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STATE EMPLOYMENT SERVICES INSTRUCTION NUMBER: 13-05

TO: DEW Area Directors
DEW Regional Managers

SUBJECT: Refocused Roles and Responsibilities of JVSG Staff

ISSUANCE DATE: April 23, 2014

EFFECTIVE DATE: **Immediately**

PURPOSE: This state instruction provides guidance on the implementation of the Disabled Veterans' Outreach Program (DVOP) and Local Veterans' Employment Representative (LVER) roles and responsibilities within local SC Works American Job Centers (AJC). The state instruction letter also designates an additional Veterans' population, ages 18 to 24, who are eligible to receive services from a Disabled Veterans' Outreach Program (DVOP) specialist.

REFERENCES: Veterans' Program Letters 03-14 and 04-14

BACKGROUND: The Department of Labor Veterans' Employment and Training Service has published new Veterans' Programs Letters (VPL) providing specific guidance of the roles and responsibilities of Jobs for Veterans' State Grant (JVSG) staff. The VPLs clarify the role of the Local Veterans' Employment Representative (LVER) and specify the veterans groups that will be seen by the Disabled Veterans Outreach Program specialists (DVOPs).

POLICY: It is the policy of the South Carolina Department of Employment and Workforce to adhere to programmatic guidelines issued by US Department of Labor Veterans' Employment and Training.

ACTION: SC Works American Job Centers must adopt intake and assessment procedures to ensure appropriate programmatic requirements are coordinated in accordance with VPL 03-14 and VPL 04-14. Center management personnel must document procedures created to ensure program compliance. All center personnel must be made aware of the operating procedure immediately.

Veterans Program Letter 03-14 outlines six Significant Barriers to Employment (SBE) affecting veterans. These barriers are:

- Special disabled and disabled veterans as defined in 38 U.S.C. chapter 4211;
- Homeless as defined in Section 103(a) of the Stewart McKinney Homeless Assistance Act (42 U.S.C. 11302(a));

- A recently separated service member who has been unemployed for 27 or more weeks in the previous 12 months;
- An offender as defined by WIA Section 101(27), who has been released from incarceration within the last 12 months;
- Lacking a high school diploma or equivalent certificate; or
- Low-income (as defined by WIA at Section 101 (25) (B)).

Any veteran who is identified as belonging to one of these SBE categories **must** be referred to the DVOP for intensive services. This is a change from the current guidance and is effective immediately.

The Secretary of Labor has designated another veterans group for DVOP services. VPL 04-14 allows veterans, ages 18-24, to seek DVOP services **upon request**. This group of veterans may possess limited civilian work history, higher rates of unemployment, and is probably transitioning from the active military service. This group of veterans is expected to increase in the near future. The DVOP must serve veterans identified as having one of the aforementioned SBEs and may provide services to veterans 18-24 years old upon request.


LVER Staff and Employer Outreach/Facilitation: LVERs must perform only the duties outlined in 38 U.S.C. 4104(b), which are related to outreach to the employer community and facilitation within the state's employment service delivery system. Therefore, LVERs must be assigned duties that promote to employers, employer associations, and business groups, the advantages of hiring veterans. When employer outreach is primarily accomplished by a "business services team" or like entity, the LVER must be included as an active member of that team. LVERs should advocate for all veterans served by the AJC with business, industry, and other community-based organizations by participating in appropriate activities such as:

- Planning and participating in job and career fairs;
- Conducting employer outreach;
- In conjunction with employers, conducting job searches and workshops, and establishing job search groups;
- Coordinating with unions, apprenticeship programs and businesses or business organizations to promote and secure employment and training programs for veterans;
- Informing federal contractors of the process to recruit qualified veterans;
- Promoting credentialing and licensing opportunities for veterans; and
- Coordinating and participating with other business outreach efforts.

In the course of this work, LVER staff must work with DVOP specialists and other AJC staff to provide job opportunities to specific veterans, and may meet with veterans to better understand and meet their employment needs. However, LVER staff should not provide direct staff assisted services to participants.

All SC Works American Job Centers must adopt intake and assessment procedures to check for the aforementioned SBEs and immediately refer those veterans to the DVOP. All staff must be informed of the changes and implement these changes immediately.

Inquiries: Questions concerning this policy guidance, VPL 03-14 or VPL 04-14, should be directed to Marlin Bodison, Director of Veterans Services, at (803) 737-9936 or MBodison@dew.sc.gov.



Rebecca Battle-Bryant
Employment Services

Attachments:

Veterans' Program Letter 03-14

Veterans' Program Letter 04-14

Jobs for Veterans' State Grants Program Refocusing:

1. Fact Sheet
2. Frequently Asked Questions (FAQ) Sheet

RBB:bc



APR 10 2014

VETERANS' PROGRAM LETTER NO. 03-14

TO: ALL REGIONAL ADMINISTRATORS AND DIRECTORS FOR VETERANS' EMPLOYMENT AND TRAINING
ALL STATE WORKFORCE AGENCY ADMINISTRATORS
ALL REGIONAL ADMINISTRATORS FOR EMPLOYMENT AND TRAINING ADMINISTRATION

FROM: KEITH KELLY
Assistant Secretary
Veterans' Employment and Training Service

ERIC M. SELEZNOW
Acting Assistant Secretary
Employment and Training Administration

SUBJECT: Jobs for Veterans' State Grants (JVSG) Program Reforms and Roles and Responsibilities of American Job Center (AJC) Staff Serving Veterans

1. **Purpose.** This Veterans' Program Letter (VPL) identifies for the public workforce system the refocused roles and responsibilities expected to be carried out by JVSG staff; conveys the duties they are to perform; and discusses the relationship of services provided by staff within the larger workforce system.

2. **References.**

- 38 U.S.C. chapter 41, Job Counseling, Training, And Placement Service For Veterans (38 U.S.C. 4100–4114), as amended, specifically:
 - 38 U.S.C. 4103A, Disabled veterans' outreach program; and,
 - 38 U.S.C. 4104, Local veterans' employment representatives.
- 38 U.S.C. chapter 42, Employment And Training Of Veterans (38 U.S.C. 4211–4215), as amended, specifically:
 - 38 U.S.C. 4215, Priority of service for veterans in Department of Labor job training programs.
- Workforce Investment Act of 1998 (WIA), as amended (29 U.S.C. 2801 *et seq.*).
- 20 CFR Part 1001, Services for Veterans.
- 20 CFR Part 1010, Application of Priority of Service for Covered Persons.
- 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 (DOL)* (<http://wdr.doleta.gov/directives/attach/TEGL/TEGL10-09.pdf>).
- Training and Employment Notice 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) (http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=2954).

- Veterans Program Letter (VPL) 01-10, *Jobs for Veterans State Grants Recurring Report Requirements*, dated January 15, 2010.
- VPL 05-05, *Direct and Indirect Charges*, dated May 23, 2005.
- 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* (http://www.dol.gov/vets/VPLS/VPLs/VPL_07-09/VPL_07-09_&Attachments_A-D%20.pdf).
- TEGL 19-13, *Jobs for Veterans' State Grants (JVSG) Program Reforms and Roles and Responsibilities of American Job Center (AJC) Staff Serving Veterans*

3. **Background.** The Department of Labor (DOL) 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. DOL's commitment is an important part of fulfilling our national obligation to the men and women who have served our country.

DOL serves transitioning service members, veterans, and their families through our current programs, such as Workforce Investment Act (WIA), Wagner-Peyser Employment Service (WP), the Jobs for Veterans State Grant (JVSG) programs, and Transition Assistance Program Employment Workshops, as well as through new initiatives, such as the Gold Card Initiative, and online national electronic tools, such as My Next Move for Veterans (www.mynextmove.org/vets/), and the CareerOneStop Veterans ReEmployment Portal (<http://www.careeronestop.org/reemployment/veterans/>). DOL-funded employment and training programs assisted in serving 1.6 million veterans from July 2011 to June 2012. Veterans and other covered persons receive priority of service for all employment and training programs funded directly, in whole or in part, by DOL, as provided in 20 CFR Part 1010.¹ These include many of the programs operated by the more than 2,500 AJCs², also

¹ Under 20 CFR Part 1010 and 38 U.S.C. 4215, "priority of service" is provided to all "covered persons." Section 4215(a)(1) defines "covered persons" to mean veterans and the spouses "of any of the following:

- a. any veteran who died of a service-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."

Under the regulatory definition of "covered persons", "veteran" is defined as it is in 38 U.S.C. 101(2) as a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable. Active service includes full-time duty in the National Guard or a Reserve component, other than full-time duty for training purposes.

² American Job Center is the unifying name that identifies One-Stop Career Centers, established under Section 134(c) of WIA, throughout the workforce system. The American Job Center network includes all the virtual and in-

known as One-Stop Career Centers, nationwide that serve as the cornerstones for the nation's workforce investment system.

While DOL continues to meet the employment and training needs of veterans, it recognizes that changes in workforce programs' service delivery strategies to veterans are needed to respond to the forecasted increase in veterans, including men and women transitioning from the wars in Iraq and Afghanistan, to the civilian labor force. The workforce system must respond to this increase while continuing to serve existing veterans and other non-veteran job seekers. Additionally, changes are needed to ensure that workforce programs are aligned with the roles and functions established in their authorizing legislation.

Upon review of JVSG, WP and WIA program performance indicators and participant characteristics, the Veterans' Employment and Training Service (VETS) and the Employment and Training Administration (ETA) began discussions on an approach to refocus JVSG staff on their statutory duties and ensure that eligible veterans and eligible spouses receive the best combination of services, according to their needs. The agencies determined that to accomplish this refocusing, Disabled Veterans' Outreach Program (DVOP) specialists will serve only those veterans and eligible spouses most in need of intensive services. As a result, DVOP specialists will serve a narrower group of veterans and eligible spouses, enabling the specialists to provide intensive services to a vast majority of the people they serve. This, in turn, will impact the AJC programs, including WP and WIA. As a result of these discussions, ETA and VETS are issuing this VPL and the parallel TEGL 20-13.

This guidance was jointly-developed by VETS and ETA to address refocusing and reforming of the JVSG program. The guidance further explains the role of the WP- and WIA- funded staff in continuing to ensure priority services are provided to veterans.

- 4. JVSG Program.** One of the strategies used by DOL to serve veterans is the JVSG program, which provides funds to states to exclusively serve eligible veterans, as defined in 38 U.S.C. 4101(4) and 4211(4),³ and other eligible spouses as defined in 38 U.S.C. 4101(5),⁴ and to perform outreach to employers. JVSG funds are provided to states to fund two staff positions:

person publicly-funded workforce development resources, including partner services and resources, that are available through the workforce system. See TEGL 36-11, *Announcement of American Job Center Network* (http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=7695).

³ 38 U.S.C. 4101(4) and 4211(4) define the term "eligible veteran" as 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 pursuant to section 12301(a), (d), or (g), 12302, or 12304 of title 10, 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 (as that term is defined in section 1174(i) of title 10).

⁴ Under 38 U.S.C. 4101(5), "eligible spouses" are the same spouses who are included as "covered persons" for purposes of priority of service, discussed in footnote 1 above.

Disabled Veterans' Outreach Program (DVOP) Specialists -- Under 38 U.S.C. 4103A(a), a DVOP specialist provides intensive services⁵ 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 (Secretary); and

Local Veterans' Employment Representatives (LVER) -- Under 38 U.S.C. 4104(b), the LVER's 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 in a State under the applicable State employment service delivery systems.

DVOP specialists and LVERs are an essential part of and fully integrated into the AJC network. They are included among the AJC partner staff, which consists of all staff employed by programs or activities operated by AJC partners listed in 29 U.S.C. 2841(b) that provide online and/or in-person workforce development or related support services as part of the workforce development system. Other AJC partner staff members include staff of WIA, WP, and other AJC network partner programs.

However, in recent years the integration of JVSG staff into the AJC Network has resulted in a blurring of roles and responsibilities, as DVOP specialists and LVERs have taken on additional veteran services and activities that are beyond the primary duties of these positions. Section 241 of the VOW to Hire Heroes Act of 2011 (VOW Act, Title II of Pub. L. 112-56) amended 38 U.S.C. 4103A and 4104. The VOW Act amendments specifically prohibit DVOP specialists and LVERs from performing non-veteran related duties that detract from their ability to perform their statutorily-defined duties related to meeting the employment needs of eligible veterans. Additionally, Section 241 of the VOW Act added provisions that require the Secretary to conduct regular audits to ensure compliance with the limitations on the duties of DVOP specialists and LVERs, and provide that the Secretary may reduce funding to any state determined not to be in compliance.

To meet the VOW Act requirement, VETS is developing auditing standards to ensure that DVOP specialists and LVER staff are performing their primary duties as specified in the authorizing legislation for the JVSG program (38 U.S.C. 4102A, 4103A, and 4104, as amended).

⁵ As explained in 38 U.S.C. 4101(9), the "intensive services" provided by DVOP specialists are the "intensive services" defined in WIA Section 134(d)(3) (29 U.S.C. 2864(d)(3)). Under section 134(d), intensive services include: comprehensive and specialized assessments of skill levels and service needs; development of an individual employment plan to identify the employment goals, appropriate achievement objectives and appropriate combination of services for the participant to achieve the employment goals; group counseling; individual counseling and career planning; and short-term prevocational services that may include development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare individuals for unsubsidized employment or training.

5. **DVOP Specialists and Intensive Services to Eligible Veterans and Eligible Spouses.** In DOL's employment programs, including JVSG, WP, and WIA programs, intensive 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 services to eligible veterans and eligible spouses to meet their employment needs, prioritizing service to special disabled and other disabled veterans, as defined by 38 U.S.C. 4211, and to other eligible veterans in accordance with priorities determined by the Secretary.⁶ 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 services to these categories of veterans, DOL has developed the following guidance to identify the veterans prioritized and emphasized by the DVOP statute.

In order to realign DVOP specialists' roles, DOL 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), specifically defined in **bold**, below paragraph (b), or
- b. are members of a veteran population identified by the Secretary under 38 U.S.C. 4103A(a)(1)(C) as eligible for DVOP services, as explained in separate guidance from DOL.

An eligible veteran or eligible spouse is determined to have a SBE if he or she attests to belonging to at least one of the six criteria below⁷:

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,**

⁶ The Secretary does not interpret the statute to require priority to be given in the order that these groups are listed in the statute. Instead, DVOP specialists must provide the same priority to serving special disabled, other disabled and other veterans prioritized by the Secretary, including those the Secretary has identified as having Significant Barriers to Employment in this guidance.

⁷ The determination of disability under the SBE definitions must be made solely on the basis of self-identification. 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 efforts 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.

- were discharged or released from active duty because of a service-connected disability;
- 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 at any point in the previous 12 months has been unemployed for 27 or more consecutive weeks;**
- 4. **An offender, as defined by WIA Section 101(27), who has been released from incarceration within the last 12 months;**
- 5. **Lacking a high school diploma or equivalent certificate; or**
- 6. **Low-income (as defined by WIA at Sec. 101(25)(B)).**

This guidance is meant to limit the number of eligible veterans and eligible spouses who DVOP specialists serve. 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 services to all the people they serve.

While the DVOP specialists' provision of intensive 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 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 AJC Staff, including WIA, WP, and other AJC program staff, and are eligible for priority of service as is discussed in section 8 below.

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 SBE. In addition, the SBE categories give priority to the other categories of veterans and eligible spouses identified by the Secretary and gives 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), the Secretary 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.

The Secretary 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 AJC provider of intensive services. For planning purposes, ETA and VETS anticipate that approximately 30 percent of veterans seeking AJC services nationwide will be identified as having a SBE.

Case management continues to be an appropriate service delivery strategy or framework within which intensive services may be delivered, particularly for veterans. Intensive 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 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 above (section 5, paragraphs a) and b)), the DVOP specialist may perform additional activities, in the order specified below:

1. Review all open case files of current participants with a 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 an AJC.

In addition, WP, WIA, and other AJC partner staff will continue to provide services, including intensive 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 services to veterans who do not have a SBE or are not in a veteran category specified by the Secretary. Also, veterans with a SBE or in a specified category must have access to all appropriate AJC 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 the Secretary are to be referred to appropriate non-JVSG AJC staff member(s) to receive core, intensive, and/or training services, on a priority of service basis. ETA and VETS will provide technical assistance to states and local areas to assist in the coordination of efforts between DVOP specialists and AJC staff to ensure that all veterans are receiving needed services.

6. **LVER Staff and Employer Outreach/Facilitation.** LVERs must perform only the duties outlined in 38 U.S.C. 4104(b), which are related to outreach to the employer community and facilitation within the state's employment service delivery system. Therefore, LVERs must be assigned duties that promote to employers, employer associations, and business groups the advantages of hiring veterans. When employer outreach is primarily accomplished by a "business services team" or like entity, the LVER must be included as an active member of that team. LVERs should advocate for all veterans served by the AJC with business, industry, and other community-based organizations by participating in appropriate activities such as:

- Planning and participating in job and career fairs;

- Conducting employer outreach;
- In conjunction with employers, conducting job searches and workshops, and establishing job search groups;
- Coordinating with unions, apprenticeship programs and businesses or business organizations to promote and secure employment and training programs for veterans;
- Informing Federal contractors of the process to recruit qualified veterans;
- Promoting credentialing and licensing opportunities for veterans; and
- Coordinating and participating with other business outreach efforts.

LVERs are also responsible for “facilitating employment, training, and placement services furnished to veterans in a State under the applicable State employment service delivery systems” (38 U.S.C. 4104(b)(2)). VETS defines this facilitation duty as the act of capacity building within the state’s employment service delivery system to ensure easier access to the appropriate employment and training services for job seeking veterans. LVERs should play an important role in assisting with the development of the service delivery strategies for veterans in their assigned AJC, as well as educating all AJC partner staff with current employment initiatives and programs for veterans.⁸

7. **Determining Appropriate Staffing Levels.** As part of the effort to refocus the workforce system, states should evaluate the proportion of DVOP specialists to LVER staff and their assignment to specific geographic areas.

First, data indicate that a significant number of LVER staff are performing the duties of a DVOP specialist, by providing direct services to eligible veterans instead of performing outreach to employers and facilitating placements, as required by 38 U.S.C. 4104(b). VETS requests that states take this opportunity to review the functions of LVER staff and determine the level of LVER and DVOP services needed. LVER staff should be assigned in numbers appropriate to provide outreach and facilitation services at the level needed within a workforce area. To the extent that states determine that the number of LVER staff should be reduced, there may be a corresponding increase in the number of DVOP specialists in the state.

Second, as DVOP specialists focus on veterans with a SBE, or those veteran populations specified by the Secretary, states may need to adjust the geographic assignment of DVOP specialists to accommodate demand. In other words, states should ensure that staffing plans place DVOP specialist positions in areas where the need of intensive services is greatest.

Determining the appropriate mix of JVSG staff and their geographic assignment will be an ongoing process for states, with assistance from DOL. VETS will review state plans and assist states in modifying plans to take these factors into consideration.

8. **Priority of Service.** On November 7, 2002, the Jobs for Veterans Act (JVA, Pub. L. 107-288) was enacted into law. One provision of the JVA, codified at 38 U.S.C. 4215,

⁸ LVERs may work directly with any AJC partner staff members to assist that staff member with placing a specific veteran participant.

establishes a priority of service requirement for “covered persons” (veterans and certain spouses of veterans, as defined by 38 U.S.C. 4215(a)(1)(A-B)), in qualified job training programs. Qualified job training programs include all workforce programs funded directly, in whole or in part, by DOL, such as WP and WIA employment services, and other job training programs offered through competitive grants. The final rule implementing the priority of service requirement took effect on January 19, 2009, and can be found at 20 CFR 1010. Additionally, ETA and VETS have provided policy guidance to the workforce investment system regarding the implementation of priority of service, including TEGL 10-09 and VPL 07-09. In brief, 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 provided under a qualified job training program. 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.

It is important to note that the priority of service requirements are not affected by this guidance; direct recipients of DOL funding remain subject to the priority of service guidance and regulations. Additionally, priority of service and the JVSG reforms should not be interpreted to limit veterans and eligible spouses to receiving services only from JVSG or other specialized staff. Procedures or policies that restrict a veteran’s access to WIA or WP services, even if such restrictions are intended to provide the veteran with specialized services, are contrary to the priority of service requirements.

9. **Performance Targets and Reporting.** States must continue to report intensive services delivered by DVOP specialists, as well as any intensive services delivered to veterans by other AJC staff, in accordance with the specifications of the Labor Exchange Reporting System, the performance reporting system for the WP and the JVSG programs (see ETA Handbook No. 406 for details). It is important that states accurately report the number of veteran participants and the services and outcomes achieved.

The changes to JVSG staff roles and responsibilities, as conveyed in this guidance, will necessarily result in adjustments to services being provided by WP and WIA staff. Consistent with this adjustment, VETS has established new performance guidelines for states, which will be used to ensure proper implementation of the policy set forth in this guidance.

To ensure that DVOP specialists are spending the majority of their time providing intensive services, VETS has established the following state performance goals, providing for incremental increases to allow time for full implementation of this guidance.

- Fiscal Year (FY) 2014: At least 50 percent of veterans and eligible spouses served by DVOP specialists will receive intensive services;
- FY 2015: At least 75 percent of veterans and eligible spouses served by DVOP specialists will receive intensive services;
- FY 2016: At least 90 percent of veterans and eligible spouses served by DVOP

specialists will receive intensive services.

States failing to meet the target must evaluate reasons for the low percentage and take appropriate actions to demonstrate incremental increases towards meeting this target.

The Director for Veterans' Employment and Training (DVET) in each state will closely monitor the state's quarterly progress towards reaching these targets and will provide ongoing technical assistance to ensure compliance with this guidance.

States currently report LVER employer outreach and job development efforts on the quarterly Manager's Report on Services to Veterans, including:

- Activities that promote the hiring of veterans and other eligible spouses and the results of those efforts;
- Activities that inform employers about incentives for hiring veterans;
- Job development contacts for veterans or other eligible spouses; and
- The number of veterans who entered employment following a job development contact.

The DVET in each state will closely monitor the information provided on the Manager's Report on Services to Veterans to ensure that each LVER, whether serving as a full-time or half-time LVER, is focused on activities aligned with their duties, as described in this guidance. States that do not demonstrate that the appropriate activities are being performed by LVER staff by the quarter ending December 31, 2014, will be identified for technical assistance by the DVET.

DOL is currently developing a metric to better assess and report on the performance and outcomes of LVER staff. Until new metrics are developed, the DVET will continue to closely monitor performance submitted via the VETS 200(B) report, as it is expected that direct services to veterans by LVER staff will significantly decline. Over the past two years, many states have already made significant progress in decreasing LVER staff's direct services to participants, as evidenced by this report. As states successfully refocus LVER positions on their statutorily-defined duties, ETA and VETS will consider if the VETS 200B report is still a valid reporting mechanism.

VETS will review the grant-based performance goals that were negotiated for PY 2013 to ensure that the goals align with this guidance.

- 10. Changes to Service Delivery within the WIA and WP Programs.** As described above, DOL is fully dedicated to serving the men and women who have served our country. JVSG is an essential partner within the AJC network, and DOL's efforts to reorient this program are intended to improve service delivery by clarifying the specific roles of JVSG staff while also reaffirming the responsibilities of other AJC partners to serve veterans as required by their governing statutes. The changes to the JVSG program will result in numerous benefits for veterans, including better targeting DVOP specialist-provided intensive services to those

veterans that require the most help to get back to work, while more effectively using the resources of other AJC partners in accordance with their authorizing legislation. Although a large number of veterans with SBEs and in specified categories will be served by DVOP specialists, ETA and VETS expect the overall number of veterans served by WP and WIA Adult and Dislocated Worker programs to increase as a result of JVSG realignment. This shifting of veteran service delivery among workforce programs is necessary to fully implement priority of service; focus all these programs, including WP and WIA, on the roles, responsibilities, and functions that are specified in their authorizing legislation; and provide for full implementation of VOW Act provisions.

- 11. Effective Date.** While the refocusing of the workforce system is effective upon the release of this guidance, DOL is mindful of the considerable time and resources required to ensure successful implementation. DOL will begin to assess states' implementation of this guidance beginning July 1, 2014.

DOL is dedicated to helping states implement this refocusing strategy and understands that it must provide enough time for AJCs to transition to the refocused roles and responsibilities of the affected programs.

Training and Online Resources

ETA and VETS are developing online training for all AJC frontline staff on the programmatic changes discussed in this guidance. Training is available through the National Veterans' Training Institute (NVTI) at <http://www.nvtihelpvets.ucdenver.edu>; all AJC staff will be able to access the training. Information will also be provided through ETA's Veterans' Priority Community of Practice (<https://veterans.workforce3one.org/>), which is open to all AJC staff. ETA and VETS also plan to host related Webinars for state and AJC staff.

Auditing, Monitoring, and Technical Assistance

VETS began auditing compliance of Title 38 in FY 2013 to collect baseline information. As auditing continues, VETS will provide technical assistance and corrective action plans to states determined to be out-of-compliance.

- 12. Action Requested.** State Administrators and AJC directors are requested to immediately transmit this VPL to appropriate staff. Additionally, the following actions are requested:
- States and AJCs should ensure standard operating procedures are updated to align AJC staff and processes with the requirements outlined in this guidance.
 - States must review the current performance plans and position descriptions for all DVOP specialists and LVERs to ensure that their duties align with those described in this VPL.
 - States must review their staffing plans to determine whether it is appropriate to increase the number of DVOP specialists, through an off-setting decrease in LVERs.
 - States should consult with the appropriate DOL regional office if technical assistance is needed.
- 13. Inquiries.** All inquiries should be directed to the appropriate ETA or VETS regional office.



APR 10 2014

VETERANS' PROGRAM LETTER NO. 04-14

TO: ALL REGIONAL ADMINISTRATORS AND DIRECTORS FOR VETERANS' EMPLOYMENT AND TRAINING
ALL STATE WORKFORCE AGENCY ADMINISTRATORS
ALL REGIONAL ADMINISTRATORS FOR EMPLOYMENT AND TRAINING ADMINISTRATION

FROM: KEITH KELLY
Assistant Secretary
Veterans' Employment and Training Service
ERIC M. SELEZNOW
Acting Assistant Secretary
Employment and Training Administration

SUBJECT: Designation of Additional Population of Veterans Eligible for Services from the Disabled Veterans' Outreach Program Specialist – Veterans Ages 18 to 24

1. **Purpose.** This Veterans' Program Letter (VPL) identifies for the public workforce system an additional population the Secretary has identified to receive, upon request, services provided by Disabled Veterans' Outreach Program (DVOP) specialists using a case management approach.

2. **References.**

- 38 U.S.C. chapter 41, Job Counseling, Training, And Placement Service For Veterans (38 U.S.C. 4100–4114), as amended, specifically:
 - 38 U.S.C. 4103A, Disabled veterans' outreach program; and,
 - 38 U.S.C. 4104, Local veterans' employment representatives.
- 38 U.S.C. chapter 42, Employment And Training Of Veterans (38 U.S.C. 4211–4215), as amended, specifically:
 - 38 U.S.C. 4215, Priority of service for veterans in Department of Labor job training programs.
- Workforce Investment Act of 1998 (WIA), as amended (29 U.S.C. 2801 *et seq.*).
- 20 CFR Part 1001, Services for Veterans.
- 20 CFR Part 1010, Application of Priority of Service for Covered Persons.
- 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 (DOL)* (<http://wdr.doleta.gov/directives/attach/TEGL/TEGL10-09.pdf>).
- Training and Employment Notice 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)*

(http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=2954).

- Veterans Program Letter (VPL) 01-10, *Jobs for Veterans State Grants Recurring Report Requirements*, dated January 15, 2010.
 - VPL 05-05, *Direct and Indirect Charges*, dated May 23, 2005.
 - 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* (http://www.dol.gov/vets/VPLS/VPLs/VPL_07-09/VPL_07-09_&_Attachments_A-D%20.pdf).
 - TEGL 19-13, *Jobs for Veterans' State Grants (JVSG) Program Reforms and Roles and Responsibilities of American Job Center (AJC) Staff Serving Veterans* (need link)
 - VPL 03-14, *Jobs for Veterans' State Grants (JVSG) Program Reforms and Roles and Responsibilities of American Job Center (AJC) Staff Serving Veterans*
 - TEGL 20-13 *Designation of Additional Population of Veterans Eligible for Services from the Disabled Veterans' Outreach Program Specialist – Veterans Ages 18 to 24*
3. **Background.** Title 38 U.S.C. 4103A mandates specific roles and responsibilities for Disabled Veterans' Outreach Program (DVOP) specialist staff. The Employment and Training Administration (ETA) and Veterans' Employment and Training Service (VETS) recently issued policy guidance on the distinct roles of the DVOP specialist. That guidance limits the populations of veterans and eligible persons that may be served by DVOP staff and defined those categories of veterans and eligible spouses who are being prioritized by the Secretary of Labor (Secretary) because they have significant barriers to employment.

Further, TEGL 19-13 and VPL 03-14 stated that, under 38 U.S.C. 4103A(a)(1)(C), the Secretary may identify additional groups of veterans who are entitled to receive intensive services from DVOP staff. This guidance identifies veterans ages 18-24 as such a priority category.

In recent years, veterans ages 18-24 have experienced a higher rate of unemployment than other veterans as well as nonveterans of the same age. The Department of Labor is anticipating an increase in the number of veterans 18-24 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 has determined veterans between the ages of 18 and 24 may need and benefit from the intensive services provided by a DVOP specialist.

4. **DVOP Services to Veterans Aged 18-24.** The population to be served by DVOP specialists includes any veteran ages 18-24.

As with all participants, when serving this population of veterans states are reminded that case management continues to be an appropriate service delivery strategy or framework within which intensive services may be delivered, particularly for veterans. Intensive 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 or otherwise.

5. **Actions Required.** This guidance is effective immediately. The following actions are requested:
- State Administrators and AJC directors are requested to immediately transmit this VPL to appropriate staff. States and AJCs should ensure standard operating procedures are updated to align AJC staff and processes with the requirements outlined in this guidance.
 - States must ensure that they have appointed a sufficient number of DVOP specialists to provide effective services to their client population, including veterans ages 18 to 24.
 - States should consult with the appropriate ETA or VETS regional office if technical assistance is needed.
6. **Inquiries.** All inquiries should be directed to the appropriate ETA or VETS regional office.

Jobs for Veterans' State Grants Program Refocusing

Commitment to Serving Veterans and Their Families

The U.S. Department of Labor (DOL) 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. DOL serves transitioning service members, veterans, and their families through national electronic tools and programs such as **Workforce Investment Act, Wagner-Peyser Employment Service, and Jobs for Veterans State Grant (JVSG)** programs.

Veterans and eligible spouses (hereinafter referred to as "veterans") receive **priority of service** for all employment and training programs funded directly, in whole or in part, by DOL. These include programs operated by the more than 2,500 American Job Centers (AJC), also known as One-Stop Career Centers, nationwide that serve as the cornerstones for the nation's public workforce investment system. Priority of service will not be affected by the refocusing of the JVSG program.

Refocus of Jobs for Veterans State Grant Program

DOL offers employment services to eligible veterans through the JVSG program, as well as through other staff in the AJCs. DOL is refocusing the JVSG program to ensure that veterans and eligible spouses receive the best combination of services from all AJC staff and to ensure that JVSG staff are focused on their statutory duties.

Disabled Veterans' Outreach Program (DVOP) specialists provide intensive services to disabled veterans and other veterans most in need of intensive services. Under the refocusing, DVOP specialists may only serve veterans with significant barriers to employment (SBE) and other veterans as defined by the Secretary of Labor (*see Referring Veterans to the JVSG Program on next page*). Other veterans will be served on a priority basis by other AJC staff.

Local Veterans' Employment Representatives (LVERs) facilitate employment, training, and placement services for veterans by ensuring easier access to the appropriate employment and training services for veterans within the state employment service delivery system and conduct employer outreach on behalf of veterans in the AJC.

The American Job Center network will continue to be the hub for employment and training services for ALL veterans.

Implementation

DOL's Veterans' Employment and Training Service and the Employment and Training Administration have jointly developed guidance to address refocusing the JVSG program.

While the refocusing of the JVSG program will be effective upon the release of the guidance, DOL is dedicated to helping states implement this strategy and will be providing technical assistance to state workforce agencies and frontline staff.

In order to provide time for AJCs to transition to the refocused roles and responsibilities of the affected programs, DOL will begin to assess states' implementation beginning July 1, 2014.

Referring Veterans

Each AJC has different procedures for completing the intake process. For example, either the receptionist, intake staff/specialist or the next available AJC staff person can make an initial assessment of an individual customer's needs.

If during an initial assessment, a veteran self-attests to meeting one or more of the SBE criteria, the AJC staff member must refer the individual to the DVOP specialist, or to the appropriate AJC partner program, if no DVOP specialist is available onsite.

A DVOP specialist must not perform initial intake of nonveterans or of all veterans, as DVOP specialists are limited to serving only those veterans with a SBE or other population identified by the Secretary of Labor.

Technical Assistance & Tools

DOL has developed technical assistance tools to assist states and AJCs with helping veterans and their families, including tools to support the implementation of the refocusing of the JVSG program.

- The National Veterans' Training Institute (www.nvti.ucdenver.edu) provides tools and training for DVOP specialists and LVER staff.
- The Workforce3One Veterans' Priority Community of Practice includes tools and resources for all Workforce Development Staff (<https://veterans.workforce3one.org>).

REFERRING VETERANS TO THE JVSG PROGRAM

SIGNIFICANT BARRIERS TO EMPLOYMENT

An eligible veteran or eligible spouse is determined to have a significant barrier to employment if he or she attests to belonging to at least one of the six criteria below:

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:
 - o 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,
 - o were discharged or released from active duty because of a service-connected disability;
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 at any point in the previous 12 months has been unemployed for 27 or more consecutive weeks;
4. An offender, as defined by WIA Section 101(27), who has been released from incarceration within the last 12 months;
5. Lacking a high school diploma or equivalent certificate; or
6. Low-income (as defined by WIA at Sec. 101(25)(B)).

OTHER ELIGIBLE VETERANS

Under 38 U.S.C. 4103A(a)(1)(C), the Secretary of Labor may choose to prioritize additional categories of veterans and eligible spouses who may receive services from DVOPs. In separate guidance, the Secretary has established that veterans, ages 18-24, are eligible for services from a DVOP.

Questions should be directed to the appropriate regional office for the Veterans' Employment and Training Service or the Employment and Training Administration.

Jobs for Veterans State Grant Refocusing

Frequently Asked Questions (FAQs)

Overall Impact on States and Local Workforce Systems

1. How does the refocusing of the Jobs for Veterans State Grant (JVSG) program improve services to veterans?

The Department of Labor (DOL) is refocusing the JVSG program to ensure that veterans and eligible spouses receive the best combination of services from all American Job Center (AJC) staff and to ensure that JVSG-funded staff are focused on their statutory duties. DOL recognizes that veterans and eligible spouses with significant barriers to employment (SBE), as defined in the refocusing guidance, require intensive services to mitigate those barriers and successfully enter/re-enter the civilian workforce.

In addition to veterans with SBE, Disabled Veterans' Outreach Program (DVOP) specialists may also serve other populations specified by the Secretary. Currently, the Secretary has specified that veterans aged 18-24 may be referred to a DVOP specialist. This group has a high rate of unemployment and often possesses limited civilian work history, which can make transitioning to the civilian labor force more difficult. As a result, these veterans may need intensive services. By limiting the population that may be referred to the JVSG program, DOL will ensure that DVOP specialists are providing intensive services to those veterans most in need.

All other veterans and eligible spouses will continue to receive the services they require, on a priority of service basis, from other workforce programs. In addition, priority of service and refocusing do not limit veterans or eligible spouses who are within the SBE or 18-24 year old categories to receiving services only from JVSG or other specialized staff. Procedures or policies that restrict a veteran's access to DOL-funded employment and training programs, even if such restrictions are intended to provide the veteran with specialized services, are contrary to the priority of service requirements.

2. Refocusing will affect service delivery strategies in American Job Centers (AJC). What technical assistance and tools will DOL provide to aid states and local workforce areas to implement these policy and programmatic changes?

In support of the implementation of the refocusing of the JVSG program, DOL will provide technical assistance to the public workforce system, including making available virtual training for AJC frontline staff. The National Veterans' Training Institute (www.nvti.ucdenver.edu) provides tools and training for DVOP Specialists and LVERs, and the Workforce3One Veterans' Priority Community of Practice (<https://veterans.workforce3one.org>) includes tools and resources for Workforce Investment Act and Wagner-Peyser staff.

3. Will DOL provide additional funds to implement JVSG refocusing?

The Consolidated Appropriations Act of 2014 includes some funding for DOL's Veterans' Employment and Training Service to increase the number of DVOP specialists in AJCs. DOL continues to encourage State Workforce Agencies to review their mix of DVOP Specialists and LVER staff and consider converting LVER staff to DVOP specialists, where appropriate.

Funding for Fiscal Year (FY) 2014 for the Workforce Investment Act (WIA) Adult and Dislocated Worker programs and the Wagner-Peyser Employment Service program remained relatively stable.

4. The FY14 appropriations did not include an increase for the WIA Adult and Dislocated Worker programs and the Wagner-Peyser Employment Service program. How will these programs serve an increased population of veterans as a result of JVSG refocusing?

While funding for the Wagner Peyser Employment Service and the WIA Adult and Dislocated Worker programs remains relatively unchanged, additional funding was made available to VETS to increase the capacity of the JVSG program to provide increased rates of intensive services to veterans with a SBE. DOL is committed to providing technical assistance throughout this transition to identify strategies and resources that may be leveraged to support AJC partners.

5. How will this refocusing effort affect services to job seekers who do not qualify for JVSG services?

Veterans will continue to receive priority of service in all employment and training programs funded in whole or part by DOL. Those veterans that do not qualify for JVSG will be served by other programs within the AJC network, including the WIA Adult and Dislocated Worker programs and Wagner-Peyser Employment Service. To ensure veterans continue to receive resources specific to their needs, the Department will provide technical assistance to include webinars, resource pages, formal guidance, and the leveraging of online tools to advance the knowledge, skills, and abilities of all AJC staff to serve veterans.

6. Can a DVOP specialist or LVER still work at multiple AJCs?

Yes. State Workforce Agencies are responsible for developing a plan to allocate JVSG staff across the state. A state's plan may include having a DVOP specialist staff multiple AJCs and partner offices. In these instances, a DVOP specialist may be on site at one AJC on a Monday and Wednesday, another on Tuesday and Thursday, and a third site on Friday to provide intensive services by appointment. Such arrangements are made based upon workload and need, following consultation between the state and the appropriate Director for Veterans' Employment and Training in that state.

General Provision of Employment and Training Services to Veterans and Eligible Spouses.

- 7. Will veterans and eligible spouses continue to receive priority of service under JVSG refocusing?**

Yes. Veterans and eligible spouses will continue to receive priority of service in all employment and training programs funded, in whole or in part, by DOL.

- 8. What if a veteran participant wants to receive employment services from an AJC staff member that is also a veteran?**

AJCs should establish clear intake and assessment processes and communicate those processes to all AJC participants, regardless of veteran status. Veterans who request to see a staff member who is a veteran should be advised that their needs will be assessed and they will be referred to the appropriate workforce program. Only those veterans with a significant barrier to employment, or who are 18-24, will be referred to the JVSG program.

- 9. What process will be used to determine that a veteran has a significant barrier to employment?**

AJC staff will conduct an intake and assessment process for each veteran participant, which will include an initial assessment for SBE criteria. Throughout the intake process, veterans who disclose or self-attest to meeting one or more of the SBE criteria will be referred to the JVSG program. Information on many of the SBE criteria is already collected as part of the current intake process, assuming that participants disclose such information (e.g., disability status and homelessness).

- 10. Who should do the initial intake to determine if a veteran has a SBE?**

Each AJC has different procedures for completing the intake process. For example, the receptionist, intake staff/specialist, or the next available AJC staff person (other than a DVOP specialist or LVER staff) can make an initial assessment of an individual customer's needs. If during an initial assessment, a veteran self-attests to meeting one or more of the SBE criteria, the AJC staff member must refer the individual to the DVOP specialist. If a DVOP is not available at the time of the initial intake, the veteran may choose to be served on a priority basis by another AJC staff member. However, the individual making the assessment should also encourage the veteran to make an appointment to see the DVOP, even if the veteran elects to receive other AJC services until the DVOP has an available appointment. A DVOP specialist or LVER staff must not perform initial intake of nonveterans or of all veterans, as these positions must adhere to their statutorily-mandated responsibilities.

11. Who should veterans with significant barriers to employment see if there is no DVOP on site at their AJC?

For those AJCs without a full- or part-time DVOP specialist, veterans with a SBE should be referred to another workforce program to meet his or her needs. The veteran should be informed that he or she will still be able to receive intensive services from other programs within the AJC on a priority basis. For those AJCs with part-time DVOP specialists, veterans with a SBE should also be offered the option of an appointment with the part-time DVOP specialist as soon as possible.

12. Who is available to assist disabled veterans who do not meet the definition of “disabled” or “special disabled” in the SBE definition?

The SBE definition defines “disabled” and “special disabled veterans as those terms are defined in 38 U.S.C § 4211(1) and (3): “disabled” and “special disabled” veterans are those who are entitled to compensation under laws administered by the Secretary of Veterans Affairs or were discharged or released from duty due to a service-connected disability.

As with all veterans, veterans whose disabilities are not service-connected and who do not fit the SBE definition of a “disabled” or “special disabled” veteran will be provided priority of service and referred to the employment or training program that best meets their needs. In the event that a disabled veteran meets one or more of the SBE criteria, he or she will be referred to a DVOP specialist. Otherwise, the veteran will be served by other AJC staff, outside of the JVSG program.

13. What should veterans do if they don’t know what their disability rating is and are still awaiting a response from the VA?

Veterans may inquire about their disability rating or the status of their claims from the Department of Veterans’ Affairs (VA) by registering on the VA’s new ebenefits webpage (<https://www.ebenefits.va.gov/ebenefits-portal/ebenefits.portal>).

In the meantime, if the veteran self-attests and discloses a service-connected disability, he or she will be referred to a DVOP specialist to receive intensive services.

Services provided by DVOP Specialists

14. Can the spouse of an eligible SBE veteran receive services from a DVOP?

Yes, provided that the spouse both has a SBE and meets the definition of eligible person outlined in 38 U.S.C. 4101(5). An eligible person is defined as the spouse of any of the following:

- a. any veteran who died of a service-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 or any veteran who died while a disability so evaluated was in existence.

15. Why can 18-24 year old veterans receive employment services from a DVOP while others cannot?

Pursuant to 38 U.S.C 4103A(a)(1)(C), the Secretary of Labor may identify additional groups of veterans who are eligible for DVOP services. The Secretary has identified veterans, ages 18-24, as eligible for DVOP services because of this population's high rate of unemployment.

16. What does the SBE definition mean by "special disabled and disabled veterans are those who are entitled to compensation under laws administered by the Secretary of Veterans' Affairs?"

This means: (1) a veteran who has been determined eligible for a disability rating, which entitles him or her to receive monthly disability compensation under laws administered by the Department of Veterans Affairs (VA), or (2) a veteran who, but for the receipt of military retired pay, would be entitled to disability compensation from the VA.

17. What additional responsibilities must DVOP specialists perform during periods of time when they do not receive new referrals of eligible participants?

The case management approach to the delivery of intensive services includes a comprehensive process of documentation and follow-up. In the event that a DVOP specialist has not been referred any new participants, he or she should first perform any administrative or case management duties for the current caseload of participants. This would include completing case notes and documentation requirements for participant files, contacting participants to assess progress or provide additional services, and

coordination with the LVER or AJC business team regarding job opportunities for veterans.

Secondly, the DVOP specialist should conduct activities that result in new enrollments of veterans in need of intensive services. These activities include relationship building and outreach to local partners, including other workforce programs, non-profit entities, and community- and faith-based organizations to enroll veterans in need of intensive services with the local AJC.

LVER Staff and Employer Engagement

18. When will DOL issue new performance measures for LVERs?

Currently, JVSG grantee reporting includes several elements that DOL will use to determine the progress of refocusing implementation. This includes the percentage of veterans referred to JVSG, the percentage of participants receiving intensive services from DVOP specialists, and the percentage of participants receiving services from LVER staff.

DOL is in the process of creating performance metrics to better measure the work of LVER staff in conducting outreach and relationship building in the local labor market. Currently, the number of LVER staff employer contacts are reported in the AJC manager's quarterly report. However, DOL will be developing metrics that more closely align LVER staff duties with the employment outcomes of veterans served by AJC staff. There is currently no date for the implementation of a new LVER metric, but DOL staff will work with State Workforce Agencies on the development and implementation of the metrics.

19. How does the refocusing of LVER duties improve services to employers?

JVSG refocusing ensures that LVER staff are focused on conducting outreach and job development activities in the local community that will assist the AJC in connecting employers with qualified veterans. The LVER is responsible for advocating for all veterans at an AJC, and will work with the AJC's business development team to advocate for veteran hiring.

20. Will LVER staff directly serve veterans?

LVER staff responsibilities include outreach and engagement with local business and industry to advocate the hiring of veterans in the local labor market. In the course of this work, LVER staff must work with DVOP specialists and other AJC staff to provide job opportunities to specific veterans, and may meet with veterans to better understand and meet their employment needs. However, LVER staff should not provide direct staff-assisted services to participants. As part of federal oversight and monitoring, DOL staff will review the rate at which LVER staff are providing direct services and will work with State Workforce Agencies and specific AJCs to decrease these rates.