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STATE INSTRUCTION NUMBER 13-05, Change 1

To: Workforce Area Signatory Officials
Workforce Area Administrators
DEW Regional Managers
DEW Veterans' Services Staff

Subject: Expansion and Clarification of Definitions for the Disabled Veterans' Outreach Program (DVOP)

Issuance Date: March 16, 2015

Effective Date: Immediately

Purpose: This state instruction expands and clarifies the definition of significant barriers to employment (SBE) for the Disabled Veterans' Outreach Program (DVOP). In addition, it clarifies policy for serving veterans ages 18 to 24 for DVOP specialists.

References:

- Training and Employment Guidance Letter (TEGL) 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*
- Veterans' Program Letter (VPL) 07-09, *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*
- TEGL 19-13, *Jobs for Veterans' State Grants (JVSG) Program Reforms and Roles and Responsibilities of American Job Center (AJC) Staff Serving Veterans*
- TEGL 19-13, Change 1, *Expansion and Clarification of Definition of Significant Barriers to Employment for Determining Eligibility for the Disabled Veterans' Outreach Program (DVOP)*
- VPL 03-14, *Jobs for Veterans' State Grants (JVSG) Program Reforms and Roles and Responsibilities of American Job Center (AJC) Staff Serving Veterans*
- VPL 03-14, Change 1, *Expansion and Clarification of Definition of Significant Barriers to Employment for Determining Eligibility for the Disabled Veterans' Outreach Program (DVOP)*
- VPL 04-14, *Designation of Additional Population of Veterans Eligible for Services from the Disabled Veterans' Outreach Program Specialist – Veterans Ages 18 to 24*
- TEGL 20-13, *Designation of Additional Population of Veterans Eligible for Services from the Disabled Veterans' Outreach Program Specialist – Veterans Ages 18 to 24*
- TEGL 20-13, Change 1, *Designation of Additional Population of Veterans Eligible for Services from the Disabled Veterans' Outreach Program Specialist – Veterans Ages 18 to 24*

Background: The US Department of Labor (DOL) and the state of South Carolina are committed to serving transitioning service members, veterans, and their families by providing resources to assist and prepare them to obtain meaningful careers and maximize their employment opportunities. Veterans and other covered persons receive priority of service for all employment and training programs funded directly, in whole or in part, by DOL.

One of the strategies used by DOL to serve veterans is the Jobs for Veterans' State Grants (JVSG) program, which provides funds to states to exclusively serve veterans and other eligible spouses and to perform outreach to employers. JVSG funds are provided to states to fund the following types of positions:

- Disabled Veterans' Outreach Program (DVOP) Specialist – provides intensive services and facilitates placements to meet the employment needs of veterans, prioritizing service to special disabled veterans, other disabled veterans, and other categories of veterans in accordance with priorities determined by the Secretary of Labor.
- Local Veterans' Employment Representative (LVER) – principal duties are to: (1) conduct outreach to employers in the area to assist veterans in gaining employment, including conducting seminars for employers and, in conjunction with employers, conducting job search workshops and establishing job search groups; and (2) facilitate employment, training, and placement services furnished to veterans.

Policy: Last year DOL developed guidance to identify the veterans prioritized and emphasized by DVOP statute. As a result, DVOP specialists **must** limit their activities to providing services to eligible veterans and eligible spouses who:

- A. meet the definition of an individual with a Significant Barrier to Employment (SBE), or
- B. are members of a veteran population identified by the Secretary of Labor as eligible for DVOP services.

The above groups were defined in State Instruction 13-05. However, DOL has recently issued clarification for each as follows.

A. Individual with a Significant Barrier to Employment (SBE)

The updated list of eligible veterans and eligible spouses defined as having a SBE is provided below. New language is in bold text. Updated statutory references also appear in bold.

1. A special disabled or disabled veteran, as those terms are defined in 38 U.S.C. § 4211(1) and (3); Special disabled and disabled veterans are those:
 - who are entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Secretary of Veterans Affairs; or,
 - were discharged or released from active duty because of a service-connected disability;

The determination of disability under this SBE definition must be made solely on the basis of self-identification. Any individual who separated from active duty because of a service-connected disability qualifies as a disabled veteran regardless of the number of days of active duty served, as does any veteran with a disability rating provided by the Department of Veterans Affairs (VA) (or a military Service issued disability determination) as described in 38 U.S.C. § 4211(1). An individual who attests to having a disability claim pending with the VA should be considered to have an approved claim for the purposes of determining SBE.

In requesting this information, all of the following requirements must be met: (1) any written questionnaire used for this purpose must make clear that the information requested is intended for use solely in connection with effort to give priority to persons with disabilities (if no written questionnaire is used, this information must be made clear orally); and (2) the staff member or person seeking the information must state clearly that the information is being requested on a voluntary basis, that it will be kept confidential, that refusal to provide it will not subject the applicant or participant to any adverse treatment, and that it will be used only in accordance with law.

2. Homeless, as defined in Section 103(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302(a));
3. **A recently-separated service member, as defined in 38 U.S.C. § 4211(6), who has been unemployed for 27 or more weeks in the previous 12 months, i.e. the term of unemployment over the previous 12 months remains 27 weeks; however, the requirement of 27 consecutive weeks is eliminated;**
4. **An offender, as defined by the Workforce Innovation and Opportunity Act (WIOA) Section 3 (38), who is currently incarcerated or who has been released from incarceration, i.e. the expanded definition of SBE includes any eligible veteran or eligible spouse who is currently or was formerly incarcerated by removing the *within the last 12 months* requirement (Prior to the effective date of WIOA on July 1, 2015, the definition of offender at WIA Section 101(27) will be used. The definition of offender in WIOA is identical to the definition of offender in WIA.);**
5. Lacking a high school diploma or equivalent certificate; or
6. **Low-income individual as defined by WIOA Section 3(36).** (Prior to the effective date of WIOA on July 1, 2015, the definition of low-income individual at WIA section 101(25) will be used.)

B. Additional Veteran Population Identified by the Secretary of Labor as Eligible for DVOP Services


1. Prior guidance from DOL identified veterans ages 18 to 24 as a priority category to receive, upon request, intensive services from DVOP staff. **DOL has since clarified that the words "upon request" should be deleted.**

In recent years, veterans ages 18 to 24 have experienced a higher rate of unemployment than other veterans, as well as nonveterans of the same age. DOL is anticipating an increase in the number of veterans 18 to 24 transitioning from active military service. This group of veterans may also possess limited civilian work history, which can make transitioning to the civilian labor force more difficult. Based on these facts, the Secretary of Labor determined veterans between the ages of 18 and 24 may need and benefit from the intensive services provided by DVOP specialists.

Action: An eligible veteran or eligible spouse who is identified as having a SBE (as defined in Section A. above) must be immediately referred to a DVOP specialist. Veterans ages 18 to 24 must also be referred to DVOP specialists. In instances where a DVOP specialist is not available, referrals to a DEW career development specialist will be made. Also, veterans with a SBE or in a specified category must have access to all appropriate SC Works services and are not limited to receiving services only from DVOP specialists. Veterans and eligible spouses who do not meet the SBE definition, or are not within a specified category identified by the Secretary of Labor, are to be referred to appropriate non-JVSG SC Works staff member(s) to receive core, intensive, and/or training services, on a priority basis. Priority of service means that veterans and eligible spouses are given priority over non-covered persons for the receipt of employment, training, and placement services. This means that a veteran or an eligible spouse either receives access to a service earlier in time than a non-covered person, or, if the resource is limited, the veteran or eligible spouse receives access to the services instead of or before the non-covered person.

The Veterans' Services Intake Form (see attached) has been updated to reflect expansion and clarification of definitions for DVOP services. Prior versions of this form should be discarded. Please ensure that all appropriate staff receive and understand this State Instruction. SC Works intake procedures should be modified accordingly.

Inquiries: Questions may be directed to Marlin Bodison at mbodison@dew.sc.gov or 803-737-9936.



Patricia Sherlock, Director
Policies and Procedures

Attachment: *Veterans' Services Intake Form (3/15)*

Veterans' Services Intake Form

Date: _____

Priority of service is the right of veterans and eligible military spouses to receive employment, training, and placement services before non-eligible persons, as long as other provisions of the law are met. Please complete this questionnaire to determine your eligibility for priority services provided by Disabled Veterans' Outreach Program (DVOP) Specialists.

Full Name: _____ SCWOS User ID: _____

Contact Information: (_____) Email: _____
 Home Phone Cell Phone

Complete this section if you are a veteran or an eligible military spouse.

An eligible veteran or eligible military spouse is determined to have a Significant Barrier to Employment (SBE) if he or she meets at least one of the six criteria below:

1. *Are you a special disabled or disabled veteran who:
 - is entitled to compensation (or but for the receipt of military retired pay would be entitled to compensation under laws administered by the Secretary of Veterans' Affairs)? Yes No
 - was discharged or released from active duty because of a service-connected disability? Yes No
2. Are you a homeless veteran? Yes No
3. Are you a recently-separated service member who has been unemployed for 27 or more weeks in the previous 12 months? Yes No
4. Are you an offender who is currently incarcerated or who has been released from incarceration? Yes No
5. Are you lacking a high school diploma or equivalent certificate? Yes No
6. Are you a low-income individual? Yes No

Complete this section if you are an eligible military spouse.

Are you the spouse of:

7. A veteran who died of a service connected disability? Yes No
8. A member of the Armed Forces who:
 - Is missing in Action? Yes No
 - Was captured in the line of duty? Yes No
 - Is being forcibly detained by a foreign government or power? Yes No
9. A veteran who has a Department of Veterans Affairs total disability rating? Yes No
10. A veteran who died while a Department of Veterans Affairs total disability rating existed? Yes No

Complete this section if you are a veteran age 18-24.

The Secretary of Labor has designated veterans ages 18-24 as a target population for veteran services. This group of veterans transitioning from active military service is expected to increase in the near future and may possess limited civilian work history and higher rates of unemployment.

11. Are you between the ages of 18 and 24? Yes No
12. Do you have limited civilian work history? Yes No
13. Are you unemployed? Yes No
14. Are you transitioning from active military service? Yes No

Military Documents

15. Do you have a DD214 in your possession? Yes No
16. Do you need assistance in requesting military documents? Yes No

**Provision of this information is strictly voluntary and the information will be kept confidential. The purpose of this information is strictly for determining priority of service to individuals with disabilities. Refusal to provide the information will not subject anyone to adverse treatment. The information will be used only in accordance with the law.*