

No. 18-8716

IN THE

SUPREME COURT OF THE UNITED STATES

Sean M. Donahue

— PETITIONER

(Your Name)

vs.

**PENNSYLVANIA DEPARTMENT OF LABOR  
& INDUSTRY AND THE GOVERNOR OF — RESPONDENT(S)  
PENNSYLVANIA**

*Rehearing Smp*  
ON PETITION FOR A WRIT OF CERTIORARI TO

**Commonwealth Court of Pennsylvania**

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Sean M. Donahue

(Your Name)

625 Cleveland Street

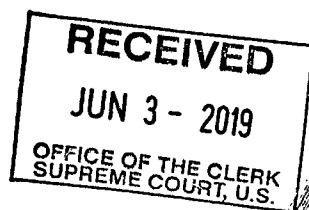
(Address)

Hazleton, PA 18201

(City, State, Zip Code)

570-454-5367

(Phone Number)



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CERTIFICATION OF CONTROLLING INTERESTS AND NEW EVIDENCE

SUPREME COURT RULE 44. 2.

This petition is limited to intervening circumstances of a substantial and controlling effect involving substantial grounds not previously presented (*state television commercial at infra pp14-15*).

The forgoing document is true in fact and in belief and submitted under penalty of perjury.

Respectfully Submitted,

May 29 2019  
Date

Sean M. Donahue  
Sean M. Donahue

## I. Introduction

1. The Petitioner RESPECTFULLY REQUESTS that this court reconsider hearing the instant case, which was denied on May 13, 2019. (Appendix A)
2. This request is submitted under Rule 44. 2. Rehearing.
3. The instant case asks the Court to issue an opinion that outlines, with specificity, the obligations that the labor departments of the individual states and their affiliate non governmental labor and economic development organizations (NGOs) have to veterans of the US military under the US Jobs For Veterans Act, 38 U.S.C. §§4100-4115.
4. Each year, the fifty states (and territories) accept grant money under the US Jobs For Veterans Act. This money is supposed to help veterans get jobs.
5. The Petitioner, an unemployed veteran, has repeatedly requested services under the Jobs For Veterans Act but has never received them.
6. There is disagreement amongst the states as to what services the Jobs For Veterans Act requires them to provide.
7. Because Pennsylvania does not provide services under the Jobs For Veterans Act, the Petitioner RESPECTFULLY REQUESTS that this Court order the US Department of Labor to suspend all funding to Pennsylvania under that act.
8. If this Court chooses not to issue an order to suspend funding to Pennsylvania, then the Petitioner RESPECTFULLY REQUESTS that this Court order Pennsylvania to immediately provide services to the Petitioner under the Jobs For Veterans Act.

## II. May 3, 2019 Taxpayer Funded Television Commercial

On May 3, 2019, the Pennsylvania Labor Department ran the following television commercial;

“00:00 let PA CareerLink help you achieve your  
00:02 career goals whether you're looking for  
00:04 a job thinking about switching careers  
00:06 are looking for new skills to get a  
00:08 promotion PA CareerLink offers a variety  
00:11 of in-person and online career resources  
00:14 get the help you need for your  
00:15 employment journey it's all in one place  
00:17 and it's all free  
00:19 let PA CareerLink help you discover  
00:21 what's possible proud partner of the  
00:23 American Job Center network  
00:26 pay forward pennsylvania taxpayer  
00:28 dollars” (See Appendix H)

The Petitioner is clearly entitled to these services simply because he is a citizen. He is entitled to priority access to these services because he is a veteran.

## III. Disagreement Amongst The States

9. The state of Georgia interprets the 38 U.S.C. §§4100-4115 to mean that it is required to provide priority job referrals to veterans. Pennsylvania refuses to do so.

### FROM THE STATE OF GEORGIA

*“This email is in reply to your inquiry that you made over this past weekend through our website. The question you proposed is quite broad and thus the answer we could provide could be broad as well. The Georgia Department of Labor (GDOL) currently has 42 career centers located throughout the State to assist job seekers and employers alike with various employment services, along with our many partners under the Workforce Innovation and Opportunity Act (WIOA). WIOA is the nation's principal workforce development legislation, providing funds to address the employment and training needs of dislocated workers, low-income adults and youth to help businesses meet the needs of today and the future.*

*“The GDOL staff are dedicated to serving our veterans and their spouses by assisting them with finding work, transitioning back into the civilian*

*workforce, building career skills, guidance to credentialing military experience and training, and accessing other State and Federal veterans' services. In some cases, we have specific individuals assigned to provide eligible veterans with Individualized Career Services, sometimes referred to as Intensive Services, based on eligibility requirements and need. However, the majority of the GDOL's employment assistance services can include:*

- *Career and employment counseling*
- *Direct job referrals*
- *Job developments with potential employers*
- *Labor market information*
- *Job search workshops*
- *Résumé / application and cover letter assistance*
- *Eligibility determination for special programs*
- *Referral to training and/or supportive services*
- *Information on veterans employment benefits, rights and preferences*
- *Resources for changing careers or transitioning from the military to civilian employment*

*"Additionally, the GDOL ensures veterans receive preference and priority of service as prescribed by federal, state, and local laws. As you can see, referrals can come in many forms. Whether it is a direct job development with a potential employer, referral to training and/or other supportive services, or specific references to local resources, a "referral" can come in many forms. To begin receiving any of these provided services, we highly encourage individual job seekers to first register with Employ Georgia, which is our secure, web-based system used to connect job seekers with job openings and other employment information. If you cannot quite find what you are looking for through this vessel, then we certainly encourage anyone to visit one of our career centers for additional assistance.*

*"I hope this answers the general question you had. If you would like additional information, please feel free to contact me back at my email address included in this reply and I will be more than happy to address your additional questions or concerns. We thank you for your inquiry and I hope that you have a great evening (Email from State Veterans Program Coordinator, Georgia Department of Labor, Appendix B)."*

10. Washington DC interprets the 38 U.S.C. §§4100-4115 to mean that it is required to provide priority job referrals to veterans. Pennsylvania does not do so.

## **“PURPOSE**

To establish a District of Columbia Department of Employment Services (DOES) policy for the Priority of Service for veterans and eligible spouses across all workforce programs as directed by 38 U.S. Code § 4215, and for establishing a Priority of Service for veterans, eligible spouses, and target populations for Workforce Innovation and Opportunity Act (WIOA) services and funding as directed by Section 134(c)(3)(E) of the law.

## **BACKGROUND**

Section 134(c)(3)(E) of WIOA and 38 U.S. Code § 4215, establishes a priority requirement with respect to funds allocated to a local area for adult employment and training activities. WIOA formula funds must be given priority for recipients that fall under the following categories: (1) Veterans and eligible spouses; (2) public assistance or other low-income individuals; and, (3) individuals, who are basic skills deficient as described in Section 3 of WIOA

Services provided to adults and dislocated workers under Title I of WIOA are intended to be a pathway to the middle class or enhance skills and increase earnings. One of the main focal components of WIOA is to help individuals who are most in need and serve “individuals with barriers to employment,” as defined in WIOA section 3(24). WIOA seeks to ensure access to these populations on a priority basis.

## **III. REFERENCES**

- Jobs for Veterans Act (JVA), Public Law (P.L.) 107-288
- 38 U.S.C. 4215
- Title I of the WIOA of 2014
- Section 134(c)(3)(E) of WICA 29 CFR Part 95-97
- WIOA section 3(5), (2)(A) or (3) of section 133(b)
- TEGLs 10-09, 3-15, 19-13, 19-13 Change 1

## **IV. PRIORITY OF SERVICE ELIGIBILITY FOR WORKFORCE PROGRAMS**

Priority of Service for veterans and eligible spouses must be implemented across all workforce programs that are funded entirely or in part by the Department of Labor, including: WIOA; Wagner-Peyser; the Senior Community Service Employment Program (SCSEP); Trade Adjustment Assistance (TAA); and any future qualified training programs. All programs must ensure Priority of Service is implemented throughout all contracts, memoranda of understanding (MOUs), Human Care Agreements (HCAs) and other service provision

agreements to ensure compliance with Priority of Service by sub-recipients.

Individuals are considered “veterans” if they have served at least one day in the active military, naval, or air service, and were discharged or released under conditions other than dishonorable, as specified in 38 U.S.C. 101(2). Active service includes [full-time federal service in the National Guard or a Reserve component, but does not include full-time duty performed strictly for training purposes, or full-time active duty performed by National Guard personnel who are mobilized by State rather than Federal authorities.

Individuals are considered “eligible spouses” if they are the legal spouse of the following:

- a) Any veteran who died of a service-connected disability;
- b) Any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:

• • •

## V. PRIORITY OF SERVICE FOR WIOA FUNDING AND SERVICES

There are two distinct populations that receive priority of services for WIOA services and funds: veterans or eligible spouses (“covered persons”), and adults (“non-covered persons”). Under WIA, priority was required to be given to public assistance recipients and low-income individuals when States and local areas determined that allocated funds were limited. Under WIOA, priority must be provided regardless of the level of funds. WIOA funds allocated to a local area for adult employment and training activities under paragraph (2) (A) or (3) of section 133(b), priority shall be given to recipients of public assistance and other low income individuals. WIOA also expanded the priority to include individuals who are basic skills deficient for receipt of career services as defined in WIOA section 3(5).

### A. Order of WIOA Priority of Service

WIOA services and funding must be provided in the following priority order:

#### I. 1st Priority — Covered persons (veterans and eligible spouses) who are:

- o Low income [as defined by WIOA Sec. 3(36)], or
- o Recipients of public assistance, or
- o Who are basic skills deficient.

#### II. 2nd Priority - Individuals (non-covered persons) who are:

- o Low income [as defined by WIOA Sec. 3(36)], or

- o Recipients of public assistance, or
- o Who are basic skills deficient.

III. 3rd Priority - Veterans and eligible spouses who are:

- o Not low income, and
- o Not recipients of public assistance, and
- o Not basic skills deficient.

IV. 4th Priority - Individuals (non-covered persons) who do not meet the above priorities may be enrolled. These individuals are:

- o Not veterans or eligible spouses, and
- o Not low income, and
- o Not recipients of public assistance, and
- o Not basic skills deficient." (See Appendix C)

11. Virginia's interpretation of the Jobs For Veterans Act is similar.

**"Services Available**

Employment Initiatives for Veterans:

- ◆ Job readiness assessment, including interviews and testing;
- ◆ Development of an Individual Employment Plan;
- ◆ Career counseling that helps veterans in making training and career decisions;
- ◆ Labor market and occupational information, to include training;
- ◆ Referral to job banks, job portals, and job openings;
- ◆ Referral to employers and registered apprenticeship sponsors;
- ◆ Referral to training by WIOA-funded or third party service providers; and
- ◆ Monthly follow-up by an assigned case manager for up to six months."

(See Appendix D)

12. On paper, veterans priority job referrals are compulsory under Pennsylvania state policy. However, Pennsylvania does not actually provide these services.

A) Pennsylvania policy statement at the state's civil service hiring webpage

[www.employment.pa.gov](http://www.employment.pa.gov):

***"Eligible veterans are given priority in the referral to job openings...***

[See <https://www.employment.pa.gov/veterans/Pages/default.aspx>] (Appendix E)."

B) Pennsylvania policy statement at the state labor department webpage

[www.dli.pa.gov](http://www.dli.pa.gov):

***"By law, PA CareerLink® sites give priority to qualified veterans through administration of the Veterans Program....The Veterans Program provides a full range of employment services to assist***

*veterans in their search for work. Specially trained veteran employment representatives located in PA CareerLink® offices provide veterans with a full range of employment services, including referral services... ”*

[See <https://www.dli.pa.gov/Individuals/careers/Pages/default.aspx>]" (Appendix E)

#### IV. Federal Policy

13. Veterans priority job placement services are compulsory under federal policy.

However, Pennsylvania does not provide those services.

*“Jobs for Veterans State grants.—The Jobs for Veterans Act (JVA) of 2002 provides the foundation for this budget activity. The JVA requires the Veterans’ Employment and Training Service (VETS) to act on behalf of the Secretary in the promulgation of policies and regulations that ensure maximum employment and training opportunities for veterans and priority of service for veterans (38 U.S.C. 4215) within the State workforce delivery system for employment and training programs funded in whole or in part by the U.S. Department of Labor. Under the JVA, grants are allocated to States according to the statutory formula to support Disabled Veterans’ Outreach Program (DVOP) specialists and Local Veterans’ Employment Representatives (LVERs). Disabled Veterans’ Outreach Program specialists (38 U.S.C. 4103A) provide intensive services to meet the employment needs of eligible veterans (Appendix F, p754, discretionary policy statements made by the Trump administration in the annual US fiscal budget documents).”*

To be an “eligible veteran”, a veteran need only be a veteran (ie: “covered person (38 U.S. Code §4215(a)(1)(A))”.

*“DVOP specialists place maximum emphasis on assisting veterans with significant barriers to employment, or other populations defined by the Secretary or through appropriations language.*

*“Local Veterans’ Employment Representatives (38 U.S.C. 4104) conduct outreach to employers, employer associations, and business groups to promote the advantages of hiring veterans. LVERs also facilitate employment, training, and placement services provided to veterans under the applicable State employment service delivery system, including American Job Centers by educating all workforce partner staff on current employment initiatives and programs for veterans. In addition, each LVER*

***provides reports to the manager of the State employment service delivery system and to the State Director for Veterans Employment and Training (38 U.S.C. 4103) regarding the State's compliance with Federal law and regulations with respect to special services and priorities for eligible veterans.***

***"Transition Assistance Program (TAP).—This program provides employment workshops for separating service members and their spouses in the continental U.S. and at major overseas installations to prepare these individuals for entry into the civilian workforce and job market. Its primary goal is to expedite and facilitate the transition from military to civilian employment. VETS coordinates with the Departments of Defense, Veterans Affairs, and Homeland Security to provide transition services to military members separating from active duty. TAP is implemented worldwide and provides labor-market and employment-related information and other services to separating service members and their spouses. TAP now includes an optional two-day Career Technical Training Track (CTTT) workshop, for transitioning service members interested in technical careers. This program is conducted consistent with the existing TAP Interagency Memorandum of Understanding.***

***"Federal management.—VETS' Federal management budget activity supports the Federal administration of 38 U.S.C. §§ 41, 42, and 43. This allows VETS to carry out programs such as the Jobs for Veterans State Grants and develop policies to provide employment and training opportunities designed to meet the needs of veterans (38 U.S.C. 4102–4115). It also enables VETS to discharge its responsibilities to administer, interpret, and help enforce the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. §§ 4301–4335, in which it provides technical assistance and investigates complaints received from veterans and service members who believe their employment and reemployment rights were violated. In addition, this budget activity enables VETS to investigate complaints received from preference eligibles who believe their veterans' preference rights in Federal hiring pursuant to the Veterans' Employment Opportunities Act of 1998 (VEOA), 5 U.S.C. §3330a, were violated. VETS' Federal Contractor Program (VETS-4212) is also supported under this activity, pursuant to 38 U.S.C. § 4212. These responsibilities involve administering a system whereby Federal contractors submit reports setting forth their affirmative action efforts to hire and retain eligible veterans in their employ.***

***"Resources under this activity are also used to evaluate the job training and employment assistance services provided to veterans under the Jobs for Veterans State Grants (38 U.S.C. 4102A(b)(5)), and the Homeless Veterans Reintegration Program (Section 738 of the Stewart B. McKinney***

*Homeless Assistance Act (MHAA) of July 1987, as amended by Section 5 of the Homeless Veterans Comprehensive Assistance Act (HVCAA of DEPARTMENT OF LABOR....(Appendix F, pp754-755)".*

## **V. Federal Law**

14. Veterans priority job placement services are compulsory under US Title 38, Chapters 41, 42 and other laws and statutes. However, Pennsylvania does not provide these services.

*"[TITLE 38—VETERANS' BENEFITS]*

*"[PART III—READJUSTMENT AND RELATED BENEFITS]*

*"CHAPTER 41—JOB COUNSELING, TRAINING, AND PLACEMENT*

*SERVICE FOR VETERANS"*

*"38 U.S.C. § 4100. Findings*

*The Congress makes the following findings:*

*(1) As long as unemployment and underemployment continue as serious problems among disabled veterans and Vietnam- era veterans, alleviating unemployment and underemployment among such veterans is a national responsibility.*  
*(2) Because of the special nature of employment and training needs of such veterans and the national responsibility to meet those needs, policies and programs to increase opportunities for such veterans to obtain employment, job training, counseling, and job placement services and assistance in securing advancement in employment should be effectively and vigorously implemented by the Secretary of Labor and such implementation should be accomplished through the Assistant Secretary of Labor for Veterans' Employment and Training."*

While the Congressional findings in Title 38, Chapter 41 refer specifically to Vietnam era veterans, the Petitioner avers that Chapter 41 also extends to all US military veterans under 38 U.S.C. §4101 and 38 U.S.C. §4211(4).

*"38 U.S.C. §4101. Definitions...*

*(4) The term "eligible veteran" has the same meaning provided in section 4211(4) of this title."*

**"CHAPTER 42—EMPLOYMENT AND TRAINING OF VETERANS"**

**"38 U.S.C. §4211. Definitions...**

**"(4) The term "eligible veteran" means a person who—**

**(A) served on active duty for a period of more than 180 days and was discharged or released therefrom with other than a dishonorable discharge;"**

PA L&I accepts federal block grant funding under several US statutes that compel it to

provide PRIORITY JOB "**PLACEMENT SERVICES**" to ALL veterans. The term

"placement services" is used in the Jobs for Veterans Act<sup>1</sup> at least 24 times.

"From "Public Law 107-288,  
107th Congress

**An Act**

To amend title 38, United States Code, to revise and improve employment, training, and **placement services** furnished to veterans, and for other purposes....

(a) **SHORT TITLE.**—This Act may be cited as the "Jobs for Veterans Act"....

" "(a) **DEFINITIONS.**—In this section:....

" "(3) The term 'priority of service' means, with respect to any qualified job training program, that a **covered person** [see 38 U.S. Code §4215] shall be given priority over nonveterans for the receipt of employment, training, and **placement services** provided under that program, notwithstanding any other provision of law....

"(b) **EMPLOYMENT OF VETERANS WITH RESPECT TO FEDERAL CONTRACTS....** [such as when Pennsylvania enters into a federal contract [; which it does ] each year that it applies for and is awarded grant money [][from] the US labor department [that is intended to be used by Pennsylvania to implement job placement programs for veterans]]....

"[(2)] '(C) each such employment service delivery system shall provide a list of such employment openings to States, political subdivisions of States, or any private entities or organizations under contract to carry out employment, training, and **placement services** under chapter 41 of this title....

---

<sup>1</sup> The Jobs For Veterans Act amends Title 38, Chapters 41 and 42

**"SEC. 3. FINANCIAL AND NON-FINANCIAL PERFORMANCE INCENTIVE AWARDS FOR QUALITY VETERANS EMPLOYMENT, TRAINING, AND PLACEMENT SERVICES....**

"§ 4112. Performance incentive awards for quality employment, training, and placement services

'(a) CRITERIA FOR PERFORMANCE INCENTIVE AWARDS.—(1) For purposes of carrying out a program of performance incentive awards under section 4102A(c)(2)(A)(i)(III) of this title, the Secretary, acting through the Assistant Secretary of Labor for Veterans' Employment and Training, shall establish criteria for performance incentive awards programs to be administered by States to—

'(A) encourage the improvement and modernization of employment, training, and placement services provided under this chapter [**all of which are only for veterans because, unlike other categories, veterans EARNED their place. It's not an entitlement, it's a hard earned benefit.**]; and

'(B) recognize eligible.....

"(2) The Secretary shall establish such criteria in consultation with representatives of States, political subdivisions of States, and other providers of employment, training, and placement services under the Workforce Investment Act of 1998 consistent with the performance measures established under section 4102A(b)(7) of this Title....

"(c) RELATIONSHIP OF AWARD TO GRANT PROGRAM AND EMPLOYEE COMPENSATION.—Performance incentive cash awards under this section—....

"(3) An individual providing employment, training, and placement services to veterans under the Workforce Investment Act of 1998 or through an employment service delivery system (as defined in section 4101(7) of this title)."....

**"SEC. 4. REFINEMENT OF JOB TRAINING AND PLACEMENT FUNCTIONS OF THE DEPARTMENT.**

(a) REVISION OF DEPARTMENT LEVEL SENIOR OFFICIALS AND FUNCTIONS.—(1) Sections 4102A and 4103 are amended to read as follows:

'§ 4102A. Assistant Secretary of Labor for Veterans' Employment and Training; program functions; Regional Administrators

'(a) ESTABLISHMENT OF POSITION...

“(b) PROGRAM FUNCTIONS.—The Secretary shall carry out the following functions:....

“(4) Ensure that employment, training, and placement activities are carried out in coordination and cooperation with appropriate State public employment service officials....

“(5).

“(7) Establish, and update as appropriate, a comprehensive performance accountability system (as described in subsection (f) and carry out annual performance reviews of veterans employment, training, and placement services provided through employment service delivery systems, including through disabled veterans' outreach program specialists and through local veterans' employment representatives in States receiving grants, contracts, or awards under this chapter....

“(c) CONDITIONS FOR RECEIPT OF FUNDS.....

“(i) A plan that describes the manner in which the State shall furnish employment, training, and placement services required under this chapter for the program year, including a description of—.....

“[(3) (a) (iii)](C) In making a determination with respect to a deficiency under subparagraph (A), the Secretary shall take into account the applicable annual unemployment data for the State and consider other factors, such as prevailing economic conditions, that affect performance of individuals providing employment, training, and placement services in the State.....

“[(4)] (A) the results of reviews, carried out pursuant to subsection (b)(7), of the performance of the employment, training, and placement service delivery system in the State, and....(38 U.S.C. §§4100-4115; US P.L.107-288).

15. Pennsylvania is required by contractual obligations with the federal government to provide veterans priority services. Every organization that accepts a federal funding, including the states, enters into a contractual agreement with the federal government to implement the congressional mandates associated with that funding. By accepting funds

under the Jobs For Veterans Act, Pennsylvania agrees to hire veterans first. Yet, this never happens.

***"(b) EMPLOYMENT OF VETERANS WITH RESPECT TO FEDERAL CONTRACTS [such as when Pennsylvania enters into an annual federal contract in exchange for being awarded hundreds of millions of dollars in grant money by the US labor department] —(1) Section 4212(a) is amended to read as follows:***

**"(a)(1) Any contract in the amount of \$100,000 or more entered into by any department or agency of the United States for the procurement of personal property and nonpersonal services (including construction) for the United States, shall contain a provision requiring that the party contracting with the United States take affirmative action to employ and advance in employment qualified covered veterans. [This provision of title 38 of the US Code serves to negate the Pennsylvania Supreme Court's rulings in *Commonwealth ex rel. Maurer v. O'Neill*. 83 A.2d 382 (1951); 1976 Opinion of the Attorney General of Pennsylvania No. 76-17. This was affirmed by the Pennsylvania Supreme Court in *Hoffman v. Whitehall Twp.* 677 A.2d 1200 (Pa. 1996).] This section applies to any subcontract in the amount of \$100,000 or more entered into by a prime contractor in carrying out any such contract. [State agencies that accept block grants are "prime contractors".]**

**"(2) In addition to requiring affirmative action to employ such qualified covered veterans under such contracts and subcontracts and in order to promote the implementation of such requirement, the Secretary of Labor shall prescribe regulations requiring that—**

**"(A) each such contractor for each such contract shall immediately list all of its employment openings with the appropriate employment service delivery system (as defined in section 4101(7) of this title)[, which means that any state agency that accepts a federal block grant must hire veterans first], and may also list such openings with one-stop career centers [ie: PA CareerLinks]under the Workforce Investment Act of 1998, other appropriate service delivery points, or America's Job Bank (or any additional or subsequent national electronic job bank established by the Department of Labor), except that the contractor may exclude openings for executive and senior management positions and positions which are to be filled from within the contractor's organization and positions lasting three days or less;**

**"(B) each such employment service delivery system shall give such qualified covered veterans priority in referral to such employment openings; and**

**"(C) each such employment service delivery system shall provide a list of such employment openings to States, political subdivisions of States, or**

**any private entities or organizations under contract to carry out employment, training, and placement services under chapter 41 of this title.**

“(3) In this section:

“(A) The term ‘covered veteran’ means any of the following veterans:

“(i) Disabled veterans.

“(ii) **Veterans who served on active duty in the Armed Forces during a war or in a campaign or expedition for which a campaign badge has been authorized.**

“(iii) **Veterans who, while serving on active duty in the Armed Forces, participated in a United States military operation for which an Armed Forces service medal was awarded pursuant to Executive Order No. 12985 (61 Fed. Reg. 1209).**

“(iv) Recently separated veterans.

“(B) The term ‘qualified’, with respect to an employment position, means having the ability to perform the essential functions of the position with or without reasonable accommodation for an individual with a disability.”.

(2)(A) Section 4212(c) is amended—

(i) by striking “suitable”; and

(ii) by striking “subsection (a)(2) of this section” and inserting “subsection (a)(2)(B)”.

(B) Section 4212(d)(1) is amended—

(i) in the matter preceding subparagraph (A), by striking “of this section” after “subsection (a)”; and Regulations.

(ii) by amending subparagraphs (A) and (B) to read as follows:

“(A) the number of employees in the workforce of such contractor, by job category and hiring location, and the number of such employees, by job category and hiring location, who are qualified covered veterans;

“(B) the total number of new employees hired by the contractor during the period covered by the report and the number of such employees who are qualified covered veterans; and”.

(C) Section 4212(d)(2) is amended by striking “of this subsection” after “paragraph (1)”.

(D) Section 4211(6) is amended by striking “one-year period” and inserting “three-year period”.

(3) The amendments made by this subsection shall apply with respect to contracts entered into on or after the first day of the first month that begins 12 months after the date of the enactment of this Act (38 U.S.C.

*§§4100-4115 (US Jobs For Veterans Act); 116 STAT. 2036 PUBLIC LAW 107-288—NOV. 7, 2002.*”

## VI. No Assistance From US Department of Labor

16. The Petitioner demanded a position statement from the USDOL regarding Pennsylvania's refusal to provide veterans priority services. The USDOL initially responded through a FOIA request (Appendix G). The Petitioner complained about this response. USOL then responded through email;

**"Thank you for your recent inquiry, which was referred to the Philadelphia Regional Office in accordance with Mr. Torrans' email message to you, dated November 2, 2016." (Appendix G)**

The Petitioner avers that some guy from USDOL named Torrans does not make law. Torrans' emails, thoughts and opinions are ineffective, meaningless and irrelevant.

## VII. Conclusion

17. The Petitioner is entitled to veterans priority access to these service.
18. The forgoing document is true in fact and in belief and submitted under penalty of perjury.
19. Certiorari should be granted.

Respectfully Submitted,

May 29, 2019  
Date

Sean M. Donahue  
Sean M. Donahue

**Additional material  
from this filing is  
available in the  
Clerk's Office.**