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COMMISSIONER

Policy Subject:	Requirements for Referring Veterans with Significant Barriers to DVOP Specialists	Policy No.	PY15-20 CHANGE 1
To:	<ul style="list-style-type: none"> Local Workforce Development Boards WIOA Title I Service Providers Bureau of Employment Services Staff 		
From	Edward D. Upham, Bureau Director		
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Reference/ Authority:	<ul style="list-style-type: none"> TEGL 20-13 Change 2 VPL 03-19 VPL 03-14, VPL 03-14 Change 1, VPL 03-14 Change 2 		
<i>Definitions of Terms at end of this document</i>			

Purpose:

This policy revises Policy PY15-20 by expanding the categories of eligible veterans to be referred to, and served by, Disabled Veteran’s Outreach Program Specialists (DVOPS), it now includes Vietnam era veterans.

Background:

Maine is 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.

Title 38 U.S.C. Chapter 4103A mandates specific roles and responsibilities for Disabled Veteran’s Outreach Program Specialists (DVOPS). Veteran’s Program Letter (VPL) 03-14, clarifies the roles of staff under the Jobs for Veteran’s State Grants (JVSG). USDOL guidance limits the populations of veterans and eligible persons who may be referred to, and served by, a DVOP specialist and defines those categories of veterans and eligible spouses who are prioritized as those having significant barriers to employment (SBEs). On February 7, 2019, the USDOL issued Training Employment and Guidance Letter (TEGL) 20-13 Change 2 and Veteran Program Letter (VPL) 03-19 which updated the list of priority groups that can be served by DVOPs to include Vietnam era veterans.

Policy:

DVOP Responsibilities

DVOPs provide individualized career services to eligible veterans and eligible spouses with significant barriers to employment who require such services to obtain or retain employment leading to self-sufficiency. 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) who has self-attested to belonging to at least one of the six categories below:
- 1.** Special-disabled or disabled veteran, as defined in 38 U.S.C. §4211(1) & (3), is a veteran who:
 - i.** Is entitled to compensation (*or who but for the receipt of military retirement pay would be entitled to compensation*) under the laws administered by the Secretary of Veterans Affairs; or,
 - ii.** Who was discharged or released from active duty because of a service-connected disability;
 - 2.** Homeless – A homeless person, as defined in Sections 103(a) and (b) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 1302 (a) and (b), as amended. Include paragraph (b) of Section 103 of the McKinney-Vento Homeless Assistance Act, which considers “homeless” to be any individual or family member 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.
 - 3.** Recently separated service member means an eligible veteran who during the three-year period beginning on the date of such veteran's discharge or release from active duty has been unemployed for 27 or more weeks in the previous 12 months (*does not have to be 27 consecutive weeks*);
 - 4.** An offender, as defined by WIOA Section 3 (38), refers to any eligible veteran or eligible spouse who is currently incarcerated or has been released from incarceration;
 - 5.** Lacking a high school diploma or equivalent certificate; or
 - 6.** Low-income as defined by WIOA Section 3 (36).
- b.** Are members of a veteran population identified by the USDOL under 38 U.S.C. 4103(a) (1) (C) as eligible for DVOP services and detailed in TEGL 20-13 Change 2 and VPL 03-19. The current such categories include:
- 1.** Any veteran between the ages of 18-24.
 - 2.** Vietnam-era Veterans, for which any part of their active military, naval, or air service was during the Vietnam era (the period beginning February 28, 1961, and ending May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during that period, and the period beginning August 5, 1964, and ending May 7, 1975, in all other cases).
 - 3.** Eligible Transitioning Service Members, Spouses, and Caregivers
 - a.** Transitioning service members (TSMs) of the Armed Forces who have been identified as in need of Individualized career services;
 - b.** Members of the Armed Forces who are wounded, ill, or injured and receiving treatment in military treatment facilities or warrior transition units;
 - c.** The spouses or other family caregivers of such wounded, ill, or injured members

This guidance limits the number of eligible veterans and eligible spouses served by DVOP specialists. Limiting DVOP specialists to serving only veterans and eligible spouses who meet the criteria in paragraphs (a) and (b) above ensures that the DVOP specialists are serving the specific population of eligible veterans and eligible spouses prioritized by 38 U.S.C. 4103A. It also ensures that DVOP specialists are better able to fulfill their primary responsibility of providing individualized career services to those they serve.

The SBE categories were developed to implement the priority and maximum emphasis requirements of 38 U.S.C. 4103A (a). As required by that subsection, “special disabled veterans” and “disabled veterans” (*as those terms are defined in 38 U.S.C. 4211(1) and (3)*) are included in the group of veterans who are given priority because they have a significant barrier to employment. In addition, the SBE categories give priority to the other categories of veterans and eligible spouses identified by the U.S. Secretary of Labor and give maximum emphasis to serving veterans and eligible spouses who are educationally or economically disadvantaged, such as certain groups of veterans and spouses who have been removed from the workforce for significant periods of time. Additionally, under 38 U.S.C. 4103A (a) (1) (C), USDOL may choose to prioritize additional categories of veterans and eligible spouses who may receive Individualized services from DVOP Specialists. Any additional priorities will be set forth in separate guidance.

USDOL will regularly reassess the definition to ensure it reflects the best available data and trends associated with veteran employment and continues to identify those veterans who are to be given priority and maximum emphasis for DVOP services under 38 U.S.C. 4103A (a).

Requirement

An eligible veteran or eligible spouse who is identified as having an SBE must be immediately referred to a DVOP specialist or, in instances where a DVOP specialist is not available, another one-stop system provider of individualized career services. The Employment and Training Administration anticipates that approximately 30 percent of veterans seeking individualized career services nationwide will be identified as having an SBE.

Managing the DVOP Caseload

A DVOP specialist that does not have a full case-load of eligible veterans and eligible spouses who meet the criteria in paragraphs **a.** and **b.** above the DVOP specialist may perform additional activities, in the order specified below:

1. Review all open case files of current participants with an SBE or in a priority category and perform case management duties.
2. Conduct relationship building, outreach and recruitment activities with other service providers in the local area, to enroll SBE and priority category veterans.

Wagner-Peyser, title IB, and other workforce system partner staff will continue to provide services, including individualized career services, to veterans and eligible spouses as appropriate under the programs they administer. This guidance does not limit the ability of non-JVSG staff to provide individualized career services to veterans who do not have an SBE or are not in a veteran category specified by USDOL.

Veterans with an SBE or in a specified category must have access to all appropriate one-stop system services and are not limited to receiving services only from DVOP specialists. Those veterans not

meeting the SBE definition or not within a specified category identified by DOL are to be referred to appropriate workforce system programs to receive basic or individualized career services and/or training services, on a priority of service basis. MDOL will provide technical assistance to local area partners to assist in the coordination of efforts between DVOP specialists and one-stop system staff to ensure that all veterans are receiving needed services.

Definitions

Eligible Veteran -- A person who: **a)** served on active duty for a period of more than 180 days and was discharged or released with other than a dishonorable discharge; **b)** was discharged or released from active duty because of a service-connected disability; **c)** was a member of a reserve component under an order to active duty, served on active duty during a period of war or in a campaign or expedition for which a campaign badge is authorized and was discharged or released from such duty with other than a dishonorable discharge; or **d)** was discharged or released from active duty by reason of a sole survivorship discharge.

Eligible Spouse –Spouses of any of the following:

- a. Any veteran who died of a services-connected disability;
- b. Any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:
 - i. Missing in action;
 - ii. Captured in the line of duty by a hostile force; or
 - iii. Forcibly detained or interned in the line of duty by a foreign government or power; or
- c. Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs or any veteran who died while such a disability was in existence.”

Family Caregiver—Family caregiver is defined under 38 U.S.C. 1720G (d) as - Assistance and support services for caregivers:

- 1) The term ‘caregiver’, with respect to an eligible veteran... means an individual who provides personal care services to the veteran.
- 2) The term ‘family caregiver’, with respect to an eligible veteran... means a family member who is a caregiver of the veteran.
- 3) The term ‘family member’, with respect to an eligible veteran means an individual who—
 - A. Is a member of the family of the veteran, including—
 - i. A parent;
 - ii. A spouse;
 - iii. A child;
 - iv. A step-family member; and
 - v. An extended family member; or
 - B. Lives with but is not a member of the family of the veteran.

For the purposes of this policy and U.S.C. Title 38, caregivers support members of the Armed Forces who are wounded, ill, or injured and receiving treatment in military treatment facilities or warrior transition units, rather than veterans.

Low-Income – An individual that meets one of the criteria below (WIOA Section 3[36]):

1. Receives, or in the past six months has received, or is a member of a family that is receiving or in the past six months has received:
 - a. assistance through the Supplemental Nutrition Assistance program (SNAP) established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) referred to as Food Stamps;
 - b. assistance through the program of block grants to States for Temporary Assistance to Need Families (TANF) under part A of Title-IV of the Social Security Act (42 U.S.C. 601 et. seq.), or State or local income-based public assistance;
2. Is in a family with total family income that does not exceed the higher of:
 - a. the poverty line; or
 - b. 70% of the lower living standard income level (LLSIL) (*Note: LLSIL means that income level, adjusted for regional, metropolitan, urban, and rural differences and family size, determined annually by the USDOL on the most recent lower living family budget issued*)
3. Is homeless (see above definition);
4. Receives, or is eligible to receive, free or reduced priced school lunch;
5. Is a foster child on behalf of whom State or Local government payments are made; or is an individual with a disability whose own income meets the income requirements **1** or **2** above, but who is a member of a family whose income does not meet this requirement?

Questions may be directed to:

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