



2 South Main Street 2<sup>nd</sup> Floor Pleasantville, NJ 08232  
Telephone: 609.485.0153 Fax: 609.485.0067

## Priority of Service Policy

### **Purpose:**

To establish a Priority of Service Policy required under TEGL 3-15 and TEGL 19-16; and the Workforce Innovation and Opportunity Act (WIOA), Title I programs, as per NJWIN 11-16(A), This document updates NJWIN 11-16 by adding sections relating to how local areas may develop policies on serving other individuals with barriers to employment under the WIOA Title I Adult program, in addition to the mandatory priority groups.

### **Background:**

WIOA Sec. 134 (c)(3)(E) establishes a priority of service requirement for customers served under the WIOA Title I adult program. Training and Employment Guidance Letter (TEGL) 3-15 and 19-16, provide guidance on applying those priorities as well as the priority of service for veterans and eligible military spouses. This guidance provides the sections of TEGL 3-15 that address priority of service and related definitions and policies, as well as those populations identified as local priorities under TEGL 19-16. NJ Department of Labor and Workforce Development Workforce Innovation Notice # 11-16 (February 21, 2018) provides further guidance regarding Priority of Service.

### **Priority for Adult Funds:**

Section 134(c)(3)(E) of WIOA establishes a priority requirement with respect to funds allocated to a local area for adult employment and training activities. Under this section, One-Stop Center staff responsible for these funds must give priority to recipients of public assistance, other low- income individuals, and individuals who are basic skills deficient in the provision of **individualized** career services and **training** services. Under WIA, priority was required to be given to public assistance recipients and low-income individuals when States and local areas determined that allocated funds were limited. Under WIOA, priority must be provided regardless of the level of funds. WIOA also expanded the priority to include individuals who are **basic skills deficient** as defined in WIOA section 3(5). (TEGL 3-15)

### **Adult Priority Groups:**

The following are the groups identified for priority of service for the WIOA Adult Program:

These are individuals who receive, or, in the past six months 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
- b. Temporary Assistance for Needy Families
- c. Supplemental Security Income
- d. State or local income-based public assistance

### **Other Low-Income Individuals**

Other low-income individuals include those who are any one of the following:

- (1) In a family with total family income that does not exceed the higher of—
  - (a) the poverty line; or
  - (b) 70 percent of the lower living standard income level.
- (2) A homeless individual as defined in the Violence Against Women Act of 1994, or a homeless child or youth (as defined under section 725(2) of the McKinney-Vento Homeless Assistance Act
- (3) An individual who receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act;
- (4) A foster child on behalf of whom State or local government payments are made; or
- (5) An individual with a disability whose own income meets the income requirement of clause (1), but who is a member of a family whose income does not meet this requirement.

### **Basic Skills Deficient Individuals**

A basic-skills deficient individual, for the purposes of the WIOA Adult and Dislocated Worker programs, is an adult 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 is an individual who meets any one of the following criteria:

- Has English reading, writing, or computing skills at or below the 8<sup>th</sup> grade level (at or below 8.9 grade level) on a generally accepted standardized test or a comparable score on a criterion-referenced test
- Lacks a high school diploma or high school equivalency and is not enrolled in secondary education
- Is currently enrolled in a WIOA Title II adult literacy program

### **Policies and Procedures**

The following provides guidance regarding the application of priority of service under the WIOA Adult program and the development of local policies:

#### **WIOA Adult Program Priority**

Veterans and eligible spouses continue to receive priority of service for all job training programs funded by the United States Department of Labor, which include WIOA programs. The WIOA Title I **Adult** program has a statutory priority for individuals who are receiving public assistance, other low-income individual and basic-skills deficient individuals. Local areas may also identify local priority groups from among individuals with barriers to employment identified in WIOA (see below).

#### **Individuals with Barriers to Employment**

- 1) Displaced homemakers
- 2) Low-income individuals
- 3) Indians, Alaska Natives, and Native Hawaiians
- 4) Individuals with disabilities including youth who are individuals with disabilities
- 5) Older individuals (55 and older)
- 6) Ex-offenders
- 7) Homeless individuals (as defined in the Violence Against Women Act), or homeless children and youths (as defined in the McKinney-Vento Homeless Assistance Act)
- 8) Youth who are in, or have aged out of, the foster care system.
- 9) Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers

- 10) Eligible migrant and seasonal farmworkers
- 11) Individuals within two years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (TANF)
- 12) Single parents (including single pregnant women)
- 13) Long-term unemployed individuals
- 14) Such other groups as the Governor determines to have barriers to employment

**When programs are statutorily required to provide priority for a particular group of individuals, such as the WIOA priority described above, priority must be provided in the following order:**

- 1) First, to veterans and eligible spouses who are also included in the groups given statutory priority for WIOA adult formula funds. This means that veterans and eligible spouses who are public assistance recipients, other low-income individuals, or individuals who are basic skills deficient would receive first priority for services provided with WIOA **Adult** formula funds.
- 2) Second, to non-covered persons (that is, individuals who are not veterans or eligible spouses) who are included in the groups given statutory priority for WIOA **Adult** formula funds. (Public assistance recipients, other low-income individuals and individuals who are basic skills deficient)
- 3) Third, to veterans and eligible spouses who are **not** included in WIOA's priority groups, but who **are** included in the locally identified priority group.
- 4) Fourth, to non-covered individuals who are not included in WIOA's priority groups but are included in the locally identified priority group.
- 5) Last, to non-covered persons (not veterans or eligible spouses) who do not meet the statutory priority outside the groups given priority under WIOA (public assistance recipients, other low-income individuals and individual who are basic skills deficient) and the local area priority group.

Individuals may meet multiple categories; in these cases, the highest priority level that a person is eligible for applies to them. For example, a local area identifies ex-offenders as a local priority group. If a person is an ex-offender *and* low income, they would receive first or second priority, depending on their veteran status.

### **Military Pay**

When past income is an eligibility determinant for Federal employment or training programs, any amounts received as military pay or allowances by any person who served on active duty, and certain other specified benefits **must be disregarded** for the veteran and for other individuals for whom those amounts would normally be applied in making an eligibility determination. **Military earnings are not to be included** when calculating income for veterans or transitioning service members for this priority in accordance with 38 U.S.C. 4213.

### **Local Policies**

Policies/Processes that provide service to other eligible individuals while remaining consistent with prevailing statute and regulations will consist of the following:

1. Flexibility to serve other individuals when required priority individuals have been served, are not available or are not appropriate to receive a specific service (e.g. OJT, Customized Training, Transitional Jobs)
2. Service to other eligible individuals does not impair the capacity to fully service required priority individuals (e.g., certain individual career services)

The Atlantic County Workforce Development Board, through approval and endorsement of this policy establishes that:

1. Priority of service is NOT an eligibility factor or criteria to limit which individuals will receive service.
2. Except for eligible Veterans, there is no priority of service requirement for 'basic' career services or for services funded using WIOA Youth or WIOA Dislocated Worker funding. Veterans receive priority in all DOL funded training

programs.

3. Except where service to a specific population is authorized by statute it is unlawful under WIOA sec. 188(a)(2) to use demographic information to limit which individuals will receive services.

The Atlantic County WDB reserves the right to select populations from the list of individuals with barriers to employment, or identify a locally determined population based on the needs of the local area.

This policy establishes Atlantic County WDB Local Area Priority of Service as follows:

I. Statutorily Required Priority groups in the priority order identified by TEGL 19-16 (see above, Priority of Service 1 and 2) Goal is a minimum of 75% of the total number of individuals served. Priority of Service listings 3) through 5) goal is 25%.

II. Veterans and eligible spouses are statutorily maintained as first priority.

III. Other individuals with Barriers to Employment not covered in above priority groups I or II. These are comprised of individuals with one or more of the barriers identified previously in this document\* and include individuals whose income is less than 250% of the Federal Poverty Guidelines published annually by the U.S. Department of Health and Human Services. ***In addition, priority of service will apply to the support of employment and training opportunities leading to a career pathway for underemployed individuals.***

The Atlantic County WDB, because of the nature of its primary industry, ***hospitality, retail and tourism; and the seasonal nature of the industry***, has identified the **Underemployed worker**, as a priority population. Underemployed is defined as follows:

The term underemployed is discussed in TEGL 3-15, and describes the following:

*Individuals who are underemployed may include:*

- *Individuals employed less than full-time who are seeking full-time employment;*
- *Individuals who are employed in a position that is inadequate with respect to their skills and training;*
- *Individuals who are employed who meet the definition of a low-income individual in WIOA sec. 3(36) and*
- *Individuals who are employed, but whose current job's earnings are not sufficient compared to previous job earnings;*

TEGL 19-16 emphasizes the importance of including the underemployed population in conjunction with the low income population characteristics. Because Atlantic County is so heavily reliant on hospitality, retail and tourism (over 40% of the county workforce is employed in this industry sector), it is essential that this priority of service policy includes the underemployed population as defined above, as well as those individuals in this category who do not meet the low income criteria, but are none-the-less seeking a more sustainable career opportunity.

