

December 17, 2002

VETERANS' PROGRAM LETTER NO. 02-03

TO: ALL REGIONAL ADMINISTRATORS (RAVETs) AND DIRECTORS
FOR VETERANS' EMPLOYMENT AND TRAINING (DVETs)
ALL STATE WORKFORCE AGENCY ADMINISTRATORS (SWA)
ALL REGIONAL ADMINISTRATORS, EMPLOYMENT AND
TRAINING ADMINISTRATION (INFO)

FROM: FREDERICO JUARBE JR. [Signed]

SUBJECT: Public Law 107-288

- I. **Purpose:** To provide information on the passage and implementation of Public Law (P.L.) 107-288, the "Jobs For Veterans Act".
- II. **Background:** Recognizing the need to amend the prescriptive legislation currently governing the provision of employment and training services to veterans and the need to modernize and integrate these services into the present Workforce operating systems, Congress enacted P.L. 107-288, The "Jobs for Veterans Act". The President signed this legislation on November 7, 2002.
- III. **Collaboration:** In order to implement the provisions of the new law, Veterans' Employment and Training (VETS) is working collaboratively with the other agencies of the Department of Labor (Employment and Training Administration, Office of the Assistant Secretary for Policy, Office of Federal Contract Compliance Programs, Bureau of Labor Statistics and Solicitor of Labor). VETS also has partnered with the National Association of State Workforce Agencies and the Departments of Veterans Affairs and Defense to obtain their input and guidance in developing an overall implementation plan. The goal is to ensure an open, collaborative and transparent effort.
- IV. **Effective Dates:** It is important to note that the provisions of P.L. 107-288 have varying effective dates. While some provisions are effective upon enactment, others become effective more than a year following enactment. For example: changes to the Disabled Veterans' Outreach Program (DVOP)/Local Veterans' Employment Representatives (LVER) program, to include the submission of the state plan, the funding formula, and the staffing changes take effect on the date of the enactment and apply to the program year

beginning after such date. Recognizing that definitive guidance has not yet been developed, States should consult their Director for Veterans' Employment and Training (DVET) on all matters that require clarification. Issues that cannot be clarified by the DVET should be referred to the Regional Administrator.

V. **P.L. 107-288**: The Jobs for Veterans Act has made numerous changes to Title 38 United States Code, Chapters 41 and 42. Major provisions of this legislation are:

- Provides priority of service to veterans and spouses of certain veterans for the receipt of employment, training and placement services in any job-training program directly funded, in whole or in part, by the Department of Labor (DOL). **Note: Since this provision will impact on other agencies within the DOL, the Deputy Secretary of Labor, the Assistant Secretary for Policy and the DOL Solicitor are directly overseeing the interpretation and implementation.**
- Requires the Secretary to carry out a program of performance incentive awards to states to encourage the improvement and modernization of employment, training and placement services to veterans.
- Changes the threshold for reporting under the Federal Contractor Program. Employers receiving Federal contracts in the amount of \$100,000 or more (was \$25,000 or more) must file the VETS-100 form annually and take affirmative action to employ and advance in employment-qualified veterans, including immediately listing employment openings through the employment delivery system. **(This change will require new regulations.)**
- Changes the conditions for receipt of funding by states to include a requirement that each State submit a State plan describing the manner in which the State is to furnish employment, training, and placement services.
- Requires the Secretary to make funds available for the Disabled Veterans Outreach Program staff (DVOP)/Local Veterans Employment Representatives (LVER) program to each state in proportion of the ratio of the total number of veterans seeking employment within the State to the total number of veterans seeking employment in all States.
- Requires the Secretary to establish minimum funding levels and "hold-harmless criteria" in administering funding to the States.
- Requires the establishment of a national threshold entered employment rate for veterans. **(This provision requires new regulations.)**
- Requires the Assistant Secretary for Veterans' Employment and Training to establish and implement a comprehensive accountability system to measure the performance of delivery systems in a State.

- Requires that States employ a sufficient number of full and part-time DVOPs to carry out intensive services to meet the employment needs of special disabled veterans, other disabled veterans and other eligible veterans. Requires that the States employ a sufficient number of full or part-time LVERs as the State determines appropriate to carry out employment, training and placement services.
- Requires the Secretary to enhance the delivery of employment services to veterans world-wide by providing “one-stop” services and assistance electronically via the Internet.
- Requires the establishment of a President’s National Hire Veterans Committee to furnish information to employers with respect to the training and skills of veterans and disabled veterans and with respect to the advantages afforded employers by hiring veterans.

While the above does not cover all of the changes made by P.L. 107-288, it does briefly summarize the major changes. P.L. 107-288 may be accessed through VETS homepage or at www.nvti.cudenver.edu/new/PL107-288.pdf.

Numerous questions concerning the new law have been submitted. Currently, VETS, in concert with the Department of Labor, is developing responses as well as implementation strategies for the new law. A listing of frequently asked questions and answers will be posted on the National Veterans Training Institute (NVTI) website at www.nvti.cudenver.edu/new/107_288/info-page.htm. However, many of the questions concern policy decisions and legal interpretation; therefore, immediate answers to these questions may not be available.

More detailed guidance with an accompanying implementation plan will be forthcoming.

- VI. Questions regarding the new law should be addressed to the Director for Veterans’ Employment and Training (DVET) in your State. Questions that cannot be answered by the DVET should be forwarded to the Regional Administrator.

The National Office point of contact for implementation of the new law is Ronald Bachman (Bachman-ronald@dol.gov).