



February 24, 1999

VETERANS' PROGRAM LETTER NO. 3-99

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

FROM: 
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SUBJECT: Workforce Investment Act Requirements

I. PURPOSE: To inform State Employment Security Agencies (SESAs) and State Agencies responsible for the implementation, administration and oversight of the Workforce Investment Act (WIA) and Veterans' Employment and Training Service (VETS) field staff of the requirement for a Secretary's Agreement (Agreement) between the appropriate State entity and the Secretary of Labor describing:

- A. How services will be provided to veterans in the implementation and operation of WIA and Wagner-Peyser programs at the State and local levels;
- B. How Disabled Veterans' Outreach Program (DVOP) specialists and Local Veterans' Employment Representatives (LVERs) are integrated into the WIA delivery system, at those sites in which the public labor exchange functions are performed; and
- C. The roles of DVOP/LVER staff in relation to the WIA delivery system at the local level.

II. REFERENCES: Sections 112, 117 and 168, 192 and 322 of Public Law (P.L.) 105-220, The Workforce Investment Act of 1998, signed August 7, 1998; Title 38, United States Code, Sections 4103A, 4104 (38 U.S.C. 4103A, 4104); and Section 4110B (newly added); and the Solicitation for Grant Applications (SGA), issued June 20, 1997, and ASVET Memo 3-99.

III. **BACKGROUND:** The Workforce Investment Act of 1998 (WIA) introduces sweeping changes to the delivery of publicly funded employment and training-related services throughout the Nation. In implementing the Act, the U.S. Department of Labor, through its Employment and Training Administration (ETA), is preparing to issue for comments interim final WIA regulations. At this time, the Veterans' Employment and Training Service will not seek to issue regulations, but will amend its special and general grant provisions, as needed, to comply with the provisions of law.

There are a number of references in the Act concerning veterans - activities and services, representation on state and local boards, and planning requirements. For example, Section 112 describes the planning requirements for States to be eligible for WIA and Wagner-Peyser funding. Section 112(b)(8)(A) contains a requirement for the State to assure coordination with and avoid duplication among ten categories of activities or authorized grant programs including activities authorized under Chapter 41 of Title 38 U.S.C. (Section 112(b)(8)(A) (vi)). Further, it (Section 112(b)(8)(B)) also requires the State to include a description of the data collection and reporting processes for the programs and activities listed in Section 112. Section 168 replaces the Job Training Partnership Act (JTPA) IV-C as of July 1, 2000 and Section 192 provides the ability for States to submit a workforce flexibility (workflex) plan to the Secretary, who may elect to waive statutory or regulatory requirements under sections 8 through 10 of the Wagner-Peyser Act (29 U.S.C. 49g through 49i). The exceptions to this waiver allowance are: (1) services to veterans, (2) services to unemployment insurance claimants and (3) universal access to basic labor exchange services at no cost to job seekers.

However, it is Section 322 of WIA that is of major importance to veterans' programs and services. This Section amends Chapter 41 of Title 38 U.S.C. to add a section 4110B, which reads: "In carrying out this Chapter, the Secretary shall require that an appropriate administrative entity in each State enter into an agreement with the Secretary regarding the implementation of this Act that includes the description and information described in paragraphs (8) and (14) of section 112(b) of the Workforce Investment Act of 1998." [Emphasis added]

Some States will request early WIA implementation (July 1, 1999) which will require them to submit their WIA plan by April 1, 1999. The Act also requires a separate agreement between the State and the Secretary of Labor on the provision of services to veterans. The Secretary has designated the Assistant Secretary for Veterans' Employment and Training (ASVET) as her representative to this agreement.

IV. **GUIDANCE:** To fulfill the requirements under the WIA and to assist States to prepare acceptable State plans including requirements for services to veterans and the assignment and appointment of DVOP and LVER staff, a non-financial agreement has been developed to serve as a model for State agencies, State and Local Workforce Development Boards and VETS staff

to use in developing their Secretary's Agreement. This Agreement, (see Enclosure I), was designed to fulfill the requirements of Section 322 of the Workforce Investment Act and can be attached by a state to its WIA plan to demonstrate its intent to meet the requirements of Section 112.

Directors for Veterans' Employment and Training (DVETs), (see Enclosure II for names and addresses), are required to meet with the SESA Administrator or designee, the State WIB official(s). Further, each DVET or their designee will contact each local WIB to discuss implementation of such an Agreement and the prevailing local conditions, and so that the Agreement can be adjusted to accommodate the needs of the board, the "host agency," if so structured, and all partners or partner agencies involved. DVETs will endeavor to bring together at the State (and later at local, substate areas), the SESA representatives, Governors' selected WIA leads and partner agencies' staff. The intent of such meetings is to reach an understanding, using the model Agreement as a starting point, about the roles and relationships among the WIA service providers of how veterans will be served. Discussions will include the character of assistance to be provided at most service delivery points by DVOPs and LVERs who will assist, but not supplant, services to veterans and the services provided by staff representing the public employment service and other WIA service providers.

The model agreement format does not have to be used, but all Agreements must provide a description of:

- A. Intake, assessment and registration process.
- B. Mediated and non-mediated services available to veterans and other eligibles.

How veterans will be provided priority in placement services/activities (screening and referral on job orders, mass recruitment, job banks/talent banks), and referral to training opportunities.

- C. Roles and responsibilities of DVOP and LVER staff
 - 1. At One-Stop Career Centers
 - 2. At Out-Station locations (VA and TAP)
 - 3. LVER program oversight responsibility
 - 4. DVOP outreach responsibilities

D. Activities under the Federal Contractor Program.

E. Case management services

1. Who will assign and manage case management services.
2. Maintenance of case management records.
3. Identification of those populations most in need.

F. Roles and responsibilities of public employment service management and staff in the provision of services to veterans to include an explanation of:

1. Services to veterans in service delivery points where there are no DVOPs or LVERs assigned.
2. Who will supervise DVOPs and LVERs
3. Assistance/services provided to veterans by Wagner-Peyser funded staff.

G. Data Collection and Reporting:

1. Activity Reports
2. Cost reports
3. Performance Reports
4. LVER Local Office Reports

The Agreement will be subject to the approval of the appropriate Regional Administrator for Veterans' Employment and Training (RAVET), and subject to the review of the Regional Administrator of the Employment and Training Administration.

V. ACTIONS REQUIRED:

A. State agencies which are implementing the requirements of WIA are requested to begin discussions with DVETS to determine how services to veterans will be provided under WIA at the State and local level.

B. RAVETs will ensure that their DVETS are provided the guidance and support needed to ensure timely completion of the Secretary's Agreement on services to veterans required

by WIA.

-5-

C. DVETs will review the requirements of the Act and ensure all designated WIA entities receive this Veterans' Program Letter (VPL).

D. DVETs will offer and provide appropriate technical assistance to all those entities associated with State and local WIA planning, implementation and operations.

E. DVETs will identify and bring together the appropriate parties (the Governors' selected/designated WIA lead, SESA and partner agencies) to reach an agreement on the provision of services to veterans. The agreement is to be submitted prior to the planned WIA implementation date.

F. DVETs will report weekly to the RAVET on the activities and progress to obtain the Secretary's Agreement.

G. RAVETs are to immediately identify to the Director of Operations and Programs any WIA implementation policy issues.

H. RAVETS will review for completeness and approve all Agreements that meet the requirements of this directive. Where problems are noted, RAVETS are expected to facilitate their resolution. Copies of all signed agreements are to be maintained in the Regional grant files with a copy provided to the Chicago Regional Lead Center.

VI. INQUIRIES: Inquiries should be addressed to the appropriate DVET or RAVET, as applicable. RAVETs may contact Stan Seidel of the National Office at (202) 219-9105.

VII. ENCLOSURES:

A. Sample Agreement

B. DVET Staff Directory

VIII. EXPIRATION DATE: September 30, 2000.

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. The agreement extends the historical preferential precedents for veterans and other eligible persons to the State Workforce Investment System. In administering veterans' service programs under Chapter 41 and 42 of Title 38 United States Code, 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 Title 38, U.S. Code Chapters 41, 42 and 43; Chapter IX, Code of Federal Regulations, codified at 20 CFR 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 Title 38, U.S. Code, Chapters 41 and Chapter IX, Code of Federal Regulations, codified at 20 CFR 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 universality, 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. These elements are applicable to all the

program components and activities listed below and relative to priority services for veterans and other eligible persons.

A. INTAKE, ASSESSMENT and REGISTRATION

1. **Universality.** Veterans will be allowed to register at all locations at which registration is offered, using standardized data elements as prescribed by Federal guidelines. Individual needs of veterans may be assessed to access core services, intensive services, and training services, as needed, in all one-stop delivery systems, to determine the appropriate level of services to be provided. If veterans' needs cannot be met at the point of intake, veterans will be referred promptly to the appropriate service provider. Access to LVER and DVOP staff will be provided through the one-stop delivery system, if requested by a veteran.
2. **Customer Choice.** Veterans will be encouraged by one-stop delivery system staff to self-identify in order to establish their eligibility for priority services. Veterans will be provided the options to:
 - a) self-register for core services
 - b) request assessment for intensive services; and/or
 - c) request assessment for training services as appropriate to meet their needs. Veterans will be provided maximum access to America's Labor Market Information System (ALMIS) including both printed and electronic data.
3. **Integration.** Qualified veterans will be provided priority in all services provided under the Wagner- Peyser Act at the point of intake and in assessment for all services.
4. **Performance.** Performance will be measured by comparing needs of veterans as identified at the point of intake with the service provided at the point of exit. Measures of performance will be client-centered and outcome-oriented and will include timeliness of services provided.

B. MEDIATED and NON-MEDIATED SERVICES IN PLACEMENT, DEVELOPMENT OF JOBS and JOB TRAINING OPPORTUNITIES.

1. **Universality.** Veteran one-stop delivery system customers assessed as being "job ready" will be provided with priority access to job information services, including all types of job referrals. In those instances where appropriate job listings are not available, veterans will be instructed in the use of self-directed job search techniques and technology. Veterans who are unsuccessful in accessing job opportunities will be identified and provided job development services.
2. **Customer Choice.** Veterans will be provided with maximum access to labor market information. Services provided will be customer driven. Where available,

veterans will be trained in the use of technology, Internet resources, and other career information delivery systems including ALMIS.

3. **Integration.** DVOP and LVER staff will provide technical assistance and staff training to one-stop delivery system staff 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) 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 38 U.S.C. Chapter 41. 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 to Service Delivery Point staff.
2. **Customer Choice.** Veteran 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/Out-reach 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 available in 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 in one-stop delivery systems, including

out-station and out-reach sites.

D. FEDERAL CONTRACTOR PROGRAM (FCP) and VETERANS' PREFERENCE for FEDERAL JOBS

1. **Universality.** Federal Contractor Program job information and listings of Federal jobs will be available at all one-stop delivery systems. LVER staff who are designated as Monitors for the workforce investment area will provide training to one-stop delivery system staff relative to the Federal Contractor Job Listing Program and Complaint systems as well as the Federal employment opportunities for veterans. Where feasible, the one-stop delivery system will establish an America's Job Bank (AJB) Access Zone using Internet technology to provide access to Federal Contractor and Federal Agencies job listings. One-stop delivery system staff, in cooperation with LVER Monitors, will promote the establishment of AJB Access Zones at other Community Based Organizations and Department of Veterans Affairs (State and Federal) offices.
2. **Customer Choice.** Veterans will be provided both printed and electronic Federal Contractor Program and Federal job information, including information relative to filing complaints with the State VETS Director. Federal Contractors and Federal Agencies will be provided with recruitment assistance in accordance with their obligation for Affirmative Action and veterans' preference requirements pursuant to 38 U.S.C., Chapter 42.
3. **Integration.** The FCP and Federal job opening listings will be integrated into all one-stop delivery systems to assure that veteran customers, Federal Contractors and Federal Agencies have full access to jobs listings, qualified applicants and program information. Veterans will be provided information in the filing of complaints as necessary. LVER and DVOP staff will provide technical assistance and staff training to one-stop delivery system staff relative to Federal Contractor Programs.
4. **Measures of Performance.** Performance will be measured by surveying customer satisfaction with FCP assistance provided by one-stop delivery system staff, and by evaluation of the quality and timeliness of services provided by LVER/DVOP staff.

E. CASE MANAGEMENT SERVICES FOR TARGETED VETERANS

1. **Universality.** Case Management services for targeted veterans will be provided by LVER and DVOP staff and appropriate one-stop delivery system staff. These Case Management services will parallel similar services provided for other customers within one-stop delivery systems.
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 systems.

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. The Veterans' Employment and Training Service (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 local 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 programs participating in the Workforce Investment system to provide the maximum of employment and training opportunities to veterans.
4. **Performance.** One-stop delivery system operators will be held responsible for assuring priority services for veterans where Wagner-Peyser, LVER, DVOP, or

public employment service resources are used. Measures of Performance for veterans services will be negotiated between VETS and the (Appropriate State Entity). Program activity and program costs will be reported in accordance with the DVOP/LVER grant agreement.

V. Effective Date.

This Agreement shall be fully executed and effective as of the date of the signing of this document. The Agreement shall be automatically renewed on October 1st of each subsequent year, absent an express written notice of an intent not to renew receive by all signatories at least 30 days prior to the October 1 renewal date. This agreement may be amended if agreed to by all parties.

VI. Principal Signatures.

(Governor)

(Date)

(State Employment Security Agency)

(Date)

Director for Veterans' Employment and Training
U.S. Department of Labor

(Date)

Other Partners/Agencies:

(Define add additional as necessary)

(Date)

AMENDMENTS:
(If necessary)

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