FILE COPY

U.S. Department of Labor

Assistant Secretary for
Veteran's Employment and Training
Washington, D.C. 20210

U.S. DOL-VETS
99 JUL 27 AM 10: 47
REGIONAL OFFICE

July 7, 1999

VETERANS' PROGRAM LETTER NO. 3-99: Change 1

MEMORANDUM FOR: ALL REGIONAL ADMINISTRATORS AND DIRECTORS
VETERANS' EMPLOYMENT AND TRAINING
ALL STATE EMPLOYMENT SECURITY AGENCIES
ALL STATE OFFICES OF WORKFORCE DEVELOPMENT (INFO)
ALL ONE-STOP SYSTEM COORDINATORS (INFO)
ALL REGIONAL ADMINISTRATORS, EMPLOYMENT (INFO)
AND TRAINING ADMINISTRATORS

FROM: ESPIRIDION (AL) BORREGO

SUBJECT: Workforce Investment Act Requirements; Clarification of the Requirement to Provide Priority Services to Veterans

I. PURPOSE: To clarify the requirements of VPL 3-99 regarding Priority Services to Veterans and the Secretary's Agreement.

II. BACKGROUND: There has been some confusion regarding the requirements contained in VPL 3-99. This Veterans' Program Letter is an attempt to clarify those issues surrounding the requirements outlined in section 322 of the Workforce Investment Act (WIA), specifically the Secretary's Agreement.

Section 322 of the WIA, "Veterans Employment Programs," amends Chapter 41 of 38, U.S.C. to require State Administrative Entities to enter into an agreement with the Secretary of Labor that, "...includes the description and information described in paragraphs (8) and (14) of section 112 (b) of the Workforce Investment Act of 1998."

Section 112 of the WIA describes the requirements for development and submittal of a State Workforce Investment Plan (State Plan); subsection (b) paragraphs (8) and (14) deal with the content requirements of the State Plan that includes activities authorized under Chapter 41 of 38 U.S.C. with a cross reference to WIA section 134 (c) which describes the "one-stop delivery system."

FILE COPY

Section 4102 of U.S.C. describes the "authorized activities" (referred to in section 112 (b)(8) of the Workforce Investment Act) which are: "(1) job and job training counseling service program, (2) employment placement service program, and (3) job training placement program for eligible veterans and eligible persons." Section 4102 also addresses priority services to veterans by stating that the Assistant Secretary for Veterans' Employment and Training (ASVET) shall promulgate and administer policies and regulations, "...so as to provide such veterans and persons the maximum of employment and training opportunities, with priority given to the needs of disabled veterans and veterans of the Vietnam era through existing programs, coordination and merger of programs and implementing new programs."

III. CLARIFICATION:

(1) Federal Regulations require the ASVET to ensure that all programs funded in whole or in part with Wagner/Peyser appropriations and those programs specifically funded by the Veterans' Employment and Training Service, i.e., the Local Veterans' Employment Representative and the Disabled Veterans' Outreach Program Grants to the State Employment Security Agencies, shall provide priority service to veterans as outlined in Section 4102 of 38 U.S.C. as amended. Therefore, it is expected that each Wagner/Peyser portion of the State Plan submitted by the entity responsible for the labor exchange function as per section 112 of the Workforce Investment Act will describe how priority of employment and training services to veterans will be maintained in each State's "one-stop delivery system" that receives Wagner-Peyser funds. However, there is no requirement to include a description of how priority service to veterans will be maintained in those programs funded from other sources in each State's one-stop delivery system.

(2) Section 322 of the Workforce Investment Act amended Chapter 41 of 38 U.S.C. by adding a new section 4110B "Coordination and Nonduplication". This new section of 38 U.S.C. requires each State entity to enter into an agreement with the Secretary of Labor to describe services to veterans under the Workforce Investment Act. Veterans' Program Letter 3-99 incorrectly stated that this "Secretary's Agreement should be attached to a State's WIA Title I plan." There is no legal requirement that this Agreement be attached to a WIA State Plan. Instead, States are encouraged to submit the Secretary's Agreement as described in item (3).

(3) It is the ASVET's policy that each State's Secretary's agreement (see attached example) should be transmitted to the National Office of the Veterans' Employment and Training Service and each State's jurisdictional Regional Administrator for Veterans' Employment and Training (RAVET). The ASVET encourages States to submit this Agreement (if completed) separate from, but at the same time the State is submitting its WIA Title I State Plan.

SECRETARY'S AGREEMENT
(Governing Services to Veterans)

I. Preamble

In accordance with the Workforce Investment Act of 1998, section 322, this Agreement between the (Governor/Appropriate State Entity) and the Secretary of the Department of Labor (DOL), through the Veterans' Employment and Training Service (VETS), specifies the provision of services to veterans, the roles and responsibilities of the Workforce Investment Act of 1998 (WIA) service providers, and the integration of Disabled Veteran Outreach Program (DVOP) specialists and Local Veteran Employment Representatives (LVERs) into one-stop delivery systems and other Service Delivery Points (SDPs) within the State/Commonwealth of (specify). The agreement has been developed to assure coordination and avoid duplication at the service delivery points. In administering veterans' service programs under Chapter 41 and 42 of 38 U.S.C., the (Appropriate State Entity) will undertake the functions described in this Agreement.

II. Scope

The parties to this document agree and resolve to maximize services to veterans following the priority to veterans described in 38 U.S.C. Chapters 41, 42 and 43; at 20 C.F.R. 1001.100 et seq. and the Special Provisions of the DVOP/LVER Grants, through their cooperation in activities and staffing at one-stop delivery system sites.

III. Purpose of One-Stop Delivery Systems

The (Appropriate State Entity) and VETS agree that the one-stop delivery systems will integrate fully the multiple career development services provided to veterans. One-stop delivery system veteran customers will be provided the full array of services available within the system empowered with customer choice and customized access to those services which satisfy their individual needs for career development. Access to the system will be provided universally to assure customers that there is no wrong door. In the provision of these services veterans' priority will be followed in accordance with 38 U.S.C., Chapters 41 and 20 C.F.R. 1001.100 et seq. and the provisions of the DVOP and LVER grants. The LVER and DVOP program will also facilitate veteran access to all WIA employment and training programs, as required by Section 112 (b)(17)(B) of the Workforce Investment Act of 1998.

IV. Components and Activities

The following outline reflects the elements of universally, customer choice, integration and performance which have been identified as key factors for the efficient functioning of one-stop delivery systems in the Workforce Investment system.

3. Integration. DVOP and LVER staff will provide technical assistance and staff training to one-stop delivery system relative to programs, resources and the priority of services for veterans. LVER staff, as functional supervisors for veterans services, will make recommendations to one-stop delivery system operators for improvements in services to veterans. DVOP and LVER staff will, where feasible, provide direct services or assist one-stop delivery system staff in the provision of priority services for veterans under the Wagner-Peyser Act.

4. Performance. The (Appropriate State Entity responsible for the public labor exchange system) will be responsible for assuring priority services for veterans leading to achievement of performance standards for veterans' services within the one-stop delivery system. Measures of Performance for veterans' services will be negotiated between VETS and the (Appropriate State Entity).

C. OUTREACH/OUT-STATIONING OF LVER/DVOP STAFF

1. Universality. LVER and DVOP staff will provide outreach services to veterans at Service Delivery Points (SDPs) that have no LVER or DVOP assigned. However, DVOP staff assigned to these one-stop delivery systems may not be used to fulfill the mandated out-stationing requirement of Chapter 41 of 38 U.S.C. Outstation sites may include Transition Assistance Program (TAP) sites, Department of Veterans Affairs (DVA) facilities, or other sites, as appropriate and agreed to. All out-stationing sites of LVER and DVOP staff will be coordinated with the State VETS Director. DVOPs and LVERs are to conduct outreach to employers, community agencies, veterans' organizations, etc. and share the information gained from these contacts with Service Delivery Point staff.

2. Customer Choice. Veterans customers will be provided with options to obtain assistance at out-station sites, during scheduled outreach visits, at full-service centers, or by electronic access from other access points. Other organizations and agencies should be encouraged to establish America's Job Bank Internet Access Zones.

3. Integration. Out-station/outreach sites will be encouraged to enter into formalized Memorandums of Understanding (MOU) to define the range of services available to veteran customers and the responsibilities of DVOP and LVER staff providing such services. MOUs will assure that veterans are provided priority in the services funded by the W-P Act at the center.

4. Performance. Measures of performance will include an annual assessment by the State VETS Director of all formal and informal agreements established to facilitate priority of services for veterans for W-P Act funded activities in one-stop delivery systems, including out-station and out-reach sites.

2. Customer Choice. Case Management services for targeted veterans will be client focused and client driven. Targeted veterans will be provided choices based upon need and the resources available to meet those needs. When necessary and when appropriate, clients will be assisted in accessing resources outside the one-stop delivery system.

3. Integration. Case Management services for veterans through the LVER and DVOP staff will include the resources of the one-stop delivery system and the Department of Veterans Affairs Vocational Rehabilitation & Counseling (VR&C) system. VETS will define the procedures and services to be provided to targeted veteran clients who are case managed. Case Management training at the National Veterans Training Institute (NVTI) will be requested for those one-stop delivery system staff, DVOP staff and LVER staff who will be providing case management services to veterans.

4. Performance. Measures of Performance will track veterans who have been referred to the one-stop delivery system for Case Management Services by the DVA. Measures of Performance will include the number of such veterans referred, the number of such veterans entered into case management, and the outcomes resulting from case managed systems. Common definitions of data will be negotiated between VETS, the one-stop delivery system administrator and the DVA VR&C to insure standardized reporting of outcomes by each system.

F. ROLE AND RESPONSIBILITIES OF PUBLIC EMPLOYMENT SERVICE MANAGEMENT AND STAFF IN THE PROVISION OF SERVICES TO VETERANS

1. Universality. As part of the Memorandums of Understanding (MOUs), LVER and DVOP staff can receive guidance from the one-stop delivery system operator. However, compensation, personnel actions and terms and conditions of employment, including performance appraisals and accountability of merit-staff employees will remain under the authority of the State Agency. LVERs assigned to one-stop systems will monitor and provide quarterly reports to their one-stop delivery system operator on the universality of veteran services provided by one-stop delivery system staff and the access and receipt of these veteran services.

2. Customer Choice. To assist customers to make an informed choice, one-stop delivery systems will provide information during the intake process that advises veterans of the advantages of registration to access special programs and services for veterans and the availability of special staff to discuss employment issues.

3. Integration. One-stop delivery system operators will encourage and promote all program participating in the Workforce Investment system to provide the maximum of employment and training opportunities to veterans.