This policy discusses priority of service requirements for Workforce Innovation and Opportunity Act (WIOA) Title I Adults for Career and Training Services. Priority applies for low-income individuals, participants on public assistance, and individuals who are basic skills deficient. Priority must also be given to Veterans and Eligible Spouses for access to all federally funded training programs. See the SWIB Veterans and Eligible Spouses Priority of Service Policy for additional details.

I. WIOA Title I Adult Priority of Service

WIOA increases access to and opportunities for employment, education, training, and support services that individuals need, “particularly those with barriers to employment.” To ensure access, WIOA Title I Section 134(c)(3)(E) requires that priority of service be given to recipients of public assistance, other low income individuals, and individuals who are basic skills deficient, for receipt of career and training services. Priority for service applies regardless of federal funding levels.

The order for priority is as follows:

1) Recipients of public assistance.

2) Other low-income individuals. The term “low income individual,” defined in WIOA Section 3(36), means an individual who:
   a. Receives, or in the past 6 months has received or is a member of a family that is receiving or has received in the past six months, assistance through the supplemental nutrition program (SNAP), TANF, supplemental security income under title XVI of the Social Security Act, or a state or local income-based public assistance program; or
   b. Is in a family with total family income that does not exceed the higher of:
      i. The poverty line or
      ii. 70% of the lower living standard income level or
   c. Is a homeless individual or
d. Is an individual with a disability whose own income meets the income requirements above, but is a member of family whose income does not meet the income requirement.

3) Individuals who are basic skills deficient. The term “basic skills deficient” is defined in WIOA Section 3(5) to mean a youth or adult 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.

The definition of Basic Skills Deficient if further defined by the State as an individual who meets any one of the following criteria:

a) Lacks a high school diploma or equivalency and is not enrolled in secondary education; or
b) Scores 8.9 or below on an approved assessment test; or
c) Is enrolled in Title II Adult Education (including enrolled for ESL); or
d) Has poor English language skills (and would be appropriate for ESL even if the individual isn’t enrolled at the time of WIOA entry in an ESL program); or
e) The WIOA case manager makes observations of deficient functioning and records those observations as justification in a case note.

4) Priority of services does not apply to WIOA dislocated worker program and/or participants served as incumbent workers, with the exception of veteran’s priority for service as described in the WIOA Policy: Priority of Service for Veterans and Eligible Spouses.

5) WIOA Service providers must put processes into place to ensure that priority populations, including veteran and eligible spouses, are identified at the point of entry and given an opportunity to take full advantage of priority of service. The point of entry includes physical locations such as NH Works Centers, as well as websites such as NHES Job Match System, and other virtual service delivery resources. These processes should ensure that priority groups are aware of their entitlement to priority of service, the full array of employment, training, and placement services available under priority of service, any applicable eligibility requirements for those programs and services, and in cases of online points of entry, how to access assistance via the nearest NH Works Office.

6) WIOA “Priority of service” status is established at the time of eligibility determination. It does not change during the period of participation.

7) WIOA Service providers must ensure proper identification and documentation of priority status in the WIOA JMS case management system.
II. Additional Priority of Service Participants

The State may identify Additional Priority of Service categories for individuals with barriers to employment provided additional categories are consistent with the intent of the priority provisions of WIOA, and that such an enrollment does not result in limitation of access for any individual who meets Adult Priority of Service, including Veterans and Eligible Spouses.

The State defines eligibility under the Additional Priority of Service category as follows:

- Adults who meet the WIOA general program requirements:
  - 18 years of age,
  - legally authorized to live and work in the United States,
  - registered for selective service (when applicable) and
  - a resident of the State of New Hampshire, and

- Are not income eligible for the WIOA Title I Adult program services, but are documented as having one or more of the following barriers to employment:
  - 55 years of age or older,
  - chronically unemployed,
  - an ex-offender,
  - aged out of foster care,
  - individuals enrolled in an addiction program, or
  - an employment barrier approved by the State WIOA Director on a case-by-case basis.

WIOA Service providers must put processes into place to ensure that no more than 35% of all adults enrolled annually are served under the Additional Priority of Services category.

REFERENCES:

- Workforce Innovation and Opportunity Act, Section 134(c)(3)(E)
- WIOA Proposed Regulations, Section 680.600
- WIOA Desk Reference – Priority of Service for WIOA Adult Funds
- TEGL 19-16 and TEGL 10-09
- Jobs for Veterans Act, Public Law 107-288 (Nov. 7, 2002)
- Part VIII, 20 CFR Part 1010
- 38 United States Code, Section 101, Chapter 42, Section 4211 and Section 4215
- 10 United States Code, Section 101