

<b>EMPLOYMENT AND TRAINING ADMINISTRATION</b> <b>ADVISORY SYSTEM</b> <b>U.S. DEPARTMENT OF LABOR</b> <b>Washington, D.C. 20210</b>	<b>CLASSIFICATION</b> Wagner-Peyser/VETS
	<b>CORRESPONDENCE SYMBOL</b> DSPP/OPDR
	<b>DATE</b> June 15, 2012

**ADVISORY:**      **TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 37-11**

**TO:**                STATE WORKFORCE AGENCIES  
STATE WORKFORCE LIAISONS

**FROM:**            JANE OATES /s/  
Assistant Secretary

**SUBJECT:**        Notification of Available Funding to Implement Veterans-Related Reporting Requirements in the Labor Exchange Reporting System (LERS)

**1. Purpose.** To announce availability of funds, in the amount of \$60,000, to each state, the District of Columbia, U. S. Virgin Islands, and Puerto Rico through the Wagner-Peyser Act state grants. Funds will be for the purposes of making the necessary adjustments to their management information systems to implement Sections 211, 238, 239 and 261 of the VOW to Hire Heroes Act of 2011 (Title II of Pub. L. 112-56), as well as for collecting performance data related to the Veterans' Gold Card Initiative. A Notice of Obligation (NOO) indicating the amount obligated to the state and the purpose of funding will be issued to expedite implementation.

**2. References.**

- Sections 211, 238, 239 and 261 of VOW to Hire Heroes Act of 2011(VOW Act), Pub. L. 112-56; Title 38, Sections 4107 and 4215, United States Code (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;
- Training and Employment Guidance Letter (TEGL) No. 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*, dated May 24, 2012;
- Training and Employment Notice (TEN) No. 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)*;
- TEN No. 15-11, *Gold Card Initiative*; and,
- TEN No. 43-11 (and Veterans Program Letter 7-12), *Overview of the Veterans' Retraining Assistance Program (VRAP)*.

<b>RESCISSIONS</b> None	<b>EXPIRATION DATE</b> Continuing
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**3. Background.** On August 5, 2011, President Obama announced a comprehensive plan to lower veterans' unemployment and to ensure that service members leave the military career-ready. Several initiatives have been developed as part of this plan, including the creation of a suite of Gold Card services for veterans. The Gold Card Initiative, which provides post-9/11 era veterans with intensive and follow-up services, was announced on November 7, 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 reconnect them to the civilian labor force. To determine the number of veterans who access the services offered under the Gold Card Initiative, the Employment and Training Administration (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) which directs the U.S. Department of Veterans Affairs (VA), in cooperation with the U.S. Department of Labor (DOL), to pay up to 12 months of retraining assistance to unemployed eligible veterans aged 35 to 60 who participate in a training program in a "high demand" occupation. The VRAP requires DOL to do follow-up with participants who exit the training program and requires DOL and VA to report on the number of eligible veterans who participate in the program, associates degrees or certificates awarded, and data related to the employment outcomes of those participants after completing or terminating from training. Section 238 of the VOW Act amended 38 U.S.C. 4107 to require DOL to report new performance measures for an annual report on job counseling, training, and placement programs for veterans. Section 239 of the VOW Act amended 38 U.S.C. 4215 to require DOL to report on whether veterans are receiving priority of service and are being fully served by qualified job training programs. Section 261 of the VOW Act contains provisions related to the Work Opportunity Tax Credit (WOTC) program that provides employers increased tax credits for hiring certain qualified veterans.

Under the priority of service regulation at 20 CFR 1010.330, states are required to report on services provided to veterans in qualified job training programs. Accordingly, states must report on services provided to veterans under the Gold Card Initiative. States' existing Wagner-Peyser Act grant agreements require states to report on services provided using the Labor Exchange Reporting System (LERS), the performance reporting system for the Wagner-Peyser Employment Service (ES) and for the services provided through the Jobs for Veterans State Grants under the Veterans' Employment and Training Service (VETS). Proposed modifications to LERS incorporate the new reporting requirements added by the above provisions of the VOW Act. Additionally, changes will be necessary for WOTC (see Section 6 below). In order to assist states implement the system modifications, DOL will make available \$60,000 for each state and applicable territory (District of Columbia, Puerto Rico, and U.S. Virgin Islands).

**4. Proposed Additions to the Employment Service Record Layout.** The VOW Act, the Gold Card Initiative, and priority of service for veterans combined are a catalyst for several changes and additions to the LERS. The recent LERS Information Collection Request (ICR) for renewal under the Paperwork Reduction Act submitted by ETA addresses these required changes, among others, by proposing additional data elements, alterations to existing reports, and creating a new report. Please note that the Office of Management and Budget (OMB) has not yet granted

official clearance of the proposed changes to LERS. Therefore, the following table represents only the new elements as *proposed* by ETA; these elements are not to be considered official until the ICR is approved. More detailed information regarding new elements as well as corresponding edit checks and reporting specifications will be described in subsequent guidance on the official additions to LERS. Please check [www.doleta.gov/performance](http://www.doleta.gov/performance) for updates.

<b>New Element Name</b>	<b>New Element Reporting Description</b>
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.
<b>Veteran Status</b> <i>(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.)</i>	Record 1 if the participant is a person who served on active duty in the military, naval or air services for at least one day 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.

<b>New Element Name</b>	<b>New Element Reporting Description</b>
Transition Assistance Program (TAP) Workshop Veteran	<p>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. <i>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."</i></p> <p>Record 1 if the participant meets the conditions described above.</p> <p>Record 2 if the participant does not meet the conditions described above.</p> <p>Leave blank if the participant is not a veteran or TSM.</p>
Covered Person Entry Date	Record the date that a veteran 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	<p>Use the appropriate code to record the type of recognized diploma, degree, or certificate attained by the participant.</p> <p>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</p> <p>Record 0 or blank if no certificate was received.</p> <p>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.</p>

<b>New Element Name</b>	<b>New Element Reporting Description</b>
Date of Attainment of the Recognized Credential	Record the date the recognized credential was attained.
Workforce Investment Board (WIB) Name	Record the WIB 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.
Special Program Identifier	Record the ETA assigned Special Program Identifier. Leave blank if not applicable or not identified.

**5. Implementation of VRAP.** On November 21, 2011, President Obama signed into law the VOW to Hire Heroes Act of 2011, which established VRAP. The VRAP directs the VA, in cooperation with the DOL, to pay up to 12 months of retraining assistance to unemployed eligible veterans aged 35 to 60 who participate in a training program in a “high demand” occupation. Up to 45,000 veterans in Fiscal Year 2012, beginning July 1, 2012 through September 30, 2012, and up to 54,000 veterans from October 1, 2012 through October 1, 2013, may enroll in VRAP with VA monthly retraining assistance payments concluding by March 31, 2014. The VRAP application process and retraining assistance will be provided by VA. However, in accordance with the VOW Act, DOL will be responsible for providing follow-up services through the One-Stop Career Center System to VRAP participants within 30 days after training termination or completion in order to facilitate employment by providing employment placement services. An overview of the VRAP was provided through TEN 43-11, dated May 8, 2012, and further details regarding VRAP procedures will be forthcoming in a future TEGL.

**6. Funding for WOTC Automation.** Before filing for a tax credit with the Internal Revenue Service, employers must submit requests to State Workforce Agencies certifying that the new employee meets the eligibility requirements for one or more of the WOTC target groups, including qualified veterans. The WOTC certification process is still a paper-based process in the majority of the states. Some states have moved to full- or partially-automated systems, achieving greater efficiency and reducing backlogs of certification requests from employers.

States may choose to use available funds for the purpose of automating the steps involved in receiving, verifying target group eligibility and processing WOTC certification requests. While ETA understands that the amount being made available to states would not cover the cost of a full automation, the funds could be used for automating parts of the process, or leveraged with other Wagner-Peyser, WOTC, or state funds to implement larger system reforms.

**7. Action Requested.** State Administrators are requested to immediately transmit this TEGL to the appropriate staff. To expedite implementation of the new requirements, the DOL’s Grant

Officer will issue a NOO indicating the amount obligated to the state and the purpose for which the funds are to be used. The Authorized Representative signature that appears on the original Employment Service agreement will commit the state to carrying out the VOW Act's new requirements. Expenditure of grant funds certifies that your organization accepts these funds and has read and will comply with the terms in the NOO and all other parts of the grant agreement.

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