
Adult Program Priority of Service

Executive Summary

This policy provides guidance and establishes procedures regarding priority of service for recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient served with *Workforce Innovation and Opportunity Act* (WIOA) Title I Adult program funds. This policy applies to all Local Workforce Development Areas (Local Area) and is effective immediately.

This policy contains some state-imposed requirements. All state-imposed requirements are indicated by ***bold, italic*** type.

This Directive finalizes Workforce Services Draft Directive *Adult Program Priority of Service* WSD22-228, issued for comment on July 26, 2021. The Workforce Development Community submitted 12 comments during the draft comment period. A summary of comments, including all changes, is provided as Attachment 1.

This policy supersedes Workforce Services Directive *WIOA Adult Program Priority of Service* (WSD15-14), dated January 22, 2016. This Directive remains active until further notice.

References

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- WIOA (Public Law 113-128) Sections 3 and 134
 - Title 20 *Code of Federal Regulations* (CFR) WIOA Final Rule, Sections 680.150, 680.600, 680.650
 - Training and Employment Guidance Letter (TEGL) [07-20](#), *Effective Implementation of Priority of Service Provisions for Most in Need Individuals in the Workforce Innovation and Opportunity Act (WIOA) Adult Program* (November 24, 2020)
 - TEGL [19-16](#), *Guidance on Services Provided Through the Adult and Dislocated Worker Programs Under the WIOA and the Wagner-Peyser Act Employment Services (ES), as Amended by Title III, Under the WIOA Final Rule* (March 1, 2017)
 - [Workforce Services Directive WSD22-15](#), *WIOA Data Validation Source Documentation*
 - WSD19-09, *Strategic Co-Enrollment – Unified Plan Partners* (February 12, 2020)
 - WSD19-04, *Priority of Service for Veterans and Eligible Spouses*, (September 11, 2019)

Background

The WIOA requires priority of service for adult employment and training activities for recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient, which includes English Language Learners, for individualized and training services. Veterans and eligible spouses continue to receive priority of service for all Department of Labor (DOL) funded programs amongst all participants.

Policy and Procedures

Definitions

For purposes of this Directive, the following definitions apply:

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.***

Case Notes – Case notes refer to either paper or electronic statements by the case manager that identify, at a minimum, the following:

- A participant's status for a specific data element.
- The date on which the information was obtained.
- The case manager who obtained the information.

Low-Income Individual – An individual that meets one of the 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), 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 meets the income requirement, but who is a member of a family whose income does not meet the requirement.

(Reference WIOA Section 3[36])

Public Assistance Recipient – An individual that receives federal, state, or local government cash payments for which eligibility is determined by a needs or income test (WIOA Section 3[50]).

Self-Attestation – Self-attestation (also referred to as a participant or applicant statement) occurs when a participant states their status for a particular data element, and then signs and dates a form acknowledging this status. The key elements for self-attestation are as follows:

- The participant identifying their status for permitted elements.
- The participant signing and dating a form attesting to this self-identification. The form and signature can be on paper or in CalJOBS with a remote signature. For more information on the CalJOBS Remote Electronic Signature feature, refer to the CalJOBS Remote Electronic Signature User Guide located in the Staff Online Resources section of CalJOBS.

While self-attestation should not be the primary method of gathering documentation to verify data elements, it may be used when an item is unverifiable, or it is unreasonably difficult to obtain. The applicant's difficulty in obtaining documentation does not need to entail hardship or suffering to justify using self-attestation.

Priority of Service Requirement

As stated in the WIOA Section 134(c)(3)(E), with respect to individualized career services and training services funded with WIOA Adult funds, priority of service must be given to recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient (including English Language Learners). America's Job Center of CaliforniaSM (AJCC) staff must always prioritize services to these populations, regardless of the amount of funds available to provide services in the Local Area.

Priority of service status is established at the time of eligibility determination and does not change during the period of participation. The priority of service requirement does not apply to the WIOA Dislocated Worker program.

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 19-16, when programs are

statutorily required to provide priority, such as the WIOA Adult program, then priority must be provided in the following order:

1. Veterans and eligible spouses who are also recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient.
2. Individuals who are the recipient of public assistance, other low-income individuals, or individuals who are basic skills deficient.
3. Veterans and eligible spouses who are not included in WIOA's priority groups.
4. Priority populations established by the Governor and/or Local Workforce Development Board (Local Board).
5. Other individuals not included in WIOA's priority groups.

[Reference – [TEGL 19-16](#)]

For additional guidance on providing priority of service to veterans through the AJCC system, refer to [WSD19-04](#).

Priority of Service Calculation

The state priority of service rate is calculated based on the number of participants exited from the program who are identified as a priority population and received an individualized career or training service during their period of participation. This number is divided by the total number of participants exited from the program who have received an individualized career or training service.

Local Areas can view and analyze their priority of service rate by accessing the WIOA Adult Priority of Services report in CalJOBS. ***Local Areas should strive to achieve the 75 percent priority of service rate of individuals in an individualized career or training service. The State may choose to review Local Area specific data to determine if technical assistance will be needed.***

Individualized Career and Training Services

Under WIOA, only Individualized Career and Training Services are subject to the priority of service requirement as outlined in [20 CFR Section 680.600](#). The requirement does not apply to Basic Career Services.

Individualized Career Services

Individualized career services are subject to priority of service, and consist of the following:

- Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include the following:
 - Diagnostic testing and use of other assessment tools.

- In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.
- Development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve his or her employment goals, including the list of, and information about, eligible training providers.
- Group and/or individual counseling and mentoring.
- Career planning (e.g. case management).
- Short-term pre-vocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare individuals for unsubsidized employment or training, in some instances pre-apprenticeship programs may be considered as short-term pre-vocational services.
- Internships and work experiences that are linked to careers.
- Workforce preparation activities that help an individual acquire a combination of basic academic skills, critical thinking skills, digital literacy skills, and self-management skills, including competencies in utilizing resources, using information, working with others, understanding systems, and obtaining skills necessary for successful transition into and completion of postsecondary education, or training, or employment.
- Financial literacy services.
- Out-of-area job search assistance and relocation assistance.
- English language acquisition and integrated education and training programs.

Training Services

Training services are subject to priority of service, and consist of the following:

- Occupational skills training, including training for nontraditional employment.
- On-the-job training.
- Incumbent worker training.
- Programs that combine workplace training with related instruction, which may include cooperative education programs.
- Training programs operated by the private sector.
- Skill upgrading and retraining.
- Entrepreneurial training.
- Transitional jobs.
- Job readiness training provided in combination with another training service.
- Adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with another training service.
- Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

For AJCC staff who enter participant data into CalJOBS, these program services are tracked in CalJOBS using the appropriate CalJOBS activity codes. For a detailed list of services and activity type, refer to [WSD19-06](#).

Documentation

Local Areas may use the documentation in the table below to verify that 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. Public Assistance Recipient	<ul style="list-style-type: none"> • TANF Eligibility Verification • TANF Period of Benefit Receipt Verification • Referral Transmittal from TANF • SSI/SSDI Receipt of Benefits Verification • Referral Transmittal from Social Security Administration • SSI/SSDI Eligibility Verification • SNAP Eligibility Verification • Documentation of Food Stamp Benefit Receipt • Referral Transmittal from SNAP • Copy of Authorization to Receive Cash Public Assistance • Copy of Public Assistance Check • Medical Card Showing Cash Grant Status • Public Assistance Eligibility Verification
2. Low Income	<ul style="list-style-type: none"> • Award Letter from Veteran’s Administration

PRIORITY OF SERVICE	
Priority of Service Criteria	Acceptable Documentation (Only the documentation sources listed below may be used.)
	<ul style="list-style-type: none"> • Pay Stubs • Compensation Award Letter • Court Award Letter • Pension Statement • Employer Statement/Contact • Family or Business Financial Records • Housing Authority Verification • Quarterly Estimated Tax for Self-Employed Persons • Social Security Benefits • UI Claim Documents • Copy of Authorization to Receive Cash Public Assistance • Copy of Public Assistance Check • Public Assistance Eligibility Verification • For Youth Participant Only: Case Note Documenting Living in a High Poverty Area • Self-Attestation
3. Basic Skills Deficient	<ul style="list-style-type: none"> • Assessment Test Results • Applicable Records from Education Institution (transcripts, academic assessments, or other school documentation) • Case Notes • Self-Attestation <p><i>If an individual is an English Language Learner (ELL) and basic skills deficient, then a signed application is sufficient to document ELL/basic skills deficient. However, if the participant is basic skills deficient and NOT ELL, then a case note and/or assessment is needed.</i></p>

For reporting and statistical purposes, the state recommends Local Areas document all barriers of employment to accurately measure populations served within the AJCC system. In addition, Local Areas should review and update policies and procedures, as necessary, including the monitoring of these policies and procedures in AJCCs, to align with the priority of service rate requirement.

For additional guidance on participant source documentation requirements, refer to [WSD22-15](#).

Action

Please bring this directive to the attention of all relevant parties.

Inquiries

If you have any questions, contact your [Regional Advisor](#).

/s/ JAVIER ROMERO, Deputy Director
Workforce Services Branch

Attachment:

1. [Summary of Comments \(DOCX\)](#)

The EDD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.
