PY 2016 LOWCOUNTRY WORKFORCE INSTRUCTION NUMBER 03

TO: Lowcountry Workforce Innovation and Opportunity Act (WIOA) One Stop Operator, Contractors/Service Providers/Sub-recipients/One-Stops

FROM: MICHAEL V. BUTLER
Lowcountry Workforce Development Director

ISSUANCE DATE: July 27, 2016

EFFECTIVE DATE: Immediately

REVISED EFFECTIVE DATE: January 26, 2022

REVISION NUMBER: 02

SUBJECT: Adult Priority of Service Under WIOA

EXPIRATION DATE: Indefinite

PURPOSE:
The purpose of this instruction is to outline key provisions and transmit the Lowcountry Workforce Board’s Adult Priority of Service under the Workforce Innovation and Opportunity Act (WIOA) Adult program. Workforce Innovation and Opportunity Act (Public Law 113-128) Section 134(c)(3)(E) requires with respect to funds allocated to a local area for adult employment and training activities under paragraph (2)(A) or (3) of WIOA section 133(b), priority shall be given to recipients of public assistance, other low income individuals, and individuals who are basic skills deficient for receipt of career services described in paragraph WIOA Section 134(c)(2)(A)(xii) and training services. The Lowcountry Workforce board herein directs the one-stop operators in the local area with regard to making determinations related to such priority.

POLICY:
The Lowcountry requires at least 75% of participants receiving individualized career and training services in the Adult program are from at least one of the priority groups: recipients of public assistance, low-income individuals, and individuals who are basic skills deficient, in addition to veterans’ priority of service. Note that TEGL 19-16 describes how the veterans’ priority requirement applies to the WIOA program.
Adults who receive services from WIOA-funded staff beyond self-service and information must be determined eligible, enrolled and considered a participant for WIOA Title I services. Individualized career services and training services must be given on a priority basis, regardless of funding levels. Priority must be provided in the following order:

i. First, to veterans and eligible spouses who are included in the groups given statutory priority for WIOA Adult formula funding. This means that veterans and eligible spouses who are also recipients of public assistance, other low income individuals, or individuals who are basic skills deficient receive first priority for services with WIOA Adult formula funds for individualized career services and training services.

ii. Second, to non-covered persons (that is, individuals who are not veterans or eligible spouses) who are included in the groups given priority for WIOA adult formula funds.

iii. Third, to veterans and eligible spouses who are not included in WIOA’s priority groups.

iv. Fourth, priority populations established by the Governor and/or Local WDB.

v. Last, to non-covered persons outside the groups given priority under WIOA.

Eligible individuals who do not meet the above priorities may still be enrolled as participants in the WIOA adult program. However, effective immediately no less than (75%) of newly enrolled adult participants each program year must be low-income, to include public assistance recipients, or those who are basic skills deficient.

**Low-income Individual**

An individual who meets any one of the following criteria satisfies the low-income requirement for WIOA adult services:

- 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 SNAP, TANF, or Supplemental Security (SSI), or state or local income-based public assistance; or
- Receives an income or is a member of a family receiving an income that, in relation to family size, is not in excess of the most recent Family Income Guidelines issued via State Instruction;
- Is a homeless individual as defined in the McKinney-Vento Homeless Assistance Act or the Violence Against Women Act of 1994; or
- Is an individual with a disability whose own income meets an income requirement above, but who is a member of a family whose income does not meet this requirement.

**Basic Skills Deficient**

WIOA defines basic skills deficient 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 individual’s family, or in society. The Lowcountry has defined basic skills deficient in Lowcountry Workforce Instruction #01.
For an Adult:

- The individual has English reading, writing, or computing skills at or below the 8th grade level (8.9 or less) as documented on a generally accepted standardized test; or <4 on the Reading for Information, Applied Mathematics, or Locating Information WorkKeys® assessments; or <4 on the Reading for Information, Applied Mathematics, or Locating Information WINS®; or scores NRS Level 4 or below on TABE 11-12; or

- The individual is enrolled in Title II Adult Education as an English as a Second Language (ESL) student, and/or the individual presents a Best Plus / Best Literacy test (regardless of score) for those who are Limited English Skills proficient.

- The individual lacks a High School Diploma or Equivalent; or

- The individual is enrolled in Title II Adult Education, including English as a Second Language (ESL) student and excluding stand-alone occupational skills training.

Documentation Requirements

It is beneficial to capture all applicable priority of service and barrier categories to reflect efforts in serving those most in need. In addition, such characteristics will likely have a positive impact on future performance negotiations as the statistical adjustment model is implemented. Therefore, all applicable priority of service and barrier criteria should be recorded in SC Works Online Services (SCWOS) and the documentation required for each criteria and barrier recorded must be maintained as part of the individual’s application/eligibility file scanned in SCWOS.

ACTION: The Lowcountry One Stop Operator is responsible for ensuring workforce staff are conducting outreach to these priority populations and tracking the overall percentage to ensure a minimum of seventy-five percent (75%) of all adults participants each program year meet at least one Priority.

Exceptions to all policies may be approved by the Lowcountry Workforce Development Director

The information provided herein should be distributed and reviewed by all Lowcountry Staff, Contractors, Service Providers, Sub-recipients, One- Stops, a copy should be maintained in a central location. All appropriate deletion of out-dated information and replacement with current information should be made to all Manuals (Eligibility Manual, One Stop Manual, etc.).

CONTACT: Questions regarding this instruction should be directed to Shelly Campbell, Lowcountry Workforce Investment Area, Lowcountry Council of Governments, Post Office Box 98, Yemassee, SC 29945, scampbell@lowcountrycog.org.

REFERENCES:


WIOA Instruction # 03 Adult Priority of Service rev.1-2022
• Employment and Training Administration, Workforce Innovation and Opportunity Act; Final Rule (WIOA DOL Final Rule) published at 81 FR 56071 (Aug. 19, 2016) (20 CFR 680.600);
• OMB Control Number 1205-0522, Required Elements for Submission of the Unified or Combined State Plan and Plan Modifications under the Workforce Innovation and Opportunity Act;
• TEGL No. 19-16, Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Service (ES), as Amended by title III of WIOA, and for Implementation of the WIOA Final Rules (March 1, 2017);
• TEGL No. 16-16, One-Stop Operations Guidance for the American Job Center Network (January 18, 2017); and
• TEGL No. 4-15, Vision for the One-Stop Delivery System under the Workforce Innovation and Opportunity Act (WIOA) (August 13, 2015).
• TEGL No. 17-20, Effective Implementation of Priority of Service Provisions for Most in Need Individuals in the Workforce Innovation and Opportunity Act (WIOA) Adult Program (November 24, 2020).
• State Instruction 15-17, change 3 Adult Priority of Service under WIOA (May 3, 2021)