

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION Wagner-Peyser/WIA/VETS
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ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 8-12, CHANGE 1

TO: STATE WORKFORCE AGENCIES
STATE WORKFORCE ADMINISTRATORS
STATE WORKFORCE LIAISONS
STATE AND LOCAL WORKFORCE BOARD CHAIRS AND DIRECTORS
STATE LABOR COMMISSIONERS
AMERICAN JOB CENTERS
EMPLOYMENT AND TRAINING ADMINISTRATION REGIONAL ADMINISTRATORS
WOMEN’S BUREAU REGIONAL ADMINISTRATORS
SUB-RECIPIENTS OF DEPARTMENT OF LABOR FUNDS

FROM: GERRI FIALA /s/ for ERIC SELEZNOW
Acting Assistant Secretary

SUBJECT: Update on the Roles and Responsibilities of the Public Workforce System in Tracking, Offering Employment Services, and Reporting Outcomes of Veterans Retraining Assistance Program (VRAP) Participants.

- 1. Purpose.** To inform the workforce system about the required process for providing outreach to and tracking outcomes of VRAP participants, including how the Department of Labor (DOL) will make available VRAP participant information to state grantees. It also includes procedures for American Job Center (formerly known as One-Stop Career Center) staff to offer VRAP participants employment assistance upon program completion or termination as required by the VOW to Hire Heroes Act of 2011. This guidance provides specifications for reporting to DOL on outreach activities and the employment outcomes of VRAP participants. This change also corrects an inconsistency on the reporting values, offers more details on report due dates, provides instruction for reporting individuals who are both VRAP participants and Extended Unemployment Compensation (EUC) claimants, and provides programmatic updates.

RESCISSIONS TEGL 8-12	EXPIRATION DATE Continuing
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2. References.

- Section 211 of the VOW to Hire Heroes Act of 2011 (“VOW Act,” Title II of Pub. L. 112-56);
- Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. 112-96;
- American Taxpayer Relief Act of 2012, Pub. L. 112-240;
- Training and Employment Guidance Letter (TEGL) 37-11, *Notification of Available Funding to Implement Veterans-Related Reporting Requirements in the Labor Exchange Reporting System (LERS)*;
- TEGL 7-12, *Implementing the Veterans-Related and Other Reporting Change Requirements in the Labor Exchange Reporting System (LERS)*; and,
- Training and Employment Notice (TEN) 43-11 and Veterans’ Program Letter (VPL) 07-12, *Overview of the Veterans Retraining Assistance Program (VRAP), section 211 of the VOW to Hire Heroes Act of 2011.*

3. **Background.** On November 21, 2011, President Obama signed the VOW Act (Title II of Pub. L. 112-56) into law, which established the VRAP. Under the VRAP, the Department of Veterans Affairs (VA), in cooperation with DOL, pays up to 12 months of retraining assistance to unemployed, eligible veterans aged 35 to 60 who participate in training programs for “high demand¹” occupations. Eligibility is jointly determined by DOL and VA. The “high demand” occupations list is a national list, as determined by ETA, using data from the Bureau of Labor Statistics.

VRAP has accepted the full complement of applications to enroll 45,000 veterans in Fiscal Year (FY) 2012, from July 1, 2012 through September 30, 2012; up to an additional 54,000 veterans may enroll from October 1, 2012 through October 1, 2013, with training concluding by March 31, 2014. The VA will continue accepting applications and issuing certificates of eligibility until 99,000 applicants are enrolled in training. The training slots will be paid on a first come first serve basis until the maximum of 99,000 participants enrolled in training is reached. American Job Center staff should advise individuals they have assisted and who have been deemed eligible for VRAP by VA that they should enroll in training as soon as possible as an eligibility determination no longer guarantees access to the program.

In order to qualify for retraining assistance, a veteran must satisfy the following eligibility criteria:

- Be at least 35 but not more than 60 years old, at the time of application;
- Be unemployed on the date of application;
- Not be enrolled in any Federal or state job-training program at any time during the previous 180-day period as of the application date;
- Be in receipt of an other than dishonorable discharge from the last period of active duty service in the armed forces;
- Not be eligible for any other VA educational assistance;

¹ A list of “high demand” occupations is available at: http://benefits.va.gov/vow/docs/VRAP_High_Demand.pdf

- Not be in receipt of VA compensation for a service-connected disability rated totally disabling by reason of unemployability; and
- Submit an application no later than October 1, 2013.

Acceptance of applications began on May 15, 2012, and will continue through October 1, 2013. The application is a joint VA/DOL electronic application which can be accessed from the VOW to Hire Heroes Act Web site (<http://benefits.va.gov/vow>). DOL and VA are each responsible for determining eligibility based on specific criteria. Veterans apply for the program by signing into their VA Veterans Online Application² (VONAPP) or by registering for a new account. Once the participant has selected the VRAP application, he or she will first answer questions pertaining to DOL's eligibility requirements: age, unemployment status, and previous enrollment in a Federal or state job-training program in the past 180-days. The veteran then affirms that the statements he or she made are true and correct. After the veteran submits this information, DOL will determine whether the applicant is initially eligible or ineligible for the VRAP based on the information provided in the applicant's self-attestation. If determined ineligible, the veteran will receive a system generated letter (on the screen and printable) explaining the reason for his or her ineligibility and informing him or her of the right to appeal. The letter also refers the veteran to the nearest American Job Center by calling 1-877-US2-JOBS (1-877-872-5627) toll free, or by going to the America's Service Locator Web site (www.servicelocator.org). A veteran can reapply for the program if he or she believes he or she answered a question incorrectly or if the circumstances that resulted in ineligibility change.

A veteran who was enrolled in Federal or state job training during the 180 days before applying to the VRAP is statutorily ineligible to enroll in the VRAP. However, a veteran who received non-training services during that time period remains eligible for the VRAP. For example, a veteran who received Workforce Investment Act (WIA) Adult or Dislocated Worker services within the 180 days before applying for the VRAP would remain eligible for the VRAP as long as the veteran was not enrolled in training during that time. In addition, veterans who have been certified eligible for VRAP continue to receive priority for any program or service for workforce preparation, development, or delivery that is directly funded, in whole or in part, by DOL as required by 38 USC 4215. This includes entitlement to priority placement in DOL-funded job training programs.

If the veteran is determined initially eligible under DOL requirements, he or she will continue the application so that VA can conduct its eligibility determination. VA will determine eligibility by ensuring the applicant: received an other than dishonorable discharge from the last period of active duty service in the armed forces; is not eligible for any other VA educational assistance; and, is not in receipt of VA compensation for a service-connected disability rated totally disabling by reason of unemployability. The veteran will also indicate the "high demand" occupation in which he or she is applying for training. As part of the VA application process, the veteran will need to have bank routing and account information in order to complete the application. If the veteran is determined eligible based on the information submitted, he or she will receive a system generated letter in the mail

² Link to VONAPP: <http://www.gibill.va.gov/apply-for-benefits/application/>

informing him or her of the next steps to utilize the benefit. If determined ineligible by VA, the applicant will receive an individualized letter indicating the specific reasons for denial and appeal rights. Veterans with questions regarding the status of their applications may send an electronic inquiry on the VA Web site, (<http://www.gibill.va.gov>) or contact the VA Education Call Center at 1-888-GIBILL-1 (1-888-442-4551).

After being determined eligible by DOL and the VA, the veteran is able to receive a VRAP stipend from VA for up to 12 months to participate in a full-time training program for a “high demand” occupation offered by a community college or technical school. Once the application is approved by DOL and the VA, the training may begin. The veteran will need to enroll in the training program. The school certifying official must verify each veteran’s enrollment by providing an enrollment certification form to VA. The veteran will then receive a monthly educational assistance stipend paid directly to the student (\$1,564 per month as of October 1, 2012, this amount is updated every October 1st through a cost of living adjustment). The training program must lead to an associate degree or a certificate (or other similar evidence of the completion of the program of education or training) leading to a “high demand” occupation. In certain situations, VA has made available an Advance Payment option to enable VRAP participants to obtain funding prior to the start of their programs. For more information on the Advance Payment option, as well as other frequently asked questions please visit: <https://gibill.custhelp.com/app/answers/list/kw/vrap>.

- 4. Providing Participant Contact Information to the States and Local Areas.** American Job Center staff are responsible for providing outreach to offer employment services to VRAP participants within 30 days of the participants completing or terminating training. In order to facilitate the provision of employment services to VRAP participants, DOL regularly receives a data file from the VA with participant information. DOL sorts and compiles appropriate data for each state (for purposes of this TEGL, the term “state” means any of the 50 United States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, and Guam) and will disseminate a participant data file on a weekly basis that will include separate tabs for those new participants the VA indicates have completed or terminated training, those participants who completed training within the previous 30 days, and the total VRAP participants in the state. The “Notification Weeks” field of the report provides the number of weeks remaining (between one and four) to provide employment assistance to each exiter within the required 30-day period. Please note that only the program exiters are required to be contacted; the total participants tab can be used as a leading indicator for future VRAP exiters. This information is provided in an Excel spreadsheet for each state and will be disseminated via a federally maintained secure File Transfer Protocol (sFTP). Each state will be responsible for retrieving its file from the sFTP site and disseminating the information to the appropriate individuals to ensure that outreach will be conducted by local American Job Center staff as quickly as possible. Each state will have to use sFTP client software to access the participant data file. States may use any existing sFTP software they have, or acquire any sFTP software of their choosing. A brief tutorial outlining one of the ways to obtain and use free sFTP software is available in Attachment A.

The participant data file that will be disseminated via the sFTP will include the below listed data elements. A sample of the participant data file and explanation of the data elements is also available in Attachment B:

- First Name
- Middle Name
- Last Name
- Date of Birth
- Email Address
- Phone Number
- High Demand Occupation Selected
- Address
- State
- Zip Code
- Name of Facility
- Course Name
- Objective Name
- Notification Weeks
- DOL-assigned unique identifier
- Employment Assistance

Each state file will be password-protected and encrypted so that each state may ONLY view/extract its own file. The usernames and passwords for each state will be distributed separately to the state designated contacts by DOL. Once a file is received by a state, it should then be distributed securely among the American Job Centers where appropriate. While the actual method of dissemination of this file is within state discretion, one recommendation is to use the zip code of residence to cross-match the participant to the closest American Job Center. The assigned Center would then be responsible for contacting the participant.

Please note that as of the signing of this guidance, the federally maintained sFTP site is not yet available. Until such time when this site is operational, DOL will manually email a password-protected file to state contacts where VRAP exiters are present. States can obtain the password for this file from the corresponding ETA Regional Office Performance Specialist. DOL will soon require states to enter into Data Transfer Agreements (DTAs) with the Department in order to receive participant files. This protocol is part of the implementation of sFTP.

Additionally, DOL is currently finalizing a DTA with VA which will include the transfer of Social Security Numbers (SSNs). As part of the DTA states enter with DOL, states will have the ability to “opt-in” to receiving SSNs. For States that elect not to receive SSNs, they will still be required to sign the DTA to receive the participant files, but will not need to complete the “opt-in” provision.

Because these data files contain personally identifiable information (PII), states should follow all applicable state and Federal laws concerning the storage, handling, access and transmissions of PII, as well as the applicable guidance set forth by DOL and VA.

5. **Offering Employment Assistance.** Once an American Job Center receives a VRAP file, the Center manager should assign participants to staff as appropriate per the roles and responsibilities for each staff person. Assigned staff should attempt to provide outreach to each participant assigned. An outreach attempt is considered any of the following:

- physical letter sent to participant,
- phone call to participant, or
- email sent to participant.

If contact with the veteran is made, staff should encourage the individual to visit the American Job Center so that staff can provide employment services to the veteran and register him or her into the state's Wagner-Peyser system. States may wish to contact veterans earlier than when they exit the program to offer case management and other employment assistance while they are in training or before they begin training. In instances where the initial outreach attempt is not successful, a minimum of two additional attempts should be made within the 30-day period after the VRAP participant completed or terminated training; after the third failed attempt, no further outreach is required. If contact using one of the methods (e.g. phone call) is not successful, ETA encourages staff to attempt additional contact using alternative methods (e.g. email or physical letter).

The above described outreach attempts will result in one of the following scenarios and responses:

- Contact made, participant already found employment:* In this scenario, the participant may not want/need additional services as he or she has already found employment. However, since this individual will not be a new registrant in the Wagner-Peyser program, this outcome will not be counted for workforce system performance purposes, but it will need to be tracked for documenting outreach and reporting for VRAP;
- Contact made, participant is not seeking further assistance:* If a participant is not willing to participate in additional follow-up services or refuses to register for Wagner-Peyser services over the phone, then this outcome will not count for performance purposes but will need to be tracked for documenting outreach and reporting for VRAP. Note that services cannot be denied if the veteran refuses to register for Wagner-Peyser;
- Contact cannot be made:* After three attempts to contact the veteran within the specified 30 day timeframe, if no contact is made, the veteran will be deemed "non-responsive." The individual will be excluded for performance purposes but documentation of outreach to the veteran will need to be tracked;
- Contact made, participant looking for a job/requests further assistance:* All attempts should be made to encourage the veteran to go to the American Job Center, or to sign-up for Wagner-Peyser services virtually. This will allow staff the ability to serve and track the participant, and it will also greatly aid in reporting performance outcomes; and
- Contact made, result is other than scenarios listed above:* There are possible situations where a veteran may be contacted and one of the scenarios above did not occur. If the participant was contacted and the result was something other than the four scenarios listed above, that scenario will be tracked as described in Section 6 of this TEG.

- 6. Reporting VRAP Outcomes.** DOL and VA are required to report to Congress no later than July 1, 2014, on the performance of the VRAP. This report must include:

- total VRAP participants,
- number who earned a credential (associate's degree, certificate, other credential), and
- “data related to the employment status” of participants.

In order to report on the employment status as required in the VOW Act, DOL is seeking to leverage the Wagner-Peyser program and information reported through LERS. DOL will use the current employment measures of Entered Employment Rate (EER), Employment Retention Rate (ERR), Average and Median Earnings to satisfy the reporting requirement on employment status. The VA is collecting the data on credentials obtained through the program.

Changes to the LERS (outlined in TEGGL 7-12) approved by the Office of Management and Budget (OMB) on August 7, 2012, require states to modify their reporting systems to include a “Special Program Identifier” field in the individual record layout. In order to track the outcomes specific to VRAP participants, DOL is requiring the code “VRAP” be used in the Special Program Identifier to flag the individual as a VRAP participant. Please note that for reporting purposes an individual is only considered a VRAP participant once they have entered training. Individuals should only receive the “VRAP” code if they have been confirmed to be in training (e.g., an individual is currently in VRAP training and seeks employment assistance from an American Job Center, an American Job Center Staff member helped a VRAP participant enroll in training and the veteran has been confirmed in training, or the veteran is identified in the data file of VRAP participants sent by DOL to the state). In the event that a VRAP participant is also an Emergency Unemployment Compensation (EUC) claimant with “REUC” flagged in their Special Program Identifier field, the state should flag the participant as “VRUC.” This will allow for full reporting on the VRAP as well as the EUC services required by the Middle Class Tax Relief and Job Creation Act of 2012 and extended through 2013 in the American Taxpayer Relief Act of 2012. For information regarding the Special Program identifier for Wagner-Peyser reporting, please consult the 406 Handbook at http://www.doleta.gov/performance/guidance/WIA/406_handbook.pdf. States would then be able to query their systems to provide information on the outcomes for those VRAP participants registered in Wagner-Peyser. Additionally, if a VRAP participant is placed into a program funded by the Workforce Investment Act (WIA), these individuals should also be flagged by using the code “VRAP” under the ‘Third NEG Project ID/Special Project ID’ field (Field 313) in the state’s Workforce Investment Act Standard Record Data file.

In order to enroll as many VRAP participants into the Wagner-Peyser program as possible, and consequently have states report on the participants through the LERS, DOL is recommending the assigned case managers take the following steps for reporting:

- Once the case manager is assigned by the Center Manager, the case manager will receive his or her file on VRAP participants and should first query the existing reporting system to see if the participant has already been registered in Wagner-Peyser or enrolled in WIA. Using the participant’s name, date of birth, address, state, zip code, phone number, and email provided in the file the case manager

should be able to discern if the participant has been registered in Wagner-Peyser or enrolled in WIA previously. If the manager can find the participant and can reasonably conclude the person is the same as the one already registered, then the case manager should flag the individual in the management information system with the Special Projects field as “VRAP” or “VRUC” if the participant is also on Extended Unemployment. After the participant has been flagged as a VRAP participant, the case manager should then provide the outreach and employment assistance as outlined in section 5 of this document. *(Note: If state management information systems are capable of querying the records and flagging individuals as “VRAP” or “VRUC,” ETA recommends the state workforce agencies do this step before disseminating to local American Job Centers).*

- If the participant has not already been registered into the Wagner-Peyser program or enrolled in the WIA program, then the case manager should provide the outreach and employment assistance as outlined in section 5 of this document and attempt to have the veteran go to the American Job Center and register for the Wagner-Peyser program when receiving employment services. If the individual comes to the Center for services, the case manager should flag the participant as a VRAP participant in the Special Projects field as “VRAP.”
- In order to ensure employment services were offered to every participant, it is necessary to document the results of each participant contact. The “Employment Assistance” column in the file the states receive from DOL should be used to report on the outcome of the contact for each individual:
 - The case manager should put a “1” in the “Employment Assistance” column if the individual was contacted and did not need employment assistance because he or she already had a job.
 - The case manager should put a “2” in the “Employment Assistance” column if the individual was contacted and does not come in to receive employment assistance for any other reason.
 - The case manager should put a “3” in the “Employment Assistance” column if the individual was non-responsive to the offer of employment assistance.
 - The case manager should put a “4” in the “Employment Assistance” column if the individual was either already registered in the Wagner-Peyser program, or if the case manager was able to register the individual after VRAP training was completed.
 - The case manager should put a “5” in the “Employment Assistance” column if the individual was contacted, and the result was other than any of the scenarios listed above.

Each state should collect this information from the American Job Center on a quarterly basis, so the state can share the file documenting the outreach efforts with DOL. ETA has received approval of an Information Collection Request from OMB (OMB Control Number: 1205-0511) so that it may require reports containing this data from the states, due within a 45-day reporting period following the end of each quarter (see table below for the reports timeline and submission deadlines). States should send the participant outreach file as an Excel attachment in an email to vraps@dol.gov. States will only need to include the “DOL-assigned

unique identifier” and the “Employment Assistance” fields in the report they send to DOL (Attachment C). States are required to send these files to the vrap@dol.gov email account on a quarterly basis so DOL can provide timely updates to Congress on outreach efforts for providing employment assistance.

7. **Collection Timeline.** Since OMB approval was granted on May 31, 2013, states will be required to collect this information for the quarter beginning July 1, 2013. However, previous guidance recommended that states begin collecting this information, and so some states may have reports available. If states have been collecting this information, DOL requests the first report to include all VRAP exiters from the program inception through September 30, 2013 in order to obtain historical data on the program from implementation date. After the initial report, subsequent quarterly reports should only report on the participants who exited the VRAP program for that quarter. If a VRAP participant exits at the end of a quarter, he or she should be reported on in the quarter they exited VRAP (e.g. state receives a participant file on 9/30/13, they should include the outreach to the VRAP participant on the reports due 11/15/13). The timeline for collection extends over four quarters and is outlined by date of collection in the table below:

<i>Quarter of Collection</i>	<i>Submission Deadline</i>
November 2012 through September 30, 2013 (where available)	November 15, 2013
October 1, 2013 through December 31, 2013	February 15, 2014
January 1, 2014 through March 31, 2014	May 15, 2014
April 1, 2014 through June 30, 2014	August 15, 2014

8. **Action Requested.** States should disseminate this guidance to personnel responsible for performance reporting on Wagner-Peyser Act and WIA programs. States should also ensure local areas receive this guidance so that case managers can familiarize themselves with the outreach and reporting requirements for VRAP. States should immediately ensure they currently have sFTP software, and if they do not, to access the free software linked in this TEGl or other sFTP software. States should ensure they have established methods to disseminate participant data to local areas on a regular basis and receive reports to send back to DOL.
9. **Inquiries.** Please direct questions regarding this notice and instructions to the appropriate ETA regional office.
10. **Attachments.**
- A. Guide to obtaining free FTP software
 - B. Sample VRAP Participant Report
 - C. Sample Quarterly State Outreach Report