

## **WORKFORCE INVESTMENT NOTICE: 18-03**

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**TO:** WORKFORCE INVESTMENT AREAS

**FROM:** Governor's Workforce Board

**SUBJECT:** WIOA Title I Priority of Service

**DATE:** Effective: November 16, 2017

- 1. PURPOSE:** To provide policy guidance to Local Workforce Development Boards for the implementation of priority of service for WIOA Title I Adult program customers.
- 2. REFERENCES:** WIOA Title I sec. 134(c)(3)(E) ETA Training and Employment Guidance Letter (TEGL) No. 19-16
- 3. BACKGROUND:** Section 134(c)(3)(E) of WIOA requires priority be given to public assistance recipients, other low-income individuals, and individuals who are basic skills deficient, when providing individualized career services and training services using WIOA Title I Adult program funds. In addition, the Jobs for Veterans Act (JVA) of 2002 (Public Law 107-288) requires priority of service for veterans and eligible spouses in qualified job training programs. Lastly, training and Employment Guidance Letter (TEGL) 19-16 specifies that priority should also be applied to individuals that are both underemployed and low-income.

WIOA provides a focus on serving individuals with barriers to employment, and the intent of this priority in the law is to ensure access to these populations on a priority basis. Under WIA, priority was required for public assistance recipients and other low-income individuals when funds were limited. Under WIOA, priority of service is required regardless of the funding levels and also is expanded to include individuals who are basic skills deficient.

- 4. INQUIRIES:** Questions concerning this issuance may be directed by phone or by email at:

Rhode Island Department of Labor and Training  
Governor's Workforce Board RI  
1511 Pontiac Avenue, Building 72-3  
Cranston, Rhode Island 02920  
(401) 462-8860 Phone (401) 462-8865 Fax  
[www.dlt.ri.gov](http://www.dlt.ri.gov) | [www.gwb.ri.gov](http://www.gwb.ri.gov)

## 5. DEFINITIONS

**“Individuals with barriers to employment”** includes:

- a) Displaced homemakers;
- b) Low-income individuals;
- c) Indians, Alaska Natives, and Native Hawaiians;
- d) Individuals with disabilities;
- e) Older individuals (age 55 or older);
- f) Ex-offenders;
- g) Homeless individuals (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6)));
- h) Youth who are in or have aged out of the foster care system;
- i) Individuals who are English learners, have low literacy levels, or face substantial cultural barriers;
- j) Eligible Migrant Seasonal Farm Workers as defined in WIOA Sec. 167(i);
- k) Individuals within two years of exhausting lifetime eligibility under TANF;
- l) Single parents (including pregnant women);
- m) Long-term unemployed individuals; and
- n) Members of other groups identified by the Governor (WIOA, Sec. 3(24)).

**“Individualized career services”** includes: comprehensive and specialized assessments, development of an individual employment plan, group and individual counseling, career planning, short-term prevocational services, internships and work experiences, workforce preparation activities, financial literacy services, out-of-area job search and relocation assistance, and English language acquisition and integrated education and training programs.

**“Recipients of public assistance”** includes individuals who receive, or in the past 6 months have received, or are a member of a family that is receiving or in the past 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.

**“Low-income”** includes:

- a) Recipients of public assistance (defined above);
- b) Individuals in a family with total family income that does not exceed the higher of:
  - a. the poverty line; or
  - b. 70% of the lower living standard
- c) Homeless (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6)));
- d) Foster youth; and
- e) Individuals with disabilities whose own income does not exceed the higher of:
  - a. the poverty line; or
  - b. 70% of the lower living standard

A youth 18 or older, who was determined low-income for the WIOA Title I Youth Program, may be co-enrolled in the Title I Adult Program without an eligibility redetermination, and be counted as an individual who meets Adult priority of service, if the original determination was made no more than 6 months prior to the date of co-enrollment.

**“Basic skills deficient”** is defined as an adult who is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the participant’s family, or in society. Lacking soft skills or specific skills needed for a particular job may not be used to determine otherwise high-functioning individuals as basic skills deficient.

**“Underemployed”** includes individuals who are:

- a) employed full- or part-time and also meet the definition of a low-income individual.
- b) Individuals employed less than full-time who are seeking full-time employment;
- c) Individuals who are employed in a position that is inadequate with respect to their skills and training;
- d) Individuals who are employed, but whose current job’s earnings are not sufficient compared to their previous job’s earnings from their previous employment.

## **6. POLICY:**

**Other Priority Groups Designated by the Governor:** Dislocated Workers as Defined by WIOA Sec. 3 are designated as a priority Group.

**Priority of Service Order:** 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 receipt of individualized career services and training services in the WIOA Title I Adult program. Priority of service for the Title I Adult program must be applied in the following order to all individuals that otherwise meet Adult program eligibility:

1. Veterans and eligible spouses who meet the statutory priority (public assistance recipient, other low-income individuals including the underemployed, or basic skills deficient) must receive the highest level of priority for services;
2. Other individuals (not veterans or eligible spouses) who meet the statutory priority (public assistance recipient, other low-income individuals including underemployed, or basic skills deficient) then receive the second level of priority for services;
3. All other veterans and eligible spouses then receive the third level of priority for services;
4. Other individuals (not veterans or eligible spouses) who do not meet the statutory priority (public assistance recipient, other low-income individuals including underemployed, or basic skills deficient), but who are individuals with barriers to employment as defined by this policy or who meet local discretionary priority, then receive the fourth level of priority for services.
5. Other individuals (not veterans or eligible spouses) who do not meet the statutory priority (public assistance recipient, other low-income individuals including underemployed, or basic skills deficient) who are not individuals with barriers to employment as defined by this policy nor meet the local discretionary priority, then receive the fifth level of priority for services.

**Priority of Service Definition:** Priority of service means that individuals in the targeted groups (public assistance recipients, other low-income individuals, individuals who are basic skills deficient, and underemployed who are also low-income) are given priority over other individuals for receipt of individualized career services and training services funded by the Title I Adult program. Veterans within these groups receive priority over non-veterans. Adult priority is determined for the targeted groups during eligibility and enrollment.

Priority of service does not mean that individuals outside of targeted groups cannot access services. Rather it means that individuals in such targeted groups should receive access to services earlier in time than those who are not. If a resource is limited, then individuals in the targeted groups should access the service instead of, or before, those who are not. For a service such as classroom training, priority of service applies to the selection procedure, as follows: First, if there is a waiting list for the formation of a training class, priority of service is intended to require individuals in the targeted groups to go to the top of that list. Second, priority of service applies up to the point at which an individual is both approved for funding and accepted or enrolled in a training class. Therefore, once an individual outside of targeted groups has been approved for funding and accepted/enrolled in a training class, priority of service is not intended to allow an individual from the targeted groups who is identified subsequently to “bump” the previously approved individual from that training class.

**Local Requirements and Discretionary Priority:** Local workforce development boards may add additional requirements or discretionary priorities to give priority to other individuals for the Adult program. Local workforce development boards may also refine the definitions in this policy further if they determine such refinement is necessary.

**Local requirement:** A local area may add a requirement, for example, that an individual receiving priority has to be a resident of the region. In this instance, residency would need to be considered along with the individual being one of the following to meet the priority of service: a public assistance recipient, low-income, basic skills deficient, or low-income and underemployed.

**Local discretionary priority:** A local area may also identify one new priority of service category if it is consistent with the intent of the WIOA Title I Adult program. Because a discretionary focus of this type is not a statutorily mandated priority in the law, veterans and eligible spouses must still receive the highest priority in local areas that set a local discretionary priority. Local requirements and discretionary priorities must be identified in local policy, including data to support the need and how the local requirement and/or priority will be documented and implemented.

**Local Policy Requirements:** Local workforce areas are required to have Adult priority of service policies and procedures in place that include the following:

1. Local procedures for determining priority during the eligibility process and enrollment;
2. How the local area will define “low income” (it may be more stringent than the state definition in this policy) and the relevant data used to establish the definition;
3. What criteria and procedures will be used to assess priority for basic skills deficient individuals;
4. Any local requirements, such as residency, that will be established in relation to the four priority groups;
5. Any local discretionary priorities that will be established in addition to the four targeted groups, the data to support the need for the local priority, and the documentation that will be required from an individual for the local priority; and
6. Local procedures for internal monitoring of the prioritization of adult participants from the targeted groups.