

Priority of Service Policy #P-1-11.22

Re: Guidance relating to WIOA Title I Priority of Service

Updated January 13, 2024
Originated: September 6, 2022
Approved: November 11, 2024
Revision Approved: N/A

References: WIOA Section 134(c)(3)(E)
WIOA Section 166
WIOA Section 167(i)
20 CFR §680.600
20 CFR §680.640
20 CFR §680.650
TEGL 10-09
TEGL 19-16
TEGL 03-15
TEGL 07-20
WSP Priority of Service, April 28, 2022

Attachment: SCPa Works 5th Priority Request Form

Author: Saranne Miller, SCPa Works Policy Manager



I. Purpose:

- A. This policy guides implementing priority of service for Workforce Innovation and Opportunity Act (WIOA) Title I program customers.
- B. This policy guides SCPa Works contracted service providers in delivering WIOA Title I Adult programs, including required or additional partners and third-party entities.
- C. The element of priority of service enables WIOA Title I contracted service providers to place a focused interest on individuals in need and who can most benefit from the public workforce system onto a pathway to self-sufficiency.
- D. WIOA focuses on serving individuals with barriers to employment and ensures access on a priority basis regardless of funding levels.
- E. WIOA requires priority of service be provided to veterans and their eligible spouses for all US Department of Labor-funded job training programs as well as to public assistance recipients, low-income individuals, and individuals who are basic skills deficient (including English language learners) when providing individualized career services and training services using WIOA Title I Adult program funds.

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II. Contracted Service Provider Accountability:

- A. SCPa Works contracted service providers must maintain all documentation and relevant content to determine the priority of service for a WIOA Title I participant.
1. Hard copy documentation and records must be kept in the participant's physical case record file.
 2. All data verification sources must be properly indicated in CWDS, including the proper documentation upload.
 3. All pertinent materials, email correspondence, daily activities, communications with all parties involved, and all additional information must be detailed in case notes.

III. Definitions:

- A. Basic Skills Deficient: Defined as an adult who cannot compute or solve problems, read, write, or speak English at a level necessary to function on the job, in the participant's family or in society.
- B. Eligible Spouse: An individual who is the spouse of any of the following:
1. Any veteran who died of a service-connected disability;
 2. Any member of the Armed Forces serving on active duty who, at the time of their spouse applying 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:
 - a. Missing in action;
 - b. Captured in the line of duty by a hostile force; or
 - c. Forcibly detained or interned in the line of duty by a foreign government or power;
 3. Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veteran Affairs; or
 4. Any veteran who died while a disability was in existence.
 5. **NOTE:** A spouse whose eligibility is derived from a living veteran or service member (i.e., categories b. or c. above) would lose their eligibility if the veteran or service member were to lose the status that is the basis for the eligibility (e.g., if a veteran with a total service-connected disability were to receive a revised disability rating at a lower level). Similarly, for a spouse whose eligibility is derived from a living veteran or service member, that eligibility would be lost upon divorce from the veteran or service member.
- C. Individual with a Barrier to Employment: An individual who is a member of one (1) or more of the following populations:
1. Displaced homemakers;
 2. Low-income individuals;
 3. Indians, Alaska Natives, and Native Hawaiians, as such terms are defined in WIOA Sec. 166;
 4. Individuals with disabilities, including youth who are individuals with disabilities;
 5. Older individuals (meaning an individual age 55 or older);
 6. Ex-offenders;
 7. Homeless individuals (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 USC 14043e-2(6)), or homeless children and youths (as defined in section 725(2) of the McKinney Vento Homeless Assistance Act (42 USC 11434(a)(2)));
 8. Youth who are in or have aged out of the foster care system;
 9. Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers;
 10. Eligible migrant and season farmworkers, as defined in WIOA Sec. 167(i);
 11. Individuals within two (2) years of exhausting lifetime eligibility under part A of Title IV of the Social Security Act (42 USC 601 et. seq.);
 12. Single parents (including single pregnant women);

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- 13. Long-term unemployed individuals; or
- 14. Such other groups as the Governor involved determines to have barriers to employment.
- D. Individualized Career Services: 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.
- E. Low-Income Individual: An individual who is a member of one (1) or more of the following populations:
 - 1. Recipients of public assistance;
 - 2. Individuals in a family with a total income below the poverty line or 70% of the lower living standard income level;
 - 3. Homeless;
 - 4. Foster youth;
 - 5. A recipient of or is eligible to receive a free or reduced-price lunch under the Richard B. Russell National School Lunch Act; or
 - 6. Individuals with disabilities with individual income below the poverty line or 70% of the lower living standard income level.
- F. Recipients of Public Assistance: 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 (1) or more of the following:
 - 1. Supplemental Nutrition Assistance Program (SNAP);
 - 2. Temporary Assistance for Needy Families (TANF);
 - 3. Supplemental Security Income (SSI); or
 - 4. State or local income-based public assistance.
- G. Statutory Priority Groups: Groups of individuals given priority of service in compliance with the statutory requirements of WIOA under the three (3) statutory groups of individuals targeted for priority include:
 - 1. Public assistance recipients;
 - 2. Low-income individuals; and
 - 3. Individuals who are basic skills deficient.
- H. Veteran: An individual who served on active duty in the military service (of the US) for a period of more than 180 days and who was discharged or released with other than a dishonorable discharge; or was discharged or released from active duty because of a service-connected disability; or was discharged as a member of a reserve component under an order to active duty pursuant to Section 672(a), (d), or (g), 673 or 673(b) of Title 10, who served on active duty during a period of war or in a campaign or expedition for which a campaign badge is authorized and was discharged from such duty with other than a dishonorable discharge.

IV. Priority of Service Protocol and Procedure:

- A. The goal of SCPa Works is to serve at least 51% of Adult participants from the priority groups.
 - 1. This goal will be tracked through data collected in CWDS.
 - 2. If it has been determined that goals are not being met, contracted service providers will be expected to conduct action outreach to recruit participants who meet the requirements of the priority groups.
- B. Priority for receipt of individualized career services and training services will be given to individuals who qualify for WIOA Title I Adult services in the following order:

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1. **First Priority** indicates funding for veterans and eligible spouses who also meet the qualifications as being included in one or more of the statutory priority groups that include recipients of public assistance, low-income individuals including those who are underemployed, and those who are basic skills deficient.
 2. **Second Priority** indicates funding for individuals who are included in the category of one or more statutory priority groups to include recipients of public assistance, other low-income individuals including those who are underemployed, and individuals who are basic skills deficient.
 3. **Third Priority** indicates funding for veterans and eligible spouses who are not included in the statutory priority groups, or **who are not** recipients of public assistance, and **who are not** low income individuals including underemployed individuals, and those **who are not** basic skills deficient.
 4. **Fourth Priority** indicates individuals who have been touched by the criminal justice system (not veterans or eligible spouses) who meet WIOA general eligibility but do not meet the statutory priority (public assistance recipient, other low income individuals including underemployed, or basic skills deficient), but do meet a local discretionary priority and Adult program eligibility.
 5. **Fifth Priority** indicates individuals who meet WIOA general eligibility but who do not meet WIOA Adult Program eligibility for priorities 1, 2, 3, or 4.
 - a. Fifth Priority candidates are enrolled for WIOA-funded services on a case-by-case basis with documented Title I program manager approval.
 - b. The Fifth Priority enables service providers to enroll individuals into a WIOA Adult program who are not low income, are not public assistance recipients, who are not basic skills deficient, or who are underemployed, but not considered low income.
 - c. The request for all Fifth Priority enrollments must be submitted in writing to the contracted Title I service provider programs manager utilizing the SCPa Works Fifth Priority Request Form.
 - d. The SCPa Works Fifth Priority focuses on providing services to existing registered apprentices, long-term unemployed, and ensuring that individuals who are underemployed and low-income, or included within the **ALICE population**, are provided basic and individualized career services that lead to long-term, self-sustaining household income.
 1. Under this Fifth Priority of Service, **underemployed** individuals who are employed full-time or part-time and who meet the definition of a low-income individual are defined as a priority population.
- C. SCPa Works contracted service providers will keep abreast of current WIOA Title I Adult eligibility requirements and enrollment practices to ensure that:
1. All participant and programmatic data is entered correctly into CWDS within stringent deadlines and under best practices to include a timely Secondary Review and the entry of applicable service codes.
 2. Data validation source documentation is accurate, appropriately recorded, maintained in the physical case record file, and properly uploaded into CWDS in a timely manner.
 3. **Every detail surrounding participant eligibility, enrollment, and priority of service is detailed in case notes throughout all stages of eligibility, enrollment, and priority of service determination.**

V. Performance Goals:

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- A. Adult Program performance is measured by a state-established formula comparing the percentage of individuals in the three (3) statutory priority targeted groups, adding those in the local discretionary priority group who were enrolled in the Adult program versus the percentage of all other individuals who were enrolled in the program.
- B. The goal for each local area is to serve a greater percentage of Adult customers from the priority targeted groups than all other individuals.
- C. The goal remains that 75% of Adult program participants served under this policy be from the statutory priority targeted groups.
- D. Contracted service providers must ensure a minimum benchmark of 50.1% of Adult participants be composed of individuals in one or more of the three statutory priority groups.
- E. Contracted service providers are expected to conduct active outreach to recruit the statutory priority groups.

VI. Veterans' Priority of Service Across Programs:

- A. Eligible veterans and eligible spouses receive priority of service across all programs and funding streams.
 - 1. An eligible veteran who is also a dislocated worker will receive priority of service in the dislocated worker program.
 - 2. An eligible spouse who is 20-years-old and a displaced homemaker would receive priority of service as a WIOA Out-of-School Youth in the Title I Youth program.
 - a. Under all eligibility and enrollment circumstances related to OSY, the appropriate Title I OSY eligibility determination is made.

VII. Interaction of the Adult Priority and Veterans' Priority of Service:

- A. The priority of service for veterans and eligible spouses applies across all qualified employment and training programs.
- B. Priority of service for public assistance recipients, low-income individuals, and individuals who are basic skills deficient applies only to the receipt of individualized career services and training services under the WIOA Title I Adult program.
 - 1. SCPa Works honors a local discretionary priority, **the Fifth Priority**, that enables priority to other individuals specifically for the receipt of individualized career services and training services in the WIOA Title I Adult program.
 - a. **Fifth Priority** eligibility determination must be referred by contracted service provider management to the SCPa Works Programs Department for formal review and approval by the SCPa Works Programs Director.

VIII. Participant Basic Skills Assessment and Determination:

- A. In assessing basic skills, SCPa Works contracted service provider staff may only use assessment instruments that are valid and appropriate, and must provide reasonable accommodation in the assessment process, if necessary, for individuals with disabilities.
- B. Standardized assessments to determine the basic skills level of a WIOA Title I participant within the SCPa Works service area include CareerScope, TABE, TORQ, and O*NET.
- C. An adult may be assessed as basic skills deficient through case manager observations and documented in case notes.
 - 1. A career planner may observe that the adult is not able to read or fill out an application form or does not have basic computer literacy.
 - 2. A case manager may document basic skills deficiencies, to include a detailed case note, using any one of the following:

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- a. Basic skills assessment questions or test results;
 - b. School records;
 - c. Referral or records from a Title II Adult Basic Education program; or
 - d. Referral or records from an English Language Learner program.
3. Case notes must include the assessment used.
 4. The case notes must include auditable information, such as the name of the school that is referenced for records and the date of enrollment, which could allow an auditor/monitor to later retrieve this information.
 - a. If a standardized test is used to assess basic skills, the test should include reading, writing or computing skills.
 - b. 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.
 - c. A youth who is 18-years or older, who is determined as basic skills deficient for the WIOA Title I Youth Program, may be dual-enrolled in the WIOA Title I Adult Program without an eligibility re-determination, and **may also** 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.
 - d. A youth 18-years or older, who was determined low-income for the WIOA Title I Youth Program, may also be dual-enrolled in the WIOA Title I Adult Program without an eligibility re-determination, and 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.

IX. Fifth Priority; SCPa Works Discretionary Priority:

- A. The SCPa Works Fifth Priority is established with the intent to serve individuals with barriers to employment who may not meet the requirements for eligibility under the three other priorities of service indicated by this policy.
 1. The SCPa Works Fifth Priority is considered for participants who have met all of the eligibility requirements and who have indicated data verification for WIOA Title I Adult enrollment.
 2. Consideration for Fifth Priority funding must be formally submitted by contracted service provider management personnel to the SCPa Works Programs Department for review.
 - a. All aspects of a participant's need must be included in the referral.
 - b. All aspects of a participant's need, and intention for funding, must be detailed in a case note to include all documentation and data verification that pertains to the need for funding.
 3. Regardless of need, the three statutorily mandated priorities indicated by and stated in WIOA law must be observed prior to accepting a fifth priority referral. The three priorities, as mentioned above, include:
 - a. **First Priority** indicates funding for veterans and eligible spouses who are also meet the qualifications as being included in one or more of the statutory priority groups that include recipients of public assistance, low-income individuals including those who are underemployed, and those who are basic skills deficient.
 - b. **Second Priority** indicates funding for individuals who are included in the category of one or more statutory priority groups to include recipients of public assistance, other low-income individuals including those who are underemployed, and individuals who are basic skills deficient.
 - c. **Third Priority** indicates funding for veterans and eligible spouses who are not included in the statutory priority groups, or **who are not** recipients of public assistance,

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and **who are not** low income individuals including underemployed individuals, and those **who are not** basic skills deficient.

X. Summary of Changes: This policy is reviewed annually by the SCPa Works Policy Department for necessary changes, edits, updates, and revisions.

Date of Change:	Changed by:	Summary of Change(s):	Effective Date
09/25/2022	Saranne Miller 	Revised all content based on release of Priority of Service WSP update issued in April 2022.	11/11/2022
12/19/2022	Saranne Miller 	Added the Fourth Priority and reference to the SCPa Works 5 th Priority Request Form, both of which are already operational within the SCPa Works service area. Both entries support services that were previously implemented and are currently in place.	12/19/2022
07/17/2023	Saranne Miller 	Section 4(B)(5)(d) – emphasized priority for the ALICE population and added underemployed definition.	08/03/2023
01/13/2024	Saranne Miller 	Reviewed for edits. No revision necessary. Re-formatted header page.	01/13/2024

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