



ETLWDA
WORKFORCE INNOVATION AND
OPPORTUNITY ACT
POLICY MANUAL

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Effective: Immediately

APPROVED ETLWDB CHAIR:

Julie H Simpson
Julie H Simpson (Apr 3, 2023 10:51 EDT)

SUBJECT: PRIORITY OF SERVICE

POLICY STATEMENT: The East Tennessee Local Workforce Development Area shall develop and implement eligibility and enrollment policies that follow WIOA Sec@on 3, 134(c)(3)(E) and TEGL 3-15—protocol for priority of service for WIOA Title I adult programs.

Introduction: WIOA provides a focus on serving individuals with barriers to employment; the intent is to ensure access to these individuals on a priority basis. Under WIA, priority was required for public assistance recipients and other lowincome individuals when funds were limited. Under WIOA, priority of service is required regardless of funding levels and also is expanded to include individuals who are basic skills deficient.

Purpose: To provide guidance and to ensure that individuals in the targeted groups (public assistance, other low-income individuals, individuals who are basic skills deficient, and underemployed who are also low income) are given priority over other individuals for receipt of individualized career services and training services funded by Title I adult program.

Eligible WIOA Customer: targeted groups

Process: The list below describes the priority of service for individuals served in the WIOA Adult Program based on the requirements in WIOA Section 134(c)(3)(E), proposed 20 CFR 680.600 and 680.640, TEGL 3-15, and TEGL 10-09.

1st Priority – Covered persons (veterans and eligible spouses) who are:

- **low income** [as defined by WIOA Sec. 3(36)], or
- recipients of public assistance, or
- who are basic skills deficient.

2nd Priority - Individuals (non-covered persons) who are:

- **low income** [as defined by WIOA Sec. 3(36)], or
- recipients of public assistance, or
- who are basic skills deficient.

3rd Priority - Veterans and eligible spouses who are:

- not low income, and
- not recipients of public assistance, and
- not basic skills deficient.

4th Priority - Individuals (non-covered persons) who do not meet the above priorities but who:

- have unmet financial need to complete training or enter employment
 - includes unmet financial need as indicated by an approved training institution
 - or other demonstrated unmet need
- are underemployed as defined in TEGL 3-15
 - Individuals employed less than full-time who are seeking full-time employment;
 - Individuals employed in a position that is inadequate with respect to their skills and training;
 - Individuals who are employed and meet the definition of a low income individual in WIOA sec. 3(36); and
 - Individuals who are employed but whose current job earnings are not sufficient compared to their previous job earnings from their previous employment, per State and/or local policy

Are individuals with barriers to employment as identified in 20 CFR 680.320 including the following:

- o Displaced homemakers
- o Low-income individuals
- o Indians, Alaska Natives, and Native Hawaiians
- o Individuals with disabilities
- o Older individuals, i.e. aged 55 and over
- o Ex-offenders
- o Homeless Individuals
- o Youth who are in or have aged out of the foster care system
- o Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers
- o Eligible migrant and seasonal farm workers, defined in WIOA sec 167(i)
- o Individuals within 2 years of exhausting lifetime eligibility under TANF (part A of title IV of the Social Security Act)
- o Single parents (including single pregnant women)
- o Long-term unemployed individuals
- o Other groups determine by the Governor to have barriers to employment

Are unemployed and determined to be an appropriate candidate for On-the-Job training with an OJT approved local employer

5th Priority -Individuals (non-covered persons) outside the groups given priority under WIOA or TDLWD policy.

Priority populations defined:

1. **Veteran:**

A veteran is a person who has served at least one (1) day of active duty in the military, naval, or air service, and who was discharged or released from such service with other than a dishonorable discharge.

Eligible Spouse:

An eligible spouse must meet one (1) of the following qualifications.

- * A spouse of any veteran who died of a service-connected disability;
- * A spouse of any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than ninety (90) days:

Missing in action

Captured in the line of duty by a hostile force, or

Forcibly detained or interned in the line of duty by a foreign government or power;

- * A spouse of a veteran who has a total disability resulting from a service-connected disability, as evaluated by the department of Veteran Affairs;
- * A spouse of any veteran who died while a disability was in existence.

A spouse will lose eligibility if it is derived from a living veteran, or a service member, who loses their status which made them eligible. Such a situation would be: if a veteran, with a total service-connected disability, were to receive a revised disability rating at a lower level.

Similarly, a spouse, whose eligibility is derived from a living veteran or service member, would lose that eligibility upon a divorce from that veteran or service member.

- * The spouse of a veteran who died as the result of a service-connected disability, or died while a disability was in existence, would not lose covered status through subsequent remarriage.

Individuals qualifying for services as 4th and 5th priority may be enrolled on a case by case basis with documented managerial approval. Local policy limits the number of adults enrolled in WIOA who are not low income, public assistance recipients, or basic skills deficient to not more than **10%** of all adults registered in the current program year. The request for 4th and 5th Priority of Service must be submitted in writing using the "WIOA Adult 4th and 5th Priority Enrollment Authorization Request" form. **A copy of the form shall be included in the participant file.**

NOTE: When past income is an eligibility determinant for federal employment 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.

WIOA Adult Program 4th and 5th Priority Enrollment Authorization Request

Priority of WIOA Adult Program individualized career and training services shall be given to:

- **1st Priority:** Covered persons (veterans and eligible spouses) who are low income, or recipients of public assistance, or who are basic skills deficient.
- **2nd Priority:** Non-covered persons who are low income, or recipients of public assistance, or who are basic skills deficient.
- **3rd Priority:** Veterans and eligible spouses who are not low income, and not recipients of public assistance, and not basic skills deficient.
- **4th Priority:** Individuals (non-covered persons) who do not meet the above priorities but have unmet financial need.
- **5th Priority:** Individuals (non-covered persons) outside the groups given priority under WIOA or TDLWD policy.

On an **exception basis**, WIOA-eligible individuals (non-covered persons) who do not meet the WIOA Adult Program eligibility for priorities 1, 2 or 3 may be served under the 4th or 5th priority. The request for 4th or 5th Priority **must be submitted in writing** using this form, and approved prior to entries in VOS. The WIOA-eligible adult must meet one or more of the following categories of an individual with a barrier to employment:

- have unmet financial need(s) in order to complete training or to enter employment which has been indicated by an approved training institution or other demonstrated unmet need
- are underemployed as defined in TEGL 3-15
 - (a) Individuals employed less than full-time who are seeking full-time employment;
 - (b) Individuals employed in a position that is inadequate with respect to their skills and training;
 - (c) Individuals who are employed and meet the definition of a low income individual in WIOA sec. 3(36); and
 - (d) Individuals who are employed, but whose current job earnings are not sufficient compared to their previous job earnings from their previous employment, per State and/or local policy
- Displaced homemakers;
- Low-income individuals;
- Indians, Alaska Natives, and Native Hawaiians;
- Individuals with disabilities;
- Older individuals;
- Ex-offenders;
- Homeless individuals;
- Individuals who are English language learners, have low levels of literacy, and/or are facing substantial cultural barriers; • Eligible migrant and seasonal farm workers;
- Individuals within 2 years of exhausting lifetime TANF eligibility;
- • Single parents (including single pregnant women);
- Long-term unemployed individuals.
- Are unemployed and determined to be an appropriate candidate for On-the-Job training with an OJT approved local employer

Fourth and Fifth Priority of Service Enrollment Form

I (Case Manager), _____, am requesting enrollment into the WIOA Adult Program 4th or 5th Priority for

(Applicant Name): _____ VOS SID# _____

who has the following barriers to self-sufficient employment:

- _____
- _____
- _____

Services to be provided to the participant are documented on the Individual Employment Plan (IEP) located in the participant file and in VOS (or designated tracking software).

Estimated amount of WIOA Adult funds to be used: \$ _____

WIOA Career Specialist Signature

Date WIOA Career Services Manager or Designee Date **Approved** **Denied** By:

E. L. Morton – Executive Director Date









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Final Audit Report

2023-04-03

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