

# Montgomery County Workforce Development Board, MontcoWorks Policy: Priority of Service under WIOA

## Revised

This policy has been revised to account for an update in a Training and Employment Guidance Letter (TEGL), replacing TEGL 3-15 with TEGL 19-16. This update has resulted in minor changes regarding Veterans' Priority of Service.

## Purpose

To establish a local policy for the Montgomery County Workforce Development Board (MontcoWorks) on criteria that may be used for the purpose of determining Priority of Service for *Workforce Innovation and Opportunity Act (WIOA)* eligible Title I Adult program customers.

## Background

The Workforce Innovation and Opportunity Act (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, Training and Employment Guidance Letter (TEGL) No. 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 WIOA, priority of service is required regardless of the funding levels and also is expanded to include individuals who are basic skills deficient.<sup>1</sup>

## Priority of Service

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

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<sup>1</sup> Workforce Innovation and Opportunity Act of 2014 (WIOA or Opportunity Act), Public Law (Pub. L.) 113-128, enacted July 22, 2014

Training and Employment Guidance Letter (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 Services (ES), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules*

Training and Employment Guidance Letter (TEGL) No. 26-13, *Impact of the U.S. Supreme Court's Decision in United States vs Windsor on Eligibility and Services Provided Under Workforce Grants Administered by the Employment and Training Administration*

Training and Employment Guidance Letter (TEGL) No. 06-14, *Program Year (PY) 2013/Fiscal Year (FY) 2014 Data Validation and Performance Reporting Requirements and Associated Timelines*

services and training services funded by the WIOA 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.

## **Residency Requirement**

Priority of Service requires residency in Montgomery County. Residency is considered along with ensuring the individuals meet at least one (1) of the barriers/criteria to meet priority of service as follows: is a public assistance recipient, is a low-income individual, is basic-skills deficient or is low-income and underemployed.

## **Definitions**

- A. ***“Individuals with barriers to employment”*** includes displaced homemakers; low-income individuals; Indians, Alaska Natives, and Native Hawaiians; individuals with disabilities; older individuals; ex-offenders; homeless individuals; youth who are in or have aged out of the foster care system; individuals who are English language learners, have low literacy levels, or face substantial cultural barriers; eligible Migrant and Seasonal Farm Workers; individuals within two (2) years of exhausting lifetime eligibility under TANF; single parents (including pregnant women); long-term unemployed individuals; and members of other groups as may be identified by the Governor of Pennsylvania.
  
- B. ***“Individualized career services”*** include 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. MontcoWorks priority of service applies to individualized career services and training services.

## **Target Populations Identified to Receive Priority of Service**

There are four (4) groups of individuals targeted for priority when providing individualized career services and training services in the WIOA Title I Adult program: public assistance recipients; other low-income individuals; individuals who are basic skills deficient; and individuals who are both underemployed and low-income.

1. ***“Recipients of public assistance”*** includes 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:
  - Supplemental Nutrition Assistance Program (SNAP);
  - Temporary Assistance for Needy Families (TANF)
  - Supplemental Security Income (SSI); or
  - State or local income-based public assistance.

2. **“Low-income”** includes:

- Recipients of public assistance (defined above)
- Individuals in a family with total income below the poverty line or 70% of the lower living standard income level
- Homeless
- Youth in foster care
- Individuals with disabilities with individual income below the poverty line or 70% of the lower living standard income level
- Youth in-school up to age 21 or parents of such a youth who are eligible to receive a free or reduced price lunch

A youth 18 or older, who was determined low-income for the WIOA title I Youth Program, may be co-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.

3. **“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.

In assessing basic skills, MontcoWorks will only use assessment instruments that are valid and appropriate for this target population, and will provide reasonable accommodation in the assessment process, if necessary, for individuals with disabilities. Standardized assessments will be administered following published guidelines and locators/appraisals will be used to determine the appropriate level of use of such assessments.

An adult may be assessed as basic skills deficient through case manager observations and documented in case notes. A case manager may document basic skills deficient using any one (1) of the following:

- Basic skills assessment questions or test results
- School records
- Referral or records from a title II Adult Basic Education program
- Referral or records from an English Language Learner program

Case notes will be used for verification.

If a standardized test is used to assess basic skills, the test will include reading, writing, or computing skills. Lacking soft skills or specific skills needed for a particular job will not be used to determine otherwise high-functioning individuals as basic skills deficient.

A youth 18 or older, who was determined basic skills deficient for the WIOA title I Youth Program, may be co-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.

4. **“Underemployed”** individuals are employed full-time or part-time and must also meet the definition of a low-income individual in order to be eligible for the Adult priority of service.

### **Interaction of the Adult Priority and Veterans’ Priority of Service**

The priority of service for veterans and eligible spouses 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. With regard to the priority of service for veterans and eligible spouses, priority of service for the WIOA Title I Adult program must be applied in the following order:

1. Veterans and eligible spouses who meet the *statutory* priority (public assistance recipient, other low-income individuals including the underemployed, or basic skills deficient) and Adult program eligibility will 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) and Adult program eligibility then receive the second level of priority for services;
3. All other veterans and eligible spouses who are not included in WIOA’s priority groups 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) 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), but do meet Adult program eligibility, then receive the fifth level of priority for services;
6. Non-covered persons outside the groups then receive the sixth and final level of priority for services.

*This Policy updates and replaces all previous policies regarding Priority of Services under WIA eligibility through the Montgomery County Workforce Development Area.*