

TEXAS WORKFORCE COMMISSION
Workforce Development Letter

ID/No:	19-22
Date:	August 24, 2022
Keyword:	Veterans; WIOA
Effective:	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**

PURPOSE:

The purpose of this WD Letter is to provide Local Workforce Development Boards (Boards) with updated 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 (TSMs), and spouses and family caregivers who are eligible to receive services provided by Disabled Veterans' Outreach Program (DVOP) specialists
- Refocusing roles and responsibilities of DVOP specialists and Local Veterans' Employment Representatives (LVERs)
- Identifying individuals in 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, and titled "Jobs for Veterans' State Grants (JVSG) Program Reforms and Roles and Responsibilities of American Job Center (AJC) Staff Serving Veterans."

WD Letter 19-22, provides new guidance regarding:

- clarifying LVER and Combined Position (CP) roles;
- using the National Association of State Workforce Agencies (NASWA) Eligibility Triage Form;
- requiring training through the National Veterans' Training Institute (NVTI); and
- posting Jobs for Veterans State Grant (JVSG)–funded staff member's contact information on a Board's website.

RESCISSIONS:

WD Letter 08-15, Change 2

BACKGROUND:

The JVSG program provides federal funding to states to hire dedicated staff members to provide individualized career and training services to eligible veterans and eligible persons with SBEs and to help employers fill their workforce needs with job-seeking veterans.

JVSG funds the following three principal staff positions:

- DVOP specialists
- LVERs
- CPs

In 2014, the US Department of Labor Education and Training Administration (DOLETA) and the US Department of Labor Veterans' Employment and Training Service (VETS) issued TEG 19-13 and Veterans Program Letter (VPL) 03-14, respectively, describing the distinct roles of DVOP specialists and LVERs.

Under JVSG, states are required to screen, or triage, individuals for eligibility for DVOP specialist or CP services. Triage involves the completion of an intake form by an individual to determine whether he or she meets SBE criteria or whether the individual is a member of a special priority group. Triaging individuals ensures compliance with the statutorily defined duties of JVSG-funded staff positions and helps Workforce Solutions Office staff direct individuals to the most appropriate services.

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.”

Definitions

NLF: Boards must be aware of the following terms related to the JVSG staff positions:

- DVOP specialist—provides career services to meet the employment needs of eligible veterans
- LVER—outreaches employers to help veterans gain employment
- CP—performs duties that may include those of a DVOP specialist and a LVER

Identifying Eligible Individuals to Receive Services from DVOP Specialists and CPs

NLF: Boards must ensure that Workforce Solutions Offices implement local procedures to identify individuals at the point of entry who are eligible to receive services from a DVOP specialist or a CP. Local procedures must include referral procedures for individuals who self-attest in person, over the phone, electronically (through email, social media, instant message, or text) or via the Greeter system.

NLF: Boards must ensure that when screening individuals to determine eligibility for services from a DVOP specialist or CP, Workforce Solutions Office staff:

- determines the purpose of the visit, phone call, or electronic communication;
- explains that the purpose of completing the triage form is to determine which staff members are best suited to help the individual;
- determines whether the individual is an eligible veteran, an eligible spouse, a TSM, or a spouse or other family caregiver by asking whether he or she has served in the military; and
- confirms whether the eligible individual meets any of the SBE criteria.

DVOP Eligibility Triage Form

NLF: Boards must ensure that Workforce Solutions Office staff uses the DVOP Eligibility Triage Form (Attachment 1), which was developed by NASWA, to triage individuals at the point of entry.

Note: If using the Greeter system, Workforce Solutions Office staff must triage individuals using the NASWA Eligibility Triage Form following the completion of the Greeter system form.

NLF: Boards must ensure that JVSG-funded staff downloads the completed triage form into the individual's case file.

DVOP and CP Roles and Responsibilities

NLF: Boards must ensure that after completion of the DVOP Eligibility Triage Form, an individual who is a member of any of the following populations is immediately referred to a DVOP specialist or CP:

- Eligible veterans identified as having an SBE
- Eligible spouses identified as having an SBE
- Veterans ages 18–24
- Vietnam-era veterans, including a “Veteran of the Vietnam era,” who 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 TSMs, as follows:
 - TSMs 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
 - TSMs ages 18–24
 - Active-duty service members being involuntarily separated through a service reduction-in-force
- Spouses or other family caregivers, as defined in 38 USC §1720G(d), of such wounded, ill, or injured service members

NLF: Boards must be aware that DVOP specialists and CPs are required to provide individualized career services to eligible veterans and eligible spouses to meet their employment needs.

NLF: Boards must be aware that DVOP specialists and CPs:

- prioritize the provision of services to:
 - special disabled veterans (as defined in 38 USC §4211(1));
 - other disabled veterans (as defined in 38 USC §4211(3)); and
 - other eligible veterans as determined by the US Secretary of Labor; and
- are statutorily required to outreach:
 - eligible veterans and TSMs at US Department of Veterans Affairs (VA) hospitals, military treatment facilities, and warrior transition units; and
 - 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.

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 being at least one of the following:

1. A special disabled or disabled veteran, who, as defined in 38 USC §4211(1) and (3):
 - is entitled to compensation (or who would be entitled to compensation, with the exception of receiving military retired pay) under laws administered by the US Secretary of Veterans Affairs;
 - has a disability claim pending with the US Department of Veterans Affairs; or
 - was discharged or released from active duty because of a service-connected disability
2. A homeless individual, as defined in 42 USC §11302(a) and (b) of the McKinney-Vento Homeless Assistance Act, as amended
3. A 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. An offender, as defined in Workforce Innovation and Opportunity Act (WIOA) §3(38), who is currently incarcerated or who has been released from incarceration
5. A veteran lacking a high school diploma or equivalent certificate
6. A low-income individual, as defined in WIOA §3(36)

NLF: In instances in which a DVOP specialist or CP is not available, Boards must ensure that Workforce Solutions Office staff provides individualized career services to members of the populations listed above. Additionally, Boards must ensure that Workforce Solutions Office staff does not refer such individuals to LVERs for services.

LVER and CP Roles and Responsibilities

NLF: Boards must be aware that LVERs and CPs advocate for all veterans by participating in appropriate activities, including, but not limited to:

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

NLF: Boards must ensure that when employer outreach is primarily accomplished by a business services unit, LVERs and CPs are included as active members of the team. LVERs and CPs play an important role by helping develop service delivery strategies for veterans and educating Workforce Solutions Office staff on current employment initiatives and programs for veterans.

Veterans Triage Training

NLF: Boards must ensure that all Workforce Solutions Office staff members who have the potential to triage veterans, either in person, on the phone, or electronically, complete [NVTI's Serving Veterans](#) training. The training must be completed:

- by December 31, 2022;
- on an annual basis each subsequent year; and
- within 30 days of starting employment at a Workforce Solutions Office.

NLF: Boards must ensure that training for veterans' triage is recorded using the NVTI Serving Veterans Training Triage Attendee Form (Attachment 2). The form must be emailed to the director of the Texas Veterans Leadership Program at bobby.gearjr@twc.texas.gov on a monthly basis until all Workforce Solutions Office staff members have completed the initial training. Starting in 2023, the form must be completed annually and sent to TWC by December 31 or the first business day after if that date falls on a weekend.

DVOP, LVER, and CP Contact Information

NLF: Boards must ensure that their websites do not contain contact information for JVSG staff because directly contacting staff bypasses the triage process.

INQUIRIES:

Send inquiries regarding this WD Letter to wfpolicy.clarifications@twc.texas.gov.

ATTACHMENTS:

Attachment 1: DVOP Eligibility Triage Form

Attachment 2: NVTI Serving Veterans Training Triage Attendee Form

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 41, §4104

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 titled "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 titled "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 titled “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 titled “Expansion and Clarification of Homeless Definition as a Significant Barrier to Employment (SBE)”

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

Texas Labor Code, Chapter 302, Subchapter G

Texas Workforce Commission Chapter 801 Local Workforce Development Boards Rules

WD Letter 01-21, issued January 22, 2021, and titled “Applying Priority of Service and Identifying and Documenting Eligible Veterans and Transitioning Service Members”