

Date: July 1, 2008

To: Pacific Gateway Workforce Investment Network Staff

From: Bryan S. Rogers
WIB Executive Director

Subject: **POLICY MEMORANDUM: WIB- 06**
PRIORITY OF SERVICE

EFFECTIVE DATE

This policy is effective upon date of issue.

PURPOSE

The purpose of this policy is to provide directions for determining if priority of service is necessary for WIA services when funding is limited.

BACKGROUND

WIA 134 (d)(4)(E) - In the event that funds allocated to a local area for adult employment and training activities under paragraph (2)(A) or (3) of section 133(b) are limited, priority shall be given to recipients of public assistance and other low-income individuals for intensive and training services. The appropriate local board and the Governor shall direct the One-Stop operators in the local area with regard to making determinations related to such priority.

Preamble to the Final Rule - " the regulations require that all Local Boards must consider the availability of funds in their area. In making this determination, the availability of other Federal funding, such as TANF, should be taken into consideration. **Unless the Local Board determines that funds are not limited in the local area, the priority requirement will be in effect.**

663.600(d) - The Local Board and the Governor may establish a process that gives priority for services to the recipients of public assistance and other low-income individuals and **that also serves other individuals meeting eligibility requirements.**

Preamble to WIA Final Rule - Except where service to specific populations is authorized by statute (such as WIA section 166 – Native American Programs), it is unlawful under WIA section 188(a)(2) and 29CFR 37.6(b)(1)-(6) for One-Stop systems to use demographic characteristics to determine which individuals will receive services.



WIA section 101(37) – the term **Public Assistance** means federal, state or local government cash payments for which eligibility is determined by a needs or income test. According to the preamble to the Final rule, cash payments such as SSI, state payments to individuals with disabilities, and local general relief payments to homeless individuals would meet both parts of the statutory definition of public assistance. SSDI payments are not income tested, and therefore, cannot be considered public assistance. Similarly, Medicaid and Medicare benefits are not considered public assistance as defined under WIA.

WIA section 101(25) – the term **Low Income Individual** means an individual who:

- (A) receives, or is a member of a family that receives, cash payments under a Federal, State, or local income-based public assistance program;
- (B) received an income, or is a member of a family that received a total family income, for the 6-month period prior to application for the program involved that, in relation to family size, does not exceed the higher of the poverty level or 70% of the lower living standard income level;
- (C) is a member of a household that receives (or has been determined within the 6-month period prior to application for the program involved to be eligible to receive) food stamps pursuant to the Food Stamp act of 1977;
- (D) qualifies as a homeless individual as defined by the Stewart B. McKinney Homeless Assistance Act;
- (E) is a foster child on behalf of whom State or local government payments are made; or
- (F) in cases permitted by regulation is an individual with a disability whose own income meets the requirements described in paragraph A or B, above, but who is a member of a family whose income does not meet such requirements.

POLICIES AND PROCEDURES

1. With regard to the determination of limited funding, it is the policy of the Network that it will review WIA funding availability on an annual basis to determine if funding is limited. Criteria used during this review will include current and projected obligations for customers, TANF and other federal funds available locally. Staff will be responsible for notifying the Pacific Gateway Workforce Investment Board of funding limitations that may occur during the year.
2. Should it be determined that funding is limited, priority for WIA training services will be given to recipients of public assistance and other low-income individuals as defined by WIA and individuals that are recipients of SSDI, Medicaid, Medicare, or determined to be basic skills deficient, school dropouts, offenders, long-term unemployed, unemployed, employed individuals living below the level of self-sufficiency and/or residents of Section 8 Housing.

This policy is not intended to limit enrollments in training services activities to the priority population indicated above.

ADDITIONAL INFORMATION

This revision incorporates integration aspects and new WIB policy numbering system.

CONTACT

Should you have any questions regarding this Policy Memorandum, please contact Bryan Rogers at (562) 570-3701.

Thank you.

BSR:mh

**WORKFORCE INVESTMENT ACT
 PRIORITY OF SERVICE MATRIX**

Veteran - Priority of Service is always required

ADULT 1st PRIORITY <input type="checkbox"/> Requirements met	ADULT 2nd PRIORITY <input type="checkbox"/> Requirements met	ADULT 3rd PRIORITY <input type="checkbox"/> Requirements met
<input type="checkbox"/> Low-income And <input type="checkbox"/> Long Beach, Lomita, Signal Hill, or Torrance resident And One of the following: <input type="checkbox"/> Basic Skills Deficient <input type="checkbox"/> High School Dropout <input type="checkbox"/> Offender <input type="checkbox"/> Unemployed and has not worked thirteen (13) or more weeks in the last twenty-six (26) weeks <input type="checkbox"/> Recipient of Public Assistance, SSDI, Medicaid or Medicare <input type="checkbox"/> Resident of Section 8 Housing <input type="checkbox"/> Individual with a Disability	<input type="checkbox"/> Low-income And One of the following: <input type="checkbox"/> Basic Skills Deficient <input type="checkbox"/> High School Dropout <input type="checkbox"/> Offender <input type="checkbox"/> Unemployed <input type="checkbox"/> Employed, but not self sufficient <input type="checkbox"/> Recipient of Public Assistance, SSDI, Medicaid or Medicare <input type="checkbox"/> Resident of Section 8 Housing <input type="checkbox"/> Individual with a Disability	<input type="checkbox"/> Low-income

DW 1st PRIORITY <input type="checkbox"/> Requirements met	DW 2nd PRIORITY <input type="checkbox"/> Requirements met	DW 3rd PRIORITY <input type="checkbox"/> Requirements met
<input type="checkbox"/> Has been unemployed for at least 90 days and is unlikely to return to a previous industry or occupation And One of the following: <input type="checkbox"/> Long Beach / Signal Hill resident <input type="checkbox"/> Was employed in Long Beach / Signal Hill during the last 12 months <input type="checkbox"/> Individual with a Disability	<input type="checkbox"/> Long Beach, Signal Hill, Lomita or Torrance resident Or <input type="checkbox"/> Was employed in Long Beach / Signal Hill <input type="checkbox"/> Individual with a Disability	<input type="checkbox"/> Dislocated Worker