



April 7, 2016

## GOVERNING BOARD

**DON NOTTOLI**

Board of Supervisors  
County of Sacramento

**ALLEN WARREN**

Councilmember  
City of Sacramento

**JAY SCHENIRER**

Councilmember  
City of Sacramento

**SOPHIA SCHERMAN**

Public Representative

**PATRICK KENNEDY**

Board of Supervisors  
County of Sacramento

**KATHY KOSSICK**

Executive Director

925 Del Paso Blvd., Suite 100  
Sacramento, CA 95815

Main Office  
(916) 263-3800

Head Start  
(916) 263-3804

Website: <http://www.seta.net>

**To:** Program Managers, SETA-Funded WIOA Service Providers, Site Supervisors, Sacramento Works America's Job Centers (SWJCs)

**From:** Kathy Kossick, Executive Director

**Re:** WIOA, Title I, Adult Priority of Service -  
WIOA Directive #WDD16-2

### Purpose

This policy guidance is intended to define and establish parameters for the priority of service for employment and training services offered under the *Workforce Innovation and Opportunity Act (WIOA)*, Title I, Adult program.

Please note that this guidance was developed using the WIOA Notices of Proposed Rules Making (NPRM) and is subject to change based upon issuance of the final WIOA regulations or further guidance from the U.S. Department of Labor, and/or the State of California, Employment Development Department (EDD).

### Effective Date

This directive is effective on the date of issuance.

### REFERENCES

- *WIOA* (Public Law 113-128) Sections 3 and 134
- Title 20 *Code of Federal Regulations* (CFR) "WIOA, Notice of Proposed Rule Making" (NPRM), Sections 680.150, 680.600, 680.610, and 680.650
- U.S. Department of Labor (DOL), Training and Employment Guidance Letter (TEGL) 03-15, *Guidance on Services Provided through the Adult and Dislocated Worker Program under WIOA and Wagner Peyser, as Amended by WIOA, and Guidance for the Transition to WIOA Services* (July 1, 2015)
- TEGL 06-14, *Program Year 2013/Fiscal Year 2014 Data Validation and Performance Reporting Requirements and Associated Timelines*, Attachment A (September 10, 2014)

- State of California, Employment Development Department (EDD), Workforce Services Directive WSD15-14, *WIOA Adult Program Priority of Service* (January 22, 2016)
- State of California, Employment Development Department (EDD), Workforce Services Directive WSD08-10, *Final Rule on Priority of Service for Veterans and Eligible Spouses* (June 29, 2009)

## **BACKGROUND**

The Workforce Investment Act (WIA) required that if funds allocated to a local area for adult employment and training activities were limited, priority of service was to be provided to recipients of public assistance and other low-income individuals for intensive services and training services.

The WIOA made several changes to the priority of service requirement by adding individuals who are basic skills deficient as a priority population, changing intensive services to career individualized services, and removing the provision stating that priority of service is only required if a local area's funding is limited.

Veterans and eligible spouses continue to receive priority of service for all Department of Labor (DOL) funded job training programs. These requirements were not affected by the passage of WIOA and must still be applied in accordance with guidance previously issued by the DOL and Workforce Services Directive WSD08-10.

## **POLICY**

### **Priority of Service Requirement**

WIOA Section 134(c)(3)(E), with respect to individualized career services (formerly, intensive services under WIA) and training services funded with WIOA Adult funds require that priority of service be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient as defined in WIOA Section 3(5)(B). Further, NPRM, Section 680.600(b) requires states and local areas to establish criteria by which programs and service providers will apply the priority under WIOA Section 134(c)(3)(E). Such criteria may include the availability of other funds for providing employment and training-related services in a local area, the needs of specific groups within the local area, and other appropriate factors.

Priority of service status is established at the time of eligibility determination for WIOA Title I Adult registrants and does *not* change during the period of participation. Priority does not apply to the dislocated worker population.

The WIOA Adult funding priority of service does not affect or negate the priority of service provided to veterans and eligible spouses. Veterans and eligible spouses continue to receive priority of service among all eligible individuals; however, they must meet the WIOA Adult program eligibility criteria under WIOA Section 134(c)(3)(E). As described in TEGL 10-09, when programs are statutorily required to provide priority, such as the WIOA Adult program, then 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.

[Reference – TEGL 03-15 *Guidance on Services Provided through the Adult and Dislocated Worker Program under the Workforce Innovation and Opportunity Act and Wagner Peyser, as Amended by WIOA, and Guidance for the Transition to WIOA Services*]

Additional guidance on providing priority of service to veterans through the one-stop system can be found in EDD's Workforce Services Directive WSD08-10.

## **Definitions**

For purposes of this policy directive, the following definitions apply:

**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 language proficient.

**Case Notes** – Paper or electronic statements by the coach 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 coach 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 case manager does not need to keep a hard copy of the information verified in the participant's case file.

Example: A coach 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 case manager would not need to keep a hard copy of the school record in the participant's file (TEGL 06-14, Attachment A).

**Low-Income** - An individual that meets one of the four criteria below:

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) program, Supplemental Security Income 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
3. A homeless individual.

4. An individual with a disability whose own income does not exceed the income requirement, but is a member of a family whose total income does exceed the income 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 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 the local area management information system, with an electronic signature (TEGL 06-14, Attachment A).

Note that self-attestation is not to be used as the primary method of gathering documentation to verify data elements. Self-attestation as a documentation source is only to be used when the preferred options of paper documentation or third party corroboration are not available.

### **Career and Training Services**

Under WIOA, the WIA core and intensive services are merged into a new category entitled “career services.” The career services category includes basic career services, found at WIOA Section 134(c)(2)(A)(i)-(xi), and individualized career services, found at WIOA Section 134(c)(2)(A)(xii). Basic career services are not subject to the priority of service requirement; however, individualized career services and training services are subject to the requirement (Title 20 CFR NPRM Section 680.150).

For questions about this policy directive, please contact Michelle O’Camb at [Michelle.Ocamb@seta.net](mailto:Michelle.Ocamb@seta.net), or Julie Davis-Jaffe at [Julie.Jaffe@seta.net](mailto:Julie.Jaffe@seta.net).

Documentation

Local Areas may use the following sources of documentation to verify whether an adult participant qualifies for priority of service under WIOA:

PRIORITY OF SERVICE	
Priority of Service Criteria	Acceptable Documentation (Only the documentation sources listed below may be used.)
<b>1. Recipient of Public Assistance</b>	<ul style="list-style-type: none"> <li>• Cross-match with public assistance database</li> <li>• Copy of authorization to receive cash public assistance</li> <li>• Copy of public assistance check</li> <li>• Medical card showing cash grant status</li> <li>• Public assistance records</li> <li>• Refugee assistance records</li> </ul>
<b>2. Low Income</b>	<p>Alimony agreement</p> <ul style="list-style-type: none"> <li>• Award letter from veteran’s administration</li> <li>• Bank statements</li> <li>• Compensation award letter</li> <li>• Court award letter</li> <li>• Pension statement</li> <li>• Employer statement/contact</li> <li>• Family or business financial records</li> <li>• Housing authority verification</li> <li>• Pay stubs</li> <li>• Public assistance records</li> <li>• Quarterly estimated tax for self-employed persons</li> <li>• Social Security benefits</li> <li>• Unemployment Insurance documents</li> <li>• Self attestation*</li> </ul>
<b>3. Basic Skills Deficient</b>	<ul style="list-style-type: none"> <li>• School Records               <ul style="list-style-type: none"> <li>➤ A referral or records from a Title II Basic Adult Education program or English Language Learner program</li> </ul> </li> <li>• Results of academic assessment</li> <li>• Case notes*</li> <li>• Self-Attestation*</li> </ul>
<p><b>*Please reference the definition section of this directive for additional guidance on case notes or self-attestation being used for documentation purposes.</b></p>	

For reporting and statistical purposes, coaches should document all barriers of employment in order to accurately measure populations served within the one-stop system.