

Attachment A: JVSG Special Grant Provisions

**SPECIAL GRANT PROVISIONS
FOR
JOBS FOR VETERANS
STATE GRANT**

Revised October 2022

**JOBS FOR VETERANS STATE GRANT
SPECIAL GRANT PROVISIONS**

I. SCOPE

- A. Award recipients will provide employment and training-related placement services to eligible veterans and eligible persons in accordance with statutory and program priority through:
- 1) The employment service delivery system, affiliated American Job Centers and its partners, and through coordination with other service providers.
 - 2) Disabled Veterans' Outreach Program (DVOP) specialists, Local Veterans' Employment Representative (LVER) staff, and Consolidated DVOP/LVER staff in accordance with:
 - (a) Title 38 United States Code (U.S.C.), Chapters 41 and 42;
 - (b) The Workforce Innovation and Opportunity Act (WIOA);
 - (c) Title 20, Code of Federal Regulations (C.F.R.) Part 1001 and Part 1010;
 - (d) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. Part 200 and Part 2900);
 - (e) Policy guidance and Grant Officer memorandums issued by the U.S. DOL;
 - (f) An approved Jobs for Veterans State Grant (JVSG) State Plan or approved WIOA Combined State Plan which incorporates JVSG; and
 - (g) All grant documents including terms, provisions, and assurances of this grant.
- B. Award recipients must separately identify the number of DVOP, LVER, and Consolidated DVOP/LVER positions that they can fully support with JVSG funds.
- C. Recipients must assign DVOP, LVER and Consolidated DVOP/LVER positions as they determine appropriate and efficient to achieve the goals specified in 38. U.S.C. §§ 4103A(a) and 4104(a), and to maximize available staff resources.
- D. Recipients must develop and apply standards for statewide services to veterans in accordance with the respective duties for each program position as described in Veterans' Program Letter (VPL) 03-14, as amended, or the most current VPL/guidance on this subject.
- E. Recipients must appoint, assign, and terminate DVOP specialists, LVER staff, and Consolidated DVOP/LVER staff in accordance with the recipient's hiring practices:

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- 1) As full time or part-time employees; and
 - 2) At salaries commensurate with their assigned duties.
- F. Under 38 U.S.C. §§ 4103A(c) and 4104(d), part-time DVOP specialists and LVER staff perform duties on a half-time basis. Staff performing duties for less than 50 percent of the time in a given period may not be charged to the grant.
- G. Under 38 U.S.C. § 4103A(a), a DVOP specialist provides intensive services (identified as “individualized career services” under the WIOA regulations at 20 C.F.R. § 678.430(b)) and facilitates placement to meet the employment needs of eligible veterans and eligible persons, prioritizing service to special disabled veterans, other disabled veterans, and other veterans in accordance with priorities determined by the Secretary of Labor (Secretary). Recipients must accomplish this as follows:
- 1) Ensure DVOP specialists provide services only to eligible veterans and eligible persons who meet the definition of an individual with a Significant Barrier to Employment (SBE) as defined in VPL 03-14, as amended, or the most current VPL/guidance on the subject, and to any other categories of eligible populations set forth in VPL 03-19 and/or current VPLs/guidance on these or related subjects or as otherwise required by Federal law. In providing services to these eligible veterans and eligible persons, DVOP specialists must focus on providing individualized career services, accomplished through the case management approach in accordance with VPL 02-21 and as taught by the National Veterans’ Training Institute (NVTI) in the delivery of individualized career services.
 - 2) Ensure DVOPs coordinate with other area service providers to assist eligible veterans and eligible persons.
- H. Recipients must ensure LVER staff fulfill their duties as described in law, regulation, and policy guidance exclusively for the benefit of veterans and other eligible persons. When employer outreach is primarily accomplished by a “business service team” or like entity, the LVER must be included as an active member of that team. Under 38 U.S.C. § 4104(b), each LVER’s principal duties are to:
- 1) Conduct outreach to employers 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.
 - (a) The purpose of conducting outreach to employers is to develop relationships, jobs, training, or training opportunities for veterans and eligible persons.
 - (b) The purpose of conducting seminars and establishing self-directed job search work groups is to ensure a greater number of eligible veterans and eligible persons have the skills needed to find employment.
 - 2) Facilitate employment, training, and placement services furnished to veterans in

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a state under the applicable state employment service delivery systems. Veterans' Employment and Training Service (VETS) defines this facilitation duty as capacity building within the state's employment service delivery system to ensure easier access to the appropriate employment and training services for eligible job-seeking veterans and eligible persons.

- I. Consolidated DVOP/LVER staff must perform both the prescribed legislated duties of a DVOP specialist and a LVER staff person in accordance with VPL 01-20 or the current VPL/guidance on this subject.
- J. In accordance with 38 U.S.C. §§ 4103A(d)(1) and 4104(e)(1), full-time DVOP specialists and LVER staff may only perform, respectively, duties related to meeting the employment needs of eligible veterans or duties related to the employment, training, and placement services of veterans under 38 U.S.C. Chapter 41. They shall not perform duties that detract from their ability to perform their statutory duties or roles and responsibilities related to meeting the employment needs of eligible veterans or eligible persons.
- K. Additionally, 38 U.S.C. §§ 4103A(d)(2) and 4104(e)(2) require the Secretary to conduct regular audits to ensure award recipients are in compliance with the statutorily prescribed duties for DVOP specialists, LVERs, and Consolidated DVOP/LVER staff. These audits will be conducted on a schedule developed through coordination efforts between VETS' Director for Veterans' Employment and Training (DVET) and the State Workforce Agency, or individuals responsible for the administration of the JVSG program for the state.
- L. Recipients must assign DVOP, LVER and Consolidated DVOP/LVER staff to supplement, not supplant, the duties of other staff in the employment service delivery point and may not relieve other state agency staff of the requirement to provide priority services to veterans in all programs funded in whole or in part by the U.S. DOL (see 38 U.S.C. § 4215 and 20 C.F.R. Part 1010).
- M. The NVTI will provide specialized training for all grant-funded staff (including travel expenses and per diem). In accordance with 38 U.S.C. § 4102A(c)(8)(A), recipients must ensure that each employee hired to perform the duties of a DVOP specialist, LVER, or Consolidated DVOP/LVER position satisfactorily completes the appropriate training provided by NVTI within 18 months of the date of their assignment. Charges to the grant for such staff employed more than 18 cumulative months in the position without completing all required training may be disallowed.

II. STATUTORY REQUIREMENTS FOR SERVICE PRIORITIES

- A. Recipients must maintain compliance with all applicable statutory, regulatory, and grant provisions to include:
 - 1) 38 U.S.C, Chapters 41 and 42, as amended;
 - 2) Title 20, C.F.R, Chapter IX, Part 1001 and §1010 et. seq.;

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- 3) Title 20, C.F.R, sections 680.650 and 652.100;
 - 4) Title 2 C.F.R., Part 200 and Part 2900; and
 - 5) Special and general grant provisions, U.S. DOL policies, and applicable Federal directives.
- B. Recipients must, as prescribed by law and determined in regulations, ensure adherence with guidance regarding the provision of priority of services for veterans (see 38 U.S.C. § 4215 and 20 C.F.R. Part 1010).

III. GRANT AMOUNT

- A. The total amount of funds approved for each fiscal year may be found on the Notice of Award (NOA) for each approved initial annual grant award or amendment.
- B. The funds available to recipients each fiscal year are subject to:
- 1) An approved Jobs for Veterans State Grant State Plan;
 - 2) An approved application package for annual funding; and
 - 3) Congressional action on the United States Department of Labor's (DOL) appropriation.
- C. Recipients may only charge up to the annual allocated funding amount identified in the most recently approved NOA. The official NOA will be approved and executed by the Grant Officer. Authorized funds may be drawn down from the Health and Human Services Payment Management System (HHS-PMS Smartlink) to meet the project's immediate cash needs. Any costs in excess of the annual allocated funds will be borne by the recipient.
- D. Recipients may not obligate any awarded funding after the end of the Period of Performance (POP) specified on the NOA.
- E. Recipients may request to return unobligated funds at any time throughout the fiscal year in which the award was made. Returned funds will not affect the execution of the JVSG formula in the following year.
- F. Funding amounts designated for incentive awards may be distributed only as described in the most recently approved State Plan. Recipients must adhere to the approved plan. Any incentive award funding that is not obligated within the first year of the POP must remain unspent. It will not be available for other purposes, including carry-over spending, and will be deobligated during grant closeout.

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IV. PAYMENTS UNDER THE GRANT

- A. Approved funds will be transferred to the award recipient's financial institution using the State's SMARTLINK system through HHS/PMS;
- B. Recipients will provide quarterly financial reports as indicated in the most recent VPL/guidance on this subject and in Section V Reporting Requirements below; and
- C. Except for the expenditure of incentive award funding, recipients must obligate or expend funds on a first-in, first-out basis, charging to the grant award with the shortest period of availability first.

V. REPORTING REQUIREMENTS

- A. Each administrator authorized to enter into this grant agreement must ensure to the maximum extent feasible the accuracy of performance data entered by the award recipient into Department-required management information systems.
- B. Recipients must include their name, organization, applicable Federal grant number, fiscal year, and date prepared on all reports and correspondence. They must prepare and submit reports in accordance with the most recent VETS policy on the subject.
- C. As a condition of accepting funding, the grant recipient must produce: 1) quarterly and final fiscal reports, and 2) quarterly activity and performance reports as prescribed in the most current VPL/guidance on the subject.
 - 1) The grant recipient will be accountable for performance outcomes for veterans served by grant-funded staff in accordance with the most recent guidance on this subject.
 - 2) The grant recipient must submit fiscal reports consisting of the SF-425 Federal Financial Report (FFR) and the VETS-402 Expenditure Detail Report (EDR) by the 30th day after the end of each Federal fiscal year quarter. FFRs are submitted quarterly through the entire POP, and EDRs are submitted until the end of the POP is reached, or until all available funds have been expended, whichever is first. "Available funds" are funds that are allowable, and thus excludes incentive award funds that were not obligated by the end of the first fiscal year (September 30) of the POP (see Section III. F). In addition:
 - (a) **Accrual Basis of Accounting:** Recipients must base all reported financial data on the accrual basis of accounting and report such data cumulatively by fiscal year of appropriation through the entire POP. Recipients are not required to convert their accounting system if it is not on an accrual basis. In these instances, recipients must develop and report accrual information through best estimates based on an analysis of the documentation on hand.
 - (b) **Final Fiscal Report:** Recipients with an approved Negotiated Indirect Cost Rate

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Agreement must report and complete each field in item 11 of the final SF-425 FFR if indirect costs were charged to the award during the POP. Recipients with an approved Cost Allocation Plan must note in the Remarks section of the final FFR and include the total amount of indirect costs charged to the award during the POP.

(c) **Closeout Report:**

- i. *Liquidation.* Per 2 C.F.R. § 200.344 “Closeout” (b), “Unless the Federal awarding agency or pass-through entity authorizes an extension, a non-Federal entity must liquidate all obligations incurred under the Federal award not later than 120 calendar days after the end date of the POP as specified in the terms and conditions of the Federal award.” Therefore, unless the DOL VETS Grant Officer has granted an extension, recipients must liquidate all obligated funds within the 120-day liquidation period (also known as “closeout” period). Per 2 C.F.R. § 2900.15, “the only liquidation that can occur during closeout is the liquidation of accrued expenditures (NOT financial obligations) for goods and/or services received during the grant period.”
- ii. *Final FFR.* Recipients must submit any amendments to the final quarterly SF-425 FFR no later than 120 days after the POP end date.
- iii. *Closeout package.* DOL will contact the authorized representative and the point of contact, identified in the latest SF-424, of the grant within 15 days of the end of the POP with instructions for submitting the remainder of the closeout report.

(d) **Overlapping awards:** A new grant award is made to states every fiscal year. Recipients must file a separate quarterly financial report for each separate grant award until the end of the POP. Since the POP for each year’s award covers up to three years, this means that recipients may need to submit up to three financial reports per quarter.

- 3) Recipients must submit performance and narrative progress reports within 45 days of the end of each Federal fiscal year quarter in the manner prescribed by the Department. The recipient’s Agency Administrator or a designated person must attest to the accuracy and completeness of the quarterly report in a signed Technical Performance Narrative. An electronic or typed signature is acceptable.
 - 4) The award recipient must submit a Manager’s Report on Services to Veterans in accordance with 38 U.S.C. § 4104(f) and the latest VPL on this subject.
 - 5) The award recipient must submit a stand-alone Incentive Award Report with the fourth quarter report in accordance with the most recent guidance on this subject.
- D. Failure to comply with the above reporting requirements and/or other statutory or regulatory requirements may result in one or more of the remedies for noncompliance specified in 2 C.F.R. § 200.339 or the actions described at Title 20, C.F.R., Part 658,

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Subpart H or 20 C.F.R. Part 1001.

VI. GRANT AMENDMENT

The Grant Officer approves, signs, and modifies JVSG awards and can authorize changes in scope (staff utilization and funding levels), cost, and grant conditions to the extent authorized by law. To make amendment requests, recipients must submit to the Grant Officer an SF-424 and transmittal letter, both signed by the authorized representative, along with any other documentation as described in the most recent guidance related to this subject.

Recipients may modify State Plans in accordance with VPL 01-22, or the most current VPL/guidance on this subject, and must request such modifications separately from any other type of amendment request.

VII. GRANT MANAGEMENT AND MONITORING

- A. The recipient, in accordance with 20 C.F.R. § 1001.121, must provide adequate and appropriate facilities and administrative support for VETS staff assigned to that state as a condition of receiving grant funds. Adequate and appropriate facilities and administrative support is considered space, furniture, telephone, equipment and supplies that would be made available to state employees of equal status in terms of position level rather than compensation.
- B. In accordance with 38 U.S.C. § 4102A(b)(6), VETS will “monitor and supervise on a continuing basis the distribution and use of funds provided for use in the States...”
- C. Each DVET or their designee serves as the Grant Officer’s Technical Representative (GOTR). The GOTR is authorized to:
 - 1) Review narrative reports and records;
 - 2) Monitor the progress of the grant, including the use of staff and grant funds;
 - 3) Negotiate remedial/corrective action regarding potential compliance issues;
 - 4) Communicate directly with JVSG-funded staff, when necessary, as negotiated with state officials;
 - 5) Recommend approval or disapproval of technical matters not involving a change in the scope, cost, or conditions of the Jobs for Veterans State Grant; and
 - 6) Have access to all applicable hard copy or automated reports and records and make recommendations to the Grant Officer on all grant matters and requests.

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- D. VETS will approve requests for additional funds only if like amounts are available or from funds returned by other award recipients.
- E. VETS cannot obligate fiscal year funds after September 30th; therefore, to be considered for approval, recipients must submit all requests for additional funding or deobligation of funding to their respective DVET by the close of business of the second Friday in August.

VIII. INFORMATION ACCESS

Access to all hard copy or automated grant reports, recipient records relative to the provision of employment, education and training-related services to veterans, transitioning service members, their spouses, and other eligible persons must be provided to the Grant Officer, the GOTR and/or the GOTR's designee (see Grant Management and Monitoring) upon request.

IX. PRINTING AND DUPLICATING

- A. The recipient must comply with the requirements of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, including the regulation at 2 C.F.R. § 200.461. The term "duplicating" as used herein means material produced on single unit duplicating equipment not larger than 11 x 17 inches and which have a maximum image of 10 3/4 x 14 1/4 inches using direct image plates not requiring the use of negatives. The term "printing" as used herein will be construed to include and apply to the processes of composition, plate making, presswork, binding, and microform.
- B. Direct use of grant funds for public relations materials for advertising or marketing must adhere to 2 C.F.R. § 200.421. Costs incurred for marketing the State Governor or offices of the State Agency are unallowable and may not be charged to the Federal award.
- C. Nothing in this section will preclude the procurement of writing, editing, preparation of manuscript copy, or the preparation of related illustrative material. As described in 2 C.F.R. § 200.405(d), however, costs for program outreach materials must be allocated appropriately between funding sources.

X. AMENDMENTS

The Grant Officer, in consultation with the Assistant Secretary for Veterans' Employment and Training, has the right to amend these provisions with due notice to recipients of at least 45 days.