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DEPARTMENT OF LABOR
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Subject of Policy:	Priority of Service - Adult Formula Funds	Policy No.	PY15-03
To:	<ul style="list-style-type: none"> Local Workforce Development Boards Chief Elected Officials CareerCenters Core Partners 	From:	Richard Freund, Acting Bureau Director and Deputy Commissioner of Labor
Issuance Date	March 8, 2016	Status	ACTIVE
Reference/ Authority:	<ul style="list-style-type: none"> WIOA Section 3- Definitions WIOA Section 134(c)(3)(E) & NPRM 20 CFR 680.600 TEGL 03-15 		

Purpose:

This policy outlines requirements for ensuring individuals who are low income, recipients of public assistance, and who are basic skills deficient get priority for receipt of individualized career or training services using WIOA Title-I Adult formula funds.

Background: The Workforce Investment Act of 1998 required that if funds allocated to a local area for adult employment and training activities were limited, priority of service was to be provided to recipients of public assistance and other low-income individuals for intensive services and training services.

WIOA makes several changes to the priority of service requirement by adding individuals who are basic skills deficient as a priority population and removing the provision stating priority of service is only applied if funding is limited. WIOA requires that certain individuals receive priority of service regardless of funding levels.

Veterans and eligible spouses continue to receive priority of service for all Department of Labor (DOL) funded programs among all participants. This requirement remains the same, is not affected by the passage of WIOA, and must still be applied in accordance with guidance previously issued by the U.S. Department of Labor and Maine Department of Labor.

Policy:

Priority of service for Adult Program Participants requirement:

As stated in WIOA Section 134(c)(3)(E), with respect to provision of individualized career services and training services funded with WIOA Title I -Adult funds, priority of service must be given to:

- a. Recipients of public assistance;
- b. Other low-income individuals; and
- c. Individuals who are basic skills deficient.

Sequence of priority for all populations served:

The following sequence of priority will apply:

1. **First priority** will be provided to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient in the local area who are covered persons with respect to veterans' priority. Per 683.230 when past income is an eligibility determinant for a veteran, any amounts received as military pay or allowances by any person who served on active duty and certain other specified benefits must be disregarded for the veteran and for other individuals for whom those amounts would normally be applied in making an eligibility determination for the purpose of determining if the veteran or covered person is a low-income individual.
2. **Second priority** will be provided to recipients of public assistance, other low-income individuals and individuals who are basic skills deficient who are not covered veterans;
3. **Third priority** will be covered persons with respect to the veterans' priority, those covered persons not considered to be recipients of public assistance, low-income or basic skills deficient - who meet one or more of the barriers to employment identified as a priority by the local area, as defined in local board policy.
4. **Fourth priority** will be with respect to non-veterans, who are not recipients of public assistance, low income, or basic skills deficient but who meet one or more of the barriers to employment identified as a priority by the local area, as defined in local board policy.
5. **Fifth priority** will be with respect to adults with other barriers as identified in Local Board policy.

Dislocated Workers/Youth

Priority of service does not apply to the dislocated worker or youth populations.

People with Disabilities Income Status

For the purpose of establishing income eligibility for priority of service, people with disabilities are considered a household of one. As outlined in WIOA Section 3(36) (A) (vi), a person with a disability can be considered a low-income individual under the priority of service if the individual's own income meets the income requirement described in WIOA Section 3(36) (A) (ii), even if the individual is a member of a family whose income exceeds the poverty line or is 70 percent of the Lower Living Standard Income Level.

Services Subject to Priority of Service

Individualized career services and training services, outlined in WIOA Section 134(c) (2) (A) (xii), are subject to priority of service. Basic career services, outlined in WIOA Section 134(c) (2) (A) (i)-(xi), are not subject to the priority of service as they must be made available to all.

Local Board Discretion to Include Other Populations

The Local Board has discretion to identify populations in the local area who are not low income, basic skills deficient, or recipients of public assistance but who are individuals documented as having other barriers to employment.

Local Board Policy Required

Local Boards must establish local policy regarding the determination and implementation of a priority of service specific to the local area.

State Review of Priority Implementation

The Bureau of Employment Services will, at the culmination of the third quarter of each program year, review the percentage of Adult participants, who are low income, recipients of public assistance, or basic skills deficient, to compare with previous program years and to support that priority for these populations is indeed being provided.

Related Terms and Definitions:

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]). Or an individual that has English reading, writing or computing skills at or below the 8th grade functioning level as identified using a standardized test such as the CASAS.

Individual with a Barrier to Employment – The term “individual with a barrier to employment” as defined in WIOA Section 3(24) means a member of one or more of the following populations:

- Displaced Homemakers
- Low Income Individuals
- Indians, Alaska Natives, and Native Hawaiians, as such terms are defined in WIOA Section 166
- Individuals with Disabilities, including youth who are individuals with disabilities
- Older Individuals
- Ex-Offenders
- Homeless individuals
- Youth who are in or have aged out of the foster care system
- Eligible migrant and seasonal farmworkers, as defined in WIOA section 167(i)
- Individuals within 2 years of exhausting lifetime eligibility under TANF (Part-A of the Social Security Act 42 U.S.C 601 et seq.)
- Single parents (including single pregnant women)
- Long-term unemployed individuals
- Individuals who are English language learners and have low levels of literacy
- Individuals facing substantial cultural barriers
- Veterans or other individuals identified as having Significant Barriers to Employment

Individual with a Disability – The term “individual with a disability” means a person with a disability as defined in Section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102). Disability means:

- A physical or mental impairment that substantially limits one or more major life activities,
- A record of such an impairment, or
- Being regarded as having such an impairment (*established if the individual has been subject to an action prohibited under the law because of actual or perceived physical or mental impairment, whether or not the impairment limits or is perceived to limit a major life activity*)

Low-Income – An individual that meets one of the criteria below (WIOA Section 3[24]):

- 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:
 - a. assistance through the Supplemental Nutrition Assistance program (SNAP) established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) referred to as Food Stamps;
 - b. assistance through the program of block grants to States for Temporary Assistance to Need Families (TANF) under part A of Title-IV of the Social Security Act (42 U.S.C. 601 et. seq.), or State or local income-based public assistance;
- Is in a family with total family income that does not exceed the higher of:
 - a. the poverty line; or
 - b. 70% of the lower living standard income level (LLSIL) (*Note: LLSIL means that income level, adjusted for regional, metropolitan, urban, and rural differences and family size, determined annually by the USDOL on the most recent lower living family budget issued*)
- Is homeless – Is a homeless individual (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 youths (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434 a (2)).
- Receives, or is eligible to receive, free or reduced priced school lunch (under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).
- Is a foster child on behalf of whom State or Local government payments are made; or
- Is an individual with a disability whose own income meets the income requirements 1 or 2 above, but who is a member of a family whose income does not meet this requirement

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

Questions may be directed to:

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