



COUNTY OF LOS ANGELES WORKFORCE DEVELOPMENT, AGING AND COMMUNITY SERVICES



WORKFORCE DEVELOPMENT PROGRAMS DIRECTIVE

DATE: September 19, 2018

NUMBER: WDP D18-14

WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) ADULT PROGRAM PRIORITY OF SERVICE

EXECUTIVE SUMMARY

This directive provides guidance and establishes procedures regarding determination of priority of service for recipients of public assistance, other low-income individuals and individuals who are basic skills deficient that are served with WIOA Adult funds.

REFERENCES

- H.R.803 - Workforce Innovation and Opportunity Act Sections 3 and 134
- 20 CFR WIOA Final Rules Part 680
- Training and Employment Guidance Letter (TEGL) 19-16
- Training and Employment Guidance Letter (TEGL) 17-05, Change 2
- County of Los Angeles Bulletin WIOA B15-03: WIOA Operating Guidance
- Employment Development Department (EDD) Workforce Services Directive WSD-15-14: WIOA Adult Program Priority of Service
- Employment Development Department (EDD) Workforce Services Directive WSD08-10, Subject: Final Rule on Priority of Service for Veterans and Eligible Spouses (June 29, 2009)

BACKGROUND

WIOA is designed to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy.

To ensure access to services and successful employment and education outcomes are universal, certain populations are mandated by law to be prioritized into WIOA. As such, the WIOA Adult program requires priority of service be provided to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient for Individualized Career services and Training services. Veterans and eligible spouses continue to receive priority of service for all DOL funded programs amongst all participants.

POLICY AND PROCEDURES

WIOA ADULT PRIORITY OF SERVICE REQUIREMENT:

WIOA section 134(c)(3)(E) mandates a priority of service to recipients of public assistance, other low income individuals, and individuals who are basic skills deficient for receipt of individualized career services and training services provided using Adult funds. Basic career services are not subject to the priority of service requirement.

The statutory priority of service for public assistance recipients, other low-income individuals, and individuals who are basic skills deficient applies to the WIOA Adult program **ONLY**. Priority of service status as a public assistance recipient, other low-income individual, or basic skills deficient individual is established at the time of eligibility determination for the WIOA Adult program and does not change during the period of participation.

Furthermore, the County requires that 51 percent or more of the participants served with WIOA Adult funds must be either recipients of public assistance, other low income individuals, or individuals who are basic skills deficient. The *Los Angeles County AJCC Fiscal Year Performance Measures and Goals* matrices include the percentage and/or number of priority population enrollments required in a given program year, currently set at 51 percent. AJCCs are expected to meet or exceed the priority of service standards set forth in the matrices.

Veterans and Eligible Spouses

Priority of service is given to veterans and their eligible spouses provided they meet both WIOA Adult program eligibility and the WIOA Adult program statutory priority of service for public assistance recipients, other low income individuals and individuals who are basic skills deficient.

For WIOA Adult services, the program's eligibility and priority of service determination must be made first, and then veteran's priority applied. As such, priority for the WIOA Adult program shall 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 Adult program priority groups.

4. Other individuals not included in WIOA Adult program priority groups.

As such, veterans continue to receive priority of service among all eligible individuals, however they must meet the WIOA adult program eligibility and the WIOA Adult statutory criteria. Veterans **that are not** low-income, recipient of public assistance, or basic skills deficient are not included in the required 51 percent priority of service calculation.

Note that AJCCs are also required to outreach and serve targeted populations designated by the LA County Board of Supervisors and/or the LA County Workforce Development Board. These populations are identified within the LA County Workforce Development Board Local Plan and the LA County One Stop Operator for the AJCCs Sub-Award. These individuals fall under category four (4) of the priority of service order noted above and are not counted toward the 51 percent priority of service calculation.

LOW INCOME STATUS AND DETERMINATION:

An individual is considered low income if he/she:

- Receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance For Needy Families (TANF), program supplemental security income program, or state or local income-based public assistance;
- Is in a family with total family income that does not exceed the higher of either
 - a. the poverty line; or
 - b. 70 percent of the lower living standard income level;
- Is a homeless individual (as defined below);
- Is a foster child on behalf of whom State or Local government payments are made;
- Is an individual with a disability whose own income meets the income requirement above, but who is a member of a family whose total income does not meet this requirement.

Homeless Individual

Is an individual who lacks a fixed, regular, and adequate nighttime residence; as well an individual who has a primary nighttime residence that is a supervised publicly or privately operated shelter designed to provide temporary living accommodations, an institution that provides a temporary residence for individuals intended to be institutionalized; or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for

human beings.

Calculation of Income & Receipt of Public Assistance

County of Los Angeles AJCCs are required to document the income or receipt of public assistance by the applicant in the case file. If the applicant is receiving public assistance, income calculation is not required since the receipt of public assistance satisfies this requirement.

Applicant's income and/or receipt of public assistance must be documented in the case file with supporting documentation. The information must also be entered in CalJOBS where applicable, regardless of the field being mandatory or optional.

Only the income received during the six-month period immediately prior to the individual's application for services is used for income determination. Depending on an individual's situation, their income for eligibility purposes may include only their income or their total family income. The total family income includes the income from each family member.

Exclusions: When a federal statute excludes income received under that statute in determining eligibility for programs operated under other federal laws, such income is excluded in WIOA eligibility determination as well.

The following income sources should be included in an individual's income calculation:

- Monetary compensation for services, including wages, tips, salary, commissions, or fees before any deductions;
- Net receipts from non-farm self-employment (receipts from a person's own unincorporated business, professional enterprise, or partnership, after deductions for business expenses);
- Net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses);
- Regular payments from railroad retirement, strike benefits from union funds, worker's compensation, and training stipends (e.g., wages from the California Conservation Corp);
- Alimony, military family allotments, or other regular support from an absent family member or someone not living in the household;
- Private pensions, government employee pensions (including military retirement pay);
- Regular insurance or annuity payments (including state disability insurance);
- College or university scholarships (not needs-based), grants, fellowships, and assistantships;
- Net gambling or lottery winnings;

- Severance payments;
- Terminal leave pay;
- Child support payments (including foster care child payments);
- Social Security Old-Age Survivors Insurance Benefits
- Unemployment insurance; and
- Social Security Disability Insurance payments.

The following income sources should not be included in an individual's income calculation:

- Need-based public assistance payments (including Temporary Assistance for Needy Families, supplemental security income, emergency assistance money payments, and non-federally-funded general assistance or general relief money payments);
- Financial assistance under Title IV of the Higher Education Act, i.e., Pell Grants;
- Supplemental Educational Opportunity Grants and Federal Work Study;
- Needs-based scholarship assistance;
- Loans;
- Veterans benefits;
- Income earned while the veteran was on active military duty and certain other veterans' benefits, i.e., compensation for service-connected disability, compensation for service-connected death, vocational rehabilitation, and education assistance;
- Capital gains;
- Any assets drawn down as withdrawals from a bank, the sale of property, a house or a car;
- Tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury;
- Non-cash benefits such as employer paid or union-paid portion of health insurance or other fringe benefits, food or housing received in lieu of wages;
- The value of food and fuel produced and consumed on farms;
- The imputed value of rent from owner occupied nonfarm or farm housing;
- Medicare, Medicaid, food stamps, school meals, and housing assistance; and
- Allowances, earnings and payments to individuals participating in programs under WIOA (except on-the-job training wages).

Poverty Guidelines: The U.S Department of Labor (DOL) 70 Percent Lower Living Standard Income Level (LLSIL) and the U.S. Department of Health and Human Services (HHS) Poverty Guidelines are both updated and published in the Federal Register on a yearly basis. These guidelines are then subsequently released yearly by the State EDD and County of LA to provide our AJCC system with the poverty guidelines that are used to establish low-income status.

The guidelines are published in a table according to family size. To use the table, AJCCs shall compare the applicant's individual or family income during the six-month income determination period with the six-month figures provided in the table. If complete information is not available, AJCCs may take the available information and calculate the income for a six-month or annual time period.

Public Assistance Recipient

A public assistance recipient is an individual that receives federal, state, or local government cash payments for which eligibility is determined by a needs or income test.

BASIC SKILLS DEFICIENT STATUS AND DETERMINATION:

An individual is considered basic skills deficient, if he/she is unable to compute or solve problems, or read, write, or speak English at a level necessary to function on the job, in their 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 are at an 8.9 or below grade level;
- Determined to be Limited English Language proficient through staff-documented observations, such as detailed case notes, or verified self-attestation.

County of Los Angeles requires AJCCs to assess the basic skills of all participants prior to enrollment into the WIOA Adult program. This assessment will allow for identification of basic skills deficient adults, who shall receive priority of service.

Basic Skills Testing

County of Los Angeles AJCCs are required to administer basic skills tests to all WIOA Adult program participants prior to program enrollment, when no other criteria is used to make a basic skills determination. The results of the assessment shall also be used as a guideline for the provision of WIOA program services, aimed at attainment of unsubsidized employment and achievement of program goal(s), as well as identification of individuals who are basic skills deficient.

Comprehensive Adult Student Assessment System (CASAS), Wonderlic General Assessment of Instructional Needs (GAIN), and Test of Adult Basic Education (TABE) are generally

accepted standardized tests to gauge basic literacy skills. However, AJCCs may elect to use any of the standardized tests approved by the Department of Education. Any testing results at an 8.9 or below grade level are considered basic skills deficient. Note, raw test scores must be converted to a grade level when documented in the case file and reported accurately within CalJOBS.

Partner Assessments

If a participant was assessed prior to WIOA enrollment by a partner program, agency, or entity, those assessments may be used in lieu of basic skills testing. It is the AJCC's responsibility to ensure it is an approved assessment and the results are still valid. As such, assessments by partners conducted more than 6 months prior to enrollment are not permitted.

However, partner assessments conducted within 12 months prior to enrollment may be allowed by written permission from WDACS AJCC Operations Division if the individual has not undergone any educational classes, training courses or other activities that would affect the validity of the assessment results used for the WIOA program, AJCC staff can submit a request for a waiver of the 6 month assessment requirement with supporting documents to ajccops@wdacs.lacounty.gov. We may ask you for additional information upon receipt of your request.

Note, documentation used for partner assessments must indicate the partner who provided the testing, participant name, type of test taken, date test was taken along with the raw test score and appropriate grade level, and documentation must be signed and dated by partner staff.

Other Criteria to Make a Basic Skills Determination

Individuals determined to fit within the categories listed below are also considered basic skills deficient:

- Individuals that lack a high school diploma or high school equivalency and are not enrolled in secondary education;
- Individuals enrolled in a Title II Adult Education/Literacy program;
- Individuals determined to be Limited English Language proficient through staff-documented observations, such as detailed case notes, or verified self-attestation.

These individuals are not required to take a basic skills test but may be tested at the discretion of AJCC staff as providing a basic skills test may allow for tracking of participant progress throughout the program and facilitate establishment of a measurable skills gain via pre and post testing.

Individuals determined to fit within the category below are **not** considered basic skills deficient:

- Individuals holding a 4-year degree or higher from a U.S. accredited university

(Basic Skills test not required. Note these individuals may still be tested at the discretion of AJCC staff; copy of the degree must be on file.)

AJCC staff must appropriately document use of any of the above criteria to make a basic skills determination for an individual. Criteria used must be clearly identified, verifiable and participant file must contain case notes, and support documentation where available, that include auditable information which would allow an auditor/monitor to later retrieve and verify information.

DOCUMENTATION

AJCCs may use the following sources of documentation to verify whether an adult participant qualifies for priority of service under WIOA.

Priority of Service Criteria	Acceptable Documentation (Only the documentation sources listed below may be used.)
1. Recipient of Public Assistance	<ul style="list-style-type: none"> • Cross-match with public assistance database • Copy of authorization to receive cash public assistance • Copy of public assistance check • Medical card showing cash grant status • Public assistance records • Refugee assistance records
2. Low Income	<ul style="list-style-type: none"> • Alimony agreement • Award letter from veteran's administration • Bank statements • Compensation award letter • Court award letter • Pension statement • Employer statement/contact • Family or business financial records • Housing authority verification • Pay stubs • Public assistance records • Quarterly estimated tax for self-employed persons • Social Security benefits • Unemployment Insurance documents • Self attestation*
3. Basic Skills Deficient	<ul style="list-style-type: none"> • School Records • Results of academic assessment • Case notes* • Self-Attestation*
*Case Notes and Self Attestation must be in compliance with LA County Directives.	

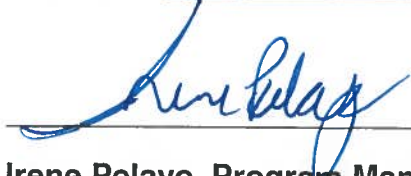
ACTION

Los Angeles County AJCCs must ensure that the policies and procedures described herein are communicated throughout the operations, management and governance structure of the AJCC organization and that this Directive is appropriately maintained until further notice.

Los Angeles County AJCCs must develop and implement written internal controls and procedures incorporating all of the requirements written in this directive.

INQUIRIES

Inquiries regarding this directive and the policies and procedures described herein should be directed to ajccops@wdacs.lacounty.gov.



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