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ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 7-20

TO: STATE WORKFORCE AGENCIES
STATE WORKFORCE ADMINISTRATORS
STATE WORKFORCE LIAISONS
STATE AND LOCAL WORKFORCE BOARD CHAIRS AND DIRECTORS
LABOR COMMISSIONERS
AMERICAN JOB CENTERS

FROM: JOHN PALLASCH /s/
Assistant Secretary

SUBJECT: Effective Implementation of Priority of Service Provisions for Most in Need Individuals in the Workforce Innovation and Opportunity Act (WIOA) Adult Program

1. **Purpose.** To convey the Employment and Training Administration’s (ETA’s) vision of the statutorily required priority of service provisions in the WIOA Adult program. ETA’s goal is to work with states to strengthen state and local policies and procedures that enhance workforce development services to recipients of public assistance, low-income individuals, and individuals who are basic skills deficient.
2. **Action Requested.** States and local areas should share this information with relevant staff for use in reviewing and updating current policies and implementation of these policies. States should ensure that these updated policies are included in their next WIOA State Plan modification.
3. **Summary and Background.**
 - a. Summary – This Training and Employment Guidance Letter (TEGL) provides information on ETA’s vision for the Adult program priority of service provisions in WIOA. This vision is designed to galvanize states to strengthen policies and procedures to implement more effective and innovative strategies that work as one workforce system to maximize use of these resources to serve adults most in need of assistance from the public workforce system.
 - b. Background – WIOA establishes a priority requirement for the use of funds allocated to a local area for certain adult employment and training activities. Under WIOA sec.

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134(c)(3)(E), American Job Center (AJC) staff, when using WIOA Adult program funds to provide individualized career services and training services, must give priority of service to recipients of public assistance, low-income individuals, and individuals who are basic skills deficient (including English language learners).¹ AJC staff must prioritize services to these populations at all times, regardless of the amount of funds available to provide services in the local area. WIOA requires states to develop criteria, policies, and procedures for applying this priority, including monitoring local areas' compliance with this priority provision (see 20 CFR 680.600 and TEGL 19-16). These priorities are in addition to the requirements in the WIOA regulations at 20 CFR 680.650 that veterans and their eligible spouses receive priority of service for all Department of Labor (DOL)-funded job training programs, including the WIOA Adult program.

The WIOA DOL-only final rule further describes these requirements at 20 CFR part 680, including that states and local Workforce Development Boards (WDB) must establish criteria to apply these priority provisions. Additionally, the Local WDBs and the Governor may establish a process that also gives priority to other individuals eligible to receive such services, provided that it does not impede the provision of priority of service for veterans and the WIOA Adult priority groups, as further described in section 4a below. ETA has provided guidance in TEGL 19-16 (https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=3851) on how veterans' priority of service must be provided. The State Plan Information Collection Request (ICR) (OMB Control No. 1205-0522) requires states to describe how they will implement and monitor priority of service in the Adult program.

In October 2020, the U.S. Department of Labor's Employment and Training Administration, U.S. Department of Health and Human Services' (HHS) Administration for Children and Families (ACF), and U.S. Department of Agriculture's (USDA) Food and Nutrition Service (FNS) launched a multi-agency partnership pilot intended to increase the capacity of state and local governments to:

- engage unemployed individuals to shorten durations of unemployment and to reduce disconnections from the workforce that make it harder individuals to return;
- connect to the workforce those who were not participating in the labor force prior to the pandemic, through a comprehensive and coordinated public and private effort; and
- maximize the effectiveness of these efforts in a post-COVID-19 economic recovery initiative to help more families experience the benefits of work.

DOL, HHS, and USDA intend to partner with a small number of initial pilot states to identify barriers to using programs/funding streams in a coordinated manner, and work as a collaborative group to help states with solutions to these barriers.

¹ As defined by *Workforce Innovation and Opportunity Act (WIOA) Common Performance Reporting* - OMB Control No. 1205-0526

Separately, the Council on Economic Mobility, established in 2019, is a larger federal effort led by HHS to better serve these populations. The Council is composed of several agencies within HHS, USDA, and the Departments of Labor, Education, Housing and Urban Development (HUD), Treasury, and the Social Security Administration. A Request for Information on how the Council can best serve state agencies and stakeholders was published in the Federal Register on July 16, and is available at <https://www.federalregister.gov/documents/2020/07/16/2020-15319/request-for-information-on-federal-coordination-to-promote-economic-mobility-for-all-americans>.

4. State Compliance with Priority of Service in the WIOA Adult Program.

A major function of the public workforce system is to ensure that all Americans can participate in the local economy through meaningful employment and a sustainable income. In times of economic crisis or increased numbers of individuals seeking WIOA services through AJCs, the workforce system has an essential role to play in providing services for those individuals who most need the services of the public workforce system. Conversely, when unemployment rates are low and the numbers of individuals seeking WIOA services through AJCs are reduced, the workforce system has the opportunity to work proactively to improve services for those individuals who can most benefit from the public workforce system. While recognizing needs of all participants, the WIOA Adult program should be especially sensitive to assisting those most in need, such as people receiving services from public assistance programs, and help to place them on pathways to self-sufficiency.

WIOA emphasizes providing services to individuals with barriers to employment, as defined in WIOA sec. 3(24), including some of the same populations that are to receive priority in the WIOA Adult program. Recipients of public assistance, individuals who are basic skills deficient, or those identified as being low-income represent some of the workforce system's most in need participants, and are the three priority groups that WIOA specifically mandates are entitled to receive priority of service (in addition to veterans and eligible spouses) for individualized career or training services under the WIOA Adult program.²

ETA envisions that giving priority of service to these individuals means ensuring that **at least 75 percent** of a state's participants receiving individualized career and training services in the Adult program are from at least one of the priority groups mentioned above, and **expects this rate will be no lower than 50.1 percent in any state**. ETA expects states and local boards to review and update their policies and procedures, including the monitoring of the implementation of these policies and procedures in AJCs, as necessary. To this end, ETA will provide technical assistance to states to ensure priority of service is being implemented, including that at least 50.1 percent or more of the individuals receiving WIOA Adult-funded individualized career or training services in a given state are from a priority population. If any state does not meet the minimum 50.1 percent benchmark, ETA may initiate a review of the state's compliance with the statutory requirement to provide priority of services to the

² See WIOA sec. 3(5) for the definition of "basic skills deficient" and WIOA sec. 3(36) for the definition of "low income individual."

priority populations. As a part of this review, ETA will carefully review these states' policies and practices and provide technical assistance to ensure that at least 50.1 percent or more of the individuals receiving individualized career or training services are from one or more of the priority groups. ETA will implement and provide technical assistance based on this benchmark and a review of state-reported data. ETA recognizes that this metric is a guide that states and local areas can use to indicate priority of service is being provided and a tool for targeting technical assistance. ETA also notes that states may use other analyses to provide evidence of priority of service. ETA will phase in this benchmark during Program Year (PY) 2020. Should states continuously fail to meet the requirement to provide priority of services, ETA will use existing mechanisms for addressing compliance failures, which could include issuing monitoring findings or corrective action plans, as appropriate.

ETA encourages states and local WDBs to take the following actions, as appropriate, to improve efforts to serve individuals from these priority groups.

a. Establish Policies and Procedures for Provision of WIOA Adult Priority of Service

The WIOA statute and final rules require states and local areas to establish and implement policies and procedures to ensure certain groups receive priority services through the one-stop delivery system. These policies and procedures frequently establish specific criteria to guide front-line staff in the application of these priority provisions. ETA encourages states to review, and update as necessary, any service priority criteria to ensure that they are meeting ETA's vision for providing priority of service to recipients of public assistance, low-income individuals, and individuals who are basic skills deficient, in addition to veterans' priority of service. Note that TEGL 19-16 describes how the veterans' priority requirement applies to the WIOA Adult program:

“Priority must be provided in the following order:

- i. First, to veterans and eligible spouses who are included in the groups given statutory priority for WIOA Adult formula funding. 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 with WIOA Adult formula funds for individualized career services and training services.
- 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. Fourth, priority populations established by the Governor and/or Local WDB.
- v. Last, to non-covered persons outside the groups given priority under WIOA.”

ETA encourages states and local areas to consider establishing benchmarks for local areas, in addition to ETA's benchmark and goal discussed above, as a way to recognize whether priority is being provided to these populations. Benchmarks could include the percentage of individuals in individualized career or training services from at least one priority group (ETA encourages states to set a minimum of 75 percent), or the percentage

of individuals from at least one priority group receiving individualized career or training services. Priority populations established by the Governor and/or Local WDB should have a lower priority than the WIOA Adult or Veteran priority populations established in statute. ETA expects that the provision of services to priority populations established by the Governor and/or Local WDB will not impact the statutory priorities for the WIOA Adult or Veteran priority populations. Though not relevant for the 50.1 percent minimum which should be met by all states, when reviewing state progress against the 75 percent benchmark, ETA will consider state progress against additional priority populations established by the Governor and/or Local WDB.

b. Integrate Service Delivery to Support Priority Populations

WIOA places a strong emphasis on planning across multiple partner programs to ensure alignment in service delivery strategies. In coordination with the WIOA Adult program, the full participation of partners as one workforce system in each AJC maximizes resources and aligns services to support these priority populations in an integrated manner.

AJC partners can work together in the following ways to ensure the workforce system is prioritizing those most in need:

- Cross-train staff from different programs to understand other partner programs and to share their expertise about the needs of specific populations, including those most in need, so that all staff can better serve all customers. Both the Wagner-Peyser Act Staffing Flexibility Final Rule (effective on February 5, 2020) and the Trade Adjustment Assistance for Workers Final Rule (effective on September 21, 2020) provide additional staffing flexibility to states.³ The flexibility also brings the programs into closer alignment and allows states the option to provide some services funded under WIOA, Wagner-Peyser, and TAA through streamlined staffing arrangements or to utilize cross-training for program staff so states and local areas can quickly react to changing customer needs.
- Staff the center with career counselors skilled in advising job seekers of their options, who are knowledgeable about local labor market dynamics, aware of available services inside and outside the AJC, and skilled in developing customers' skills for employment success.
- Develop and implement operational policies that achieve an integrated system of case management, using technology to achieve alignment in service delivery that meets customers' needs.
- Partner across programs, including community-based and philanthropic organizations, to effectively maximize necessary services, including supportive

³ The flexibility allows states to provide Wagner-Peyser Act-funded or Trade Act-funded services through state merit staff, other state staff, subawards to local governments or private entities, a combination of these arrangements, or other allowable staffing solutions under the Uniform Administrative Requirement, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance).

services, to those most in need while minimizing duplicative processes and resource use.

- Develop outreach strategies with partner programs to ensure that those most in need are identified and served. Outreach strategies should include referrals across federal, state, local, community-based organizations, and philanthropic organizations, including those that provide supportive services. By leveraging partners' networks, AJC networks can get leads and improve recruitment of priority populations that are in need of assistance, some of which can represent large numbers of potential participants. For example, in FY 2019 TANF served over 700,000 work eligible adults in any given month, while the WIOA Adult program served 640,822 participants for the entire program year between 7/1/2018 and 6/30/2019.⁴ Similarly, in FY 2019 SNAP served over 35 million individuals on average every month.⁵
 - MOUs may outline referral processes and data sharing to capture and record characteristics of individuals served.
- Encourage, develop, and implement the use of career pathways for those most in need. For more information and technical assistance on career pathways, please visit the following resources:
 - Career Pathways Community (WorkforceGPS) - <https://careerpathways.workforcegps.org/>
 - Career Pathways Toolkit - https://careerpathways.workforcegps.org/resources/2016/10/20/10/11/Enhanced_Career_Pathways_Toolkit

Below are some examples of how different partner programs can help ensure that WIOA Adult program participants from the priority populations receive the services they need.

- WIOA Youth (title I)

The WIOA Youth program serves both in-school youth (ISY) ages 14-21 and out-of-school youth (OSY) ages 16-24 with barriers to employment. All ISY must be low-income to be eligible for the program. Many OSY must be low-income to be eligible. For example, OSY who are recipients of a secondary school diploma or its recognized equivalent must be low-income and either basic skills deficient or English language learners. Similarly, OSY who require additional assistance to enter or complete an educational program or to secure or hold employment must be low-income to be eligible to participate in the program. In addition, WIOA data show that many OSY who are not required to be low income for eligibility purposes are indeed low-income. Therefore, the WIOA Youth program can serve as a valuable partner for serving WIOA Adult participants in the low income priority group that are between the ages of 18 and 24. Thoughtfully designed coordination across these two programs can

⁴ TANF Work Eligible Individual counts can be found in the FY 2019 Work Participation Rates tables at: <https://www.acf.hhs.gov/ofa/resource/work-participation-rates-fiscal-year-2019> while WIOA Annual Results can be found at <https://www.dol.gov/agencies/eta/performance/results/annual-results>.

⁵ SNAP data from SNAP National Level Annual Summary can be found at: <https://www.fns.usda.gov/pd/supplemental-nutrition-assistance-program-snap>

ensure that co-enrolled individuals are provided not only the comprehensive services of the WIOA Youth program but also receive priority of service in the WIOA Adult program as they progress on their career pathway.

- *Temporary Assistance for Needy Families (TANF)*

The TANF program is a required partner in AJCs, and in addition to cash assistance, can provide multiple supports for the priority populations in the WIOA Adult program.⁶ By closely partnering with the TANF program, the workforce system can help TANF participants obtain the skills they need to achieve self-sufficiency. Many local areas have had great success in partnering with the TANF program to ensure participants are able to receive all the services they need.

Some helpful resources for partnering with the TANF program include:

- TANF's Peer TA webpage - <https://peerta.acf.hhs.gov/>. The goal of TANF's Peer TA is to establish linkages among TANF agencies and their partners serving TANF and low-income families at the state, county, local, and tribal level.
- TANF Data Collaborative - <https://www.tanfdata.org/>. This collaborative provides a variety of data-driven technical assistance to TANF agencies, which can be leveraged to support and identify strategies and best practices for serving priority populations.

- *Supplemental Nutrition Assistance Program (SNAP)*

SNAP offers nutrition assistance to millions of eligible, low-income individuals and families while providing economic benefits to communities, and also can provide support to recipients to enter and stay in employment. Individuals (over the age of 18) in receipt of SNAP currently or in the previous six months are eligible for priority in the WIOA Adult program (this includes individuals who are a member of a family that is receiving or has received SNAP in the previous six months).

Within the SNAP program, the SNAP Employment & Training (E&T) program assists SNAP participants in gaining skills, training, work, or experience that will increase their ability to obtain regular employment. The SNAP E&T program activities include basic skills services (including basic education and/or foundational skills instruction or work-readiness training), occupational skills training, on-the-job training, work experience, job search assistance/training. Under the Agriculture Improvement Act of 2018 (2018 Farm Bill), state agencies that administer SNAP are required to consult with state WDBs when designing their SNAP E&T programs in order to meet state or local workforce needs. They are also required to provide all SNAP E&T participants with case management services.

⁶ The Governor may elect to not require TANF to be a required partner, but in such circumstances local partnering is still encouraged to the extent allowed by the governor. (20 CFR 678.405)

More information and technical assistance resources regarding SNAP E&T can be found here:

- SNAP E & T Policy and Guidance Website - <https://www.fns.usda.gov/snap/et-policy-and-guidance>
- SNAP to Skills Website - <https://snaptoskills.fns.usda.gov/>

- *Adult Education and Family Literacy Act (AEFLA)*

AEFLA serves adults who are over 16 years of age and who are not enrolled or not required to be enrolled in school under a state's compulsory school laws. Participants are basic skills-deficient, English language learners, or without a high school diploma or its equivalent. A large percentage of participants are low-income. AEFLA generally provides basic skills instruction below the post-secondary level and seeks to assist individuals transition to postsecondary instruction, training, and employment. One program service available under AEFLA is the integrated education and training (IET) program. IET is an innovative service approach that enables low-skilled adults to gain mastery in basic skills like reading, math and English language concurrently with occupational training and employability skills to obtain industry-recognized credentials. IET is an approach that can enable adults to acquire key basic skills while simultaneously pursuing occupational or industry-specific training, helping them to advance in employment and fill employer skill needs. Thoughtful integration between WIOA Adult Programs funding training services and AEFLA programs funding basic skill services can result in more IET programs that help participants to gain employment and progress along a career pathway.

- *Vocational Rehabilitation (VR)*

State VR agencies provide services with the goal of empowering eligible individuals with disabilities to maximize their employment, economic self-sufficiency, independence, and inclusion and integration into society. The WIOA Adult program may partner with the VR program to serve individuals with disabilities who would benefit from receiving services from both programs. Through this partnership, the WIOA Adult program would have more opportunities to serve people from the three priority populations. WIOA provides opportunities for coordination and referrals between title I Adult programs and other partner programs across the system (including VR) to enhance service delivery to individuals with disabilities regardless of the program of initial contact. Individuals with disabilities are identified as individuals with barriers to employment under WIOA, and may be eligible for statutory priority in the Adult program if they are low income, basic skills-deficient, or recipients of public assistance. By closely partnering with the VR program, the workforce system can ensure VR participants and all individuals with disabilities receive any and all AJC services that would normally be provided to any other job seeker, including the Adult program priority as appropriate.

- *Community Service Block Grant*

As a WIOA partner program, the Community Service Block Grant (CSBG) is another program that can integrate with the WIOA Adult program to serve and support low-

income individuals and families. CSBG can provide services such as child care, transportation subsidies, emergency food services, and other customer supports.

More information on the CSBG program can be found here - <https://www.acf.hhs.gov/ocs/programs/csbg>.

- *Continuum of Care (CoC) Program*⁷
HUD's Continuum of Care (CoC) Program is designed to promote community-wide commitment to the goal of ending homelessness; provide funding for efforts by nonprofit providers and state and local governments to quickly rehouse homeless individuals and families while minimizing the trauma and dislocation caused to homeless individuals, families, and communities by homelessness; promote access to and effect utilization of mainstream programs by homeless individuals and families; and optimize self-sufficiency among individuals and families experiencing homelessness. The CoC Program includes an employment-related policy priority and encourages communities to develop partnerships with the workforce system, local employers, and public and private organizations with the goal of prioritizing job training and employment to people experiencing homelessness.

Providing quality services to homeless individuals is another way to improve the services to the priority populations of the WIOA Adult program, as most homeless individuals fall into at least one of the WIOA Adult priority populations. Effective partnership is pivotal to maximize resources and to align services with career pathways and sector strategies. Attachment I contains additional information on resources/programs for serving high-priority adults—specifically, programs and services for homeless individuals.

c. Report Accurate Services Data

ETA has developed a desk reference to assist grantees in reporting the most relevant PIRL elements for assessing the provision of priority of service in the WIOA Adult program:

<https://performancereporting.workforcegps.org/resources/2019/11/08/19/53/Performance-Reporting-for-WIOA-Adult-Priority-Populations-Desk-Reference>. This guide includes descriptions of how each population is determined by looking at data reported for certain PIRL elements and which service-related PIRL elements are used. State and local area attention to accuracy and reliability of data can improve data-driven decisions and document the public workforce system's success in serving priority populations.

States are required by WIOA sec. 116 to report accurately the characteristics of participants, the services received, and the outcomes achieved. This will help ensure that states are implementing the priority of service provisions of WIOA. ETA will analyze state-submitted data to identify states that are reporting that less than 50.1 percent of their total WIOA Adult participants receiving individualized career and/or training services are

⁷ For additional resources for addressing homelessness, see Attachment I.

a part of one or more of the priority groups. ETA will provide technical assistance to such states, as needed.

d. Engage with ETA Activities Supporting State Implementation

ETA, along with its federal partners, is working with its state partners to ensure individuals in need of assistance receive appropriate workforce services. In addition to the recommendations and resources in this guidance, ETA will be reviewing data, evaluating progress, and providing technical assistance geared towards improving the validity and integrity of the data on those served as well as strengthening the policies and procedures relating to the provision of priority of service. ETA activities will include:

- Review states' Priority of Service policy implementation and monitoring;
- Identify and share promising practices and facilitate peer-to-peer assistance among states and local areas;
- Monitor the numbers of individuals from priority groups that are enrolled in individualized career services and training services, as well as the policies and practices that support these services;
- Monitor state and local area implementation of priority of service; and
- Work with states to identify and solve data reporting issues, including data validation and data integrity efforts like the Quarterly Report Analysis (QRA) process ETA is currently piloting.

e. Technical Assistance Resources

To assist in grantees' efforts to better serve these priority populations, ETA will continue to provide technical assistance tools, resources, and events that highlight best practices and lessons learned. These resources are available through WorkforceGPS.org, where communities of practice like the Innovation and Opportunity Network (ION) or Performance Reporting have resources like:

- "Adult and Dislocated Worker Key Resources - Special Populations" page (https://ion.workforcegps.org/resources/2017/03/09/11/25/Special_Populations_-_Adult_and_Dislocated_Worker_Populations) or
- "Performance Reporting for WIOA Adult Priority Populations" Desk Reference (<https://performancereporting.workforcegps.org/resources/2019/11/08/19/53/Performance-Reporting-for-WIOA-Adult-Priority-Populations-Desk-Reference>).

The Department of Labor's Clearinghouse for Labor Evaluation and Research has also curated studies on interventions that are most successful for improving employment outcomes for low income adults at <https://clear.dol.gov/topic-area/low-income-adults>; see also the HHS Pathways to Work Evidence Clearinghouse at <https://pathwaystowork.acf.hhs.gov/>. Sessions from HHS's Research and Evaluation Conference on Self-Sufficiency provide practical ways to implement findings from research on economic self-sufficiency; see <http://recsconference.net/>.

5. Inquiries. Please direct inquiries to the appropriate Regional Office.

6. References.

- The Workforce Innovation and Opportunity Act (WIOA) (Public Law (Pub. L.) 113-128) Title I sec. 134(c)(3)(E) enacted July 22, 2014;
- Employment and Training Administration, Workforce Innovation and Opportunity Act; Final Rule (WIOA DOL Final Rule) published at 81 FR 56071 (Aug. 19, 2016) (20 CFR 680.600);
- OMB Control Number 1205-0522, *Required Elements for Submission of the Unified or Combined State Plan and Plan Modifications under the Workforce Innovation and Opportunity Act*;
- TEGL No. 19-16, *Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Service (ES), as Amended by title III of WIOA, and for Implementation of the WIOA Final Rules* (March 1, 2017);
- TEGL No. 16-16, *One-Stop Operations Guidance for the American Job Center Network* (January 18, 2017); and
- TEGL No. 4-15, *Vision for the One-Stop Delivery System under the Workforce Innovation and Opportunity Act (WIOA)* (August 13, 2015).

7. Attachment.

- Coordination with Programs Serving Individuals At-Risk for or Experiencing Homelessness