ADVISORY: **TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 7-12**

TO: STATE WORKFORCE AGENCIES
STATE WORKFORCE LIAISONS

FROM: JANE OATES /s/
Assistant Secretary

SUBJECT: Implementing the Veterans-Related and Other Reporting Change Requirements in the Labor Exchange Reporting System (LERS)

1. Purpose. To advise States of the changes to LERS necessary to implement Sections 211, 238, and 239 of the VOW to Hire Heroes Act of 2011 (VOW Act) and Section 2149 of the Middle Class Tax Relief and Job Creation Act of 2012, as well as for collecting performance data related to the Veterans' Gold Card Initiative.

2. References.
- Sections 211, 238, 239 and 261 of the VOW Act, Pub. L. 112-56 Title II; Title 38, Sections 4107 and 4215, 38 U.S.C. 4107, 4215;
- The Jobs for Veterans Act (JVA) of 2002, Pub. L. 107-288, Section 2(a) codified at 38 U.S.C. 4215;
- Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. 112-96 (February 22, 2012), Title II, Section 2142;
- Training and Employment Guidance Letter (TEGL) 10-09, *Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or in part by the U.S. Department of Labor (DOL)*;
- TEGL 30-11, *Information and Guidance on the Work Opportunity Tax Credit Provisions Introduced by the Veterans Opportunity to Work (VOW) to Hire Heroes Act of 2011, and IRS Guidance on Submission of Form 8850*;
- Training and Employment Notice (TEN) 15-10, *Protocol for Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or in part by the U.S. Department of Labor (DOL)*;
- TEGL 20-11, *Reemployment Services and Reemployment Eligibility Assessment Activities for Recipients of Emergency Unemployment Compensation*;
- TEGL 37-11, *Notification of Available Funding to Implement Veterans-Related Reporting Requirements in the Labor Exchange Reporting System (LERS);*
- TEN 15-11, *Gold Card Initiative;*

RESCISSIONS None	EXPIRATION DATE Continuing

- TEN 43-11 (and VPL 7-12), *Overview of the Veterans' Retraining Assistance Program (VRAP), section 211 of the VOW to Hire Heroes Act of 2011; and,*
- ET 406 Handbook, *ETA 9002 Report and VETS 200 Report.*

3. Background. The Employment and Training Administration (ETA) is modifying instructions for several ETA reports to collect information needed as a result of new program and reporting requirements contained in recently enacted legislation and federal initiatives. On August 5, 2011, President Obama announced a comprehensive plan to lower the number of unemployed veterans and to ensure that service members leave the military career-ready. The announcement included several initiatives, including the creation of a suite of Gold Card services for veterans. The Gold Card Initiative, which provides unemployed post-9/11 era veterans with intensive and follow-up services, was announced on November 4, 2011. The Gold Card services include a combination of intensive services, such as skills assessment, career coaching, and job search assistance, over a six-month period to jump-start the veterans' job search process and connect them to the civilian labor force. To determine the number of veterans who access the services offered under the Gold Card Initiative, ETA has proposed the collection of information on the services provided and outcomes achieved by post-9/11 era veterans.

On November 21, 2011, President Obama signed the VOW Act. Section 211 of the VOW Act established the Veterans Retraining Assistance Program (VRAP). The VRAP program provides training assistance to eligible veterans. This requires that the Department track these participants, offer employment assistance, and report employment outcomes. Section 238 of the VOW Act requires that several new performance measures be collected for an annual report on veteran job counseling, training, and placement in Department of Labor (Department) programs. Section 239 of the VOW Act requires the Department to report on whether veterans are receiving priority of service and are being fully served by qualified job training programs in accordance with 38 U.S.C. 4215.

Congress passed the Middle Class Tax Relief and Job Creation Act of 2012 (Tax Relief Act) in February 2012. The Tax Relief Act amended the Emergency Unemployment Compensation (EUC) Act of 2008, adding, among other provisions, a requirement that States provide reemployment services and reemployment and eligibility assessments (RES/REA) to individuals who begin receiving EUC First Tier benefits or who transition from First Tier to Second Tier benefits on or after March 23, 2012.

The current modifications to LERS, the performance reporting system for the Wagner-Peyser Employment Service (ES) and the Jobs for Veterans State grants, collect the information needed to implement these new requirements. In order to assist States in implementing the system modifications, the Department announced the availability of funds, in the amount of $60,000, for each State and applicable territory (District of Columbia, Puerto Rico, and U.S. Virgin Islands). See TEGL No. 37-11 for more information on this funding.

Reporting on the additional required data elements in the LERS will be made effective on August 15, 2012. Further, ETA has granted a one-time 30-day extension of the first quarter PY 2012 reporting deadline, rendering a LERS reporting due date of **December 15, 2012** rather than the customary due date of November 14, 2012. Note: This due date applies only to the LERS reporting deadline. All other PY 2012 first quarter reporting deadlines are **not** being extended.

4. Changes to the Employment Service Record Layout. In order to collect the additional information required by the VOW Act, priority of service for veterans, the Gold Card Initiative, and the Tax Relief Act, several new pieces of information need to be collected in the individual record layout for LERS. These items are:

- Date of first self-service
- Date of first staff-assisted service
- Veterans status
- Post 9/11 era veteran
- Transition assistance program (TAP) employment workshop veteran (This is the TAP workshop by the Department of Labor)
- Covered person entry date
- Most recent date received self-service
- Type of recognized credential
- Date of attainment of the recognized credential
- Local Workforce Investment Board (LWIB) name
- Office name
- Case manager
- Special program identifier

The following table provides a description of the new items added to the LERS file. More detailed information regarding these new elements, as well as corresponding edit checks and reporting specifications, are available in the revised ET 406 Handbook, which can be accessed at http://www.doleta.gov/performance/guidance/WIA/406_handbook.pdf.

New Element Name	New Element Reporting Description
Date of First Self-Service	Record the date on which the individual received his/her first self-service, either at a physical location or through an electronic resource. A self-service is defined as any service that was provided to the job seeker without significant staff involvement.
Date of First Staff-Assisted Service	Record the date on which the individual received his/her first staff-assisted service.

New Element Name	New Element Reporting Description
Veteran Status *(Note: this new element does NOT replace the "Eligible Veteran Status" element already incorporated in the individual record layout. Veteran reporting specifications still rely on the Eligible Veteran Status for all calculations.)*	Record 1 if the participant is a person who served on active duty in the military, naval or air services and who was discharged or released from such service under conditions other than dishonorable. Record 2 if the participant does not meet the condition described above. Record 0 or leave blank if participant does not disclose veteran status.
Post 9/11 Era Veteran	The term "Post 9/11 Era Veteran" means a person who served for at least one day on or after September 11, 2001, on active duty in the military, naval, or air service and who was discharged or released from such service under conditions other than dishonorable. Record 1 if the individual meets the conditions of an eligible veteran and served at least one day of active duty on or after September 11, 2001. Record 2 if the individual meets the conditions of an eligible veteran type 1 or eligible veteran type 2 and did not serve at least one day of active duty on or after September 11, 2001. Record 0 or blank if the individual is not a veteran.
Transition Assistance Program (TAP) Workshop Veteran	A TAP veteran is any veteran or Transitioning Service Member (TSM) who attended a TAP workshop during the three year period prior to the date of participation. *Please note: the Department recognizes that TSMs may not yet have veteran status; however, TSMs who participate in TAP Workshops are classified as "TAP Workshop Veterans."* Record 1 if the participant meets the conditions described above. Record 2 if the participant does not meet the conditions described above. Leave blank if the participant is not a veteran or TSM.

New Element Name	New Element Reporting Description
Covered Person Entry Date	Record the date that a veteran or other eligible spouse first made contact with the workforce system, either at a physical location or through an electronic resource.
Most Recent Date Received Self-Service	Indicate the most recent date a job seeker received self-service during the reporting period, either at a physical location or through an electronic resource. A self-service is defined as any service that was provided to the job seeker without significant staff involvement.
Type of Recognized Credential	Use the appropriate code to record the type of recognized diploma, degree, or certificate attained by the participant. 1 = High School Diploma/GED 2 = AA or AS Diploma/Degree 3 = BA or BS Diploma/Degree 4 = Occupational Skills Licensure 5 = Occupational Skills Certificate/Credential 6 = Other Recognized Educational or Occupational Skills Certificate/Credential Record 0 or blank if no certificate was received. Diplomas, degree, or certificates must be attained either during participation or by the end of the third quarter after the quarter of exit from services
Date of Attainment of the Recognized Credential	Record the date the recognized credential was attained.
Local Workforce Investment Board (WIB) Name	Record the LWIB Name where the individual received services. Leave blank if unknown or not identified.
Office Name	Record the Office Name from which the individual received services. Leave blank if unknown or not identified.
Case Manager	Record the name of the case manager assigned to the individual. Leave blank if unknown or not identified.

New Element Name	New Element Reporting Description
Special Program Identifier	Record the ETA assigned Special Program Identifier. Leave blank if not applicable or not identified.

5. Changes to the ETA 9002 and VETS 200 Reports. Beginning on August 15, 2012, ETA began the collection of and reporting on the additional information required by Sections 238 and 239 of the VOW Act, Section 2142 of the Middle Class Tax Relief and Job Creation Act of 2012, and for collecting performance data related to the Gold Card Initiative. ETA will utilize an updated web-based Data Reporting and Validation System (DRVS), denoted the Enterprise Data Reporting and Validation System (E-DRVS), for the first submission on the modified LERS layout due December 15, 2012. An E-DRVS User's Guide will be incorporated and made available within the software. Please check www.doleta.gov/performance for updates.

The only changes necessary for the PY 2012 first quarter submission are the changes to the LERS individual record layout discussed in Section 4. There are changes to the reports (discussed below); however, beginning with the December 15, 2012 submission (PY 2012 Q1) States will only have to upload the modified LERS file, as the E-DRVS will generate and submit the reports to ETA. States will still be required to certify the data prior to its official upload to ETA; however, E-DRVS will build the reports.

The following items were added to the ETA 9002 and VETS 200 reports to capture the additional required information. While the full details of the revised LERS reporting requirements are available in the revised ET 406 Handbook, http://www.doleta.gov/performance/guidance/WIA/406_handbook.pdf the table below provides all of the new elements, by report, along with their associated technical specifications.

- Two new reports were added to the 9002 (the 9002 F and the 9002 EUC) to collect the required priority of service and EUC information. A credentials field will be added to the VETS 200 A, B, C, and the ETA 9002 D.
- A Post 9/11 era veterans column will be added to the VETS 200 A, B, C, and the ETA 9002 B and D.
- A Homeless veteran column will be added to the VETS 200 A and B.
- A TAP column was added to the ETA 9002 B and D. A TAP row was added to the VETS 200 A, B, C.
- Four additional rows will be added to the VETS 200 A, B, C, and the ETA 9002 C and D to collect median earnings information at the three and sixth month intervals, as required.

ETA 9002 A

Element Name	Position	Specification
TAP Workshop Veterans and TSMs	Row 3	Count of unique RECORDS where DATE OF PROGRAM PARTICIPATION <= end of the report period and DATE OF EXIT >= beginning of the report period or is null and ELIGIBLE VETERAN STATUS is 1 or 2 or TSM is 1 and TAP WORKSHOP VETERAN is 1

ETA 9002 B

Element Name	Position	Specification
Post 9/11 Veterans	Col. G	Count of unique RECORDS where DATE OF PROGRAM PARTICIPATION $\leq$ end of the report period and DATE OF EXIT $\geq$ beginning of the report period or is null and ELIGIBLE VETERAN STATUS is 1 or 2 and POST 9/11 VETERAN is 1.
TAP Workshop Veterans and TSMs	Col. H	Count of unique RECORDS where DATE OF PROGRAM PARTICIPATION $\leq$ end of the report period and DATE OF EXIT $\geq$ beginning of the report period or is null and ELIGIBLE VETERAN STATUS is 1 or 2 or TSM is 1 and TAP WORKSHOP is 1
TAP Workshop Veterans and TSMs	Row 2	Count of unique RECORDS where DATE OF PROGRAM PARTICIPATION $\leq$ end of the report period and DATE OF EXIT $\geq$ beginning of the report period or is null and ELIGIBLE VETERAN STATUS is 1 or 2 or TSM is 1 and TAP WORKSHOP is 1

ETA 9002 C

Element Name	Position	Specification
Six-Months Average Earnings Numerator	Row 11	Sum of (WAGES 2nd QUARTER AFTER EXIT QUARTER and WAGES 3rd QUARTER AFTER EXIT QUARTER) where (WAGES 1st QUARTER AFTER EXIT QUARTER > 0 and WAGES 1st QUARTER AFTER EXIT QUARTER < 999999.99) and (WAGES 2nd QUARTER AFTER EXIT QUARTER > 0 and WAGES 2nd QUARTER AFTER EXIT QUARTER < 999999.99) and (WAGES 3rd QUARTER AFTER EXIT QUARTER > 0 and WAGES 3rd QUARTER AFTER EXIT QUARTER < 999999.99) and DATE OF EXIT is within the reporting period and (OTHER REASONS FOR EXIT is null or OTHER REASONS FOR EXIT = 00 or

Element Name	Position	Specification
		OTHER REASONS FOR EXIT =98)
Six-Months Average Earnings Denominator	Row 12	Count of unique RECORDS where (WAGES 1ST QUARTER AFTER EXIT QUARTER > 0 and WAGES 1ST QUARTER AFTEREXIT QUARTER < 999999.99) and (WAGES 2nd QUARTER AFTER EXIT QUARTER > 0 and WAGES 2nd QUARTER AFTER EXIT QUARTER < 999999.99) and (WAGES 3rd QUARTER AFTER EXIT QUARTER > 0 and WAGES 3rd QUARTER AFTER EXIT QUARTER < 999999.99) and DATE OF EXIT is within the reporting period and (OTHER REASONS FOR EXIT is null or OTHER REASONS FOR EXIT = 00 or OTHER REASONS FOR EXIT = 98)
Three-Months Median Earnings	Row 14	The value of 1st quarter after exit wages that is the mid-point between the lowest wage reported and the highest wage reported. To determine the midpoint, the 1st quarter after exit wages should be sorted from lowest to highest. If an odd number of unique records have been reported, the mid-point value is defined as (n+1)/2 where n is the total unique records with 1st quarter after exit wages. Thus if 99 wage records are in the 1st quarter after exit, the midpoint is the 50th record [(99+1)/2=50]. If an even number of unique records has been reported, then the mid-point is the arithmetic mean of the two midmost wage values. Thus if 100 wage records are in the 1st quarter after exit, the mid-point is (100+1)/2 = 50.5 and the mean of the two midmost values is defined as the value of the sum of the 50th and 51st record divided by 2.
Six-Months Median Earnings	Row 15	The value of 3rd quarter after exit wages that is the mid-point between the lowest wage reported and the highest wage reported. To determine the midpoint, the 3rd quarter after exit wages should be sorted from lowest to highest. If an odd number of unique records have been reported, the mid-point value is defined as (n+1)/2 where n is the total unique records with 3rd quarter after exit wages. Thus if 99 wage records are in the 3rd quarter after exit, the midpoint is the 50th record [(99+1)/2=50]. If an even number of unique records has been reported, then the mid-point is the arithmetic mean of the two midmost wage values. Thus if 100 wage records are in the 3rd quarter after exit, the mid-point is (100+1)/2 = 50.5 and the mean of the two midmost values is defined as the value of the sum of the 50th and 51st record divided by 2

ETA 9002 D

Element Name	Position	Specification
Post 9/11 Veterans	Col. G	Count of unique RECORDS where DATE OF PROGRAM PARTICIPATION ≤ end of the report period and DATE OF EXIT ≥ beginning of the report period or is null and ELIGIBLE VETERAN STATUS is 1 or 2 and POST 9/11 VETERAN is 1.
TAP Workshop Veterans and TSMs	Col. H	Count of unique RECORDS where DATE OF PROGRAM PARTICIPATION ≤ end of the report period and DATE OF EXIT ≥ beginning of the report period or is null and ELIGIBLE VETERAN STATUS is 1 or 2 or TSM is 1 and TAP WORKSHOP is 1
Six-Months Average Earnings Numerator	Row 13	Sum of (WAGES 2nd QUARTER AFTER EXIT QUARTER and WAGES 3rd QUARTER AFTER EXIT QUARTER) where (WAGES 1st QUARTER AFTER EXIT QUARTER > 0 and WAGES 1st QUARTER AFTER EXIT QUARTER < 999999.99) and (WAGES 2nd QUARTER AFTER EXIT QUARTER > 0 and WAGES 2nd QUARTER AFTER EXIT QUARTER < 999999.99) and (WAGES 3rd QUARTER AFTER EXIT QUARTER > 0 and WAGES 3rd QUARTER AFTER EXIT QUARTER < 999999.99) and DATE OF EXIT is within the reporting period and (OTHER REASONS FOR EXIT is null or OTHER REASONS FOR EXIT = 00 or OTHER REASONS FOR EXIT =98)
Six-Months Average Earnings Denominator	Row 14	Count of unique RECORDS where (WAGES 1ST QUARTER AFTER EXIT QUARTER > 0 and WAGES 1ST QUARTER AFTEREXIT QUARTER < 999999.99) and (WAGES 2nd QUARTER AFTER EXIT QUARTER > 0 and WAGES 2nd QUARTER AFTER EXIT QUARTER < 999999.99) and (WAGES 3rd QUARTER AFTER EXIT QUARTER > 0 and WAGES 3rd QUARTER AFTER EXIT QUARTER < 999999.99) and DATE OF EXIT is within the reporting period and (OTHER REASONS FOR EXIT is null or OTHER REASONS FOR EXIT = 00 or OTHER REASONS FOR EXIT = 98)
Three-Months Median Earnings	Row 16	The value of 1st quarter after exit wages that is the mid-point between the lowest wage reported and the highest wage reported. To determine the midpoint, the 1st quarter after exit wages should be sorted from lowest to highest. If an odd number of unique records have been reported, the mid-point value is defined as

Element Name	Position	Specification
		(n+1)/2 where n is the total unique records with 1st quarter after exit wages. Thus if 99 wage records are in the 1st quarter after exit, the midpoint is the 50th record [(99+1)/2=50]. If an even number of unique records has been reported, then the mid-point is the arithmetic mean of the two midmost wage values. Thus if 100 wage records are in the 1st quarter after exit, the mid-point is (100+1)/2 = 50.5 and the mean of the two midmost values is defined as the value of the sum of the 50th and 51st record divided by 2.
Six-Months Median Earnings	Row 17	The value of 3rd quarter after exit wages that is the mid-point between the lowest wage reported and the highest wage reported. To determine the midpoint, the 3rd quarter after exit wages should be sorted from lowest to highest. If an odd number of unique records have been reported, the mid-point value is defined as (n+1)/2 where n is the total unique records with 3rd quarter after exit wages. Thus if 99 wage records are in the 3rd quarter after exit, the midpoint is the 50th record [(99+1)/2=50]. If an even number of unique records has been reported, then the mid-point is the arithmetic mean of the two midmost wage values. Thus if 100 wage records are in the 3rd quarter after exit, the mid-point is (100+1)/2 = 50.5 and the mean of the two midmost values is defined as the value of the sum of the 50th and 51st record divided by 2

ETA 9002 F

The entire 9002F report is new and will be automatically generated by E-DRVS. This report will be utilized to report on the implementation of the priority of service provisions contained in the VOW Act. The report will capture information on the number of covered entrants reaching the end of the entry period (45 days from initial contact with the workforce system) in the current and most recent four quarter periods, the number of covered entrants that received a service during the entry period in the current and most recent four quarter periods, and the number of covered entrants that received a staff assisted service during the entry period in the current and most recent four quarter periods. See the revised ET 406 Handbook for details.
http://www.doleta.gov/performance/guidance/WIA/406_handbook.pdf

ETA 9002 EUC

The entire report is new and will be automatically generated by E-DRVS. No additional information or calculations on the part of the States are necessary for this report aside from flagging these individuals in the special projects field of the LERS individual record

layout with the EUC code REUC. See the revised ET 406 Handbook for details.
http://www.doleta.gov/performance/guidance/WIA/406_handbook.pdf

7. Action Requested. State Administrators are requested to immediately transmit this TEGL to the appropriate staff.

8. Inquiries. All inquiries should be directed to the appropriate ETA regional office.