

**Priority Access to Services for the
Northeast Ohio Consortium Council of Governments
Workforce Innovation and Opportunity Act Policy C-08**

I. Purpose and General Outline.

This policy governs the terms and conditions associated with the priority of access (“priority”) to services for the Area Workforce.

II. Effective Date.

August 5, 2015.

III. Background.

The services provided with adult funds can be a pathway to the middle class for low-income adults, public assistance recipients, and individuals who are basic skills deficient. WIOA sec. 134(c)(3)(E) provides that priority must be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient. Under WIOA, priority access to services by members of these groups applies automatically, and all the time, not just when the Area Workforce has limited funds. Nonetheless, WIOA allows OMJ Center operators to provide individualized career services and training to individuals who are not members of these groups, if determined eligible and services are appropriate.

The Workforce Area strongly encourages close cooperation between WIOA-funded programs and other Federal and State sources of assistance for job seekers. Coordination between WIOA-funded programs and the TANF program is a crucial element in serving individuals who are on public assistance. TANF is a required partner in the OMJ Center delivery system. Through close cooperation, each program’s participants will have access to a much broader range of services to promote employment retention and self-sufficiency than if they relied only on the services available under a single program.

IV. Requirements.

A. Statutory Requirements in General.

WIOA states, in sec. 134(c)(3)(E), that priority for individualized career services (see § 678.430(b)) and training services funded with title I adult funds must be given to recipients of public assistance, other low-income individuals, who are basic skills deficient (as defined in WIOA sec. 3(5)(B)) in the local area.

Veterans under WIOA sec. 3(63)(A) and 38 U.S.C. 101 also receive priority of service in all Department of Labor-funded training programs under 38 U.S.C. 4215 and described in 20 CFR 1010. A veteran must still meet each program’s eligibility criteria to receive services under the respective employment and training program. For income-based eligibility determinations, amounts paid while on active duty or paid by the Department of

Veterans Affairs (VA) for vocational rehabilitation, disability payments, or related VA-funded programs are not to be considered as income in accordance with 38 U.S.C. 4213 and 20 CFR 683.230.

The statutory priority and this policy applies only to eligible adults receiving individualized career services, as described in § 680.150(b), and **Area 19 Policy A-02**, and training services, as described in **Area Policy A-03, et al.** Eligible dislocated workers are not subject to this requirement.

The priority established under WIOA does not mean that these services may only be provided to recipients of public assistance, other low-income individuals, and individuals without basic work skills. The Area Workforce is permitted to establish a process that also gives priority to other individuals to receive services so long as it is consistent with priority of services for Veterans. **See Area Policy C-07.**

B. Priority of Status Order.

Pursuant to the statutory and regulatory requirements set forth by WIOA, the following is the priority status order for the provision of individualized career services and training for Adult eligible and appropriate workers.

<u>Level</u>	<u>Population of Priority Level</u>
One	Veterans and eligible spouses who are eligible adult workers, and who are recipients of public assistance, are low-income, and/or are basic skills deficient, and for whom services are deemed appropriate.
Two	Eligible adult workers, who are recipients of public assistance, are low-income, and/or are basic skills deficient, and for whom services are deemed appropriate.
Three	All other veterans and eligible spouses who are eligible adult workers, and for whom services are deemed appropriate.
Four	All other eligible adult workers, and for whom services are deemed appropriate.

C. When does the Priority of Status Levels Apply?

Under WIOA, priority access to services by members of these groups applies automatically, and all the time, not just when the Area Workforce has limited funds. However, with that being said, the Area Workforce has elected to allow all eligible adult workers who could still receive individualized career services, and training services so long as there are sufficient funds to serve all those within a particular group of applicants seeking services.

Therefore, where there are sufficient funds available to serve all those within a group of applicants for individual career and/or training services, the priority of status levels are used to determine the order in which the populations contained within any one group of applicants have their applications processed, or services provided. The higher the status level applicants receive services first, followed by the next level, and so on, and so forth.

Where there is not enough money to serve all of those applying for training and /or supportive services assistance during the same group of applicants, the service priority levels must be strictly applied. This means that those in the higher service priority levels must be offered assistance first, with assistance being offered to each group in descending order until funds are exhausted.

Within the population of any one priority of status level, the provider shall have the ability to determine the sub-order of who receives services or training, based upon the provider's determination by ranking amongst the candidates who is more appropriate to receive the services contemplated. However, note that this ranking within the population only need to occur when services within the population cannot be provided within the same day or time period, or where there are insufficient funds to serve all those seeking services within the population.

V. Reporting Requirements.

As recipients of WIOA funds, the Area Workforce, the OMJ operators, partners, and providers will be required to maintain and report accurate program and financial information. Pursuant to rule 5101:9-30-04 of the Ohio Administrative Code, information regarding WIOA participants and their activities and performance must be entered into Ohio Workforce Case Management System (OWCMS) accurately and timely. OWCMS may be used to assist in the determination of eligibility. **Area Workforce WIOA Policy C-09**, regarding Source Documentation for WIOA Eligibility, lists the type of acceptable documentation to verify eligibility for the WIOA adult and dislocated worker programs.

VI. Definitions.

Basic skills deficient: an individual who has English reading, writing, or computing skills at or below the 8th grade on a generally accepted standardized test or 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 individual's family, or in society.

Coordination activities: coordination between WIOA employment and training activities and child support agencies and services, Department of Agriculture extension programs, facilitating remote access by using technology and the OMJ delivery system, economic development agencies, linkages between public workforce system and employers and those between the OMJ delivery system and unemployment insurance programs, and organizations that provide services to individuals with disabilities.

Low Income Individuals/Adult including Recipients of Public Assistance: an individual who meets the statutory eligibility definitions for an Adult and who --

- (i) receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the program of block grants to States for temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or State or local income-based public assistance;
- (ii) is in a family with total family income that does not exceed the higher of—
 - (I) the poverty line; or
 - (II) 70 percent of the lower living standard income level;
- (iii) is a homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))), or a homeless child or youth (as defined under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)));
- (iv) receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);
- (v) is a foster child on behalf of whom State or local government payments are made; or
- (vi) is an individual with a disability whose own income meets the income requirement of clause (ii), but who is a member of a family whose income does not meet this requirement.

When staff are determining income, the determination is to be made by gathering the income information for a full one month period of at least 28 days or more, immediately prior to the review being made to determine self-sufficiency or income. This can be accomplished through the calculation of actual wages received, or where the income being considered is based on annual salary, by dividing that annual salary by 12.

Lower Living Standard Income Level: The term “lower living standard income level” means that income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary of Labor based on the most recent lower living family budget issued by the Secretary.

VII. Monitoring.

The area will conduct oversight and monitoring of the implementation of all WIOA programming by all OMJ Center operators, partners, and/or providers pursuant to Area Workforce Policy D-03. Any issues discovered will be handled through the area’s monitoring resolution process.

VIII. Technical Assistance.


To get questions answered and technical assistance regarding this policy or issues regarding administration of WIOA, you are urged to contact the Executive Director of the NOC COG at craigsernik@neohio.twcbc.com.

The question/issue will be researched, analyzed, and a formal written response will be provided. If a second opinion is required, the director is not available, or there is no clear answer to the question/issue, either the Executive Director or any OMJ Center or provider staff may seek additional guidance by submitting the same to the Office of Workforce Development: WIAQNA@jfs.ohio.gov; and by copying your request to the Executive Director of the NOC COG.

IX. References.

- Workforce Innovation and Opportunity Act, Pub. L. 113-128
- 20 CFR Parts 603 et al.

X. Signatures.



Richard L. Jackson
Area WDB Chairperson

9/21/20

Date



Casey R. Kozlowski
Ashtabula County Commissioner
Northeast Ohio Consortium Council of Governments,
Chief Elected Official

9/18/20

Date

Original Version Approved: August 5, 2015

Subsequent Revisions: March 4, 2020