

# JOBES FOR VETERANS ACT GUIDANCE

Posted on [www.doleta.gov](http://www.doleta.gov) 6/21/2004

**NOTE:** For ease of reference (away from the context of this Web site) the number of each basic question below is followed by the acronym of the program to which it applies. Example: For the WIA Adult and Dislocated Workers program, the first question is numbered 1ADW. For National Emergency Grants, the first question is numbered 1NEG.

## 17 BASIC QUESTIONS AND ANSWERS Applicable to the WIA Adult and Dislocated Workers Program (Including Welfare-to-Work)

### Effect on the WIA Adult and Dislocated Worker Program (Including Welfare-to-Work) as a whole

**1ADW. Will implementation of the veterans' priority established by the Jobs for Veterans Act (a) cause extensive changes in the way the WIA Adult and Dislocated Worker Program is administered and (b) is this priority waivable?**

#### **RESPONSE:**

(a) The priority will not result in extensive changes, but some changes will be necessary. See question 4ADW regarding how to apply the veterans' priority in relation to priority for welfare recipients and low-income individuals in the WIA Adult Program. The principles expressed in Training and Employment Letter # 5-03 (which provides overall guidance on how the veterans' priority applies to all workforce system programs) must be implemented. It is, therefore, likely that program operators may need to do things such as design registration forms and other program materials to capture veterans' status if this is not already being done, and modify ways of doing business in order to carry out the intent of the law.

The Department of Labor will not be issuing regulations or detailed operational requirements which the Adult and Dislocated Worker Programs at the state and local levels must follow (requiring, for example, that an individual must show proof of veteran status using documentation such as the Department of Defense Form 214 in order to qualify for priority service). State and local areas may be obliged to do so at their own discretion.

(b) The veterans' priority cannot be waived.

**2ADW. What process will WIA Adult and Dislocated Worker Program operators or grantees need to go through in order to assure that its grant award document(s) and/or other applicable governing document(s) formally reflect any necessary changes and requirements?**

#### **RESPONSE:**

The Employment and Training Administration (ETA) will execute unilateral modifications to existing grants in order to assure that the new statute is emphasized and included. No action by grantees will be necessary, except that they will be expected to pass the requirements down as necessary to sub-grantees and contractors.

**3ADW. Are there any special obligations for the WIA Adult and Dislocated Worker Program regarding public comment or input on such changes?**

**RESPONSE:**

There are no such obligations under the Jobs for Veterans Act for implementation of the veterans' priority. Resulting changes in state and local plans are subject to applicable public comment requirements, however.

**4ADW. How is eligibility for the WIA Adult and Dislocated Worker Program affected?**

**RESPONSE:**

Eligibility for the WIA Adult and Dislocated Worker program is not affected by the veterans' priority. The Jobs for Veterans Act provides priority service only to veterans who meet the program's eligibility requirements. TEGL # 5-03 provides specific guidance on (a) the interaction of the veterans' priority with existing program requirements that target specific groups, and (b) makes note of the fact that local programs are not required to change their allocations among services to reserve funds for veterans, but (c) are required to ensure that eligible veteran workers are given priority over non-veterans for all available services.

Here are examples of how this would work:

For the Adult and Dislocated Workers Program

Dislocated workers who are veterans will receive priority over non-veterans. Veterans who are not dislocated workers can not be served with dislocated worker funds. In the WIA Adult and Dislocated Workers Program, the current law requires that first priority for intensive and training services be given to public assistance recipients and low-income individuals when adult funds allocated to a local area are limited.

In regard to veterans, the priority of provision of services would be established as follows: Available funds would not change. First to be served would be public assistance recipients and low-income individuals who are also veterans. The second group to be served would be public assistance recipients and low-income non-veterans. Among participants who are not public assistance recipients or low-income individuals, veterans will receive priority over non-veterans.

For the Welfare-to-Work (WtW) Program

Current law requires that program operators spend no more than 30 percent of the funds on individuals that meet the "other eligibles" eligibility provisions 20 CFR Part 645.213. The veterans' priority does not change the 30 percent limit on "other eligibles." In providing services to individuals under the 30 percent eligibility provision, the priority of service would be established as follows: First to be served would be individuals that qualify in the category as "other eligibles" who are also veterans. The second group to be served would be those individuals that qualify in the category of "other eligibles" who are non-veterans. If a program has reached the 30 percent limit, a person's status as a veteran does not permit the program to exceed the 30 percent limit on "other eligibles."

**5ADW. Will the WIA Adult and Dislocated Workers Program be expected to develop or meet any specific performance standards regarding service to veterans?**

**RESPONSE:**

Performance standards will not be developed regarding services to veterans. However, under the Jobs for Veterans Act, the Secretary of Labor is required to develop an Annual Report to

Congress beginning in Program Year (PY) 2003 focusing upon three areas: (1) whether veterans are receiving priority service in workforce programs; (2) whether veterans are being fully served by these programs; and (3) whether the representation of veterans in such programs is in proportion to the incidence of representation of veterans in the labor market. Clearly, even though no performance standards will be developed, the nature and share of workforce system services to veterans will be closely observed by both the Department of Labor and Congress.

ETA is in the process of revising its data collection measures for job training programs in order to develop a more standardized approach across various workforce programs. Collecting information on service to veterans will be part of this effort. ETA anticipates finalizing the revised data collection system and implementing it with PY 2004 funding.

**6ADW. Who will be responsible for monitoring implementation of the veterans' priority for the WIA Adult and Dislocated Workers Program?**

**RESPONSE:**

ETA Regional Office and state staff will ensure that state and local workforce areas implement the veterans' priority just as they do for other activities required by law.

**7ADW. Will the WIA Adult and Dislocated Worker Program be responsible for annual or special reports on service rendered to veterans?**

**RESPONSE:**

The Annual Report referenced in the question, 5ADW, will focus on the services that have been provided to veterans by all 20 Department of Labor-funded employment and training programs based on the required data reported to ETA by grantees. The WIA Adult and Dislocated Worker Program reflects a large share of this public investment. While the program will not be expected to publish a separate report, its performance will be clearly reflected in the overall Annual Report.

**8ADW. Will there be any consequences or ramifications to the WIA Adult and Dislocated Workers Program for failing to provide priority of service to veterans?**

**RESPONSE:**

There are always consequences for failing to comply with the law. The WIA Adult and Dislocated Worker Program is expected to comply with all provisions of the Jobs for Veterans Act. ETA will take such measures as are necessary to ensure that all grantees comply with veterans' priority requirements.

**9ADW. Will the Department of Labor be issuing new or amending current regulations to accommodate the changes?**

**RESPONSE:**

No new Department of Labor regulations regarding implementation of the Jobs for Veterans Act will be issued. The statute simply becomes one of the Federal laws with which any Department of Labor-funded program must comply. It should be noted, however, that ETA expects to emphasize the veterans' priority in any new regulations resulting from soon-expected reauthorization of the Workforce Investment Act.

**10ADW. Does all or most other current guidance for the WIA Adult and Dislocated Workers Program still apply?**

**RESPONSE:**

Yes. All current guidance still applies.

**11ADW. Will the WIA Adult and Dislocated Workers Program funding be affected (additional dollars, changes in formulas, allocations, reallocations, etc., where applicable)? If so, how?**

**RESPONSE:**

No, funding will not be affected by the veterans' priority.

**12ADW. Are "old" but as of yet unexpended WIA Adult and Dislocated Workers Program funds received, obligated, or committed prior to the passage of the Jobs for Veterans Act subject to the veterans' priority?**

**RESPONSE:**

Yes. The Jobs for Veterans Act is currently in effect.

**13ADW. Will other non-Department of Labor federal funds, or non-federal funds used in the WIA Adult and Dislocated Worker Program partnerships or as match be subject to the same veterans' priority?**

**RESPONSE:**

The veterans' priority applies to any workforce preparation, development, or delivery program or service that is directly funded, in whole or in part, by the Department of Labor. It specifically applies to any such program or service under the public employment service system, One-Stop Career Centers, the Workforce Investment Act of 1998, a demonstration or other temporary program, a workforce development program targeted to specific groups and those programs implemented by states or local service providers based on Federal block grants administered by the Department of Labor. To the extent these programs are funded at least in part by Department of Labor funds, the veterans' priority applies.

### Effect on the WIA Adult and Dislocated Workers Program Operations

**14ADW. Is there impact on the ability to co-enroll a participant where this is necessary and feasible? What happens, for instance, if the WIA Adult and Dislocated Workers Program wants to co-enroll a non-veteran participant into another program, but the other program has veterans ahead of him or her in the eligibility line?**

**RESPONSE:**

The Department of Labor expects state and local workforce investment system program operators to co-enroll participants when necessary, feasible, and prudent in order to eliminate duplication and increase the numbers able to be served. In some instances, however the veterans' priority will impact the ability to co-enroll. There may be situations among some Federal programs (which are not funded by the Department of Labor and not subject to the Jobs for Veterans Act) where individuals whom they refer to WIA must defer to veterans who are first in line, or where eligible veterans referred by WIA to other programs must defer to other statutory or policy mandates not subject to the Jobs for Veterans Act. The

expectation is that most co-enrollment situations can be accommodated locally, but there may be rare instances where this is negatively impacted.

**15ADW. How will registration, record-keeping, and reporting for the WIA Adult and Dislocated Workers Program be affected?**

**RESPONSE:**

Registration, record keeping and reporting may be affected because of the required data that needs to be submitted for the Annual Report. Refer to the responses under questions 1ADW, 5ADW and 7ADW to determine if changes are necessary to your particular registration and record-keeping systems so that the appropriate data can be reported to ETA.

**16ADW. How will the veterans' priority affect any request for proposal (RFPs), Solicitations for Grant Award (SGAs), program sub-grants, subcontracts, or memoranda of understanding or other service provision agreements with WIA Adult and Dislocated Workers Program vendors, contractors, and partners (required and otherwise)?**

**RESPONSE:**

All RFPs, SGAs, sub-grants, sub-contracts, and (where feasible) memoranda of understanding or other service provision agreements must be administered in compliance with the new veterans' priority.

**17ADW. Will WIA Adult and Dislocated Workers Program outreach efforts, written materials on available services and Web sites have to express and implement a priority of service to veterans?**

**RESPONSE:**

Yes.

## **QUESTIONS RECEIVED FROM PROGRAM OPERATORS OF The WIA Adult and Dislocated Workers Program AND ANSWERS PROVIDED**

NONE RECEIVED

**17 BASIC QUESTIONS AND ANSWERS**  
**Applicable to Congressional Earmark Grants**

Effect on Congressional Earmark Grants program as a whole

**1EAR. Will implementation of the veterans' priority established by the Jobs for Veterans Act (a) cause extensive changes in the way the Congressional Earmark Grants is administered and (b) is this priority waivable (in the case of those programs that allow waivers)?**

**RESPONSE:**

(a) The priority will not result in extensive changes, but some changes will be necessary. Because Congressional Earmark Grants are authorized by section 171 of WIA and funded by the annual Departments of Labor, Health and Human Services and Education Appropriations Act, these projects fall under the category of "pilots, demonstrations or research" projects. Therefore, the Jobs for Veterans Act will not cause major changes in the way Earmark Grants are administered. However, the principles expressed in Training and Employment Letter #5-03 (which provides overall guidance on how the veterans' priority applies to all workforce system programs) must be implemented.

(b) The veterans' priority cannot be waived.

**2EAR. What process will Congressional Earmark Grants need to go through in order to assure that their grant award document(s) and/or other applicable governing document(s) formally reflect any necessary changes and requirements?**

**RESPONSE:**

The Employment and Training Administration (ETA) will execute unilateral modifications to existing grants in order to assure that the new statute is emphasized and included. Grantees will, of course, be informed and will be expected to pass the requirements down as necessary to sub-grantees and contractors.

**3EAR. Are there any special obligations for the Congressional Earmark Grants regarding public comment or input on such changes?**

**RESPONSE:**

There are no special obligations that face Earmark Grants regarding public comment or input because public comment is not required by these projects.

**4EAR. How is eligibility for the Congressional Earmark Grants affected?**

**RESPONSE:**

As authorized by section 171, Earmark Grants are pilot projects intended to explore new approaches to workforce issues. However, all Earmark Grants providing direct services to individuals will be required to apply the provisions of the Jobs for Veterans Act, as well as any project requirements established by the Earmark Grant project. An example of how this would work in the case with an Earmark Grant project that targets homeless persons in a specific urban area is as follows: First to be served would be homeless persons from that area who are also veterans. The second group to be served would be homeless non-veterans from the area.

**5EAR. Will Congressional Earmark Grants be expected to develop or meet any specific performance standards regarding service to veterans?**

**RESPONSE:**

Performance standards will not be developed regarding services to veterans. However, under the Jobs for Veterans Act, the Secretary of Labor is required to develop an Annual Report to Congress beginning in Program Year (PY) 2003 focusing upon three areas: (1) whether veterans are receiving priority service in workforce programs; (2) whether veterans are being fully served by these programs; and (3) whether the representation of veterans in such programs is in proportion to the incidence of representation of veterans in the labor market. Clearly, even though no performance standards will be developed, the nature and share of workforce system services to veterans will be closely observed by both the Department of Labor and Congress.

ETA is in the process of revising its data collection measures for job training programs in order to develop a more standardized approach across various workforce programs. Collecting information on service to veterans will be part of this effort. ETA will introduce this revised data collection system in accordance with applicable public comment requirements and anticipates finalizing the revised data collection system and implementing it with PY 2004 funding.

**6EAR. Who will be responsible for monitoring implementation of the veterans' priority for Congressional Earmark Grants??**

**RESPONSE:**

ETA Regional Office staff will ensure that Earmark Grantee organizations implement the veterans' priority just as they do for other activities required by law.

**7EAR. Will the Congressional Earmark Grants be responsible for annual or special reports on service rendered to veterans?**

**RESPONSE:**

The Annual Report referenced in question 5EAR will focus on the services that have been provided to veterans by all 20 Department of Labor- funded employment and training programs based on the required data reported to ETA by grantees. Earmark Grants performance will be reflected in the overall Annual Report.

**8EAR. Will there be any consequences or ramifications for the Congressional Earmark Grants for failing to provide priority of service to veterans?**

**RESPONSE:**

There are always consequences for failing to comply with the law. Measures will be taken to ensure that all Earmark Grantees comply with veterans' priority requirements when necessary.

**9EAR. Will the Department of Labor be issuing new or amending current regulations to accommodate the changes?**

**RESPONSE:**

No new Department of Labor regulations regarding implementation of the Jobs for Veterans Act will be issued.

**10EAR. Does all or most other current guidance for the Congressional Earmark Grants still apply?**

**RESPONSE:**

Yes. All current guidance still applies.

Effect on Congressional Earmark Grants Funding

**11EAR. Will the Congressional Earmark Grants funding be affected (additional dollars, changes in formulas, allocations, reallocations, etc., where applicable)? If so, how?**

**RESPONSE:**

No, funding will not be affected by the veterans' priority.

**12EAR. Are "old" but as of yet unexpended Congressional Earmark Grants funds received, obligated, or committed prior to the passage of the Jobs for Veterans Act subject to the veterans' priority?**

**RESPONSE:**

Yes. The Jobs for Veterans Act is currently in effect.

**13EAR. Will other non-Department of Labor Federal funds, or non-federal funds used in Congressional Earmark Grants partnerships or as match be subject to the same veterans' priority?**

**RESPONSE:**

The veterans' priority applies to any workforce preparation, development, or delivery program or service that is directly funded, in whole or in part, by the Department of Labor. To the extent these partner programs are funded at least in part by Department of Labor funds, the veterans' priority applies.

**14EAR. Is there impact on the ability to co-enroll a participant where this is necessary and feasible? What happens, for instance, if the Congressional Earmark Grants wants to co-enroll a non-veteran participant into another program, but the other program has veterans ahead of him or her in the eligibility line?**

**RESPONSE:**

Earmark grants pilots and demonstration projects are typically not designed to "co-enroll" participants; however, should a project include partnering with other organizations and a co-enrollment feature, then in these instances, the veterans' priority may impact the ability to co-enroll.

## Effect on Congressional Earmark Grants Operations

**15EAR. How will registration, record-keeping, and reporting for the Congressional Earmark Grants be affected?**

**RESPONSE:**

Registration, record-keeping and reporting may be affected because of the required data that needs to be submitted for the Annual Report. Refer to the responses under questions 1EAR, 5EAR and 7EAR to determine if changes are necessary to your particular registration and record-keeping systems so that the appropriate data can be reported to ETA.

**16EAR. How will the veterans' priority affect any request for proposal (RFPs), Solicitations for Grant Award (SGAs), program sub-grants, subcontracts, or memoranda of understanding or other service provision agreements with Congressional Earmark Grants vendors, contractors, and partners (required and otherwise)?**

**RESPONSE:**

All RFPs, SGAs, sub-grants, sub-contractors, (and where appropriate) memoranda of understanding or other service provision agreements must be administered in compliance with the new veterans' act.

**17EAR. Will Congressional Earmark Grants outreach efforts, written materials on available services and Web sites have to express and implement a priority of service to veterans?**

**RESPONSE:**

Yes.

### **QUESTIONS RECEIVED FROM PROGRAM OPERATORS OF Congressional Earmark Grants AND ANSWERS PROVIDED**

NONE RECEIVED

**17 BASIC QUESTIONS AND ANSWERS**  
**Applicable to Dislocated Worker Demonstration Grants Program**

Effect on Dislocated Worker Demonstration Grants Program as a whole

**1DWDEMO. Will implementation of the veterans' priority established by the Act (a) cause extensive changes in the way the Dislocated Worker Demonstration Grants Program is administered and (b) is this priority waivable (in the case of those programs that allow waivers)?**

**RESPONSE:**

(a) No. Generally, it will be implemented in the same manner as the WIA formula dislocated worker program, except that the priority will apply only to the eligible target group for which the demonstration is being conducted, as identified in the SGA and any award grants.

(b) The veterans' priority cannot be waived.

**2DWDEMO. What process will the Dislocated Worker Demonstration Grants Program need to go through in order to assure that its grant award document(s) and/or other applicable governing document(s) formally reflect any necessary changes and requirements?**

**RESPONSE:**

Each SGA and grant award document will include standard language regarding compliance with the Jobs for Veterans Act, which will also be included in subgrants or contracts which provide services procured as part of any demonstration project.

**3DWDEMO. Are there any special obligations for the Dislocated Worker Demonstration Grants Program regarding public comment or input on such changes?**

**RESPONSE:**

The requirements will be included in SGA soliciting proposals to conduct demonstration projects.

**4DWDEMO. How is eligibility for the Dislocated Worker Demonstration Grants Program affected?**

**RESPONSE:**

Those who meet the eligibility qualifications of the individuals to be served under a particular demonstration initiative, and are also a covered veteran will be given priority.

**5DWDEMO. Will the Dislocated Worker Demonstration Grants Program be expected to develop or meet any specific performance standards regarding service to veterans?**

**RESPONSE:**

Demonstration grantees, and any service providers or contractors, will be required to collect veteran status information on those served.

**6DWDEMO. Who will be responsible for monitoring implementation of the veterans' priority for the Dislocated Worker Demonstration Grants Program?**

**RESPONSE:**

The Employment & Training Administration (ETA) and the grantees, as part of the overall monitoring and review of grants will ensure that state and local workforce areas implement the veterans' priority just as they do for other activities required by law.

**7DWDEMO. Will the Dislocated Worker Demonstration Grants Program be responsible for annual or special reports on service rendered to veterans?**

**RESPONSE:**

Department of Labor's Annual Report to Congress beginning in Program Year (PY) 2003 will include data on services to veterans through grants.

**8DWDEMO. Will there be any consequences or ramifications for the Dislocated Worker Demonstration Grants Program for failing to provide priority of service to veterans?**

**RESPONSE:**

ETA provides technical assistance to any project having difficulty meeting its goals or complying with statutory requirements, including the priority of service to veterans.

[Effect on Dislocated Worker Demonstration Grants Program Rules, Regulations and/or Existing Guidance](#)

**9DWDEMO. Will the Department of Labor be issuing new or amending current regulations to accommodate the changes?**

**RESPONSE:**

When SGAs are published in the Federal Register soliciting proposals to respond to a dislocated worker demonstration initiative, included in the program requirements will be compliance with the provisions for veterans' priority.

**10DWDEMO. Will Dislocated Worker Demonstration Grants Program funding be affected (additional dollars, changes in formulas, allocations, reallocations, etc., where applicable)? If so, how?**

**RESPONSE:**

No, funding will not be affected by the veterans' priority

**11DWDEMO. Will Dislocated Worker Demonstration Grants Program funding be affected (additional dollars, changes in formulas, allocations, reallocations, etc., where applicable)? If so, how?**

**RESPONSE:**

No, funding will not be affected by the veterans' priority.

**12DWDEMO.** Are "old" but as of yet unexpended Dislocated Worker Demonstration Grants Program funds received, obligated, or committed prior to the passage of the Jobs for Veterans Act subject to the veterans' priority?

**RESPONSE:**

Yes. The Jobs for Veterans Act is currently in effect.

**13DWDEMO.** Will other non-Department of Labor Federal funds, or non-federal funds used in Dislocated Worker Demonstration Grants Program partnerships or as match be subject to the same veterans' priority?

**RESPONSE:**

Yes.

### Effect on the Dislocated Worker Demonstration Grants Program Operations

**14DWDEMO.** Is there impact on the ability to co-enroll a participant where this is necessary and feasible? What happens, for instance, if the Dislocated Worker Demonstration Grants Program wants to co-enroll a non-veteran participant into another program, but the other program has veterans ahead of him or her in the eligibility line?

**RESPONSE:**

No impact would be expected to occur.

**15DWDEMO.** How will registration, record-keeping, and reporting for the Dislocated Worker Demonstration Grants Program be affected?

**RESPONSE:**

As indicated earlier, grantees and project operators/service providers will be required to collect data on veterans' status and to report such data, along with other demographic data already collected.

**16DWDEMO.** How will the veterans' priority affect any request for proposal (RFPs), Solicitations for Grant Award (SGAs), program sub-grants, subcontracts, or memoranda of understanding or other service provision agreements with Dislocated Worker Demonstration Grants Program vendors, contractors, and partners (required and otherwise)?

**RESPONSE:**

Veterans' priority requirements will be included in all documents, as appropriate.

**17DWDEMO. Will the Dislocated Worker Demonstration Grants Program outreach efforts, written materials on available services and Web sites have to express and implement a priority of service to veterans?**

**RESPONSE:**

Yes.

**QUESTIONS RECEIVED FROM PROGRAM OPERATORS OF  
Dislocated Worker National Emergency Grant Program AND ANSWERS PROVIDED  
NONE RECEIVED**

**17 BASIC QUESTIONS AND ANSWERS**  
**Applicable to Dislocated Worker National Emergency Grants Program**

Effect on Dislocated Worker National Emergency Grants Program as a whole

**1NEG. Will implementation of the veterans' priority established by the Jobs for Veterans Act (a) cause extensive changes in the way the Dislocated Worker National Emergency Grants Program is administered and (b) is this priority waivable (in the case of those programs that allow waivers)?**

**RESPONSE:**

(a) No. Generally, it will be implemented in the same manner as the WIA formula dislocated worker program, except that the priority will apply only to the eligible target group (e.g., workers dislocated or being dislocated from XYZ corporation, or workers dislocated as a result of a disaster) as identified in each NEG grant.

(b) The veterans' priority cannot be waived.

**2NEG. What process will the Dislocated Worker National Emergency Grants Program need to go through in order to assure that its grant award document(s) and/or other applicable governing document(s) formally reflect any necessary changes and requirements?**

**RESPONSE:**

Each NEG grant award document will include standard language regarding compliance with the Jobs for Veterans Act, which will also be included in subgrants or contracts which provide transition assistance for dislocated workers under the NEG grant.

**3NEG. Are there any special obligations for the Dislocated Worker National Emergency Grants Program regarding public comment or input on such changes?**

**RESPONSE:**

The changes and relevant policy guidance will be reflected in the NEG Application Guidelines which are available for public comment.

**4NEG. How is eligibility for the Dislocated Worker National Emergency Grants Program affected?**

**RESPONSE:**

Grantees of NEG funds will be required to ensure that project operators have systems in place to comply with the changes and implementation of the priority for the dislocated worker who is a veteran and is from the eligible, specific target population of NEG grants. Those workers being laid off by the company for which a NEG grant is awarded, and who are veterans, will receive priority over non-veterans. Generally, awarded funds are sufficient to provide needed services for all workers impacted by a covered mass layoff or plant closure, or other eligible dislocation event.

Veterans who are dislocated workers from companies other than those covered under a NEG project are not eligible to receive assistance under a NEG, but would be served in the local One-Stop Career Center with funds from the local formula-funded dislocated worker program.

**5NEG. Will the Dislocated Worker National Emergency Grants Program be expected to develop or meet any specific performance standards regarding service to veterans?**

**RESPONSE:**

Until a more standardized approach is developed by the Department of Labor, grantees and applicable project operators and service providers will need to collect veteran status information on those served, as well as the veteran status of the workers laid off from the mass layoff or plant closure covered under a particular NEG.

**6NEG. Who will be responsible for monitoring implementation of the veterans' priority for the Dislocated Worker National Emergency Grants Program?**

**RESPONSE:**

The Employment & Training Administration (ETA) and the grantees are responsible, as part of the overall monitoring and review of NEG grants.

**7NEG. Will the Dislocated Worker National Emergency Grants Program be responsible for annual or special reports on service rendered to veterans?**

**RESPONSE:**

The Department of Labor's Annual Report to Congress beginning in Program Year (PY) 2003 will include data on services to veterans through NEG grants.

**8NEG. Will there be any consequences or ramifications for the Dislocated Worker National Emergency Grants Program for failing to provide priority of service to veterans?**

**RESPONSE:**

ETA provides technical assistance to any NEG project having difficulty meeting its goals or complying with statutory requirements, including the priority of service to veterans.

**[Effect on Dislocated Worker National Emergency Grants Program Rules, Regulations and/or Existing Guidance](#)**

**9NEG. Will the Department of Labor be issuing new or amending current regulations to accommodate the changes?**

**RESPONSE:**

Guidelines that apply to application for, and program requirements for NEGs are currently being updated. They will address the new requirements.

**10NEG. Does all or most other current guidance for the Dislocated Worker National Emergency Grants Program still apply?**

**RESPONSE:**

Yes. All current guidance still applies.

**11NEG. Will Dislocated Worker National Emergency Grants Program funding be affected (additional dollars, changes in formulas, allocations, reallocations, etc., where applicable)? If so, how?**

**RESPONSE:**

No, funding will not be affected by the veterans' priority.

**12NEG. Are "old" but as of yet unexpended Dislocated Worker National Emergency Grants Program funds received, obligated, or committed prior to the passage of the Jobs for Veterans Act subject to the veterans' priority?**

**RESPONSE:**

Yes. The Jobs for Veterans Act is currently in effect.

**13NEG. Will other non-Department of Labor Federal funds, or non-federal funds used in Dislocated Worker National Emergency Grants Program partnerships or as match be subject to the same veterans' priority?**

**RESPONSE:**

Yes.

### Effect on the Dislocated Worker National Emergency Grants Program Operations

**14NEG. Is there impact on the ability to co-enroll a participant where this is necessary and feasible? What happens, for instance, if the Dislocated Worker National Emergency Grants Program wants to co-enroll a non-veteran participant into another program, but the other program has veterans ahead of him or her in the eligibility line?**

**RESPONSE:**

No impact would be expected to occur.

**15NEG. How will registration, record-keeping, and reporting for the Dislocated Worker National Emergency Grants Program be affected?**

**RESPONSE:**

As indicated earlier, grantees and project operators/service providers will be required to collect data on veterans' status and to report such data, along with other demographic data already collected.

**16NEG. How will the veterans' priority affect any request for proposal (RFPs), Solicitations for Grant Award (SGAs), program sub-grants, subcontracts, or memoranda of understanding or other service provision agreements with Dislocated Worker National Emergency Grants (NEG) Program vendors, contractors, and partners (required and otherwise)?**

**RESPONSE:**

Generally, vendors and organizations providing services for individuals covered in NEG grants are the same as those that provide services under the WIA dislocated worker formula program. But to the extent they are not, all agreements will be required to contain provisions for compliance with the Veterans' Priority Provisions of the Jobs for Veterans Act, and DOL implementing procedures.

**17NEG. Will the Dislocated Worker National Emergency Grants Program outreach efforts, written materials on available services and Web sites have to express and implement a priority of service to veterans?**

Yes. Generally, such materials might cover a number of workforce investment programs, but if they were specific to an NEG grant, the priority of service provision would be included.

**17 BASIC QUESTIONS AND ANSWERS**  
**Applicable to The H-1B Technical Skills Training Grant Program**

Effect on The H-1B Technical Skills Training Grant Program

**1H-1B. Will implementation of the veterans' priority established by the Jobs for Veterans Act (a) cause extensive changes in the way The H-1B Technical Skills Training Grant Program is administered and (b) is this priority waivable?**

**RESPONSE:**

(a) No. The priority will not result in extensive changes, but some changes will be necessary. See question 4H-1B regarding how to apply the veterans priority in relation to priority for H-1B participants. The principles expressed in Training and Employment Letter # 5-03 (which provides overall guidance on how the veterans' priority applies to all workforce system programs) must be implemented. It is, therefore, likely that H-1B grantees may need to do things such as design registration forms and other program materials to capture veterans' status if this is not already being done, and modify ways of doing business in order to carry out the intent of the law. The Department of Labor will not be issuing regulations or detailed operational requirements which H-1B grantees must follow (requiring, for example, that an individual must show proof of veteran status using documentation such as the Department of Defense Form 214 in order to qualify for priority service). H-1B grantees may be obliged to do so at their own discretion and are encouraged to work with State and local Workforce Investment Boards who may be able to provide assistance on developing operational requirements.

(b) The veterans' priority cannot be waived.

**2H-1B. What process will H-1B Grantees need to go through in order to assure that its grant award document(s) and/or other applicable governing document(s) formally reflect any necessary changes and requirements?**

**RESPONSE:**

The Employment and Training Administration (ETA) will execute unilateral modifications to existing grants in order to assure that the new statute is emphasized and included. No action by grantees will be necessary, except that they will be expected to pass the requirements down as necessary to sub-grantees and contractors.

**3H-1B. Are there any special obligations for H-1B Grantees regarding public comment or input on such changes?**

**RESPONSE:**

There are no such obligations under the Jobs for Veterans Act for implementation of the veterans' priority.

**4H-1B. How is eligibility for The H-1B Technical Skills Training Grant Program affected?**

**RESPONSE:**

Eligibility for the H-1B Technical Skills Training Grant Program is not affected by the veterans' priority. The Jobs for Veterans' Act provides priority service only to veterans who meet the program's eligibility requirements. TEGl # 5-03 priority with existing program

requirements that target specific groups, and (b) makes note of the fact that local programs are not required to change their allocations among services to reserve funds for veterans, but (c) are required to ensure that eligible veteran workers are given priority over non-veterans for all available services. Among H-1B participants, individuals who are veterans receive priority for training over non-veteran H-1B participants.

**5H-1B. Will The H-1B Technical Skills Training Grant Program be expected to develop or meet any specific performance standards regarding service to veterans?**

**RESPONSE:**

Performance standards will not be developed regarding services to veterans. However, under the Jobs for Veterans Act, the Secretary of Labor is required to develop an Annual Report to Congress beginning in Program Year (PY) 2003 focusing upon three areas: (1) whether veterans are receiving priority service in workforce programs; (2) whether veterans are being fully served by these programs; and (3) whether the representation of veterans in such programs is in proportion to the incidence of representation of veterans in the labor market. Clearly, even though no performance standards will be developed, the nature and share of workforce system services to veterans will be closely observed by both the Department of Labor and Congress.

ETA is in the process of revising its data collection measures for job training programs in order to develop a more standardized approach across various workforce programs. Collecting information on service to veterans will be part of this effort. ETA anticipates finalizing the revised data collection system and implementing it with PY 2004 funding.

**6H-1B. Who will be responsible for monitoring implementation of the veterans' priority for The H-1B Technical Skills Training Grant Program?**

**RESPONSE:**

ETA Regional Office staff will ensure that the veterans' priority act is implemented just as they do for other activities required by law.

**7H-1B. Will The H-1B Technical Skills Training Grant Program be responsible for annual or special reports on service rendered to veterans?**

**RESPONSE:**

The Annual Report referenced to in question 5H-1B will focus on the services that have been provided to veterans by all 20 Department of Labor-funded employment and training programs based on required data reported to ETA by grantees. The H-1B Technical Skills Training Grant Program reflects an important share of this public investment. While the program will not be expected to publish a separate report, its performance will be clearly reflected in the overall Annual Report.

**8H-1B. Will there be any consequences or ramifications to H-1B grantees for failing to provide priority of service to veterans?**

**RESPONSE:**

There are always consequences for failing to comply with the law. The H-1B Technical Skills Training Grant Program is expected to comply with all provisions of the Jobs for Veterans Act. ETA will take such measures as are necessary to ensure that all H-1B grantees comply with veterans' priority requirements.

**9H-1B. Will the Department of Labor be issuing new or amending current regulations to accommodate the changes?**

**RESPONSE:**

No new Department of Labor regulations regarding implementation of the Jobs for Veterans Act will be issued. The statute simply becomes one of the Federal laws with which any Department of Labor-funded program must comply. It should be noted, however, that ETA expects to emphasize the veterans' priority in any new regulations resulting from soon-expected reauthorization of the Workforce Investment Act.

**10H-1B. Does all or most other current guidance for The H-1B Technical Skills Training Grant Program still apply?**

**RESPONSE:**

Yes. All current guidance still applies.

### Effect on Congressional Earmark Grants Operations

**11H-1B. Will The H-1B Technical Skills Training Grant Program funding be affected (additional dollars, changes in formulas, allocations, reallocations, etc., where applicable)? If so, how?**

**RESPONSE:**

No, funding will not be affected by the veterans' priority.

**12H-1B. Are "old" but as of yet unexpended The H-1B Technical Skills Training Grants Program funds received, obligated, or committed prior to the passage of the Jobs for Veterans Act subject to the veterans' priority?**

**RESPONSE:**

Yes. The Jobs for Veterans Act is currently in effect.

**13H-1B. Will other non-Department of Labor Federal funds, or non-federal funds used in The H-1B Technical Skills Training Grant Program partnerships or as match be subject to the same veterans' priority?**

**RESPONSE:**

The veterans' priority applies to any workforce preparation, development, or delivery program or service that is directly funded, in whole or in part, by the Department of Labor. It specifically applies to any such program or service under the public employment service system, One-Stop Career Centers, the Workforce Investment Act of 1998, a demonstration or other temporary program, a workforce development program targeted to specific groups and those programs implemented by states or local service providers based on Federal block grants administered by the Department of Labor. To the extent these programs are funded at least in part by Department of Labor funds, the veterans' priority applies.

## Effect on The H-1B Technical Skills Training Grant Program Operations

**14H-1B. Is there impact on the ability to co-enroll a participant where this is necessary and feasible? What happens, for instance, if The H-1B Technical Skills Training Grant Program grantee wants to co-enroll a non-veteran participant into another program, but the other program has veterans ahead of him or her in the eligibility line?**

**RESPONSE:**

The Department of Labor encourages H-1B grantees to co-enroll H-1B participants in WIA because it allows for a much broader and comprehensive service provision for training participants. In some instances, however the veterans' priority will impact the ability to co-enroll. There may be situations among some federal programs (which are not funded by the Department of Labor and not subject to the Jobs for Veterans Act) where individuals whom they refer to WIA must defer to veterans who are first in line, or where eligible veterans referred by WIA to other programs must defer to other statutory or policy mandates not subject to the Jobs for Veterans Act. The expectation is that most co-enrollment situations can be accommodated locally, but there may be rare instances where this is negatively impacted.

**15H-1B. How will registration, record-keeping, and reporting for The H-1B Technical Skills Training Grant Program be affected?**

**RESPONSE:**

Registration, record-keeping and reporting may be affected because of the required data that needs to be submitted for the Annual Report. Refer to the responses under questions 1H-1B, 5H-1B and 7H-1B to determine if changes are necessary to your particular registration and record-keeping systems so that the appropriate data can be reported to ETA.

**16H-1B. How will the veterans' priority affect any request for proposal (RFPs), Solicitations for Grant Award (SGAs), program sub-grants, subcontracts, or memoranda of understanding or other service provision agreements with The H-1B Technical Skills Training Grant Program vendors, contractors, and partners (required and otherwise)?**

**RESPONSE:**

All RFPs, SGAs, sub-grants, sub-contracts, and (where feasible) memoranda of understanding or other service provision agreements must be administered in compliance with the new veterans' priority.

**17H-1B. Will The H-1B Technical Skills Training Grant Program outreach efforts, written materials on available services and Web sites have to express and implement a priority of service to veterans?**

**RESPONSE:**

Yes.

### **QUESTIONS RECEIVED FROM PROGRAM OPERATORS OF The H-1B Technical Skills Training Grant Program AND ANSWERS PROVIDED**

NONE RECEIVED

**17 BASIC QUESTIONS AND ANSWERS**  
**Applicable to The Indian and Native American Employment and Training Program**

**Effect on The Indian and Native American Employment and Training Program as a whole**

**1DINAP. Will implementation of the veterans' priority established by the Jobs for Veterans Act (a) cause extensive changes in the way The Indian and Native American Employment and Training Program is administered and (b) is this priority waivable (in the case of those programs that allow waivers)?**

**RESPONSE:**

(a) Except for the focus on veterans P.L. 107-288 will not cause extensive changes in the way the WIA section 166 DINAP is currently administered, either in the field or at the national office level.

(b) This priority can not be waived.

**2DINAP. What process will The Indian and Native Employment and Training Program need to go through in order to assure that its grant award document(s) and/or other applicable governing document(s) formally reflect any necessary changes and requirements?**

**RESPONSE:**

DINAP will issue a DINAP Bulletin with implementation instructions and guidance for the priority provisions of P.L. 107-288. Grantees will have to address this service priority in their comprehensive service plans. Formal inclusion of this priority in section 166 grant documents will also occur.

**3DINAP. Are there any special obligations for The Indian and Native American Employment and Training Program regarding public comment or input on such changes?**

**RESPONSE:**

Generally, no. DINAP does expect some additional questions from section 166 grantees concerning specific situations encountered in the field and may address them in future bulletins. However, if reporting changes must occur, then there will be a "public comment" requirement for Office of Management and Budget (OMB) clearance purposes.

**4DINAP. How is eligibility for The Indian and Native American Employment and Training Program affected?**

**RESPONSE:**

Except for the requirement to provide service priority to eligible veterans, the section 166 eligibility requirements will not change at all - any individual served must still (by law) be an Indian, Alaska Native, or Native Hawaiian as documented by the grantee at time of enrollment and/or program participation.

**5DINAP. Will The Indian and Native American Employment and Training Program be expected to develop or meet any specific performance standards regarding service to veterans?**

**RESPONSE:**

No.

**6DINAP. Who will be responsible for monitoring implementation of the veterans' priority for The Indian and Native American Employment and Training Program?**

**RESPONSE:**

The grant will continue to be monitored and audited in the normal way, with the inclusion of the new requirement. Grantee management and oversight staff are also expected to review the impact of this requirement on their service population.

**7DINAP. Will the Division of Indian and Native American Programs be responsible for annual or special reports on service rendered to veterans?**

**RESPONSE:**

No such "special reports" are anticipated at this time. The current section 166 comprehensive services (i.e., Indian "adult") program report (ETA-9084) tracks the number of veterans served. Unless DINAP expands on this line item, section 166 grantees will only have to report on veterans' status as a participant characteristic, without having to elaborate on the type(s) of services provided to individual veterans.

**8DINAP. Will there be any consequences or ramifications for individual WIA section 166 grantees for failing to provide priority of service to veterans?**

**RESPONSE:**

Like any other statutory requirement, veterans' priority will be an item of individual grantee responsibility, subject to appropriate grievance procedures and appropriate corrective action(s). Failure of any section 166 grantee to abide by said statutory requirements could result in a finding of non-compliance and a sanction.

**Effect on The Indian and Native American Employment and Training Program Rules, Regulations and/or Existing Guidance**

**9DINAP. Will the Department of Labor be issuing new or amending current regulations to accommodate the changes?**

**RESPONSE:**

No regulatory changes are anticipated at this time. However, regulatory changes will be necessary when WIA reauthorization takes effect. DINAP will be working with the Indian and Native American Advisory Council to address necessary regulatory changes.

**10DINAP. Does all or most other current guidance for The Indian and Native American Employment and Training Program still apply?**

**RESPONSE:**

Yes. All current guidance still applies.

### Effect on The Indian and Native American Employment and Training Program Funding

**11DINAP. Will The Indian and Native American Employment and Training Program funding be affected (additional dollars, changes in formulas, allocations, reallocations, etc., where applicable)? If so, how?**

**RESPONSE:**

No, funding will not be affected by the veterans' priority.

**12DINAP. Are "old" but as of yet unexpended Indian and Native American Employment and Training Program funds received, obligated or committed prior to the passage of the Jobs for Veterans Act subject to the veterans' priority?**

**RESPONSE:**

Yes. The Jobs for Veterans Act is currently in effect.

**13DINAP. Will other non-Department of Labor Federal funds, or non-Federal funds used in The Indian and Native American Employment and Training Program partnerships or as match by subject to the same veterans' priority?**

**RESPONSE:**

Yes. The statute reads "funded in whole or in part" by the Department of Labor, and includes almost any activity that can reasonably be interpreted as involving job training. So if the grantee's program (such as one operated under the authority of P.L. 102-477) includes any Department of Labor funds at all, the particular program will be subject to the veterans' priority.

### Effect on The Indian and Native American Employment and Training Program Operations

**14DINAP. Is there impact on the ability to co-enroll a participant where this is necessary and feasible? What happens, for instance, if The Indian and Native American Employment and Training Program wants to co-enroll a non-veteran participant into another program, but the other program has veterans ahead of him or her in the eligibility line?**

**RESPONSE:**

Co-enrollment is not a major factor in the operation of WIA section 166 programs in most cases, so this would not be a big issue in the field. However, if a situation such as this were to arise, the statute clearly states that the eligible veteran would receive a priority of/for service, regardless of which Department of Labor fund source is used. If funding for co-enrollment activities is non-Department of Labor then the priority may not apply for that activity.

**15DINAP. How will registration, record-keeping, and reporting for The Indian and Native American Employment and Training Program be affected?**

**RESPONSE:**

Because veteran's status is a current reporting requirement on the ETA-9084, section 166 grantees already obtain and report such data. DINAP does not anticipate any significant changes in INA grantee record-keeping and reporting requirements unless further data (other than just numbers of veterans served) is determined to be required.

**16DINAP. How will the veterans' priority affect any request for proposal (RFPs), Solicitations for Grant Award (SGAs), program sub-grants, subcontracts, or memoranda of understanding or other service provision agreements with The Indian and Native American Employment and Training Program vendors, contractors, and partners (required and otherwise)?**

**RESPONSE:**

Veterans' priority will apply to all section 166 funding, including sub agreements.

**17DINAP. Will The Indian and Native American Employment and Training Program, outreach efforts, written materials on available services and Web sites have to express and implement a priority of service to veterans?**

**RESPONSE:**

At this time, DINAP anticipates no such mandatory outreach effort or requirement. Each grantee must assess the service needs of their communities to determine the extent of outreach to ensure community awareness of this priority and availability of services.

**QUESTIONS RECEIVED FROM PROGRAM OPERATORS OF  
The Indian and Native American Employment and Training Program  
AND ANSWERS PROVIDED**

NONE RECEIVED

**17 BASIC QUESTIONS AND RESPONSES**  
**Applicable to the Job Corps program**

**Effect on the Job Corps program as a whole**

**1JC. Will implementation of the veterans' priority established by the Jobs for Veterans Act (a) cause extensive changes in the way the Job Corps program is administered and (b) is this priority waivable (in the case of those programs that allow waivers)?**

**RESPONSE:**

(a) The priority will not result in extensive changes to the administration of Job Corps, although some modifications will be made in the admissions and record-keeping processes.

(b) No, this priority is not waivable.

**2JC. What process will the Job Corps program need to go through in order to assure that its grant award document(s) and/or other applicable governing document(s) formally reflect any necessary changes and requirements?**

**RESPONSE:**

Job Corps will amend its Policy and Requirement Handbook (PRH) and related procedures as necessary to reflect the implementation of the Jobs for Veterans Act. The PRH provides overall guidance on all aspects of the administration of the Job Corps Program and all the operational systems and procedures are based on it.

**3JC. Are there any special obligations for the Job Corps program regarding public comment or input on such changes?**

**RESPONSE:**

No.

**4JC. How is eligibility for the Job Corps program affected?**

**RESPONSE:**

Basic eligibility is not changed but the priority may affect enrollment. This is the major area for Job Corps to amend its policies and procedures to implement the Jobs for Veterans Act. Job Corps has drafted the following new language in its policy on outreach and admission: "An individual who meets all of the eligibility requirements listed above and is a veteran of the Armed Forces of the United States (Army, Navy, Air Force, Marine Corps, or Coast Guard), or spouse of a veteran as specified in Exhibit 1-1 Eligibility Criteria, will receive priority in enrollment at Job Corps centers."

**5JC. Will the Job Corps program be expected to develop or meet any specific performance standards regarding service to veterans?**

**RESPONSE:**

It is undetermined if performance standards will be developed regarding services to veterans. However, under the Jobs for Veterans Act, the Secretary of Labor is required to develop an Annual Report to Congress beginning in Program Year (PY) 2003 focusing upon three areas: (1) whether veterans are receiving priority service in workforce programs; (2) whether veterans are being fully served by these programs; and (3) whether the representation of veterans in such programs is in proportion to the incidence of representation of veterans in the labor market. Clearly, the nature and share of workforce system services to veterans will be closely observed by both the Department of Labor and Congress.

ETA is in the process of revising its data collection measures for job training programs in

order to develop a more standardized approach across various workforce programs. Collecting information on service to veterans will be part of this effort. ETA anticipates finalizing the revised data collection system and implementing it with PY 2004 funding

**6JC. Who will be responsible for monitoring implementation of the veterans' priority for the Job Corps program?**

**RESPONSE:**

The National and Regional Offices of Job Corps will have monitoring responsibility.

**7JC. Will the Job Corps program be responsible for annual or special reports on service rendered to veterans?**

**RESPONSE:**

The Annual Report referenced in question 5JC will focus on the services that have been provided to veterans by all 20 Department of Labor-funded employment and training programs based on the required data reported to ETA by grantees. Job Corps reflects a large share of this public investment. While the program will not be expected to publish a separate report, its performance will be clearly reflected in the overall Annual Report. In addition, Job Corps will include in its existing data collection and reporting system services rendered to veterans under this Act.

**8JC. Will there be any consequences or ramifications for the Job Corps program for failing to provide priority of service to veterans?**

**RESPONSE:**

Yes, there will be consequences for failing to provide priority of service to veterans.

### Effect on the Job Corps program Rules, Regulations and/or Existing Guidance

**9JC. Will the Department of Labor be issuing new or amending current regulations to accommodate the changes?**

**RESPONSE:**

Unknown at this time.

**10JC. Does all or most other current guidance for the Job Corps program still apply?**

**RESPONSE:**

Yes. Only the Outreach and Admissions policies and procedures will be amended to accommodate the implementation of the veterans' priority provisions.

### Effect on the Job Corps program Funding

**11JC. Will the Job Corps program funding be affected (additional dollars, changes in formulas, allocations, reallocations, etc., where applicable)? If so, how?**

**RESPONSE:**

No, the funding will not be affected by the veterans' priority.

**12JC. Are "old" but as of yet unexpended the Job Corps program funds received, obligated, or committed prior to the passage of the Jobs for Veterans Act subject to the veterans' priority?**

**RESPONSE:**

Unknown at this time

**13JC. Will other non-Department of Labor Federal funds, or non-federal funds used in the Job Corps program partnerships or as match by subject to the same veterans' priority?**

**RESPONSE:**

Unknown at this time.

### **Effect on the Job Corps program Operations**

**14JC. Is there impact on the ability to co-enroll a participant where this is necessary and feasible? What happens, for instance, if the Job Corps program wants to co-enroll a non-veteran participant into another program, but the other program has veterans ahead of him or her in the eligibility line?**

**RESPONSE:**

No. Job Corps will coordinate the provisions of this Act with internal and external partners to ensure that both the veteran and non-veteran applicants receive the appropriate priorities and services due to them.

**15JC. How will registration, record-keeping, and reporting for the Job Corps program be affected?**

**RESPONSE:**

Job Corps' registration, record-keeping, and reporting processes will be modified to accommodate the implementation of this Act within the existing system.

**16JC. How will the veterans' priority affect any request for proposal (RFPs), Solicitations for Grant Award (SGAs), program sub-grants, subcontracts, or memoranda of understanding or other service provision agreements with the Job Corps program vendors, contractors, and partners (required and otherwise)?**

**RESPONSE:**

Provisions for this Act will be incorporated into Job Corps' Policy and Requirement Handbook (PRH), which all Job Corps contract awards are measured against. All RFPs and related procedures and documents will reflect the changes made in the PRH. This was also referenced in 4JC.

**17JC. Will the Job Corps program outreach efforts, written materials on available services and Web sites have to express and implement a priority of service to veterans?  
RESPONSE:**

Yes. As Job Corps' new advertising and marketing materials are developed, they will include the veterans' priority provisions. Web sites for outreach and recruitment will be updated immediately to reflect the implementation of this Act.

**QUESTIONS RECEIVED FROM PROGRAM OPERATORS OF  
Job Corps  
AND ANSWERS PROVIDED**

NONE RECEIVED

**17 BASIC QUESTIONS AND ANSWERS**  
**Applicable to The National Farm Worker Jobs Program**

**Effect on The National Farmworker Jobs Program as a whole**

**1NFJP. Will implementation of the veterans' priority established by the Jobs for Veterans Act (a) cause extensive changes in the way The National Farmworker Jobs Program is administered and (b) is this priority waivable (in the case of those programs that allow waivers)?**

**RESPONSE:**

NFJP authorized by Section 167 of the Workforce Investment Act of 1998, establishes specific eligibility criteria for migrants and seasonal farmworkers seeking services from the program. The Jobs for Veterans Act states that to obtain priority of service, a veteran must meet that program's eligibility requirements; therefore, we do not anticipate a change in the way the program is administered.

**2NFJP. What process will The National Farmworker Jobs Program need to go through in order to assure that its grant award document(s) and/or other applicable governing document(s) formally reflect any necessary changes and requirements?**

**RESPONSE:**

Division of Seasonal Farmworkers Programs (DSFP) will work with the Office of Grants and Contracts Management to determine the specific boiler plate language that should be included in the grant documents to ensure compliance with P.L. 107-288.

**3NFJP. Are there any special obligations for The National Farmworker Jobs Program regarding public comment or input on such changes?**

**RESPONSE:**

No. The NFJP grants are awarded through a Solicitation for Grant Applications (SGA) process; the most recent SGA, dated April 17, 2003, included an advisory to applicants that P.L. 107-288 applied to the NFJP program and that further guidance would be provided once it was developed.

**4NFJP. How is eligibility for The National Farmworker Jobs Program affected?**

**RESPONSE:**

Eligibility for NFJP is not affected by the veterans' priority.

**5NFJP. Will The National Farmworker Jobs Program be expected to develop or meet any specific performance standards regarding service to veterans?**

**RESPONSE:**

No. NFJP is part of the Office of Management and Budget (OMB)'s Common Measures initiative, and performance standards reflect those common measures.

**6NFJP. Who will be responsible for monitoring implementation of the veterans' priority for The National Farmworker Jobs Program?**

**RESPONSE:**

NFJP corresponding Federal Project Officers (FPOs), formerly Grant Officer Technical Representatives (GOTRs), are responsible for the day-to-day management of NFJP grants and therefore will also be responsible for the implementation of veterans' priority.

**7NFJP. Will The National Farmworker Jobs Program be responsible for annual or special reports on service rendered to veterans?**

**RESPONSE:**

NFJP grants, as is the case with other WIA formula-funded grants, are required to submit an Annual Report on grant activities (participant outcomes and expenditures), which provide the basis for analysis of the grant's performance for the Program Year (PY).

**8NFJP. Will there be any consequences or ramifications for The National Farmworker Jobs Program for failing to provide priority of service to veterans?**

**RESPONSE:**

There are always consequences for failing to comply with the law. NFJP is expected to comply with all provisions of the Jobs for Veterans Act. The Employment & Training Administration (ETA) will take such measures as are necessary to ensure that all grantees comply with veterans' priority requirements.

**Effect on The National Farmworker Jobs Program Rules, Regulations and/or Existing Guidance**

**9NFJP. Will the Department of Labor be issuing new or amending current regulations to accommodate the changes?**

**RESPONSE:**

The NFJP will be guided by any such policies established for the rest of the WIA funded programs.

**10NFJP. Does all or most other current guidance for The National Farmworker Jobs Program still apply?**

**RESPONSE:**

The SGA issued for the last NFJP competition (April, 2003) stated that comprehensive policy guidance was being developed by Department of Labor and that it would be issued to NFJP grantees at that time. Until such time as guidance is issued for the system in general, we will not know what changes, if any, will have to be done to existing guidance.

**Effect on The National Farmworker Jobs Program Funding**

**11NFJP. Will The National Farmworker Jobs Program funding be affected (additional dollars, changes in formulas, allocations, reallocations, etc., where applicable)? If so, how?**

**RESPONSE:**

No, funding will not be affected by the veterans' priority.

**12NFJP. Are "old" but as of yet unexpended National Farmworker Jobs Program funds received, obligated, or committed prior to the passage of the Jobs for Veterans Act subject to the veterans' priority?**

**RESPONSE:**

Yes. The Jobs for Veterans Act is currently in effect.

**13NFJP. Will other non-DOL federal funds, or non-federal funds used in The National Farmworker Jobs Program partnerships or as match by subject to the same veterans' priority?**

**RESPONSE:**

NFJP grantees are not required to secure matching funds or other federal funding in order to operate the NFJP program.

### Effect on the National Farmworker Jobs Program Operations

**14NFJP. Is there impact on the ability to co-enroll a participant where this is necessary and feasible? What happens, for instance, if The National Farmworker Jobs Program wants to co-enroll a non-veteran participant into another program, but the other program has veterans ahead of him or her in the eligibility line?**

**RESPONSE:**

The Department of Labor expects state and local workforce investment system program operators to co-enroll participants when necessary, feasible, and prudent in order to eliminate duplication and increase the numbers able to be served. In some instances, however the veterans' priority will impact the ability to co-enroll. There may be situations among some Federal programs (which are not funded by the Department of Labor and not subject to the Jobs for Veterans Act) where individuals whom they refer to WIA must defer to veterans who are first in line, or where eligible veterans referred by WIA to other programs must defer to other statutory or policy mandates not subject to the Jobs for Veterans Act. The expectation is that most co-enrollment situations can be accommodated locally, but there may be rare instances where this is negatively impacted.

**15NFJP. How will registration, record-keeping, and reporting for The National Farmworker Jobs Program be affected?**

**RESPONSE:**

The NFJP program is part of the WIA reporting and record-keeping system, and will be subject to changes requested and/or adopted for the system in general.

**16NFJP. How will the veterans' priority affect any request for proposal (RFPs), Solicitations for Grant Award (SGAs), program sub-grants, subcontracts, or memoranda of understanding or other service provision agreements with The National Farmworker Jobs Program vendors, contractors, and partners (required and otherwise)?**

**RESPONSE:**

As previously stated, the latest SGA for the NFJP competition stated that the NFJP program was subject to the provisions of P.L. 107-288, and that guidance would be forthcoming from ETA.

**17NFJP. Will The National Farmworker Jobs Program outreach efforts, written materials on available services and Websites have to express and implement a priority of service to veterans?**

**RESPONSE:**

Yes.

**QUESTIONS RECEIVED FROM PROGRAM OPERATORS OF  
The National Farm Workers Jobs Program  
AND ANSWERS PROVIDED**

NONE RECEIVED

**17 BASIC QUESTIONS AND ANSWERS**  
**Applicable to the Pilot, Demonstration and Research Grants Program**

**Effect on the Pilot, Demonstration and Research Grants Program as a whole**

**1PDR. Will the implementation of the veterans' priority by the Jobs for Veterans Act, (a) cause extensive changes in the way the Pilot, Demonstration and Research Grants Program is administered; and (b) is this priority waivable?**

**RESPONSE:**

(a) The priority will not result in extensive changes, but some changes will be necessary. The principles expressed in TEGL # 5-03(which provides overall guidance on how the veterans' priority applies to all workforce system programs) must be implemented. It is, therefore, likely that program operators may need to do things such as design registration forms and other program materials to capture veterans' status if this is not already being done, and modify ways of doing business in order to carry out the intent of the law.

(b) The veterans' priority cannot be waived.

**2PDR. What process will the Pilot, Demonstration and Research Grants Program need to go through in order to assure that its grant award documents and/or other applicable governing documents formally reflect any necessary changes and requirements?**

**RESPONSE:**

The Employment and Training Administration (ETA) will execute unilateral modifications to existing grants in order to assure that the new statute is emphasized and included. No action by grantees will be necessary, except that they will be expected to pass the requirements down as necessary to sub-grantees and contractors.

**3PDR. Are there any special obligations for the Pilot, Demonstration and Research Grants Program regarding public comment or input on such changes?**

**RESPONSE:**

Pilot, demonstration, and research projects are not required to provide for public comment or input. Therefore no special obligations exist for pilot, demonstration and research grants.

**4PDR. How is eligibility for the Pilot, Demonstration and Research Grants Program affected?**

**RESPONSE:**

Eligibility for the Pilot, Demonstration and Research Grants program is not affected by the veterans' priority. The Jobs for Veterans Act provides priority service only to veterans who meet the program's eligibility requirements. TEGL # 5-03 provides specific guidance on (a) the interaction of the veterans' priority with existing program requirements that target specific groups, and (b) makes note of the fact that local programs are not required to change their allocations among services to reserve funds for veterans, but (c) are required to ensure that eligible veteran workers are given priority over non-veterans for all available services. Generally, pilot, demonstration and research grants are awarded to specific target groups. Individuals must first meet the eligibility criteria for the program group, and then the order of service priority would depend on the veteran status. Refer to the specifics on the target group population for guidance regarding the how to address the veterans' priority.

**5PDR. Will the Pilot, Demonstration and Research Grants Program be expected to develop or meet any specific performance standards regarding service to veterans?**

**RESPONSE:**

Performance standards will not be developed regarding services to veterans. However, under the Jobs for Veterans Act, the Secretary of Labor is required to develop an Annual Report to Congress beginning in Program Year (PY) 2003 focusing upon three areas: (1) whether veterans are receiving priority service in workforce programs; (2) whether veterans are being fully served by these programs; and (3) whether the representation of veterans in such programs is in proportion to the incidence of representation of veterans in the labor market. Clearly, even though no performance standards will be developed, the nature and share of workforce system services to veterans will be closely observed by both the Department of Labor and Congress.

ETA is in the process of revising its data collection measures for job training programs in order to develop a more standardized approach across various workforce programs.

Collecting information on service to veterans will be part of this effort. ETA anticipates finalizing the revised data collection system and implementing it with PY 2004 funding.

**6PDR. Who will be responsible for monitoring implementation of the veterans' priority for the Pilot, Demonstration and Research Grants Program?**

**RESPONSE:**

Pilot, Demonstration and Research Grants' corresponding Federal Project Officers (FPOs), formerly Grant Officer Technical Representatives (GOTRs), are responsible for the day-to-day management of pilot, demonstration and research grants and therefore will also be responsible for the implementation of veterans' priority.

**7PDR. Will the Pilot, Demonstration and Research Grants Program be responsible for annual and special reports on services rendered to veterans?**

**RESPONSE:**

The referenced Annual Report will focus on the services that have been provided to veterans by all 20 Department of Labor-funded employment and training programs based on the required data reported to ETA by grantees. The Pilot, Demonstration and Research Grants program reflects a large share of this public investment. While the program will not be expected to publish a separate report, its performance will be clearly reflected in the overall Annual Report.

**8PDR. Will there be any consequences or ramifications for the Pilot, Demonstration and Research Grants Program for failing to provide priority of service to veterans?**

**RESPONSE:**

There are always consequences for failing to comply with the law. The Pilot, Demonstration and Research Grants Program is expected to comply with all provisions of the Jobs for Veterans Act. ETA will take such measures as are necessary to ensure that all grantees comply with veterans' priority requirements.

Effect on the Pilot, Demonstration and Research Grants Program Rules, Regulations, and/or Existing Guidelines

**9PDR. Will the Department of Labor be issuing new or amending current regulations to accommodate the changes?**

**RESPONSE:**

No new Department of Labor regulations regarding implementation of the Jobs for Veterans Act will be issued. The statute simply becomes one of the Federal laws with which any Department of Labor-funded program must comply. It should be noted, however, that ETA expects to emphasize the veterans' priority in any new regulations resulting from soon-expected reauthorization of the Workforce Investment Act.

**10PDR. Does all or most other current guidance for the Pilot, Demonstration and Research Grants Program still apply?**

**RESPONSE:**

Yes. All current guidance still applies.

Effect on the Pilot, Demonstration and Research Grants Program Funding

**11PDR. Will the Pilot, Demonstration and Research Grants Program funding be affected (additional dollars, changes in formulas, allocations, reallocations, etc., where applicable)? If so, how?**

**RESPONSE:**

No, funding will not be affected by the veterans' priority.

**12PDR. Are "old" but as of yet unexpended the Pilot, Demonstration and Research Grants Program funds received, obligated, or committed prior to the passage of the Job for Veterans Act subject to the veterans' priority?**

**RESPONSE:**

Yes. The Jobs for Veterans Act is currently in effect.

**13PDR. Will other non-Department of Labor Federal funds, or non-federal funds used in the Pilot, Demonstration and Research Grants Program partnerships or as match subject to the same veterans' priority?**

**RESPONSE:**

Pilot Demonstration and Research Grants are not required to secure matching funds or funding from other federal agencies, private organizations, or other non-federal organizations.

## Effect on the Pilot, Demonstration and Research Grants Program Operations

**14PDR. Is there impact on the ability to co-enroll a participant where this is necessary and feasible? What happens, for instance, if the Pilot, Demonstration and Research Grants Program wants to co-enroll a non-veteran participant into another program, but the other program has veterans ahead of him or her in the eligibility program?**

**RESPONSE:**

The Department of Labor expects state and local workforce investment system program operators to co-enroll participants when necessary, feasible, and prudent in order to eliminate duplication and increase the numbers able to be served. In some instances, however the veterans' priority will impact the ability to co-enroll. There may be situations among some Federal programs (which are not funded by the Department of Labor and not subject to the Jobs for Veterans Act) where individuals whom they refer to WIA must defer to veterans who are first in line, or where eligible veterans referred by WIA to other programs must defer to other statutory or policy mandates not subject to the Jobs for Veterans Act. The expectation is that most co-enrollment situations can be accommodated locally, but there may be rare instances where this is negatively impacted.

**15PDR. How will registration, record-keeping, and reporting for the Pilot, Demonstration and Research Grants Program be affected?**

**RESPONSE:**

Registration, record-keeping and reporting may be affected because of the required data that needs to be submitted for the Annual Report. Refer to the responses under questions 1PDR, 5PDR and 7PDR to determine if changes are necessary to your particular registration and record-keeping systems so that the appropriate data can be reported to ETA.

**16PDR. How will the veterans' priority affect any request for proposal (RFPs), Solicitation for Grant Awards (SGAs), program sub-grants, subcontracts, or memoranda of understanding or other service provision agreements with the Pilot, Demonstration and Research Grants Program vendors, contracts, and partners (required or otherwise)?**

**RESPONSE:**

Pilot, Demonstration, and Research Grants are not required to present RFPs and SGAs unless they desire to enter into a subcontract relationship with another organization. When pursuing subcontracts, Pilot, Demonstration and Research must follow their organization's already established procurement and subcontracting policies. The Department of Labor strongly encourages Pilot, Demonstration, and Research Grants to pursue subcontracting relationships with minority-owned organizations and businesses, female-owned organizations and business, organizations and businesses friendly to individuals with disabilities, and organizations and businesses friendly to veterans.

**17PDR. Will Pilot, Demonstration and Research Grants Program outreach efforts, written materials on available services and Web sites have to express and implement a priority of service to veterans?**

**RESPONSE:**

Yes.

**QUESTIONS RECEIVED FROM PROGRAM OPERATORS OF  
Pilot, Demonstration and Research Grants Program  
AND ANSWERS PROVIDED**

NONE RECEIVED

**17 BASIC QUESTIONS AND ANSWERS**  
**Applicable to Senior Community Service Employment Program**

**Effect on Senior Community Service Employment Program as a whole**

**1SCSEP. Will implementation of the veterans' priority established by the Jobs for Veterans Act (a) cause extensive changes in the way the Senior Community Service Employment Program is administered and (b) is this priority waivable (in the case of those programs that allow waivers)?**

**RESPONSE:**

(a) No, it will not cause extensive changes in the administration of the SCSEP program. The SCSEP program already has a priority provision to serve individuals 60 and over and will harmonize this with the veterans' priority. (b) The priority is not waivable.

**2SCSEP. What process will Senior Community Service Employment Program need to go through in order to assure that its grant award document(s) and/or other applicable governing document(s) formally reflect any necessary changes and requirements?**

**RESPONSE:**

SCSEP grant instructions for Program Year (PY) 2003 (July 1, 2003 to June 30, 2004) have been disseminated to the current grantees. Instructions mandate that standardized language including veterans' priority will be incorporated into all PY 2003 SCSEP grants. This will also apply to all future SCSEP solicitations and all post-PY 2003 SCSEP grants. Language on veterans' priority has also been incorporated into the proposed SCSEP regulations.

**3SCSEP. Are there any special obligations for the Senior Community Service Employment Program regarding public comment or input on such changes?**

**RESPONSE:**

There are no other special obligations for SCSEP regarding public comment or input on these changes. We did, however, include the priority in the Notice of Proposed Rulemaking (NPRM) since we were implementing new regulations. The NPRM in general required public comment; however, the change is statutory and therefore, does not require public input otherwise.

**4SCSEP. How is eligibility for the Senior Community Service Employment Program affected?**

**RESPONSE:**

The Jobs for Veterans Act establishes priority for veterans and qualified spouses for receipt of services ONLY IF the veteran or his/her qualified spouse meets program eligibility requirements.

The veterans' priority is a statutory mandate, but it is not intended to displace the core function of the program. For example, certain targeting provisions are derived from a statutory preference for a particular group of participants or requires the spending of a certain portion of program funds on a particular group of participants. These are mandatory priorities. That being the case, the approach is to harmonize statutory mandates, to the extent feasible, in applying both priorities.

For SCSEP grantees, the specific order of priority for selection of participants will be as follows:

1. Veterans and qualified spouses who are at least 60 years old.
2. Other individuals who are at least 60 years old.
3. Veterans and qualified spouses who are 55-59 years old.
4. Other individuals who are 55-59 years old.

These priorities will be harmonized with the special consideration preferences of section 502(b)(1)(M) the OAA, as amended, to the extent feasible. These statutory preferences apply to the following individuals: 1) those who have incomes below the poverty line; 2) those who have poor employment prospects and who have the greatest social and/or economic need; and 3) those who are eligible minorities, limited English speakers, or Indians. These preferences should be considered within the context of the statutory priorities. For example, among eligible veterans and qualified spouses age 60 and over, to the extent practicable preference should be given to individuals within these three categories.

**5SCSEP. Will Senior Community Service Employment Program be expected to develop or meet any specific performance standards regarding service to veterans?**

**RESPONSE:**

No, the SCSEP is not expected to develop or meet any specific performance standards regarding service to veterans. However, the Secretary is required to develop an Annual Report to Congress beginning with PY 2003 that evaluates the following:

1. Whether veterans are receiving priority of service;
2. Whether veterans are being fully served by affected programs/grants (e.g., SCSEP); and
3. Whether the representation of veterans in such programs is in proportion to the incidence of representation of veterans in the labor market.

As a result, SCSEP grantees will have new reporting requirements that will capture this information.

**6SCSEP. Who will be responsible for monitoring implementation of the veterans' priority for Senior Community Service Employment Program?**

**RESPONSE:**

The Division of Older Worker Programs Grant Officer's Technical Representatives will be responsible for monitoring implementation of the veterans' priority in the SCSEP program.

**7SCSEP. Will the Senior Community Service Employment Program be responsible for annual or special reports on service rendered to veterans?**

**RESPONSE:**

Yes, the SCSEP provides a report on program and participant characteristics to Congress each year. New reporting requirements will capture the information on veterans' priorities.

**8SCSEP. Will there be any consequences or ramifications for the Senior Community Service Employment Program for failing to provide priority of service to veterans?**

**RESPONSE:**

Yes, there are always consequences for failing to comply with the law. The SCSEP is expected to comply with all provisions of the Jobs for Veterans Act. In addition, part of the responsibility review for the SCSEP program is submission of timely and accurate reports. If grantees fail to comply with the reporting requirements for 2 or more years, they may not be awarded a grant in a future year.

## Effect on Senior Community Service Employment Program Rules, Regulations and/or Existing Guidance

### **9SCSEP. Will the Department of Labor be issuing new or amending current regulations to accommodate the changes?**

#### **RESPONSE:**

The Department issued proposed regulations for the SCSEP program on April 28, 2003. The veterans' priority was incorporated into the regulations and will be in the final regs.

### **10SCSEP. Does all or most other current guidance for the Senior Community Service Employment Program still apply?**

#### **RESPONSE:**

Current guidance is in effect until final regulations are issued. But because the veterans' priority is a statutory mandate, grantees have been instructed to apply the priority beginning the new program year, July 1, 2003. When issued, the final regulations will dictate the guidance for the SCSEP program.

## Effect on Senior Community Service Employment Program Funding

### **11SCSEP. Will Senior Community Service Employment Program funding be affected (additional dollars, changes in formulas, allocations, reallocations, etc., where applicable)? If so, how?**

#### **RESPONSE:**

No. Funding will not be affected by veterans' priority.

### **12SCSEP. Are "old" but as of yet unexpended Senior Community Service Employment Program funds received, obligated, or committed prior to the passage of the Jobs for Veterans Act subject to the veterans' priority?**

#### **RESPONSE:**

Yes, "old" but as of yet unexpended SCSEP funds received, obligated, or committed prior to the passage of the Jobs for Veterans Act are subject to the veterans' priority. Unexpended grant funds will be recaptured to use in the SCSEP program. Other funds received, obligated, or committed prior to the passage of the Jobs for Veterans Act will largely be used for finalization of regulations and the training for grantees to implement these changes (including the veterans' priorities).

### **13SCSEP. Will other non-Department of Labor Federal funds, or non-federal funds used in Senior Community Service Employment Program partnerships or as match be subject to the same veterans' priority?**

#### **RESPONSE:**

Yes, the ten percent non-federal required share used in the SCSEP program will be subject to the same veterans' priority. The veterans' priority applies to any workforce preparation, development, or delivery program or service that is directly funded, in whole or in part, by the Department of Labor. It specifically applies to any such program or service under the public employment service system, One-Stop Career Centers, the Workforce Investment Act of 1998, a demonstration or other temporary program, a workforce development program targeted to specific groups and those programs implemented by states or local service providers based on Federal block grants administered by the Department of Labor. To the

extent these programs are funded at least in part by Department of Labor funds, the veterans' priority applies.

### Effect on Senior Community Service Employment Program Operations

**14SCSEP. Is there impact on the ability to co-enroll a participant where this is necessary and feasible? What happens, for instance, if the Senior Community Service Employment Program wants to co-enroll a non-veteran participant into another program, but the other program has veterans ahead of him or her in the eligibility line?**  
**RESPONSE:**

The Department of Labor expects SCSEP to co-enroll participants with the state and local workforce investment system programs when necessary, feasible, and prudent in order to eliminate duplication and increase the numbers able to be served. In some instances, however the veterans' priority will impact the ability to co-enroll. There may be situations among some Federal programs (which are not funded by the Department of Labor and not subject to the Jobs for Veterans Act) where individuals whom they refer to SCSEP must defer to eligible veterans who are first in line, or where eligible veterans referred by SCSEP to other statutory or policy mandates not subject to the Jobs for Veterans Act. The expectation is that most co-enrollment situations can be accommodated locally, but there may be rare instances where this is negatively impacted.

**15SCSEP. How will registration, record-keeping, and reporting for the Senior Community Service Employment Program be affected?**

**RESPONSE:**

Final SCSEP regulations will require that SCSEP grantees will have new reporting requirements that capture veterans' priority.

**16SCSEP. How will the veterans' priority affect any request for proposal (RFPs), Solicitations for Grant Award (SGAs), program sub-grants, subcontracts, or memoranda of understanding or other service provision agreements with Senior Community Service Employment Program (SCSEP) vendors, contractors, and partners (required and otherwise)?**

**RESPONSE:**

Solicitation for Grant Awards (SGAs) and program sub-grants will require that grantees use veterans' priorities as they relate to SCSEP when enrolling participants in the SCSEP program.

**17SCSEP. Will Senior Community Service Employment Program outreach efforts, written materials on available services and Web sites have to express and implement a priority of service to veterans?**

**RESPONSE:**

SCSEP outreach efforts, written materials on available services and Web sites will be required to express and implement a harmonized priority of service to the mandated targets of SCSEP along with veterans' priority.

**QUESTIONS RECEIVED FROM PROGRAM OPERATORS OF  
Senior Community Service Employment Program  
AND ANSWERS PROVIDED**

NONE RECEIVED

**17 BASIC QUESTIONS AND ANSWERS**  
**Applicable to Trade Adjustment Assistance Program**

**Effect on Trade Adjustment Assistance Program as a whole**

**1TAA. Will implementation of the veterans' priority established by the Jobs for Veterans Act (a) cause extensive changes in the way the Trade Adjustment Assistance Program is administered and (b) is this priority waivable (in the case of those programs that allow waivers)?**

**RESPONSE:**

It is not anticipated that extensive changes in the way the Trade Adjustment Assistance Program is administered would be necessary. Petitioning for certification, investigating those petitions and making determinations would follow existing procedures. However, individual veterans would be afforded priority, if certified as a trade affected worker, in having their training services, job search and relocation allowances funded by the states.

**2TAA. What process will Trade Adjustment Assistance Program need to go through in order to assure that its grant award document(s) and/or other applicable governing document(s) formally reflect any necessary changes and requirements?**

**RESPONSE:**

The Division of Trade Adjustment Assistance (DTAA) will prepare and issue a directive emphasizing priority of service to veterans, make appropriate changes to the Annual Financial Cooperative Agreement between the Department of Labor and each state, and review the need for modifying the Governor-Secretary Agreement to clarify their responsibilities for providing service to veterans.

**3TAA. Are there any special obligations for the Trade Adjustment Assistance Program regarding public comment or input on such changes?**

**RESPONSE:**

There are no special obligations regarding public comment or input on such changes.

**4TAA. How is eligibility for the Trade Adjustment Assistance Program affected?**

**RESPONSE:**

There is no affect on eligibility.

**5TAA. Will Trade Adjustment Assistance Program be expected to develop or meet any specific performance standards regarding service to veterans?**

**RESPONSE:**

Performance standards will not be developed regarding services to veterans. However, under the Jobs for Veterans Act, the Secretary of Labor is required to develop an Annual Report to Congress beginning in Program Year (PY) 2003 focusing upon three areas: (1) whether veterans are receiving priority service in workforce programs; (2) whether veterans are being fully served by these programs; and (3) whether the representation of veterans in such programs is in proportion to the incidence of representation of veterans in the labor market. Clearly, even though no performance standards will be developed, the nature and share of workforce system services to veterans will be closely observed by both the Department of Labor and Congress.

The Employment & Training Administration (ETA) is in the process of revising its data collection measures for job training programs in order to develop a more standardized

approach across various workforce programs. Collecting information on service to veterans will be part of this effort. ETA anticipates finalizing the revised data collection system and implementing it with PY 2004 funding.

**6TAA. Who will be responsible for monitoring implementation of the veterans' priority for Trade Adjustment Assistance Program?**

**RESPONSE:**

Monitoring of veterans priority for trade adjustment assistance will be conducted by ETA Regional Offices.

**7TAA. Will the Trade Adjustment Assistance Program be responsible for annual or special reports on service rendered to veterans?**

**RESPONSE:**

The Annual Report referenced in question 5TAA will focus on the services that have been provided to veterans by all 20 Department of Labor-funded employment and training programs based on required data reported to ETA by grantees. The TAA Program reflects a large share of this public investment. While the program will not be expected to publish a separate report, its performance will be clearly reflected in the overall Annual Report.

**8TAA. Will there be any consequences or ramifications for the Trade Adjustment Assistance Program for failing to provide priority of service to veterans?**

**RESPONSE:**

There are always consequences for failing to comply with the law. The TAA Program is expected to comply with all provisions of the Jobs for Veterans Act. ETA will take such measures as are necessary to ensure that all grantees comply with veterans' priority requirements.

**Effect on Trade Adjustment Assistance Program Rules, Regulations and/or Existing Guidance**

**9TAA. Will the Department of Labor be issuing new or amending current regulations to accommodate the changes?**

**RESPONSE:**

No new Department of Labor regulations regarding implementation of the Jobs for Veterans Act will be issued. The statute simply becomes one of the Federal laws with which any Department of Labor-funded program must comply. It should be noted, however, that ETA expects to emphasize the veterans' priority in any new regulations resulting from soon-expected reauthorization of the Workforce Investment Act.

**10TAA. Does all or most other current guidance for the Trade Adjustment Assistance Program still apply?**

**RESPONSE:**

Yes. All current guidance for TAA still applies.

## Effect on Trade Adjustment Assistance Program Funding

**11TAA.** Will Trade Adjustment Assistance Program funding be affected (additional dollars, changes in formulas, allocations, reallocations, etc., where applicable)? If so, how?

**RESPONSE:**

No, TAA funding will not be affected.

**12TAA.** Are "old" but as of yet unexpended Trade Adjustment Assistance Program funds received, obligated, or committed prior to the passage of the Jobs for Veterans Act subject to the veterans' priority?

**RESPONSE:**

Yes. The Jobs for Veterans Act is currently in effect.

**13TAA.** Will other non-Department of Labor Federal funds, or non-federal funds used in Trade Adjustment Assistance Program partnerships or as match by subject to the same veterans' priority?

**RESPONSE:**

The veterans' priority applies to any workforce preparation, development, or delivery program or service that is directly funded, in whole or in part, by the Department of Labor. It specifically applies to any such program or service under the public employment service system, One-Stop Career Centers, the Workforce Investment Act of 1998, a demonstration or other temporary program, a workforce development program targeted to specific groups and those programs implemented by states or local service providers based on Federal block grants administered by the Department of Labor. To the extent these programs are funded at least in part by Department of Labor funds, the veterans' priority applies.

## Effect on Trade Adjustment Assistance Program Operations

**14TAA.** Is there impact on the ability to co-enroll a participant where this is necessary and feasible? What happens, for instance, if the Trade Adjustment Assistance Program wants to co-enroll a non-veteran participant into another program, but the other program has veterans ahead of him or her in the eligibility line?

**RESPONSE:**

Rules and regulations of partnering programs will govern co-enrollment policies.

**15TAA.** How will registration, record-keeping, and reporting for the Trade Adjustment Assistance Program be affected?

**RESPONSE:**

Changes to registration, record-keeping and reporting for Trade Adjustment Assistance Program will not be affected as information on veterans is already collected and reported.

**16TAA. How will the veterans' priority affect any request for proposal (RFPs), Solicitations for Grant Award (SGAs), program sub-grants, subcontracts, or memoranda of understanding or other service provision agreements with Trade Adjustment Assistance Program vendors, contractors, and partners (required and otherwise)?**

**RESPONSE:**

All procurement arrangements will need to underscore the priority of service requirement for veterans.

**17TAA. Will Trade Adjustment Assistance Program outreach efforts, written materials on available services and Web sites have to express and implement a priority of service to veterans?**

**RESPONSE:**

Outreach efforts and written materials on available services and web sites will need to be updated as they are revised to express and implement a priority of services to veterans.

**QUESTIONS RECEIVED FROM PROGRAM OPERATORS OF  
The Trade Adjustment Assistance Program  
AND ANSWERS PROVIDED**

NONE RECEIVED

**17 BASIC QUESTIONS AND ANSWERS**  
**Applicable to the Unemployment Insurance Program**

**Effect on the Unemployment Insurance Program as a whole**

**1UI. Will implementation of the veterans' priority established by the Jobs for Veterans Act (a) cause extensive changes in the way the Unemployment Insurance Program is administered and (b) is this priority waivable (in the case of those programs that allow waivers)?**

**RESPONSE:**

- (a) No extensive changes are necessary.
- (b) A waiver is not applicable.

**2UI. What process will the Unemployment Insurance Program need to go through in order to assure that its grant award document(s) and/or other applicable governing document(s) formally reflect any necessary changes and requirements?**

**RESPONSE:**

The Unemployment Insurance Program Letter (UIPL), No. 41-94, pertaining to the Worker Profiling and Reemployment Services System, will need to be amended. The Amendment will include two options for state workforce agencies: (1) in cases where the profiling statistical model produces identical probabilities for a number of claimants, break the tie by providing veterans' preference when determining who would be referred to services; (2) simply refer all people in the tied group to services, precluding any issues of unfairness. No changes in grant awards are required.

**3UI. Are there any special obligations for the Unemployment Insurance Program regarding public comment or input on such changes?**

**RESPONSE:**

There are no such obligations under the Jobs for Veterans Act for implementation of the veterans' priority.

**4UI. How is eligibility for the Unemployment Insurance Program affected?**

**RESPONSE:**

States currently develop their own statistical models for profiling unemployment insurance claimants for referral to services. The veterans' priority requirement will not impose a change in state profiling models, but rather in the way claimants are referred to services. Claimants with the highest probabilities of exhaustion will still be referred to services first. However, in cases where the statistical model produces identical probabilities for a number of claimants, veterans will receive priority in referral to service. If states have information on veteran's status at the time they do their referrals, they can use this to resolve ties produced by their statistical model. Alternatively, they can opt to simply refer all people in the tied group, which should preclude any issues of unfairness.

**5UI. Will the Unemployment Insurance Program be expected to develop or meet any specific performance standards regarding service to veterans?**

**RESPONSE:**

No specific performance standards regarding service to veterans will need to be developed.

**6UI. Who will be responsible for monitoring implementation of the veterans' priority for the Unemployment Insurance Program?**

**RESPONSE:**

No specific monitoring is planned as veterans' priority is not applicable to the UI program.

**7UI. Will the Unemployment Insurance Program be responsible for annual or special reports on service rendered to veterans?**

**RESPONSE:**

Existing regular workload reports containing elements related to ex-service members will suffice.

**8UI. Will there be any consequences or ramifications for the Unemployment Insurance Program for failing to provide priority of service to veterans?**

**RESPONSE:**

The question is not applicable. Equal treatment is provided to all claimants.

### Effect on the Unemployment Insurance Program Rules, Regulations and/or Existing Guidance

**9UI. Will the Department of Labor be issuing new or amending current regulations to accommodate the changes?**

**RESPONSE:**

No regulatory amendments are needed.

**10UI. Does all or most other current guidance for the Unemployment Insurance Program still apply?**

**RESPONSE:**

Yes. Existing UI guidance still applies.

### Effect on the Unemployment Insurance Program Funding

**11UI. Will the Unemployment Insurance Program funding be affected (additional dollars, changes in formulas, allocations, reallocations, etc., where applicable)? If so, how?**

**RESPONSE:**

No. Existing UI funding criteria still applies.

**12UI. Are "old" but as of yet unexpended Unemployment Insurance Program funds received, obligated, or committed prior to the passage of the Jobs for Veterans Act subject to the veterans' priority?**

**RESPONSE:**

No. Unexpended funds would be subject to veterans' priority only if the priority were applicable to the UI program.

**13UI. Will other non-Department of Labor Federal funds, or non-federal funds used in Unemployment Insurance Program partnerships or as match by subject to the same veterans' priority?**

**RESPONSE:**

Not applicable. There are no non-federal funds used for administration of the UI program.

### Effect on Unemployment Insurance Program Operations

**14UI. Is there impact on the ability to co-enroll a participant where this is necessary and feasible? What happens, for instance, if the Unemployment Insurance Program wants to co-enroll a non-veteran participant into another program, but the other program has veterans ahead of him or her in the eligibility line?**

**RESPONSE:**

No. Program enrollment is not applicable to UI.

**15UI. How will registration, record-keeping, and reporting for the Unemployment Insurance Program be affected?**

**RESPONSE:**

There is no effect on record-keeping, etc. for the UI program.

**16UI. How will the veterans' priority affect any request for proposal (RFPs), Solicitations for Grant Award (SGAs), program sub-grants, subcontracts, or memoranda of understanding or other service provision agreements with Unemployment Insurance Program vendors, contractors, and partners (required and otherwise)?**

**RESPONSE:**

No effect on the UI program.

**17UI. Will Unemployment Insurance Program outreach efforts, written materials on available services and Web sites have to express and implement a priority of service to veterans?**

**RESPONSE:**

No. UI Program materials, services, etc. will not have to be changed.

## QUESTIONS RECEIVED FROM PROGRAM OPERATORS OF Unemployment Insurance Programs AND ANSWERS PROVIDED

NONE RECEIVED

**17 BASIC QUESTIONS AND ANSWERS**  
**Applicable to The United States Employment Service**

**Effect on The U.S. Employment Service as a whole**

**1ES. Will implementation of the veterans' priority established by the Jobs for Veterans Act (a) cause extensive changes in the way The U.S. Employment Service is administered and (b) is this priority waivable (in the case of those programs that allow waivers)?**

**RESPONSE:**

USES has historically provided veterans' priority of service in the public labor exchange system. This priority included, but was not limited to: registration; counseling; referral to supportive services, and job development. We do not foresee any extensive changes in the administration of USES and do not have any program waivers.

**2ES. What process will The U.S. Employment Service need to go through in order to assure that its grant award document(s) and/or other applicable governing document(s) formally reflect any necessary changes and requirements?**

**RESPONSE:**

Currently, states provide detailed information regarding how their public labor exchange system facilitates veterans' priority of service in the Strategic Plan for WIA and Wagner-Peyser. USES will reevaluate the State Plan submission document to ensure compliance with the Job for Veterans Act. If modifications to this document are necessary, USES, in coordination with One-Stop Career Center Office will provide guidance in the form of a Training and Employment Guidance Letter (TEGL).

**3ES. Are there any special obligations for The U.S. Employment Service regarding public comment or input on such changes?**

**RESPONSE:**

No.

**4ES. How is eligibility for The U.S. Employment Service affected?**

**RESPONSE:**

Universal access to services remains unaffected as there are no program eligibility requirements for Wagner-Peyser Act funded labor exchange services.

**5ES. Will The U.S. Employment Service be expected to develop or meet any specific performance standards regarding service to veterans?**

**RESPONSE:**

USES will not be expected to develop or meet any specific performance standards; however, USES is expected to maintain a commensurate level of performance.

The provision of service to veterans is contained in two documents, the Disabled Veterans Outreach Program/Local Veteran Employment Representative (DVOP/LVER) grant and the Strategic Plan for WIA and Wagner-Peyser Act. Included in the DVOP/LVER grant are the negotiated performance standards. These performance standards may be modified on an annual basis pending approval from Veterans Employment and Training Service (VETS). This procedure is expected to remain the same and cause little or no disruptions to the current process.

**6ES. Who will be responsible for monitoring implementation of veterans' priority for The U.S. Employment Service?**

**RESPONSE:**

Employment & Training Administration (ETA) Regional Administrators, on an annual basis, conduct program monitoring and are responsible for oversight. Also, VETS State Directors, at least annually, review local employment services offices to ensure compliance.

**7ES. Will The U.S. Employment Service be responsible for annual or special reports on services rendered to veterans?**

**RESPONSE:**

The Secretary of Labor is required to provide an Annual Report to Congress in accordance with 38 U.S.C. § 4107 and 20 CFR 1001.13. The ET 406 Handbook, which contains the ETA 9002 and VETS 200 reporting instructions, outlines the provision of labor exchange services to veterans. In addition, the VETS 100 report details the outcomes of the Federal Contractor Job Listings (FCJL). In collaboration with VETS, these reporting tools will remain in place and be modified, if necessary, to ensure compliance.

**8ES. Will there be any consequences or ramifications for The U.S. Employment Service for failing to provide priority of service to veterans?**

**RESPONSE:**

USES monitors the states' performance through our Regional Administrators. If data indicate services below the negotiated performance level, technical assistance and corrective action plans may be developed to work toward improved performance in the identified area of concern.

In regards to the DVOP/LVER grant, specific consequences are contained in the general and special provisions of the grant award. Each grant award outlines the proposed performance standards for the program year. If performance standards are not met and the implementation of a corrective action plan has failed to improve services, VETS may recapture funds.

**Effect on The U.S. Employment Service Rules, Regulations and/or Existing Guidance**

**9ES. Will the Department of Labor be issuing new or amending current regulations to accommodate the changes?**

**RESPONSE:**

No.

**10ES. Does all or most other current guidance for The U.S. Employment Service still apply?**

**RESPONSE:**

Yes. All current guidance still applies.

**Effect on The U.S. Employment Service Funding**

**11ES. Will The U.S. Employment Service funding be affected (additional dollars, changes in formulas, allocations, reallocations, etc., where applicable)? If so, how?**

**RESPONSE:**

No, USES funding will not be affected by the veterans' priority.

**12ES. Are "old" but as of yet unexpended Wagner-Peyser Act funds received, obligated, or committed prior to the passage of the Jobs for Veterans Act subject to the veterans priority?**

**RESPONSE:**

Yes. The Jobs for Veterans Act is currently in effect.

**13ES. Will other non-Department of Labor Federal funds, or non-federal funds used in The U.S. Employment Service partnerships or as match be subject to the same veterans' priority?**

**RESPONSE:**

No.

### Effect on The U.S. Employment Service Operations

**14ES. Is there impact on the ability to co-enroll a participant where this is necessary and feasible? What happens, for instance, if The U.S. Employment Service wants to co-enroll a non-veteran participant into another program, but the other program has veterans ahead of him or her in the eligibility line?**

**RESPONSE:**

When an applicant utilizes labor exchange services funded by Wagner-Peyser, he/she is registered for services. This registration in the USES system can be considered enrollment; therefore, co-enrollment with other employment and training programs is possible and feasible. In the above scenario, if the non-veteran and veteran both meet the other program's eligibility requirements, the veteran would receive priority in those cases where funding is limited and both customers cannot be served.

**15ES. How will registration, record-keeping, and reporting for The U.S. Employment Service be affected?**

**RESPONSE:**

The current registration, record keeping, and reporting systems will be updated to capture the new data elements specified in the Act. The ET 406 Handbook will need minimal programmatic modifications.

**16ES. How will the veterans' priority affect any request for proposal (RFPs), Solicitations for Grant Award (SGAs), program sub-grants, subcontracts, or memoranda of understanding or other service provision agreements with The U.S. Employment Service vendors, contractors, and partners (required and otherwise)?**

**RESPONSE:**

The language in each SGA will reflect the legislative mandates enacted by the Act.

**17ES. Will The U.S. Employment Service outreach efforts, written materials on available services and Web sites have to express and implement a priority of service to veterans?**

**RESPONSE:**

Yes. USES will update its written materials as well as its Web sites.

**QUESTIONS RECEIVED FROM PROGRAM OPERATORS OF  
The United States Employment Service  
AND ANSWERS PROVIDED**

NONE RECEIVED

**17 BASIC QUESTIONS AND ANSWERS**  
**Applicable to the Career One-Stop National Electronic Tools**  
**and other State-Developed Self-Service Web sites**

**Effect on the Career One-Stop National Electronic Tools and other State-Developed Self-Service Websites as a whole**

**1TOOLS. Will implementation of the veterans' priority established by the Jobs for Veterans Act (a) cause extensive changes in the way the Career One-Stop National Electronic Tools and other State-Developed Self-Service Web sites are administered and (b) is this priority waivable (in the case of those programs that allow waivers)?**

**RESPONSE:**

(a) The veterans' priority established by the Jobs for Veterans Act was determined to apply to the Career One-Stop National Electronic Tools and applies to any state-developed self-service tools that used Wagner-Peyser Act, WIA or America's Labor Market Information System (ALMIS) funds in their development. There will be little change to the Career One-Stop National Electronic Tools required. The amount required of state-developed self-service sites depends on what type of priority was already being given to veterans.

(b) This priority is not waivable.

**2TOOLS. What process will the Career One-Stop National Electronic Tools and other State-Developed Self-Service Web sites need to go through in order to assure that their grant award document(s) and/or other applicable governing document(s) formally reflect any necessary changes and requirements?**

**RESPONSE:**

Language will be added to each of the grants provided to develop the Career One-Stop National Electronic Tools. State-developed web sites will be covered by the grant awards under Wagner-Peyser, WIA, etc.

**3TOOLS. Are there any special obligations for the Career One-Stop National Electronic Tools and other State-Developed Self-Service Web sites regarding public comment or input on such changes?**

**RESPONSE:**

There are no such obligations under the Jobs for Veterans Act for implementation of the veterans' priority.

**4TOOLS. How is eligibility for the Career One-Stop National Electronic Tools and other State-Developed Self-Service Web sites affected?**

**RESPONSE:**

Eligibility is not affected. Web sites by their very nature provide universal access to all.

**5TOOLS. Will the Career One-Stop National Electronic Tools and other State-Developed Self-Service Web sites be expected to develop or meet any specific performance standards regarding service to veterans?**

**RESPONSE:**

No.

**6TOOLS. Who will be responsible for monitoring implementation of the veterans' priority for the Career One-Stop National Electronic Tools and other State-Developed Self-Service Web sites?**

**RESPONSE:**

The Grant Officer's Technical Representative (GOTR) for each of the Career One-Stop National Electronic Tools will be responsible for monitoring implementation of the veterans' priority in each of these tools. Compliance for state-developed websites will be monitored by the GOTR for the state's formula allocations that are used to develop web resources.

**7TOOLS. Will the Career One-Stop National Electronic Tools and other State-Developed Self-Service Web sites be responsible for annual or special reports on service rendered to veterans?**

**RESPONSE:**

No.

**8TOOLS. Will there be any consequences or ramifications for the Career One-Stop National Electronic Tools and other State-Developed Self-Service Web sites for failing to provide priority of service to veterans?**

**RESPONSE:**

No.

**Effect on the Career One-Stop National Electronic Tools and other State-Developed Self-Service Web sites Rules, Regulations and/or Existing Guidance**

**9TOOLS. Will the Department of Labor be issuing new or amending current regulations to accommodate the changes?**

**RESPONSE:**

The Career One-Stop National Electronic Tools do not have any regulations that will need to be amended. State-developed web sites will be covered by regulations amendments made under Wagner-Peyser, WIA, etc.

**10TOOLS. Does all or most other current guidance for the Career One-Stop National Electronic Tools and other State-Developed Self-Service Web sites still apply?**

**RESPONSE:**

Yes. All current guidance still applies.

**Effect on the Career One-Stop National Electronic Tools and other State-Developed Self-Service Web sites Funding**

**11TOOLS. Will the Career One-Stop National Electronic Tools and other State-Developed Self-Service Web sites funding be affected (additional dollars, changes in formulas, allocations, reallocations, etc., where applicable)? If so, how?**

**RESPONSE:**

N/A

**12TOOLS.** Are "old" but as of yet unexpended Career One-Stop National Electronic Tools and other State-Developed Self-Service Web sites funds received, obligated, or committed prior to the passage of the Jobs for Veterans Act subject to the veterans priority?

**RESPONSE:**

N/A

**13TOOLS.** Will other non-Department of Labor Federal funds, or non-federal funds used in the Career One-Stop National Electronic Tools and other State-Developed Self-Service Web sites partnerships or as match by subject to the same veterans' priority?

**RESPONSE:**

N/A

**Effect on the Career One-Stop National Electronic Tools and other State-Developed Self-Service Web sites Operations**

**14TOOLS.** Is there impact on the ability to co-enroll a participant where this is necessary and feasible? What happens, for instance, if the Career One-Stop National Electronic Tools and other State-Developed Self-Service Web sites wants to co-enroll a non-veteran participant into another program, but the other program has veterans ahead of him or her in the eligibility line?

**RESPONSE:**

N/A

**15TOOLS.** How will registration, record-keeping, and reporting for the Career One-Stop National Electronic Tools and other State-Developed Self-Service Web sites be affected?

**RESPONSE:**

N/A

**16TOOLS.** How will the veterans' priority affect any request for proposal (RFPs), Solicitations for Grant Award (SGAs), program sub-grants, subcontracts, or memoranda of understanding or other service provision agreements with the Career One-Stop National Electronic Tools and other State-Developed Self-Service Web sites vendors, contractors, and partners (required and otherwise)?

**RESPONSE:**

Any RFPs or SGAs for the Career One-Stop National Electronic Tools will require veterans' priority to be addressed in any web site developed by a vendor/grantee. The same should be the case with state-developed resources.

**17TOOLS.** Will the Career One-Stop National Electronic Tools and other State-Developed Self-Service Web sites outreach efforts, written materials on available services and Web sites have to express and implement a priority of service to veterans?

**RESPONSE:**

Some type of preference should be indicated in outreach material and on the web sites.

**QUESTIONS RECEIVED FROM PROGRAM OPERATORS OF  
Career One-Stop National Electronic Tools  
and other State-Developed Self-Service Web sites Program  
AND ANSWERS PROVIDED**

NONE RECEIVED

**17 BASIC QUESTIONS AND ANSWERS**  
**Applicable to WIA Youth Formula Funded Program**

**Effect on Youth Formula Funded Programs as a whole**

**1YS. Will implementation of the veterans' priority established by the Jobs for Veterans Act (a) cause extensive changes in the way the WIA Youth Formula Funded Program is administered and (b) is this priority waivable (in the case of those programs that allow waivers)?**

**RESPONSE:**

(a) The priority will not result in extensive changes, but changes will be necessary. See question 4YS regarding how to apply the veterans' priority in relation to priority for low income individuals in the Youth Program. The principles expressed in Training and Employment Letter #5-03 (which provides overall guidance on how the veteran's priority applies to all workforce system programs) must be implemented. It is, therefore, likely that program operators may need to do things such as design registration forms and other program materials to capture veterans' status if this is not already being done, and modify ways of doing business in order to carry out the intent of the law. The Department of Labor will not be issuing regulations or detailed operational requirements which the Youth Programs at the state and local levels must follow (requiring, for example, that an individual must show proof of veteran's status using documentation such as the Department of Defense Form 214 in order to qualify for priority service). State and local areas may be obliged to do so at their own discretion.

(b) The veterans' priority cannot be waived.

**2YS. What process will the WIA Youth Formula Funded Program need to go through in order to assure that its grant award document(s) and/or other applicable governing document(s) formally reflect any necessary changes and requirements?**

**RESPONSE:**

The Employment and Training Administration (ETA) will execute unilateral modification to existing grants in order to assure that the new statute is emphasized and included. Grantees will, of course, be informed and will be expected to pass the requirements down as necessary to sub-grantees and contractors.

**3YS. Are there any special obligations for the WIA Youth Formula Funded Program regarding public comment or input on such changes?**

**RESPONSE:**

There are no such statutory obligations under the Jobs for Veterans Act for implementation of the veterans' priority. Changes in state and local plans are still, however, subject to any existing public comment requirements.

**4YS. How is eligibility for the WIA Youth Formula Funded Program affected?**

**RESPONSE:**

Eligibility for the WIA Youth program is not affected by the veterans' priority. The Jobs for Veterans Act provides priority service only to veterans who meet the program's eligibility requirements. TEGL #5-03 provides specific guidance on (a) the interaction of the veterans' priority with existing program requirements that target specific groups, and (b) makes note of the fact that local programs are not required to change their allocations among services to reserve funds for veterans, but (c) are required to ensure that eligible veteran workers are

given priority over non-veterans for all available services.

Here is an example of how this would work. Generally, WIA youth funds are available to serve low-income youth age 14 to 21 with one or more barriers to employment. The priority provision at WIA sec. 129 (c)(4) requires, with limited exceptions, that program operators ensure that at least 30 percent of local area funds be used to serve out-of-school youth. The veterans' priority does not change these requirements. In providing services to both in-school and out-of-school youth, priority should be given to any veterans who qualify under the WIA eligibility requirements. However, a person's status as a veteran does not permit the program to avoid the 30 percent out-of-school youth requirement (that is, a program may not exceed 70 percent of expenditures on account of veteran status.)

**5YS. Will the WIA Youth Formula Funded Program be expected to develop or meet any specific performance standards regarding service to veterans?**

**RESPONSE:**

Performance standards will not be developed regarding services to veterans. However, under Jobs for Veterans Act, the Secretary of Labor is required to develop an Annual Report to Congress beginning in Program Year (PY) 2003 focusing upon three areas: (1) whether veterans are receiving priority service in workforce programs; (2) whether veterans are being fully served by these programs; and (3) whether the representation of veterans in such program is in proportion to the incidence of representation of veterans in the labor market. Clearly, even though no performance standards will be developed the nature and share of workforce system services to veterans will be closely observed by the Department of Labor and Congress.

ETA is in the process of revising its data collection measures for job training programs in order to develop a more standardized approach across various workforce programs.

Collecting information on service to veterans will be part of this effort. ETA anticipates finalizing the revised data collection system and implementing it with PY 2004 funding.

**6YS. Who will be responsible for monitoring implementation of the veterans' priority for the WIA Youth Formula Funded Program?**

**RESPONSE:**

ETA Regional Office and state staff will ensure that state and local workforce areas implement the veterans' priority just as they do for other activities required by law.

**7YS. Will the WIA Youth Formula Funded Program be responsible for annual or special reports on service rendered to veterans?**

**RESPONSE:**

The Annual Report referenced in question 5YS will focus on the services that have been provided to veterans by all 20 Department of Labor-funded employment and training programs, based on the required data reported to ETA by grantees. While the youth program will not be expected to publish a separate report, its performance will be clearly reflected in the overall Annual Report.

**8YS. Will there be any consequences or ramifications for the WIA Youth Formula Funded Program for failing to provide priority of service to veterans?**

**RESPONSE:**

There are always consequences for failing to comply with the law. The WIA Youth formula funded program is expected to comply with all provisions for the Jobs for Veterans Act. ETA will take such measures as are necessary to ensure that all grantees comply with veterans' priority requirements.

## Effect on the WIA Youth Formula Funded Program Rules, Regulations and/or Existing Guidance

**9YS. Will the Department of Labor be issuing new or amending current regulations to accommodate the changes?**

**RESPONSE:**

No new Department of Labor regulations regarding implementation of the Jobs for Veterans Act will be issued. The statute simply becomes one of the Federal laws with which any Department of Labor-funded program must comply. It should be noted, however, that ETA expects to emphasize the veterans' priority in any new regulations resulting from soon-expected reauthorization of the Workforce Investment Act.

**10YS. Does all or most other current guidance for the WIA Youth Formula Funded Program still apply?**

**RESPONSE:**

Yes. All current guidance still applies.

## Effect on the WIA Youth Formula Funded Program Funding

**11YS. Will the WIA Youth Formula Funded Program funding be affected (additional dollars, changes in formulas, allocations, reallocations, etc., where applicable)? If so, how?**

**RESPONSE:**

No, funding will not be affected by the veterans' priority.

**12YS. Are "old" but as of yet unexpended the WIA Youth Formula Funded Program funds received, obligated, or committed prior to the passage of the Jobs for Veterans Act subject to the veterans' priority?**

**RESPONSE:**

Yes. The Jobs for Veterans Act is currently in effect.

**13YS. Will other non-Department of Labor Federal funds, or non-federal funds used in the WIA Youth Formula Funded Program partnerships or as match be subject to the same veterans' priority?**

**RESPONSE:**

The veterans' priority applies to any workforce preparation, development, or delivery program or service that is directly funded, in whole or in part, by the Department of Labor. It specifically applies to any such programs or service under the public employment service system, One-Stop Careers Centers, the Workforce Investment Act of 1998, a demonstration or other temporary program, a workforce development program targeted to specific groups and those programs implemented by states or local service providers based on Federal block grants administered by the Department of Labor. To the extent these programs are funded at least in part by Department of Labor funds, the veterans' priority applies.

## Effect on the WIA Youth Formula Funded Programs Operations

**14YS. Is there impact on the ability to co-enroll a participant where this is necessary and feasible? What happens, for instance, if the WIA Youth Formula Funded Program wants to co-enroll a non-veteran participant into another program, but the other program has veterans ahead of him or her in the eligibility line?**

**RESPONSE:**

The Department of Labor expects state and local workforce investment system program operators to co-enroll participants when necessary, feasible, and prudent in order to eliminate duplication and increase the numbers able to be served. In some instances, however, the veterans' priority will impact the ability to co-enroll. There may be situations among some Federal programs (which are not funded by the Department of Labor and not subject to the Jobs for Veterans Act) where individuals whom they refer to WIA must defer to veterans who are first in line, or where eligible veterans' referred by WIA to other programs must defer to other statutory or policy mandates not subject to the Jobs for Veterans Act. The expectations are that most co-enrollment situations can be accommodated locally, but there may be rare instances where this is negatively impacted.

**15YS. How will registration, record-keeping, and reporting for the WIA Youth Formula Funded Program be affected?**

**RESPONSE:**

Registration, record keeping and reporting may be affected because of the required data that needs to be submitted for the Annual Report. Refer to the responses under questions 1YS, 5YS and 7YS to determine if changes are necessary to your particular registration and record-keeping systems so that the appropriate data can be reported to ETA.

**16YS. How will the veterans' priority affect any request for proposal (RFPs), Solicitations for Grant Award (SGAs), program sub-grants, subcontracts, or memoranda of understanding or other service provision agreements with the WIA Youth Formula Funded Program vendors, contractors, and partners (required and otherwise)?**

**RESPONSE:**

All RFPs, SGAs, sub-grants, sub-contracts, and (where feasible) memoranda of understanding or other service provision agreements must be administered in compliance with the new veterans' priority.

**17YS. Will the WIA Youth Formula Funded Program outreach efforts, written materials on available services and Web sites have to express and implement a priority of service to veterans?**

**RESPONSE:**

Yes.

### **QUESTIONS RECEIVED FROM PROGRAM OPERATORS OF WIA Youth Formula Funded Program AND ANSWERS PROVIDED**

NONE RECEIVED