To: Indiana’s Workforce Investment System

From: Indiana Department of Workforce Development (DWD)

Date: February 28, 2022

Subject: DWD Policy 2019-04, Change 1
Workforce Innovation and Opportunity Act (WIOA) Title I Adult Priority of Service

Purpose

To provide guidance on the WIOA Title I Adult Program Priority of Service (POS) requirements for individualized career services and training services.

Change Summary

Major changes include the following:

- Addition of the United States Department of Labor (DOL) established POS goal (75%) and identified minimum priority rate (50.1%)
- Update to the “Additional Priority of Service Groups” section regarding POS calculations
- Clarification to the “Priority Order of Service Provision” section be better align with TEGL 7-20
- Addition of a POS Calculation Table showing which priority groups count toward the minimum rate requirement
- Addition of the Locally Established POS Groups Data Entry section
- Development of a step-by-step data entry technical assistance document for locally established POS groups for DWD’s case management system

Rescission

- DWD Policy 2019-04, WIOA Title I Adult Priority of Service

References

- WIOA Sections 3, 134
- 20 CFR 680.600, 680.650, 675.300
To prioritize services for those who have the most need for and who would benefit from employment and training services, WIOA sec. 134(c)(3)(E) identifies three groups with barriers to employment and requires priority be given to these individuals. Priority of service must be given to public assistance recipients, other low-income individuals, and individuals who are basic skills deficient when providing individualized career services and training services using WIOA Title I Adult program funds.

This priority requirement must be followed in the local area regardless of the amount of funds available for providing services.

### Priority of Service Groups and Eligibility

Priority status for WIOA Title I Adult participants is determined during eligibility and enrollment. Status does not change during the period of participation. When providing individualized career and training services in the Title I Adult program, local areas must give priority of service to participants who receive public assistance, are low-income individuals, or are basic skills deficient. The three priority groups are described below. Acceptable documentation for verifying eligibility is provided in Attachment A.

**Recipients of Public Assistance**, defined by WIOA sec. 3(50), includes individuals who receive cash payments from Federal, State, or local government for which eligibility is determined by a needs or income test.

**Low-Income Individuals**, defined by WIOA sec. 3(36), describes individuals who meet one of the following criteria³:

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1. https://ion.workforcegps.org/resources/2017/10/05/14/01/WIOA-Desk-Reference
2. https://ion.workforcegps.org/resources/2017/03/09/11/25/Special_Populations_-_Adult_and_Dislocated_Worker_Populations
3. See 20 CFR §675.300 for the definition of “family” and TEGL 26-13 regarding lawful same-sex marriages.
• Receives, or in the past six months has received, or is a member of a family that is receiving or has received in the past six months, assistance through the Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), or a state or local income-based public assistance program; or
• In a family with total family income that does not exceed the higher of:
  o the poverty line or
  o 70 percent of the Lower Living Standard Income Level (LLSIL); or
• A homeless individual/homeless child/youth; or
• Receives or is eligible to receive a free or reduced-price lunch; or
• A foster child on behalf of whom state or local government payments are made; or
• An individual with a disability whose own income meets the income requirements above but is a member of a family whose total income does not meet this requirement.

**Basic Skills Deficient**, defined by WIOA sec. 3(5), describes an individual who meets at least one of the following criteria as basic skills deficient:

• 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.
  (DOL includes English language learners in the basic skills deficient group.)

DWD provides the following criteria for determining basic skills deficiency. An individual must meet at least one of the following:

• Lacks a high school diploma or equivalency and is not enrolled in secondary education; or
• Scores 8.9 or below on the Tests of Adult Basic Education (TABE); or
• Enrolled in a Title II Adult Education/Literacy program: or
• Has poor English language skills (includes English Language Learners); or
• The individual’s case manager makes observations of deficient functioning and records thorough justification in a case note.

**Eligibility Determinations for Veterans**

Veterans and eligible spouses of veterans continue to receive priority of service for all job training programs funded by the DOL, including WIOA programs.

When determining priority of service eligibility for WIOA Title I Adult employment or training programs, the following shall be disregarded in past income calculations:

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4 20 CFR § 675.300.
5 As defined in section 41403(6) of the Violence Against Women Act of 1994.
6 As defined under section 725(2) of the McKinney-Vento Homeless Assistance Act. Applies to POS if the youth is also being served by the WIOA Adult program.
7 Under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.). Applies to POS if the youth is also being served by the WIOA Adult program.
8 Applies to POS if the youth is also being served by the WIOA Adult program.
9 Or an equivalent score on a DWD-approved alternate assessment.
10 In accordance with 38 U.S.C. 4213.
- Military pay and allowances received while serving on active duty.
- Compensation for service-connected disability or death or vocational rehabilitation.
- Benefits for education and training services funded by the Department of Veterans Affairs (VA).
- Compensation received by an eligible dependent or indemnity compensation for service-connected deaths.
- Educational assistance for eligible dependents and survivors of veterans under 38 U.S.C. 3500.

WIOA program operators may not require veterans or their spouses to exhaust their entitlement to VA-funded training benefits prior to allowing them to enroll in WIOA-funded training.

**Priority of Service Goal and Minimum Rate**

DOL has established the goal that at least 75 percent of the participants in the WIOA Title I Adult program who receive individualized career and training services are to be from at least one of the priority groups. DOL expects the POS rate will be no lower than 50.1 percent. DOL intends to phase-in the state-level goal, with encouragement to states to consider establishing additional benchmarks for local areas as a way to recognize whether priority is being provided to these populations. DWD is continuing to evaluate local level benchmarks and will provide additional guidance when available.

**Additional Priority of Service Groups**

The Governor and/or the local Workforce Development Boards (WDB) may establish a process that also gives priority to other individuals eligible to receive such services, provided that it is consistent with priority of service for veterans (see 20 CFR § 680.650) and the priority provisions of WIOA sec. 134(c)(3)(E). Any additional priority groups identified by the Governor or local WDBs should be reflected in the WIOA State Plan, as well as the Local Area Plan(s).

Priority populations established by the Governor and/or local WDBs should have a lower priority than the WIOA Adult or Veteran priority populations established in statute. The provision of services to priority populations established by the Governor and/or local WDBs will not impact the statutory priorities for the WIOA Adult or Veteran priority populations. Though not relevant for the 50.1 percent minimum, priority populations established by the Governor and/or local WDBs will be taken into consideration in progress toward the 75 percent goal.

**Locally Established POS Groups Data Entry**

Once locally established priority groups have been identified, policies/processes have been developed, and the local plan updated, local areas must ensure the locally established priority group is appropriately documented within the DWD’s case management system. Please see DWD TA *Locally Established POS Group Data Entry Instructions* for step-by-step data entry guidance.

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11 Per TEGL 7-20.
12 Initial phase-in had been expected to occur during PY20. DWD anticipates further guidance from DOL due to pandemic.
13 Per TEGL 7-20
14 20 CFR § 680.600(c).
15 Indiana’s WIOA State Plan identifies Target Populations, but no determination has been made about service priority.
16 Additional resources: https://ion.workforcegps.org/resources/2017/10/05/14/01/WIOA-Desk-Reference and https://ion.workforcegps.org/resources/2017/03/09/11/25/Special_Populations_-_Adult_and_Dislocated_Worker_Populations.
Priority Order of Service Provision

As described in TEGL 19-16, when programs such as the WIOA Title I Adult program are statutorily required to provide priority for a particular group of individuals, priority must be provided in the specific order listed below. Veterans and eligible spouses of veterans continue to receive priority of service in all DOL-funded training programs. Veterans and their spouses must still meet the eligibility criteria for the WIOA Adult program.

Priority for the WIOA Title I Adult program MUST be provided in the following order:

1) To veterans and eligible spouses who are included in the groups given statutory priority for WIOA Adult formula funding. This means that veterans and eligible spouses who are also recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient receive first priority for services with WIOA Adult formula funds for individualized career services and training services.
2) To individuals who are not veterans or eligible spouses of veterans, but are a recipient of public assistance, other low-income individuals, or individuals who are basic skills deficient.
3) To veterans and eligible spouses who are not included in WIOA's priority groups. Veterans and eligible spouses who are not included in a WIOA priority group but meet Title I Adult program eligibility.
4) To priority populations established by the Governor and/or Local WDB.
5) To other individuals who are not included in any priority group but meet WIOA Title I Adult program eligibility.

Priority of Service Calculation

The Veteran and Adult priority groups (Public Assistance, Low Income and Basic Skills Deficient) count towards the minimum priority of service (POS) requirement of 50.1 percent. Additional groups established by Governor, the Governor’s Workforce Cabinet (GWC) and/or LWDBs will be taken into consideration towards the 75% POS benchmark. The table below depicts how DWD calculates this information, which is by adding all the “included” groups together (numerator) and the dividing that sum by the sum of all participants receiving adult individualized and/or training services (denominator).

Table 1: POS Calculation

<table>
<thead>
<tr>
<th>Priority Calculation: &lt;=50.1%</th>
<th>POS Groups 1 + 2 + 3</th>
<th>Participants receiving Adult Individualized Career and/or Training Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Priority Calculation: &gt;50.1%</td>
<td>POS Groups 1 + 2 + 3 + 4</td>
<td>Participants receiving Adult Individualized Career and/or Training Services</td>
</tr>
</tbody>
</table>

See the “Priority Order of Service Provision” section above for a description of each “POS Group” number.

17 Group 5 is not considered in the numerator for POS calculations.
**Tracking and Analysis**

Analysis will include a review of the local WIOA Title I Priority of Service Policy, any related procedures, training and monitoring developed and/or conducted by the local WDB and/or the authorized service providers, file and/or system review of client data as well as interviews with staff and leadership to assess understanding and consistent correct implementation of the local policy.

**Action**

Local areas must revise existing or develop a WIOA Title I Adult Priority of Service policy that ensures priority of service within the workforce region is implemented in alignment with this policy. The local policy must support any additional priority groups identified by the Governor as well as any locally identified priority groups. Each local area must address Adult Priority of Service and any additional locally designated POS groups within their WIOA local plan as stated in the local plan requirements.

Local areas must establish procedures to operationalize their WIOA Title I Adult Priority of Service policy, ensure that staff and leadership are appropriately trained on these procedures, and annually monitor to confirm this policy and the local WIOA Title I Adult Priority of Service policy and procedures are being correctly applied on a consistent basis.

Contents of this policy will be part of routine DWD monitoring.

**Effective Date**

Immediately.

**Ending Date**

Upon rescission.

**Additional Information**

Attachment A - Adult Priority of Service Documentation Table

**Additional Information**

Questions regarding the content of this publication should be directed to DWD Policy, policy@dwd.in.gov.
### Attachment A

**Adult Priority of Service Documentation Table**

Local areas are required to use the following sources of documentation\(^\text{18}\) to verify whether an adult participant qualifies for priority of service under WIOA.

<table>
<thead>
<tr>
<th>Priority of Service Criteria</th>
<th>Acceptable Documentation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recipient of Public Assistance</td>
<td>• Copy of authorization to receive cash public assistance</td>
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<tr>
<td></td>
<td>• Copy of public assistance check</td>
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<tr>
<td></td>
<td>• Medical card showing cash grant status</td>
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<td></td>
<td>• Public assistance records</td>
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<tr>
<td></td>
<td>• Refugee assistance records</td>
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<tr>
<td></td>
<td>• Self-Attestation as a last resort(^\text{19})</td>
</tr>
<tr>
<td>Low-Income</td>
<td>• Alimony Agreement</td>
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<tr>
<td></td>
<td>• Award letter from veteran’s administration</td>
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<td></td>
<td>• Bank statements</td>
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<td></td>
<td>• Compensation award letter</td>
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<td></td>
<td>• Court award letter</td>
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<td></td>
<td>• Pension statement</td>
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<tr>
<td></td>
<td>• Employer statement/contact</td>
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<tr>
<td></td>
<td>• Family or business financial records</td>
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<tr>
<td></td>
<td>• Housing authority verification</td>
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<tr>
<td></td>
<td>• Pay stubs</td>
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<tr>
<td></td>
<td>• Public assistance records</td>
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<td></td>
<td>• Quarterly estimated tax for self-employed persons</td>
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<td></td>
<td>• Social Security benefits</td>
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<tr>
<td></td>
<td>• Unemployment Insurance documents</td>
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<tr>
<td></td>
<td>• Self-attestation as a last resort</td>
</tr>
<tr>
<td>Basic Skills Deficient</td>
<td>• School records in the form of a referral or records from a Title II Basic Adult Education program or English Language Learner program</td>
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<tr>
<td></td>
<td>• Results of academic assessment</td>
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<tr>
<td></td>
<td>• Self-attestation</td>
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<tr>
<td></td>
<td>• Case notes</td>
</tr>
</tbody>
</table>

\(^{18}\) Based on TEGL 23-19 Attachment II.

\(^{19}\) Self-attestation is a participant’s statement of his or her status for a particular (PIRL) element (i.e., low-income) with a signed and dated form acknowledging this status (TEGL 23-19, Attachment II). This applies to all references to “self-attestation” within this table. Forms must be maintained in DWD’s case management system.