

**PUBLIC POLICY:**           **WIOA – 24-03**

Workforce Innovation and Opportunity Act (WIOA)

**SUBJECT:**               Priority WIOA Title I Adult Program Services

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## **PURPOSE**

The purpose of individualized career and training services is to provide eligible customers with the means to obtain the skills necessary to obtain employment. This policy is intended to define and establish parameters for priority of service for participants enrolled in the WIOA Title I Adult Program.

To that end, the Guaynabo-Toa Baja Local Job Connection Area Workforce Development Board (LWDB-GTB) promulgates the following public policy to establish the corresponding criteria.

## **BACKGROUND**

The Workforce Innovation and Opportunity Act (WIOA) increases access to and opportunities for employment, training and support services needed by individuals, particularly those with barriers to employment. To ensure access, WIOA requires that priority be provided to public assistance recipients, low-income individuals, and those with basic skills deficiencies when providing individualized training and career services under the Adult Program.

Priority of service” means the right to have preference over a lower priority person in obtaining individualized career services and training. A person with priority receives access to a service before a person with lower priority or, if resources are limited, receives access to the service in place of the person with lower priority. Priority is not part of determining eligibility for any program; rather, it is intended to emphasize access to individualized career and training services for populations with the greatest need.

## **LEGAL BASIS**

- Workforce Innovation and Opportunity Act (WIOA), (Public Law 113-128, July 22, 2014).
- TEGL No. 07-20: "Effective Implementation of the Priority of Service Provisions for Persons Most in Need in the Workforce Innovation and Opportunity Act (WIOA) Adult Program" (November 24, 2020).
- TEGL No. 19-16: "Guidance on Services Provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Service (ES), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules" (March 1, 2017).
- TEGL No. 16-16, "One-Stop Operations Guidance for the U.S. Job Center Network" (January 18, 2017).
- TEGL No. 10-09, "Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or in part by the U.S. Department of Labor (DOL)" (November 10, 2009). - 20 C.F.R. part 680.600 (Aug. 19, 2016). What priority should be given to low-income adults and public assistance recipients and individuals with basic skills deficiencies served with adult funds under title I of the Workforce Innovation and Opportunity Act?
- Title 38, United States Code (U.S.C.) Chapters 41 and 42; Priority of Service for Covered Persons, as amended.
- 20 C.F.R. Part 1010, Application of Priority of Service for Covered Persons, (Dec.19, 2008).

## DEFINITIONS

1. **Adult:** the term adult refers to a person over 18 years of age.
2. **Local Workforce Connection Area (LLA):** designation by the governor of a geographic area, consisting of one or more municipalities, within which labor development activities are offered.
3. **Public Assistance Recipient:** A person receiving cash payments from the federal, state, or local government for which eligibility is determined by a needs or income assessment.
4. **Eligible Spouse:** means the spouse of:
  - a) A veteran deceased from a service-connected disability;
  - b) A member of the armed forces on active duty who, at the time of the priority determination, is in one or more of the following categories and has remained so for a total of more than 90 days:

1. Missing in action;
  2. Captured in the line of duty by a hostile force; or
  3. Forcibly detained or interned in the line of duty by a foreign government or foreign power.
- c) A veteran who has been assessed by the department of veterans' affairs with a total disability resulting from service; or
- d) A veteran who died while a disability existed.
5. **Individual with barriers to employment:** means a member of one or more of the following populations:
- a. Displaced homemaker.
  - b. Low-income individuals.
  - c. Indians, Alaska Natives, and Native Hawaiians, as those terms are defined in section 166 of WIOA.
  - d. Individuals with disabilities, including youth who are individuals with disabilities.
  - e. Aging individuals.
  - f. Ex-offenders.
  - g. Homeless individuals (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e- 2(6)); or homeless children and youth (as defined in section 752(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434(a)(2))).
  - h. Youth who are or have aged out of foster care.
  - i. Persons who are English language learners, persons who have low literacy skills, and persons who face substantial cultural barriers.
  - j. Eligible migrant and seasonal farmworkers, as defined in WIOA section 167(i).
  - k. Individuals who have not exhausted their lifetime entitlement under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).
  - l. Unmarried parents (including pregnant unmarried women).
  - m. Long-term unemployed individuals.
  - n. Persons with technological barriers, as defined in this policy.
  - o. Other groups determined by the Governor to have barriers to employment.

6. **Individual with Technology Barriers:** The LWDB-GT defines an individual with technology barriers as a person who lacks the basic skills and knowledge necessary to use essential technology tools and systems in today's job market. This includes lack of experience with computers, office software, internet browsing, and digital communication. Identifying this deficiency allows these individuals to be eligible to receive priority for individualized services and training under WIOA Title I, improving their employment opportunities in an increasingly technological job market..
7. **Low-income individual:** in general the term "low-income individual" means an individual who
  - a. (a) is receiving, or within the past 6 months has received, or is a member of a family that is receiving, or within the past 6 months has received, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq. ), the block grant program to States for temporary assistance for needy families under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or State or local public assistance based on income;
  - b. belongs to a family whose total income does not exceed the greater of:
    - 1) the poverty threshold; or
    - 2) 70 percent of the Lower Living Standard Income (LLSI);
  - c. is homeless (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), or is a homeless child or youth (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434 a (2)));
  - d. receives or is eligible to receive free or reduced-price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.)<sup>6</sup>;
  - e. is a foster or foster care child on whose behalf State or local government payments are made; or
  - f. is a person with a disability whose own income meets the income requirement of clause (b), but who is a member of a family whose income does not meet this requirement.
8. **Basic Skills Deficient Individual:** The term Basic Skills Deficient refers to an individual who is The term basic skills deficient refers to an individual who:
  - a. is a youth and has reading, writing, or computation skills at or below the

eighth grade level on a generally accepted standardized test; or

- b. is a youth or adult and cannot compute or solve problems, or read, write, or speak English at a level necessary to function at work, in his or her family, or in society.
9. **Public assistance recipients:** includes persons receiving cash payments from the federal, state or local government for whom eligibility is determined by assessment of need or income.
10. **Homeless person:** any person included under the definition of the terms “homeless”, “homeless individual” and “homeless person” meaning:
- a) An Individual or family who lacks a fixed, regular and adequate nighttime residence;
  - b) An Individual or family whose primary nighttime residence is a public or private place not designed or ordinarily used as a sleeping accommodation for human beings, including an automobile, park, abandoned building, bus or train station, airport, or campground;
  - c) An Individual or family living in a supervised public or private shelter designated to provide temporary housing (including group shelters, transitional housing, as well as hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income persons);
  - d) An individual who leaves an institution where he or she temporarily resided and who resided in an emergency shelter or place not meant for human habitation immediately prior to entering that institution;
  - e) An individual or family who:
    - 1. Will imminently lose his or her housing, including housing that he or she owns, rents, or lives in rent-free, that he or she shares with others, and hotel or motel rooms that are not paid for by federal, state, or local government programs for low-income persons or by charitable organizations, as evidenced by:
      - i. a court order resulting from an eviction action notifying the individual or family that they must leave within 14 days;
      - ii. that the individual or family has a hotel or motel room as their primary nighttime residence and lacks the resources necessary to reside there for more than 14 days; or
      - iii. credible evidence that the owner or lessee of the housing will

not allow the individual or family to remain there for more than 14 days, and any oral statement by an individual or family requesting homeless assistance that is credible shall be considered credible evidence for purposes of this clause;

2. No subsequent residence has been identified; and
  3. Lacks the resources or support networks, necessary to obtain other permanent housing;
- f) Unaccompanied youth and homeless families with children and youth defined as homeless under other Federal laws who:
1. have experienced an extended period without living independently in permanent housing;
  2. have experienced a period of persistent instability as measured by frequent moves during that period; and
  3. can be expected to continue in that situation for an extended period of time due to chronic disabilities, chronic physical or mental health conditions, substance addiction, history of domestic violence or child abuse, presence of a disabled child or youth, or multiple barriers to employment.
11. **Below Standard of Living Income Level:** The income level (adjusted for regional, metropolitan and family size differences) determined annually by the U.S. Secretary of Labor based on the lowest recent level or standard of living.
12. **Veteran:** A veteran is a person who has served at least one day of active duty in the military, naval, or air service, and who has been discharged or released from such service with a discharge other than dishonorable.

## **PUBLIC POLICY AND PROCEDURE**

The Workforce Innovation and Opportunity Act (WIOA) requires the Local Workforce Development Board (LWDB) to develop a policy to ensure that individualized career development services and training are provided on a priority basis to certain groups. This policy is intended to align services with WIOA provisions and establish program objectives.

The Guaynabo - Toa Baja Local Workforce Development Board (LWDB-GT) will ensure that the Local Area implements this priority of service policy. Funds allocated for

individualized services and training must follow these priorities, regardless of the availability of funds.

This policy seeks to ensure that services are provided equitably and benefit those who need them most. WIOA is a vital tool to strengthen our workforce and promote economic prosperity in our community.

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## **POLICY**

### **1. Requirement to serve priority populations under the WIOA Title I Adult Program.**

#### **Priority required by WIOA section 134(c)(3)(E):**

For the WIOA Title I Adult Program only, priority for individualized career and training services must be given to participants who belong to at least one (1) of the following three (3) priority populations:

1. Public assistance recipients;
2. Other low-income persons; and
3. Individuals who are basic skills deficient.

Veterans and their eligible spouses must continue to receive priority of service in all WIOA Title I programs..

Priority for priority populations does not apply to core career services within the Adult Program or any Dislocated Worker Program services.

#### **Priority Population established by LWDB-GT through this public policy:**

The following individuals with barriers to employment must also be considered as priority populations for individualized training and career services, if they do not already fall within one (1) of the WIOA required populations:

1. **Individuals with disabilities;**

2. **Justice-involved individuals (offenders);**
3. **Single or parenting mothers and fathers;**
4. **School dropouts;**
5. **Individuals with technology barriers:** To demonstrate this barrier the individual must complete a technology skills assessment test/sheet to be administered by the case manager/occupational counselor/career planner (Attachment 1).

Veterans and eligible spouses continue to receive priority of service among all eligible persons; however, they must meet the Adult Program eligibility criteria and meet the criteria set forth in WIOA Section 134(c)(3)(E). As described in TEGL 19-16, when programs are required by law to provide priority, as is the case with the Adult Program, then priority must be provided in the following order:

**Priority 1:** Veterans and eligible spouses who are also recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient.

**Priority 2:** Individuals who are recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient.

**Priority 3:** Veterans and eligible spouses who are not included in WIOA priority groups.

**Priority 4:** Priority populations established by the Governor and/or the Guaynabo-Toa Baja Local Labor Development Board (LWDB-GT).

**Priority 5:** Other individuals not included in WIOA priority groups.

Once assigned a priority level, participants cannot move to a lower priority level during their participation. Priority levels must be reassessed at the beginning of **each new program participation**.

Individuals who meet the Adult program eligibility requirements (Age, Citizenship, Selective Service (males 18+), but are low income or basic skills deficient, may still be served in the Adult Program.

**When is the priority level determined?**



Priority of service should be assessed at the time of eligibility determination, and participants should be informed if they are to receive priority. If, during participation, the career planner/case manager learns of changes in an individual's situation that would allow him/her to receive a higher priority of service, he/she should receive a higher priority. For example, if an individual who was not low-income when entering the program becomes low-income during participation, he/she will begin to receive a higher priority as soon as the career planner/case manager becomes aware of the change..

### **Required percentage of priority populations receiving individualized career services or training services**

It is hereby established by this policy that seventy-five percent (75%) and no less than fifty point one percent (50.1%) of the persons enrolled in the Adult Program are **public assistance recipients, low-income or basic skills deficient** as identified in the previous section as service level one (1) and two (2) priorities. All other priority groups identified in this policy are excluded from the 75% calculation.

### **Participant Declaration**

The participant can declare his or her status for a particular data element, such as low income, and then sign the form acknowledging this status. The key elements for self-certification are:

- That the document contains the date.
- The element to be certified is identified on the document.
- Signature on the document.

Participant self-declaration should not be used as the primary method of collecting documentation to verify data elements. Participant self-declaration as a source of documentation shall be used when third party documentation or corroboration is not available or the individual does not have the resources to obtain it.

### **PROCEDURE**

To determine adult priority group eligibility under the Workforce Innovation and Opportunity Act (WIOA) the following steps must be followed:

Adult Priority Group Identification:

**First.** individuals who qualify as adults under WIOA are identified. In general, adults are persons over the age of 18 who are having difficulty obtaining or retaining employment

due to a variety of reasons, such as prolonged unemployment, lack of updated job skills, or changes in the local economy.

**Second. Eligibility Assessment:**

- **Citizenship/Residency Eligibility Compliance:** Verification of citizenship or legal immigration status.
- **Low Income Assessment Compliance:** Assessment of household income to determine if the individual or household receives or received public assistance or is low income based on poverty level calculation.
- **Barriers to Employment Analysis:** Identification of individual barriers to employability, such as disabilities, lack of education or training, housing problems, etc.

**Third. Registration and Documentation:**

Once eligibility is determined, proceed to register the individual in the system and collect the necessary documentation to support eligibility and training or employment needs.

**Fourth. Individual Employment Plan (IEP) Development:**

Work with the individual to develop an IEP that addresses their specific training, education and employment needs. This may include services such as job training, vocational education, career counseling, job placement services, among others.

**Fifth. Follow-up and Evaluation:**

Once the individual begins receiving services under WIOA, ongoing follow-up is conducted to assess their progress, make adjustments to the SIP as needed, and ensure that they are moving toward sustainable, self-sufficient employment.

This process is designed to provide comprehensive support to WIOA-eligible adults, helping them overcome barriers to employment and achieve their employment and economic goals.

## Annex 1: Technological Skills Evaluation Sheet

This evaluation sheet is to be administered by an authorized LWDA-GT employee.

Check "Yes" or "No" for each item, depending on your mastery of the skill. Then indicate your level of performance on the skill. With 10 being the highest level of proficiency and 0 being the lowest or no knowledge of the skill.

Technological Skills	Yes	No	Level
1. Can you turn on / turn off and use a PC or laptop computer?			
2. Can you create, edit and save a text document (e.g. Microsoft Word, Google Docs)?			
Can you use a spreadsheet to perform simple calculations (e.g. Microsoft Excel, Google Sheets or similar)?			
4. Can you send and receive e-mails with attachments (e.g. Microsoft Outlook, or its web applications such as Gmail, Yahoo or similar)?			
5. Can you effectively search for information on the internet using web browsers (e.g. Internet Explorer, Chrome, Safari)?			
6. Can you create and modify a digital presentation (e.g. Microsoft PowerPoint, Google Slides or similar)?			
7. Do you know how to save and organize files on a computer or in the cloud?			
8. Can you use video conferencing applications for online meetings (e.g. Microsoft Teams, Google Meets, Zoom or similar)?			
9. Do you understand the basics of computer security (e.g., strong passwords)?			
10. Are you able to use or quickly adapt to the use of field-specific software (e.g., data entry software, accounting management, shift management, etc.)?			

### Outcome Assessment

- **Deficient in technology skills:** 5 or more "No" responses.
- **Proficient in technology skills:** Less than 5 "No" responses.

## EFFECTIVENESS

This public policy shall become effective immediately upon approval. This policy supersedes any previous policy regarding support services at LWDA-GTB.

In Guaynabo, Puerto Rico, on the 18 day of September, 2024.



Oriel Ramirez Rodriguez

President

Local Workforce Development Board

Guaynabo – Toa Baja