

Technical Assistance Guidance

TAG 56-2022

Issued Date: August 31, 2022

Subject: ADW-030-01 Eligibility for WIOA Title I Services – Policy Revision

Purpose

This TAG provides guidance with respect to Adult and Dislocated Worker eligibility requirements for participation in programs funded in whole or in part under Title I of the Workforce Innovation and Opportunity Act (WIOA). Clarification is also provided on Adult Priority of Service requirements.

References

38 U.S.C. § 4215; Public Law (P.L.) 113–128 WIOA Secs. 3, 122, 134, 189, 194, 503; 2 CFR Part 200; 20 CFR Part 1010; 20 CFR Parts 677 and 678; 20 CFR Part 680; 20 CFR Part 683; TEGL 10-09; TEGL 11-11 Change No. 2; TEGL 22-04; TEGL 39-11; TEGL 19-16; TEGL 37-14; TEGL 7-20; TEN 15-10, TEGL 12-19; TEGL 12-19 Change 1; State Compliance Policy (SCP) No. 1.6, and 1.7.

Background

WIOA is designed to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy. WIOA supersedes the Workforce Investment Act of 1998 and amends the Adult Education and Family Literacy Act, the Wagner-Peyser Act, and the Rehabilitation Act of 1973.

WIOA emphasizes providing services to individuals with barriers to employment, as defined in WIOA sec. 3(24), including some of the same populations that are to receive priority in the WIOA Adult program. Recipients of public assistance, individuals who are basic skills deficient, or those identified as being low-income represent some of the workforce system's most in need participants and are the three priority groups that WIOA specifically mandates are entitled to receive priority of service (in addition to veterans and eligible spouses) for individualized career or training services under the WIOA Adult program. Please note that priority of service should not be confused with income eligibility. There is no income eligibility requirement for the Adult and Dislocated Worker Program.

While recognizing the needs of all participants, the WIOA Adult program should be especially sensitive to assisting those most in need, such as people receiving services from public assistance programs, and help to place them on pathways to self-sufficiency.

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Guidance

I. Priority of Service for the Adult Program

- A.** Sec. 134 (c) (3) (E) of WIOA establishes priority requirements with respect to funds allocated to a local area for adult employment and training activities. Under WIOA priority shall be given to the following: recipients of public assistance; other low income individuals; and individuals who are basic skills deficient in the provision of individualized career services.
- B.** Priority of service must be established at the time of eligibility determination and will not change during the participation period. It is not necessary to determine that an adult is eligible consistent with the priority of service requirements if the adult is only seeking basic career services.
- C.** WIOA priority of service provisions for adult funding does not negate the priority of service provided to veterans and eligible spouses. Veterans and eligible spouses will continue to receive priority of service among all eligible individuals, however, they must meet WIOA Title I program eligibility criteria. For example, in determining the priority of individuals, the order of priority will be as follows:
1. 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 also recipients of public assistance, are low-income individuals, or are basic skills deficient, would receive first priority of services provided with WIOA adult formula funds;
 2. Non-covered persons (individuals who are not veterans or eligible spouses) who are included in the groups given priority for WIOA adult formula funds;
 3. Veterans and eligible spouses who are not included in WIOA's priority groups; and
 4. Priority populations established by the Governor and/or Workforce Connections.
- D.** The following matrix describes the order and rationale for prioritization based on the requirements of WIOA Sec. 134 (c) (3) (E), 20 CFR §680.600, 20 CFR §680.640, TEGL 10-09, State TAG 15-3. For the purposes of this section, the term “covered person(s)” refers to veterans and eligible spouses per priority of service for veterans.

Priority	Statutory Priority Group	Explanation	Priority Enrollments
First	Covered persons (veterans and eligible spouses) who are: <ul style="list-style-type: none"> ▪ Low-income; or ▪ Recipients of public assistance; or ▪ Basic skills deficient. 	Covered person who meets statutory criteria. <i>Individuals who meet both the veteran definition and additional priorities in this group are the highest priority for receipt of adult career and training services.</i>	At least 75% of program enrollments
Second	Individuals (non-covered persons) who are: <ul style="list-style-type: none"> ▪ Low-income; or ▪ Recipients of public assistance; or ▪ Basic skills deficient. 	The statutory priority criteria (low-income/public assistance/basic skills deficient) have preference over covered persons (veterans and eligible spouses) who do not meet the statutory priority criteria. <i>Individuals who are NOT veterans but meet the additional priorities in this group are the second highest priority for receipt of adult career and training services.</i>	
Third	Covered persons (veterans and eligible spouses) who are not included in the first priority group.	Covered person in the third category (individuals who are not low-income/public assistance recipients/basic skills deficient). <i>Individuals who meet the criteria for an eligible veteran remain eligible for priority of services, in the third tier for receipt of adult career and training services.</i>	

<p>Fourth</p>	<p>Priority populations established by the Governor and/or Workforce Connections.</p> <p>This section outlines how adults may receive career and training services if they do not otherwise meet the priority group criteria above. Pursuant to Sec. 134 of WIOA, the Southern Nevada Workforce Development Area (SNWDA) has developed local priorities and identified how adults who may not meet the priorities may be served.</p>	<p>Limitation on the number of adults enrolled in WIOA programs who <u>are not</u> low-income individuals, public assistance recipients, or basic skills deficient.</p>	
		<p>WC has established local priorities to identify non-covered persons that are likely to still have barriers to employment.</p> <p>Barriers include the following:</p> <ul style="list-style-type: none"> • Individuals with Disabilities • Ex-offenders • Individuals that are 55 years of age or older • Single parents (including single pregnant women) • Individuals who have aged out of the Foster System • An individual whose earnings are below the State or local identified livable wages; • An individual who lacks basic and employability skills (without WIOA services participant is unlikely to secure employment) • Individuals who are English language learners, who have low levels of literacy, and individuals facing substantial cultural barriers • Long-term unemployed individuals unemployed (at least 27 weeks prior to WIOA participation) • Eligible migrant and seasonal farmworkers 	<p>May not exceed 20% of program enrollments.</p>

Last	Non-covered persons outside the groups given priority under WIOA.	Finally, WC has established that other Southern Nevada job seekers who are non-covered persons not meeting a WIOA priority or local priority may also be served in this group. Those enrollments shall not exceed more than 10% of total adult enrollments.	Shall not exceed more than 5% of total program enrollments.
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Technical Assistance
 Available upon request.