

# Monroe County/Rochester Workforce Development Board

## WIOA Policy 101

**DATE:** July 17, 2015  
**REVISED:** September 1, 2022  
**SUBJECT:** Priority of Service

### I. Purpose

WIOA requires the local board to establish a priority of service policy for career and training services. This document contains the current local policy.

### II. Definitions

**A. Basic Skills Deficient:** With regard to WIOA Adults, “Basic Skills Deficient,” defined at WIOA 3(5) and further explained in TEGL 19-16, means an individual who 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. This definition includes English Language Learners, defined at WIOA 203(7). Inability to compute or solve problems or to read, write, or speak English at the necessary level may be documented by a score on the TABE test (or other equivalent assessment on the National Reporting System (NRS) benchmarks crosswalk) equivalent to the 8<sup>th</sup> grade level or below; a WorkKeys level of two (2) or below on the Reading for Information, Applied Mathematics, or Locating Information assessment; or a self-attestation that an individual with a primary language other than English has limited ability in reading, writing, speaking, or comprehending the English language.

**B. Chronically Unemployed** (as applicable to Transitional Jobs): Chronically Unemployed means that a worker has been unemployed, as defined by the Bureau of Labor Statistics, for at least:

1. Six (6) of the past 24 months, or
2. Fifteen (15) of the past 60 months.

**C. Dislocated Worker:** The term “Dislocated Worker” is defined at WIOA 3(15). Our local policy further clarifies the time period involved in a dislocated worker determination and defines the terms “attachment to the workforce” and “unlikely to return to a previous industry or occupation” as follows:

1. The Monroe County/Rochester Workforce Development Board recognizes the continuing effect of dislocation events across the Finger Lakes Region, and therefore does not dictate a time frame in which a person must have been dislocated in order to be deemed eligible as a dislocated worker.

2. One-stop center staff may use the following guidelines when determining whether a participant has been employed for a duration sufficient to demonstrate attachment to the workforce: Attachment to the workforce may be demonstrated by any labor performed in any occupation where the employee has worked for two full pay periods or one month, whichever is less. This determination must be adequately documented in OSOS, hard copy employment records, or through a signed participant self-attestation.

3. One-stop center staff may use any reasonable means or explanation to determine that a participant is unlikely to return to a previous industry or occupation. Such means or explanation must be adequately documented, which documentation may include a signed participant self-attestation. Examples of participant characteristics that may be used to determine that a participant is unlikely to return to a previous industry or occupation may include, but are not limited to, the following:

- Profiled as unlikely to return to a previous industry or occupation
- Exhausted entitlement to unemployment compensation
- Job search activities result in no jobs within one hour by automobile or one-and-a-half hours by public transportation
- Long-term unemployed
- Long-term underemployed
- A combination of un/underemployment with a barrier to employment, as defined at WIOA 3(24)
- Labor market information for previous industry or occupation indicates negative growth
- Individual who has been impacted by the Opioid Crisis

**D. Inconsistent Work History** (as applicable to Transitional Jobs): Inconsistent Work History means that a worker has been employed:

1. In the same occupation or industry for 39 or fewer months during the past five (5) years, or
2. With three (3) or more different employers during past five (5) years, or
3. With a staffing agency for at least six (6) months during the past two (2) years, or
4. With a staffing agency for at least 15 months during the past five (5) years, or
5. For fewer than 60 months during their lifetime, or
6. In the United States Armed Forces and is a veteran who was discharged within the past five (5) years.

**E. Low-Income Individual:** The term “Low-Income Individual” is defined at WIOA 3(36) and further explained in TEGL 19-16. *Under WIOA, there is no exclusion of payments for unemployment compensation, child support payments, and old-age survivors insurance benefits from income calculations for determining if an individual is low-income. These exclusions that were previously provided under WIA no longer apply.*

**F. Priority of Service:** Priority of service means that individuals in priority groups are given priority over individuals not in those groups for the receipt of WIOA career and training services. This means that an individual in a priority group either receives access to a service earlier in time than an individual not in the group or, if the resource is limited, the individual in the priority group receives access to the service instead of or before individuals who are not in the group.

For a training service, priority of service applies to the selection procedure as follows. First, if there is a waiting list for the formation of a training class, priority of service is intended to require an individual in a priority group to go to the top of that list. Second, priority of service applies up to the point at which an individual is both approved for funding and accepted or enrolled into the training program. Therefore, once an individual who is not in a priority group has been approved for funding and accepted or enrolled into the training program, priority of service is not intended to allow an individual in a priority group who is identified subsequently to “bump” the individual not in the group from that training program.

For certain service types, indicated below, individuals who are not in a priority group may not be eligible for the service.

### **III. Priority of Service for WIOA Adult-Funded Services by Level and Type of Service**

Priority for WIOA Adult-Funded Services depends on the level and type of service provided to the participant. The following paragraphs detail how the local priority of service policy is applied to each service category.

**A. Basic Career Services.** Basic Career Services are defined in TEGLs 16-16 and 19-16. One-stop career center staff must give priority of service to veterans and eligible spouses in the provision of Adult-funded basic career services.

**B. Individualized Career Services.** Individualized Career Services are defined in TEGLs 16-16 and 19-16. When providing individualized career services, with the exception of transitional jobs, discussed in paragraph G., below, one-stop career center staff must give priority of service to recipients of public assistance (including cash public assistance and SNAP benefits); other low-income individuals; individuals who are basic skills deficient; individuals categorized as in need of Career Development Services (CDS) per NYS DOL TA 8-4.2 at the time of Initial Assessment or during a subsequent assessment; and veterans and eligible spouses. Priority of service must be provided to individuals in the following order:

1. First, to veterans and eligible spouses who are *also* recipients of public assistance, other low-income individuals, and/or individuals who are basic skills deficient.
2. Second, to non-covered persons (that is, individuals who are not veterans or eligible spouses) who are recipients of public assistance, other low-income individuals, and/or individuals who are basic skills deficient.
3. Third, to veterans and eligible spouses who are *also* individuals categorized as in need of Career Development Services (CDS).
4. Fourth, to non-covered persons (that is, individuals who are not veterans or eligible spouses) who are individuals categorized as in need of Career Development Services (CDS).
5. Last, to non-covered persons outside the priority groups.

**C. Follow-up Services.** Follow-up Services are defined in TEGs 16-16 and 19-16. One-stop career center staff must give priority of service to veterans and eligible spouses in the provision of follow-up services.

**D. ITA Training Services.** One-stop career center staff must give priority of service in the provision of Adult-funded ITA training services to recipients of public assistance (including cash public assistance and SNAP benefits); *individuals who would meet the definition of low income after exclusion of payments for unemployment compensation and/or child support payments*; other low-income individuals; employed workers earning \$20.05 per hour or less, prorated to a 40-hour work week, and adjusted annually to account for wage inflation\*; and individuals who are basic skills deficient. **The determination of whether a participant is employed or not employed will be made on the date that the one-stop career center staff member submits the ITA application for approval, as documented in the Date Submitted field of the Classroom Training Submission cover sheet. Please note that the lookback date for determining low income has not changed. “Low income individual” is defined in II.B., above.** Priority must also be given to veterans and eligible spouses who are *also* members of one or more of the other priority groups. Priority of service must be provided to individuals in the following order:

1. First, to veterans and eligible spouses who are *also* recipients of public assistance, other low-income individuals, and/or individuals who are basic skills deficient.
2. Second, to non-covered persons (that is, individuals who are not veterans or eligible spouses) who are recipients of public assistance, other low-income individuals, and/or individuals who are basic skills deficient.
3. Third, to veterans and eligible spouses who are *also* employed workers earning \$20.05 per hour or less, prorated to a 40-hour work week, and adjusted annually to account for wage inflation\* *and/or individuals who would meet the definition of low income after exclusion of payments for unemployment compensation and/or child support payments.*

4. Fourth, to non-covered persons (that is, individuals who are not veterans or eligible spouses) who are employed workers earning \$20.05 per hour or less, prorated to a 40-hour work week, and adjusted annually to account for wage inflation\* *and/or individuals who would meet the definition of low income after exclusion of payments for unemployment compensation and/or child support payments.*

5. No other group will be eligible for an Adult-funded ITA.

No employed worker who is earning more than the self-sufficiency wage established by the Board, currently \$25 per hour, will be eligible for an Adult-funded ITA.

\* The annual adjustment to the employed worker wage to account for wage inflation will be made effective September 1 of each year. The adjustment will be based on a percentage of the base year median wage for all occupations in the Finger Lakes Region, as provided in Occupational Employment and Wage Statistics (OEWS) survey data published on the New York State Department of Labor web site. The base year (2021) median wage for all occupations in the Finger Lakes Region is \$43,210, corresponding to an employed worker wage of \$18 per hour in this policy document.

**E. On-the-Job Training Services.** One-stop career center staff must give priority of service in the provision of Adult-funded On-the-Job Training (OJT) services to recipients of public assistance (including cash public assistance and SNAP benefits); other low-income individuals; individuals who are basic skills deficient; and individuals categorized as in need of Career Development Services (CDS) per NYSDOL TA 8-4.2 at the time of Initial Assessment or during a subsequent assessment. Priority must also be given to veterans and eligible spouses who are *also* members of one or more of the other priority groups. Priority of service must be provided to individuals in the following order:

1. First, to veterans and eligible spouses who are *also* recipients of public assistance, other low-income individuals, and/or individuals who are basic skills deficient.

2. Second, to non-covered persons (that is, individuals who are not veterans or eligible spouses) who are recipients of public assistance, other low-income individuals, and/or individuals who are basic skills deficient.

3. Third, to veterans and eligible spouses who are *also* individuals categorized as in need of Career Development Services (CDS).

4. Fourth, to non-covered persons (that is, individuals who are not veterans or eligible spouses) who are individuals categorized as in need of Career Development Services (CDS).

5. No other group will be eligible for an Adult-funded OJT grant.

**F. Customized Training Services.** Customized training is generally provided to a group of eligible WIOA participants through an application process made by an employer who sponsors the training. Staff must give priority of service in the provision of Adult-funded customized training services to recipients of public assistance (including cash public assistance and SNAP benefits); other low-income individuals; individuals who are basic skills deficient; and individuals categorized as in need of Career Development Services (CDS) per NYSDOL TA 8-4.2 at the time of Initial Assessment or during a subsequent assessment. Priority must also be given to veterans and eligible spouses who are *also* members of one or more of the other priority groups. Priority must be given to the applications submitted by employers who indicate that one or more of their eligible participants are members of a priority group. Priority of service must be provided to individuals in the following order:

1. First, to veterans and eligible spouses who are *also* recipients of public assistance, other low-income individuals, and/or individuals who are basic skills deficient.
2. Second, to non-covered persons (that is, individuals who are not veterans or eligible spouses) who are recipients of public assistance, other low-income individuals, and/or individuals who are basic skills deficient.
3. Third, to veterans and eligible spouses who are *also* individuals categorized as in need of Career Development Services (CDS).
4. Fourth, to non-covered persons (that is, individuals who are not veterans or eligible spouses) who are individuals categorized as in need of Career Development Services (CDS).
5. Last, to non-covered persons outside the priority groups.

Priority may be assigned to employer applications according to the percentage of priority participants that they identify in the application.

No employed worker who is earning more than the self-sufficiency wage established by the Board, currently \$25 per hour, will be eligible for a Customized Training grant.

**G. Transitional Jobs.** Transitional jobs are considered an individualized career service. One-stop career center staff must give priority of service in the provision of Adult-funded Transitional Jobs to recipients of public assistance (including cash public assistance and SNAP benefits); other low-income individuals; individuals who are basic skills deficient; and individuals categorized as in need of Career Development Services (CDS) per NYSDOL TA 8-4.2 at the time of Initial Assessment or during a subsequent assessment. Priority must also be given to veterans and eligible spouses who are *also* members of one or more of the other priority groups. Transitional Jobs may be provided only to individuals who are chronically unemployed and/or have inconsistent work history, as defined in Section II. of this policy. Priority of service must be provided to individuals in the following order:

1. First, to veterans and eligible spouses who are *also* recipients of public assistance, other low-income individuals, and/or individuals who are basic skills deficient.
2. Second, to non-covered persons (that is, individuals who are not veterans or eligible spouses) who are recipients of public assistance, other low-income individuals, and/or individuals who are basic skills deficient.
3. Third, to veterans and eligible spouses who are *also* individuals categorized as in need of Career Development Services (CDS).
4. Fourth, to non-covered persons (that is, individuals who are not veterans or eligible spouses) who are individuals categorized as in need of Career Development Services (CDS).
5. No other group will be eligible for an Adult-funded Transitional Job.

**H. Supportive Services.** Eligibility for and provision of supportive services are detailed in WIOA Policy 103. One-stop career center staff must give priority of service to veterans and eligible spouses in the provision of Adult-funded supportive services.

#### **IV. Priority of Service for WIOA Dislocated Worker (DW)-Funded Services**

One-stop career center staff must give priority of service in the provision of all Dislocated Worker (DW)-funded career and training services to veterans and eligible spouses. One-stop career center staff should make every effort to identify eligible DW participants. It should be noted that under WIOA, the following categories related to veterans and eligible spouses are now included in the definition of Dislocated Worker:

- A.** The spouse of a member of the Armed Forces on active duty who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member.
- B.** The spouse of a member of the Armed Forces on active duty who is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.
- C.** A displaced homemaker, which definition now includes the dependent spouse of a member of the Armed Forces on active duty and whose family income is significantly reduced because of a deployment, a call or order to active duty, a permanent change of station, or the service-connected death or disability of the member, provided that the dependent spouse is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.
- D.** According to 20 CFR Part 680.660, a separating service member, separating from the Armed Forces with a discharge that is anything other than dishonorable, is eligible for WIOA services as a Dislocated Worker.

#### **V. Effective Date**

This policy is effective immediately upon approval by the Workforce Development Board.

## **VI. Revision**

RochesterWorks, Inc. has the authority to make technical revisions to this policy. Technical revisions may be made to better align this policy with federal or state laws, statutes, regulations, or policy guidance; to better align this policy with other local policies; to respond to changes in the WIOA budget that impact this policy; or to revise references to source documents cited in this policy. Any revision to this policy that could have a substantial impact on participants must be approved by the Workforce Development Board. The Executive Director has the authority to temporarily approve policy changes until the next Workforce Development Board meeting.

## **VII. Questions**

Questions on this policy may be directed to Lee Koslow, Technical Assistance and Training Manager, RochesterWorks Inc., (585) 258-3500, x-3516 or Lkoslow@rochesterworks.org.

**Date Approved by Workforce Development Board:** September 21, 2021

**Date Technical Revision Approved by Executive Director:** August 10, 2022