



Workforce System Technical Assistance Adult Priority of Service

Effective Date of Policy: 1/19/24

Policy Number: WSTA #02-2024

Rescissions: TA #05-2020

Approved By: Trae Rahill, Chief Executive Officer

Approved by Governor's Council for Workforce and Economic Development: 01/19/2024

Stakeholders:

- Chief Local Elected Officials
- Workforce Development Board Chairs
- Workforce Development Board Staff
- WIOA Service Providers

PURPOSE: The Oklahoma Employment Security Commission (OESC), as the Governor's chosen Workforce Innovation and Opportunity Act (WIOA) administrative entity, provides this technical assistance to the local workforce development areas to clarify the difference between the Statutory Priority for Adult Funds and WIOA's focus on serving "individuals with barriers to employment", also referred to as Priority and Special Populations for Adult Programs.

MESSAGE:

Services provided to adults and dislocated workers under title I of WIOA can be a pathway to the middle class and to maintain and build skills to remain in the middle class. Across all titles, WIOA focuses on serving "individuals with barriers to employment", defined in WIOA section 3(24), and seeks to ensure access to quality services for these populations. The WIOA Final Rules discuss priority and special populations for the Adult and Dislocated Worker programs at 20 CFR 680.600 through .660. However, it has become apparent that clarification is needed regarding the Statutory Priority for Adult Funds.

Section 134(c)(3)(E) of WIOA establishes a priority requirement with respect to funds allocated to a local area for adult employment and training activities. When using WIOA Adult funds to provide individualized career services and/or training services, priority must be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient. WIOA sec. 3(36) defines "low-income individual" and WIOA sec. 3(5) defines "basic skills deficient". The Employment and Training Administration (ETA) notes that individuals who are English language learners meet the criteria for "basic skills deficient" and must be included in the priority populations for the title I Adult program. Under WIOA, priority must be implemented regardless of the amount of funds available to provide services in the local area.

Oklahoma's Adult and Dislocated Worker Policy, WSD #80-2024, establishes the procedures for applying this priority.

INSTRUCTIONS:

Due to the statutorily required priority for adult funds, priority must be provided in the following order:

- Priority 1: 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 receive first priority for services provided with WIOA Adult formula funds for individualized career services and training services.
- Priority 2: Non-covered persons (i.e., individuals who are not veterans or eligible spouses) who are included in the groups given priority for WIOA Adult formula funds - recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient.
- Priority 3: Veterans and eligible spouses who are not low income or receiving public assistance, and those who are not basic skills deficient.
- Priority 4: Priority populations established by the LWDB (for example, for non-covered persons who are not included in groups given priority for WIOA Adult formula funds, such as persons living within a designated Promise Zone).
- Priority 5: Non-covered persons outside the groups given priority for WIOA funding. This priority includes individuals with barriers to employment.

The WIOA focus on serving specific vulnerable adult populations (i.e., individuals with barriers to employment) requires the local areas to document in the individual employment plan (IEP) **each** of the barriers reported in the demographics section of the virtual case management system, as well as those addressed verbally during client contact. The IEP must also document steps taken to resolve the barriers, progress toward barrier removal, and indicate when the barrier has been resolved or removed.

The Statutory Priority and Special Populations for Adult Programs include:

1. Low-income individuals;
2. Individuals who are:
3. English language learners (29 USC 3272(7)),
4. Individuals who have low levels of literacy, and
5. Individuals facing substantial cultural barriers;
6. Indigenous Americans, including individuals who identify as Native Americans or American Indians, Alaska Natives, and Native Hawaiians;
7. Individuals with disabilities, including youth who are individuals with disabilities (as defined in sec. 3 of the Americans with Disabilities Act of 1990 (42 USC 12102) and individuals who are in receipt of Social Security Disability Insurance);
8. Older individuals, defined as individuals who are age 55 and older;
9. Ex-offenders;

10. Homeless individuals (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. 11434a(2)));
11. Eligible migrant and seasonal farmworkers (as defined in WIOA 167(i)(1-3));
12. Individuals within two years of exhausting lifetime TANF eligibility;
13. Single parents (including single pregnant women);
14. Long-term unemployed individuals (unemployed for 27 or more consecutive weeks);
and
15. Displaced homemakers.

This technical assistance issuance references Attachment I: Adult and Dislocated Worker Eligibility form in WSD 03-2024: Data Validation and Source Documentation and supersedes Attachment O to OWDI #02-2019: Data Validation and Source Documentation Requirements. Attachment I clarifies that only low income and basic skills deficient individuals are Statutory Priority 1 or 2 for adult funding.

EQUAL OPPORTUNITY AND NONDISCRIMINATION STATEMENT: All Recipients, and Sub-recipients/Sub-grantees must comply with WIOA's Equal Opportunity and Nondiscrimination provisions which prohibit discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title-I financially assisted program or activity.

INQUIRIES: If you have any questions or concerns about this issuance, please contact staff at the Oklahoma Employment Security Commission at workforceservices.inquiry@oesc.ok.gov