

VI WORKFORCE DEVELOPMENT BOARD POLICY DOCUMENT

Workforce System Guidance WIOA 403-21

TO: WIOA Grant Recipients; Administrative Entities; One-Stop Partners

SUBJECT: WIOA Title I Priority of Service

DATE: July 26, 2021

References:

- WIOA Title I sec. 134(c)(3)(E) ETA Training and Employment Guidance Letter (TEGL) No. 19-16

Purpose: To provide policy guidance to WIOA Grant Recipients, Administrative Entities, Title I Providers, One-Stop Partners and other Stakeholder for the implementation of priority of service for WIOA Title I Adult program customers.

Background: Section 134(c)(3)(E) of WIOA requires priority be given to public assistance recipients, other low-income individuals, and individuals who are basic skills deficient, when providing individualized career services and training services using WIOA Title I Adult program funds. In addition, the Jobs for Veterans Act (JVA) of 2002 (Public Law 107-288) requires priority of service for veterans and eligible spouses in qualified job training programs. Lastly, training and Employment Guidance Letter (TEGL) 19-16 specifies that priority should also be applied to individuals that are both underemployed and low-income.

WIOA provides a focus on serving individuals with barriers to employment, and the intent of this priority in the law is to ensure access to these populations on a priority basis. Under WIA, priority was required for public assistance recipients and other low-income individuals when funds were limited. Under WIOA, priority of service is required regardless of the funding levels and is expanded to include individuals who are basic skills deficient.

Policy:

Other Priority Groups Designated by the Governor: Dislocated Workers as Defined by WIOA Sec. 3 are designated as a priority Group.

Priority of Service Order: The priority of service for veterans and eligible spouses always applies across all qualified employment and training programs. The priority of service for public assistance recipients, other low-income individuals, and individuals who are basic skills deficient is a statutory priority that applies only to the receipt of individualized career services and training services in the WIOA Title I Adult program. Priority of service for the Title I Adult

program must be applied in the following order to all individuals that otherwise meet Adult program eligibility:

1. Veterans and eligible spouses who meet the statutory priority (public assistance recipient, other low-income individuals including the underemployed, or basic skills deficient) must receive the highest level of priority for services;
2. Other individuals (not veterans or eligible spouses) who meet the statutory priority (public assistance recipient, other low-income individuals including underemployed, or basic skills deficient) then receive the second level of priority for services;
3. All other veterans and eligible spouses then receive the third level of priority for services;
4. Other individuals (not veterans or eligible spouses) who do not meet the statutory priority (public assistance recipient, other low-income individuals including underemployed, or basic skills deficient), but who are individuals with barriers to employment as defined by this policy or who meet local discretionary priority, then receive the fourth level of priority for services.
5. Other individuals (not veterans or eligible spouses) who do not meet the statutory priority (public assistance recipient, other low-income individuals including underemployed, or basic skills deficient) who are not individuals with barriers to employment as defined by this policy nor meet the local discretionary priority, then receive the fifth level of priority for services.

Priority of Service Definition: Priority of service means that individuals in the targeted groups (public assistance recipients, other low-income individuals, individuals who are basic skills deficient, and underemployed who are also low-income) are given priority over other individuals for receipt of individualized career services and training services funded by the Title I Adult program. Veterans within these groups receive priority over non-veterans. Adult priority is determined for the targeted groups during eligibility and enrollment.

Priority of service does not mean that individuals outside of targeted groups cannot access services. Rather it means that individuals in such targeted groups should receive access to services earlier in time than those who are not. If a resource is limited, then individuals in the targeted groups should access the service instead of, or before, those who are not. For a service such as classroom training, priority of service applies to the selection procedure, as follows: First, if there is a waiting list for the formation of a training class, priority of service is intended to require individuals in the targeted groups to go to the top of that list. Second, priority of service applies up to the point at which an individual is both approved for funding and accepted or enrolled in a training class. Therefore, once an individual outside of targeted groups has been approved for funding and accepted/enrolled in a training class, priority of service is not intended to allow an individual from the targeted groups who is identified subsequently to “bump” the previously approved individual from that training class.

Rapid Response is a critical economic and workforce development service intended to promote economic recovery by identifying, preparing for, and addressing layoffs and dislocations, and preventing or minimizing impacts on workers, businesses, and communities. The objective of Rapid Response Teams should be to serve as many businesses as possible to engage and meet the needs of dislocated workers consistent with the WIOA Final Rule, Rapid Response systems shall contain the following:

1. Informational and direct reemployment services for workers;
2. Delivery of solutions to businesses in transition;
3. Convening, brokering, and connecting networks and partners to address the workforce needs of dislocated workers; and
4. Strategic planning, data gathering, and data analysis to anticipate, prepare for, and manage economic transition.

Rapid Response services shall be delivered when one of the following occurs:

1. A notice of permanent closure of a facility has been provided by an employer, regardless of the number of employees affected.
2. A notice of a mass layoff by an employer has occurred. A mass layoff is an event where 50 or more employees are at risk of job loss.
3. A mass job dislocation has occurred due to a natural disaster or other unforeseen event.
4. A Trade Adjustment Assistance (TAA) petition has been filed.
5. Rapid Response services should be delivered in cases where a Non-WARN layoff occurs.

The Virgin Islands will provide Rapid Response and layoff aversion services to businesses consistent with 20 CFR Subpart C, 682.320 Layoff Aversion Strategies Activities and 20 CFR Subpart C, 682.330 Required Rapid Response Activities.

The day-to-day coordination of Rapid Response services to businesses that are experiencing layoffs or closures is the responsibility of the state designated entity, the Virgin Islands Department of Labor (VIDOL). VIDOL serves as the sub-recipient of Rapid Response funds to provide Rapid Response provision of services.

VIDOL in cooperation with the Board and One Stop/Title I Operator must outline their regional layoff aversion strategy and their role in the Rapid Response. In order to apply for assistance through Rapid Response funds, the Virgin Islands does not necessarily need to have a plant closure or mass layoff event, however, the application must be supported with a documented increased demand for dislocated worker services.

As part of layoff aversion, the SWDB will consider fostering strategies and implement initiatives that support upward mobility within the labor market—the promotion of skills development so workers can keep and advance in jobs in industry sectors such as manufacturing, information technology, healthcare, and transportation/logistics.

The Commissioner of Labor or his/her designee, in cooperation with the SWDB shall establish a team to address dislocated worker services. The team shall regularly review dislocation

activity, including layoff aversion, in the territory to ensure the coordinated activity of the agencies and representatives that are crucial to the service of dislocated workers. These team members shall consist of:

- Rapid Response Coordinator
- Adult & Dislocated Worker State Coordinator / Title I One Stop Operator
- A representative from the state workforce development board
- A representative of the Wagner-Peyser Program
- A representative from the Virgin Islands Economic Development Authority
- A representative from the University of the Virgin Islands

On an annual basis a report will be submitted to the State Workforce Development Board and the Governor's Chief Workforce Advisor. This may be a designated Committee of the SWDB.

Mass Layoff or Plant Closure Events

Under the auspices of the SWDB Rapid Response Plan, if a mass layoff, plant closure, or similar event is pending or has occurred, the SWDB shall work with the VIDOL and WIOA Title I Operator and Rapid Response designated entity (if existing) concerning provision of Rapid Response services, including conducting activities to mitigate unemployment. Upon receipt of notification of a plant closing or substantial/mass layoff, or similar event, if such notification was provided to the Commissioner of Labor, the Rapid Response activities will commence.

The designated Rapid Response Coordinator will work with the affected company to gather information regarding the impacted population. Examples of this data collection include but are not limited to:

- Demographic details
- Job titles
- Salary information
- Education/skill levels
- Time with company
- Worker interest in accessing services and types of services most beneficial

Using this information, Rapid Response staff as designated by the Commissioner of Labor, will develop a customized plan of activities and services to be provided to impacted workers.

Services shall include onsite activities to the laid-off workers by the Rapid Response team and as permitted and appropriate by the company. Working together, Rapid Response staff and the SWDB, shall develop a leveraged resources approach that leverages WIOA Title I formula funds, territory Rapid Response funds, and other appropriate employment and training

resources (both WIOA and non-WIOA funds) to fully address the needs of workers and businesses.

Application for Rapid Response Funds to supplement Virgin Islands' allocated resources shall include the following:

1. A plant closing or mass layoff "trigger event," such as a WARN notification, an emergency plant closure an urgent nature where WARN notification was not possible, or a significant increase in the number of unemployed individuals in the area that can be documented.
2. Documentation on the types of services and level of services needed to rapidly reemploy impacted individuals, which can include types of training appropriate to address the plant closure or mass layoff.
3. The SWDB shall demonstrate a funding need beyond what the Virgin Islands' WIOA Dislocated Worker and other resources can handle for the service provision needed and apply for additional funds, if necessary, from the US Department of Labor.

Factors such as the timing of the layoffs, the size of the dislocation, the needs of the affected workers and the available funding sources, will determine how services are funded and whether an application for a National Dislocated Worker Grant should be submitted to the U.S. Department of Labor. Rapid Response funds may be used to provide the same types of career and training services permitted under the formula funded WIOA Dislocated Worker program.

- Separate fiscal and participant tracking and reporting will be required.
- Participants shall receive dual enrollment services where possible and appropriate.
- Funds awarded shall supplement, and not supplant other funding sources available to support Rapid Response related activities.

Layoff Aversion Strategies

The SWDB should utilize innovative strategies to address worker skill deficiencies to promote middle and high-skills employment in the Virgin Islands. In doing so, the Rapid Response Plan shall identify layoff aversion strategies and activities to be undertaken during the program year.

As layoff aversion opportunities are identified, the SWDB may prioritize and designate funding to undertake layoff aversion strategies. The funding guidelines shall include the following:

1. Amount of the funding request and budget narrative.
2. Identification of the population to be served and justification for serving said population.
3. Types of services and proposed outcomes.
4. Demonstration of employer support for proposed activities and services, including the business' financial support of the activities as applicable.
5. Relation to economic development initiatives in the local area.

6. Demonstration of leveraged resources, including, but not limited to, use of formula WIOA funds, other related workforce development funds, as well as private funds.

The WIOA Title I Administrator will monitor initiatives and projects for outcomes and compliance.

Inquiries: Questions should be addressed to the Workforce Development Board at sonia.boyce@dol.vi.gov
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