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Policy Number:	2019-3
Subject of Policy:	Adult Worker Program Priority of Service Enrollment
WIOA Citation:	20 CFR §680.600 (c)
Prior Policy	Policy & Procedures Governing Adult and Dislocated Worker Enrollment (10/18/13), WIA & NEG Veterans' Priority of Service Policy (04/27/12)
Prior Policy Action:	This rescinds and replaces the prior policy.
Effective Date:	09/30/19

PURPOSE:

This policy outlines requirements for CWMWDB Local Region Three’s Adult Worker Program Priority of Service Enrollment, which adheres to both Federal and State policy mandates and includes Local workforce needs. The Adult Worker Program Priority of Service Enrollment Policy ensures that persons who need CWMWDB services to become vibrant full-time employed members of the local economy will receive these services without delay.

FEDERAL AND STATE PRIORITY POLICY:

1. **Veterans** and eligible spouses receive priority of service for all Department of Labor (DOL) programs among all participants
2. **WIOA Priority of Service** for Adult Program Participants requirement:
 As stated in WIOA Section 134(c)(3)(E), for individualized career services and training services to be funded with WIOA Title I -Adult funds, priority must be given to:
 - a. Recipients of public assistance;
 - b. Other low-income individuals; and
 - c. Individuals who are basic skills deficient.

While persons who are low income, recipients of public assistance, or who are basic skills deficient receive priority, they are not the only persons entitled to the funds. As stated in 20 CFR §680.600 (c) this priority “does not necessarily mean that these services only may be provided to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient. The Local WDB and the Governor may establish a process that also gives priority to other individuals eligible to receive such services”.

LOCAL AREA PRIORITY POLICY:

1. **An Individual with a Barrier to Employment** as defined in WIOA Section 3(24) and State Policy No. PY15-03 is identified as a CWMWDB Region Three Local Priority. A person must be one or more of the following types of persons to be eligible:
 - a. Displaced Homemakers
 - b. Low Income Individuals
 - c. Indians, Alaska Natives, and Native Hawaiians, as such terms are defined in WIOA Section 166
 - d. Individuals with Disabilities, including youth who are individuals with disabilities
 - e. Older Individuals (age 55 and older)
 - f. Ex-Offenders
 - g. Homeless individuals

- h. Youth who are in or have aged out of the foster care system
 - i. Eligible migrant and seasonal farmworkers, as defined in WIOA section 167(i)
 - j. Individuals within 2 years of exhausting lifetime eligibility under TANF (Part-A of the Social Security Act 42 U.S.C 601 et seq.)
 - k. Single parents (including single pregnant women)
 - l. Long-term unemployed individuals
 - m. Individuals who are English language learners and have low levels of literacy
 - n. Individuals facing substantial cultural barriers
 - o. Veterans
2. **An Individual with Other Barriers** to full time skilled employment as defined by the Local Board below is identified as a CWMWDB Region Three Local Priority. A person must be one or more of the following types of persons to be eligible:
- a. **Persons who are undereducated** which are those without a high school degree and those with only a high school degree or equivalency and are therefore in the bottom 45% of educational attainment for the general U.S population, shown in Table S1501 of the most current American Community Survey 5-Year Estimates and who also meet one other another criteria below”
 - i. **Persons who are underemployed** which are those who are either seasonal workers, part time workers or those whose annual earnings are 75% or less of the Median Earnings for general U.S population for their educational attainment as shown in Table S1501 of the most current American Community Survey 5-Year Estimates.
 - ii. **Persons who had or have substance abuse issues** as verified by a certified drug counselor, other appropriately licensed clinician or a recovery program sponsor;
 - iii. **Persons who have a mental illness** which impairs their daily life as verified by a licensed physician, physician assistant, nurse practitioner or similar medical professional with the credentials to support a diagnosis.

SEQUENCE OF PRIORITY

The following sequence of priority is defined by the State and will apply to CWMWDB Region Three:

1. **First priority** are those persons who have **Veterans’ Priority** and **WIOA Priority of Service**: recipients of public assistance, other low-income individuals, or are basic skills deficient;¹
2. **Second priority** are those persons who have **WIOA Priority of Service**: recipients of public assistance, other low-income individuals, or are basic skills deficient but do not have veterans’ priority
3. **Third priority** are those persons who have **Veterans’ Priority** and that are **Individuals with a Barrier to Employment** as defined in local board policy but who are not recipients of public assistance, low-income or basic skills deficient;
4. **Fourth priority** will be those persons that are **Individuals with a Barrier to Employment** as

¹ Per 683.230 when past income is an eligibility determinant for a veteran, any amounts received as military pay or allowances by any person who served on active duty and certain other specified benefits must be disregarded for the veteran and for other individuals for whom those amounts would normally be applied in making an eligibility determination for the purpose of determining if the veteran or covered person is a low-income individual.

defined in local board policy but who do not have veterans' priority, are not recipients of public assistance, low income, or basic skills deficient .

5. **Fifth priority** will be those persons that are **An Individual with Other Barriers** as defined in local board policy but who do not have veterans' priority, are not recipients of public assistance, low income, or basic skills deficient.

PROGRESSION OF SEQUENCE

Any priority of service can be served and there is no presumption that 1 is first, 2 is second and so forth as established in 20 CFR §680.600 (c). However, the emphasis should remain in the long term on low income populations but can allow for other populations to be served.

Dislocated Workers/Youth

Priority of service does not apply to the dislocated worker or youth populations.

People with Disabilities Income Status

For the purpose of establishing income eligibility for priority of service, people with disabilities are considered a household of one. As outlined in WIOA Section 3(36)(A)(vi), a person with a disability can be considered a low-income individual under the priority of service if the individual's own income meets the income requirement described in WIOA Section 3(36)(A)(ii), even if the individual is a member of a family whose income exceeds the poverty line or is 70 percent of the Lower Living Standard Income Level.

Services Subject to Priority of Service

Individualized career services and training services, outlined in WIOA Section 134(c)(2)(A)(xii), are subject to priority of service as herein defined. Basic career services, outlined in WIOA Section 134(c)(2)(A)(i)-(xi), are not subject to the priority of service as they must be made available to all.

State Review of Priority Implementation

The Bureau of Employment Services will, at the culmination of the third quarter of each program year, review the percentage of Adult participants, who are low income, recipients of public assistance, or basic skills deficient, to compare with previous program years and to support that priority for these populations is indeed being provided.

Local Area Review of Priority Implementation

The Local Board will submit its finding of necessity for sequencing to the Bureau of Employment Services in support of its local priorities.

RELATED TERMS AND DEFINITIONS:

Basic Skills Deficient – An individual that 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 (WIOA Section 3[5]). Or an individual that has English reading, writing or computing skills at or below the 8th grade functioning level as identified using a standardized test such as the CASAS.

Individual with a Disability – The term "individual with a disability" means a person with a disability as defined in Section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102). Disability means:

- A physical or mental impairment that substantially limits one or more major life activities,

- A record of such an impairment, or
- Being regarded as having such an impairment (*established if the individual has been subject to an action prohibited under the law because of actual or perceived physical or mental impairment, whether or not the impairment limits or is perceived to limit a major life activity*)

Low-Income – An individual that meets one of the criteria below (WIOA Section 3[24]):

1. 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:
 - a. assistance through the Supplemental Nutrition Assistance program (SNAP) established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) referred to as Food Stamps;
 - b. assistance through the program of block grants to States for Temporary Assistance to Need Families (TANF) under part A of Title-IV of the Social Security Act (42 U.S.C. 601 et. seq.), or State or local income-based public assistance;
2. Is in a family with total family income that does not exceed the higher of:
 - a. the poverty line; or
 - b. 70% of the lower living standard income level (LLSIL) (*Note: LLSIL means that income level, adjusted for regional, metropolitan, urban, and rural differences and family size, determined annually by the USDOL on the most recent lower living family budget issued*)
3. Is homeless – Is a homeless individual (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)).
4. Receives, or is eligible to receive, free or reduced priced school lunch (under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).
5. Is a foster child on behalf of whom State or Local government payments are made; or
6. Is an individual with a disability whose own income meets the income requirements 1 or 2 above, but who is a member of a family whose income does not meet this requirement .

Mental Illness – An individual with a condition diagnosed by licensed medical professional that affects thinking, feeling, mood and the ability to work including anxiety disorders, bipolar disorder, borderline personality disorder, major depression, dissociative disorders, psychosis, obsessive-compulsive disorder, posttraumatic stress disorder, schizophrenia or schizoaffective disorder, medicated ADHD, or other debilitating psychological condition classified

Public Assistance –Federal, state, or local government cash payments for which eligibility is determined by a needs or income test (WIOA Section 3[50]).