

COMMONWEALTH OF VIRGINIA
Virginia Community College System
Workforce Investment Act (WIA)

Policy Number:	03-03
Effective Date:	October 23, 2008
Revision #:	1
Revision Date:	October 17, 2008
Rescission Date:	
Title:	Declaration of Funding and Priority of Service for Adults under the Workforce Investment Act

PURPOSE

Although Workforce Investment Act (WIA) funds are presumed to be limited, the status of funds across Virginia varies. Therefore, local areas must survey the economic conditions, unemployment rates, demand industries and occupations, etc. to determine whether or not this presumed interpretation is prevalent in their respective areas. Additionally, as customers' needs increase and begin to direct the flow of WIA funds, it becomes necessary to prioritize. This policy provides the process for making this declaration and prioritizing services delivered to adults in the local area.

REFERENCES

1. Code of Virginia. Section 9-329.1(F).
2. P.L. 105-220. Workforce Investment Act (WIA), Sections 101, 121 and 134.
3. Title 20 CFR Part 663 and 652
4. U.S. Department of Labor Employment and Training Guidance Letter No.17-05 (February 17, 2006), *ETA Performance Accountability System*.
5. U.S. Department of Labor Employment and Training Guidance Letter No 5-03, *Implementing the Veterans Priority Provision for the "Jobs for Veterans Act"* (P.L. 107-288)

POLICY STATEMENT

Annually, Local Workforce Investment Boards (LWIBs) must determine whether funds allocated to serve the eligible adults under WIA are limited for the program year. This determination, whether limited or unlimited, must be documented, made available for public comment and forwarded to Workforce Development Services. In the event that funds are declared limited, the LWIB must also develop a priority of service policy that demonstrates how services will be provided to the eligible adults in the area. As economic conditions (and other variables used to make this determination) change, this declaration must be revised to accommodate these variances. The above requirements are applicable to revisions of local area funding determinations.

Making the Determination

In making the determination that funding is limited, LWIBs must take into consideration the availability of other workforce investment funding, including National Emergency Grants, Rapid Response funds, Temporary Assistance for Needy Families funds and any other public or private resources that are available to fund employment and training activities in the local area.

Subsequently, since Congress presumes that WIA funds are limited, LWIBs must consider the current economic conditions of the local area, including population and demographic data, unemployment statistics, labor market information, and past expenditure trends in employment and training activities. In addition to research gathered from surveying the aforementioned resources, **all** of the following must be true if a LWIB declares that local funds are **UNLIMITED**:

1. The LWIB receives funds from other sources that are equivalent to at least 50% of the total WIA allocation.
2. The LWIB receives in-kind contributions from other sources that are equivalent to at least 25% of the total WIA allocation.
3. The local area has an unemployment rate that is less than the state average.

All of the information used in the determination must be documented and submitted to the Workforce Development Services. The official declaration must be stated in the local strategic plan, which can be updated through amendment, as necessary. The documentation provided to the Workforce Development Services must also include the approximate cost of providing workforce investment services to each participant, and the number of participants (new and existing) that are anticipated during the program year.

Priority of Service Policy

In the event that adult funds are determined to be limited, the LWIB must develop a priority of service policy. 20 CFR Sec. 663.600 (a) specifies that at a minimum the policy must grant priority to individuals who are receiving public assistance or are classified as "low-income" in accordance with WIA definitions. 20 CFR Sec. 652 Subpart B specifies that veterans meeting the low-income guidelines must receive first priority for receipt of intensive and training services. (P.L. 107-228; TEGL 5-03). WIA specifies that first priority must be given to veterans who meet the low-income guidelines.

Establishing a priority does not prohibit the LWIB from serving other eligible participants, as well. However, LWIBs must give first priority to veterans for receipt of intensive and

training services when serving other eligible participants not meeting the low-income or public assistance criteria. (20 CFR 652 Subpart B; TEGL 5-03).

Additional priorities may also be set for specific populations, such as individuals with significant barriers to employment or for participants interested in training for occupations that are in demand in the area. The priority may be established by providing services based on points that are assigned to specific barriers or reserving a percentage of available funds for target populations.

A change to the LWIB limited funding declaration must be submitted to Workforce Development Services for approval prior to implementation.

ATTACHMENT:

Attachment A - Priority of Service Requirements

RESCISSIONS

This policy replaces a portion of 00-06, *Universal Access, Adult Eligibility and Priority of Services* and rescinds Field Guidance Memorandum 02-05, *Priority of Services*.

REVISION/RESCISSION

Dr. Glenn DuBois
Chancellor, Virginia Community College System

Peter Blake
Vice Chancellor, Virginia Community College System

DATE: October 23, 2008

**Virginia Community College System
Workforce Development Services**

Virginia Community College System Workforce Investment Act (WIA)

Virginia Community College System Policy 03-03
Declaration of Funding and Priority of Service for Adults under the Workforce
Investment Act
Attachment A: Priority of Service Requirements

Title 20 CFR Section 600(b) specifies that adult funding is presumed generally limited, thus often insufficient to provide adult employment and training activities to all interested participants. Federal law stipulates that in the event that funds allocated to a local area for adult employment and training activities are limited, priority shall be given to recipients of public assistance (defined as cash assistance) and other low-income individuals for intensive services and training services. (WIA Sec. 134(d)(4)(E)). Federal priority guidelines apply to adult funds only; therefore, funds allocated for youth and dislocated workers are not subject to this requirement. (20 CFR 663.610). The definition for “low-income individual” reflected in WIA Title I Subtitle A, Section 101 must be used by LWIBs when developing screening criteria, data collection and documentation process. (WIA Sec. 101(25)).

Priority of Services

LWIBs must develop priority of service guidelines that reflect the special needs of their local areas, in concordance with federal mandate to serve public assistance recipients and other low-income populations, if adult funds are limited. The priority of service policy must include, but is not limited to, guidelines addressing the following issues:

1. Any adult priority of service policy must provide priority to recipients of public assistance and other low-income individuals in the local area unless the local area has determined that funds are not limited; and
2. Criteria may include the availability of other funds for providing employment and training related services in the local area, the needs of specific groups in the local area, or other appropriate factors.

As clarified in 20 CFR 663.600, the process for determining whether to apply the priority provision **does not** necessarily mean that **only** recipients on public assistance and other low income individuals may receive WIA adult-funded intensive and training services when funds are determined to be limited in a local area. The LWIB may establish a process that gives priority for services to recipients on public assistance and other low-income individuals that **also serves other individuals meeting eligibility requirements**. However, LWIBs must give first priority to veterans for receipt of intensive and training services when serving other eligible participants not meeting the low-income or public assistance priority criteria. (20 CFR 652 Subpart B; TEGL).

Since core services must be universally available to all adults, residency may not be used for priority of services regarding core services. Subsequently, adults cannot be categorically denied enrollment into intensive and training services based on residency.

However, if resources are limited for workforce development activities, LWIBs and chief local elected officials may use certain residency considerations as part of a priority ranking system. For example, clients who live in certain counties with high unemployment rates may receive a higher ranking than those that live in other areas within the local area. Those that reside outside of the local area may receive a lower ranking than those that live within the area.

LWIBs may also have different levels of priority for intensive services and training services. Any priority ranking system set up by a LWIB must be consistently applied at all one-stop centers within that local area. Additionally, the participant selection process that is based on this priority system must be appropriately documented. Any priority ranking system must be included in the local plan and approved by the Governor.