

APPROVAL DATE: 02/02/12
APPROVED BY: BETTY BAKER, WIB CHAIR



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF SOCIAL SERVICES**

POLICY NO: 36-08
TO: Service Providers
EFFECTIVE: February 2, 2012 (Revised August 1, 2016)
SUBJECT: WIOA Priority of Service Requirements

REFERENCES:

- WIOA (Public Law 113-128) Sections 3 and 134
- EDD Workforce Services Directive WSD15-14
- TEGL 03-15 Operating guidance for the Workforce Innovation and Opportunity Act (WIOA)
- TEGL 5-03, Implementing the Veterans' Priority Provisions of the "Jobs for Veterans Act" (September 16, 2003)
- EDD Workforce Services Directive WSD08-10
- Jobs for Veterans Act of 2002 (P.L. 107-288)

PURPOSE:

This directive is to establish a policy for determining Priority of Services for Adults and Veterans/Spouses of Certain Veterans receiving individualized career services and training services under WIOA programs.

BACKGROUND:

As stated in WIOA Section 134(c)(3)(E), with respect to individualized career services and training services funded with WIOA adult funds, priority of service, regardless of funding levels, must be given to recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient.

Veterans and eligible spouses continue to receive priority of service for all WIOA funded programs amongst all participants. These requirements were not affected by the passage of the WIOA and must still be applied in accordance with guidance previously issued by the DOL and Workforce Services Directive WSD08-10

POLICY AND PROCEDURES:

Priority of Service Requirement

Priority for individualized career and training services will be given to individuals in one or more of the following categories:

- Receiving public assistance
- Low income individual
- Basic skills deficient

Priority of service status is established at the time of eligibility determination and does not change during the period of participation. Priority does not apply to the dislocated worker population.

Veterans and eligible spouses continue to receive priority of service among all eligible individuals; however, they must meet the WIOA adult program eligibility criteria and meet the criteria under WIOA Section 134(c)(3)(E). As described in TEGL 10-09, when programs are statutorily required to provide priority, such as the WIOA adult program, then priority must be provided in the following order:

1. First: Veterans and eligible spouses who are also recipients of public assistance, other low income individuals, or individuals who are basic skills deficient.
2. Second: Individuals who are the recipient of public assistance, other low income individuals, or individuals who are basic skills deficient
3. Third: Veterans and eligible spouses who are not included in WIOA's priority groups
4. Fourth: Other individuals not included in WIOA's priority groups.

Reference - TEGL 3-15 Guidance on Services Provided through the Adult and Dislocated under the Workforce Innovation and Opportunity Act and Wagner Peyser, as Amended by WIOA, and Guidance for the Transition to WIOA Services.

Serving Separating Service Members and Military Spouses with Dislocated Worker Funds

Under TEGL 22-04, service members exiting the military, including, but not limited to, recipients of Unemployment Compensation for Ex-Military members (UCX), generally qualify as dislocated workers. Dislocated Worker funds under Title I can help separating service members to enter or reenter the civilian labor force.

Regarding military spouses, WIOA expands the definition of dislocated workers to include military spouses who have lost employment as a direct result of a relocation to accommodate a permanent change in duty station of the spouse. 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, as determined by the State or local area, 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. Military spouses also can qualify if they are unemployed or underemployed and are experiencing difficulty in obtaining or upgrading employment (see WIOA sections 3(15)(E) and 3(16)(A) and (B)).

DEFINITIONS:

Veteran

- The term "veteran" means an individual who served in the active military, naval, or air service, and who was discharged or released from such service under conditions other than dishonorable.
- National Guard and Reserve – weekend and summer training does not qualify
- National Guard – mobilization by a governor for state service (e.g., for a natural disaster) does not qualify.

Eligible Spouse of Qualifying Veteran

- a. Eligibility Derived from living veteran:
 - i. Service member is missing in action, captured or forcibly detained
 - ii. Veteran has total service-connected disability, per VA evaluation
- b. Eligibility Derived from deceased veteran
 - i. Veteran died of a service-connected disability
 - ii. Veteran died while a total service-connected disability, per VA evaluation, was in existence

Low-Income Individual

An individual that meets one of the four criteria below:

1. Receives, or in the past six months has received, or is a member of a family that is receiving, or in the past six months has received, assistance through the Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance For Needy Families (TANF), program supplemental security income program, or state or local income-based public assistance.
2. In a family with total family income that does not exceed the higher of the following:
 - a. The poverty line.
 - b. 70 percent of the Lower Living Standard Income Level.
3. A homeless individual.

4. An individual with a disability whose own income does not exceed the income requirement, but is a member of a family whose total income does.
5. Is a foster child on behalf of whom state or local government payments are made. (Reference WIOA Section 3[36])

70 Percent LLSIL and Poverty Guidelines

The Lower Living Standard Income Level (LLSIL) and poverty guidelines are used to establish low-income status for Workforce Innovation and Opportunity Act (WIOA) Title I programs. EDD provides updated LLSIL information in a yearly basis. Detail and current information designed to our local area will be provided via memo. Service providers shall refer to the LLSIL and poverty guidelines memo to determine low income eligibility for youth and adult individuals.

Public Assistance

The term public assistance means federal, state, or local government cash payments for which eligibility is determined by a needs or income test such as:

- (A) Temporary Assistance for Needy Families (TANF)/CalWORKS
- (B) Supplemental Security Income (SSI)
- (C) General Assistance (GA)/General Relief (GR)

Basic Skills Deficient

An individual that 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 Section 3[5]). Criteria used to determine whether an individual is basic skills deficient includes the following:

- Lacks a high school diploma or high school equivalency and is not enrolled in post-secondary education.
- Enrolled in a Title II Adult Education/Literacy program.
- English, reading, writing, or computing skills at an 8.9 or below grade level.
- Determined to be Limited English Skills proficient through staff-documented observations.
- Other objective criteria determined to be appropriate by the Local Area and documented in its required policy.

DOCUMENTATION

Local Areas may use the following sources of documentation to verify whether an adult participant qualifies for priority of service under WIOA:

PRIORITY OF SERVICE	
Priority of Service Criteria	Acceptable Documentation (Only the documentation sources listed below may be used.)
1. Recipient of Public Assistance	<ul style="list-style-type: none"> • Cross-match with public assistance database • Copy of authorization to receive cash public assistance • Copy of public assistance check • Medical card showing cash grant status • Public assistance records • Refugee assistance records
2. Low Income	<ul style="list-style-type: none"> • Alimony agreement • Award letter from veteran's administration • Bank statements • Compensation award letter • Court award letter • Pension statement • Employer statement/contact • Family or business financial records • Housing authority verification • Pay stubs • Public assistance records • Quarterly estimated tax for self-employed persons • Social Security benefits • Unemployment Insurance documents • Self attestation*
3. Basic Skills Deficient	<ul style="list-style-type: none"> • School Records <ul style="list-style-type: none"> ◦ A referral or records from a Title II Basic Adult Education program or English Language Learner program • Results of academic assessment • Case notes* • Self-Attestation*

*Note: please reference the following definitions for additional guidance on case notes or self-attestation being used for documentation purposes:

Case Notes – Paper or electronic statements by the case manager that identifies, at a minimum, (1) a participant's status for a specific data element, (2) the date on which the information was obtained, and (3) the case manager who obtained the information. If case notes are used as a documentation source, the case notes must provide an auditable trail back to the source of

information verified. The case manager does not need to keep a hard copy of the information verified in the participant's case file.

Self-Attestation – When a participant states his or her status for a particular data element, such as low income, and then signs and dates a form acknowledging this status. The key elements for self-attestation are (1) the participant identifying his or her status for permitted elements, and (2) signing and dating a form attesting to this self-identification. The form and signature can be on paper or in the Local Area management information system, with an electronic signature (TEGL 06-14, Attachment A).

IMPORTANT: self-attestation is not to be used as the primary method of gathering documentation to verify data elements. Self-attestation as a documentation source is only to be used when the preferred options of paper documentation or third party corroboration are not available.

ACTION:

The Administrative Entity for the WDB and its service providers shall follow this policy. This policy will remain in effect from the date of issue until such time that a revision is required.

INQUIRIES:

Inquiries should be addressed to WDB Admin at wibadmin@co.slo.ca.us.

REVISION HISTORY:

DATE	DETAILS
07/18/13	Percentage change from 80/20 to 70/30.
02/19/14	Percentage change from 70/30 to 55/45
06/13/14	Added 2014 70% LLSIL and Poverty Guidelines table
06/01/15	Added 2016 70% LLSIL and Poverty Guidelines table
08/01/16	Combined local policy 29-08 due to changes under WIOA