

I. Purpose:

To provide guidance to One-Stop Operators, and American Job Center (AJC) service providers for the implementation of priority of service for Workforce Innovation Opportunity Act (WIOA) Title I Adult program participants.

II. Background:

Across all titles, WIOA focuses on serving "individuals with barriers to employment" as defined in **WIOA Section 3(24)** - and seeks to ensure access to quality services for these populations. **TEGL 19-16** specifies that priority should also be applied to individuals that are both underemployed and low-income. WIOA focuses on serving individuals with barriers to employment and the intent of the law is to ensure access to workforce services for these populations on a priority basis regardless of the level of funds.

III. Instructions:

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, American Job Center staff when using WIOA Adult funds to provide individualized career services, or training services, or both, must give priority to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient. Services must be based on job-seeker needs and an analysis of funds from all available sources.

Note: Training services are used to connect participants to in-demand occupations and need to be filled by employers in STLWDA. It is not required for non-priority service participants to give up their place to individuals who are categorized as priority eligible. Priority of service applies up to the point at which a non-priority individual is both approved for funding and accepted or enrolled in a training class. ***Priority of service is not intended to allow a priority adult to "bump" a non-priority individual.***

Definitions:

1. Low-Income Individual (LII):

A low-income individual is defined as a person who meets any of the following criteria and will satisfy the low-income requirement for WIOA Title I Adult services:

A. Recipient of Public Assistance includes individuals who receive, or in the past six (6) months have received, or are a member of a family that is receiving or in the past six (6) months has received, assistance through one or more of the following:

- a) Supplemental Nutrition Assistance Program (SNAP);
- b) Temporary Assistance for Needy Families (TANF) program;
- c) Supplemental Security Income (SSI) program; or
- d) State or local income-based public assistance.

B. Low-income [as defined by WIOA Sec. 3(36)]includes:

- a) Recipients of public assistance (defined above),

- b) Individuals in a family with total income that does not exceed the higher of—
 - i. the poverty line; or
 - ii. below seventy percent (70%) of the lower living standard income level,
- c) A Homeless individual (as defined in WIOA sec 3 (36)(A)(iii),
- d) Foster youth, or
- e) Individuals with disabilities with an income below seventy percent (70%) of the lower living standard income level. Under WIOA, as explained in **20 CFR 680.640**, an individual with a disability whose family does not meet income eligibility criteria, will qualify for priority as a low-income adult as defined in **WIOA Section 3(36)**.

Criteria and Procedures Used to Determine Low-Income Eligibility:

Staff will utilize the Low-Income Eligibility Worksheet to determine low income eligibility. More information concerning individuals who qualify as low-income, and the criteria of that determination, is covered in the **Workforce Services Guidance – Income Guidelines for Persons Defined as Low-income Individuals**. This document can be found at:

<https://www.tn.gov/content/dam/tn/workforce/documents/ProgramManagement/WorkforceServicesGuidance-PersonsDefinedasLow-IncomeIndividuals.pdf>

Note: A youth eighteen (18) or older, who was determined to be a low-income individual eligible for the WIOA Title I Youth program, may be co-enrolled in the WIOA Title I Adult program without an additional determination of eligibility. They may be counted as an individual who meets adult priority of service if the original determination was made no more than six (6) months prior to the date of co-enrollment.

2. **Basic Skills Deficient:** **WIOA Section 3(5)(8)** defines basic skills deficient as "an individual who is unable to compute or solve problems, read, write, or speak English at a level necessary to function on the job, in the individual's family, or in society."

Criteria and Procedures Used to Assess Priority for Basic Skills Deficient Individuals:

It is expected that any such basic skills deficiencies will be determined by an objective, valid, and reliable assessment such as the Test of Adult Basic Education (TABE) or Comprehensive Adult Student Assessment Systems (CASAS). If the priority of service will also be based on basic skills deficient criteria, then the participant's file must contain academic tests (including the participant's name, date of test, and results). As stated in TEGL 19-16, Individuals who are English language learners meet the criteria for "basic skills deficient" and must be included in the priority populations for the title I Adult program.

3. **Underemployed Individuals:** The local area defines underemployed individuals who are:
 - Employed less than full-time who are seeking full-time employment;
 - Employed in a position that is inadequate with respect to their skills and training;
 - Employed but whose current job's earnings are not sufficient compared to their earnings from their previous employment.

Note: Employed individuals who meet the definition of low-income may also be considered underemployed but will meet Priority 1 or 2 for the purpose of this policy.

Priority of Service Defined:

Adult priority is determined, for the targeted groups, during eligibility and enrollment. In order to prioritize services, regardless of the availability of funds, priority must be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient for receipt of Individualized Career and Training services. However, veterans within these groups receive priority over non-veterans. See *Veterans and Eligible Spouse Priority of Service Policy* found at <http://www.secareercenter.org/www/download/129.146>.

Adult Priority, Veterans' Priority of Service, and How To Apply Priority:

The priority of service for veterans and eligible spouses always applies across all qualified employment and training programs. The priority of service for public assistance recipients, other low-income individuals, and individuals who are basic skills deficient is a statutory priority that applies only to the recipient of individualized career and training services in the WIOA Title I Adult program.

Priority of service for veterans and eligible spouses, for the Title I Adult program, must be applied in the following order:

- **1st Priority** – Covered persons (Veterans and eligible spouses) who are:
 - Low income [as defined by WIOA Sec. 3(36)], or
 - Recipients of public assistance, or
 - Who are basic skills deficient

- **2nd Priority** – Individuals (non-covered persons) who are:
 - Low income [as defined by WIOA Sec. 3(36)], or
 - Recipients of public assistance, or
 - Who are basic skills deficient

- **3rd Priority** - Covered persons (Veterans and eligible spouses) who are:
 - Not low income, and
 - Not recipients of public assistance, and
 - Not basic skills deficient

- **4th Priority** – Individuals (non-covered persons) who do not meet the above priorities but who are:
 - Unemployed but do not meet the definition of low income;

OR

 - Underemployed

AND is an individual with the following barriers to employment:

 - Indians, Alaska Native and Native Hawaiians
 - Individuals with disabilities
 - Older individuals – (age 55 or older)
 - Ex-offenders
 - Homeless individuals
 - Youth who are in or have aged out of the foster care system
 - Individuals who are English learners, who have low literacy levels, or face substantial cultural barriers
 - Eligible Migrant Seasonal Farm Workers (MSFWs)

- Single parents (including pregnant women)
- Long-term unemployed individuals (unemployed 27 weeks or more)

OR;



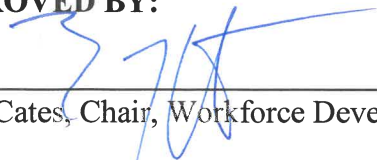

- Adult living in a **Distressed or At-Risk County, as defined by the annual Appalachian Regional Commission (ARC) Index of County Economic Status**, that lacks the skills, experience, and/or credential for which training will be provided, including occupational skills training and work-based training such as Apprenticeships or On-the-Job Training
- <https://www.tn.gov/transparenttn/jobs-economic-development/openecd/tneecd-performance-metrics/openecd-long-term-objectives-quick-stats/distressed-counties.html>

5th Priority: Non-covered persons outside the groups given priority under WIOA or the local board. **This population must not exceed 10% of the given Program Year’s new Adult enrollments.** (Program year term is July 1 through June 30.)

NOTE: Establishing a 4th or 5th priority does not change the priority status provided to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient. Individuals qualifying for services under the 4th or 5th priority may be enrolled on a case by case basis with prior administrative approval. A request for enrollment as a 4th or 5th priority participant must be submitted for prior administrative approval using the “WIOA Adult 4th or 5th Priority Enrollment Authorization Request” form and requires the approved form be placed in the participant file. See **Attachment A**.

Defining a 4th or 5th priority does not entitle or guarantee WIOA enrollment, services or funding to any individual and will only be approved on a limited case by case basis by the One-Stop Operator based on individual barriers, need, and the availability of funds.

Attachment A: 4th or 5th Priority Enrollment Authorization Request

AUTHORIZED BY:	
	
Michele Holt, Director, Workforce Development	Date
APPROVED BY:	
	
Tony Cates, Chair, Workforce Development Board	Date
<i>Adult Priority of Service; Effective 6.7.16; Revised 3.13.19</i>	

**Southeast Tennessee Local Workforce Development Area
Adult Priority of Service 4th and 5th Priority Enrollment Authorization Request**

Customer Name: _____ **VOS ID:** _____

Title I Career Service Staff: _____ **Date:** _____

The 4th Priority populations established by the local board include the following criteria:

4th Priority: The WIOA eligible adult must meet the following categories (check all that apply):

- Unemployed **OR** Underemployed
 - Employed less than full-time who are seeking full-time employment;
 - Employed in a position that is inadequate with respect to their skills and training;
 - Employed but whose current job's earnings are not sufficient compared to their earnings from their previous employment.

AND must also have one of the following barriers to employment (attach supporting documentation)

- Indians, Alaska Native and Native Hawaiians
- Individuals with disabilities
- Older individuals (age 55 or older)
- Ex-offenders
- Homeless individuals
- Youth who are in or have aged out of the foster care system
- Individuals who are English learners, who have low literacy levels, or face substantial cultural barriers
- Eligible Migrant Seasonal Farm Workers (MSFWs)
- Single parents (including pregnant women)
- Long-term unemployed individuals (unemployed 27 weeks or more)

OR;

WIOA eligible adult living in a **Distressed or At-Risk County, as defined by the annual Appalachian Regional Commission (ARC) Index of County Economic Status**, that lacks the skills, experience, and/or credential for which training will be provided, including occupational skills training and work-based training such as Apprenticeships or On-the-Job Training

- <https://www.tn.gov/transparenttn/jobs-economic-development/openecd/tnecd-performance-metrics/openecd-long-term-objectives-quick-stats/distressed-counties.html>

5th Priority: Non-covered persons outside the groups given priority under WIOA or the local board. **This population must not exceed 10% of the given Program Year's new Adult enrollments.**

5th Priority Enrollments this PY: _____ / Title I Adult enrollments this PY: _____ = %: _____

It is the intent of the Workforce Innovation and Opportunity Act and STLWDA to give priority to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient. Meeting 4th or 5th priority eligibility and/or the submission of this form does not qualify or guarantee an individual to receive WIOA services. 4th and 5th priority individuals are reviewed and approved on a case by case basis with prior administrative approval.

Title I Career Service Provider Signature

Date

Administrative Approval Signature

Date