



**Buffalo and Erie County
Workforce Investment Board, Inc.**

MEMORANDUM

TO: Lavon Stephens, WDC Administrative Director
FROM: Heather Gresham, WIB Executive Director
RE: WIOA Priority of Service Requirements for Adult-funded individualized career and training services (including ITAs)
DATE: August 24, 2017

Attached is BECWIB's directive concerning WIOA Priority of Service requirements for Adult-funded individualized career services and training services (including ITAs). A formal local policy bulletin will be forthcoming.

These requirements must be implemented immediately.

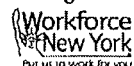
Center Directors are asked to work together to establish the written procedures implementing this directive for consistent application across Centers. Please keep me apprised of its progress on a regular basis.

Please share this directive with all appropriate staff.

Thank you.

Cc: Demon Smith, Denise Raymond, Terry Chatfield, Tom Mormile; BECWIB staff, WDC Staff

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**Buffalo & Erie County
Workforce Investment Board, Inc.**

**PRIORITY OF SERVICE
FOR
WIOA ADULT FUNDED CAREER AND TRAINING SERVICES**

August 24, 2017

Effective Immediately

Effective immediately, and in accordance with the Workforce Innovation and Opportunity Act (WIOA), our Local Workforce Development Area (LWDA) adopts the following requirements concerning priority of service for WIOA Adult-funded Career and Training Services.

These requirements modify BECWIB LPB # 7-17, *ITA and Supportive Services Policy* (dated June 15, 2017) as follows:

- Low income eligibility for Adult-funded ITAs are no longer capped at 200% of the annual Federal Poverty Income Guidelines. Under WIOA, low income, for purposes of determining Adult income eligibility, may not exceed the higher of (1) the poverty line, or (2) 70% of the lower living standard income level (LLSIL).
- Low-income eligibility for supportive services to all ITA participants (Adults and Dislocated Workers) may not exceed the higher of (1) the poverty line or (2) 70% of the LLSIL.

INTRODUCTION

This directive outlines the priority of service requirements under Title I of WIOA for Adult-funded career and training services.

WIOA establishes priority requirements with funds allocated to a local area for *adult employment and training activities* (WIOA Section 134 (c) (3) E). This statutory priority does not apply to employment and training activities using dislocated worker funds. However, WIOA does require a priority of service for Veterans and Eligible Spouses who receive services under *any* qualified job training program funded by the U.S. Department of Labor (20 CFR 680.650; TEGL 10-09; and TA#12.12.4). Thus, a priority of service to veterans and eligible spouses must be applied to dislocated worker (DW) funded programs, as well.

What follows are the rules governing priority of service application to (1) WIOA Adult-funded career and training services as outlined in 20 CFR 680.600 through 680.660, and (2) Veterans and Eligible Spouses under all qualified job training programs funded under Title I of WIOA.

DEFINITIONS

A. Basic Skills Deficient

WIOA focuses on serving individuals with barriers to employment, as defined in WIOA sec. 3(24), which has been expanded to include individuals who are basic skills deficient.

For WIOA Adults, “Basic Skills Deficient” means an individual 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 inability to compute or solve problems or to read, write or speak English at the necessary level may be documented by one of the following:

- (1) A score on the TABE test equivalent to the 8th grade level or below;
- (2) An equivalent assessment on the National Reporting System (NRS) benchmarks crosswalk;
- (3) An assessment approved and accredited by the New York State Department of Education; or
- (4) A self-attestation that an individual with a primary language other than English is limited-English proficient.

B. Career Services (Basic, Individualized and Follow-up).

Career Services are defined in 20 CFR 678.430. It includes Basic, Individualized and Follow-up services. These services are further articulated in TEGL 19-16 and TEGL 16-16.

C. Covered Person

Covered person is defined as a veteran or an eligible spouse. Covered persons must meet all statutory eligibility and program requirements for participation in order to receive priority for a program or service.

The status of a veteran or eligible spouse may be verified by the documents described in paragraph 1(b) of Attachment A to TEGL10-09 (November 10, 2009).

D. Eligible Spouse (TEGL 10-09; WIOA Sec.3 (15) (E))

An “eligible spouse” is

- A spouse of any veteran who died of a service-connected disability
- A spouse of any member of the Armed Forces serving on active duty who, at the time of application 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
 - Missing in action
 - Captured in the line of duty by a hostile force, or
 - Forcibly detained or interned in the line of duty by a foreign government or power
- A spouse of any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs; or
- A spouse of any veteran who died while a disability was in existence.
- A dependent spouse of a member of the Armed Forces on active duty whose family income is significantly reduced because of a deployment or call or order to active duty, a permanent change of station, or the service-connected death or disability of the service member.
- The spouse of a member of the Armed Forces on active duty who is unemployed or underemployed and is experiencing difficulty obtaining or upgrading employment.

E. Low-Income Individual

The term “Low-Income Individual” is defined in WIOA Sec. 3 (36) (A), and include an individual who is:

- a recipient of public assistance through SNAP, TANF, and SSI, or
- in a family with total family income that does not exceed the higher of
 - (1) the poverty line; or

(2) 70% of the lower living standard income level

F. Priority of Service

Priority of service means that individuals in priority groups are given priority over individuals not in those groups for the receipt of WIOA Adult-funded career and training services. (WIOA sec. 134 (c) (3) (E); and 20 CFR 680.600 through 680.660).

This means that an individual in a priority group either receives access to a service earlier in time than an individual not in the group or, if the resource is limited, the individual in the priority group receives access to the service instead of or before individuals who are not in the priority group.

G. Training Services are governed by sections 20 CFR 680.200 through 680.230, and 20 CFR 680.300 through 680.350. These services are further articulated in TEGL 19-16 and TEGL 16-16.

H. Veteran

A veteran is a person who served in the active military, naval or air service and who is discharged or released therefrom under conditions other than dishonorable (WIOA Sec. 3(63)(A); 38 USC Sec. 101).

PRIORITY OF SERVICE FOR WIOA ADULT-FUNDED INDIVIDUALIZED CAREER SERVICES

Priority of service for Individualized Career Services using Adult funds must be provided in the following order:

First, to covered persons (veterans and eligible spouses) that are:

- Recipients of public assistance, or
- Other low income (as defined by WIOA sec. 3(36), or
- Basic skills deficient.

Second, to individuals (non-covered persons, that is, individuals who are not veterans or eligible spouses) that are:

- Recipients of public assistance, or
- Other low income [as defined by WIOA sec. 3(36)], or
- Basic skills deficient.

Third, to all other veterans and eligible spouses that meet Adult program eligibility.

Lastly, to individuals (non-covered persons) who do not meet the above priorities but are employed Adults earning an amount equal to or less than the self-sufficiency wage established by the Board.

No other group will be eligible for an Adult-funded ITA.

PRIORITY OF SERVICE FOR WIOA ADULT-FUNDED TRAINING SERVICES (includes ITAs)

Priority of Service for WIOA Adult-funded training services, including ITAs, must be provided in the same order as Adult-funded individualized career services.

If there is a waiting list for the formation of a training class, priority of service requires an individual in a priority group to go to the top of the list. *However*, priority of service for training services applies only up to the point at which an individual is both approved for funding and accepted or enrolled into the training program. Therefore, once an individual who is not in a priority group has been approved for funding and accepted or enrolled into the training program, priority of service is not intended to allow an individual in a priority group who is identified subsequently to “bump” the individual not in the priority group from the training program.

Please share this information with appropriate staff.