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WIOA Adult Priority of Service Policy & Procedures

Purpose

The purpose of this policy is to describe and detail the requirements for local policies concerning the Adult priorities of service for applicants in WIOA Title I-B programs and services in accordance with the Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, Training and Employment Guidance Letters (TEGLs) published by the Employment and Training Administration of the U.S. Department of Labor (ETA), and policies of the Arkansas Workforce Development Board (AWDB) and the Southeast Arkansas Workforce Development Board (SEAWDB).

Reference: (WIOA Law)

<https://www.congress.gov/113/bills/hr803/BILLS-113hr803enr.pdf>

Policy:

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:

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.

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
- Individuals with disabilities, as determined by the SEAWDB

II. Definitions:

Low-Income Individual:

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 receives, or in the past six months have received, or are a member of a family that is receiving or in the past six 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 (551) 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.

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." SEAWDB selects the instrument used to determine such basic skills deficiencies, will be determined by an objective, valid, and

reliable assessment such as the Test of Adult Basic Education (TABE). 8.9 grade level or below will be constituted as basic skills deficient. Participant's file must contain skill competency tests (including the participant's name, date of test, testing administrator and results).

Individual with a disability

An individual with a disability as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102) [WIOA § 3(25)]:

An individual who has both of the following:

1. A physical or mental impairment that substantially limits one or more major life activities of the individual
2. Either a record of such impairment or being regarded as having such an impairment

“Major life activities” include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. A major life activity also includes the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

“Regarded as having such an impairment” means that an individual has established that he or she has been subjected to an action prohibited by the Americans with Disabilities Act (ADA) because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. This definition does not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

The definition of “disability” shall be construed in accordance with the following:

1. The definition of “disability” shall be construed in favor of broad coverage of individuals to the maximum extent permitted by the terms of the definition.
2. The term “substantially limits” shall be interpreted consistently with the findings and purposes of the ADA Amendments of Act 2008.
3. An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.
4. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.
5. The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures, such as:

a. Medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies. ("Ordinary eyeglasses or contact lenses" mean lenses that are intended to fully correct visual acuity or eliminate refractive error. "Low-vision devices" means devices that magnify, enhance, or otherwise augment a visual image.)

b. Use of assistive technology

c. Reasonable accommodations or auxiliary aids or devices d. Learned behavioral or adaptive neurological modifications

6. The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major activity.

Note: An individual who receives Social Security Disability Insurance is considered to be an "individual with a disability" [TEGL 19-16].

III. SEAWDB 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: It is not required for non-priority service active 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.

V. Local Policy Requirements:

This policy meets the requirement that SEAWDB have a Title I Adult priority of service policy in place. The SEAWDB shall direct the one-stop operator with regard to making determinations related to such priority.

Procedures for Priority of Service of Adults & Individuals with Disabilities

- If an individual self-identifies as a member of a priority population, that individual should be provided with immediate priority in the delivery of services.

- When an individual who is a member of a priority population undergoes eligibility determination for enrollment, it is appropriate to initiate verification during the private and confidential interview and application process.
- If an individual who is a member of a priority population, at the point of eligibility determination and enrollment, does not have documentation verifying his or her eligibility for priority of service, he/she is to be afforded access on a priority basis to all services provided by program staff while awaiting verification.
- It is neither necessary nor appropriate to require verification at the public point of entry.

Priority of Service will be ensured by...

- Identifying an individual who is a member of a priority population using the acceptable documentation listed in the ADWS WIOA Title I-B Policy Manual when customers visit service delivery points.
- Displaying signs and or this policy that clearly describes the priority of services and the registration process. This information will also be conveyed when customers access services electronically or by telephone.
- Coordinating service delivery, outreach, employer and all other related activities with core partners and non-core partners who provide services to members of priority populations
- Identifying employers who are interested in hiring members of priority populations
- Promoting job fairs for members of priority populations
- Assisting members of priority populations before other customers
- Tracking and monitoring customer flow and compliance with all priority of services policies

Approved:



SEAWDB Chairperson

2-20-19

Date

Amended:

SEAWDB Chairperson

Date