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VETERANS' PROGRAM LETTER NO. 07-10

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

FROM: RAYMOND M. JEFFERSON *Raymond M. Jefferson*
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SUBJECT: Refocused Roles and Responsibilities of Jobs for Veterans State Grant
Funded Staff

- I. **Purpose:** To issue staffing guidelines for Disabled Veterans' Outreach Program (DVOP) specialists and Local Veterans' Employment Representative (LVER) staff funded by the Jobs for Veterans State Grant (JVSG) and to refocus their roles and responsibilities to better reflect legislative intent.
- II. **References:** Title 38, United States Code (38 USC), Chapters 41 and 42; Veterans' Program Letter (VPL) 01-10, Jobs for Veterans State Grant Recurring Report Requirements, dated January 15, 2010; VPL 05-05, Direct and Indirect Charges, dated May 23, 2005; and General Accounting Office (GAO) 07-594, Labor Could Improve Information on Reemployment Services, Outcomes, and Program Impact, May 2007.
- III. **Rescissions:** VPL 07-05, dated July 27, 2005.
- IV. **Background:** After enactment of the Jobs for Veterans Act in 2002, the Veterans' Employment and Training Service (VETS) issued guidance on the new roles and responsibilities of the DVOP specialist in VPL 11-02 which was subsequently superseded by VPL 07-05 (being superseded by this VPL). The policies established in those VPLs were further implemented in two sets of State Planning Guidance issued to States covering Fiscal Years (FY) 2005 - 2014.

While VPL 07-05 emphasized the primary responsibilities for each grant funded staff position, i.e., DVOP specialists provide intensive services and LVER staff members focus on employer outreach, it did not limit activities to those roles. Since implementation of the Jobs for Veterans Act, numerous reviews and audits have identified issues with the overlapping responsibilities of the distinct roles, limited staffing in offices, and outcomes for Veterans served by grant-funded staff that mirror outcomes for Veterans served by the Labor Exchange.

The State Planning Guidance used by States to develop the FY 2010 – 2014 plans clearly stresses the distinct, primary roles of the two grant-funded staff positions as part of an effort to fulfill each State's overall responsibility to provide service to Veterans. To be acceptable, State Plans are required to describe:

- The population(s) of Veterans to be served;
- The duties assigned to DVOP specialists and LVER staff;
- How grant-funded staff are deployed to serve Veterans;
- The manner in which DVOP specialists and LVER staff are integrated in the State's employment delivery service system or One-Stop Career Center; and
- How the State provides employment, training, and placement services to Veterans, Transitioning Service Members and other eligible persons.

This guidance is being issued to further delineate and target the duties of grant-funded staff, i.e., the DVOP specialist and LVER.

V. The Refocusing Effort: Even though VETS has issued policy guidance to implement the roles and responsibilities of the DVOP specialist and LVER as stipulated in 38 USC, § 4103A and § 4104, more than one program review has found that the guidance has not been effectively implemented. For instance, in 2007, the GAO found overlap in the activities performed by DVOP specialists and LVER staff, primarily when an office has a single grant-funded staff person making them responsible for carrying out the roles of both grant funded staff. Additionally, they found that:

- DVOP specialists expend a relatively low amount of their overall effort delivering intensive services;
- LVER staff expend a relatively low amount of their overall effort on employer outreach and job development; and
- Both DVOP specialists and LVER staff appear to expend the majority of their effort providing standard labor exchange services to Veterans whose reported characteristics are very similar to the reported characteristics of those Veterans served by Wagner-Peyser staff only.

Most recently, Congress has questioned how the JVSG differs from other Department of Labor programs, particularly the Wagner-Peyser State Grants funded by the Employment and Training Administration (ETA). Performance reports reflect similar levels of service provided by VETS and ETA-funded staff, as well as similar employment outcomes for Veterans with similar reported characteristics, making it difficult to demonstrate the added benefit of funding a specialized cadre of staff to assist Veterans.

In consultation with Departmental managers, VETS has concluded that it is essential to assist unemployed and underemployed Veterans to achieve improved employment outcomes by reemphasizing the statutory priorities for service delivery, as follows:

- Clearly delineate the distinct duties of the DVOP specialist and the LVER staff member;
- Emphasize that the majority of a JVSG funded staff person's efforts should be focused on their primary responsibility, i.e. DVOP specialists provide intensive services to targeted Veterans and LVER staff provide employer outreach and job development services;
- Establish roles that demonstrate how the complementary resources of these two positions can better meet the employment needs of targeted Veterans;

- Collect and produce data that reflects adoption of the clearly delineated and refocused roles; and
- Demonstrate the value-added aspects of the JVSG program.

This refocusing effort provides an opportunity for States to better implement the roles of both JVSG funded positions so they “complement” each other to serve the needs of Veterans and employers and thereby demonstrate how the DVOP specialist and LVER work as a “team” to improve employment outcomes for targeted Veterans. It is intended to provide States with the information needed to make appropriate staffing decisions in offices, particularly when resources are limited. For instance, when only one position can be funded in a particular location, it may be more appropriate to assign a DVOP specialist when the office is supported by a business relations team or other formal employer outreach mechanism. Furthermore, it defines how positions should be assigned and utilized in offices where resources allow assignment of multiple grant funded positions.

VI. Assignment of JVSG Funded Staff: According to 38 USC, § 4103A and § 4104 States are allowed to assign full- and/or half-time DVOP specialists and LVER staff as most appropriate to carry out services to Veterans. However, as established in legislation, the JVSG is but one component of an umbrella of programs that are required by law to ensure Veterans receive quality employment and training services. The DVOP specialists and LVER staff funded by the JVSG fill a particular niche in that overall set of services for Veterans and should be used to provide specialized services for specific segments of the Veteran population served by the State Agency.

The following policies will be used by States as they make decisions about where to locate grant-funded staff, whether to assign them as DVOP specialists or LVER staff, and whether to assign them as half-time or full-time:

- When the grant allocation allows assignment of at least one full-time equivalent (FTE) DVOP specialist position and/or LVER position to a particular location, each position will be assigned to one full-time staff member rather than to two half-time staff members. This restriction does not preclude the assignment of a half-time DVOP specialist and a half-time LVER staff member to the same location;
- No person will be employed as both a half-time DVOP specialist and a half-time LVER;
- When charging the JVSG, only duties consistent with the distinct roles and responsibilities for services to Veterans may be charged by DVOP specialists and LVER staff in accordance with VPL 05-05 or the most current VPL on the subject of Direct and Indirect Charges;
- States must identify all staff that directly charge the grant for their time on all Staffing Directories (VETS 501) in accordance with instructions provided with the form and must ensure staff assignments are updated each quarter in accordance with VPL 01-10 or the most current VPL on the subject of Recurring Reports;
- To the greatest extent possible, States should provide a separate desk code or logon identification to staff funded by the JVSG on a half-time basis to ensure only those services recorded as provided by DVOP specialist or LVER staff are reflected in performance reports;
- Timekeeping records must be maintained for each half-time DVOP specialist and/or LVER to ensure that at least 50 percent of their time is devoted to serving only Veterans and other eligible persons; and

- Decisions to convert full-time grant funded positions to half-time should be made in consultation with the Director for Veterans' Employment and Training (DVET) to determine if a modification to the approved State Plan is needed.

VII. Veterans' Preference in Hiring DVOP Specialists and LVER Staff: State Agencies must consider the following priorities when filling JVSG funded vacancies:

First: Qualified service-connected disabled Veterans;

Second: Qualified eligible Veterans; and

Third: Other qualified eligible persons as defined by 38 USC, §4101 (5).

States must provide a report of each JVSG funded position filled by a non-veteran for a period of six months or more, including the rationale for staffing the position with a non-veteran.

VIII. DVOP Specialists:

A. Role and Responsibilities: The roles and responsibilities of the DVOP specialist are defined at 38 USC, § 4103A:

(a) Requirement for employment by States of a sufficient number of specialists.—

(1) Subject to approval by the Secretary, a State shall employ such full- or part-time disabled veterans' outreach program specialists as the State determines appropriate and efficient to carry out intensive services under this chapter to meet the employment needs of eligible veterans with the following priority in the provision of services:

(A) Special disabled veterans.

(B) Other disabled veterans.

(C) Other eligible veterans in accordance with priorities determined by the Secretary taking into account applicable rates of unemployment and the employment emphases set forth in chapter 42 of this title.

(2) In the provision of services in accordance with this subsection, maximum emphasis in meeting the employment needs of veterans shall be placed on assisting economically or educationally disadvantaged veterans.

In order to best serve Veterans effectively and efficiently, VETS requires DVOP specialists to focus on their primary core role which is to provide intensive services to targeted Veterans. This allows States to develop strategies that require DVOP specialists to focus their efforts on those "economically or educationally disadvantaged" Veterans who can reasonably be expected to benefit from improved employability as a result of the receipt of intensive services.

B. Intensive Services: VETS has a long history of promoting case management as a primary strategy to be implemented by grant-funded staff to coordinate the delivery of employment services to Veterans with barriers to employment. In recent years, JVSG funded case management has become subsumed under the term intensive services. It is the intent of this guidance to retain VETS' traditional practice with respect to case management, while clarifying that intensive services constitute a category of activities that is distinct from, but related to, case management.

In other employment programs, particularly the Workforce Investment Act (WIA),

intensive services are provided to targeted individuals who are unlikely to obtain employment or who would remain underemployed without those services. Likewise, those Veterans who need intensive services in order to obtain or retain employment that supports their self-sufficiency should be served by DVOP specialists, and if circumstances limit timely access to a DVOP specialist, by a qualified LVER staff member.

Rather than defining intensive services as synonymous with case management, VETS is adopting a definition of intensive services that is more consistent with WIA and also more consistent with the reporting procedures applicable to Wagner-Peyser and JVSG services. Using a more common definition of the term will:

- Offer the greatest flexibility for States to tailor the delivery of services to the needs of individual Veterans with barriers to employment;
- Enhance opportunities for JVSG funded staff to partner with WIA-funded staff by establishing common definitions for intensive services;
- Position Veterans served by JVSG funded staff to take better advantage of the improved access to WIA-funded training and other workforce services that the application of priority of service is expected to generate; and,
- Provide reported results for intensive services that are consistent among States, as well as between Wagner-Peyser and JVSG funded activities.

Consistent with WIA Section 134(d)(3)(C), the intensive services category now is clarified to include:

- Comprehensive assessment of education, skills, and abilities;
- In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;
- Group and individual career coaching;
- Short-term pre-vocational services that may include development of learning and communication skills, interviewing skills, personal maintenance skills, and professional conduct to prepare individuals for career goals; and
- Development of an individual employment plan that identifies employment goals, interim objectives, and appropriate services that will enable the Veteran to meet his or her employment goals.

Case management continues to be an appropriate service delivery strategy or framework within which intensive services may be delivered. However, this guidance clarifies that: a) intensive services may also be delivered separately from the case management framework; b) any intensive service may be delivered separately from any other intensive service (i.e., "coupling" the assessment service with the individual employment plan service no longer is required); and, c) case management itself is not a service and, therefore, is not to be reported as a service.

Finally, inconsistencies have arisen in the reporting of intensive services due to an inconsistency between the prior guidance on Roles and Responsibilities (VPL 07-05) and the ET Handbook No. 406. The VPL included the following guidance on intensive services:

In order to qualify as intensive services, DVOP specialists may include any combination of the following services, but at a minimum the first two are required.

- *Conduct an assessment (minimum requirement)*
- *Develop plan of action that is documented (minimum requirement).*

In contrast, the Handbook includes the following guidance on reporting intensive services:

Indicate the most recent date a job seeker received only staff-assisted intensive services (excluding case management) as described in WIA section 134(d)(3). Please note that states should not report provision of adult basic education and literacy activities as part of this specification. Receipt of staff-assisted intensive services also does not require prior participation in "core services."

This VPL clarifies that States should report intensive services delivered by DVOP specialists and LVER staff, as well as any intensive services delivered by Wagner-Peyser staff, in accordance with the specifications of the ET Handbook No. 406.

C. Veterans to be Served: VETS has identified certain categories of Veterans most in need of specialized services. Service-connected disabled Veterans remain the Agency's highest priority. Within that category, certain special populations of Veterans must be targeted for service by the State:

- Veterans enrolled in, or who have completed training or education under the Department of Veterans Affairs (VA) Vocational Rehabilitation and Employment (VR&E) program;
- Returning wounded or injured service members; and
- REALifelines participants.

States have been given the flexibility to identify other populations of Veterans to be considered for special emphasis, particularly those who might require a significant cross-section of program services in order for them to fully and successfully participate in the work force. Each State's targeted populations are found in its approved State Plan for Services to Veterans. Examples of such populations include, but are not limited to:

- Disabled Veterans;
- Veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge or expeditionary medal has been authorized;
- Veterans participating in the VA's Coming Home to Work program;
- Homeless Veterans and those Veterans who are at risk of becoming homeless;
- Incarcerated Veterans or those recently released from correctional institutions;
- Older Veterans;
- Demobilizing National Guard/Reservists;
- Transitioning Service Members;
- Veterans residing in rural parts of the State; and
- Veterans residing on Native American reservations.

D. Outreach to Targeted Veterans: The primary focus of the DVOP role and the majority of the effort of DVOP specialists should be on meeting the needs of those Veterans unable to reach their employment goals without intensive services. In

order to fulfill that primary duty, DVOP specialists should conduct outreach activities at a variety of sites including, but not limited to:

- VA VR&E offices;
- Homeless Veterans' Reintegration Program (HVRP) grantees;
- Veterans' Workforce Investment Program (VWIP) grantees;
- Incarcerated Veterans' Transition Program (IVTP) grantees;
- VA Medical Centers and Vet Centers;
- Homeless shelters;
- Civic and service organizations;
- Community Stand Downs;
- Military installations;
- WIA partners; and
- State Vocational Rehabilitation Agencies.

E. Mandatory Training: According to 38 USC, § 4102A, DVOP specialists appointed after January 1, 2006 are required to receive specialized training provided by the National Veterans' Training Institute (NVTI). Under current guidelines, that training must be completed within three years of assignment as a DVOP specialist. Each covered DVOP specialist must complete two mandatory training classes - NVTI's Labor and Employment Specialist course and the Case Management course – within that required timeframe.

IX. LVER Staff:

A. Roles and Responsibilities: The roles and responsibilities of LVER staff are defined at 38 USC, § 4104:

(a) Requirement for employment by States of a sufficient number of representatives.--Subject to approval by the Secretary, a State shall employ such full- and part-time local veterans' employment representatives as the State determines appropriate and efficient to carry out employment, training, and placement services under this chapter.

(b) Principal duties--As principal duties, local veterans' employment representatives shall--

- (1) conduct outreach to employers in the area to assist veterans in gaining employment, including conducting seminars for employers and, in conjunction with employers, conducting job search workshops and establishing job search groups; and*
- (2) facilitate employment, training, and placement services furnished to veterans in a State under the applicable State employment service delivery systems.*

To serve Veterans effectively and efficiently, VETS requires LVER staff to focus on their primary role, which is employer outreach on behalf of Veterans. This allows States to develop marketing strategies and outreach activities that promote the hiring of Veterans. It also properly concentrates LVER staff efforts on individualized

job development services for Veterans, especially Veterans determined to be job ready after receipt of intensive services from a DVOP specialist. When employer outreach is primarily accomplished by a “business services team” or like entity, an LVER should be included as an active member of that team.

B. Employer Outreach: LVER staff work with other service providers to promote the advantages of hiring Veterans to employers and employer groups. They market job seeking Veterans as individuals who have highly marketable skills and experience. LVER staff serve as an advocate for Veterans with business, industry, and other community-based organizations by participating in a variety of outreach activities such as:

- Planning and participation in job and career fairs;
- Coordination with unions, apprenticeship programs, and business organizations to promote employment and training programs for Veterans;
- Informing Federal Contractors of their responsibility to recruit and retrain qualified Veterans; and
- Promoting credentialing and licensing opportunities for Veterans.

When assigned responsibility for more than one local office or service delivery point, LVER staff should conduct outreach and job development activities throughout their area of responsibility.

C. Individualized Job Development: Studies and experience show that job seekers who receive job development services are more likely to secure and retain meaningful employment. Therefore, the primary focus of the LVER role and the majority of the effort of LVER staff should be on individualized job development for Veterans, particularly those determined to be job ready after receipt of intensive services from a DVOP specialist. In addition, LVER staff may provide the full range of employment and training services available to Veterans, Transitioning Service Members, and other eligible persons. LVER staff may also conduct other employer outreach activities that support job development and the referral of Veterans to appropriate job openings. Finally, any time that a Veteran requires an intensive service and a DVOP specialist is not available to provide that service, if a qualified LVER staff member is available, the LVER should provide the intensive service.

Job development by LVER staff should include efforts to increase job opportunities for Veterans through direct employer contact. Individualized job development should center on each Veteran’s needs, skills, abilities, goals, and physical abilities and limitations. LVER staff should provide services such as the following to improve the potential for positive job development referrals:

- Job search assistance workshops for Veterans;
- Individualized vocational guidance and labor market information; and
- Targeted referral to training and supportive services.

D. Mandatory Training: According to 38 USC, § 4102A, LVER staff appointed after January 1, 2006 are required to receive specialized training provided by NVTI. Under current guidance, that training must be completed within three years of assignment as an LVER. Each covered LVER must complete two mandatory training classes - NVTI’s Labor and Employment Specialist course and the Promoting Partnerships for Employment course – within the required timeframe.

- X. **JVSG Funded Staff - An Integrated Team:** VETS has always sought to strike a balance between the roles of the DVOP specialist, the LVER, and other One-Stop Career Center staff. Since inception of the One-Stop system, the Agency has emphasized full integration of grant-funded staff into the One-Stop Career Center system. However, over time, VETS has learned that the roles of the two grant-funded positions have not been fully integrated with each other and it can be difficult to keep the two positions distinct, especially when grant funds are limited.

States should develop strategies to provide priority of service to Veterans as required in law and in regulation. As part of that strategy, States should develop performance plans for DVOP specialists and LVER staff that properly emphasize the separate and distinct **primary** responsibilities for each position. State plans should demonstrate how JVSG funded staff are integrated in the overall plan of services to Veterans and how the DVOP specialist and LVER staff can work as a team to better serve Veterans targeted for specialized services. In the team approach, a DVOP specialist would provide the intensive services needed to get the Veteran "job ready." At that point, he or she could be referred to an LVER for job development services that lead to employment.

VETS recognizes that grant resources are limited and do not always allow States to assign a DVOP specialist and LVER to each local office or service delivery point. The approved staffing plans in some States require grant-funded staff to cover more than one office, a region, or some other designated area. In these situations, States should encourage JVSG funded staff to work as a "virtual team" even though they may work at dispersed locations. Work schedules for DVOP specialists that cover more than one location should include time to be physically present at each location on a scheduled or as needed basis to provide intensive services to Veterans at each location. Similarly, work schedules for LVER staff that cover more than one location should allow them to conduct employer outreach activities throughout their assigned area to improve outcomes for job development activities provided to Veterans seeking employment in the assigned area(s).

- XI. **Refocusing Goals and Monitoring:** The goals of this refocusing effort are:
- Focus JVSG funded staff on their primary role established in legislation;
 - Demonstrate the JVSG as a specialized program within a State's overall umbrella of programs providing quality services to Veterans on a priority basis;
 - Ensure that Veterans receive on a priority basis from Wagner-Peyser funded staff employment self-help, mitigated self-help, staff assisted, and when appropriate intensive services;
 - Increase the numbers of Veterans receiving intensive services from a DVOP specialist with a corresponding increase of the number of Veterans entering employment after receipt of intensive services; and
 - Increase the numbers of Veterans receiving individualized job development services with a corresponding increase in the number of Veterans entering employment after receipt of those services.

Initially, VETS will monitor States' refocusing efforts by monitoring the current performance reports (ETA 9002 and VETS 200A, B and C), the Manager's Quarterly Report on Services to Veterans, and through the Local Office Self-Assessment and Validation process. If other reporting information is needed for effective monitoring, additional data collection will be implemented upon approval by the Office of Management and Budget.

XII. Actions Required:

- States should review the current performance plans for all DVOP specialists and LVER staff to ensure the primary duties described in this VPL are properly identified and emphasized;
- States should review data collection systems to ensure the services redefined as intensive services in this VPL are properly captured and reported; and
- States should consult with the appropriate DVET if technical assistance is needed.

XIII. Inquiries: Questions should be referred to the appropriate DVET. DVETs or other VETS staff with questions may contact Patrick Hecker at the National Office at (202) 693-4709 or by e-mail at hecker.patrick@dol.gov.

XIV. Expiration Date: When superseded or rescinded.