

Idaho Integrated WIOA Priority of Service Policy Approved 03-15-2023

The Workforce Innovation and Opportunity Act's (WIOA) priority of service provision provides an opportunity for more low-income and lower-skilled individuals to succeed. This opportunity reinforces WIOA's intent for state and local workforce development systems to serve more youth and adults most in need of employment and training services. Idaho has undertaken an effort to ensure its residents most in need are prioritized when Title I-B service providers must determine when to prioritize program enrollment. To assist these providers and interested parties the state has delineated the priority of service for each WIOA Title I-B program it administers and provides the definitions relevant to the various program priorities listed in Attachment A.

Specific program eligibility requirements for Idaho's Title I-B programs are found in the state's [WIOA Technical Assistance Guide](#). In addition, WIOA also allows states to implement incentives as an allowed payment for recognition and achievement directly tied to work experience, education, and training for those enrolled in these programs. The Workforce Development Council (WDC), as a local board, has authorized the Administrative Entity (AE) to develop the incentives for each program. As funding allows, WIOA service providers will (or may) implement the incentives as appropriate. When program funds are limited, WIOA service providers will use each program's Priority of Service outlined below to apply the available funds. Please refer to Idaho's WIOA Incentive Policy at [WIOA Youth Program Incentive Policy and Options \(idaho.gov\)](#) for more information.

Title I-B Youth Program Priorities

Reference: WIOA Sec. 129; 20 CFR 681.410; 681.590

History: Idaho Youth Service Priorities Policy – approved 10-13-2021

Youth Priority Service Groups

The Idaho Workforce Development Council directs 100% of Youth program funds towards serving Out-of-School Youth (OSY), except for Council approved special projects. Council approved special projects may include in-school-youth (ISY), utilizing program and/or recaptured funds. All program and special project expenditures will adhere to the 75% minimum for OSY unless the state receives a waiver from USDOL to increase the percentage for ISY.

The following OSY groups shall receive priority of service:

- Low-income youth involved with the justice system;
- Low-income youth in or exiting foster care;
- Low-income youth that are pregnant and/or parenting; and
- Low-income out-of-school youth with disabilities.

Establishing these WIOA youth program service priorities does not mean the program will exclusively serve these population groups. Instead, the Idaho youth program will emphasize the enrollment of these four demographic groups and prioritize these groups when funding levels or enrollment availability are reduced.

Work-based Learning Expenditure Priority

WIOA Youth programs must expend not less than 20 percent of the funds allocated to them to provide WIOA program youth with paid and unpaid work-based learning opportunities. This includes job shadowing, work experiences, pre-apprenticeships, internships, and on-the-job training activities. Expenditures applied towards this requirement include direct participant services and the staff costs associated with providing these services.

Title I-B Adult Service Priority Groups

Reference: WIOA 134(c)(3)(E); WIOA Final Rules 20 CFR 680.600; USDOL Training and Employment Guidance Letters No. 4-15, 16-16, 19-16 and 7-20; 38 USC 41; 20 CFR 1001.100; PL 107-288.

History: WDC-4-20-2016- WIOA#2; ID 2020-23 WIOA Combined State Plan, Mod 1

WIOA directs states to establish a statutory priority policy for individuals in the WIOA Adult program receiving individualized career and training services. This includes prioritization of the state's eligible veterans and eligible spouses of veterans over other eligible participants. This provision applies to all Department of Labor funded programs and many of its One-Stop partners. Below is Idaho's Priority of Service policy developed based on WIOA's statutory requirements.

Priority to Receive Service for Individualized Career Services and Training Services

1. Veterans and eligible spouses who are recipients of public assistance, low income or basic skills deficient.
2. Other individuals who are recipients of public assistance, low income or basic skills deficient.
3. Veterans and eligible spouses who are not recipients of public assistance, low income or basic skills deficient.
4. Other individuals who are not recipients of public assistance, low income, or basic skills deficient, but have a potential barrier to employment as defined by WIOA:
 - a. Displaced Homemakers
 - b. English Language Learners, Low Levels of Literacy, Cultural Barriers
 - c. Exhausting TANF within 2 years
 - d. Ex-offenders
 - e. Homeless individuals/runaway youth
 - f. Long-term unemployed
 - g. Migrant and Seasonal Farmworkers

- h. Persons with Disabilities (including youth)
 - i. Single Parents (Including single pregnant women)
 - j. Youth in foster care or aged out of system
 - k. Individuals within an under-represented demographic, such as sex, race, or ethnicity;
5. Other individuals within these recognized groups:
- a. Individuals within an under-represented demographic, such as sex, race, or ethnicity.
 - b. Individuals referred by other one-stop partner programs.
 - c. Individuals residing in rural counties.
6. Any other eligible individual determined to be appropriate for services or training to obtain or retain employment.

Title I-B Dislocated Worker Service Priority Groups

Reference: WIOA 134(c)(3)(E); WIOA Final Rules 20 CFR 680.600; USDOL Training and Employment Guidance Letters No. 4-15, 16-16, 19-16 and 7-20; 38 USC 41; 20 CFR 1001.100; PL 107-288.

History: WDC-4-20-2016- WIOA#2; ID 2020-23 WIOA Combined State Plan, Mod 1

Dislocated Worker Timeline/Eligibility Groups

- A. Three years** will be established as the timeframe from which the layoff, termination, or ending of self-employment occurred for dislocated worker eligibility purposes.
- B. Unlikely to Return**
Four weeks of unemployed time shall substantiate the participant's "unlikely to return" status to the previous industry or occupation. The four weeks of unemployed time can be waived if the case manager can verify/document that the registrant is unlikely to return to a previous industry or occupation.
- C. Duration Sufficient to Demonstrate Attachment to the Workforce**
Applicants must provide evidence that they have been employed fulltime (30 hours or more per week) in the same or similar occupation for at least one year out of the last three years immediately before program enrollment, or they must otherwise demonstrate that they have had a substantial attachment to the same or similar occupation for at least one year. The term "substantial" is based on calculating the fulltime equivalency of work history. "Fulltime" is defined as 30 hours per week at a minimum, which calculates to 1,560 hours worked per year.
- D. Substantial Layoff**
The state will incorporate the following definition, summarized from the Worker Adjustment and Retraining Notification (WARN) Act:
Any reduction in force which is not the result of a plant closing and which results in an employment loss at a single site of employment during any 30-day period of-

- at least 500 employees (excluding employees regularly working less than 20 hours per week) or
- b) at least 50 employees (excluding employees regularly working less than 20 hours per week) and at least 33 percent of the regular full-time workforce (excluding employees regularly working less than 20 hours per week).

E. *Terminated/Laid off*

- “Terminated/laid-off” refers only to involuntary discharge, not for cause, and precludes enrollment of individuals discharged for cause.
- Individuals may qualify as having been “laid off or terminated” when the cognizant Unemployment Insurance (UI) entity has adjudicated a separation and determined the individual’s decision to quit the job was warranted.
- In those instances where the applicant receives formal notification of monetary ineligibility for UI, the WIOA staff member may apply the rationale of “discharge not for cause” using information received from the employer regarding the individual’s separation.

F. *General Announcement*

A verifiable form of communication from the employer, authorized representative, or designee informing the public or the employees of the business closure or substantial layoff, including a planned closure date for the facility, is required.

G. *Self-Employed*

An individual who was self-employed (including but not limited to employment as a farmer, a rancher, or a fisherman) or was a contributing family member in a self-employment endeavor but is unemployed due to a business downturn or failure which occurred as a result of general economic conditions in the community in which the individual resides or because of natural disasters.

H. *Governor’s Group*

Individuals laid off or terminated due to natural disasters or severe economic downturns, as defined and approved by the Governor or his designated representative.

I. *Trade Adjustment Assistance (TAA) Participants*

If they choose, a worker enrolled in TAA and/or RTAA/ATAA may be eligible for enrollment in the WIOA Dislocated Worker (20 CFR 618.325(a)(1)) program, regardless of when the qualifying layoff event occurred. The exception to enrollment with the WIOA DW program is if the TAA/RTAA/ATAA participant does not meet general Dislocated Worker eligibility criteria (outlined in the WIOA TAG), such as lacking Selective Service registration. All other individuals must follow the state WIOA Dislocated Worker eligibility requirements.

Attachment A – Workforce Innovation and Opportunity Act definitions

Definitions from WIOA §3:

(5) **Basic Skills Deficient** – The term “basic skills deficient” means, with respect to an individual–

- (A) who is a youth, that the individual has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or
- (B) Who is a youth or adult that is unable to computer 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.

(36) **Low-Income Individual** -

(A) In general, the term “low-income individual” means an individual 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 or the supplemental security income program established under the Social Security Act, or State or local income-based public assistance.

(ii) Is in a family with a 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;

***Note**-Idaho uses the 70% Lower Level Standard Income Level (LLSIL) issued annually by USDOL, along with the Poverty guidelines provided by US Health and Human Services (HHS) to determine eligibility for low income WIOA participants under WIOA §(3)(35)(ii). Annually, these guidelines are posted on the Administrative Entity’s website as a [WIOA Information Bulletin](#) and may be found accordingly. See (B) below.*

(iii) Is a homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994), or a homeless child or youth (as defined by the McKinney-Vento Homeless Assistance Act;

(iv) Receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act

(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 income meets the income requirement of clause (ii) but who is a member of a family whose income does not meet this requirement.

(B) Lower Living Standard Income Level – The term “lower living standard income level”

(adjusted for regional, metropolitan, urban, and rural differences and family size) is determined annually by the Secretary of Labor based on the most recent lower living family budget issued by the Secretary.

(50) **Public Assistance** – The term “public assistance” means Federal, State, or local government cash payments for which eligibility is determined by needs or income test.