

**Serving Special Populations Policy for the
Northeast Ohio Consortium Council of Governments
Workforce Innovation and Opportunity Act Policy C-07**

I. Purpose and General Outline.

The purpose of this policy is to outline requirements for implementation of service to veteran and eligible spouses for all DOL funded training programs.

II. Effective Date.

August 5, 2015.

III. Background.

On November 7, 2002, the Jobs for Veterans Act (JVA), Public Law (P.L.) 107-288 was signed into law. One provision of the JVA, codified at 38 U.S.C 4215, establishes a Priority of Service requirement for covered persons in qualified job training programs. While recipients of DOL funds for qualified job training programs have been required to provide priority of service since 2002, the publication of 20 C.F.R. Part 1010, Priority of Service for Covered Persons; Final Rule, which took effect on January 19, 2009, signaled that recipients of DOL funds for these job training programs should review and, if necessary, enhance their current policies and procedures to ensure that adequate protocols are in place.

Veterans under WIOA sec. 3(63)(A) and 38 U.S.C. 101 also receive priority of service in all Department of Labor-funded training programs under 38 U.S.C. 4215 and described in 20 CFR 1010. A veteran must still meet each program's eligibility criteria to receive services under the respective employment and training program. For income-based eligibility determinations, amounts paid while on active duty or paid by the Department of Veterans Affairs (VA) for vocational rehabilitation, disability payments, or related VA-funded programs are not to be considered as income in accordance with 38 U.S.C. 4213 and 20 CFR 683.230.

IV. Requirements.

A. General Statutory Requirements.

Priority of service means that covered persons are given priority over non-covered persons for the receipt of employment, training, and placement services funded in whole or in part by DOL, including Wagner-Peyser, Trade Adjustment Assistance (TAA), Workforce Innovation and Opportunity Act ("WIOA"), Senior Community Service Employment Program, Indian and Native American Programs, Migrant and Seasonal Farm workers, Workforce Innovation in Regional Economic Development Competitive Grants, and National Emergency Grants. All DOL funded grant recipients must implement and comply with locally developed priority of service policies. All program operators are required to ensure that priority of

service is applied to all subrecipients of DOL funds. The Area's priority of service policy is set forth within Area Policy C-08.

B. Notification of Priority of Service.

Physical copies of the Area Priority of Service policy shall be maintained at all service delivery points, including the OhioMeansJobs Center, and to the extent practicable, must be posted in a way that makes it possible for members of the general public easy access to them.

The Area shall also help individual customers become aware of the Priority of service policy by:

- Creating and publishing posters and handouts strategically placed at the OhioMeansJobs Centers to alert covered persons of their priority of service rights.
- Notifying priority of service rights by listing them on the local area and/or the OhioMeansJobs Center's websites or other portals by which job seekers remotely access resources, including self-service resources.
- Covering priority of service during orientations, both in-person or electronically (including local websites) must include a reference to priority of service rights.
- Noticing that all Veterans are provided with priority of service with respect to job postings by having all Veterans appear at the top of all employer driven candidate searches within OMJ.
- Making partner program staff within the OhioMeansJobs Centers and at other service delivery points aware of priority of service requirements. This must be accomplished at both the state and local levels through partner meetings and other types of communication such as information sheet or desk aid, self-service kiosks, and information bulletin boards.

C. Identifying Special Populations.

OMJ Center operators and Adult and Dislocated Worker providers shall enable veterans and eligible spouses to identify themselves at the point of entry to the system or program. Point of entry may include reception through an OhioMeansJobs Center, as part of an application process for a specific program, or through any other method by which veterans and eligible spouses express an interest in receiving services, either in-person or virtually.

OMJ Center operators and Adult and Dislocated Worker providers shall also enable all eligible adult workers, who are recipients of public assistance, are low-income, and/or are basic skills deficient, and for whom services are deemed appropriate to identify themselves as part of the eligibility determination process.

D. Applying Priority of Service.

The OhioMeansJobs Centers are to apply the priority of service definition to all covered persons who access the workforce system through the OhioMeansJobs Centers. Priority of service gives veterans and eligible spouses along with eligible adult workers, who are recipients of public assistance, are low-income, and/or are basic skills deficient to receive individualized career services, and training services ahead of all other eligible adults who are being contemplated to receive appropriate services.

1. Veteran's and Qualifying Spouses of Veterans.

During the initial intake processes (e.g., interview/assessment) with a customer, staff shall further explore the covered person's veteran status (e.g., number of days served and discharge status) and assess whether or not the covered person has a significant barrier to employment. Staff shall do this via use of the **Veterans Intake form** provided by ODJFS, see **Appendix One to this Policy**, and generally follow the Veterans Service Flow Chart see **Appendix Two to this Policy**.

If the covered person has at least one significant barrier to employment and meets the definition of eligible veteran or eligible spouse for the Jobs for Veterans State Grant (JVSG) program, the OhioMeansJobs Center staff shall refer this individual to the JVSG program. Furthermore, OhioMeansJobs Center staff shall also refer an eligible veteran age 18 to 24 years to the JVSG program as this population of veterans has experienced a higher rate of unemployment than other veterans as well as nonveterans of the same age. These eligible veterans may need and benefit from the intensive services provided by a DVOP specialist.

If the covered person does not have any significant barriers, does not meet the definition of eligible veteran or eligible spouse per the JVSG program, and/or is not aged 18 to 24 years, he or she may be provided other WIOA services, based upon eligibility and suitability.

2. Eligible Adult Workers who are Recipients of Public Assistance, are Low-Income, and/or Basic Skills Deficient Services.

During the eligibility determination process for adult workers seeking individualized career services and/or training, staff shall further explore the covered person's status as an individual who is a recipients of public assistance, are low-income, and/or are basic skills deficient.

E. Referral to the Jobs for Veterans State Grant (JVSG) Program.

If the individual meets the definition of eligible veteran for the JVSG program or is an eligible spouse, has at least one significant barrier to employment, and/or is aged 18 to 24 years, the OhioMeansJobs Center staff shall refer this covered person to the DVOP specialist within the JVSG program. A covered person should also be referred to the DVOP specialist if the covered person is later, after further assessment, determined by OhioMeansJobs Center staff to have a significant barrier to employment. The DVOP specialist will provide intensive services to mitigate the veteran's or eligible spouse's significant barriers to employment and transition these individuals into the civilian workforce. The DVOP specialist also coordinates with the LVER to match covered persons with job opportunities.

JVSG participants later found to be dishonorably discharged from the military, must be referred back to the OhioMeansJobs Center for further Wagner-Peyser employment services and/or WIOA staff-assisted core, intensive and/or training services. These individuals do not qualify for priority of service.

F. Documenting Status.

1. Veteran and Qualifying Spouses of Veterans Status.

It is not necessary for OhioMeansJobs Center staff to require verification of the status of a covered person at the point of entry, unless the individual who self-identifies as a veteran or eligible spouse:

- Is to immediately undergo eligibility determination and be registered or enrolled in a program; and
- Is registering or enrolling in a program for which the applicable federal program rules require verification of veteran or eligible spouse status at that time.

Even in those instances in which eligibility determination and enrollment occur at the point of entry, a covered person must be enrolled, be provided immediate priority, and be permitted to follow-up subsequently with any required verification of his or her status as a covered person.

For programs or services that cannot rely on self-attestation, verification of veteran status only needs to occur at the point at which a decision is made to commit outside resources to one individual over another.

For a referral to the JVSG program, documentation of the significant barrier to service is preferred. However, customers may qualify through self-attestation. A self-attestation checklist identifying the significant barriers may be added as part of the intake or assessment process. Any written questionnaire used for identifying a significant barrier must make clear that

the information requested is intended for use solely in connection with efforts to give priority to persons with disabilities. If written questionnaires are not used, this information must be made clear orally. The OhioMeansJobs staff 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 the information will not subject the applicant or participant to any adverse treatment, and that it will be used only in accordance with law.

2. Recipients of public assistance, low-income, and/or are basic skills deficient.

During the eligibility determination process for adult workers seeking individualized career services and/or training, staff shall further explore the covered person's status as an individual who is a recipients of public assistance, are low-income, and/or are basic skills deficient. When staff are determining income, the determination is to be made by gathering the income information for a full one-month period of at least 28 days or more, immediately prior to the review being made to determine self-sufficiency or income. This can be accomplished through the calculation of actual wages received, or where the income being considered is based on annual salary, by dividing that annual salary by 12.

Staff shall follow **Area Policy C-09** in documenting the same.

V. Data Collection and Reporting Requirements.

Training and Employment Guidance Letter (TEGL) No. 10-09 provides direction regarding the collection of data for serving veterans and eligible spouses and the implementation of priority of service. WIOA staff must ensure that all appropriate information regarding identified veterans or eligible spouses has been entered in Ohio's Workforce Case Management System (OWCMS). Pursuant to rule 5101:9-30-04 of the Ohio Administrative Code, information regarding WIOA participants and their activities and performance must be entered into Ohio Workforce Case Management System (OWCMS) accurately and timely. OWCMS may be used to assist in the determination of eligibility. **Area Workforce WIOA Policy C-09**, regarding Source Documentation for WIOA Eligibility, lists the type of acceptable documentation to verify eligibility for the WIOA adult and dislocated worker programs.

VI. Definitions.

Basic skills deficient: an individual who has English reading, writing, or computing skills at or below the 8th grade on a generally accepted standardized test or who is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual's family, or in society.

Caregiver: With respect to an eligible veteran, an individual who provides personal care services to the veteran.

Coordination activities: coordination between WIOA employment and training activities and child support agencies and services, Department of Agriculture extension programs, facilitating remote access by using technology and the OMJ delivery system, economic development agencies, linkages between public workforce system and employers and those between the OMJ delivery system and unemployment insurance programs, and organizations that provide services to individuals with disabilities.

Covered person: A veteran or his/her eligible spouse.

Disabled Veteran: A veteran who is entitled to compensation (or who, except for the receipt of military retired pay, would be entitled to compensation) under the Department of Veteran Affairs, or a veteran who was discharged or released from active duty, because of a service-connected disability.

Disabled Veterans' Outreach Program (DVOP) Specialist: The individual who provides intensive services and facilitates placements to meet the employment needs of veterans.

Eligible spouse: An individual who is one of the following:

1. The spouse of any person who died of a service-connected disability.
2. The spouse of any member of the Armed Forces serving on active duty who, at the time of application for assistance, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:
 - a) Missing in action;
 - b) Captured in the line of duty by a hostile force;
 - c) Forcibly detained or interned in the line of duty by a foreign government or power for a total of more than 90 days; or
 - d) The spouse of any person who has a total (100%) disability permanent in nature resulting from a service connected or the spouse of a veteran who died while a disability was so evaluated was in existence.

Eligible Veteran (for Jobs for Veterans State Grant (JVSG) Program): A person who:

1. Served on active duty for a period of more than 180 days and was discharged (or) released with other than a dishonorable discharge;
2. Was discharged or released from active duty because of a service-connected disability; or
3. Is a member of a reserve component under an order to active duty pursuant to section 12301 (a), (d), or (g), 12302 or 12304 of U.S.C. Title 10, served on active duty during a period of war or in a campaign or expedition for which a campaign badge was authorized, and was discharged or released from such duty with other than dishonorable discharge.

Family caregiver: With respect to an eligible veteran, a family member who is a caregiver of the veteran.

Family member: With respect to an eligible veteran, an individual who:

1. Is a member of the family of the veteran, including:
 - a) A parent;
 - b) A spouse;
 - c) A child;
 - d) A step-family member; and
 - e) An extended family member; or
2. Lives with, but is not a member of the family of the veteran.

Homeless individual (Sections 103 (a) and (b) of the McKinney – Vento Homeless Assistance Act (42 U.S.C. 11302 (a) and (b), as amended)) means the following:

1. An individual or family:
 - a) Who lacks a fixed, regular, adequate nighttime residence;
 - b) With a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;
 - c) Living in a supervised publicly or privately operated shelter designated to provide temporary living accommodations (including hotels and motels paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing); or
 - d) Who resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided; or
2. An individual or family:
 - a) Who will imminently lose their housing, including housing they own, rent, or live in without paying rent, are sharing with others, and rooms in hotels or motels not paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, as evidenced by:
 - 1) A court order resulting from an eviction action that notifies the individual or family that they must leave within 14 days;
 - 2) The individual or family having a primary nighttime residence that is a room in a hotel or motel and where they lack the resources necessary to reside there for more than 14 days; or

- 3) Credible evidence indicating that the owner or renter of the housing will not allow the individual or family to stay for more than 14 days, and any oral statement from the individual seeking homeless assistance that is found to be credible evidence for the purposes of this clause; and
 - b) Has no subsequent residence identified; and
 - c) Lacks the resources or support networks needed to obtain other permanent housing; or
3. Unaccompanied youth and homeless families with children and youth defined as homeless under other Federal statutes who:
 - a) Have experienced a long term period without living independently in permanent housing;
 - b) Have experienced persistent instability as measured by frequent moves over such period; and
 - c) Can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.
4. Notwithstanding any of the provisions above, the definition of “homeless” shall include 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 the children are jeopardized, and who have no other residence or lack the resources or support networks to obtain other permanent housing.

Local Veterans' Employment Representative (LVER): A representative who:

1. Conducts 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. Facilitates employment, training, and placement services furnished to veterans in a State under the applicable State employment service delivery systems.

Low Income Individuals/Adult including Recipients of Public Assistance: an individual who meets the statutory eligibility definitions for an Adult and who:

1. receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the program of block grants to States for temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or the supplemental security income program

- established under title CVI of the Social Security Act (42 U.S.C. 1381 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 percent of the lower living standard income level;
 3. is a homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))), or a homeless child or youth (as defined under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)));
 4. receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);
 5. is a foster child on behalf of whom State or local government payments are made; or;
 6. is an individual with a disability whose own income meets the income requirement of clause (ii), but who is a member of a family whose income does not meet this requirement.

Lower Living Standard Income Level: The term “lower living standard income level” means that income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary of Labor based on the most recent lower living family budget issued by the Secretary.

Non-covered person: Any individual who meets neither the definition of “veteran,” nor the definition of “eligible spouse.”

Offender: The term “offender” means an adult or juvenile:

- Who is or has been subject to any stage of the criminal justice process, and for whom services under this Act may be beneficial; or
- Who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

Priority of service: With respect to any qualified job training program, a covered person shall be given priority over a non-covered person in obtaining all employment, training, and placement services provided under the program.

Recently-Separated Service Member: Any veteran during the three year period beginning on the date of such veteran's discharge or release from active duty.

Service-connected disability: A disability resulting from disease or injury incurred or aggravated during active military service.

Special Disabled Veteran: A Veteran who is entitled to compensation under laws administered by the U.S. Department of Veterans Affairs for:

1. Disabilities rated at 30 percent or higher; or
2. Disabilities rated at 10 to 20 percent, if the individual has a serious employment disability; or
3. A veteran who was discharged or released from active duty because of a service-connected disability.

Spouse: Someone who is married.

Transitioning service member: An individual in active duty status (including separation leave) who registers for employment services and is within 24 months of retirement or 12 months of separation.

Veteran (for Priority of Service): Any person who served at least one day in the active military, naval, or air service, and who was discharged or released under conditions other than "dishonorable." Active service includes full-time Federal service in the National Guard or a Reserve component, other than full-time duty for training purposes.

VII. Monitoring.

The area will conduct oversight and monitoring of the implementation of all WIOA programming by all OMJ Center operators, partners, and/or providers pursuant to Area Workforce Policy D-03. Any issues discovered will be handled through the area's monitoring resolution process.

VIII. Technical Assistance.

To get questions answered and technical assistance regarding this policy or issues regarding administration of WIOA, you are urged to contact the Executive Director of the NOC COG at craigsernik@neohio.twcbc.com.

The question/issue will be researched, analyzed, and a formal written response will be provided. If a second opinion is required, the director is not available, or there is no clear answer to the question/issue, either the Executive Director or any OMJ Center or provider staff may seek additional guidance by submitting the same to the Office of Workforce Development: WIAQNA@jfs.ohio.gov; and by copying your request to the Executive Director of the NOC COG.

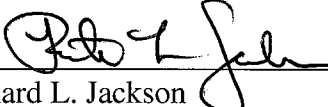
IX. References.

- Workforce Innovation and Opportunity Act, Public Law 113-128.
- Jobs for Veterans Act, § 2(a), Pub. L. 107-288, (codified at 38 USC § 4215).
- Priority of Service for Covered Persons; Final Rules, 73 FR 78142 - 78144 (December 19, 2008).
- 20 CFR §§ 1010.110 – 1010.200 (2008).

- 38 U.S.C. § 4211.
- USDOL, Training and Employment Guidance Letter No. 19-13, Change 2, Expansion and Clarification of Homeless Definition as a Significant Barrier to Employment (SBE), (October 30, 2015).
- USDOL, Training and Employment Guidance Letter No. 19-13, Change 1, Expansion and Clarification of Definition of Significant Barriers to Employment for Determining Eligibility for the Disabled Veterans' Outreach Program (DVOP), (February 11, 2015).
- USDOL, Veterans' Program Letter No. 03-14, Change 1, Expansion and Clarification of Definition of Significant Barriers to Employment for Determining Eligibility for the Disabled Veterans' Outreach Program (DVOP), (February 11, 2015).
- USDOL, Training and Employment Notice No. 10-14, American Job Center (AJC) Participation in Capstone Activities and Other Outreach to Transitioning Service Members, (September 29, 2014).
- USDOL Veterans' Program Letter No. 08-14, Designation for Additional Populations Eligible for Services from Disabled Veterans' Outreach Program (DVOP) Specialists: Transitioning Service Members in need of Intensive Services; and Wounded, Ill, or Injured Service Members Receiving Treatment at Military Treatment Facilities or Warrior Transition Units (MTFs - WTUs); and the Spouses and Family Caregivers of such Wounded, Ill or Injured Service Members, (September 26, 2014).
- USDOL, Training and Employment Guidance Letter No. 20-13, Designation of Additional Population of Veterans Eligible for Services from the Disabled Veterans' Outreach Program Specialist - Veterans Ages 18 to 24, (April 10, 2014).
- USDOL, Training and Employment Guidance Letter No. 19-13, Jobs for Veterans' State Grants (JVSG) Program Reforms and Roles and Responsibilities of American Job Center (AJC) Staff Serving Veterans, (April 10, 2014).
- USDOL Veterans' Program Letter No. 04-14, Designation for Additional Population of Veterans Eligible for Services from Disabled Veterans Outreach Program Specialist – Veterans Ages 18-24, (April 10, 2014).
- USDOL Veterans' Program Letter No. 03-14, Jobs for Veterans State Grants (JVSG) Program Reforms and Roles Responsibilities of American Job (AJC) Staff Serving Veterans, (April 10, 2014).
- USDOL, Training and Employment Notice No. 15-10, Protocol for 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 (DOL), (November 10, 2010).
- USDOL, Training and Employment Guidance Letter No. 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 (DOL), (November 10, 2009).

- USDOL Veterans' Program Letter No. 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, (November 10, 2009).
- ODJFS, Workforce Investment Act Policy Letter No. 13-04, Mandate Use of OhioMeansJobs.com for Job Placement and Referral Activities in Ohio, (December 26, 2013).
- ODJFS, Workforce Investment Act Policy Letter No. 10-07.3, Priority of Service for Veterans and Eligible Spouses (March 9, 2015).

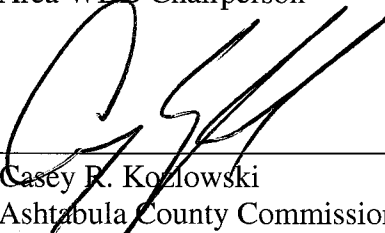
X. Signatures.



 Richard L. Jackson
 Area WDB Chairperson

9/21/20

 Date



 Casey R. Kozlowski
 Ashtabula County Commissioner
 Northeast Ohio Consortium Council of Governments,
 Chief Elected Official

9/18/20

 Date

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