

DEPARTMENT OF WORKFORCE DEVELOPMENT  
DIVISION OF EMPLOYMENT AND TRAINING  
ADMINISTRATOR'S MEMO SERIES

ACTION  
 NOTICE 16-06

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\*PROGRAM CATEGORIES:

AS  FM  LM  TC  
 CR  IT  ML  TR  
 FL  JC  TA  WIA  
 WIOA  YA

**To:** Workforce Development Board Directors  
Workforce Development Program Staff  
Workforce Development Board Fiscal

**From:** Scott Jansen *Scott Jansen 7-22-2016*  
Division Administrator

**Subject:** Priority of Service, Including Definition of "Basic Skills Deficient" for the Title 1 Adult Program

**Purpose:**

To define the framework for assessing priority of service, including "basic skills deficient" for the Workforce Innovation and Opportunity Act (WIOA) Adult Program participants.

**Legislative/Regulatory References:**

- WIOA Sections 3(5)(B) and 134(c)(3)(E)
- 20 CFR 680.600, 680.610, and 680.650
- Training and Employment Guidance Letter (TEGL) No. 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).
- TEGL No. 3-15: Guidance on Services Provided through the Adult and Dislocated Worker Program under the WIOA and Wagner Peyser, as Amended by WIOA, and Guidance for the Transition to WIOA Services
- Administrator's Memo 10-02: Implementation of Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or part by the U.S. Department of Labor

\*PROGRAM CATEGORIES:

AS--Apprenticeship  
Standards

CR--Civil Rights

FL--Foreign Labor  
Certification

FM--Financial Management  
Requirements

IT--IT Systems

JC--Job Center

LM--Labor Market  
Information

ML--Migrant Labor

TA--Trade Assistance

TC--Tax Credit Programs

TR--Transportation

WIA--Workforce  
Investment Act

WIOA--Workforce  
Innovation and  
Opportunity Act

YA--Youth Apprenticeship

## Policy:

Section 134(c)(3)(E) of WIOA and Section 680.600(a) of WIOA Final Rule require priority of service be given to Adult Program participants who are:

- recipients of public assistance,
- other low-income individuals, and/or
- individuals who are basic skills deficient.

Priority for these populations is not part of the eligibility determination; rather, it ensures an emphasis on providing individualized career and training services to these higher-need populations. Individuals who are not recipients of public assistance, otherwise low-income, or basic skills deficient may still be served in the Adult Program. Priority for these populations does not apply to the Dislocated Worker Program.<sup>1</sup> Priority must be given regardless of funding levels.<sup>2</sup>

The State has developed a screener tool (DETW-18156-E) to help identify if an individual is basic skills deficient.<sup>3</sup> All participants enrolling in the Adult Program, who are not low income or public assistance recipients, must complete the screener. Any individual unable to complete the screener without assistance must automatically be assessed as basic skills deficient and provided priority of service. A copy of the completed screener must be stored in the participant's case file.

The Workforce Development Board (WDB) may establish a process that also gives priority to other populations, provided it is consistent with the order outlined in Step 6 under "Procedure".<sup>4</sup> If the WDB opts to exercise this flexibility, these populations must be identified in the WDB's approved Local Plan.

"Priority of service" is not intended to allow a priority of service recipient to subsequently "bump" a non-priority individual who has already been approved to receive a service.<sup>5</sup>

Veterans and eligible spouses of veterans receive priority of service in all DOL-funded employment and training programs.<sup>6</sup>

## Definitions:

**"Basic Skills Deficient"** as it applies to adults, is an individual 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.<sup>7</sup>

**"Priority of service"** means the right to take precedence over a non-priority person in obtaining employment and training services. The priority person receives access to a service earlier in

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<sup>1</sup> 20 CFR 680.610

<sup>2</sup> TEGL No. 3-15, p. 7

<sup>3</sup> Copies of the screener tool DETS-13961 can be located through the DWD Forms and Publications Search at [http://dwd.wisconsin.gov/dwd/forms\\_publications\\_search.htm](http://dwd.wisconsin.gov/dwd/forms_publications_search.htm)

<sup>4</sup> 20 CFR 680.600(c)

<sup>5</sup> TEGL 10-09, p. 5

<sup>6</sup> 20 CFR 680.650 and TEGL 3-15

<sup>7</sup> WIOA Section 3(5)(B)

time than a non-priority person or, if the resource is limited, the priority person receives access to the service instead of the non-priority person.<sup>8</sup>

"**Public Assistance**" is Federal, State, or local government cash payments for which eligibility is determined by a needs or income test.<sup>9</sup>

"**Low-Income Individual**" is defined as a person who meets any one of the following criteria:<sup>10</sup>

- receives, or in the past six months has received, assistance through FoodShare, Temporary Assistance for Needy Families (TANF), the Supplemental Security Income (SSI) program, or State or local income-based public assistance (refer to WIA Policy 07-03: Cash Public Assistance and National School Lunch Program for further guidance on public assistance);
- is a member of a family that is receiving or in the past six months has received assistance through FoodShare, TANF, the SSI program, or State or local income-based public assistance (refer to WIA Policy 07-03);
- is a member of a family with total family incomes that, in relation to family size, does not exceed the higher of the current combined DOL 70 percent Lower Living Standard Income Level (LLSIL) or the U.S. Department of Health and Human Services (HHS) Poverty Guidelines (FPL);<sup>11</sup>
- is a homeless individual as defined in §41403(6) of the Violence Against Women Act of 1994, or a homeless child or youth as defined in §725(2) of the McKinney-Vento Homeless Assistance Act;
- receives or is eligible to receive a free or reduced-price lunch under the Richard B. Russell National School Lunch Act;
- is a foster youth on behalf of whom state or local government payments are made; or
- is an individual with a disability whose own income does not meet or exceed the higher of, the current combined DOL 70 percent LLSIL or DOL HHS FPL, but is a member of a family whose income does meet or exceed this requirement.<sup>12</sup>

### **Procedure:**

**Step 1:** Determine whether the individual is a veteran or is the eligible spouse of a veteran.<sup>13</sup>

**Step 2:** Determine whether the individual seeking to enroll in the WIOA Adult Program is "low income" or a recipient of public assistance based on the definitions, above.

- Low income or public assistance status must be verified using the appropriate documentation outlined in the Guide to WIOA Title 1B Eligibility Determination and Documentation.<sup>14</sup>

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<sup>8</sup> TEGL 10-09, p. 5

<sup>9</sup> WIOA Section 3(50)

<sup>10</sup> WIOA Section 3(36)

<sup>11</sup> Refer to the most recent DWD policy on the Federal Poverty Guidelines and Lower Living Standards Income Level

<sup>12</sup> Refer to the most recent DWD policy on the Federal Poverty Guidelines and Lower Living Standards Income Level

<sup>13</sup> See Administrator Memo 10-02

<sup>14</sup> See <http://dwd.wisconsin.gov/dwdwia/tags.htm>

**Step 3:** If the individual is determined to be "low income" or a recipient of public assistance, s/he must be given priority of service and no further assessment for priority of service determination is required.

**Step 4:** If the individual is not low income or a recipient of public assistance, s/he must complete the "Basic Skills Deficient Screener."

**Step 5:** If the individual answers "No" to any of the questions on the screener or is unable to complete the form without assistance, the individual is considered "basic skills deficient" and must be provided priority of service.

**Step 6:** Priority of service must be provided according to the following order outlined in TEGL 3-15:

- first to veterans and eligible spouses of veterans (covered persons) who are also public assistance recipients, other low-income individuals, or basic skills deficient;
- second to non-covered person (individuals who are not veterans or eligible spouses) who are public assistance recipients, other low-income individuals, or basic skills deficient;
- third to veterans and eligible spouses of veterans who are not public assistance recipients, other low-income individuals, or basic skills deficient; and,
- last to non-covered persons who do not meet any of the above criteria but are populations identified in the WDB's approved Local Plan.

#### **Automated System Support for Employment and Training (ASSET) Reporting:**

In ASSET Manage Programs, Adult tab:

- 1) For Adults who are "recipients of public assistance," identify their current source of public assistance using the following fields:
  - For current recipients of FoodShare select "Currently Receiving" from the "FoodShare" field
  - For recipients of Supplemental Security Income (SSI) select the appropriate response in the "SSI/SSDI" field (i.e. "SSI Only" or "SSI and SSDI"). Social Security Disability Insurance (SSDI) is not considered public assistance.<sup>15</sup>
  - For recipients of general assistance select "Yes" in the "General Assistance" field
  - For recipients of Refugee Cash Assistance select "Yes" in the "Refugee Cash Assistance" field
  - For participants who are homeless select "Yes" in the "Homeless" field
  - For current recipients of TANF select "Currently Receiving" from the "TANF" field.
- 2) For Adults who are "other low income individuals":
  - Select the appropriate choice from the "Income Previous 6 Months:"
    - i. At or below 100% of the FPL
    - ii. At or below 70% of the LLSIL
    - iii. Neither of the Above
  - Enter the size of the participants family in "Family Size"
- 3) For Adults who are "basic skills deficient" select "Yes" in the "Basic Skills Deficient" field.

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<sup>15</sup> See WIA Policy Update 07-03: Cash Public Assistance and National School Lunch Program

**Action Required:**

This policy is effective on August 1, 2016. The WDBs must ensure that all staff and case managers are aware of this policy and implement it correctly.

**Questions and/or Technical Assistance and Training:**

If you need additional information regarding this policy, please contact the Local Program Liaison assigned to your area.

**Basic Skills Deficiency Screener**

Customer Name: \_\_\_\_\_

Today's Date: \_\_\_\_\_

Customer PIN: \_\_\_\_\_

1) Do you have a high school diploma, General Education Development (GED) certificate or High School Equivalent (HSE) certificate?  Yes  No

2) Can you follow basic written instructions and diagrams with no or some assistance?  Yes  No

3) Can you complete basic medical forms or job applications?  Yes  No

4) Can you add, subtract, multiply and divide with whole numbers up to 3 digits?  Yes  No

5) Can you perform basic tasks on a computer?  Yes  No

6) Is your level of English good enough to get and keep a job?  Yes  No

Participant Signature: \_\_\_\_\_

Date Signed: \_\_\_\_\_

**Outcome of assessment** (For case manager use only)

Was the individual able to complete this questionnaire without assistance?  Yes  No

If any of the questions on this screening tool have been answered "No," then the individual should be assessed as basic skills deficient.

Is the individual basic skills deficient?  Yes  No

Case Manager Signature: \_\_\_\_\_

Date Signed: \_\_\_\_\_

Case Manager Name: \_\_\_\_\_