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STATE INSTRUCTION NUMBER 13-05, Change 2

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

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

Issuance Date: November 9, 2015

Effective Date: Immediately

Purpose: This state instruction expands and clarifies the definition of homeless as a significant barrier to employment (SBE) for the Disabled Veterans' Outreach Program (DVOP).

References:

- Section 11302 of U.S.C. Title 42, The Public Health and Welfare, Chapter 119, Homeless Assistance, Subchapter 1, General Provisions
- Section 103 of The McKinney-Vento Homeless Assistance Act, Section 11302 of U.S.C. Title 42, as amended by The Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act of 2009, P.L. 111-22, Section 1502
- Workforce Innovation and Opportunity Act (WIOA) of 2014, P.L. 113-128; enacted July 22, 2014, Definitions, § 3(24)(G) and § 3(36)(A)(iii)
- 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)
- TEGl 19-13, Change 2, Expansion and Clarification of Homeless Definition as a Significant Barrier to Employment (SBE)
- 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 03-14, Change 2, Expansion and Clarification of Homeless Definition as a Significant Barrier to Employment

Background: In April of 2014, 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:

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

Per DOL guidance, the above groups were defined in State Instruction 13-05, and further clarified in Change 1 transmitted March 16, 2015.

Policy: DOL has recently issued guidance expanding the definition of homeless as a Significant Barrier to Employment to include domestic violence and other dangerous or life-threatening conditions. The definition of homeless as a SBE is updated to include paragraph (b) of Section 103 of the McKinney-Vento Homeless Assistance Act, which considers homeless to be any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions in the individual's or family's current housing situation, including where the health and safety of children are jeopardized, and who have no other residence and lack the resources or support networks to obtain other permanent housing.

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. **A homeless person, as defined in Sections 103(a) and (b) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302(a) and (b)), as amended;**
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;
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;
5. An individual lacking a high school diploma or equivalent certificate; or
6. A low-income individual as defined by WIOA Section 3(36).

There are no changes to the additional veteran population identified by the Secretary of Labor as eligible for DVOP services. Veterans aged 18 to 24 continue to be a priority category to receive intensive services from DVOP staff.

Action: Staff should ensure that intake procedures and referrals to DVOPs incorporate the modification to the SBE definition outlined above. The Veterans' Services Intake Form (see attached) has been reformatted and updated to reflect expansion and clarification of the homeless definition for DVOP services. Prior versions of this form should be discarded. All other procedures as outlined in State Instruction 13-05, Change 1 remain active. Please ensure that all appropriate staff receive and understand this State Instruction.

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 (11/2015)*

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 military spouse.

Are you the spouse of:

1. A veteran who died of a service connected disability? Yes No
2. A member of the Armed Forces serving on active duty who is currently and has been listed in one or more of the following categories for a total of more than 90 days:
 - Missing in Action? Yes No
 - Captured in the line of duty by a hostile force? Yes No
 - Forcibly detained or interned in the line of duty by a foreign government or power? Yes No
3. A veteran who has a Department of Veterans Affairs total disability rating? Yes No
4. A veteran who died while a Department of Veterans Affairs total disability rating existed? Yes No

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:

5. *Are you a special disabled or disabled veteran who:
 - is 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 Yes No
 - was discharged or released from active duty because of a service-connected disability? Yes No
6. Are you homeless, to include domestic violence and other dangerous or life-threatening conditions affecting your permanent residence? Yes No
7. Are you a recently-separated service member who has been unemployed for 27 or more weeks in the previous 12 months? Yes No
8. Are you an offender who is currently incarcerated or who has been released from incarceration? Yes No
9. Are you lacking a high school diploma or equivalent certificate? Yes No
10. Are you a low-income individual? 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.*