



STATE OF MAINE  
DEPARTMENT OF LABOR  
BUREAU OF EMPLOYMENT SERVICES  
55 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0055

Paul R. LePage  
GOVERNOR

Jeanne S. Paquette  
COMMISSIONER

<b>Subject of Policy:</b>	<b>Referring Veterans with Significant Barriers to DVOP Specialists</b>	<b>Policy No.</b>	<b>PY15-20</b>
<b>To:</b>	<ul style="list-style-type: none"> <li>• Local Workforce Development Boards</li> <li>• Title I Program Directors</li> <li>• BES Managers &amp; Directors</li> <li>• BRS Managers &amp; Directors</li> <li>• Adult Education Providers</li> </ul>	<b>From:</b>	Richard Freund, Acting Bureau Director and Deputy Commissioner of Labor
<b>Issuance Date</b>	<b>March 08, 2016</b>	<b>Status</b>	<b>ACTIVE</b>
<b>Reference/ Authority:</b>	<ul style="list-style-type: none"> <li>• VPL 03-14, change 1, change 2</li> <li>• VPL 04-14</li> <li>• VPL 08-14</li> </ul>		
<i>Definitions of Terms at end of this document</i>			

**Purpose:**

This policy provides guidance on referring eligible veterans and spouses to Disabled Veteran’s Outreach Program specialists.

**Background:**

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, the Maine Department of Labor (MDOL) continues to provide priority of service to veterans and eligible spouses for all its funded programs. With the release of VPL 03-14 on April 10, 2014 and VPL 03-14 Change-1, on February 11, 2015, the populations eligible to receive services from DVOP specialists were refocused to individuals with “significant barriers to employment” or “SBEs”. This policy reflects the clarifications in the definition of SBEs outlined in VPL 03-14, Change-1 and replaces references to the Workforce Investment Act (WIA) with the Workforce Opportunity and Innovation Act (WIOA), which superseded WIA in 2014.

**Policy:**

Priority of Service

Veterans and eligible spouses must continue to receive priority of service from among all participants for all programs funded by the Maine Department of Labor (MDOL). This requirement remains the same under WIOA and must still be applied in accordance with guidance in the Maine Department of Labor, Bureau of Employment Services Policy PY15-23.

DVOP Responsibilities

In USDOL employment programs, including Jobs for Veterans’ State Grants (JVSG), Wagner-Peyser (W-P), and WIOA programs, intensive or individualized services are provided to both unemployed participants who require such services to obtain employment and to employed participants who require such services to obtain or retain employment leading to self-sufficiency. In accordance with 38 U.S.C. 4103A (a), DVOP specialists must provide intensive/individualized career services to eligible veterans and eligible spouses to help address their employment needs, prioritizing services to special disabled and other disabled veterans and to other eligible veterans in accordance with priorities determined by the USDOL. The statute also requires that DVOP specialists place maximum emphasis on assisting veterans who are economically or educationally disadvantaged. To ensure that DVOP specialists are able to fulfill their statutory responsibilities to provide intensive/individualized career

services to these categories of veterans, MDOL has developed the following guidance to identify the veterans prioritized and emphasized by the DVOP requirement.

### Realignment of DVOP Responsibilities

In order to realign the role of DVOP specialists, MDOL is directing that 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 have self-attested to belonging to at least one of the six criteria 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. 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. This 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 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 VPLO4-14 and VPL 08-14. The current such categories include:
  1. Transitioning service members (TSMs) of the Armed Forces who have been identified as in need of intensive/individualized career services;
  2. Members of the Armed Forces who are wounded, ill, or injured and receiving treatment in military treatment facilities or warrior transition units;
  3. The spouses or other family caregivers of such wounded, ill, or injured members; and
  4. Any veteran between the ages of 18-24.

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

While the DVOP specialists’ provision of intensive/individualized services to these veterans and eligible spouses may include some core services, serving a more limited population will allow DVOP specialists enough time to

devote a majority of their time to providing intensive or individualized services. The veterans who do not fall into one of the categories that are served by DVOP specialists are eligible to be served by other CareerCenter staff and are eligible for priority of service.

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 Secretary 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 intensive 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).

An eligible veteran or eligible spouse who is identified as having a SBE must be immediately referred to a DVOP specialist or, in instances where a DVOP specialist is not available, another CareerCenter provider of intensive/individualized services. For planning purposes, ETA and VETS anticipate that approximately 30 percent of veterans seeking CareerCenter services nationwide will be identified as having an SBE.

Case management continues to be an appropriate service delivery strategy or framework within which intensive services may be delivered, particularly for veterans. Intensive/individualized career services should be delivered following the case management framework in most cases. However, case management itself is a process, not a service, and is therefore not to be reported as a service, intensive/individualized career or otherwise.

Managing the DVOP Caseload

In the event that a DVOP specialist 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.

In addition, W-P, WIOA, and other partner staff will continue to provide services, including intensive/individualized career services, to veterans and eligible spouses as appropriate under the programs the staff administer. This guidance does not limit the ability of non-JVSG staff to provide intensive/individualized career services to veterans who do not have an SBE or are not in a veteran category specified by USDOL. Also, veterans with an SBE or in a specified category must have access to all appropriate CareerCenter 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 non-JVSG CareerCenter staff member(s) to receive core/basic career, intensive/individualized career, and/or training services, on a priority of service basis. MDOL will provide technical assistance to local areas to assist in the coordination of efforts between DVOP specialists and CareerCenter staff to ensure that all veterans are receiving needed services.

Sequence of Priority

USDOL does not interpret the VPL to require priority to be given in the order that these groups are listed in the VPL. Instead, DVOP specialists must provide the same priority to serving special disabled, other disabled and other

veterans prioritized by USDOL, including those identified as having Significant Barriers to Employment in this guidance.

### 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.

**Individuals with significant barriers to employment (SBEs)** – Veterans and eligible spouses are defined in Veteran’s Program Letter (VPL) 03-14 as eligible for services from Disabled Veterans’ Outreach Program (DVOP) specialists. The updated list of SMEs as defined in VPL 03-14, change 1, VP VPL 04-14, and VPL 08-14 means a member of one or more of the following populations:

1. Special disabled or disabled veterans - a veteran who:
  - a. Is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under the laws administered by the Secretary of Veterans Affairs; or,
  - b. Was discharged or released from active duty because of a service-connected disability;
2. Homeless - Individuals who lack a fixed, regular, and adequate nighttime residence as defined in Section 103(a) of the Stewart B. McKinney Homeless Assistance Act 42 U.S.C. 11302 (a). This 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 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 during the three-year period beginning on the date of such veteran's discharge or release from active duty, and who have 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)).
7. Transitioning service members (TSMs) of the Armed Forces who have been identified as in need of intensive / individualized career services;
8. Members of the Armed Forces who are wounded, ill, or injured and receiving treatment in military treatment facilities or warrior transition units;
9. The spouses or other family caregivers of such wounded, ill or injured members; and
10. Any veteran between the ages of 18-24.

**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:

David Klein, Division Director  
Workforce Programs  
Bureau of Employment Services  
Maine Department of Labor  
55 SHS, Augusta, ME 04333-0055  
[David.Klein@maine.gov](mailto:David.Klein@maine.gov)