

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION Wagner-Peyser/VETS
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ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 22-14

TO: STATE WORKFORCE AGENCIES
 STATE WORKFORCE ADMINISTRATORS
 STATE WORKFORCE LIAISONS
 STATE AND LOCAL WORKFORCE BOARD CHAIRS AND DIRECTORS
 STATE LABOR COMMISSIONERS
 AMERICAN JOB CENTERS
 EMPLOYMENT AND TRAINING ADMINISTRATION REGIONAL ADMINISTRATORS

FROM: PORTIA WU /s/
 Assistant Secretary
 Employment and Training Administration

KEITH KELLY /s/
 Assistant Secretary
 Veterans' Employment and Training Service

SUBJECT: Applying the Uniform National Threshold Entered Employment Rate (UNTEER) to States' Program Year (PY) Veterans' Entered Employment Rates (VEERs) to Determine Compliance and Identify Need for Remedial Actions

1. **Purpose.** To inform the workforce system of the application of the UNTEER for use in evaluating states' reported PY entered employment outcomes for veterans and eligible persons to determine compliance, the need for technical assistance and/or remedial actions.

2. **References.**

- The Workforce Innovation and Opportunity Act of 2014 (Public Law (P.L.) 113-128), enacted July 22, 2014;
- Section 4102A, Title 38 United States Code (38 U.S.C. 4102A);
- The Workforce Investment Act (WIA) of 1998 (P.L. 105-220) (as amended), codified at 29 U.S.C. 2801, *et seq*;
- [Title 20, Code of Federal Regulations \(20 CFR\) 1001.160-1001.167](#), (UNTEER);
- 20 CFR Part 1010.100-330: Priority of Service for Covered Persons;
- [TEGL 02-13](#), *Implementation of the Uniform National Threshold Entered Employment Rate (UNTEER) for Veterans and Eligible Persons in the Wagner-Peyser Employment Service and Jobs for Veterans State Grants (JVSG)*, dated August 9, 2013;

RESCISSIONS None	EXPIRATION DATE Continuing
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- [TEGL 07-12](#), *Implementing the Veterans-Related and Other Reporting Change Requirements in the Labor Exchange Reporting System (LERS)*, dated September 28, 2012;
- [TEGL 17-05](#), *Common Measures Policy for the Employment and Training Administration's (ETA) Performance Accountability System and Related Performance Issues*, dated February 17, 2006; and,
- Veterans' Program Letter (VPL) 03-15, *Applying the Uniform National Threshold Entered Employment Rate (UNTEER) to States' PY Veterans' Entered Employment Rates (VEERs) to Determine Compliance and Identify Need for Remedial Actions*, issued March 18, 2015.

3. **Background.** 38 U.S.C. 4102A(c)(3)(B) requires that the Secretary of Labor establish a uniform national threshold entered employment rate for veterans. The Department promulgated regulations establishing the UNTEER at [20 CFR 1001.160-1001.167](#). The Final Rule took effect on May 10, 2013, and Program Year (PY) 2013 (July 1, 2013 – June 30, 2014) is the first year in which the UNTEER will be used as described in this directive. The UNTEER is a national threshold EER for those veterans and eligible persons served in both the Wagner-Peyser funded employment service or JVSG programs in accordance with 20 CFR 1001.160. The UNTEER for each PY is equal to ninety percent (90%) of a PY's national average veterans' entered employment rate (VEER), rounded to the nearest tenth of a percentage point. The VEER is the entered employment rate for veterans and eligible persons for a single state.

Unlike negotiated targets which are set before the start of a new PY, the UNTEER for each PY will be calculated after the PY has completed. For example, the UNTEER for PY 2014 will not be calculated until PY 2014 has ended. The UNTEER excludes services provided solely through WIA title I or Workforce Innovation and Opportunity Act (WIOA) title I resources.

Each state's PY VEER will be compared to the UNTEER for that PY. The VEER calculation includes covered persons identified in 20 CFR 1010. State agencies that do not achieve a VEER that equals or exceeds the UNTEER will be subject to a review by the Veterans' Employment and Training Service (VETS), with input from the Employment and Training Administration (ETA), to determine whether each state agency's VEER is deficient. As explained in detail below, VETS and ETA will evaluate as part of this review whether factors out of the state's control, such as regional economic conditions, resulted in the state's low VEER and what actions might be necessary to improve the outcomes of veterans and eligible persons served in the state.

4. **Publication of the PY 2013 UNTEER.** The calculation for developing the annual UNTEER is described in [TEGL 02-13](#), dated August 9, 2013. ETA and VETS will post, on their respective performance webpages, each state's VEER and UNTEER calculated for the previous PY. This posting will occur by December 31 of each year, or whenever practicable thereafter. States will be notified of its publication without the need for directives to be issued annually.

5. **Policy and Guidance.** States with VEERs below the UNTEER for the respective PY are subject to a review, conducted by the VETS' Director for Veterans' Employment and Training (DVET) assigned to that state and ETA's Federal Project Officer (FPO). Because the UNTEER analysis is retrospective – that is, based on performance of the last completed PY - the review will evaluate whether the low VEER in that state was attributable to factors beyond the state's control and whether the state needs to take action to ensure that the state will meet or exceed the UNTEER in the current PY.

The review will consider the degree of difference between the state's VEER and the UNTEER, as well as annual unemployment data for the state as compiled by the Bureau of Labor Statistics. The review may also consider other relevant measures of prevailing economic conditions and regional economic conditions, as well as other measures of the performance of workforce programs and/or any information the state may submit. In addition, the review will include consultation with VETS' and ETA's staff about findings from their on-site reviews and desk audits of state agency implementation of policies and procedures for services to veterans and also may include consultation with staff affiliated with other agencies of the Department, as appropriate.

Based on the recommendations of the reviewers, the appropriate VETS Regional Administrator (RAVET) will notify a state if it is determined that the state's VEER was deficient. In making this decision, the RAVET will also take into consideration the factors enumerated in the previous paragraph, including whether the state's low VEER was due to factors outside of the state's control. If the RAVET determines that the state's VEER is deficient, the RAVET will require the state to collaborate with their DVET to submit a Corrective Action Plan (CAP). Once a CAP is approved, VETS, and ETA as appropriate, will provide technical assistance and the state will take specific actions to improve its services to veterans.

In future years, the UNTEER and individual state's VEER for the prior PY will be published on VETS' and ETA's respective performance websites by December 31, and states will be notified of its publication. Unless superseded, no additional directives will be issued.

6. **Action Requested.**

- A. States that report in the LERS can review their performance against the UNTEER by visiting http://www.doleta.gov/performance/results/wagner-peyser_act.cfm or the table link in Section 8 B.

- B. For any state that does not meet or exceed the UNTEER in a PY, that state's DVET, in conjunction with the appropriate ETA FPO, will schedule a meeting to initiate and discuss their review.

7. **Inquiries.** Please direct questions regarding this directive to the appropriate ETA or VETS regional office through your respective FPO or DVET.

8. Links.

A. Uniform National Threshold Entered Employment for Veterans, Final Rule.

<http://www.gpo.gov/fdsys/pkg/FR-2013-03-11/pdf/2013-05345.pdf>

B. VEER by state.

http://www.dol.gov/vets/media/Employment_Services_Reported_Outcomes_and_the_Uniform_National_Threshold.pdf