

**WIOA Policy No. 2-16**  
**WorkForce West Virginia**

**TO:** Workforce Development Boards  
**FROM:** WorkForce West Virginia  
**DATE:** September 22, 2015  
**SUBJECT:** Priority of Service Policy for Adult Title I Funding  
**EFFECTIVE DATE:** January 20, 2016

**I. REFERENCE(S):**

Workforce Innovation and Opportunity Act of 2014 (WIOA) Sections 3 and 134; Proposed 20 CFR §680.150, §680.600, §680.610, and §680.650; 38 U.S.C. 101 and 4213 and 4215; and 20 CFR 1010; and 20 CFR §683.230.

**II. PURPOSE:**

To establish policy regarding priority of service for veterans, recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient served with Workforce Innovation and Opportunity Act (WIOA) Adult funds.

**III. BACKGROUND:**

Priority for individualized career services and training services funded with Title I Adult funds must be given to recipients of public assistance and other low-income individuals who are basic skills deficient. States and local areas must establish criteria by which the one-stop operator will apply the priority under WIOA section 134(c)(3)(E).

Veterans, under WIOA section 3(63)(A) and 38 U.S.C. 101 receive priority of service in all Department of Labor funded training programs under 38 U.S.C. 4215 and described in 20 CFR 1010. A veteran must still meet each program's eligibility criteria to receive services under the respective employment and training program. For income-based eligibility determinations, amounts paid while on active duty or paid by the Department of Veterans Affairs (VA) for vocation rehabilitation, disability payments, or related VA-funded programs are not to be considered as income in accordance with 38 U.S.C. 4213 and 20 CFR §683.230 .

**IV. Action:**

Priority of Service will be as follows:

- ***First Priority:*** Veterans and eligible spouses (covered persons) who are low-income or recipients of public assistance or who are basic skills deficient.

- **Second Priority:** Individuals (non-covered persons) who are low-income or recipients of public assistance or individuals who are basic skills deficient.
- **Third Priority:** Veterans and eligible spouses who are not low-income and are not recipients of public assistance or basic skills deficient.
- **Fourth Priority:** Individuals who do not meet the above priorities.

**Definitions:**

**Low-income** – An individual who:

- Receives, or is a member of a family that receives cash benefits under a federal, state or local income based public assistance program;
- Received an income, or is a member of a family that received a total family income, for the 6-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, payments described in subparagraph (A), and old-age and survivors insurance benefits received under Section 202 of the Social Security Act that, in relation to family size, does not exceed the higher of-
  - The poverty line for an equivalent period; or
  - 70% of the lower living standard income level, for an equivalent period;
- Is a member of a household that receives (or has been determined within the 6-month period prior to application for the program involved to eligible to receive) food stamps pursuant to the Food Stamp Act of 1977;
- Qualifies as a homeless individual, as defined in subsection (a) and (c) of Section 103 of the Stewart B. McKinney Homeless Assistance Act.
- Is a foster child on behalf of whom State or local government payments are made; or
- In cases permitted by regulations promulgated by the Secretary of Labor, is an individual with a disability whose own income meets the requirements of the program, but who is a member of a family whose income does not meet such requirements.

**Basic Skills Deficient** – An individual unable to compute or solve problems, read, write, or speak English, at a level necessary to function on the job, in the individual's family, or in society.

For WIOA purposes, the State further defines Basic Skills Deficient as an individual who:

- Lacks a high school diploma or high school equivalency and is not enrolled in secondary education.
- Enrolled in a Title II Adult Education/Literacy program.
- Reading and/or Math assessment at an 8.9 or below grade level. (Regions using WorkKeys assessment will be WorkKeys level at or below 4).
- 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.