

Attachment A: JVSG Special Grant Provisions

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

Revised March 3, 2021

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

I. SCOPE

- A. The grantee will provide employment and training-related placement services to eligible veterans with Significant Barriers to Employment (SBE) 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 (38 U.S.C), Chapters 41 and 42;
 - (b) The Workforce Innovation and Opportunity Act (WIOA);
 - (c) Title 20, Code of Federal Regulations (CFR), Part 1001 and Part 1010;
 - (d) 2 CFR Part 200 and 2 CFR Part 2900, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards;
 - (e) Policy guidance and Grant Officer memorandums issued by the U.S. DOL;
 - (f) An approved Jobs for Veterans Grant 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. The number of DVOP, LVER, and Consolidated DVOP/LVER positions that can be supported by grant funds must:
- 1) Be separately identified; and
 - 2) Represent the most efficient use of funds awarded to maximize available staff resources.
- C. Under 38. U.S.C. 4103A(a) and 4104(a), DVOP, LVER and Consolidated DVOP/LVER positions should be assigned as the state determines appropriate and efficient.
- D. The grantee 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.

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- E. DVOP specialists, LVER staff, and Consolidated DVOP/LVER staff are appointed, assigned, and terminated in accordance with a State’s hiring practices:
- 1) As full-time or half time employees; and
 - 2) At salaries commensurate with their assigned duties.
- F. Under 38 U.S.C. 4103A(a), a DVOP specialist provides intensive services (identified as “individualized career services” under the WIOA regulations at 20 CFR 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). This will be accomplished through:
- 1) DVOP specialists will 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 veterans and eligible persons 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 veterans and eligible persons, DVOP specialists will focus on providing individualized career services, which should be accomplished through the case management approach as taught by the National Veterans’ Training Institute (NVTI) in the delivery of individualized career services.
 - 2) Coordination with other area service providers to assist eligible veterans and eligible persons.
- G. LVER staff will fulfill their duties as described in law, regulation, and policy guidance exclusively for the benefit of all veterans and 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 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.
 - (a) The purpose of conducting outreach to employers in the area 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.

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- 2) Facilitate employment, training, and placement services furnished to veterans in a state under the applicable state employment service delivery systems. 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.
- H. Consolidated DVOP/LVER staff perform both the prescribed legislated duties of a DVOP specialist and a LVER staff person as described in VPL 01-20 or the current VPL/guidance on this subject.
- I. The VOW to Hire Heroes Act of 2011 (VOW Act) amended Title 38 to specifically prohibit DVOP specialists and LVER staff from performing non-veteran related duties that detract from their ability to perform their statutory duties or roles and responsibilities related to meeting the employment needs of eligible veterans and eligible persons.
- J. Additionally, Section 241 of the VOW Act requires the Secretary to conduct regular audits to ensure compliance with the statutory duties of DVOP specialists and LVERs. 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.
- K. DVOP, LVER and Consolidated DVOP/LVER staff are assigned to supplement, not supplant, the duties of other staff in the employment service delivery point and do 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 CFR Part 1010).
- L. The National Veterans' Training Institute (NVTI) will provide specialized training for all grant-funded staff (including travel expenses and per diem), including program managers. Each DVOP, LVER and Consolidated DVOP/LVER staff assigned will have eighteen months from the date of assignment to successfully complete the specialized training courses appropriate to each position provided by NVTI. DVETs will coordinate scheduling newly appointed staff through the appropriate State channels.

II. STATUTORY REQUIREMENTS FOR SERVICE PRIORITIES

- A. Grantees will 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, CFR, Chapter IX, Part 1001 and 1010 et. seq.; (3) Title 20, CFR, 680.650; and 20 CFR 652.100;
 - 3) Title 2 CFR, Part 200; and 2 CFR Part 2900; and
 - 4) Special and general grant provisions, U.S. DOL policies and applicable Federal

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directives.

- B. Grantees will, 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; 20 CFR Part 1010).

III. GRANT AMOUNT

- A. The total amount of funds approved for each fiscal year may be found on the Notice of Award for each approved initial annual grant award or interim modification requested.
- B. The funds available to grantees each fiscal year are subject to:
 - 1) An approved Jobs for Veterans Grant State Plan; and
 - 2) Congressional action on the United States Department of Labor's (DOL) appropriation.
- C. Grantees may only charge up to the annual allocated funding amount identified in the most recently approved Notice of Award. The official Notice of Award 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 grantees' immediate cash needs. Any costs in excess of the annual allocated funds will be borne by the grantee.
- D. Grantees must obligate all awarded funding by the end of the Period of Performance specified on the Notice of Award.
- E. Grantees may choose 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. Grantees must adhere to the approved plan. Any unspent incentive award funding that remains after September 30 will be deobligated during the grant close out of the applicable fiscal year and will not be available for other purposes, including carry-over spending.

IV. PAYMENTS UNDER THE GRANT

- A. Approved funds will be transferred to the State's financial institution using the State's SMARTLINK system through HHS/PMS;
- B. Grantees will provide quarterly financial reports as indicated in the most recent VPL/guidance on this subject and in Section 5 below; and
- C. Except for the expenditure of incentive award funding, recipients must expend funds on a

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first-in, first-out basis, charging to the grant award with the shortest period of availability first.

V. REPORTING REQUIREMENTS

As per Title 20, CFR Section 658.601(a)(7)(iv) each State Administrator authorized to enter into this grant agreement must ensure to the maximum extent feasible: (1) the accuracy of data entered by the State Agency into required management information systems; and (2) the establishment and maintenance of a data validation system that accurately reflects the accomplished activities and provides actual expenditure data, in accordance with Office of Management and Budget (OMB) Circulars and applicable regulations to include Title 20 CFR, Sections 1001.122(b), 1001.140 and 1010.320.

- A. Reports and correspondence must be identified by Grantee, applicable Federal grant number assigned, fiscal year, and date prepared. All reports must be prepared and submitted in the manner, with the frequency and by due dates prescribed by the Grant Officer or in the applicable directive from VETS.
- B. As a condition of accepting funding, Grantees must produce: 1) quarterly and final fiscal reports; 2) quarterly activity and performance reports; and 3) quarterly staff utilization reports as prescribed in the most current VPL on the subject.
 - 1) Grantees will be accountable for negotiated performance outcomes for veterans served by both the Public Labor Exchange and grant-funded staff in accordance with the most recent VPL/guidance on this or a related subject.
 - 2) Fiscal reports consisting of the SF-425 Federal Financial Report (FFR) and the VETS-402 Expenditure Detail Report will be submitted within 30 days of the end of each Federal fiscal year quarter. Grantees will submit fiscal reports quarterly until all available funds have been expended, or until the end of the Period of Performance is reached (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 of the Period of Performance (see Section III.F). In addition:
 - (a) **Accrual Basis of Accounting:** All reported financial data must be based on the accrual basis of accounting and be cumulative by fiscal year of appropriation through the entire period of performance (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:** The last fiscal report that is submitted must be marked “final” so that a closeout report can be generated.
 - (c) **Closeout Report:** Per 2 CFR 200.343 “Closeout” (b), “Unless the Federal awarding agency or pass-through entity authorizes an extension, a non-Federal

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entity must liquidate all obligations incurred under the Federal award not later than 90 calendar days after the end date of the period of performance as specified in the terms and conditions of the Federal award.” Therefore, unless the DOL VETS Grant Officer has granted an extension, all obligated funds must be liquidated within the 90-day liquidation period (also known as “closeout” period). Grantees are not permitted to liquidate any cost that was not either obligated or an expenditure during the grant period of performance. Each field in item 11 of the closeout SF-425 FFR must be completed if indirect costs were charged to the award during the PoP.

- (d) **Overlapping awards:** A new grant award is made to states every fiscal year. A separate quarterly financial report is required for each separate grant award, if applicable. This means that a state may need to submit two (or more, in rare cases) financial reports during some quarters until the previous year’s funding is depleted and the final and closeout reports are submitted.
 - 3) Performance and narrative progress reports will be submitted within 45 days of the end of each Federal fiscal year quarter in the manner prescribed in the policy by the Department.
 - 4) The State 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 signature is acceptable.
 - 5) The Manager's Report on Services to Veterans in accordance with U.S.C. § 4104(f) and the latest VPL on this subject.
 - 6) If applicable, with the fourth quarter report, a stand-alone Incentive Award Report is submitted in accordance with VPL 04-19 or the most recent guidance on this subject.
- C. Failure to comply with the above reporting requirements and/or other statutory or regulatory requirements may result in sanctions described at Title 20, CFR, Part 658, Subpart H or 20 CFR Part 1001.

VI. GRANT MODIFICATIONS

The Grant Officer approves, signs, and modifies these grants and can authorize changes in scope (staff utilization and funding levels), cost and grant conditions. Modification requests should be submitted as described in VPL 04-18 or the most recent guidance related to this subject.

VII. GRANT MANAGEMENT AND MONITORING

- A. The grantee, in accordance with 20 CFR 1001.121, will provide adequate and appropriate facilities and administrative support for VETS staff assigned to that state as a condition of

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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. VETS is required by law to "monitor and supervise on a continuing basis the distribution and use of funds provided for use in the States..." (38 U.S.C. 4102A(b)(6)).
- C. Each DVET or their designee serves as the 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 DVOP specialists and LVER 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.
- D. Requests for additional funds may be approved only if like amounts are available or from funds returned by or identified for reallocation from other grantees.
- E. Fiscal year funds cannot be obligated by the grantor agency to grantees after September 30th; therefore, to be considered for approval, all requests for additional funding or deobligation of funding must be submitted to the respective DVET by the close of business of the second Friday in August or the date specified in the most recent VPL/guidance on this subject.
- F. An inventory of Automated Data processing equipment (defined by OMB as supplies unless the initial cost exceeded \$5,000 per unit) purchased with grant funds must be maintained by the Grantee with a copy provided to the appropriate GOTR. The inventory must identify the following information:
 - 1) Equipment locations, number of units and staff use;
 - 2) Brand name, model, serial number, equipment specifications; and
 - 3) Actual unit costs (including maintenance and connectivity).
- G. The Grant Officer will only approve requests for additional funds to procure personal computers, which have internet connectivity, and for which staff training in their use has

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been or will be provided.

H. Adherence to the guidelines for the replacement or disposition of obsolete automated data processing equipment provided at 2 CFR 200.439 is required.

VIII. INFORMATION ACCESS

Access to all hard copy or automated grant reports, grantee 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 JVSG Grant Management and Monitoring).

IX. PRINTING AND DUPLICATING

The grantee must comply with the requirements of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, including the regulation at 2 CFR 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.

Under this grant agreement, the grantee may duplicate up to a maximum of 5,000 copies of one page or 25,000 copies in the aggregate of multiple pages. Additional copies require GOTR approval prior to duplicating printing.

Direct use of grant funds for public relations materials for advertising or marketing the State Governor or offices of the State Agency is prohibited to the extent described in 2 CFR 200.421.

Nothing in this clause will preclude the procurement of writing, editing, preparation of manuscript copy, or the preparation of related illustrative material.

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 grantees of at least 45 days.