

**TEXAS WORKFORCE COMMISSION**  
**Workforce Development Letter**

<b>ID/No:</b>	WD 08-15, Change 2
<b>Date:</b>	April 1, 2019
<b>Keyword:</b>	All Programs; Veterans; WIOA
<b>Effective:</b>	Immediately

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



**From:** Courtney Arbour, Director, Workforce Development Division

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

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**PURPOSE:**

The purpose of this updated WD Letter is to provide Local Workforce Development Boards (Boards) with information and guidance on the following:

- Identifying eligible veterans and eligible spouses with significant barriers to employment (SBEs)
- Identifying eligible veterans, eligible spouses, transitioning service members, and spouses and family caregivers who are eligible to receive services provided by Disabled Veterans' Outreach Program (DVOP) specialists
- Refocused roles and responsibilities of DVOP specialists and Local Veterans' Employment Representatives (LVERs)
- Identifying additional populations eligible to receive services provided by DVOP specialists using a case management approach, in addition to the populations listed in Training and Employment Guidance Letter (TEGL) No. 19-13 (issued April 10, 2014)

**RESCISSION:**

WD Letter 08-15, Change 1

**BACKGROUND:**

To ensure that eligible veterans, transitioning service members, and eligible spouses receive the best combination of services based on their needs, and to describe additional populations eligible to receive services provided by DVOP specialists, the US Department of Labor Employment and Training Administration (DOLETA) has released the following TEGLs.

TEGL 19-13 required that:

- DVOP specialists limit their activities to providing services to eligible veterans and eligible spouses who:
  - meet the definition of an individual with an SBE; or
  - are members of a veteran population in need of individualized career services to meet individual employment needs as specified in Title 38 United States Code (USC) §§4103A(a)(1) and (2); and
- LVERs now advocate with business, industry, and other community-based organizations for all veterans served by Workforce Solutions Offices.

TEGL 20-13, Change 2—issued February 7, 2019, and entitled “Designation of Additional Population of Veterans and Other Populations Eligible for Services from the Disabled Veterans’ Outreach Program Specialists”—identifies populations, in addition to those listed in TEGL 19-13, TEGL 19-13, Change 1, and TEGL 19-13, Change 2, that are eligible to receive services provided by DVOP specialists, which include:

- eligible veterans ages 18 to 24;
- Vietnam-era veterans; and
- eligible transitioning service members, spouses, and caregivers.

#### **PROCEDURES:**

**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.”

#### **Refocused Roles and Responsibilities of Disabled Veterans’ Outreach Program Specialists**

**NLF:** Boards must be aware that Title 38 USC §4103A(a) requires DVOP specialists to provide individualized career services to eligible veterans and eligible spouses to meet their employment needs, prioritizing services to special disabled veterans, other disabled veterans, and other eligible veterans. DVOP specialists place maximum emphasis on assisting veterans who are economically or educationally disadvantaged.

#### **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 one of the following:

1. Special disabled and disabled veterans, as defined in 38 USC §4211(1) and (3), 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 individual, as defined in 42 USC §11302(a) and (b) of the McKinney-Vento Homeless Assistance Act, as amended;
- 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. Veteran lacking a high school diploma or equivalent certificate; or
- 6. Low income individual, as defined in WIOA §3(36).

**Identifying Eligible Veterans, Eligible Spouses, and Additional Populations Eligible to Receive Services from Disabled Veterans’ Outreach Program Specialists**

**NLF**: Boards must ensure that the following populations are immediately referred to a DVOP specialist:

- Eligible veterans identified as having an SBE
- Eligible spouses identified as having an SBE
- Veterans ages 18–24
- Vietnam-era veterans:
  - “Veteran of the Vietnam era” is an eligible veteran, any part of whose active military, naval, or air service was during the Vietnam era.
  - 38 USC §101(29) defines “Vietnam-era” to mean the period beginning on February 28, 1961, and ending on May 7, 1975.
- Eligible Transitioning Service Members:
  - Transitioning members of the US Armed Forces who have been identified as being in need of individualized career services
  - Members of the US Armed Forces who are wounded, ill, or injured and receiving treatment in military treatment facilities or warrior transition units
  - Service members who have not met Career Readiness Standards, as documented on Form DD-2958, Service Member Career Readiness Standards/Individual Transition Plan, and signed by their commander
  - Transitioning service members ages 18–24
  - Active duty service members being involuntarily separated through a service reduction-in-force
- Spouses or other family caregivers<sup>1</sup> of such wounded, ill, or injured service members

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<sup>1</sup>The term “family caregiver,” with respect to an eligible veteran, is defined at 38 USC §1720G(d) as follows:

- (1) The term “caregiver” means an individual who provides personal care services to the veteran.
- (2) The term “family caregiver” means a family member who is a caregiver of the veteran.
- (3) The term “family member” means an individual who:
  - (A) is a member of the family of the veteran, including a parent, a spouse, a child, a step-family member, and an extended family member; or
  - (B) lives with, but is not a member of, the family of a veteran.

**NLF**: In instances in which a DVOP specialist is not available, Boards must ensure that Workforce Solutions Office staff provides or arranges for individualized career services to be provided. Additionally, Boards must ensure that staff does not refer the populations listed above to LVERs for service.

**NLF**: Boards must develop procedures to ensure that Workforce Solutions Office staff members identify and refer eligible veterans, eligible spouses, and the additional populations described above to DVOP specialists.

**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 to receive services from DVOP specialists.

**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.

### **Outreach**

**NLF**: Boards must be aware that DVOPs are statutorily required to outreach eligible veterans and that VPL No. 08-14 specifies that DVOP specialists can outreach eligible veterans and transitioning service members at facilities such as VA hospitals, military treatment facilities, and warrior transition units. Furthermore, TEGM 20-13, Change 2, expands this requirement so that DVOP specialists can also provide services to active duty service members of the US Armed Forces who are wounded, ill, or injured and receiving treatment in military treatment facilities and warrior transition units.

**NLF**: Boards must ensure that when screening individuals to determine whether the individual is an eligible veteran, eligible spouse, transitioning service member, or spouse or other family caregiver, and therefore eligible to receive services from a DVOP specialist, 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 members are best suited to assist them;
- ensures that the individual identifies whether he or she is an eligible veteran, eligible spouse, transitioning service member, or spouse or other family caregiver; and
- ensures that eligible veterans and eligible spouses confirm whether any of the SBE criteria apply.

### **Priority of Service**

**NLF**: Priority of service means that eligible veterans and eligible spouses are given priority over non-veterans and non-eligible spouses, or non-covered individuals, for the receipt of employment, training, and placement services. Specifically, an eligible veteran or an eligible spouse either receives access to a service earlier in time than a non-covered individual, or, if the resource is limited, the eligible veteran or eligible spouse receives access to the services instead of or before the non-covered individual.

WD Letter 25-15, issued October 26, 2015, and entitled “Applying Priority of Service and Identifying and Documenting Eligible Veterans and Transitioning Service Members” provides additional information and guidance on defining the eligible population entitled to priority of service.

### **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:**

Send inquiries regarding this WD Letter to [wfpolicy.clarifications@twc.state.tx.us](mailto:wfpolicy.clarifications@twc.state.tx.us).

### **ATTACHMENTS:**

Attachment 1: Significant Barriers to Employment Triage Tool

Attachment 2: Revisions to WD Letter 08-15, Change 1, Shown in Track Changes

Attachment 3: Revisions to WD Letter 08-15, Change 1, Attachment 1, Shown in Track Changes

### **REFERENCES:**

Workforce Innovation and Opportunity Act of 2014 (Public Law 113-128)

Title 38 USC Chapter 42, as amended by Public Law 107-288, Jobs for Veterans Act

Title 38 USC Chapter 41, §4103A

Title 38 USC Chapter 1, §101

Title 42 USC Chapter 119, §11302(a) and (b)

20 CFR Part 1010, Application of 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, issued April 10, 2014, and entitled “Designation of Additional Population of Veterans Eligible for Services from the Disabled Veterans’ Outreach Program Specialist—Veterans Ages 18 to 24”

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”

Training and Employment Guidance Letter No. 20-13, Change 2, issued, February 7, 2019, and entitled “Designation of Additional Population of Veterans and Other Populations Eligible for Services from the Disabled Veterans’ Outreach Program Specialists”

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 25-15, issued October 26, 2015, and entitled “Applying Priority of Service and Identifying and Documenting Eligible Veterans and Transitioning Service Members”