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**To:** Indiana’s Workforce System

**From:** Indiana Department of Workforce Development (DWD)

**Date:** August 6, 2024

**Subject:** DWD Policy 2019-04, Change 3  
Workforce Innovation and Opportunity Act (WIOA) Title I Adult Priority of Service

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## Purpose

To provide guidance on the WIOA Title I Adult Program Priority of Service (POS) requirements for individualized career services and training services within Indiana’s American Job Center/WorkOne system.

## Change Summary

This policy includes the following changes:

- The policy now emphasizes that, if a participant is a public assistance recipient, a low-income individual, or a basic skills deficient individual, then the participant must be categorized under one of those three priority populations. Even if the individual qualifies for a local priority of service group, the individual must only be categorized under the WIOA priority population for which they qualify.
- **Attachment C** has been updated to meet accessibility requirements.

## Rescission

DWD Policy 2019-04, Change 2 *WIOA Title I Adult Priority of Service*

## References

See **Attachment A**.

## Content

To prioritize services for those who have the most need for and who would benefit from employment and training services, WIOA sec. 134(c)(3)(E) identifies three groups with barriers to employment and requires that priority be given to these individuals. Priority of service must be given to public assistance recipients, other low-income individuals, and individuals who are basic skills deficient (including English language learners) when providing individualized career services and training services using WIOA Title I Adult program funds.

This priority requirement must be followed in the local area regardless of the amount of funds available for providing services.

### ***Priority of Service Groups and Eligibility***

Priority status for WIOA Title I Adult participants is determined during eligibility and enrollment. Status does not change during the period of participation. When providing individualized career and training services in the Title I Adult program, local areas must give priority of service to participants who receive public assistance, are low-income individuals, or are basic skills deficient. The three priority populations are described below. Acceptable documentation for verifying eligibility is provided in **Attachment B**.

**Recipients of Public Assistance**, defined by WIOA sec. 3(50), includes individuals who receive cash payments from federal, state, or local government for which eligibility is determined by a needs or income test.

**Low-Income Individuals**, defined by WIOA sec. 3(36), describes individuals who meet one of the following criteria:<sup>1</sup>

- Receives, or in the past six 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 Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), or a state or local income-based public assistance program; or
- In a family<sup>2</sup> with total family income that does not exceed the higher of:
  - The poverty line or
  - 70 percent of the Lower Living Standard Income Level (LLSIL); or
- A homeless individual<sup>3</sup>/homeless child/youth;<sup>4</sup> or
- Receives or is eligible to receive a free or reduced-price lunch;<sup>5</sup> or
- A foster child on behalf of whom state or local government payments are made;<sup>6</sup> or
- An individual with a disability whose own income meets the income requirements above but is a member of a family whose total income does not meet this requirement.

**Basic Skills Deficient**, defined by WIOA sec. 3(5), describes an individual who meets at least one of the following criteria:

- 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. (USDOL includes English language learners in the basic skills deficient group).<sup>7</sup>

<sup>1</sup> See 20 CFR 675.300 for the definition of "family" and TEGL 26-13 regarding lawful same-sex marriages.

<sup>2</sup> 20 CFR 675.300.

<sup>3</sup> As defined in section 41403(6) of the Violence Against Women Act of 1994.

<sup>4</sup> As defined under section 725(2) of the McKinney-Vento Homeless Assistance Act. Applies to POS if the youth is also being served by the WIOA Adult program.

<sup>5</sup> Under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.). Applies to POS if the youth is also being served by the WIOA Adult program.

<sup>6</sup> Applies to POS if the youth is also being served by the WIOA Adult program.

<sup>7</sup>TEGL 19-16, WIOA sec. 203(7).

TEGL 23-19, Change 2 states that basic skills deficiency data can be validated through Assessment Test Results, among other documentation. Local areas are to follow their own assessment policies to determine which assessments should be used as a measurement of basic skills deficiency. Further guidance regarding assessments is under development by DWD.

### ***Eligibility Determinations for Veterans***

For WIOA Adult programs, priority of service must be provided in the following order:<sup>8</sup>

- 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.
- 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.
- Third, to veterans and eligible spouses who are not included in WIOA's priority groups.
- Fourth, priority populations established by the Governor and/or local WDB.
- Last, to non-covered persons outside the groups given priority under WIOA.

When determining priority of service eligibility for WIOA Title I Adult employment or training programs, the following shall be disregarded in past income calculations:<sup>9</sup>

- Military pay and allowances received while serving on active duty.
- Compensation for service-connected disability or death or vocational rehabilitation.
- Benefits for education and training services funded by the Department of Veterans Affairs (VA).
- Compensation received by an eligible dependent or indemnity compensation for service-connected deaths.
- Educational assistance for eligible dependents and survivors of veterans under 38 U.S.C. 3500.

WIOA program operators may not require veterans or their spouses to exhaust their entitlement to VA-funded training benefits prior to allowing them to enroll in WIOA-funded training.

### ***Priority of Service Goal and Minimum Rate***

USDOL envisions that giving priority of service to public assistance recipients, low-income individuals, or basic skills deficient 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 three priority groups**.<sup>10</sup> USDOL may phase-in<sup>11</sup> the state-level goal, with encouragement to states to consider establishing additional benchmarks for local areas as a way to recognize whether priority is being provided to these populations.<sup>12</sup> DWD is continuing to evaluate local level benchmarks and will

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<sup>8</sup> TEGL 19-16.

<sup>9</sup> 38 U.S.C. 4213.

<sup>10</sup> Per TEGL 7-20, while local areas must strive to hit the 75 percent benchmark, USDOL expects this rate to be **no lower than 50.1 percent**.

<sup>11</sup> Initial phase-in had been expected to occur during PY20. DWD anticipates further guidance from USDOL due to the pandemic.

<sup>12</sup> TEGL 7-20.

provide additional guidance when available.

### ***Additional Priority of Service Groups***<sup>13</sup>

The Governor and/or local WDBs 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). Any additional priority groups identified by the Governor or local WDBs should be reflected in the WIOA State Plan, as well as the Local Area Plan(s).<sup>14</sup> To establish an additional priority of service group, local areas must submit the form in **Attachment C** to [policy@dwd.in.gov](mailto:policy@dwd.in.gov). A Word version of this attachment is available on DWD's policy website.<sup>15</sup>

Priority populations established by the Governor and/or local WDBs have a lower priority than the WIOA Adult priority of service or Veteran priority populations established in statute. If a participant is a public assistance recipient, a low-income individual, or a basic skills deficient individual, then the participant must be categorized under the applicable WIOA priority group rather than in any local priority group for which they may qualify. The provision of services to priority populations established by the Governor and/or local WDBs will not impact the statutory priorities for the WIOA Adult or Veteran priority populations. When reviewing state progress against the 75 percent benchmark,<sup>16</sup> USDOL will consider state progress against additional priority populations established by the Governor and/or local WDBs on a case-by-case basis.<sup>17</sup>

### **Locally Established POS Groups Data Entry**

Once locally established priority groups have been identified, policies/processes have been developed, and the local plan updated, local areas must ensure the locally established priority group is appropriately documented within DWD's case management system. Please see DWD TA 2021-09, *Change 2 Locally Established POS Group Data Entry Instructions* for step-by-step data entry guidance. As a reminder, participants who meet the standards of one of the three priority groups (public assistance recipient, low-income individual, or basic skills deficient individual) **must be recorded as such**. Even if the participant also falls under a local priority group, the participant must only be recorded under the WIOA priority group for which they qualify.

### ***Priority of Service Calculation***

The table below depicts how DWD calculates progress toward USDOL's 75% benchmark. DWD adds the total number of participants who are public assistance recipients, low-income individuals, or basic skills deficient individuals (numerator). Then, DWD divides that sum by the sum of all participants receiving adult individualized career and/or training services (denominator).

**NOTE: Although a participant may fall into more than one of the three priority populations, the**

<sup>13</sup> 20 CFR 680.600(c).

<sup>14</sup> Indiana's WIOA State Plan identifies Target Populations, but no determination has been made about service priority.

<sup>15</sup> <https://www.in.gov/dwd/compliance-policy/policy/active/>

<sup>16</sup> Additional resources: <https://ion.workforcegps.org/resources/2017/10/05/14/01/WIOA-Desk-Reference> and [https://ion.workforcegps.org/resources/2017/03/09/11/25/Special Populations - Adult and Dislocated Worker Populations](https://ion.workforcegps.org/resources/2017/03/09/11/25/Special-Populations-Adult-and-Dislocated-Worker-Populations).

<sup>17</sup> Please note that DWD does not consider additional priority groups established by the Governor and/or local WDBs to contribute toward the state's progress toward the 50.1 percent minimum.

participant still only counts once toward the 75% benchmark.

**Table 1: POS Calculation**

Priority Calculation: 75% Benchmark <sup>18</sup>
<p>Sum of participants in at least one of the following populations:  <b>Public Assistance Recipients, Low-income Individuals, or Basic Skills Deficient            (including English Language Learners) Individuals.</b></p> <hr style="width: 50%; margin: auto;"/> <p>Sum of all participants receiving Adult Individualized Career and/or Training Services</p>

### ***Oversight and Monitoring***

Compliance with priority of service guidance and regulations will be reviewed and assessed during routine oversight and monitoring. Analysis will include but is not limited to:

- A review of the local WIOA Title I Priority of Service Policy;
- Any related procedures, training and monitoring developed and/or conducted by the local WDB and/or the authorized service providers;
- File and/or system review of client data; and
- Interviews with staff and leadership to assess understanding and consistent correct implementation of the local policy.

### **Action**

Local areas must revise existing or develop a WIOA Title I Adult Priority of Service policy that ensures priority of service within the workforce region is implemented in alignment with this policy. The local policy must support any additional priority groups identified by the Governor as well as any locally identified priority groups. Each local area must address Adult Priority of Service and any additional locally designated POS groups within their WIOA local plan as stated in the local plan requirements.

Local areas must also submit the Additional Local Priority of Service Population Form (**Attachment C**) to [policy@dwd.in.gov](mailto:policy@dwd.in.gov) for approval of any additional local priority of service populations.<sup>19</sup>

Local areas must establish procedures to operationalize their WIOA Title I Adult Priority of Service policy, ensure that staff and leadership are appropriately trained on these procedures, and annually monitor to confirm this policy and the local WIOA Title I Adult Priority of Service policy and procedures are being correctly and consistently applied.

The content of this policy will be subject to routine DWD monitoring.

<sup>18</sup> While local areas must strive to hit the 75 percent benchmark, USDOL expects this rate to be no lower than 50.1 percent.

<sup>19</sup> A Word version of this attachment is included on DWD's policy website: <https://www.in.gov/dwd/compliance-policy/policy/active/>.

## Attachments

**Attachment A** - References

**Attachment B** - Adult Priority of Service Documentation Table

**Attachment C** - Additional Local Priority of Service Population Form

## Effective Date

Immediately.

## Ending Date

Upon rescission.

## Additional Information

Questions regarding the content of this publication should be directed to [policy@dwd.in.gov](mailto:policy@dwd.in.gov).

## Attachment A References

- WIOA Sections 3, 134
- 20 CFR 680.600 and 680.650
- 20 CFR 675.300
- 38 U.S.C. 3500
- 38 U.S.C. 4213
- TEGL 10-09 *Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or in part by the U.S. Department of Labor (DOL), November 10, 2009*
- TEGL 23-19, Change 2 *Guidance for Validating Required Performance Data Submitted by Grant Recipients of U.S. Department of Labor (DOL) Workforce Programs*
- TEGL 26-13 *Impact of the U.S. Supreme Court's Decision in United States v. Windsor on Eligibility and Services Provided Under Workforce Grants Administered by the Employment and Training Administration*
- TEGL 7-20 *Effective Implementation of Priority of Service Provisions for Most in Need Individuals in the Workforce Innovation and Opportunity Act (WIOA) Adult Program*
- TEGL 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*
- WIOA Desk Reference: *Priority of Service for WIOA Adult Funds*<sup>20</sup>
- WIOA Desk Reference: *Adult and Dislocated Worker Key Resources - Special Populations*<sup>21</sup>
- Section 41403(6) of the Violence Against Women Act of 1994
- Section 725(2) of the McKinney-Vento Homeless Assistance Act
- Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.)

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<sup>20</sup> <https://ion.workforcegps.org/resources/2017/10/05/14/01/WIOA-Desk-Reference>.

<sup>21</sup> [https://ion.workforcegps.org/resources/2017/03/09/11/25/Special\\_Populations\\_-\\_Adult\\_and\\_Dislocated\\_Worker\\_Populations](https://ion.workforcegps.org/resources/2017/03/09/11/25/Special_Populations_-_Adult_and_Dislocated_Worker_Populations).

## Attachment B

### Adult Priority of Service Documentation Table

Local areas must use the following sources of documentation to verify whether an adult participant qualifies for priority of service under WIOA.<sup>22</sup>

Priority of Service Criteria	Acceptable Documentation
<b>Public Assistance Recipient</b>	<ul style="list-style-type: none"> <li>• Copy of Authorization to Receive Cash Public Assistance</li> <li>• Copy of Public Assistance Check</li> <li>• Medical Card Showing Cash Grant Status</li> <li>• Public Assistance Eligibility Verification</li> <li>• Cross-Match</li> </ul>
<b>Low Income Status at Program Entry</b>	<ul style="list-style-type: none"> <li>• Award Letter from Veteran's Administration</li> <li>• Bank Statements</li> <li>• Pay Stubs</li> <li>• Compensation Award Letter</li> <li>• Court Award Letter</li> <li>• Pension Statement</li> <li>• Employer Statement/Contact</li> <li>• Family or Business Financial Records</li> <li>• Housing Authority Verification</li> <li>• Quarterly Estimated Tax for Self-Employed Persons</li> <li>• Social Security Benefits</li> <li>• UI Claim Documents</li> <li>• Copy of Authorization to Receive Cash Public Assistance</li> <li>• Copy of Public Assistance Check</li> <li>• Public Assistance Eligibility Verification</li> <li>• Cross-Match with Refugee Assistance Records</li> <li>• Cross-Match with Public Assistance Records</li> <li>• Cross-Match with UI Wage Records</li> <li>• Self-Attestation<sup>23</sup></li> </ul>
<b>Basic Skills Deficient/Low Levels of Literacy at Program Entry</b>	<ul style="list-style-type: none"> <li>• Assessment Test Results<sup>24</sup></li> <li>• Applicable Records from Education Institution (transcripts, academic assessments, or other school documentation)</li> <li>• Case notes</li> </ul>

<sup>22</sup> TEGL 23-19, Change 2, Attachment II.

<sup>23</sup> Self-attestation is a participant's statement of their status for a particular (PIRL) element with a signed and dated form acknowledging this status (TEGL 23-19, Change 2 Attachment II). This applies to all references to "self-attestation" within this table. Forms must be maintained in DWD's case management system.

<sup>24</sup> See the "Priority of Service Groups and Eligibility" section of this policy for more information.



## Attachment C Additional Local Priority of Service Population Form

**NOTE:** An editable version of this form is available on the DWD policy website and [through this link](#).

Region \_\_\_ WIOA Title I Adult Additional Priority of Service Population Form

### Section 1: General Description of Local Priority of Service Population

<p><b>Describe priority of service population</b> <i>Criteria, characteristics of group members. Use one form per additional population.</i></p>	
<p><b>Reason for Designation</b> <i>Describe the circumstances leading to a POS designation. How will creating a local POS population help this group?</i></p>	
<p><b>Why are members of this population unlikely to be included in the WIOA priority populations?</b> <i>Public Assistance Recipients, Low-Income Individuals, and Basic Skills Deficient Individuals.</i></p>	
<p><b>Describe the timeline for serving this population.</b> <i>If there is not a specific timeline, please explain.</i></p>	

### Section 2: SMART (Specific, Measurable, Achievable, Realistic, Timely) Service Goals

What is the specific goal?	How and when will progress be measured?	Why is it achievable and realistic?	What is the timeframe to accomplish the goal?

*Section 3: Connecting the Local Priority of Service Population with WorkOne Services*

<b>Outreach and Engagement Strategy</b>	<b>Resources Needed</b>	<b>Timeframe</b>