



To: Indiana's Workforce System
From: Indiana Department of Workforce Development (DWD)
Date: March 03, 2020
Subject: DWD Policy 2019-04
WIOA Title I Adult Priority of Service

Purpose

To provide guidance on Workforce Innovation and Opportunity Act (WIOA) Title I Adult program priority of service requirements for individualized career services and training services.

Rescissions

- DWD Memorandum, *Interim Guidance on WIOA Title I Adult Priority of Service*, July 2, 2015

References

- WIOA Sections 3, 134
- 20 CFR 680.600, 680.780, 675.300
- 38 U.S.C. 3500, 38 U.S.C. 4213
- TEGL 10-09: *Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or in part by the U.S. Department of Labor (DOL)*, November 10, 2009
- TEGL 19-16, *Operating Guidance for the Workforce Innovation and Opportunity Act*, March 1, 2017
- TEGL 7-18, Attachment 1 *Guidance for Validating Jointly Required Performance Data Submitted under the Workforce Innovation and Opportunity Act (WIOA)*, December 19, 2018
- DWD Policy 2015-08, *Priority of Service for Veterans and Eligible Spouses in Indiana DWD's Integrated WorkOne Offices*, May 4, 2016
- WIOA Desk Reference: Priority of Service for WIOA Adult Funds:
<https://ion.workforcegps.org/resources/2017/10/05/14/01/WIOA-Desk-Reference>

Content

WIOA focuses on serving “individuals with barriers to employment¹” and seeks to ensure this population has increased access to quality services and opportunities for employment, education, training, and support. To prioritize services for those who have the most need for and who would benefit from employment and training services, WIOA sec. 134(c)(3)(E) identifies three groups with barriers to employment and requires priority be given to these individuals. Priority of service must be given to public assistance recipients, other low-income individuals, and individuals who are

¹ Per WIOA sec. 3(24) and TEGL 19-16 (pg. 8)

basic skills deficient when providing individualized career services and training services using WIOA Title I Adult program funds.

This priority requirement must be followed in the local area regardless of the amount of funds available for providing services. Veterans and eligible spouses of veterans continue to receive priority of service for all job training programs funded by the Department of Labor (DOL), including WIOA programs².

Priority of Service Groups and Eligibility

Priority status for WIOA Title I Adult participants is determined during eligibility and enrollment. Status does not change during the period of participation. When providing individualized career and training services in the Title I Adult program, local areas must give priority of service to participants who receive public assistance, are low-income individuals, and are basic skills deficient. The three priority groups are described below. Acceptable documentation for verifying eligibility is provided in **Attachment A**.

Recipients of public assistance, defined by WIOA sec. 3(50), includes individuals who receive cash payments from Federal, State, or local government for which eligibility is determined by a needs or income test.

Low-income individuals, defined by WIOA sec. 3(36), describes individuals who meet one of the following criteria³:

- Receives, or in the past six months has received, or is a member of a family that is receiving or has received in the past six months, assistance through the Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), or a state or local income-based public assistance program;
- In a family with total family income that does not exceed the higher of:
 - the poverty line or
 - 70 percent of the Lower Living Standard Income Level (LLSIL);
- A homeless individual⁴; or
- An individual with a disability whose own income meets the income requirements above, but is a member of a family whose total income does not meet this requirement.

Basic Skills Deficient, defined by WIOA sec. 3(5), describes an individual who meets at least one of the following criteria as basic skills deficient:

- 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. (The United States Department of Labor (USDOL) Employment and Training Administration (ETA) includes English language learners in the basic skills deficient group.)

DWD provides the following criteria for determining basic skills deficiency. An individual must meet at least one of the following:

- Lacks a high school diploma or equivalency and is not enrolled in secondary education;
- Scores 8.9 or below on the Tests of Adult Basic Education (TABE);
- Enrolled in a Title II Adult Education/Literacy Program;
- Has poor English language skills (includes English Language Learners);
- Is eligible for WorkINdiana; or

² See DWD Policy 2015-08, *Priority of Service for Veterans and Eligible Spouses in Indiana DWD's Integrated WorkOne Offices*, May 4, 2016

³ Definition of family used in section on Low Income Individuals - 20 CFR §675.300

⁴ WIOA Sec. (3) (24) (G) Homeless individuals (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 4043e – 2 (6))

- The individual's case manager makes observations of deficient functioning and records justification in a case note.

Eligibility Determinations for Veterans

When determining priority of service eligibility for WIOA Title I Adult employment or training programs, the following cannot be included in past income calculations⁵:

- Military pay received while serving on active duty
- Allowances provided while on active duty
- Compensation for service-connected disability or death or vocational rehabilitation
- Benefits for education and training services funded by the Department of Veterans Affairs (VA)
- Compensation received by an eligible dependent or indemnity compensation for service-connected deaths
- Educational assistance for eligible dependents and survivors of veterans under 38 U.S.C. 3500

WIOA program operators may not require veterans or their spouses to exhaust their entitlement to VA-funded training benefits prior to allowing them to enroll in WIOA-funded training.

Veterans and Adult Priority

As described in TEGL 19-16⁶, when programs such as the WIOA Title I Adult program are statutorily required to provide priority for a particular group of individuals, priority must be provided in the specific order listed below. Veterans and eligible spouses of veterans continue to receive priority of service in all DOL-funded training programs. Veterans and their spouses must still meet the eligibility criteria for the WIOA Adult program.

Priority for the WIOA Title I Adult program 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 not veterans or eligible spouses of veterans, but are a 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 a WIOA priority group but meet Title I Adult program eligibility.
4. Additional priority populations identified by the Governor or Local WDBs.
5. Other individuals who are not included in any priority group, but meet WIOA Title I Adult program eligibility.

Additional Priority of Service Groups⁷

The Governor may establish additional priority groups for the Title I Adult program in the WIOA State Plan. Local WDBs may also establish additional priority groups based on the needs of the Local area (for example, victims of a specific disaster). As stated in TEGL 19-16, the processes used for this determination must be consistent with priority of service for veterans and the priority provisions of WIOA sec. 134(c)(3)(E) and 20 CFR 680.600.

⁵ In accordance with 38 U.S.C. 4213.

⁶ In reference to TEGL 10-09: *Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or in part by the U.S. Department of Labor (DOL)*, November 10, 2009.

⁷ The 2020 Indiana WIOA State Plan has identified Target Populations but no determination has been made about service priority.

Requirements for locally Established Groups

Local areas may identify any additional priority groups⁸. Any additional groups that are identified by the local area must be included in the local plan and in the local WIOA Title I Priority of Service policy. The local plan and the local WIOA Title I Priority of Service policy are to include the following for each additional identified priority group:

- Procedures followed in the Local area for determining priority during the eligibility process and enrollment;
- How the local area will define “low-income” (if they choose to use a more precise definition than provided within this policy) and the relevant data used to establish this definition;
- Criteria and procedures used to assess priority for basic skills deficient individuals;
- Any local requirements, such as residency, that will be established in relation to the priority groups; and
- Any additional priority groups that will be established, data to support the need for local priority, and documentation that will be required from an individual for the local priority.

Tracking and Analysis

Analysis will include a review of the local WIOA Title I Priority of Service Policy, any related procedures, training and monitoring developed and/or conducted by the LWDB and/or the authorized service providers, file and/or system review of client data as well as interviews with staff and leadership to assess understanding and consistent correct implementation of the local policy.

Actions

Each local Workforce Development Board (LWDB) must develop a WIOA Title I Priority of Service policy that ensures priority of service within the workforce region is implemented in line with this policy. The policy must support any additional priority groups identified by the Governor and the Governor’s Workforce Cabinet as well as any locally identified priority groups. A copy of the local WIOA Title I Priority of Service policy must be sent to DWD Policy at Policy@dwd.IN.gov by **Friday May 29, 2020** and **within 90 days of any change** made to it thereafter. Each LWDB must address Priority of Service within their WIOA local plan as stated in the local plan requirements and include a copy of the current Local WIOA Title I Priority of Service policy in their local plan.

Each LWDB must establish procedures to operationalize their WIOA Title I Priority of Service policy, ensure that staff and leadership are appropriately trained on these procedures and annually monitor to confirm staff and leadership understand and correctly apply the local WIOA Title I Priority of Service policy and procedures on a consistent basis.

Attachments

- | | |
|--|--|
| <ul style="list-style-type: none"> A- Priority of Service Documentation Table B- Additional Local POS Population Template Instructions | <ul style="list-style-type: none"> C- Additional Local POS Population Template Blank D- Additional Local POS Population Template Example |
|--|--|

Effective Date

March 3, 2020

Ending Date

Upon rescission

Contact for Questions

policy@dwd.in.gov

⁸ 20 CFR 680.600 (c)

Attachment A

Priority of Service Documentation Table

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

Priority of Service Criteria	Acceptable Documentation
<p align="center">Recipient of Public Assistance</p>	<ul style="list-style-type: none"> • Cross-match with public assistance database, if available • Copy of authorization to receive cash public assistance • Copy of public assistance check • Medical card showing cash grant status • Public assistance records • Refugee assistance records • Self-Attestation as a last resort⁹
<p align="center">Low-Income</p>	<ul style="list-style-type: none"> • Alimony Agreement • Award letter from veteran's administration • Bank statements • Compensation award letter • Court award letter • Pension statement • Employer statement/contact • Family or business financial records • Housing authority verification • Pay stubs • Public assistance records • Quarterly estimated tax for self-employed persons • Social Security benefits • Unemployment Insurance documents • Self-attestation as a last resort⁹
<p align="center">Basic Skills Deficient</p>	<ul style="list-style-type: none"> • School records in the form of a referral or records from a Title II Basic Adult Education program or English Language Learner program • Results of academic assessment • Self-attestation¹⁰ • Case notes¹¹

⁹⁻¹⁰ *Self-attestation* is a participant's statement of his or her status for a particular element (i.e. low-income) with a signed and dated form acknowledging this status (TEGL 7-18, Attachment 1).

¹¹ *Case notes* are a case manager's paper or electronic statements identifying, at a minimum, (1) the participant's status for a specific element, (2) the data used to obtain this information, and (3) the case manager who obtained the information. Case notes must include an auditable trail to the sources of the information (TEGL 7-18, Attachment 1).

Attachment B

WIOA Title I Adult Additional Local Priority of Service (POS) Population Template Instructions

General instructions

- Use one template per additional population.
- Indicate whether each item has been included in the Local WIOA Plan and the Local POS Policy.
- Email the completed—Local POS Population Template and any attachments to Policy@dwd.in.gov.

POS Population Feature	Required Response
Population	<p>Enter characteristics of group members. In other words, what criteria make a person part of this group?</p> <p>Examples: Individuals with no HS diploma or HSE age 25-35, Individuals suffering economic distress due to 8/9/19 tornado, Individuals receiving PDQ County heating assistance, Felons out of work more than 3 months, refugees from Syria with limited English skills, etc.</p>
Timeframe	<p>Enter the start and end dates for the period of time you anticipate this group will require priority status.</p> <p>Examples 1/1/19 – 12/31/19, 4/15/18 – 6/30/20, etc.</p>
Region/ Geographic Area	<p>Enter the anticipated physical area for this group. This could be within street or other boundaries, within or an entire individual town, city, county or workforce region, planning region or group of these subdivisions.</p> <p>Examples: A, B, C & Q Counties, Lovely Town, IN, REG 08, between 100S and 50S and between Farley St. and Dodge Rd. in Hickory, IN, etc.</p>
Reason for Designation	<p>Enter the anticipated needs to be addressed.</p> <p>Examples: General education and job retraining, ESL, unable to retain employment, lack of health care, etc.</p>
Service Goals	<p>Enter the SMART (Specific, Measureable, Achievable, Realistic, timeframe) goals for population. Also enter the methods and frequency used to measure progress, why you believe the goal is realistic and the start and end dates for each goal.</p> <p>Examples: 50 Individuals served, measured monthly using number served from ICC, past performance in similar initiatives, beginning 4/15/20 ending 9/30/20.</p>
Outcomes	<p>Enter the desired/ anticipated impacts. Also enter the methods and frequency used to measure progress, why you believe the goal is realistic and the start and end dates for each outcome.</p> <p>Examples: Economic self-sufficiency including healthcare, measured using quarterly client survey, The goal is realistic due to 3 major employers consistently promoting hiring opportunities for people with similar skillset at \$35k-\$50k per year starting, beginning 7/28/19 ending 7/31/21.</p>
Outreach/ Engagement Strategies	<p>Enter the methods and approaches the local area will use to connect the target population with WorkOne services. Also enter the strategy, resources needed (not an additional funding opportunity), the individual responsible for managing the related efforts and the start and end dates for each strategy.</p> <p>Examples: Staff will set up mobile office at library in two towns 1 day per month and put up job fair posters in non-profit community partners (food pantries, thrift shops, minority organizations, need 1 staff for 2 days, laptop, scanner, 4 library computers space at library, vehicle mileage, 25 posters (design and printing), Jane Doenburg, beginning 3/10/20 ending 10/10/20.</p>
Staff Procedures	<p>List and attach the staff procedures created to implement the strategies and reach the goals entered above. Also enter the procedures and training needed, the individual responsible for managing the related efforts and the start and end dates for each activity.</p> <p>Examples: Staff ABE Checklist and Mobile office procedure (See attachments), 1 hours training time for 2 staff, John Burgen, Start 8/13/20 End November 3, 2022.</p>

Attachment C

Additional Local Priority of Service Population Template

WIOA Title I Adult – Additional Local Priority of Service Population Template							
Population Feature	WDB Response				In Local Plan? Y/N	In Local POS Policy? Y/N	
Priority of Service Population <i>(Criteria, characteristics of group members. Use one template per additional population))</i>							
Timeframe for Priority of Service <i>(What are the start and end dates anticipated for this group)</i>	Start Date <i>(MM/DD/YY)</i>	End Date <i>(MM/DD/YY)</i>					
Region/ Geographic Area							
Reason for Designation <i>(Describe the circumstances leading to a POS designation? How will POS focus help?)</i>							
Service Goals <i>(What are the SMART (Specific, Measureable, Achievable, Realistic, timeframe) goals for population? I.e. percentage of total clients served, number served, etc.</i>	Specific Goal	Measurement		Why is it Achievable/ Realistic?	Timeframe to Accomplish		
		Method <i>(How)</i>	Frequency <i>(How Often)</i>				
Outcomes <i>(What is the anticipated/ desired impacts I.e. 10% greater increase in employment than non-priority populations)</i>	Outcome	Measurement		Why is it Achievable/ Realistic?	Timeframe to Accomplish		
		Method <i>(How)</i>	Frequency <i>(How Often)</i>				
Outreach/ Engagement Strategies <i>(How will local area try to connect target population with WorkOne services?)</i>	Strategy		Resources Needed	Responsibility	Timeframe		
Staff Procedures <i>(List and attach the staff procedures created to implement strategies and reach goals)</i>	Procedure		Training	Responsibility	Timeframe		

Attachment D

Example: Additional Local Priority of Service Population Template

Example: WIOA Title I Adult – Additional Priority of Service Population Template					Number of Attachments Included	3	
Population Feature	WDB Response				In Local Plan? Y/N	In Local POS Policy? Y/N	
Priority of Service Population <i>(Criteria, characteristics of group members. Use one template per additional population))</i>	Tornado Victims				Y	Y	
Timeframe for Priority of Service <i>(What are the start and end dates anticipated for this group)</i>	Start Date <i>(MM/DD/YY)</i>		End Date <i>(MM/DD/YY)</i>				
	7/1/19		6/30/21		Y	Y	
Region/ Geographic Area	Region 5, Boone and Hamilton Counties				Y	Y	
Reason for Designation <i>(Describe the circumstances leading to a POS designation? How will POS focus help?)</i>	Reason	Significant number and amount of damage to homes and businesses warrant heightened priority of service.				Y	Y
	Supporting Data	273 Homes damaged (\$54.6M damage) Est. 12 Mo. to repair.					
		47 Businesses damaged (\$23.2M Damage) Est. 18 Mo. to repair.					
		7 People killed, 74 injured, Est. 1,022 negatively impacted.					
		473 layoffs due to business damage. Est. 12-24 Mo. Avg duration.					
Service Goals <i>(What are the SMART (Specific, Measureable, Achievable, Realistic, timeframe) goals for population? I.e. percentage of total clients served, number served, etc.</i>	Specific Goal	Measurement		Why is it Achievable/ Realistic?	Timeframe to Accomplish		
		Method <i>(How)</i>	Frequency <i>(How Often)</i>				
	Serve 75% of negatively impacted individuals.	Review of VOS Greater & ICC POS Data.	Quarterly	People have strong community connection and are not likely to move. Conducting Media outreach. Conducting community organization outreach. (See attached outreach plan)	6/30/20	Y	Y
	Serve 85-90% of laid off individuals.	Same as above.	Quarterly	Jobs were in high paying tech and production occupations. People will want to improve skills or transition to new occupations temporarily based on survey of 240 laid off individuals (See attached survey summary)	6/30/21	Y	Y

Example Continued

Example: WIOA Title I Adult – Additional Priority of Service Population Template							
Population Feature	WDB Response					In Local Plan? Y/N	In Local POS Policy? Y/N
	Outcome	Measurement		Why is it Achievable/ Realistic?	Timeframe to Accomplish		
Method (How)		Frequency (How Often)					
Outcomes <i>(What is the anticipated/ desired impacts I.e. 10% greater increase in employment than non-priority populations)</i>	40% of all POS pop. served will have earned industry recognized credential.	ICC Data	Quarterly	Approx. 65% of laid off positions are in occupations needing Java coding credential.	6/30/21	Y	Y
	70% of all POS pop. served will transition to new short term occupation	ICC Data	Quarterly	Amazon, Fed Ex and UPS are conducting significant seasonal hiring of estimated 5,000 positions.	12/31/19	Y	Y
Outreach/ Engagement Strategies <i>(How will local area try to connect target population with WorkOne services?)</i>	Strategy		Resources Needed	Responsibility	Timeframe		
	Coordinate with Red Cross leadership in effected area to make announcements and place WorkOne staff and computers in service locations.		Staff time, WorkOne Service Flyer, Phone, internet, 20 lap tops, temp. space at Red Cross locations.	Jane Hernandez, REG 5 VP of Operations.	11/1/19	Y	Y
	Coordinate with Church leadership in effected area to make announcements and hand out WorkOne Service Flyers.		Staff time, WorkOne Service Flyers, Email script w/ contact info to leader dist. list.	Alex Brown, Manager Plainfield WorkOne	10/12/19	Y	Y
	Rapid Response/ NEG		Funding Proposal	Bruce Steinwitz, REG 5 CFO	9/30/19	Y	Y
Staff Procedures <i>(List and attach the staff procedures created to implement strategies and reach goals)</i>	Procedure		Training Type	Responsibility	Timeframe		
	Priority of Service Determination		In person	Jane Hernandez, REG 5 VP of Operations.	10/5/19	Y	Y
	Priority of Service Data Entry		Webinar	Felicia Faust, REG05 Training Coordinator	9/27/19	Y	Y