (bb) in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;
 - (II) 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 pursuant to paragraph (3)(F)(ii), and career pathways to attain career objectives;
 - (III) group counseling;
 - (IV) individual counseling;
 - (V) career planning;
 - (VI) 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;
 - (VII) internships and work experiences that are linked to careers;
 - (VIII) workforce preparation activities;
 - (IX) financial literacy services, such as the activities described in section 129(b)(2)(D);
 - (X) out-of-area job search assistance and relocation assistance; or
 - (XI) English language acquisition and integrated education and training programs;” [WIOA Sec.134(b)(2)(A)(xii)]
- ix “(D) TRAINING SERVICES.—Training services may include—
- (i) occupational skills training, including training for nontraditional employment;
 - (ii) on-the-job training;
 - (iii) incumbent worker training in accordance with subsection (d)(4);
 - (iv) programs that combine workplace training with related instruction, which may include cooperative education programs;
 - (v) training programs operated by the private sector;
 - (vi) skill upgrading and retraining;
 - (vii) entrepreneurial training;
 - (viii) transitional jobs in accordance with sub-section (d)(5);
 - (ix) job readiness training provided in combination with services described in any of clauses (i) through (viii);
 - (x) adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with services described in any of clauses (i) through (vii); and
 - (xi) customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.”

^x WIOA Sec. 133(c)(3)(E)

^{xi} Workforce Innovation and Opportunity Act. A Rule by the Employment and Training Administration on 08/19/2016 (DOL Final Rule), <https://www.gpo.gov/fdsys/pkg/FR-2016-08-19/pdf/2016-15975.pdf>

^{xii} DOL Final Rule, page 56075.

^{xiii} DOL Final Rule, page 56395.

^{xiv} Training and Employment Guidance Letter (TEGL) No. 03-15. Guidance on Services Provided through the Adult and Dislocated Worker Program under the Workforce Innovation and Opportunity Act (WIOA or Opportunity Act) and Wagner Peyser, as Amended by WIOA, and Guidance for the Transition to WIOA Services, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=7953

^{xv} Required Elements for Submission of the Unified or Combined State Plan and Plan Modifications under the Workforce Innovation and Opportunity Act (OMB Control Number 1205-0522). VI. Program Specific Requirements, for Core Programs. Adult, Dislocated Worker, and Youth Activities under Title I-B.(b)(4), https://www.doleta.gov/wioa/docs/WIOA_State_Plan_ICR_OMB_Passback_Plus_Supplement.pdf

^{xvi} Department of Labor (DOL) Final Rule, page 56382.

^{xvii} DOL-only Participant Individual Record Layout (PIRL) https://doleta.gov/performance/pfdocs/ETA-9172_DOL%20PIRL_FINAL_V25_062816.pdf

^{xviii} PIRL: Public Assistance Recipient:

- Record 1 if the participant receives general assistance (GA) from their state or local government;
- Record 2 if the participant receives Temporary Assistance to Needy Families (TANF);
- Record 3 if the participant receives Supplemental Security Income (SSI-SSA Title XVI).
- Record 4 if the participant receives Social Security Disability Insurance (SSDI).
- Record 5 if the participant receives Food Stamps (Food Stamp Act of 1977).
- Record 6 if the participant receives Foster Child Payments.
- Record 7 if the participant receives benefits from Tribal Work Experience Programs (TWEP).

Record 8 if the participant receives benefits from the USDA Commodity Program.

Record 0 if the participant does not meet the conditions described above.

Record all that apply if the participant is receiving more than one type of public assistance.

^{xix} PIRL: Low Income Status at Program Entry:

Record 1 if the participant is a person who:

(a) Receives, or in the 6 months prior to application to the program has received, or is a member of a family that is receiving or in the past 6 months prior to application to the program has received:

(i) Assistance through the supplemental nutrition assistance program (SNAP) under the Food and Nutrition Act of 2008 (7 USC 2011 et seq.);

(ii) Assistance through the temporary assistance for needy families program under part A of Title IV of the Social Security Act (42 USC 601 et seq.);

(iii) Assistance through the supplemental security income program under Title XVI of the Social Security Act (42 USC 1381); or

(iv) State or local income-based public assistance.

(b) Is in a family with total family income that does not exceed the higher of the poverty line or 70% of the lower living standard income level;

(c) Is a youth who receives, or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 USC 1751 et seq.);

(d) Is a foster child on behalf of whom State or local government payments are made;

(e) Is an individual with a disability whose own income is the poverty line but who is a member of a family whose income does not meet this requirement;

(f) Is a homeless individual or a homeless child or youth or runaway youth (see Data Element #700); or

(g) Is a youth living in a high-poverty area.

Record 0 if the individual does not meet the criteria presented above.

^{xx} PIRL: Low Levels of Literacy/Basic Skills Deficient at Program Entry:

Record 1 if the participant is:

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

B) a youth or adult, who is unable to compute and 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.

Record 0 if the participant does not meet the conditions described above.