



Policy # 1	
SUBJECT:	Priority of Service for WIOA Adult Funding
DATE ISSUED:	July 13, 2016, Updated
DATE EFFECTIVE:	July 1, 2019
REVISION DATE:	February 26, 2021, September 17, 2021

REFERENCES: WIOA Sections 3 and 134; 20 CFR §680.150, 680.610, and §680.650; 38 U.S.C. 101 and 4213 and 4215; 20 CFR 101; 20 CFR §683.230; and WorkForce WV WIOA Policy 2-16.

BACKGROUND: All individuals are eligible for basic or individualized career services, such as, labor market information, intake application for employment, initial screening for eligibility for WIOA, basic labor exchange, referral to other one stop partners. In order to receive intensive or training services under WIOA, an eligibility determination and career counseling/planning must be undertaken. This process determines that an individual need and can benefit from services because they are unlikely to obtain or retain employment that leads to economic self-sufficiency and have the skills to participate successfully in training services (WDB-KC Policy 2).

If funds allocated to a local area for adult employment and training activities under paragraph (2)(A) or (3) of section 133(b) are limited, priority shall be given to recipients of public assistance and other low-income individuals for intensive services and training services. The appropriate local board and the Governor shall direct the one-stop operators in the local area regarding making determinations related to such priority (see WFWV WIOA Policy 2-16).

WIOA allows the local Workforce Development Board(s) (WDBs) to establish local criteria for self-sufficiency and subsequent eligibility for adults and dislocated workers to receive intensive and training services. As Federal Poverty Guidelines are updated annually, current guidelines are attached to this policy as "Attachment A".

In WV U.S. Census Bureau Quick Facts show that 18% of WV residents live in poverty, additionally 18% of the population are single with children, WV has an unemployment rate of 5.1% which is above the national average and the median age is 43 years old. Kids Count Report 2016 reported 25% of WV children living in poverty in Kanawha County and a self-sufficient wage published in 2013 was \$19,550 for a family of one. The federal poverty rate for a family of one in 2019 is \$12,490. These rates govern First, Second and Third Priority of Services, along with Veteran status, and Displaced Homemakers.

WDB-KC is adopting a fourth and fifth priority for adults and dislocated workers wishing to enter training. Making these changes should help serve more individuals and meet our requirement of funding obligations of Adult and Dislocated Worker allocations in the program year that the funds are awarded.

ACTION: Priority of Service will be as follows:

Adult Funds:

1. Priority: Veterans and eligible spouses (covered persons) who are low-income or recipients of public assistance or who are basic skills deficient.
2. Second Priority: Individuals (non-covered persons) who are low-income or recipients of public assistance or individuals who are basic skills deficient.
3. Third Priority: Veterans and eligible spouses who are not low-income and are not recipients of public assistance or basic skills deficient.

If there is not a waiting list of individuals within priority levels 1 – 3:

4. Fourth Priority: Adults who (during the past six months) have income at or below 200% of the federal poverty guidelines (see Attachment A.)
5. Fifth Priority: Adults who (during the past six months) have income at or below 250% of the federal poverty guidelines and face substantial barriers to employment, such as:
 - a. An Incumbent Worker
 - b. Long-term Welfare Dependency
 - c. Ex-Offender
 - d. Single Parent
 - e. Low Income
 - f. English Language Learner
 - g. Basic Skills Deficiency
 - h. Individual with a Disability
 - i. Public Assistance Recipient
 - j. Homeless Individual
 - k. Secondary School Dropout
 - l. Substance Use Disorder/Recovery
 - m. Individual Impacted by Substance Use Disorder or Incarceration of a Family Member

Dislocated Workers:

1. Priority: A dislocated worker who lives in Kanawha County and is needs assistance to obtain employment at a sustainable wage
2. Second Priority: Dislocated workers who were laid off from an employer located in Kanawha County and needs assistance in obtaining employment at a sustainable wage
3. Third Priority: Dislocated workers who needs assistance to obtain a job at a sustainable wage and had a bone-fide offer of employment in Kanawha County
4. Fourth Priority: Dislocated workers who are underemployed, making less than 80% of their former wages

Wait List for WIOA Funding:

When WIOA funding has been depleted during the program year, WIOA Adults and Dislocated Workers will be added to the Wait List on a first come, first serve basis, adhering to WIOA Priority of Service, as well as WFWV Guidance Notice 4-16 (Priority of Service for Veterans) and WFWV Policy 2-16 (Priority of Service for Title I WIOA Adults).

To be added to the Wait List, participants must be ready to begin training as soon as funding is available. Participants must:

- a. Complete WIOA initial intake,
- b. Complete WIOA Eligibility Determination and be determined eligible to participate,
- c. Be registered for WIOA services,
- d. Complete the WIOA Research Assignment,
- e. Complete the IEP, and
- f. Have submitted passing drug screening results.

Definitions:

Low Income: An individual who:

- a. Receives, or is a member of a family that receives cash benefits under a federal, state, or local income based public assistance program, or
- b. Received an income, or is a member of a family that received a total family income, for the 6-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, payments described in subparagraph (A), and old-age survivors' insurance benefits received under Section 202 of the Social Security Act that, in relation to family size, does not exceed the higher of
 - i. The poverty line for an equivalent period; or
 - ii. 70% of the lower living standard income level, for an equivalent period, or
- c. Is a member of a household that receives (or has been determined within the 6-month period prior to application for the program involved to eligible to receive) food stamps pursuant to the Food Stamp Act of 1977, or
- d. Qualifies as a homeless individual, as defined in subsection (a) and (c) of Section 103 of the Stewart B. McKinney Homeless Assistance Act, or
- e. Is a foster child on behalf of whom State or local government payments are made; or
- f. In cases permitted by regulations promulgated by the Secretary of Labor, is an individual with a disability whose own income meets the requirements of the program, but who is a member of a family whose income does not meet such requirements.

Basic Skills Deficient: An individual 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.

For WIOA purposes, the State further defines Basic Skills Deficient as an individual who:

- a. Lacks a high school diploma or high school equivalency and is not enrolled in secondary education, or
- b. Enrolled in a Title II Adult Education/Literacy program, or
- c. Reading and/or Math assessment at an 8.9 or below grade level. (Regions using WorkKeys assessment will be WorkKeys level at or below 4), or
- d. Determined to be Limited English Skills proficient through staff-documented observations, or
- e. Other objective criteria determined to be appropriate by the local area and documented in its required policy.

Dislocated Workers: An individual who:

- A. (1) Has been terminated or laid off, or who has received a notice of termination or layoff, from employment, including separation notice from active military service (under other than dishonorable conditions); or
(2) is eligible for or has exhausted entitlement to unemployment compensation; or
(3) has been employed for a duration sufficient to demonstrate, to the appropriate entity at a one-stop center referred to in section 121(e), attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law; and
(4) is unlikely to return to a previous industry or occupation; or
- B. (1) Has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility, military installation or enterprise; or
(2) is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or
(3) for purposes of eligibility to receive services other than training services described in section 134(c)(3), career services described in section 134(c)(2)(A)(xii), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility or military installation will close; or

- C. Was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters; or
- D. is a displaced homemaker; or
- E. (1) is the spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code), and who has experienced a loss of 4 employment as a direct result of relocation to accommodate a permanent change in duty station of such member; or

(2) is the spouse of a member of the Armed Forces on active duty and who meets the criteria of displaced homemaker.

Displaced Homemaker: an individual who has been providing unpaid services to family members in the home and who:

- A. (1) has been depending on the income of another family member but is no longer supported by that income; or

(2) is the dependent spouse of a member of the Armed Forced on active duty (as defined in section 101(d)(1) of title 10, United States Code) and whose family income is significantly reduced because of a deployment (as defined in section 991(b) of title 10, United States Code, or pursuant to paragraph (4) of such section), a call or order to active duty pursuant to a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, a permanent change of station or the service-connected (as defined in section 101(16) of title 38, United States Code) death or disability of the member; and
- B. is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

Regional Policy:

WDB-KC will follow the guidance listed above. Priorities 4 & 5 are considered unless funding is determined “limited” or there is a waiting list for services of individuals who are low-income at 100% of the federal poverty level if employed, and 70% of the federal poverty level if unemployed. Priority shall still be given to Veterans and their spouses.

WDB-KC Career Planners are well trained to assess and evaluate the individual’s need for intensive career services, and if the individual will benefit from such services. They provide the case management and documentation in case notes in the state MIS system.

The WDB-KC will monitor the Adult and Dislocated Workers program expenditures bi-monthly. This policy will be appraised bi-annually to determine if any updates or changes are necessary. The WDB- KC wants to make sure that adults and/or dislocated workers can access individualized career services for the entire program year (July 01 through June 30).