Workforce Innovation & Opportunity Act Adult Priority of Service Policy

Background
In accordance with §134(c)(3)(E) of the Workforce Innovation and Opportunity Act (WIOA); the Jobs for Veterans Act of 2008 (JVA); and the PA Department of Labor & Industry (L&I) Workforce System Policy (WSP) 05-2016, Priority of Service – Initial Implementation of WIOA, released December 23, 2015 with respect to funds allocated to Philadelphia for certain WIOA adult employment and training activities, Philadelphia Works will apply a priority of service to Philadelphia residents who qualify under the categories listed below for receipt of individualized career services and training services under WIOA adult title I programs (see Philadelphia Works Eligibility and Self-Certification Policy). Priority of Service does not apply to the dislocated worker or youth programs.

Priority of service means, with respect to applicable WIOA programs, certain populations will be given priority over others (as listed in the section Priority of Service) for the receipt of certain employment, training, and placement services provided under WIOA. Veterans within these groups receive priority over non-veterans. Adult priority is determined for the targeted groups during eligibility and enrollment. Depending on the type of service being provided, taking precedence may mean:

− Certain priority populations receive access to the service earlier in time than the non-covered person; or
− If the service or resources are limited, priority populations receive access to the service instead of or before other population groups. (20 CFR 1010.200(a))

Priority of Service
Priority for receipt of individualized career services and training services will be given to customers who are residents of Philadelphia in the following order, regardless of funding levels:

− First, to veterans and eligible spouses who are also recipients of public assistance, low-income individuals including those who are underemployed, or basic skills deficient.
− Second, to recipients of public assistance, other low-income individuals including those who are underemployed, or individuals who are basic skills deficient.
− Third to veterans and eligible spouses who are not recipients of public assistance, not low-income individuals including underemployed or who are not basic skills deficient.

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1 Some of the provisions throughout this policy are based on interim rules and guidance from the US Department of Labor, they may be subject to change upon the issuance of final regulatory guidance.

2 Training and Employment Guidance Letter Number 3-15, “Guidance on Service Provided through the Adult and Dislocated Worker Program under WIOA and Wagner-Peyser, as Amended by WIOA and Guidance for the Transition to WIOA Services”, dated July 1, 2015 (pp. 7-8)

3 When past income is an eligibility determinant for Federal employment or training programs, 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 these amounts would normally be applied in making an eligibility determination. Military earnings are not to be included when calculating income for veterans or transitioning service members for this priority in accordance with 38 USC 4213.
– Fourth to long-term unemployed individuals.
– Last, to all other persons not listed above – those who do not qualify as veterans, eligible spouses, recipients of public assistance, low-income individuals, basic skills deficient individuals, or long-term unemployed individuals.

Priority of service cannot be waived. (20 CFR 1010.250) Priority of service does not guarantee that by virtue of his/her status an individual will always receive service. The individual must be eligible and able to benefit from the services. (20 CFR 680.600(b)) Once another participant is enrolled in a WIOA individualized career or training service, that participant may not be displaced by an individual who qualifies for priority of service.

WIOA Workforce Advisors must include the determination of this priority in the customer’s file with appropriate case notes. Additional guidance on the determination of priority of service during the eligibility process and enrollment is outlined for contractors in the Philadelphia Works Memo re: Determination and Implementation of Priority of Service under WIOA.

Performance Goals
At least 51 percent of WIOA title I-funded adult customers who are served at a PA CareerLink® Philadelphia center will qualify for and receive priority of service. Philadelphia Works will monitor this through an internal report and the compliance monitoring tool. Contractors will conduct active outreach to recruit priority of service groups if they are not meeting this performance goal.

Local Discretionary Priority
In Pennsylvania, a local area is permitted to identify one new priority of service category if it is consistent with the intent of L&I’s priority to serve individuals with barriers to employment. In August of 2015, Philadelphia Works conducted an analysis of survey responses from 1,241 visitors at 3 Philadelphia PA CareerLink centers. During this survey, among other questions, we asked participants to identify the challenges they faced when searching for a job and their employment status. We found that almost a third of PA CareerLink visitors were unemployed for six months or longer. They were also more likely to report that they:
- did not have a college degree,
- did not have access to a computer,
- had higher rates of homelessness and categorized themselves as disabled more than other visitors,
- lacked certifications,
- had a high school degree only,
- had limited professional contacts, and
- had some level of criminal history.

Based on these factors, we determined that the long-term unemployed would be the most effective additional population to include as 1) a significant number of our visitors faced this barrier and 2) this population group also included additional populations of individuals with barriers to employment.

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4 Data used in this analysis were collected using a non-probability sampling methodology and cannot be used to infer the characteristics of total PA CareerLink® population. Despite that, the data are still useful for understanding characteristics of one-stop visitors.
Definitions
An “adult” is an individual who is 18 years or older who meets any other applicable eligibility requirements. (WIOA, §3(2))

An individual is “basic skills deficient” if:
− he/she is a youth, who has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or
− he/she 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, §3(5)).

A “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. (20 CFR 1010.110)

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
  o Missing in action,
  o Captured in the line of duty by a hostile force, or
  o 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. (20 CFR 1010.110)
− Military spouses may also qualify if they are a dependent spouse of a member of the Armed Forces on active duty whose family income is significantly reduced because of a deployment, a call or order to active duty, a permanent change of station, or the service-connected death or disability of the service member. (TEGL 3-15)
− Military spouses also can qualify if they are unemployed or underemployed and are experiencing difficulty in obtaining or upgrading employment. (TEGL 3-15)

An “individual with a barrier to employment” is a member of 1 or more of the following populations:
− Displaced homemakers;
− Low-income individuals;
− Indians, Alaska Natives, and Native Hawaiians;
− Individuals with disabilities, including youth who are individuals with disabilities;
− Older individuals;
− Ex-offenders;
− Homeless individuals (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 USC 14043e-2(6))), or homeless children and youths (as defined in section 725(2) of the

If a WIOA youth was determined ‘basic skills deficient’ in the last 6 months, he/she also meets the adult definition of basic skills deficient.
Philadelphia Works Priority of Service Policy, Approved 3.17.2016, Effective July 1, 2015 (rev. 5.17.2016)

McKinney-Vento Homeless Assistance Act (42 USC 11434a(2))); Youth who are in or have aged out of the foster care system;
− Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers;
− Eligible migrant and seasonal farmworkers, as defined in WIOA section 167(i);
− Individuals within two years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (42 USC 601, et. seq.);
− Single parents (including single pregnant women);
− Long term unemployed individuals;
− Such other groups as the Governor determines to have barriers to employment. (WIOA §3(24))

A “long-term unemployed individual” is an individual who has been unemployed for more than 26 weeks.

A “low-income individual” is an individual who:
− Is a recipient of public assistance;
− Is underemployed;
− Is in a family with a total family income that does not exceed the higher of –
  o The poverty line or
  o 70% of the lower level standard income level;
− Has a disability whose own income meets the income requirements outlined above but who is a member of a family whose income does not meet this requirement;
− Lacks a fixed, regular, and adequate nighttime residence and includes:
  o An individual who is:
    ▪ Sharing the housing of other persons due to loss of housing, economic hardship or a similar reason
    ▪ Is living in a motel, hotel, trailer park or campground due to the lack of alternative adequate accommodations
    ▪ Is living in an emergency or transitional shelter
    ▪ Is abandoned in a hospital or
    ▪ Is awaiting foster care placement
  o An individual who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings. (Violence Against Women Act of 1994 §41403(6));
− Is a foster child; or
− Receives or is eligible to receive a free or reduced priced lunch. (WIOA §3(36))

A “recipient of public assistance” is one who receives, or in the past six months has received, or is a member of a family that is receiving or in the past 6 months has received assistance through one (1) or more of the following: the supplemental nutrition assistance program (SNAP), the program of block grants to States for temporary assistance for needy families (TANF) program, or the supplemental security income (SSI) program, or State or local income-based public assistance.
“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 (PA Department of Labor & Industry Workforce System Policy (05-2016), Priority of Service – Initial Implementation of WIOA, December 23, 2015).

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. (20 CFR 1010.110)

*This policy is effective as of July 1, 2015.*