



# Capital Region Workforce Development Board

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## Local Adult Program Priority of Service Policy

*Adopted 3/2023 // 6/2023*

### **PURPOSE**

To modify policy in reference to the requirement to serve priority populations and the related priority of service requirements under the WIOA Title I Adult Program and as specified in [Technical Advisory #23-01](#).

### **BACKGROUND**

Priority of service must be given to recipients of public assistance and other low-income individuals, per WIOA Sec. 134(c)(3)(E). Training and Employment Guidance Letter 10-09: Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or in part by the USDOL grants priority of service to veterans and eligible spouses. Highest priority is given to Veterans who fall under both stipulations, per the Jobs for Veterans Act, Public Law 107-288.

### **CATEGORIES OF PRIORITY SERVICE**

#### 1. Priority Populations under the WIOA Title I Adult Program

To comply with WIOA and USDOL Employment and Training Administration requirements, NYSDOL requires at least 50.1 percent of WIOA Title I Adults receiving individualized career or training services fall into at least one of the following three priority populations:

- a. Recipients of public assistance
- b. Other low-income individuals
- c. Individuals who are basic skills deficient, which includes English Language Learners

#### 2. Veteran and Eligible Spouses

In addition to the three required populations identified in category one above, veterans and their eligible spouses must also continue to receive priority of service in all NYSDOL funded training programs, including WIOA programs.

#### 3. NYSDOL Defined Priority of Service Customers

NYSDOL also considers the following individuals with barriers to employment as priority populations for individualized career and training services, if they do not already fall under one of the WIOA-required populations:

- a. Individuals with disabilities
- b. Justice-involved individuals
- c. Single parents

## **POLICY**

The Capital Region WDB has adopted NYSDOL guidance in reference to the order of priority of service as listed below. One-Stop staff will follow this order when it comes to determining funding of WIOA Adult programs. One-Stop staff must always prioritize services to the priority populations, regardless of the amount of funds available to provide services in the local area. Any additional priority populations established by the WDB must have a lower priority than the three categories as determined by WIOA and NYSDOL.

Priority 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 individualized and career services with WIOA Adult formula funds.
2. To non-covered persons (individuals who are not veterans or eligible spouses) who are included in the three populations given priority for WIOA Adult formula funds.
3. To veterans and eligible spouses who are not included in WIOA's three priority Adult groups.
4. To additional priority populations established by NYSDOL.
5. To non-covered persons outside the populations given priority under WIOA (including the three additional priority populations identified by NYSDOL and underemployed individuals).

The statutory priority only applies to Adult Program funds and only applies to providing individualized career and training services. Funds allocated for Dislocated Workers (DWs) and Youth are not subject to this requirement. Additionally, there are no restrictions to providing basic career services. They may be provided to any eligible Adult.

## **Definitions**

1. Low-Income Individual (WIOA Sec. 3(36)(A))

The term "low-income individual" means an individual who:

- a. Receives, or in the past 6 months received, or is a member of a family that is receiving or in the past 6 months received, assistance through SNAP, TANF, SSI, or local income-based public assistance
- b. Is in a family with total family income that does not exceed the higher of the poverty line, or 70 percent of the lower living standard income level
- c. Is a homeless individual, or a homeless child or youth
- d. Receives or is eligible to receive a free or reduced-price lunch
- e. Is a foster child on behalf of whom State or local government payments are made
- f. Is an individual with a disability whose own income meets the requirements of (b.) above, but who is a member of a family whose income does not meet this requirement

\*Note: Under WIOA, there is no exclusion of payments for unemployment compensation, child support payments, and old-age survivors insurance benefits from income calculations for determining if an individual is low-income.

2. Basic Skills Deficient (WIOA Sec. 3(5))

The term “basic skills deficient” means, with respect to an individual:

- a. A youth that has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test
- b. A youth or adult where the individual 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

\*Note: Individuals who are English language learners meet the criteria for basic skills deficient and must be included in the priority populations for the Title I Adult Program.

3. Individuals with Barriers to Employment (WIOA Sec. 3(24) and TEGL No. 19-16)

The populations included in the “individuals with barriers to employment” include:

- a. Displaced homemakers
- b. Low-income individuals
- c. Indians, Alaska Natives, and Native Hawaiians
- d. Individuals with disabilities, includes individuals who receive SSDI
- e. Older individuals (age 55 and older)
- f. Ex-offenders
- g. Homeless individuals or homeless children and youths
- h. Youth who are in or have aged out of the foster care system
- i. Individuals who are:
  - i. English language learners
  - ii. Individuals who have low levels of literacy
  - iii. Individuals facing substantial cultural barriers
- j. Eligible migrant and seasonal farmworkers
- k. Individuals within two years of exhausting lifetime TANF eligibility
- l. Single parents (including single pregnant women)
- m. Long-term unemployed individuals (unemployed for 27 or more consecutive weeks)
- n. Such other groups as the Governor determines to have barriers to employment