

Nevada Department of Employment, Training and Rehabilitation
Employment Security Division
Workforce Programs

Workforce Innovation and Opportunity Act (WIOA)
State Compliance Policy (SCP)

Policy Number: 1.7

Originating Office: Department of Employment, Training and Rehabilitation (DETR); Workforce Programs

Subject: Priority of Service - Adult

Issued: NEW; replacing WIA State Compliance Policy 1.7; Approved GWDB Executive Committee, 11-14-16; Ratified GWDB, 01-19-17

Purpose: To provide Local Workforce Development Boards (LWDBs) Chief Elected Officials (CEOs) and American Job Center of Nevada (One-Stop Career Center Operators) with the Workforce Innovation and Opportunity Act (WIOA) requirements for Priority of Service for the Adult program.

State Imposed Requirements: This directive contains some state-imposed requirements. These requirements are printed in **bold, italic type**.

Authorities/References: Workforce Innovation and Opportunity Act P.L. 113-128; 20 CFR § 680.600, TEGL 3-15.

ACTION REQUIRED: Upon issuance bring this guidance to the attention of all WIOA service providers, LWDB members and any other concerned parties. Any LWDB's policies, procedures, and or contracts affected by this guidance are required to be updated accordingly.

Background: Under WIA, priority with adult funds was to be provided in the event that funding was limited; that provision was removed from WIOA.

WIOA Sec. 134(c)(3)(E) provides a statutory priority for public assistance recipients, other low-income individuals, and individuals who are basic skills deficient. The priority for these populations is not a criterion for eligibility for services under this program; rather, it is a statutory emphasis on providing individualized career services and training services to these populations under this program.

Policy and Procedure:
WIOA Sec. 134(c)(3)(E)

PRIORITY.—With respect to funds allocated to a local area for adult employment and training activities under paragraph (2)(A) or (3) of section 133(b), priority shall be given to recipients of public assistance, other low income individuals, and individuals who are basic skills deficient for receipt of career services described in paragraph (2)(A)(xii) and training services. The appropriate local board and the Governor shall direct the one-stop operators in the local area with regard to making determinations related to such priority.

(20 CFR §680.600)

- (a) WIOA sec. 134(c)(3)(E) states that priority for individualized career services (see [20 CFR]§ 678.430(b)) and training services funded with title I adult funds must be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient (as defined in WIOA Sec. 3(5)(B)) in the local area).
- (b) States and local areas must establish criteria by which the one-stop center will apply the priority under WIOA Sec. 134(c)(3)(E). Such criteria may include the availability of other funds for providing employment and training-related services in the local area, the needs of the specific groups within the local area, and other appropriate factors.
- (c) The priority established under paragraph (a) of this section does not necessarily mean that these services only may be provided to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient. The Local WDB and the Governor may establish a process that also gives priority to other individuals eligible to receive such services, provided that it is consistent with priority of service for veterans (see [20 CFR] § 680.650) and the priority provisions of WIOA Sec. 134(c)(3)(E), discussed above in paragraphs (a) and (b) of this section.

(20 CFR §680.610)

Funds allocated to the dislocated workers are not subject to this priority requirement.

Priority for Adult Funds

WIOA also expanded the priority to include individuals who are basic skills deficient as defined in WIOA section 3(5).

Veterans and eligible spouses continue to receive priority of service for all DOL-funded job training programs, which include WIOA programs. However, as described in TEGL 10-09, when programs are statutorily required to provide priority for a particular group of individuals, such as the WIOA priority described above, priority must be provided in the following order:

- (i) First, to veterans and eligible spouses who are also included in the groups given statutory priority for WIOA adult formula funds. This means that veterans and eligible spouses who are also recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient would receive first priority for services provided with WIOA adult formula funds.
- (ii) Second, to non-covered persons (that is, individuals who are not veterans or eligible spouses) who are included in the groups given priority for WIOA adult formula funds.
- (iii) Third, to veterans and eligible spouses who are not included in WIOA's priority groups.
- (iv) Last, to non-covered persons outside the groups given priority under WIOA.

Note: When past income is an eligibility determinant for Federal employment or training programs, 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. 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.

Local boards must have written policy and procedures describing how this priority will be documented and obtained in the local area.

Reference SCP 1.18 for Priority of Services to Veterans

Reference SCP 1.6, 1.8 and Data and Performance Desk Reference at http://detr.state.nv.us/workforce_investment_pages/workforceinvestment.htm for program definition, required file content and data entry requirements.