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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 Needy 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]).



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Policy Number:	2019-4
Subject of Policy:	Dislocated Worker Program Definition - <i>unemployed as a result of general economic conditions</i>
WIOA Citation:	20 CFR § 680.130 (b) (2)
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 defines the Dislocated Worker Program term “*unemployed as a result of general economic conditions in the community in which the individual resides*” as it related to self-employment.

DEFINITION

1. ***Unemployed as a result of general economic conditions in the community in which the individual resides*** refers to:
 - a. **Formerly self-employed** or 1099 workers who meet one of the below criteria:
 - i. **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.
 - ii. **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.
 - iii. **Persons who had or have substance abuse issues** as verified by a certified drug counselor, other appropriately licensed clinician or a recovery program sponsor;

The General Economic Conditions for Local Region Three which justify the definition are below. These conditions indicate that despite seemingly low adjusted unemployment rates, the workforce is subject to volatile seasonal fluctuations in employment, has disproportionately large layoffs, and is riddled with endemic long-term unemployment. Workers are lower income, are under educated, in the middle of an opioid crisis that effects unemployment rates and reduces the workforce farther.

GENERAL ECONOMIC CONDITIONS

Income Indicators

Local Area Three Selected Low Income Indicators			
Place	Median Household Income	SNAP Low Income benefits - % of Households	Medicaid Low Income Health Insurance - % Individuals
U.S.	57,652	14.6%	19.6%
Androscoggin	49,538	19.9%	23.5%
Franklin	45,541	15.9%	20.2%
Kennebec	50,116	17.5%	16.7%
Oxford	44,582	19.2%	21.1%
Somerset	41,549	22.9%	26.2%

U.S. Census Bureau. (2018). 2013-2017 American Community Survey 5-Year Estimates

The counties in Local Area Three have a much lower median income than the US average with the rural Oxford and Somerset counties nearly \$13,000 and \$16,000 under the typical national household income. However, Maine has higher than the US average sales tax, state income tax and property tax ([The Balance, 2019](#)). For total tax burden, Maine has been ranked #3 in the US by CNBC behind Hawaii and New York ([CNBC, 2018](#)).

In Oxford and Androscoggin nearly 5% more households receive Supplemental Nutrition Assistance Program (SNAP) benefits than the US average and in Somerset over 8% more households receive SNAP benefits. A similar trend follows with public low-income Medicaid health insurance. Nearly 6% more Somerset residents receive this low income benefit, followed by Androscoggin with nearly 4% and then Oxford with approximately 1.5% more residents receiving low income benefits ([US Census, 2018](#)).

In Oxford and Androscoggin nearly

Unemployment

Local Region Three suffers from widely fluctuating seasonal unemployment which ranges from a median low of 2.9% to a median high of 5%. What causes the large range is the temporary hospitality and agricultural positions that supplement Maine's seasonal industries but do not provide permanent full-time jobs that create a stable economy. This especially effects the more rural counties like Somerset which had 2019 off season high unemployment rate of 6.4% and a seasonal low unemployment rate of 3.7% in July 2019. Oxford County likewise had a 2019 off season high unemployment rate of 5.1% and a low of 2.9% ([CWRI, 2019](#)).

2019 Seasonal Unemployment Rate Volatility Due to Temporary Jobs		
County	Low Unemployment Rate	High Unemployment Rate
Androscoggin	2.5%	3.9%
Franklin	3.3%	5.0%
Kennebec	2.4%	4.1%
Oxford	2.9%	5.1%
Somerset	3.7%	6.4%

Center for Workforce Research and Information. (2019). Labor force statistics by geography. Maine.gov [online]. Retrieved from <https://www.maine.gov/labor/cwri/laus2.html>

The Long Term Unemployed as a Percentage of the total Unemployed Workforce	
County	Average %
Androscoggin	31.0%
Franklin	33.5%
Kennebec	33.2%
Oxford	25.3%
Somerset	32.5%

Eastern Maine Development Corporation. (2019). Long term unemployed- Maine Job Link registrants past two years. [private correspondence] Information retrieved from nonpublic sources at <https://joblink.maine.gov/ada/r/>.

Long Term Unemployed

The long term unemployed make up a significant amount of the area’s unemployed workforce. In Local Region Three, between 18% to 41% of the unemployed have been searching for a job for 27 weeks or more.

Dislocated Workers

The dislocated workforce is also disproportionately represented in Local Region Three. While the area has 27.5% of the total Maine population it had over 43.2 of

the total dislocated workers. In particular, Oxford County had a dislocated workforce rate that was nearly double its regular population rate.

Dislocated Workers Maine Rapid Response (PY 2017-2018)		
County	% of State Dislocated Workers	% of State Population
Androscoggin	12.6%	8.0%
Franklin	9.5%	2.2%
Kennebec	9.8%	9.1%
Oxford	9.3%	4.3%
Somerset	1.9%	3.8%
Total	43.2%	27.5%

Eastern Maine Development Corporation. (2019). Long term unemployed- Maine Job Link registrants past two years. [private correspondence] Information retrieved from nonpublic sources at <https://joblink.maine.gov/ada/r/>.

Aging Workforce

Maine’s aging workforce has led to a workforce crisis that the Washington Post recently called a “disconnect between Maine’s aging population and its need for young workers” ([Washington Post, 2019](#)).

Local Area Three has one of the oldest and smallest workforce populations in the U.S. The Local Region Three’s median regular age is 45.4 years which is 7.6 years less than the U.S. median age of 37.8 ([US Census, 2018](#)). This translates into a lower percentage of the workforce population being “Working Age.”

So, while 72.5% of the U.S. population is Working Age, between 15 years to 64 years old, in Local Area Three, the median percentage of Working Age is 65.1%. Oxford County has the lowest percentage of population in the workforce with only 64.5% of its total population within working age range. This means that Oxford County has 8% less of a workforce within its population than the rest of the U.S.

Opioid Public Health Emergency

Central Western Maine Workforce Development Board’s Local Region Three is an impoverished rural area that suffers from an opiate epidemic involving oxycodone, fentanyl, other synthetic opioids, heroin, and methamphetamine which is often mixed with fentanyl or fentanyl-related substances (DEA, 2016). The Local Area Three opiate epidemic has turned a germane portion of the already small young workforce into not employed or unemployed addicts.

According to a study by the [National Bureau for Economic Research \(2017\)](#), “understanding the relationship between local economic conditions [such as in Maine Local Area Three] and drug-related adverse outcomes is important” to understanding the impact opioid epidemic has on local unemployment rates. Researchers at the National Bureau of Economic Research have found that “that opioid deaths and ED visits are predicted to rise when county unemployment

rates temporarily increase.” (NBER, 2017).” Specifically, it was noted that “[a]s the county unemployment rate increases by one percentage point, the opioid death rate per 100,000 rises by 0.19 (3.6%) and the opioid overdose ED visit rate per 100,000 increases by 0.95 (7.0%) (NBER, 2017).” The implication of this research for counties with a highly fluctuating seasonal unemployment is that a workforce composed of more full-time year-round workers will result in both a better economy and less opioid deaths.

However, the opioid epidemic’s workforce reduction in the Region has worked in concert with several other economic factors besides a volatile seasonal economy buttressed by temporary low paying jobs. The Region has the oldest US workforce population, a high percentage of endemic long-term unemployment, and an unusually high rate of dislocated workers. These conditions create a workforce crisis that deserves consideration for grant funding.

Center for Workforce Research and Information. (2019). Labor force statistics by geography. Maine.gov [online]. Retrieved from <https://www.maine.gov/labor/cwri/laus2.html>

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09/25/2019 BOD Meeting