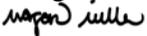


TEXAS WORKFORCE COMMISSION LETTER

ID/No:	WD 08-15, Change 1
Date:	December 11, 2015
Keyword:	All Programs; Veterans; WIA; WIOA
Effective:	Immediately

To: Local Workforce Development Board Executive Directors
Commission Executive Offices
Integrated Service Area Managers

From:  Reagan Miller, Director, Workforce Development Division

Subject: **Jobs for Veterans State Grants Program: Reforms and Responsibilities of Workforce Solutions Office Staff Serving Veterans—Update**

PURPOSE:

To provide Local Workforce Development Boards (Boards) with **updated** information and guidance on the following:

- Significant barriers to employment (SBEs) for veterans;
- Identifying veterans and eligible spouses for services from Disabled Veterans' Outreach Program (DVOP) staff; and
- Refocused roles and responsibilities of Local Veterans' Employment Representatives (LVERs).

This updated WD Letter provides Boards with clarification based on the issuance of the U.S. Department of Labor Employment and Training Administration (DOLETA) Training and Employment Guidance Letter (TEGL) No. 19-13, Change 2, issued October 30, 2015, and entitled "Expansion and Clarification of Homeless Definition as a Significant Barrier to Employment (SBE)." The definition now includes those fleeing or attempting to flee domestic violence.

CHANGES TO WD LETTER 08-15:

New information in this WD Letter is indicated by **bold** typeface, which indicates new or clarifying language.

BACKGROUND:

To ensure that eligible veterans and eligible spouses receive the best combination of services based on their needs, DOLETA and Veterans' Employment and Training Service (VETS) released TEGL No. 19-13, issued April 10, 2014, and entitled "Jobs for Veterans' State Grants (JVSG) Program Reforms and Roles and Responsibilities of American Job Center (AJC) Staff Serving Veterans."

TEGL 19-13 requires that:

- DVOP staff serves only:
 - eligible veterans and eligible spouses who meet the definition of an individual with an SBE; or
 - veterans as described in TEGL No. 20-13, Change 1, issued May 7, 2014, and entitled “Designation of Additional Population of Veterans Eligible for Services from the Disabled Veterans’ Outreach Program Specialist – Veterans Ages 18 to 24”; and
- LVERs now advocate with business, industry, and other community-based organizations for all veterans served by Workforce Solutions Offices.

PROCEDURES:

Significant Barriers to Employment

NLF: Boards must be aware that an eligible veteran or eligible spouse is determined to have an SBE if he or she attests to meeting at least one of the following six criteria:

1. Disabled veteran, as defined in 38 USC §4211(1) and (3); disabled veterans are individuals who:
 - are entitled to compensation (or who, but for the receipt of military retired pay, would be entitled to compensation) under laws administered by the Secretary of Veterans Affairs;
 - have a disability claim pending with the US Department of Veterans Affairs; or
 - were discharged or released from active duty because of a service-connected disability;
2. Homeless, as defined in 42 USC §11302(a) **and (b)**;
3. Recently separated service member, as defined in 38 USC §4211(6), who in the previous 12 months has been unemployed for 27 weeks or more;
4. Offender, as defined by the Workforce Innovation and Opportunity Act (WIOA) §3(38), who is currently incarcerated or who has been released from incarceration;
5. Lacking a high school diploma or equivalent certificate; or
6. Low income, as defined in WIOA §3(36).

Identifying Veterans and Eligible Spouses for Services from Disabled Veterans’ Outreach Program Staff

NLF: Boards must ensure that Workforce Solutions Office staff screens individuals seeking services, whether in person or via telephone call, to determine if they are eligible veterans or eligible spouses and if they are eligible for services from DVOP staff.

LF: Boards may use the Significant Barriers to Employment Triage Tool provided as Attachment 1 to this WD Letter or create a locally developed triage tool. Documentation of responses to the triage tool is not required.

NLF: Boards must be aware that under 38 USC §4103A(a)(1)(C), the Secretary of Labor can identify additional groups of veterans entitled to receive intensive services from DVOP staff. Boards must be aware that the Secretary has identified veterans ages 18 to 24 as such a priority category.

NLF: Boards must be aware that Veterans' Program Letter (VPL) No. 08-14, issued September 26, 2014, identifies the following transitioning service members as eligible for DVOP services:

- Service members who have not met Career Readiness Standards, as documented on Form DD-2958, Service Member Career Readiness Standards/Individual Transition Plan, signed by their commander;
- Transitioning service members ages 18–24; and
- Active duty service members being involuntarily separated through a service reduction-in-force.

NLF: Boards must be aware that DVOPs are statutorily required to outreach veterans and that VPL No. 08-14 specifies that DVOP staff can outreach veterans at facilities such as VA hospitals, military treatment facilities, and warrior transition units.

WD Letter 35-11, issued November 3, 2011, and entitled “Priority of Service for Eligible Veterans—*Update*,” provides information and guidance on defining the eligible population to be served and applying priority of service.

NLF: Boards must ensure that when screening individuals to determine their status, Workforce Solutions Office staff:

- determines the purpose of the visit or telephone call;
- explains that the purpose of the triage tool is to determine which staff are best suited to assist them;
- ensures customers identify whether or not they are eligible veterans or eligible spouses; and
- ensures that eligible veterans and eligible spouses confirm whether any of the SBE criteria or the Secretary's priority category apply.

NLF: Boards must ensure that an eligible veteran or eligible spouse identified as having an SBE or as being a member of the Secretary's priority category is immediately referred to DVOP staff. In instances in which DVOP staff is not available, Boards must ensure that Workforce Solutions Office staff provides or arranges for intensive services. Boards must ensure that staff does not refer eligible veterans or eligible spouses identified as having an SBE to LVERs for service.

NLF: Boards must ensure that Employment Service staff, WIA staff, or other Workforce Solutions Office staff is available to provide services to eligible veterans and eligible spouses who have been determined:

- to have an SBE, but for whom no DVOP staff is available to provide services; or
- not to have an SBE.

Refocused Roles and Responsibilities of Local Veterans' Employment Representatives

NLF: Boards must be aware that LVERs now advocate with business, industry, and other community-based organizations for all veterans served through Workforce Solutions Offices by participating in appropriate activities, including:

- conducting employer outreach;
- planning and participating in job and career fairs;
- conducting job searches and workshops;
- establishing job search groups in conjunction with employers; and
- informing federal contractors of the process to recruit qualified veterans.

NLF: Boards must coordinate with the Texas Veterans Commission to begin incorporating LVERs as active team members in Business Services Units or like entities.

INQUIRIES:

Direct inquiries regarding this WD Letter to wfpolicy.clarifications@twc.state.tx.us.

ATTACHMENT:

Attachment 1: Significant Barriers to Employment Triage Tool

RESCISSIONS:

WD Letter 08-15

REFERENCES:

- Workforce Investment Act of 1998 (Public Law 105-220)
- Workforce Innovation and Opportunity Act of 2014 (Public Law 113-128)
- Title 38 USC Chapter 42, as amended by Public Law 107-288, the Jobs for Veterans Act
- Title 38 USC Chapter 1, §101
- Title 42 USC Chapter 119, §11302(a) **and (b)**
- 20 CFR Part 1010, Priority of Service for Covered Persons
- Training and Employment Guidance Letter No. 10-09, issued November 10, 2009, and entitled “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)”
- Training and Employment Guidance Letter No. 19-13, issued April 10, 2014, and entitled “Jobs for Veterans’ State Grants (JVSG) Program Reforms and Roles and Responsibilities of American Job Center (AJC) Staff Serving Veterans”
- Training and Employment Guidance Letter No. 19-13, Change 1, issued February 11, 2015, and entitled “Expansion and Clarification of Definition of Significant Barriers to Employment for Determining Eligibility for the Disabled Veterans’ Outreach Program (DVOP)”
- Training and Employment Guidance Letter No. 19-13, Change 2, issued October 30 2015, and entitled “Expansion and Clarification of Homeless Definition as a Significant Barrier to Employment (SBE)”**
- Training and Employment Guidance Letter No. 20-13, Change 1, issued, May 7, 2014, and entitled “Designation of Additional Population of Veterans Eligible for Services from the Disabled Veterans’ Outreach Program Specialist – Veterans Ages 18 to 24”
- Veterans’ Program Letter No. 08-14, issued September 26, 2014, and entitled “Designation for Additional Populations Eligible for Services from Disabled Veterans’ Outreach Program (DVOP) Specialists: Transitioning Service Members in need of Intensive Services; and Wounded, Ill, or Injured Service Members Receiving Treatment at Military Treatment Facilities or Warrior Transition Units (MTFs – WTUs); and the Spouses and Family Caregivers of such Wounded, Ill or Injured Service Members”
- Texas Labor Code, Chapter 302, Subchapter G
- Texas Workforce Commission Local Workforce Development Boards Rules: 40 TAC, Chapter 801
- WD Letter 35-11, issued November 3, 2011, and entitled “Priority of Service for Eligible Veterans—Update”

FLEXIBILITY RATINGS:

No Local Flexibility (NLF): This rating indicates that Boards must comply with the federal and state laws, rules, policies, and required procedures set forth in this WD Letter and have no local flexibility in determining whether and/or how to comply. All information with an NLF rating is indicated by “must” or “shall.”

Local Flexibility (LF): This rating indicates that Boards have local flexibility in determining whether and/or how to implement guidance or recommended practices set forth in this WD Letter. All information with an LF rating is indicated by “may” or “recommend.”