




MAY 09 2016

VETERANS' PROGRAM LETTER NO. 02-16

TO: ALL VETERANS' EMPLOYMENT AND TRAINING STAFF
ALL STATE AGENCY ADMINISTRATORS
ALL REGIONAL ADMINISTRATORS, EMPLOYMENT AND
TRAINING ADMINISTRATION (INFO)

FROM: MICHAEL H. MICHAUD 

SUBJECT: Requesting Consolidated Disabled Veterans' Outreach Program (DVOP)
Specialists and Local Veterans' Employment Representative (LVER) Staff
Positions

- I. **Purpose:** To provide guidance to State Workforce Agencies (SWAs) and Veterans' Employment and Training Service (VETS) staff about requesting the consolidation of one or more DVOP specialist and LVER staff into a single, full-time consolidated DVOP/LVER position.
- II. **References:**
- [Title 38, United States Code, Chapter 41](#), Sections 4102A, 4103A and 4104 (38 U.S.C. §§ 4102A, 4103A, and 4104), as amended;
 - [VOW to Hire Heroes Act of 2011](#) (Public Law (P.L.) 112-56), Title II, Section 241(c);
 - [Veterans' Program Letter \(VPL\) 03-14, Change 2](#), Expansion and Clarification of Homeless Definition as a Significant Barrier to Employment, dated October 14, 2015;
 - [VPL 06-15](#) Corrected Copy, Jobs for Veterans State Grant Annual Funding Modification Requests, dated June 8, 2015;
 - [VPL 04-15](#), Jobs for Veterans State Grant Interim Modification Requests, dated May 4, 2015;
 - [VPL 08-14](#), Designation for Additional Populations Eligible for Services from Disabled Veterans' Outreach Program (DVOP) Specialists, dated September 26, 2014;
 - [VPL 05-14](#), Jobs for Veterans State Grants (JVSG) Application and Planning Instructions for Fiscal Years 2015 – 2019, dated July 7, 2014;
 - [VPL 04-14](#), Designation of Additional Population of Veterans Eligible for Services from the Disabled Veterans' Outreach Program Specialist – Veterans Ages 18 to 24, dated April 10, 2014;
 - [VPL 03-14](#), Jobs for Veterans' State Grants (JVSG) Program Reforms and Roles and Responsibilities of American Job Center (AJC) Staff Serving Veterans, dated April

10, 2014; and

- VPL 03-14, Change 2, Expansion and Clarification of Definition of Significant Barriers to Employment for Determining Eligibility for the Disabled Veterans' Outreach Program (DVOP), dated February 11, 2015.

- III. **Background:** The duties of a DVOP specialist are outlined at 38 U.S.C. § 4103A and the duties of LVER staff are outlined at 38 U.S.C. § 4104. Pursuant to 38 U.S.C. §§ 4103A (d) & 4104(e), DVOP specialists and LVER staff have prescribed duties.

Section 241(c) of the VOW to Hire Heroes Act amended 38 U.S.C. § 4102A by adding subsection (h), which allows for a JVSG staff person to perform both the duties of a DVOP specialist and a LVER staff person, referred to as a consolidated DVOP/LVER position. To have a consolidated DVOP/LVER position, the Governor of a state must determine, and the U.S. Secretary of Labor ("Secretary") must concur, that "such consolidation (A) promotes a more efficient administration of services to veterans with a particular emphasis on services to disabled veterans; and (B) does not hinder the provision of services to veterans and employers."

38 U.S.C. § 4102A(h) also requires the Governor requesting to consolidate the DVOP and LVER duties into a single position to submit "to the Secretary a proposal therefore at such time, in such manner, and containing such information as the Secretary may require." Sections IV and V of this VPL provide the criteria for approval and the process for submitting consolidated DVOP/LVER position requests.

- IV. **Criteria for Consolidated DVOP/LVER Position:** Requests for a consolidated position will be considered if VETS finds that the criteria described in this section have been met. Consolidated DVOP/LVER positions should be used sparingly and only to allow states flexibility to provide appropriate employment services for veterans and employer support in areas currently underserved or where the assignment of only full-time DVOP specialists and full-time LVER staff would be impractical.

Since the language at 38 U.S.C. §§ 4103A (d) & 4104(e) is intended to separate the DVOP and LVER functions in most cases, the combination of DVOP specialist and LVER staff positions should be the exception and, therefore, will likely not exceed 10 percent of the total JVSG funded staff (DVOP specialist and LVER staff full-time equivalent (FTE) positions plus any consolidated DVOP/LVER staff already approved) in a state unless the request is from a state with fewer than 10 approved JVSG FTE staff. All states are required to accommodate any requested consolidation/staffing changes within their approved annual JVSG funding level or submit a modification request for additional funds.

These consolidated DVOP/LVER positions are intended to complement and not wholly replace the presence of full- and half-time DVOP specialist and LVER staff. Not every American Job Center (AJC) office has either a DVOP specialist or LVER staff person currently assigned. Consolidated DVOP/LVER staff do not necessarily need to be assigned to a comprehensive AJC but may be stationed or attached to any affiliated or other One-Stop partner office within the identified area.

VETS does not anticipate that requests for consolidated positions will increase LVER staff in

a state, given the emphasis on providing increased levels of services to veterans with significant barriers to employment. States should consider all employment programs and resources when developing their requests, to include the presence of AJC business teams and the employer outreach staff, which may not require a LVER staff in the same geographic area. Further, requests will only be considered if the following criteria are met:

- regardless of the requested mix of DVOP/LVER responsibilities, each consolidated position must equal one full-time equivalent;
- for a consolidated position, all required training for both DVOP and LVER positions must be successfully completed through the National Veterans' Training Institute within 18 months of appointment;
- justification has been outlined in a brief narrative explaining how the consolidated position promotes a more efficient administration of services to veterans and does not hinder the provision of services to veterans and employers; and
- on the same row of the VETS-501 JVSG Staffing Directory, designate a one (1) in column *g* and one (1) in column *i* until approved by the Grant Officer.

(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)
Office Number, Name and Address	Grant Funded Staff Name (Last Name, First Name)	E-mail Address	Date Appointed to Current Position	Date Last Completed NVTI Core Training	DVOP	Consoli- dated DVOP/ LVER	LVER	Position Vacant	Program Manager	Filled by A Non- Veteran
					Enter "1" for full-time position or "0.5" for half-time position (Note: A Consolidated DVOP/LVER can only be a single full time position)					
						1		1		

- V. **Submitting Modification Requests for Approval:** VETS will begin accepting modification requests immediately. Completed modification requests are to be scanned and submitted electronically to the Director for Veterans' Employment and Training (DVET) in accordance with Veterans' Program Letter (VPL) 04-15 (or the most current directive regarding the preparation of Interim Modification Requests). Each modification request needs to be consistent with the requirements in Section 9 of VPL 04-15.

Beginning Fiscal Year (FY) 2017, states may incorporate their requests for one or more consolidated positions as part of their annual modification requests based upon the requirements in Section 7 of VPL 06-15 or the most recent VPL on this subject.

Any approved consolidated positions should also be reported as a Consolidated DVOP/LVER Activity on the VETS-401, JVSG Budget Information Summary, VETS-402A, or 402B, Expenditure Detail Report (EDR) every quarter.

VI. **Actions Required:**

- A. Interim Modification Requests for one or more consolidated DVOP/LVER full-time staff

positions will be considered for approval during FY 2016 and as part of each subsequent annual funding modification request beginning with the JVSG annual funding request for FY 2017.

B. DVETs will verify that all criteria described in Section IV are met and recommend decision in their modification request transmittal memorandum to the RAVET. RAVETs will transmit their recommendation in accordance with current procedures.

VII. **Inquiries:** Questions should be referred to the appropriate DVET. DVETs or other VETS staff may contact the JVSG lead in VETS National Office through the appropriate RAVET.

VIII. **Expiration Date:** When superseded or rescinded.