

# Fresno Regional Workforce Development Board

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## OPERATIONAL DIRECTIVE

FRWIB OD # 11-15, Revision C1

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To: All Fresno Regional Workforce Development Board Providers of Services

From: Blake Konczal, Executive Director

Effective Date: May 23, 2016

Subject: WIOA PRIORITY OF SERVICE REQUIREMENTS

Applicable Program: WIOA Adult Programs

Revision History: Initial Release – 7/2/15; Rev B – 3/1/16

This Revision C1 corrects errors (highlighted in yellow) in the previous version.

Provider of Service staff must obtain, and maintain in the casefile, the appropriate documentation to support any of the criteria listed below. If staff is unable to obtain the required supporting documentation, a waiver request must be submitted and approved prior to the use of self-attestation (applicant statement).

During eligibility, provider staff should also reference OD 03-06, Veterans Priority.

While WIOA adult eligibility requirements remain mostly consistent with WIA, there are some significant changes to the service priority provisions. Consistent with WIA, priority for adult services **must** be given to recipients of public assistance and other low income individuals, WIOA added individuals who are basic skills deficient as one of the priority populations. Under WIA, this priority applies only when adult funds were limited. Under WIOA, however, priority access to services by members of this group applies automatically.

### Priority of Service Requirement

As stated in WIOA Section 134(c)(3)(E), with respect to individualized career services and training services funded with WIOA adult funds, priority of service, regardless of funding levels, must be given to recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient.

Priority of service status is established at the time of eligibility determination and does not change during the period of participation. Priority does not apply to the dislocated worker population.

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 outlined in guidance provided in the EDD Workforce Services Directive WSD15-14, 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. Other individuals not included in WIOA's priority groups.

## **Defintions**

**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.

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 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 - Paper or electronic statements by the provider staff that identifies, at a minimum, (1) a participant's status for a specific data element, (2) the date on which the information was obtained, and (3) the provider staff who obtained the information. If case notes are used as a documentation source, the case notes must provide an auditable trail back to the source of information verified. The case manager does not need to keep a hard copy of the information verified in the participant's case file.

Example: A provider staff verifies an individual is basic skills deficient by viewing school records, specifically, enrollment in a Title II Adult Education/Literacy program. The case notes must include auditable information, such as the name of the school and the date of enrollment, which could allow an auditor/monitor to later retrieve this information. The provider staff would not need to keep a hard copy of the school record in the participant's file (TEGL 06-14, Attachment A).

**Low-Income** - An individual that meets one of the **four** 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, temporary assistance for needy families program, 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 does not exceed the income requirement, but is a member of a family whose total income **exceeds the income requirement**. (WIOA Section 3[36]).

Note: 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. **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** - When a participant states his or her status for a particular data element, such as low income, and then signs and dates a form acknowledging this status. The key elements for self-attestation are (1) the participant identifying his or her status for permitted elements and (2) signing and dating a form attesting to this self-identification. The form and signature can be on paper or in the local area management information system, with an electronic signature (TEGL 06-14, Attachment A).

Note that, self-attestation is not to be used as the primary method of gathering documentation to verify data elements. Self-attestation as a documentation source is only to be used when the preferred options of paper documentation or third party corroboration are not available.

See page 3 and 4 for a listing of acceptable documentation for each priority of service.

Under WIOA, the WIA core and intensive services are merged into a new category entitled “career services.” The career services category includes basic career services, and individualized career services, which are defined in the Customer Flow OD. Basic career services are not subject to the priority of service requirement; however, individualized career services and training services are subject to the requirement.

PRIORITY OF SERVICE	
Priority of Service Criteria	Acceptable Documentation (Only the documentation sources listed below may be used.)
1. <b>Recipient of Public Assistance</b>	<ul style="list-style-type: none"> <li>• Cross-match with public assistance database</li> <li>• Copy of authorization to receive cash public assistance</li> <li>• Copy of public assistance check</li> <li>• Medical card showing cash grant status</li> <li>• Public assistance records</li> <li>• Refugee assistance records</li> </ul>
2. <b>Low Income</b>	<ul style="list-style-type: none"> <li>• Alimony agreement</li> <li>• Award letter from veteran’s administration</li> <li>• Bank statements</li> <li>• Compensation award letter</li> <li>• Court award letter</li> <li>• Pension statement</li> <li>• Employer statement/contact</li> <li>• Family or business financial records</li> <li>• Housing authority verification</li> <li>• Pay stubs</li> <li>• Public assistance records</li> <li>• Quarterly estimated tax for self-employed persons</li> <li>• Social Security benefits</li> <li>• Unemployment Insurance documents</li> <li>• Self-attestation *</li> </ul>

<b>3. Basic Skills Deficient</b>	<ul style="list-style-type: none"><li>• School Records<ul style="list-style-type: none"><li>○ A referral or records from a Title II Basic Adult Education program or English Language Learner program</li></ul></li><li>• Results of academic assessment</li><li>• Case notes*</li><li>• Self-Attestation*</li></ul>
<p>*Please reference the definition section of this directive for additional guidance on case notes or self-attestation being used for documentation purposes.</p>	