STATE OF TENNESSEE
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF WORKFORCE SERVICES
220 French Landing Drive
Nashville, TN 37243-1002
(615) 741-1031

Workforce Services Guidance – Adult Priority of Services – WIOA

Effective Date: November 30, 2017
Duration: Indefinite

Subject:
WIOA Title I Adult priority of service requirements.

Purpose:
To provide guidance to Local Workforce Development Boards (LWDBs), One-Stop Operators, and American Job Center (AJC) service providers for the implementation of priority of service for Workforce Innovation Opportunity Act (WIOA) Title I Adult program participants. This guidance also requires LWDBs to update or create LWDB policies on adult priority of services pursuant to ***WIOA Section 134(c)(3)(E)***.

Scope:
Adult Education (AE), American Job Center (AJC), American Job Center Access Point (AJC Access Point), Chief Local Elected Official (CLEO), Division of Workforce Services (WFS), Local Workforce Development Areas (LWDAs), Local Workforce Development Boards (LWDBs), Office of the Governor, Office of Registered Apprenticeship (RA), One-Stop Service Delivery System Operator (Operator), Regional Council (RC), Rehabilitation Services (RS), State Workforce Development Board (SWDB), Tennessee Department of Education (TDOE), Tennessee Department of Economic and Community Development (TDECD), Tennessee Department of Human Services (TDHS), Tennessee Department of Labor and Workforce Development (TDLWD), Tennessee Eligible Training Providers (TETPs), Workforce Innovation and Opportunity Act (WIOA), Workforce System Partners (Partners), Workforce System Subrecipients (Subrecipients)

References:
20 CFR 680.640; TEGL 19-16; WIA Section 134(d)(4)(E); WIOA Section 3(24); WIOA Section 3(5)(B); WIOA Section 3(36); WIOA Section 134(c)(3)(E); Workforce Services Guidance - Income Guidelines for Persons Defined as Low-income Individuals; Workforce Services Policy - Veterans and Eligible Spouse Priority of Service (17-05)

Background:
Across all titles, WIOA focuses on serving "individuals with barriers to employment" — as defined in ***WIOA Section 3(24)*** — and seeks to ensure access to quality services for these populations. ***TEGL 19-16*** specifies that priority should also be applied to individuals that are both underemployed and low-income. WIOA focuses on serving individuals with barriers to employment and the intent of the law is to ensure access to workforce services for these populations on a priority basis.

I. Priority of Service Defined:

Under the Workforce Investment Act (WIA) — the predecessor to WIOA — priority of service was given to individuals with barriers to employment "in the event that funds allocated to a local area for adult employment and training activities are limited, priority shall be given to recipients of public assistance and other low-income individuals for intensive services and training services" (***WIA Section 134[d][4][E]***).

In order to prioritize services, regardless of the availability of funds, the clause stating "in the event that funds allocated to a local area for adult employment and training activities are limited" has been eliminated under ***WIOA Section 134(c)(3)(E)***. However, veterans within these groups receive priority over non-veterans ***(Workforce Services Policy - Veterans and Eligible Spouse Priority of Service [17-05])***. This policy can be accessed by visiting:
http://tn.gov/assets/entities/labor/attachments/Completed_WFS_Policy_-_Veterans_and_Eligible_Spouse_Priority_of_Service_....pdf

Adult priority is determined, for the targeted groups, during eligibility and enrollment. When providing individualized career and training services in the Title I Adult program, 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 ***WIOA Section 134(c)(3)(E)***.

LWDBs may add additional categories to give priority to other individuals for the adult program as outlined on page 4 of this guidance.

II. Definitions:

Low-Income Individual (LII):

A low-income individual is defined as a person who meets any of the following criteria and will satisfy the low-income requirement for WIOA Title I Adult services:

1. **Recipient 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 or more of the following:
   a) Supplemental Nutrition Assistance Program (SNAP);
   b) Temporary Assistance for Needy Families (TANF) program;
   c) Supplemental Security Income (SSI) program; or
   d) State or local income-based public assistance.

2. **Low-income** includes:
   a) Recipients of public assistance (defined above),
   b) Individuals in a family with total income below seventy percent (70%) of the lower living standard income level,
   c) Homeless,
   d) Foster youth, or
   e) Individuals with disabilities with an income below seventy percent (70%) of the lower living standard income level.

More information concerning individuals who qualify as low-income, and the criteria of that determination, is covered in the ***Workforce Services Guidance - Income Guidelines for Persons Defined as Low-income Individuals***. This document can be found at:
http://tn.gov/assets/entities/labor/attachments/WFS_Guidance__Low_Income_Individuals_Guidelines.pdf

A youth eighteen (18) or older, who was determined to be a low-income individual eligible for the WIOA Title I Youth program, may be co-enrolled in the WIOA Title I Adult program without an additional determination of eligibility. They may 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.

Basic Skills Deficient: ***WIOA Section 3(5)(B)*** defines basic skills deficient as "an individual who is unable to compute or solve problems, read, write, or speak English at a level necessary to function on the job, in the individual's family, or in society." It is expected that any such basic skills deficiencies will be determined by an objective, valid, and reliable assessment such as the Comprehensive Adult Student Assessment Systems (CASAS). If the LWDB determines the priority of service will also

be based on basic skills deficient criteria then the participant's file must contain academic tests (including the participant's name, date of test, and results).

Under WIOA — as explained in ***20 CFR 680.640*** — an individual with a disability, whose family does not meet income eligibility criteria, will qualify for priority as a low-income adult as defined in ***WIOA Section 3(36)***. Unlike WIA, WIOA also has a priority of funding services for youth meeting the low-income thresholds or basic skills deficiency criteria mentioned in the definition section of this policy.

Underemployed: individuals are employed full or part-time and must also meet the definition of a low-income individual in order to be eligible for the adult priority.

III. Local Workforce Development Area Standards and Analysis:

Each LWDB is required to develop a written policy regarding this guidance, and may add other groups in the population considered to be facing barriers to employment. However, such policy must be based on job-seeker needs and an analysis of funds from all available sources. Each LWDB must determine if there are more appropriate or available funds to serve individuals determined (by the LWDB) to be in a priority category. This strategy will avoid duplication of services by ensuring that all resources are taken into consideration when developing the local policy regarding services to adults and people with disabilities who do not qualify for other programs.

When developing local standards for training programs, especially for individuals determined as low-income and/or low-income combined with a disability, LWDBs must also take into account those who will benefit from "training services". Only after that has been completed are the local boards to prioritize services for those in most need, such as:

1. Low-income individuals and low-income individuals with disabilities who have existing skills to build upon, or
2. Individuals who are chronically unemployed or have an inconsistent work history.

Note: Training services are used to connect participants to in-demand occupations and need to be filled by employers in each LWDA. It is not required for non-priority service participants to give up their place to individuals who are categorized as priority eligible. Priority of service applies up to the point at which a non-priority individual is both approved for funding and accepted or enrolled in a training class. ***Priority of service is not intended to allow a priority adult to "bump" a non-priority individual.***

IV. Adult Priority, Veterans' Priority of Service, and How To Apply Priority:

The priority of service for veterans and eligible spouses always 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 recipient of individualized career and training services in the WIOA Title I Adult program.

Priority of service for veterans and eligible spouses, for the Title I Adult program, must be applied in the following order:

1. Veterans and eligible spouses who meet the statutory priority (such as public assistance recipients, other low-income individuals including the underemployed, or those who are basic skills deficient) and Title I Adult program eligibility must receive the highest level of priority for services;
2. Other individuals (not veterans or eligible spouses) who meet the statutory priority (such as public assistance recipients, other low-income individuals including underemployed, or those who are basic skills deficient) and Title I Adult program eligibility then receive the second level of priority for services;
3. All other veterans and eligible spouses who meet Title I 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 statutory priority (such as public assistance recipients, other low-income individuals including underemployed, or those who are basic skills deficient), but do meet a local discretionary priority and Title I Adult program eligibility, then receive the fourth level of priority for services.
5. Other individuals (not veterans or eligible spouses) who do not meet the statutory priority (such as public assistance recipients, other low-income individuals including underemployed, or those who are basic skills deficient) and do not meet the local discretionary priority, but do meet Title I Adult program eligibility, then receive the fifth level of priority for services. See ***Veterans and Eligible Spouse Priority of Service Policy TN-WIOA (17-5)***.

V. Local Policy Requirements:

LWDBs are required to have a Title I Adult priority of service policy in place. The appropriate local board shall direct the one-stop operators in the local area with regard to making determinations related to such priority. The local adult priority of service policy must include the following:

1. Local procedures for determining priority during the eligibility process and enrollment;
2. How the local area will define "low-income" (it may be more stringent than the state definition in this Adult Priority of Services guidance) and the relevant data used to establish the definition (more information concerning low-income individuals can be found in the Low Income Individuals Guidelines, which can be accessed by clicking the following link:

http://tn.gov/assets/entities/labor/attachments/WFS_Guidance_-_Low_Income_Individuals_Guidelines.pdf;

3. The criteria and procedures used to assess priority for basic skills deficient individuals;
4. Any local requirements, such as residency, that will be established in relation to the four priority groups; and
5. Any local discretionary priorities that will be established in addition to the four targeted groups, the data to support the need for the local priority, and the documentation that will be required from an individual for the local priority.

All the above information must be compiled into one clear, concise policy.

Contact:
For any questions related to this guidance, please contact Nicholas Bishop - Director of Compliance and Policy for Workforce Services at Nicholas.Bishop@tn.gov

Effective Date: November 30, 2017
Duration: Indefinite

Sterling van der Spuy, Administrator