

PRIORITY OF SERVICE UNDER WIOA

Effective: September 20, 2024

Revised: May 30, 2023

Purpose:

To establish a local policy for the GuilfordWorks Workforce Development Board on criteria that may be used to determine 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 to 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 who 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. Local areas are also allowed to identify additional discretionary priorities.

REFERENCES

[Workforce Innovation and Opportunity Act, Public Law 113-128](#) [Training and Employment Guidance Letter \(TEGL\) No. 07-20](#) [Training and Employment Guidance Letter \(TEGL\) No. 26-13](#) [Training and Employment Guidance Letter \(TEGL\) No. 19-16](#)

PRIORITY OF SERVICE

Under federal and state policy, veterans and eligible spouses are given priority of service for the receipt of employment, training, and career services under all DOL-funded programs and services, including WIOA Title I programs. NCWorks Career Centers must prominently display, in all public areas, signage that informs individuals of the priority of service for veterans and eligible spouses.

In addition to veterans and eligible spouses, a priority of service extends to the following mandatory groups (public assistance recipients, other low-income individuals, individuals who are basic skills deficient and underemployed who are also low-income) for receipt of individualized career 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. ETA envisions that giving priority of service to these individuals means ensuring that at least 75 percent of a state's participants receiving individualized career and training services in the Adult program are from at least one of the priority groups mentioned below, and expects this rate will be no lower than 50 percent in any state.

DEFINITIONS

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, GuilfordWorks will only use assessment instruments valid and appropriate for this 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

If a standardized test is used to assess basic skills, the test will include reading, writing, or computing skills. A copy of the results will be included in the file. 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.

Eligible Spouse is an individual who is the spouse of any of the following:

- a) Any veteran who died of a service-connected disability;
- b) 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:
 - i. Missing in action;
 - ii. Captured in the line of duty by a hostile force; or
 - iii. Forcibly detained or interned in the line of duty by a foreign government or power;
- c) Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs; or
- d) Any veteran who died while a disability was in existence.

A spouse whose eligibility is derived from a living veteran or service member (i.e., categories b. or c. above) would lose his or her 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.

Individuals with a barrier to employment are a member of one (1) or more of the following populations:

- a) Displaced homemakers;
- b) Low-income individuals;
- c) Indians, Alaska Natives, and Native Hawaiians, as such terms are defined in WIOA Sec. 166;
- d) Individuals with disabilities, including youth who are individuals with disabilities;
- e) Older individuals (to mean an individual age 55 or older);
- f) Ex-offenders;
- g) Homeless individuals (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), or homeless children and youths (as defined in section 725(2) of the McKinney Vento Homeless Assistance Act (42 U.S.C. 11434(a)(2)));
- h) Youth who are in or have aged out of the foster care system;
- i) Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers;
- j) Eligible migrant and season farmworkers, as defined in WIOA Sec. 167(i);

- k) Individuals within two (2) years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et. seq.);
- l) Single parents (including single pregnant women);
- m) Long-term unemployed individuals; or
- n) Such other groups as the Governor involved determines to have barriers to employment.

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.

Low-income Individual means an individual who is a member of one (1) or more of the following populations:

- Recipients of public assistance;
- Individuals in a family with total income below the poverty line or 70% of the lower living standard income level;
- Homeless;
- Foster youth;
- A recipient of or is eligible to receive a free or reduced-price lunch under the Richard B. Russell National School Lunch Act; or
- Individuals with disabilities with individual income below the poverty line or 70% of the lower living standard income level.

Recipients of public assistance means 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.

Statutory priority groups are groups of individuals given priority of service in compliance with the statutory requirements of WIOA. The three (3) groups of individuals focused on priority when providing individualized career services and training services in the WIOA Title I Adult program are:

- Public assistance recipients;
- Low-income individuals; and
- Individuals who are basic skills deficient.

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.

Veteran is a person who served on active duty in the military service (of the U.S.) 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.

RESIDENCY

Priority of Service requires residency in Guilford County. Residency is considered along with ensuring the individuals meet at least one (1) of the barriers/criteria to meet the priority of service as outlined below.

TARGET POPULATIONS TO RECEIVE PRIORITY OF SERVICE

The priority of service for veterans and eligible spouses applies across all qualified employment and training programs. 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 in the WIOA title I Adult program. LWDBs may establish a local discretionary priority that also gives priority to other individuals specifically for 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 requirements of a statutory priority group and Adult program eligibility must receive the highest level of priority for services;
2. Other individuals (not veterans or eligible spouses) who meet the requirements of a statutory priority group and Adult program eligibility then receive the second level of priority for services;
3. All other veterans and eligible spouses who do not meet the requirements of a statutory priority group but do meet Adult program eligibility, then receive the third level of priority for services;
4. Other individuals (not veterans or eligible spouses) who do not meet the requirements of a statutory priority group but do meet a local area-established discretionary priority and Adult program eligibility, then receive the fourth level of priority for services; and
5. Other individuals (not veterans or eligible spouses) who do not meet the requirements of a statutory priority group and do not meet the local discretionary priority, but do meet Adult program eligibility, then receive the fifth level of priority for services.

GUILFORDWORKS DISCRETIONARY PRIORITY POPULATIONS

In addition to the statutory priority groups, GuilfordWorks has established three (3) additional priority of service populations in conjunction with the categories established above. The intent is to align service delivery with Guilford County's Local Plan with a focus on populations that have barriers to employment.

1. Individuals with a Disability
 - a. The 2024-2028 GuilfordWorks Local plan provides support for the need to include individuals with a disability as a priority population.
 - b. Staff conducting the eligibility determination will reference the WIOA and Wagner-Peyser Employment Act Participant Eligibility Reference Guide to collect appropriate documentation to support the priority designation.
2. Ex-Offenders/Returning Citizens
 - a. The 2024-2028 GuilfordWorks Local plan provides support for the need to include returning citizens.
 - b. Staff conducting the eligibility determination will reference the WIOA and Wagner-Peyser Employment Act Participant Eligibility Reference Guide to collect appropriate documentation to support the priority designation.
3. Other Individuals
 - a. Non-covered persons outside the WIOA Priority groups given priority under WIOA. The established priority of service criteria outlined above does not indicate that individualized career and training services may only be provided to recipients of income-based public assistance, low-income individuals, and individuals who are basic skills deficient. GuilfordWorks may serve eligible individuals that do not fall into a priority group and should focus on serving eligible individuals facing barriers to employment.
 - b. Staff conducting the eligibility determination will reference the WIOA and Wagner-Peyser Employment Act Participant Eligibility Reference Guide to collect appropriate documentation to support the priority designation.

PERFORMANCE

GuilfordWorks will routinely monitor the internal goals of serving a minimum of 50% of Adult customers from the priority groups through Ad Hoc reporting in the NCWorks.gov system.

This Policy updates and replaces all previous policies regarding Priority of Services under WIOA in the GuilfordWorks Workforce Development Area.