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Purpose: To provide BAT technical staff with copies of two separate documents relating to the Veterans Administration's (VA) role in apprenticeship. One is a joint statement of principles of cooperation between the Department of Labor (DOL) and the VA and the other is amended VA regulations 38 CFR 21.

Background: Both DOL and VA have responsibilities for programs serving veterans. In order to fulfill their responsibilities in the most effective and efficient manner a cooperative agreement was developed. The agreement includes a number of references to apprenticeship. Another action related to apprenticeship recently taken by the VA is the issuance of amended regulations concerning the promotion of development of apprenticeship and other on-the-job training.

Action: BAT technical staff should familiarize themselves with the attached materials and insure that activities are undertaken in accordance with DOL policies as enunciated in the cooperative agreement. Particular attention should be directed to Sections 1.5, 1.6, 2.0, 2.4, and 3.331.

Attachments (2)



AGREEMENT
BETWEEN
U.S. DEPARTMENT OF LABOR
and the
VETERANS ADMINISTRATION



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SECTION 1 - INTRODUCTION

1. PURPOSE

Pursuant to 38 USC 220, the purpose of this issue is to provide for the guidance of all concerned a joint statement of principles of cooperation between the Department of Labor (DOL) and the Veterans Administration (VA) applicable to the vocational rehabilitation, education and training, counseling, placement and follow-up of veterans, their children and survivors, and other programs for veterans administered by the two agencies which may benefit from cooperation and coordination.

1.1 General Objectives. The successful readjustment of veterans into civilian life is a mutual responsibility and concern of the VA and the DOL. To this end, both agencies are committed to active cooperation and coordination in the implementation of programs serving veterans. The agreement that follows provides guidelines for an action program at the national and local level in which personnel in the respective agencies as well as their affiliated state and federally funded local programs are expected to work together on behalf of the veterans to maximize the services they provide. Day-to-day coordination of services requires that personnel of each agency have fundamental knowledge and understanding of the types of services and benefits provided by the other agency and the basic eligibility criteria for each agency. The ultimate goal is successful vocational rehabilitation, adjustment and job placement for veterans without duplication, fragmentation or delay.

1.2 Scope. None of the services rendered under this Agreement by the agencies concerned shall be construed as requiring expenditures of funds over and beyond the cost of the prescribed functions of each agency.

1.3 Organization of the Agreement. Both the VA and DOL are legislatively mandated to provide a broad range of services to veterans involving many organizational units within each agency. Accordingly, this agreement has been developed to provide guidelines for the relationships and responsibilities between the VA and each separate DOL component, including federally funded programs which are administered by state and local governments.

1.4 Parties to the Agreement.

1.410 Veterans Administration. The VA is headed by the Administrator of Veterans Affairs (hereinafter called The Administrator). Two separate departments within the VA have responsibility for vocational readjustment of veterans: the Department of Veterans Benefits (DVB) and the Department of Medicine and Surgery (DM&S). The responsibilities of each derive from title 38, United States Code which embodies the overall mission of assuring that those who served their country will have a full opportunity for successful reintegration into civilian life. Both DVB and DM&S have Central Office staff in Washington, D.C. and field station staff at their respective facilities throughout the U. S. and certain possessions. VACO staff establish policy and procedures, while field staff are responsible to their facility director for service delivery.

1.411 Department of Veterans Benefits (DVB). DVB administers an integrated program of veterans' benefits consisting of compensation, pension, insurance, home loan guarantees, guardianship, education, training, rehabilitation, evaluation, counseling, outreach and general assistance. The primary DVB contacts at the VACO level will be through Veterans Assistance Service and Vocational Rehabilitation and Counseling Service. In field stations, primary contacts will be through the Veterans Services Division (VSD) and the Vocational Rehabilitation and Counseling (VR&C) Division.

1.412 Department of Medicine and Surgery (DM&S). The VA health care system is administered by DM&S. It has the legal mandate to provide comprehensive health care services to eligible veterans. Full psychological, rehabilitative, and vocational counseling are an integral part of this care. The Psychology Service at each facility is responsible for providing these counseling psychology services. Health care services are available to all veterans without reference to their eligibility for other specific VA educational or rehabilitation benefits. Close cooperation with staff of DVB is maintained through case managers where vocational or educational benefits exist. Operation Outreach Veterans Centers (Vet Centers) use a team approach to assist Vietnam era veterans who have readjustment problems. The centers are community based which makes them readily accessible to veterans.

1.420 Department of Labor (DOL). The wide-ranging activities of the Department touch the lives of all Americans. Specific services to veterans cited in this agreement are provided through the Veterans Employment Service (VES), the Employment and Training Administration (ETA), the United States Employment Service (USES), the Bureau of Apprenticeship and Training (BAT), the Bureau of Labor Statistics (BLS), the Office of Comprehensive Employment Development (OCED), the Office of Federal Contract Compliance Programs (OFCCP), the Office of Veterans Reemployment Rights (OVR), and the Women's Bureau (WB).

1.421 Office of Assistant Secretary for Veterans' Employment (ASVE). The ASVE is the principal advisor to the Secretary of Labor (hereinafter called the Secretary) with respect to the formulation and implementation of all departmental policies and procedures to the extent they affect veterans. The ASVE, through the field staff of the VES is administratively responsible to the Secretary for the execution of the Secretary's veterans' and eligible persons' counseling and placement policies through the State Employment Security Agency (SESA) and in cooperation with employment and training programs administered by the Secretary or by prime sponsors under the Comprehensive Employment and Training Act (CETA) in the State.

1.422 Employment and Training Administration. The Employment and Training Administration (ETA) encompasses a group of offices and services which have been established to implement the responsibilities assigned to the DOL for conduct of certain work-experience and work training programs; funding and overseeing of programs conducted under the provisions of the CETA, as amended, by States and other authorized

sponsors; administration of the Federal-State Employment Security System; and conduct of a continuing program of research, development, and evaluation. Administration of employment and training programs is directed by the Assistant Secretary for Employment and Training (ASET).

(A) United States Employment Service (USES). The USES is administratively responsible for the establishment and maintenance of a nationwide system of public employment offices (SESAs) as provided in the Wagner-Peyser Act. It is specifically responsible for setting procedures, standards and guidelines for operation of the system including employment services for veterans. Actual operation of the employment service within the Federal Guidelines is the responsibility of state governments.

(B) Office of Comprehensive Employment Development (OCED). The OCED provides leadership in the development and administration of CETA Titles IIB, C and VII community employment programs. OCED develops overall program policies, objectives and strategies for the conduct of employment and training programs and delivery systems for CETA Titles IIB, C and VII and promulgates regulations necessary for the implementation of these community employment programs. OCED also provides technical assistance, through proper channels, to ETA regional offices, and CETA prime sponsors, and reviews, in cooperation with the regional offices, the effectiveness and efficiency of employment and training programs and delivery systems. Actual operation of the CETA programs, in accordance with the CETA regulations, is the responsibility of CETA prime sponsors.

(C) Bureau of Apprenticeship and Training (BAT). The National Apprenticeship Act was passed in 1937 to enable the DOL to formulate and promote the furtherance of labor standards necessary to safeguard the welfare of apprentices and cooperate with the States in the promotion of such standards and to bring together employers and labor for the formulation of programs of apprenticeship. Through field representatives in each State, the BAT works closely with employers, labor unions, vocational schools, community planning groups, and others concerned with apprenticeship. Programs must meet standards established by the Bureau or a recognized State Apprenticeship Council to be registered. Field compliance reviews are conducted to determine conformity with Federal equal employment opportunity and other standards for apprenticeship and training. The program addresses national requirements for fully skilled workers as an essential component to continued economic growth and technological advances.

1.423 Office of Federal Contract Compliance Programs. (OFCCP). The OFCCP, an entity within the Employment Standards Administration, administers Section 402 of the Vietnam Era Readjustment Assistance Acts of 1972 and 1974. Under 38 USC 2012 firms holding contracts or subcontracts with the Federal Government for \$10,000 or more are required to list jobs with the State Employment Service, take affirmative action to employ and advance in employment qualified disabled veterans of all wars and the veterans of the Vietnam era. OFCCP will promptly investigate all complaints and take appropriate action.

1.424 Office of Veterans' Reemployment Rights (OVR). The OVR, an entity with the Labor Management Services Administration, provides assistance to veterans, reservists, and members of the National Guard, and to their employers, in connection with reemployment and other rights and obligations created by statute. It affords protection to employed reservists and National Guardsmen against discharge from employment because of membership in reserve components or training duty obligations. In carrying out these missions, OVR investigates complaints and negotiates and mediates with the parties, and in impasse situations prepares cases for possible litigation in the courts by the Department of Justice.

1.425 Bureau of Labor Statistics (BLS). The Bureau of Labor Statistics (BLS) has responsibility for the Department's economic and statistical research activities. BLS is the Government's principal factfinding agency in the field of labor economics, particularly with respect to the collection and analysis of data, labor force, employment, unemployment, hours of work, wages and employee compensation, prices, living conditions, labor-management relations, productivity and technological developments, occupational safety and health, structure and growth of the economy, employment outlook, urban conditions and related socio-economic issues, and international aspects of certain of these subjects.

1.426 Women's Bureau (WB). The WB is the only federal agency mandated to promote the welfare of women in the work force. Established in 1920 to formulate standards for women workers, the Bureau's major objective is to improve the economic status of all women through participation in the development of policy and programs which have an impact on women's employment and their employability. From its' position in the Office of the Secretary, the WB cooperates with and makes recommendations to other agencies and constituent groups in such areas as: employment and training, sex discrimination, sex stereotyping, skilled jobs, and occupational safety and health, collection and dissemination of statistical information about women, occupational trends and international programs related to working women.

1.430 State and Local Agencies Funded by DOL.

1.431 State Employment Security Agencies (SESA). More than 2,000 local SESA offices, also known as Job Service Offices, operated by the States and territories, offer a variety of assistance to all applicants, including veterans, such as testing, counseling, job development, job placement services and referral to training. Disabled veterans and other eligible veterans are provided services on a priority basis. Each office has one or more specially trained Local Office Veterans Employment Representatives (LVER) who specialize in helping veterans get jobs and related services. Additionally, approximately 2000 Disabled Veterans Outreach Program (DVOP) staff nationwide are employed by the SESAs to provide intensive job development and placement services to disabled, Vietnam-era and other veterans.

1.432 Prime Sponsors under the Comprehensive Employment and Training Act (CETA). Programs under the CETA are operated by CETA prime sponsors. A prime sponsor is generally: (1) a State; (2) a unit of general local government which has a population of 100,000 or more; (3) any consortium of units of general local government which includes any unit of general local government with a population of 100,000 or more. CETA provides numerous employment and training services for economically disadvantaged persons. Veterans are provided special consideration in the development and operation of these service programs.

1.5 Development of State and Local Agreements.

1.510 Intent. This Memorandum of Agreement (hereinafter called Agreement) will provide direction for the relationship between VA and DOL at the national and field levels to assure maximum coordination of programs. This Agreement will also provide guidelines for the development of similar agreements at the state and local levels, where programs are operated by federally funded state or local agencies. Designated VA officials will participate with appropriate DOL and federal grantee officials in the development and negotiation of such local agreements. While both agencies recognize that local conditions dictate the need for flexibility in agreements made below the national level, the VA and DOL jointly declare that it is the intent of this Agreement that the guidelines for State and local agreements should be followed to the maximum extent feasible by the agencies involved without sacrificing either the letter of legislative mandates or the spirit of congressional intent.

1.520 Execution of State and Local Agreements. State and local agreements will be developed and fully implemented no later than 180 days following execution of the national Agreement.

1.6 Exchange of Information and Client Data. The VA and DOL agree to cooperate closely in the exchange of such information and client data which will facilitate the provision of services to veterans and other eligible persons. Agencies will exchange such information as provided for in this agreement at no charge to the receiving or requesting agency.

1.7 Continuing Review of Relationships. In order to facilitate the continuance of effective relationships under this Agreement, the appropriate components of the national offices of VA and DOL as identified in subsection 2.120 will meet during the 2nd quarter of each fiscal year to review legislative and programmatic changes and to evaluate and review the effectiveness of the provisions of this Agreement. The committee will revise the Agreement in accordance with legislative changes and propose other such revisions and changes as are necessary.

SECTION 2--RESPONSIBILITIES AT THE NATIONAL LEVEL

2.0 Scope. None of the services rendered under this Section by the agencies concerned shall be construed as requiring the expenditure of funds over and beyond the cost of the prescribed functions of each agency.

2.1 General Provisions of Agreement.

2.110 Cooperation and Coordination. The Secretary and the Administrator will maintain cooperative relationships including necessary coordination and participation of all VA and DOL components involved in the development and maintenance of a national Agreement. The stated goal of this Agreement is the successful vocational rehabilitation, adjustment and job placement for veterans without duplication, fragmentation or delay.

2.120 Responsibility for Maintenance of Agreement. The ASVE and the VA's Chief Benefits Director (CBD) of the Department of Veterans Benefits will have joint responsibility for maintenance of this Agreement according to the provisions of subsections 1.7 and 2.130.

2.130 Monitoring of Agreement.

(A) 180 days following (1) the execution of the complete Agreement or (2) any amendment to the Agreement which requires follow-up action, the national office components will meet to discuss the progress of the Agreement's implementation, including the development of, or amendments to, any field agreement executed pursuant to Section 3.

(B) Prior to such a meeting, the national office of the VA and the DOL will instruct their respective field staffs, as appropriate, to report the effective date of the local implementation of the Agreement or amendment, including the identification of problem areas which cannot be resolved locally and wherever possible recommend solutions. The national offices will followup to resolve areas thus identified.

(C) Immediately prior to each annual meeting as set forth in subsection 1.7 of this Agreement, monitoring reports as described in subparagraph (B) will be prepared by field staff for necessary action at the annual meeting.

2.2 Agency Advisory Committees.

2.210 Appointment to Committees. In order to promote better communication between the VA and the DOL as well as better coordination among their respective programs or services, it will be the policy of both agencies to assure that the other agency is fully advised of and given the opportunity to participate in advisory committees to the extent that such participation is permitted by law.

2.220 Committees Requiring Agency Representation.

(A) The CBD is hereby appointed as an ex-officio member of the Secretary of Labor's Committee on Veterans' Affairs.

(B) The ASVE is an ex-officio member of the VA's Veterans Advisory Committee on Rehabilitation authorized under 38 USC 1521 and the Advisory Committee on Educational Assistance as authorized under 38 USC 1792.

2.3 Exchange of Information and Consultation. The VA, through the CBD, and the DOL, through the ASVE, agree to exchange information on new legislation programs and regulations as they affect unemployed or underemployed veterans. The agencies will further allow for consultation when feasible on all proposed legislation, regulations, field directives and public information issuances in areas of overlapping responsibility.

2.4 Relationship between the VA and the Bureau of Apprenticeship and Training.

2.410 National Level. The VA and the DOL's Bureau of Apprenticeship and Training (BAT) will consult and coordinate at the national level to promote and facilitate the participation of veterans in registered apprenticeship or allied industrial programs.

2.420 Local Level. Local BAT offices will provide individual apprentice registration information to the appropriate VA Regional Office (VARO) for veterans only. The VARO will notify local BAT staff when benefits for registered veterans are approved in apprenticeable occupations. Within available resources, BAT will provide consultation to individual veterans regarding apprenticeships and allied industrial training opportunities for veterans. Both BAT and VA are encouraged to work together to promote apprenticeship and furnish information to veterans and interested parties. However, employer contacts to develop apprenticeship programs will be the function of the BAT staff. The VA will supervise and monitor the veteran's training on an approved program as otherwise provided in title 38, United States Code.

2.5 Relationship Between DOL's Bureau of Labor Statistics (BLS) and VA's Office of Reports and Statistics. The VA and DOL agree to exchange such statistical and demographic information as may be desirable or required and which does not entail unreasonable expenditures of funds or substantial increase in workload.

2.510 Data Provided by the VA to BLS. VA's Office of Reports and Statistics will provide to the BLS on a continuing basis monthly estimates of living noninstitutional male veterans by age and period of military service. Such data are used by BLS to provide control totals for Current Population Survey tabulations prepared by the Census Bureau for the publication "Employment and Earnings".

2.520 Data provided by the BLS to the VA. The BLS or Census Bureau with BLS approval will provide to the VA's Office of Reports and Statistics on a continuing basis:

(A) Monthly tables of male veterans and nonveterans by age and by labor force status including the employed, unemployed, unemployment rate and type of employer.

(B) Monthly, quarterly, and annual tabulations of male Vietnam era veterans and male nonveterans by age and by labor force status, full-time and part-time employment, occupation, and major activity of those not in the labor force.

(C) Annual tabulations of male veterans and nonveterans by age:

(1) Educational attainment and personal income distributions by level of education.

(2) Personal income distributions by work experience for year-round and part-year workers, full-time and part-time workers, and those who did not work during the year.

(3) School enrollment, by level of schooling, full or part-time enrollment, and occupation of enrollees.

(4) Income of families headed by veteran and nonveteran males by marital status and living arrangement.

2.6 Relationship Between DOL's Women's Bureau (WB) and VA. The VA and DOL's WB will consult and coordinate at the national level to identify issues of concern to female veterans and develop strategies to address those needs as appropriate.

2.7 Studies, Research and Special Projects. The Administrator will collaborate with the Secretary to insure maximum coordination and cooperation subject to available funding in the planning, development, conduct, and evaluation of studies, research, and special projects concerning the psychological, educational, social, vocational, industrial, economic and medical aspects of rehabilitation and/or employment of disabled veterans and other veterans. Effective methods of coordination and cooperation will be developed at the national and local levels and will span the entire range of study or research functions, from identification of areas needing study through implementation of results. The VA and the DOL further agree to cooperate in the development, where feasible, of innovative programs and special projects in areas such as outreach, counseling, career development, vocational rehabilitation, and job development.

2.8 Staff Training and Development. State Directors for Veterans Employment (SDVEs) and VA officials within a state will inform each other of staff training or development workshops, conferences and programs and will afford each other the opportunity to participate in or attend each other's training sessions. Such sharing of expertise in the field of employment, rehabilitation and related health care will enhance the quality of services provided by all concerned.

SECTION 3 -- STATE EMPLOYMENT SECURITY AGENCY

3.0 Scope. None of the services rendered under this Section by the agencies concerned shall be construed as requiring expenditures of funds over and beyond the cost of the prescribed functions of each agency. The provisions of this Agreement are to be construed as guidelines for the development of local agreements intended to minimize duplication of service and to maximize cooperation and coordination between the agencies. The SESA in each state is an agency of the state government and operates under an agreement with the DOL and under DOL regulations. The DOL shall implement the provisions of Section 3 through these agreements and regulations.

3.1 General Provisions of Agreements Between SESAs and VA.

3.110 Execution of Statewide Agreements. Each SESA should develop and execute a written agreement with the VA facilities in its state covering areas of mutual concern and delineating each agency's areas of responsibility. Agreements should be tailored to the best interest of veterans residing in the state and periodically updated. In states with more than one VARO, a comprehensive agreement rather than individual agreements will be developed. In developing agreements SESAs and VAROs will work in close consultation with the DOL's State Directors for Veterans Employment (SDVE). Since coordination of services between VA Medical Centers (VAMCs) and SESAs is essential to assure preferential service to veteran patients, VAMC Directors and Operation Outreach Team Leaders or their designees will participate in the preparation of the agreement described above. Agreements should include a provision for periodic visits by appropriate SESA staff to VAMCs.

3.120 Orientation. SESA and VA officials shall make arrangements to conduct orientation for liaison staff on the services, operations and referral procedures of their respective agencies as well as other procedures developed as a part or as a result of the Agreement. VA and SESA offices in the same locality should also provide such orientation to other selected staff in their offices, particularly LVERs and counselors who may frequently be involved in interagency coordination of services. To ensure continuing awareness and understanding of agency procedures and operations, SESA and VA should exchange procedural manuals, instructions, and other information of mutual programmatic concern.

3.130 Local Innovative Programs. VA and SESA officials are encouraged to develop local innovative programs in areas such as advocacy, outreach, job development, counseling and career development. Cooperative efforts between the two agencies will be geared toward the matching of veterans with appropriate job or job training opportunities.

3.140 Outstationing of SESA Staff at VA Facilities.

3.141 Outstationing of Local Office Veterans Employment Representatives at VA Regional Offices. The negotiations between SESA and VA in each state should assess the need for outstationing LVERs at VA regional offices. The agreement should reflect the assignment of personnel where the need has been established and where the assignment is feasible in terms of facility space.

3.142 Outstationing of DVOP Staff at VA Facilities.

(A) Requirement. 38 USC 2003A(b)(2) requires that not more than 75 percent of all SESA employees in a state in DVOP positions may be stationed in SESA local office facilities; the remaining personnel shall be outstationed at VA Vet Centers (38 USC 612A), veterans assistance offices (38 USC 242) and other sites as determined appropriate by the Secretary in accordance with regulations and after consultation with the Administrator.

(B) Outstationing Agreement. Each SESA, in consultation with the appropriate SDVE, will negotiate with VA officials an outstationing agreement for DVOP staff, which shall be incorporated into the state-wide SESA-VA agreements prescribed under subsection 3.110 of this Agreement. Such agreements shall be executed no later than September 30, 1982.

VA facilities include:

- (1) VA Regional Offices (VARO)
- (2) VA Medical Centers (VAMC)
- (3) Operation Outreach Veterans Centers (Vet Center)
- (4) Veterans Assistance Centers (USVAC)

Any agreement executed pursuant to this Section should contain a description of arrangements made for outstationing and site selection, as well as training agreements described in subsection 3.142(E) of this Agreement.

(C) Allocation of DVOP Time at VA Facilities. SESA and VA facilities should execute outstationing agreements which realistically reflect the client traffic and workload at each facility. Where the workload at a site cannot justify a full-time DVOP, such personnel may be outstationed on a part-time basis. Workload will be determined by assessing the time involved in performing those job duties described in subsection 3.142 of this Agreement. In some States, VA facilities may not need to use all DVOP personnel available under the 25 percent formula. In those cases, SESA Administrators may outstation the remaining positions at other outstations consistent with the provisions of 38 USC 2003A(b)(2) in accordance with regulations prescribed by the Secretary after consultation with the Administrator.

(D) Priority for the Provision of Employment Services by DVOP Staff. DVOP staff will provide employment services to eligible veterans in the following order of priority:

(1) Services to disabled veterans of the Vietnam era who are participating in or have completed a program of vocational rehabilitation under ch. 31, title 38 United States Code.

(2) Services to other disabled veterans.

(3) Services to other eligible veterans in accordance with priorities determined by the Secretary taking into account applicable rates of unemployment and the employment emphasis set forth in ch. 42, title 38, United States Code.

(E) Duties of DVOP Personnel at VA Facilities. DVOP personnel outstationed at VA facilities will perform duties directly related to meeting the employment needs of veterans consistent with the functions described in 38 USC 2003A(b) and (c). Particular emphasis should be given (1) to providing outreach, job development, and placement services to unemployed and underemployed veterans visiting VA facilities, and (2) to coordinating the provision of employment and training services with VA programs and benefits, such as on-the-job training, readjustment counseling, vocational rehabilitation, and education and vocational training.

1. DVOP staff assigned to Vet Centers should perform duties which include, but are not limited to:

(a) Follow-up on referrals from Vet Center staff

(b) Involvement with Team Leader and other Vet Center staff with particular emphasis on assessment of job readiness and development of job finding techniques.

(c) Outreach to employers via telephone contact and personal visits.

2. DVOP staff assigned to VR&C Divisions including Career Development Centers (CDCs) should perform duties which include, but are not limited to:

(a) Services to disabled veterans participating in the vocational rehabilitation program (ch. 31) and other disabled veterans. This will include job and on-job training development, selective job placement, follow-up services, providing job seeking skills training and job analysis. DVOP staff will participate with VR&C staff and veterans in early planning related to job placement and on-job training development.

(b) Services to disabled and other eligible veterans in the CDC. These will include screening and interviewing veterans seeking employment, and providing direct placement, job and on-job training development services.

(c) Job development and selective placement activities conducted primarily through telephone contacts and visits to employers. It is expected that about 50 percent of DVOP staff time will be spent on field work.

3. DVOP staff assigned to VSD USVACs should perform duties which include, but are not limited to:

(a) Coordination with the assigned SESA representatives in the operation of the USVAC program on employment.

(b) Outreach to seriously disabled veterans.

(c) Employment interviews away from the office and in the office with particular emphasis on job placement, training opportunities and job development.

(d) Attendance at job fairs or similar activities wherein contacts may be made with potential employers and with veterans seeking employment services.

(e) Operation of SESA activity in the absence of the LVER.

4. DVOP staff assigned to VAMCs should perform duties which include, but are not limited to:

(a) Coordination with case manager or other VAMC personnel as appropriate.

(b) Involvement with VAMC treatment team and assigned VR&C staff of DVB with special emphasis on evaluation of job readiness, job finding skills, job analysis and employment planning.

(c) Outreach to employers to develop on-job training and placement opportunity.

(E) Orientation and Training. VA officials and SESAs should arrange for orientation and training of new DVOP personnel in VA benefits and services, regardless of whether such personnel may be assigned to VA facilities. The VA will develop training plans and materials, subject to periodic revision, to provide for ongoing training for new DVOP staff. For those DVOPs stationed at such facilities, the VA agrees to provide additional training on the programs and services provided by the VA. DOL will provide the DVOPs appropriate training related to DOL programs.

3.143 Responsibilities of SESAs and VA Facilities in Outstationing of SESA Personnel.

(A) SESAs. Since DVOP personnel are employees of the SESAs, the local SESA office to which such personnel are assigned shall have overall responsibility for the conduct, performance, and administration of all DVOP staff. SESAs will provide: appropriate salaries; fringe benefits; employment service training; such supplies as may be required by the SESA to ensure that DVOP services remain consistent and coordinated with local regional office services; and funds for local travel.

(B) VA. In accepting outstationed DVOP personnel from the SESAs, VA will provide office space, telephones, clerical support and on-site supervision. The VA will assure that DVOPs perform only those duties related to meeting the employment and training needs of veterans and that such staff do not engage in functions or activities that are exclusively VA responsibilities. On-site supervision will also include: (1) provision of technical assistance; (2) analysis of work as it affects veterans and eligible persons; (3) guidance and suggestions for improvement of services; and (4) in coordination with SESAs, necessary timekeeping and schedule coordination.

3.150 Assignment of VA Work-Study Students to Local SESA Offices. The availability of VA work-study students to conduct outreach activities at SESA offices should be noted in the statewide agreements. Such outreach activity will include distributing information on VA benefits and services to eligible veterans and dependents and may also include distributing information on other governmental programs beneficial to veterans. SESA offices requesting these veteran student services should submit to the VARO a written description of the duties to be performed, a schedule of the hours to be worked and location where the work will be performed. The VARO will arrange for the direct supervision by a VA employee of those work-study students assigned to SESA offices.

3.160 Labor Market and Other Information.

3.161 State. The VA and the SESA in each State should agree to keep each other informed of programs which may be of assistance to veterans and will be responsive to requests for information. SESAs and VA facilities should develop information guides and brochures for use of the staff of the other agency to facilitate referrals and coordination of other services. SESAs should agree to provide appropriate VA facilities with timely labor market information. Such information might include: Labor Market Information Monthly Newsletters; Annual Planning Information for States, Standard Metropolitan Statistical Areas and Prime Sponsor Jurisdictions; Directory of Labor Market Information; Affirmative Action Information; Short Term Supply-Demand Analysis; Long Term Occupational Projections; Wage Information; and Placement Assistance Information.

3.162 Local. Local SESA offices located in the same area with VAROs, VAMCs or Vet Centers should provide to those facilities such labor market information that the office collects that is not otherwise developed by the Employment Security Central Office.

3.2 Relationship of SESA and VA Regarding Individual Clients.

3.210 Coordination of Evaluation and Counseling Services. Reciprocal procedures should be established for direct referral from one agency to the other of veterans and dependents who require and are otherwise eligible for counseling and evaluation assistance in developing and carrying out suitable health care, readjustment, educational, vocational, rehabilitation, and employment plans. These procedures should include provisions for exchange of information which will

assist the veterans to obtain suitable employment or training. Referral of veterans will be arranged by communication to specifically identified persons in each agency rather than just providing the address of the VA or SESA office to the veteran or dependent.

3.220 Exchange of Information. The VA and SESA will exchange relevant information derived from interviews, counseling, testing or other sources. The exchange of information will be in accordance with applicable State and Federal laws, agency regulation and policy, and where appropriate, will be accompanied by the written consent of the veteran.

3.230 Veterans With Service-Connected Disabilities.

3.231 Employment Planning. Employment planning will begin as soon as eligibility for rehabilitation services from the VA is established and will be incorporated by the VA into the Individualized Written Rehabilitation Plan (IWRP) and the Individualized Employment Assistance Plan (IEAP). When possible the DVOP specialist should participate with VR&C staff and the veteran in early planning related to job placement and on-job training development. DOL services shall be included where appropriate and their provision agreed to by DOL at the time the plan is executed. The IEAP will specify the employment services to be provided, the names and addresses of service providers, the job search techniques to be undertaken, and a systematic plan for follow-up.

3.232 Job Placement. The placement of disabled veterans, especially seriously disabled veterans, may require special measures to assure that placement is suitable in terms of the veterans' physical capacities. Such employment assistance should be provided jointly and cooperatively as appropriate in the individual case. The employment assistance provided under ch. 31 may include:

(A) Direct placement by VR&C staff;

(B) Utilization of the services of DVOP specialists under 38 USC 2003A;

(C) Utilization of the job development and placement services of programs under the Rehabilitation Act of 1973, the State Employment Service, and the Office of Personnel Management.

3.240 Special Programs for Vietnam Era and Disabled Veterans.

3.241 Career Development Centers (CDCs).

(A) CDCs in the VR&C Division of some VAROs provide disabled and other veterans with current occupational information, vocational exploration, counseling, evaluation of training needs, and appraisal of job readiness. The CDCs also furnish training in job-finding skills. In some instances, a veteran may require the services of the VA and SESA concurrently. Interagency referral procedures should be

coordinated to insure appropriate follow-through. In some cases, a DVOP may be assigned to the CDC on a full or part-time basis. This arrangement lends itself to continuity of service and a ready method of information exchange. In those cases where a DVOP or LVER is not stationed at the CDC or VARO, VA staff will make direct referrals to SESA as appropriate.

(B) The VA will assure that the SESA is informed about CDC services. SESA staff should refer to the CDC those veterans who need or desire individualized career development.

3.242 Operation Outreach Veteran Centers. Vet Centers are designed to assist Vietnam era veterans with readjustment problems that they have been unable to resolve since their release from active duty. The objective is to help these veterans to overcome any readjustment problems by utilizing their veterans' benefits, utilizing existing public agencies and community resources, and providing counseling to overcome readjustment problems. Although the Vet Center Outreach Aides devote much of their time making outreach contacts, other VA staff and SESA employees are a primary source of referrals to the Vet Centers. When a veteran requires the services of a Vet Center, other VA elements, and SESA simultaneously, the responsible staff members should consult each other to coordinate the delivery of such services.

3.243 Targeted Jobs Tax Credit (TJTC).

(A) ETA has been designated by the Secretary as responsible for and having overall authority over the certification and marketing of the Targeted Jobs Tax Credit (TJTC). SESAs, as the designated local agencies, are responsible for determining target group eligibility and marketing of the tax credit at the State and local levels.

(B) The VA will assist in the public information aspects of the TJTC program by distributing ETA materials and/or developing VA materials with ETA assistance. VAROs will assist in the preliminary determination of eligibility by vouchering disabled veterans who are completing or have completed a vocational rehabilitation program under chapter 31. Other veterans who might qualify as economically disadvantaged Vietnam era veterans will be referred to the SESA for screening. In all cases, the verification of eligibility (certification) will be done by the SESA.

3.3 Relationship of the VA and the SESA with Respect to Employers.

3.310 Outreach to Approved Employers Under the VA's On-Job Training Program (VA/OJT). Statewide agreements should describe the specific steps to be taken in outreach activities to approved VA/OJT employers, making maximum use of the VA list of such employers, RCS 212-3. Steps will include procedures for the distribution of the list, contact procedures and coordination with VAROs and State Approving Agencies (SAA).

3.320 Cooperative Work Relationships. Each state agency shall establish cooperative working relationships with the VA office serving the state to insure that DVOPs and LVERs maximize the use of VA training programs for veterans and other eligible persons, particularly on-the-job and other skill training. In order to avoid duplication there should be close coordination in employer contacts for job development and placement purposes, assisting employers in the development or maintenance of affirmative action programs and in fulfilling their obligation to make reasonable accommodations.

3.330 Federal Contractor Job Listing (FCJL) Program. The written agreement should insure that VAROs and other VA facilities are prepared to assist Federal contractors required to list jobs with local SESA offices under the provisions of 38 USC 2012 in recruiting eligible and job-ready special disabled veterans and veterans of the Vietnam era. The agreement should additionally insure that SESAs make such contractors aware of apprenticeship, OJT training, and vocational rehabilitation programs approved for veterans. This portion of the agreement should be developed with the assistance of the SAA.

3.331 Apprenticeship Programs Approved for VA Trainees. BAT and the 32 states and territories with State Apprenticeship Councils (SACs) have the responsibility for administering the apprenticeship program. BAT and/or SACs should ensure that Federal contractors are advised of apprenticeship programs approved for VA trainees.

SECTION 4--OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

4.0 Scope. None of the services rendered under this Section by the agencies concerned shall be construed as requiring the expenditure of funds over and beyond the cost of the prescribed functions of each agency.

4.1 Information Exchange. The OFCCP, through the ASVE, will insure that the VA is informed of legislative and regulatory requirements affecting the VA and veterans in areas of mutual concern under the provisions of 38 USC 2012.

4.2 Complaints Filed Under 38 USC 2012.

4.210 Outreach to Eligible Veterans. OFCCP will provide, through the ASVE, information and acquaint VA personnel with regulations and complaint procedures covering such veterans in connection with employment by covered Federal contractors. The VA agrees to assist special disabled veterans and veterans of the Vietnam-era in understanding their rights under 38 USC 2012 as described in subsection 1.423.

4.220 VA Assistance with Documentation. The VA agrees to provide prompt certification of service connected disability to OFCCP or veterans when such documentation is required in support of veterans' complaints against covered Federal contractors.

SECTION 5 -- OFFICE OF VETERANS' REEMPLOYMENT RIGHTS (OVR)

5.0 Scope. None of the services rendered under this Section by the agencies concerned shall be construed as requiring expenditures of funds over and beyond the cost of the prescribed functions of each agency.

5.1 Information Exchange. OVR staff will insure that appropriate VACO and field staff are informed of legislative developments and legal precedents affecting veterans, reservists, and members of the National Guard in areas of mutual concern in the program described in subsection 1.424. This information will be forwarded to DVB for dissemination to VAROs.

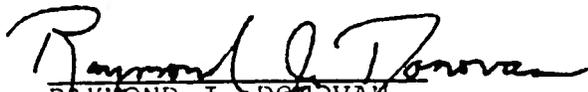
5.2 Orientation Training. OVR and VAROs through the SDVE will make appropriate arrangements for providing orientation training to liaison staff on the services and operations of their respective agencies, as well as specific procedures outlined in this agreement. VA and OVR offices in the same locality will also provide such training to other selected staff in their offices, particularly to those staff members who respond to the public and who may frequently be involved in coordination of services between agencies (i.e., OVR Investigators and VA Benefits Counselors). Training and orientation should include, but not necessarily be limited to, the basic mission and function of the OVR program, the types of data outlined in subsection 5.1 and the operating procedures in accordance with the OVR compliance enforcement strategy.

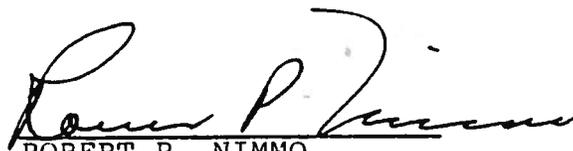
5.3 OVR Access to Information in VA Records. OVR and VA field personnel will make arrangements for obtaining copies of records and data from the VA pertaining to individual veterans if such data would be helpful in the investigation or mediation of VRR complaint cases opened as described in subsection 1.424. All requests and releases of information will be in accordance with DOL/VA policy and will comply with provisions of the Privacy Act. OVR usage of such information will be as indicated in the OVR operating manual and the compliance-enforcement strategy. Some records which may be in VA systems which would be particularly helpful are: The DD 214, medical records, records relating to disability, records concerning the payment of benefits, pension records, educational records, records indicating accumulated years of active duty, and records dealing with the verification of data needed to upgrade discharges.

5.4 Coordination of Services. The VA and the OVR agree to keep each other informed of programs which may be of assistance to veterans and will be responsive to requests for information and will refer claimants to each other as appropriate. OVR and VA facilities will utilize the information guides and brochures currently developed to disseminate information about the mission and services of both agencies, and will consider additional brochures as necessary. Those brochures currently in use include the VA Fact Sheet IS-1 and the list of VAROs disseminated to the OVR field staff, as well as several OVR pamphlets and Field Letters. This system will be matched by the national agreement

between OVRP and VA to include VRR information in VA's mailing to recently separated veterans. Upon receipt of an inquiry each agency will be able to recognize the problem sufficiently so as to be able to refer the individual to the appropriate agency and to coordinate service to clients, particularly recently separated veterans.

This joint Agreement supersedes the Memorandum of Understanding signed on December 18, 1979.


RAYMOND J. DONOVAN
Secretary of Labor


ROBERT P. NIMMO
Administrator of
Veterans Affairs

Signed at Washington, D.C.

June 14 1982

Signed at Washington, D.C.

June 18, 1982

Attachment

GLOSSARY

Administrator - The Administrator of Veterans Affairs, Head of the Veterans Administration

ASET - Assistant Secretary for Employment and Training

ASVE - Assistant Secretary for Veterans Employment

BAT - Bureau of Apprenticeship and Training

BLS - Bureau of Labor Statistics

CDC - Career Development Center

CETA - Comprehensive Employment and Training Act, a program under DOL

Disabled veteran means (a) a veteran who is entitled to compensation under laws administered by the Veterans Administration, or (b) a veteran who was discharged or released from active duty because of service-connected disability.

DM&S - Department of Medicine and Surgery of the Veterans Administration

DOL - Department of Labor

DVB - Department of Veterans Benefits of the Veterans Administration

DVOP - Disabled Veterans Outreach Program

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, or (b) was discharged or released from active duty because of a service-connected disability.

ETA - Employment and Training Administration

LVER - Local Office Veterans Employment Representative

OCED - Office of Comprehensive Employment Development

OFFCCP - Office of Federal Contract Compliance Programs

OVRR - Office of Veterans Reemployment Rights

SAC - State Apprenticeship Council

SDVE - State Director for Veterans Employment

Secretary - The Secretary of Labor, Head of the Department of Labor

SESA - State Employment Security Agency, the state level organization under DOL's United States Employment Service

Special disabled veteran means (a) a veteran who is entitled to compensation under laws administered by the Veterans Administration for a disability rated 30 percent or more, or (b) a veteran who was discharged or released from active duty because of service-connected disability.

TJTC - Targeted Jobs Tax Credit, a program under DOL

VA - Veterans Administration

VACO - Veterans Administration Central Office in Washington, DC

VAMC - Veterans Administration Medical Center

VAO - Veterans Administration Office, a satellite DVB office away from a VARO

VA Officials mean VARO Directors, VAMC Directors and Operation Outreach Team Leaders or their designees.

VARO - Veterans Administration Regional Office

VAS - Veterans Assistance Service in VACO, under DVB

VES - Veterans Employment Service

Vet Center - Operation Outreach Veteran Center, a community based center operated by DM&S facilities

Veteran of the Vietnam era means an eligible veteran any part of whose active military, naval, or air service was during the Vietnam era. No veteran may be considered to be of the Vietnam era under section 2011 of title 38 U. S. Code after December 31, 1991.

VR&C - Vocational Rehabilitation and Counseling Service (in VACO) or Division (in VAROs)

VSD - Veterans Services Division in a VARO or VAO

WB - Women's Bureau, Office of the Secretary (DOL)



VETERANS ADMINISTRATION

38 CFR Part 21

Promotion of Development of On-The Job Training for Veterans

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: These regulations state VA (Veterans Administration) policy concerning promotion of the development of on-the-job training for veterans under the GI Bill. Although the VA has promoted the development of these programs, no mention of this was included in the Code of Federal Regulations. The law now requires that the policy be made regulatory. These regulations will carry out the requirement of the law.

EFFECTIVE DATE: October 1, 1980.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202-389-2092).

SUPPLEMENTARY INFORMATION: On February 19, 1982 a proposal to amend 38 CFR Part 21 to implement some of the provisions of the Veterans' Rehabilitation and Education Amendments of 1980 was published in the Federal Register on pages 7460 and 7461.

Interested people were given 30 days to submit comments, suggestions, or objections. The Veterans Administration received 194 letters and post cards, two from officials of State approving agencies, five from officials of unions and joint apprenticeship committees, one from an apprenticeship association and the remainder from individuals. Nearly all the letters contained objections.

The comments were directed toward § 21.4261. There were no comments on § 21.4262.

Three writers provided similar comments. One thought the VA should not write apprenticeships; one thought it should not develop them; and the third stated it should not supervise them.

This regulation states that the VA will promote the development of apprenticeships. It does not allow, and the VA does not wish to write apprenticeships or develop them. The VA will not supervise them except in States where the VA is acting as the State approving agency. To make this clear the heading of each amended paragraph and the language of the last



subparagraph of each amended paragraph are changed from the proposal to show that the paragraph deals only with promotion rather than with promotion and development.

There were 189 writers who stated that if the VA promoted the development of apprenticeships, it would waste government funds by duplicating the efforts of the Bureau of Apprenticeship and Training.

The VA has no desire to duplicate the efforts of the employees of the Department of Labor. The original proposal called for the VA to coordinate efforts with the Department of Labor. This provision was designed to avoid duplication of effort. Since this apparently was not clear to a large number of readers, language has been added to the final regulation to make clear that the VA will not duplicate the work done by the Department of Labor.

There were 186 writers who claimed that there were enough apprenticeships approved for veterans' training and that more apprenticeships were unnecessary. They suggested that the proposal be withdrawn. The VA does not agree with this suggestion.

The VA is required by law to promote the development of apprenticeships and other on-the-job training. Furthermore a freeze on approved apprenticeships would mean that veterans who wished to be apprentices in new or expanding industries would be unable to train under the GI Bill. This would defeat the purpose of the program.

An official of a State approving agency stated that it was the responsibility of his State approving agency to promote the development of apprenticeships. He stated that the proposed regulation did not take this into account.

The VA desires to cooperate with State approving agencies. Consequently, the final regulations require the VA to coordinate its efforts with any State approving agency which chooses to promote the development of apprenticeships.

One writer suggested that the proposal be withdrawn because he believes that the VA has no authority to promote and develop apprenticeships. As stated earlier, the VA does not desire to develop apprenticeships. The agency does have legal authority to promote their development. The pertinent part of 38 U.S.C. 1772(d) states, " * * * the Administrator (of Veterans' Affairs) shall actively promote the development of programs of training on the job (including programs of apprenticeship) for the purpose of sections 1777 and 1787 of this title * * *". Clearly, the VA has

the legal authority to promulgate these regulations.

Two people writing thought the approval of apprenticeships was satisfactory, and that further promotion of development of apprenticeships is unnecessary. As stated previously, the VA is required to promote their development. The agency believes that promotion is valuable in furthering the purposes of the program. Therefore, the agency has decided not to accept the suggestion.

The changes contained in these final regulations are required by statute, and simply incorporate into the regulations the Veterans Administration's longstanding policy and practice.

They, therefore, do not come within the definition of a major rule under Executive Order 12291.

The Administrator of Veterans' Affairs hereby certifies that these regulations will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. Sections 601 through 612. Pursuant to 5 U.S.C. 605(b), these proposed rules are therefore exempt from the regulatory analysis requirements of sections 603 and 604. The reason for this certification is that the regulations are required by law and merely state longstanding VA policy and practice. They will not of themselves have any significant direct impact on small entities (i.e. small businesses, small private and nonprofit organizations and small governmental jurisdictions).

The Catalog of Federal Domestic Assistance number for the program affected by these regulations is 64.111.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs—education, Loan programs—education, Reporting requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

The proposed amendments to §§ 21.4261 and 21.4262 are changed as indicated above. They are deemed proper, and are hereby approved.

Approved: September 13, 1982.

By direction of the Administrator.

Everett Alvarez, Jr.,
Deputy Administrator.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

The Veterans Administration is amending 38 CFR Part 21 as follows:

1. In § 21.4261, paragraph (d) is added as follows:

§ 21.4261 Apprentices courses.

(d) *Promotion.* As funding permits, Veterans Administration employees will promote the development of apprenticeships. They will—

(1) Visit employers and joint apprenticeship committees.

(2) Coordinate their efforts with activities of any State approving agencies that may choose to promote the development of apprenticeships, and

(3) Avoid duplicating the efforts of others by coordinating their promotional efforts with similar activities of the Department of Labor and State employment security agencies as provided by written agreements covering these activities, including utilization of disabled veterans' outreach program specialists.

(38 U.S.C. 1772(d))

2. In § 21.4262, paragraph (d) is added as follows:

§ 21.4262 Other training on-the-job courses.

(d) *Promotion.* As funding permits, Veterans Administration employees will promote the development of on-the-job training courses. They will—

(1) Visit employers.

(2) Coordinate their efforts with activities of any State approving agencies that may choose to promote the development of on-the-job training courses, and

(3) Avoid duplicating the efforts of others by coordinating their promotional efforts with similar activities of the Department of Labor and State employment security agencies as provided by written agreements covering these activities, including utilization of disabled veterans' outreach program specialists.

(38 U.S.C. 1772(d))

[FR Doc. 82-36706 Filed 9-29-82; 8:45 am]
BILLING CODE 8320-01-01

38 CFR Part 21

Veterans Education; Surviving Spouse's Delimiting Date, Approval Requirements for Nonaccredited Courses

AGENCY: Veterans Administration.
ACTION: Final regulations.

SUMMARY: The following regulatory provisions implement those provisions of the Veterans' Disability Compensation, Housing, and Memorial Benefits Amendments of 1981 which affect people receiving educational

