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| Subject: | WIOA Priority of Service for Title I Adult Programs |
| Policy Number: | ADWB-08-2018 |
| Replaces: | ADWB-05-2018 |
| Implementation Date: | July 19, 2018 |
| Distribution: | Arapahoe/Douglas Works! Workforce Center Leadership and Employees |

The Arapahoe/Douglas Workforce Board (ADWB) has designated Arapahoe/Douglas Works! (ADW!) as the provider of Career Services for WIOA Title I: Adult, Dislocated Worker and Young Adult programs, Title III: Wagner Peyser, and Temporary Assistance for Needy Families (TANF).

ALL JULY 2018 REVISIONS ARE HIGHLIGHTED IN YELLOW

CITATIONS/REFERENCES

- Title I of the Workforce Innovation and Opportunity Act (WIOA) of 2014, Sections 3, 134(c)(3)(E).
- WIOA Department of Labor-Only Final Rule (81 FR 56072, Aug. 19, 2016).
- Training and Employment Guidance Letter (TEGL) 19-16 Guidance: 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
- 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.
- PGL 14-07-V, Priority of Service for Veterans and Eligible Spouses.
- PGL 15-09-WIOA, WIOA Title I Eligibility
- PGL WIOA-2017-06, PY17 Local Plans
- WIOA-2015-07, Change 3: WIOA – Priority of Service for Title I Adult Programs

PURPOSE

To establish guidance, process and procedure in regards to providing priority of service for WIOA Title I Adult program customers.

BACKGROUND

The Workforce Innovation and Opportunity Act (WIOA) requires priority be given to public assistance recipients, other low-income individuals, and individuals who are basic skills deficient, when providing individualized career services and training services using WIOA Title I Adult program funds. In addition, Training and Employment Guidance Letter (TEGL) 19-16 specifies that priority is also applied to individuals that are both underemployed and low-income. WIOA provides a focus on serving individuals with barriers to employment, and the intent of this priority in the law is to ensure access to these populations on a priority basis. Under The Workforce Investment Act (WIA), priority was required for public assistance recipients and other low-income individuals when funds were limited. Under WIOA, priority of service is required regardless of the funding levels and is expanded to include individuals who are basic skills deficient. Consistent with the intent of WIOA, Colorado will also give equal priority to “individuals with barriers to employment” for the Adult program. Local boards have authority to identify an additional local priority group if it is consistent with the intent of the law to serve adults with barriers to employment.

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POLICY/ACTION

Priority Groups

There are three (3) groups of individuals targeted for statutory priority under WIOA when providing individualized career services and training services in the Title I Adult program:

1. Recipients of public assistance;
2. Other low-income individuals (including underemployed);
3. Individuals who are basic skills deficient.

Colorado's policy adds two additional priority groups:

4. Governor's Priority;
5. Local Board Priority.

Local Priority Group

1. Individuals who need childcare for children 13 years of age and younger. Please see attached Memorandum for justification for the implementation of this local priority group.

DEFINITIONS

1. "RECIPIENTS OF PUBLIC ASSISTANCE" includes individuals who receive, or in the past 6 months have received, or are a member of a family that is receiving or in the past 6 months has received, assistance through one or more of the following:

- a. Supplemental Nutrition Assistance Program (SNAP);
- b. Temporary Assistance for Needy Families (TANF) program;
- c. Supplemental Security Income (SSI) program; or
- d. State or local income-based public assistance including LEAP, Section 8 Housing, or CCAP (Child Care Assistance Program), or Refugee Cash Assistance (RCA) payments.

2. "LOW-INCOME" includes:

- a. Recipients of public assistance (defined above);
- b. Individuals in a family with total income below 70% of the lower living standard income level;
- c. Homeless;
- d. Foster youth;
- e. Individuals with disabilities with individual income below 70% of the lower living standard income level; and
- f. Youth in-school up to age 21, or parents of such a youth, who are eligible to receive a free or reduced price lunch.
- g. Underemployed individuals who are employed full- or part-time may also be eligible for the Adult priority if they also meet the definition of a low-income individual.

Local boards may adopt a more stringent definition for "low-income" or include additional criteria (specifically for the purposes of determining Adult program priority) that may be applied to one or more of the low-income categories listed above and is consistent with local economic conditions and other criteria determined by the board. ADW! will utilize the state's definition of "low income," and does not intend to establish a more stringent definition at this time.

A youth 18 or older, who was determined low-income for the WIOA Title I Youth Program, may be co-enrolled in the Title I Adult Program without an eligibility redetermination, and be counted as an individual who meets Adult priority of service, if the original determination was made no more than **six (6)** months prior to the date of co-enrollment.

3. "BASIC SKILLS DEFICIENT" is defined as an adult who is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the participant's family, or in society. Individuals who are English language learners meet the criteria for basic skills deficient.

An adult may be assessed as basic skills deficient through a Workforce Specialist's (WFS) observations and documented in case notes. For example, the WFS may observe that the adult is not able to read or fill out an application form, or does not have basic computer literacy. The WFS may also document basic skills deficient with one of the following:

- Basic skills assessment questions or test results
- School records
- Referral or records from a Title II Adult Basic Education program
- Referral or records from an English Language Learner program

If a standardized test is used to assess basic skills, the test should include reading, writing, or computing skills. Lacking soft skills or specific skills needed for a particular job may not be used to determine otherwise high-functioning individuals as basic skills deficient.

A youth 18 or older, who was determined basic skills deficient for the WIOA Youth Program, may be co-enrolled in the Adult Program without an eligibility redetermination, and be counted as an individual who meets Adult priority of service, if the original determination was made no more than 6 months prior to the date of co-enrollment.

Local policy may further define the criteria that will be used to identify and document basic skills deficient individuals.

4. Under the Governor's authority, Colorado has added the "Governor's Priority" for "individuals with barriers to employment" as identified in WIOA Sec. 3. The Governor's Priority will include:

- a. displaced homemakers;
- b. Indians, Alaska Natives, and Native Hawaiians;
- c. individuals with disabilities;
- d. older individuals (age 55 and older);
- e. ex-offenders;
- f. individuals who face substantial cultural barriers;
- g. eligible Migrant Seasonal Farm Workers;
- h. individuals within 2 years of exhausting lifetime TANF eligibility;
- i. single parents (including single pregnant women); and
- j. long-term unemployed individuals (27 or more consecutive weeks).

5. Local workforce development boards have the authority to add a "Local Priority" for another targeted group in the local area if it is consistent with the intent of the Adult priority to serve individuals with barriers to employment. For example, individuals lacking a high school diploma or equivalency may be identified as a Local Priority that is consistent with the intent of the law. The Local Priority is optional at the discretion of the local board. The Local Priority must be identified in the local area plan beginning in PY17, including data to support the need. How the Local Priority will be documented and implemented must be addressed in local policy. A Local Priority may be changed no more than once a year and will be reviewed and approved by CDLE and CWDC as part of the local plan process. Further guidance is forthcoming in the updated PGL on local plans.

➤ WHAT IT MEANS TO PROVIDE PRIORITY OF SERVICE

Priority of service means that individuals in the statutory priority groups (public assistance recipients, other low-income individuals, individuals who are basic skills deficient, and underemployed who are also low-income) are given priority over other individuals for receipt of individualized career services and training services funded by the Title I Adult program. There are no restrictions to providing basic career services; they may be provided to any eligible adult.

The Governor's Priority and the Local Priority are not equal to the statutory priorities; priority must be applied in the order described in this policy.

Veterans within all the priority groups receive priority over non-veterans. Adult priority is determined for the targeted groups during eligibility and enrollment.

➤ INTERACTION OF THE ADULT PRIORITY AND VETERANS' PRIORITY OF SERVICE

The priority of service for veterans and eligible spouses (as defined in PGL# VET-2014-02) always applies across all qualified employment and training programs. However when a program is required in statute to provide priority to specific groups, priority must be applied in the order described below. The Adult priority of service applies only to the receipt of individualized career services and training services in the WIOA Title I Adult program. With regard to the priority of service for veterans and eligible spouses, priority of service for the Title I Adult program must be applied in the following order:

1. Veterans and eligible spouses who meet the statutory Adult priority (public assistance recipient, other low-income individuals including the underemployed, or basic skills deficient) must receive the highest level of priority for individualized career services and training services;
2. Other individuals (not veterans or eligible spouses) who meet the statutory Adult priority (public assistance recipient, other low-income individuals including underemployed) then receive the second level of priority;
3. All other veterans and eligible spouses who do not meet the statutory Adult priority, then receive the third level of priority;
4. Individuals who meet the Governor's Priority or Local Priority receive the fourth level of priority;
5. All other individuals then receive the fifth level of priority

➤ STATE MONITORING

State Monitoring Local areas' success in achieving priority of service for the targeted groups within the Adult program is monitored in three ways:

1. A formula comparing the percentage of individuals in all the priority groups (public assistance recipients, other low-income individuals including underemployed, basic skills deficient, Governor's Priority, and Local Priority) who were enrolled in the Adult program versus the percentage of all other individuals who were enrolled in the program; and
2. A formula comparing the percentage of participants in all the priority groups (public assistance recipients, other low-income individuals including underemployed, basic skills deficient, Governor's Priority, and Local Priority) who received individualized career services in the Adult program versus the percentage of all other participants who received individualized career services in the Adult program.
3. A formula comparing the percentage of participants in all the priority groups (public assistance recipients, other low-income individuals including underemployed, basic skills deficient, Governor's Priority, and Local Priority) who received training services in the Adult program versus the percentage of all other participants who received training services in the Adult program.

Priority of service for veterans always applies, regardless of program. Local areas' success in achieving priority of service for veterans within the Adult program is measured by a formula comparing the percentage of veterans who applied to the program and were accepted versus the non-vets who applied to the same program and were accepted.

➤ **RESTRICTING SERVICES TO LOCAL AREA RESIDENTS**

WIOA does not either prohibit or require local residency for an individual to receive services from a local area. At this time, due to current decreases in funding, as well as anticipated future decreases in funding, ADW! has implemented restricting services to residents of Arapahoe and Douglas county. Proof of residency must be provided (which may include, but is not limited to: a driver's license, bill, and/or mail in the customer's name). In addition, this residency restriction is applicable to Young Adult customers as well.

On a monthly basis, ADW! utilizes Connecting Colorado reports to closely monitor Adult participants with priority of service and/or barriers to employment; as well as the population breakdown of customers' self-reported residency (on average, Arapahoe and Douglas county residents predominately account for the vast majority of customers served through ADW!).

➤ **LOCAL POLICY REQUIREMENTS**

In this policy, the ADWB has established and addressed all local requirements as noted in the PGL.

Only the ADW! Program Manager and/or ADW! Division Manager may grant exceptions to provisions within this policy.

To: Kelly Folks, Matt Cornett
 From: Patrick Holwell, Workforce Economist
 Subject: Need for Childcare as Local Addition to WIOA Adult Priority of Service

This memorandum provides justification for adding those who need childcare for children 13 years of age and younger as a local WIOA Adult Program priority-of-service group.

| Increasing Costs of Childcare, Colorado | | | | | | |
|---|----------------|---------|---------------|---------|------------|---------|
| Child Age | Infant/Toddler | | Four-Year-Old | | School Age | |
| Type of Care | Center | FCC | Center | FCC | Center | FCC |
| Calendar 2014 | \$13,154 | \$8,862 | \$9,882 | \$8,192 | \$5,022 | \$4,272 |
| Calendar 2015 | \$14,950 | \$9,620 | \$11,089 | \$8,626 | \$6,276 | \$4,828 |

Sources: Colorado Children's Campaign and Child Care Aware

This table shows the year-over-year average costs for childcare, by age of child, in Colorado from calendar 2014 to calendar 2015.

| Percent Increase: 2014 to 2015 | | |
|--------------------------------|--------|-----|
| Child Age | Center | FCC |
| Infant/Toddler | 14% | 9% |
| Four-Year-Old | 12% | 5% |
| School Age | 25% | 13% |

Sources: Colorado Children's Campaign and Child Care Aware

According to a 2016 fact sheet from Child Care Aware titled, "State Child Care Facts in the State of Colorado," the number of child care centers and family child care (FCC) facilities, which are basically licensed child care homes, has not kept up with population growth in Colorado. (Fact Sheet attached to this Memorandum).

Though shortages of slots are most acute in rural facilities, urban areas such as the Arapahoe/Douglas workforce development area are experiencing double-digit increases in annual costs of childcare driven by increased demand.

In terms of WIOA Adult programming, this means that:

1. Adult customers who are single parents, or are parents in a two-parent family, must consider the cost of child care in their choice of training program so as to ensure self-sufficiency upon employment at completion of their WIOA services.
2. May need assistance in defraying the costs of childcare during active participation in WIOA activities in order to be successful.

| Single Parents or Parents in Two-Parent Family, Adult Program, Arapahoe/Douglas Works! | | | | | | | | |
|--|--------|---------|--------|---------|--------|---------|--------|---------|
| Program Year | PY14 | | PY15 | | PY16 | | PY17 | |
| | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| Single Parent | 114 | 15% | 121 | 14% | 142 | 23% | 53 | 23% |
| Parent in Two-Parent Family | 177 | 23% | 210 | 24% | 104 | 17% | 44 | 19% |

Source: Connecting Colorado Characteristics Report

This table, taken from Connecting Colorado, show the actual numbers of single parents and parents in two-parent families by program year.

| Potential Need for Childcare Assistance During Program Activities | | | | | | | | |
|---|--------|---------|--------|---------|--------|---------|--------|---------|
| Program Year | PY14 | | PY15 | | PY16 | | PY17 | |
| | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| Single Parent | 114 | 15% | 121 | 14% | 142 | 23% | 53 | 23% |
| Parent in Two-Parent Family | 101 | 13% | 120 | 14% | 59 | 10% | 25 | 11% |

Source: Connecting Colorado Characteristics Report and US Census Demographic Data

This table shows the actual number of parents in two-parent families being served who may be experiencing need for child care for children 13 years old and under.

Estimates in this table are based on US Census demographic data for the Arapahoe/Douglas area, which estimates that 57.1% of the total number of children age 18 and under are 10 years old or under.

The case for making parents who need for childcare services for dependent children under 13 a local priority-of-service group in the Arapahoe/Douglas WIOA Adult Program is thus twofold:

1. A substantial number of participants who are not eligible for TANF may need childcare assistance as a wrap-around supportive service in order to be successful in successfully completing activities under the WIOA Adult program, and
2. The increasing lack of availability and substantial annual price increases serve to elevate the issue in choice of type and substance of occupational training chosen, particularly for millennial parents, who may also be paying off student loan debt while at the same time paying rent in excess of 30% of their gross income.

After a review of the data, it is clear that Arapahoe/Douglas Works! and the Arapahoe/Douglas Workforce Development Board would be justified in adding WIOA Adult customers in need for childcare for children 13-years-old as a local priority of service group.