file copy

U.S. Department of Labor

Assistant Secretary for
Veterans' Employment and Training
Washington, D.C. 20210

July 19, 1984

VETERANS' PROGRAM LETTER NO. 13-84

TO: ALL REGIONAL AND STATE DIRECTORS FOR VETERANS' EMPLOYMENT AND TRAINING SERVICE

ALL STATE EMPLOYMENT SECURITY AGENCY ADMINISTRATORS

ALL REGIONAL ADMINISTRATORS, ETA (INFO)

FROM: WILLIAM C. PLOWDEN, JR.
Assistant Secretary for
Veterans' Employment and Training

SUBJECT: Cooperative Agreement Between the Department of Labor and the Veterans Administration

1. Purpose.

a. To transmit copies of the agreement between the U.S. Department of Labor (DOL) and the Veterans Administration (VA) which supersedes the joint agreement of July 14, 1982; and

b. To provide guidance for implementing the agreement at the State and local levels through State Employment Security Agencies (SESAs).

2. Background. The subject agreement is effective five days after execution by Secretary of Labor, Raymond J. Donovan, and the Administrator of Veterans Affairs, Harry N. Walters. It is a joint statement of principles of cooperation between the two agencies in providing a wide range of comprehensive employment, training and related services to veterans. The new agreement incorporates legislative, organizational and procedural changes that have occurred since July 14, 1982. It has also been re-structured to distinguish more clearly the relationship and responsibilities at the State and local level.

3. Development of Statewide Agreements.

a. The DOL/VA agreement provides for maximum cooperation at the National level and for developing similar agreements at State and local levels. Although local conditions do vary, guidelines are provided for State and local agreements in Exhibit B of the National Agreement and should be followed.

b. Designated officials of the SESA, VA and State Directors for Veterans' Employment and Training Service (SDVETS) shall participate jointly in the development of a statewide agreement.

4. Action Required.

a. SESA's shall develop and fully implement statewide and local agreements with VA regional offices and facilities by December 23, 1984.

b. SESA's shall send a copy of executed agreements through the SDVETS, to the RDVETS and Regional Administrators, ETA (INFO) by January 4, 1985.

c. RDVETS shall monitor the implementation of the DOL/VA Agreement and initiate corrective action, when necessary.

5. Inquiries. Inquiries should be referred to appropriate National Office Desk Officers (202) 523-9110; FTS 523-9110.

6. Attachment. Agreement Between U.S. Department of Labor and the Veterans Administration.

AGREEMENT

BETWEEN THE

VETERANS ADMINISTRATION

AND THE

U. S. DEPARTMENT OF LABOR

TABLE OF CONTENTS

Section I - Introduction

1. Purpose
2. General Objectives
3. Scope

Section II

Parties to the Agreement: Agency Descriptions and Services

1. Veterans Administration
   a. Department of Veterans Benefits
   b. Department of Medicine and Surgery

2. Department of Labor
   a. Office of the Assistant Secretary for Veterans' Employment and Training (OASVET)
   b. Employment and Training Administration
   (1) United States Employment Service
   (2) Bureau of Apprenticeship and Training
   (3) State Employment Security Agency
   (4) Job Training Partnership Act
   c. Bureau of Labor Statistics
   d. Office of Federal Contract Compliance Programs
   e. Women's Bureau

Section III

Relationships and Responsibilities at the National Level

1. Cooperation and Coordination
2. Maintenance of the Agreement
3. Development of Statewide Agreements
4. Monitoring of Statewide Agreements
5. Agency Advisory Committees
6. Exchange of Information and Consultation
   a. Relationship Between DOL's Bureau of Labor Statistics and VA's Office of Information Management and Statistics
   b. Relationship between the VA and DOL's Bureau of Apprenticeship and Training
   c. Relationship between DOL's Women's Bureau and VA
   d. Studies, Research and Special Projects

Section IV

Relationships & Responsibilities at the State and Local Level

1. Orientation, Staff Training and Development
2. Exchange of Information
3. Coordination of Counseling, Employment and Training Services
4. Outreach to Eligible Veterans on Federal Contract Complaints
5. VA Assistance with Documentation of Disability Status in Office of Federal Contract Compliance Complaints
6. Relationship Between the VA and Local Bureau of Apprenticeship and Training Offices
7. Relationship Between the VA and Local Offices of Veterans Reemployment Rights
8. Labor Market and Other Information
9. Informing the Public About the Targeted Jobs Tax Credit (TJTC) Program
10. Relationship Between the VA and SESA with Respect to Employers
11. Relationship Between the VA and SESA in Reference to the Job Training Partnership Act
12. Implementation of Public Law 98-77, the Emergency Veterans' Job Training Act of 1983 (EVJTA)
13. Outstationing of Local Veterans Employment Representatives at VA Regional Offices
14. Outstationing of Disabled Veterans Outreach Program Staff at VA Facilities
    a. Requirements
    b. Outstationing Agreement
    c. Allocation of DVOP Time at VA Facilities
    d. Priority for the Provision of Employment Services by DVOP Staff
    e. Duties of DVOP Personnel at VA Facilities
    f. Orientation and Training of DVOP Staff
    g. Responsibilities of SESA's and VA Facilities in Outstationing of SESA Personnel
15. Assignment of VA Work-Study Students to Local SESA Offices
16. Continuing Review of Relationships

Exhibit A - Glossary
Exhibit B - Outline for Statewide Agreements

SECTION I - INTRODUCTION

1. Purpose. Pursuant to 38 U.S.C. 220, 244, 1516, 2008 and 2009, the purpose of this Agreement 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 followup of veterans, their children and survivors, and other programs for veterans administered by the two agencies which may benefit from cooperation and coordination. 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.

2. 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. This Agreement provides guidelines at the national and local level by which personnel in the respective agencies as well as their affiliated State and federally funded local programs are expected to work together to maximize the service they provide on behalf of veterans and their dependents. Day-to-day coordination of services requires that personnel of each agency have fundamental knowledge and an understanding of the types of services and benefits provided by the other agency and the basic eligibility criteria for each program. The ultimate goal is successful vocational rehabilitation, job placement, and adjustment to employment for veterans without duplication, fragmentation or delay in the services provided.

3. Scope. Nothing in this Agreement shall be construed as requiring the expenditure of funds or provision of services beyond the requirements prescribed by applicable statutes, regulations and grant agreements.

SECTION II

PARTIES TO THE AGREEMENT: AGENCY DESCRIPTIONS AND SERVICES

1. 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 staffs in Washington, D. C., and field station staff at their respective facilities throughout the U. S. and certain possessions. The Veterans Administration Central Office (VACO) staffs establish policy and procedures, while field staffs are responsible to their facility directors for service delivery.

a. Department of Veterans Benefits

(1) 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 contact will be through the Veterans Services Division (VSD) and the Vocational Rehabilitation and Counseling (VR&C) Division.

(2) Career Development Centers (CDC's) in the VR&C Divisions of some VA Regional Offices (VARO's) provide disabled and other veterans with current occupational information, vocational exploration, counseling, evaluation of training needs, and appraisal of job readiness. The CDC's also furnish training in job-finding skills. In some instances, a veteran may require the services of the VA and State Employment Security Agency (SESA) concurrently. Interagency referral procedures are coordinated to insure appropriate follow-through. When agreed to, a Disabled Veterans Outreach Program (DVOP) specialist 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 specialist or Local Veterans Employment Representative (LVER) is not stationed at the CDC or VARO, VA staff will make direct referrals to SESA as appropriate.

b. Department of Medicine and Surgery

(1) Scope and Delivery of Health Care Services. 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 services are an integral part of this care. Close cooperation with staff of

DVB is maintained through case managers where vocational or educational benefits exist. Vietnam Era Veteran Counseling 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.

(2) Vet Center Services to Deal With Readjustment Problems. 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 counselors 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 will consult each other to coordinate the delivery of such services.

2. Department of Labor. The wide-ranging activities of the Department touch the lives of all Americans. Specific services to veterans and coordination of activities cited in this Agreement are provided through the Veterans Employment and Training Service (VETS), 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 Federal Contract Compliance Programs (OFCCP) and the Women's Bureau (WB).

a. Office of Assistant Secretary for Veterans' Employment and Training (OASVET). The Assistant Secretary for Veterans' Employment and Training (ASVET) 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 ASVET, through the field staff of the VETS, is administratively responsible to the Secretary for the execution of the Secretary's veterans' and eligible persons' counseling and placement policies through the SESA and in cooperation with employment and training programs administered by the Secretary in each State. One State Director and one Assistant State Director for Veterans Employment and Training Service (SDVETS) and (ASDVETS) is assigned to each state for each 250,000 veterans and eligible persons in a state's population. The Office of Veterans' Reemployment Rights (OVRR), a component of the OASVET, provides assistance to veterans, reservists, and members of the National Guard, and their employers, in connection with reemployment and other rights and obligations created by statute, including protection against discharge from employment because of membership in reserve components or training duty obligations. In carrying out these missions, OVRR 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.

b. Employment and Training Administration. The Employment and Training Administration is responsible for the conduct of work by States and other authorized sponsors in the administration of the Federal-State public employment service and unemployment insurance systems, job training programs, and conduct of a continuing program of research, development, and evaluation under the Job Training Partnership Act (JTPA), amended Wagner-Peyser Act, and other legislation assigned to DOL. Administration of employment and training programs, except those under the jurisdiction of the ASVET, is directed by the Assistant Secretary for Employment and Training (ASET).

(1) United States Employment Service. The USES is administratively responsible for the establishment and maintenance of the nation's public employment service system. Each State participates in that system, usually through its State Employment Security Agency, as provided in the Wagner-Peyser Act as amended by title V of Public Law 97-300. The USES is specifically responsible for coordinating the SESA's throughout the country and increasing their usefulness by developing and prescribing minimum standards of efficiency, assisting them in meeting problems peculiar to their localities, promoting uniformity in their administrative and statistical procedures, and furnishing and publishing information as to opportunities for employment and other information of value in the operation of the system. Employment and training services for veterans are under the jurisdiction of the ASVET. Actual operation of the public employment service within the Federal guidelines is the responsibility of State governments.

(2) Bureau of Apprenticeship and Training. 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.

(3) State Employment Security Agency. The SESA is usually the agency designated by the State legislature to cooperate with USES in administration of the public employment service system, which is often known as Job Service in many States, and which usually offers a variety of assistance to applicants, including veterans. The services provided may include, but are not necessarily limited to, testing, counseling, job development, job placement and referral

to training. As required in 38 U.S.C. 2003, the State and Assistant State Directors for Veterans' Employment and Training (SDVET's and ASDVET's) in cooperation with SESA staff and the staff of other such programs in the State shall promote and facilitate the participation of veterans in federally funded employment and training programs to insure that eligible veterans, veterans of the Vietnam era, disabled veterans, and eligible persons receive such priority or other special consideration as is required by law or regulation. Each office has one or more specially trained Local Veterans Employment Representatives (LVER's) who specialize in helping veterans get jobs and related services. Additionally, approximately 2,000 Disabled Veterans Outreach Program staff nationwide are employed by SESA's to provide intensive job development and placement services to disabled, Vietnam era and other veterans. The DVOP and LVER programs are administered by the OASVET through separate grants to SESA's. The OASVET provides operational direction to the SESA's for the ongoing operation of these programs.

(4) Job Training Partnership Act. The Secretary is responsible for the administration of the JTPA, which was authorized by Public Law 97-300. The purpose of this Act is to establish programs to prepare youth and unskilled adults for entry into the labor force and to afford job training to those economically disadvantaged individuals and other individuals including veterans facing serious barriers to employment, who are in need of such training to obtain productive employment. The Act requires the ASVET to consult with the Administrator to ensure that programs funded under Title IV-C of this Act to meet the employment and training needs of service-disabled veterans, veterans of the Vietnam era and recently separated veterans are coordinated, to the maximum extent feasible, with related programs and activities covered under title 38 U.S.C. 240, 1501 et seq., 1651 et seq., 612A, 620A, 1787 and 2003A.

c. Bureau of Labor Statistics. The Bureau of Labor Statistics (BLS) has responsibility for the Department's economic and statistical research activities. BLS is the Government's principal fact-finding 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.

d. Office of Federal Contract Compliance Programs. The OFCCP, a component of the Employment Standards Administration, administers 38 U.S.C. 2012, which was added to the law by section 503a of Public Law 92-540 in 1972 and amended by Public Law 93-508, section 402 in 1974. Under 38 U.S.C. 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 and to take affirmative action

to employ and advance in employment qualified special disabled veterans of all wars and veterans of the Vietnam era. OFCCP will initiate prompt investigation of each complaint and take appropriate action.

e. Women's Bureau. 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, including the VA, and constituent groups in such areas as: employment and training, sex discrimination, sex stereotyping, skilled jobs, occupational safety and health, collection and dissemination of statistical information about women, occupational trends, and international programs related to working women.

SECTION III

RELATIONSHIPS AND RESPONSIBILITIES AT THE NATIONAL LEVEL

1. Cooperation and Coordination. The Secretary and the Administrator will monitor cooperative relationships and insure the necessary cooperation and participation of all VA and DOL components at the national, state and local levels.

2. Maintenance of the Agreement. The ASVET and the VA's Chief Benefits Director (CBD) of the Department of Veterans Benefits have joint responsibility for maintenance of the Agreement. To facilitate the continuance of effective relationships under the Agreement, the ASVET and the CBD or their designees will meet at least biennially during the second quarter of the calendar year to evaluate the effectiveness of the provisions of the Agreement and as appropriate to revise the Agreement in accordance with new legislative and programmatic changes. An interim review or meeting may be initiated by either agency. VA and DOL/SESA officials should meet periodically to assess implementation of the Agreement. Field staffs are encouraged to forward (through the appropriate channels) any recommendations to strengthen interagency relationships and to make maximum use of available resources. Such recommendations will be duly considered, and where indicated, appropriate action will be taken by the national offices.

3. Development of Statewide Agreements. The national Agreement provides guidelines for the working relationship between the VA and DOL at the national and field levels and for the development of a comprehensive statewide agreement in each state. Within 180 days following the effective date of this new national Agreement or any amendment to the national Agreement which requires followup action, designated VA and DOL/SESA officials in each state will develop and fully implement a statewide agreement that describes in detail how VA and DOL/SESA field staff will work cooperatively to provide timely services to eligible veterans and their families. While both agencies recognize that local conditions dictate the need for flexibility, the VA and DOL jointly declare that guidelines for statewide agreements should be followed to the maximum extent feasible by the agencies involved within the letter of legislative mandate and the spirit of congressional intent. Statewide agreements should follow the format of the national Agreement. The outline shown in exhibit B lists essential information that must be included in each statewide agreement. The SDVET and the VARO Director in each state are responsible for forwarding a copy of the duly executed agreement to their respective national offices no later than 180 days following the effective date of the national Agreement or any amendment that requires followup action at the field level. Problem areas that cannot be resolved locally should be referred to the CBD and the ASVET for resolution before a partial agreement is executed.

4. Monitoring of Statewide Agreements. VA and DOL national office staff will review all executed statewide agreements and any subsequent amendments to ensure that they meet the minimum requirements outlined in exhibit B. Any statewide agreement jointly determined to be lacking in substantive details or to be inconsistent with national policies will be returned for necessary revisions. The provisions of a substantively deficient agreement will be suspended as to the areas to be revised until a new agreement can be reached.

5. Agency Advisory Committees

a. 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.

b. Committees Requiring Agency Representation

(1) The CBD represents the Administrator on the Secretary of Labor's Committee on Veterans' Employment which is authorized under 38 U.S.C. 2010.

(2) The ASVET is an ex-officio member of the VA's Veterans' Advisory Committee on Rehabilitation, which is authorized under 38 U.S.C. 1521, and the Advisory Committee on Educational Assistance, which is authorized under 38 U.S.C. 1792. The Secretary is an ex-officio member of the VA's Advisory Committee on Women Veterans, which is authorized under 38 U.S.C. 222.

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

a. Relationship Between DOL's Bureau of Labor Statistics and VA's Office of Information Management 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 agency workload.

(1) Data Provided by the VA to BLS. VA's Office of Information Management and Statistics will provide to the Census Bureau on a continuing basis monthly estimates of living noninstitutionalized male veterans by age and period of military service. Such data are used to provide control totals for Current Population Survey tabulations prepared by the Census Bureau for the BLS in Employment and Earnings, "The Employment Situation."

(2) Data Provided to the VA. The Census Bureau, with BLS approval, will provide to the VA's Office of Information Management and Statistics on a continuing basis:

(a) Monthly tables of the number of male veterans and nonveterans by age and by labor force status, including the employed, the unemployed, the unemployment rate, and the industry and occupational status;

(b) Monthly, quarterly, and annual tabulations of the number 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 the number of male veterans and nonveterans by age and by:

1. Educational attainment and personal income distribution by level of education;

2. Personal income distribution 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 arrangements; and

(d) Data on growth industries and occupations for which demand exceeds supply. This data will enable the VA to administer the provisions of the jobs programs enacted by Public Law 98-77.

b. Relationship between the VA and DOL's Bureau of Apprenticeship and Training. The VA and the DOL's BAT will consult and coordinate at the national level to promote and facilitate the participation of veterans in registered apprenticeship or allied industrial programs. In so doing, both agencies will take into consideration DOL's commitment to increase apprenticeship opportunities for women.

c. Relationship Between DOL's Women's Bureau 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.

d. 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.

SECTION IV

RELATIONSHIPS AND RESPONSIBILITIES AT THE STATE AND LOCAL LEVEL

1. Orientation, Staff Training and Development

a. Orientation. VETS and VA officials will make arrangements for orientation on services, operations and referral procedures for liaison staff. Where appropriate, SESA and VA officials will exchange procedural manuals, instructions and other information of mutual concern.

b. Staff Training and Development. SDVET's 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. Training schedules will be exchanged at the beginning of each fiscal year by agency liaison staff. Notice will also be sent of additional special training sessions of interest that are not part of the yearly schedule. Such sharing of expertise in the field of employment, rehabilitation and related health care will enhance the quality of services provided by all concerned.

2. Exchange of Information. The agencies participating in this agreement 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 regulations and policy, and where appropriate, will be accompanied by the written consent of the veteran. Information will be exchanged at no cost to the receiving or requesting agency.

3. Coordination of Counseling, Employment and Training Services. VA and VETS personnel will coordinate services to veterans and their dependents. Special emphasis will be placed on programs authorized under title 38, including readjustment counseling activities carried out under section 612A, apprenticeship or other on-job training programs carried out under section 1787, and rehabilitation and training activities carried out under chapter 31.

a. Priority Service. In consideration of their unique problems, disabled veterans and veterans of the Vietnam era will be given priority service by VA and Job Service staffs to include:

(1) Prompt recognition, routing and serving of such applicants;

(2) Referring qualified disabled and Vietnam era veterans to job openings ahead of other applicants; and

(3) Working with employers to develop job opportunities for seriously disabled veterans for whom placement through regular procedures is not possible within a reasonable period of time.

b. Direct Referral. Job Service offices and VA facilities will cooperate in the direct referral of veterans and dependents who require, and are eligible for, counseling and evaluative assistance in obtaining suitable training or employment. Coordination with the VA and other agencies will include direct appointments made by DVOP specialists or LVER's for veterans and dependents with specifically named individuals. A listing of the names, job titles, addresses and phone numbers of such liaison personnel will be exchanged between VARO's and SESA's and will be attached to the statewide agreement as an exhibit. This listing will be updated periodically as needed. Liaison personnel should be limited to staff who are authorized access to client data to insure the privacy of client information in those instances where such data is exchanged by telephone. Job Service staff will refer veterans to the Vocational Rehabilitation and Counseling Officer at regional offices, the Case Manager at VA medical centers, and the Team Leader at Vet Centers. VA personnel will refer veterans to the area DVOP or LVER at the nearest Job Service office. Detailed referral and followup procedures will be spelled out in the statewide agreement.

4. Outreach to Eligible Veterans on Federal Contract Complaints

a. The OASVET will provide information and acquaint VA personnel with regulations and complaint procedures covering veterans who are employed by covered federal contractors. The Office of Federal Contract Compliance Programs will furnish material to the OASVET as agreed to by a Memorandum of Understanding.

b. The VA agrees to assist special disabled veterans and veterans of the Vietnam era to understand their rights under 38 U.S.C. 2012, in connection with employment by covered federal contractors. The Education Services Unit (275D) of the VARO's Veterans Services Division will provide this assistance either by telephone contact or by letter.

5. VA Assistance With Documentation of Disability Status in Office of Federal Contract Compliance Complaints. The OFCCP liaison should contact the designated liaison in the Veterans Services Division for certification of service-connected disability. The VA agrees to provide prompt responses to such requests after proper identification of the caller as required under the Privacy Act. The certification of service-connection may also be provided directly to the veteran.

6. Relationship Between the VA and Local Bureau of Apprenticeship and Training Offices

a. The VARO's Education Liaison Representative (ELR) will provide information to the local BAT staff regarding the payment of benefits to veterans who are training in apprenticeable occupations. Training benefits information may be furnished in computer writeout format. The ELR will provide any technical assistance needed in interpreting the computer writeouts. Within available resources, BAT will provide consultation to individual veterans regarding apprenticeships and allied industrial training opportunities.

b. Each fiscal year, the Education Service Unit conducts compliance surveys at selected apprenticeship programs that are approved for VA benefits. Compliance surveys are conducted to determine whether VA benefits were paid in accordance with VA regulations and to help employers to understand those regulations. Infractions of rules for training will be the province of the BAT, including related instruction, improper training, and interpretation of apprenticeship standards. These infractions shall be reported by the VARO to the BAT.

c. Any new apprenticeship programs will be referred to the BAT for registration of the new program and to the State Apprenticeship Council (SAC) for approval of the new program for VA benefits. Requests for information on benefits for an apprenticeable occupation; i.e., shown on the List of Occupations Recognized as Apprenticeable by BAT, shall be forwarded through the SAC to the BAT.

d. Apprenticeship Programs Approved For VA Trainees. The BAT and the 32 States and Territories with SAC's have the responsibility for administering the apprenticeship program. The designated State Approving Agency (SAA), or in some cases the VARO, is responsible for the approval and supervision of individual apprenticeship programs for veterans' training. The BAT and/or SAC's should ensure that employers are advised of apprenticeship programs approved for VA trainees and of the procedures for appropriate referral.

7. Relationship Between the VA and Local Offices of Veterans Reemployment Rights

a. OVRR Access to Information in VA Records. OVRR 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 veteran reemployment rights complaint cases. OVRR usage of such information will be as indicated in the OVRR operating manual and the compliance enforcement strategy. Some records which may be in VA systems which would be particularly helpful are: the DD214, 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. Requests can be made by telephone or by writing to the Veterans Services Officer, Veterans Services Division. All requests must state that they are being made in accordance with this agreement and provide sufficient data to identify the veteran's records.

b. Coordination of Services Between OVRR & VA Facilities by the Mutual Exchange of Information. The VA and the OVRR agree to keep each other informed of programs which may be of assistance to veterans, will be responsive to requests for information, and will refer claimants to each other as appropriate. OVRR 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.

c. Orientation and Training. OVRR and VARO's 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 OVRR 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 frequently may be involved in coordination of services between agencies; i.e., OVRR Investigators and VA Veterans Benefits Counelors. Training and orientation should include, but should not necessarily be limited to, the basic mission and function of the OVRR and VA programs, significant OVRR legal precedents and the operating procedures of the OVRR complaint enforcement strategy.

8. Labor Market and Other Information

a. Statewide. 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. SESA's 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; Short Term Supply-Demand Analysis; Long-term Occupational Projections; Wage Information; and Placement Assistance Information. Information forwarded to the VA should be addressed to the designated liaison representative shown in the listing attached to the statewide agreement.

b. Local. Local Job Service offices located in the same area with VARO's, VAMC's, VAM&ROC's or Vet Centers should provide to those facilities labor market information which the office collects, but which is not otherwise developed by the Employment Security Central Office.

9. Informing the Public About the Targeted Jobs Tax Credit (TJTC) Program

a. The VA will assist in informing the public about the Targeted Jobs Tax Credit program by distributing material about it. The DVOP staff assigned to the VARO or a VR&C staff member will assist in the preliminary determination of eligibility by vouchering all veterans who qualify and referring them to the local Job Service office. In all cases the verification of eligibility (certification) will be done by Job Service personnel.

b. The VA compliance specialist when conducting a survey of an apprenticeship program (see par. 6b above) or during outreach visits will explain the Targeted Jobs Tax Credit program to the employer. Information on interested employers will be referred to the SESA representative (LVER's or DVOP's) at the nearest VA Office.

c. In the event the VA has located an employer interested in TJTC for a veteran applicant, federal law requires the employer to request in writing a TJTC certification from the local SESA no later than the day on which the applicant reports to work. SESA's agree to provide such certifications promptly.

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

a. Outreach To Approved Employers Under The VA's On-Job Training (VA/OJT) Program. Statewide agreements should describe the specific steps to be taken in outreach activities to employers offering approved VA/OJT programs. Such steps will include: contact procedures; the distribution and use of RCS 212-3, part I, which is a list of employers offering approved VA/OJT programs; and coordination with VARO's and SAA's, which are responsible for the approval and supervision of on-job training programs for veterans' training.

b. Cooperative Work Relationships. To avoid duplication, there should be close coordination in employer contacts for job development and placement purposes and in assistance given employers in the development or maintenance of affirmative action programs and in the fulfillment of their obligation to make reasonable accommodations.

c. Federal Contractor Job Listing (FCJL) Program. The statewide agreement should ensure 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 U.S.C. 2012 in recruiting eligible and job-ready special disabled veterans and veterans of the Vietnam era. The agreement additionally should insure that SESA's 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.

11. Relationship Between the VA and SESA in Reference to the Job Training Partnership Act. JTPA programs are administered within each State by the Governor through suballocation of funds to Service Delivery Areas (SDA's). Pursuant to a separate agreement with an SDA, the SESA could be responsible for certifying and referring eligible applicants to approved SDA training facilities. The SESA, or other designated agency, and the VARO will consult to ensure that programs supported under JTPA are coordinated, to the maximum extent feasible, with related programs and activities conducted under title 38.

12. Implementation of Public Law 98-77, Emergency Veterans' Job Training Act of 1983 (EVJTA)

a. Implementation Is a Joint Responsibility of VA and DOL. The Emergency Veterans' Job Training Act of 1983 authorizes payment to employers to help defray the costs of hiring and training eligible Korean Conflict, Vietnam era and disabled veterans who have been unemployed for extended periods. The VA and DOL are jointly charged with implementing the Act. The VA has responsibility for approving employer training programs, for determining veterans' eligibility, and for administering funds. The Department of Labor has responsibility for developing employment and job training opportunities, including job placement. Both agencies are required to cooperate in outreach and public information efforts and in furnishing employment counseling.

b. VA Is Responsible for Eligibility Certifications. The VA is responsible for certifying eligibility of veterans for the program, for approving training programs, for payments to participating employers and for program oversight. The DOL, through VETS-funded LVER and DVOP staff assigned to the SESA, is responsible for assisting veterans to obtain eligibility certificates from the VA and for providing job development and placement services to veterans seeking jobs. A veteran determined eligible to participate in the program may, upon request, receive employment counseling services from the VA or SESA to assist him or her select a suitable job training program.

c. VA and DOL Will Coordinate Activities and Services. The VA and DOL are required to coordinate job development, outreach and public information activities under Public Law 98-77 with job counseling, placement, job development and other services provided for under chapters 41 and 42 of title 38, U. S. Code, and with other community resources. DVB Circular 20-83-25, Appendix B and Veterans Program Letter No. 1-84 call for the SDVET, the VSO and key SESA officials to develop a plan of action to solidify the efforts of, and to set the priorities and responsibilities of, each agency. This action plan, covering the following areas, should be attached to the statewide agreement as exhibit C:

(1) Publicity and outreach;

(2) Employment and training program development; and

(3) Employment counseling and related services.

13. Outstationing of Local Veterans Employment Representatives at VA Regional Offices. The SDVET, SESA officials and VARO Director in each State should reassess the need for outstationing LVER's at VA regional offices. The statewide agreement should reflect the assignment of personnel where a continuing need has been established and where the assignment is feasible in terms of facility space.

14. Outstationing of Disabled Veterans' Outreach Program Staff at VA Facilities

a. Requirements

(1) Under 38 U.S.C. 2003A(a)(1) and (3), the Secretary, through the ASVET, provides necessary funds for use in each State to support a Disabled Veterans' Outreach Program designed to meet the employment needs of veterans, especially disabled veterans of the Vietnam era. Funds are also made available to support the reasonable expenses of such specialists for training, travel, supplies and fringe benefits.

(2) 38 U.S.C. 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 Secretary, after consulting with the Administrator and the SDVET, may waive this limitation for the State so long as the percentage of all DVOPs stationed at local Job Service offices in all States does not exceed 80 percent. The remaining personnel shall be outstationed at VA Vet Centers (38 U.S.C. 612A), veterans assistance offices (38 U.S.C. 242) and other sites as determined appropriate by the Secretary in accordance with regulations and after consultation with the Administrator.

b. Outstationing Agreement. VA and SESA officials in consultation with the SDVET will review current arrangements for outstationing DVOP staff at VA facilities and assess the need for modification of this section of the existing statewide agreement. VA facilities include:

(1) VA Regional Offices;

(2) VA Medical Centers;

(3) Vietnam Era Veterans Counseling Centers;

(4) Veterans Administration Offices (VAOs); and

(5) United States Veterans Assistance Centers (USVACs).

c. Allocation of DVOP Time at VA Facilities. A determination as to whether the current allocation of DVOP time at VA facilities continues to reflect client traffic and workload is critical, especially in view of new programs which are now in place, such as EVJTA. Where the workload at a site cannot justify a full-time DVOP, such personnel may be outstationed on a part-time basis. In all cases, the DVOP section of the statewide agreement will specify the location of each VA outstation, the number of full- and part-time (hours per week) DVOP specialists at each site, the effective date of placement, and the name (or job title) and telephone number of each onsite supervisor.

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 chapter 31, title 38 United States Code;

(2) Services to other disabled veterans; then,

(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 chapter 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 U.S.C. 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 educational and vocational training.

(1) DVOP staff assigned to Vet Centers should perform duties which include, but are not limited to, the following:

(a) Followup on referrals from Vet Center staff;

(b) Involvement with Team Leaders and other Vet Center staff, with particular emphasis on assessment of job readiness and development of job-finding techniques; and

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

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

(a) Services to disabled veterans participating in the vocational rehabilitation program (chapter 31) and other disabled veterans. These will include: job and on-job training development, selective job placement, followup services, provision of 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; and

(c) Job development and selective placement activities conducted primarily through telephone contacts with 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's, VAO's and USVAC's should perform duties which include, but are not limited to, the following:

(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 where contacts may be made with potential employers and with veterans seeking employment services; and

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

(4) DVOP staff assigned to VAMC's should perform duties which include, but are not limited to, the following:

(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; and

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

f. Orientation and Training of DVOP Staff. VA officials and SESA's 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 DVOP's stationed at VA facilities, the VA agrees to provide additional training on the programs and services provided by the VA. DOL will provide the DVOP's appropriate training related to DOL programs.

g. Responsibilities of SESA's and VA Facilities in Outstationing of SESA Personnel

(1) SESA's. Since DVOP personnel are employees of the SESA's, the local SESA office to which such personnel are assigned shall have overall responsibility for the conduct, performance, and administration of all DVOP staff. SESA's 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.

(2) VA. In accepting outstationed DVOP personnel from the SESA's, the VA will provide office space, telephones, clerical support and on-site supervision. The VA will assure that DVOP's 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 SESA's, necessary timekeeping and schedule coordination.

15. 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 the 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.

16. Continuing Review of Relationships. The statewide agreement required by section III, paragraph 3 should include a provision for VA and DOL/SESA officials to periodically review the effectiveness of such agreement. This does not preclude interim meetings, which may be initiated by either a VA or DOL/SESA official, to consider problem areas as the need arises. In accordance with section III paragraph 4, any substantive amendment or revision of an approved statewide agreement should be referred to VA and DOL national offices for joint review and concurrence.

This joint Agreement supersedes the Agreement signed on July 14, 1982. This Agreement becomes effective five days after it has been signed by both parties.

Raymond J. Donovan

RAYMOND J. DONOVAN
Secretary of Labor

Signed at Washington, D.C.

Date: June 26, 1984

Harry N. Walters

HARRY N. WALTERS
Administrator of Veterans Affairs

Signed at Washington, D.C.

Date: June 26, 1984

GLOSSARY

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

ASET - Assistant Secretary for Employment and Training

ASVET - Assistant Secretary for Veterans' Employment and Training

BAT - Bureau of Apprenticeship and Training

BLS - Bureau of Labor Statistics

CBD - Chief Benefits Director

CDC - Career Development Center

Disabled veteran, for purposes of chapter 41 and 42, title 38 USC, means (a) a veteran who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Veterans Administration, or (b) a person who was discharged or released from active duty because of a service-connected disability. (38 USC 2011(3)).

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 for the purposes of chapters 41 and 42, title 38, USC, 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. (38 USC 2011(4)).

ETA - Employment and Training Administration

EVJTA - Emergency Veterans' Job Training Act of 1983, Public Law 98-77

FCJL - Federal Contractor Job Listing Program

JTPA - Job Training Partnership Act, Public Law 97-300

LVER - Local Veterans Employment Representative

OASVET - Office of Assistant Secretary for Veterans' Employment and Training

OFCCP - Office of Federal Contract Compliance Programs

OVRR - Office of Veterans' Reemployment Rights

PIC - Private Industry Council

RSV - Recently Separated Veteran means a veteran who is within 12 months after separation from active duty.

SAC - State Apprenticeship Council

SDA - Service Delivery Area

SDVET - State Director for Veterans Employment and Training

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 for the purposes of chapters 41 and 42, title 38, USC, means (a) a veteran who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Veterans Administration for a disability which is rated either at 30 percent or more, or at 10 or 20 percent in the case of a veteran who has been determined to have a serious employment handicap; or (b) a person who was discharged or released from active duty because of service-connected disability. (38 USC 2001(4), 2011(1)).

TJTC - Targeted Jobs Tax Credit, a program under DOL

USVAC - United States Veterans Assistance Center

VA - Veterans Administration

VACO - Veterans Administration Central Office

VAMC - Veterans Administration Medical Center

VAM&ROC - Veterans Administration Medical and Regional Office Center

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

VA Officials means VARO, VAMC and VAM&ROC Directors and Vet Center Team Leaders or their designees.

VARO - Veterans Administration Regional Office

VAS - Veterans Assistance Service in VACO, under DVB, which administers the Veterans Services Division activities

VETS - Veterans Employment and Training Service

Vet Center - Vietnam Era Veterans' Counseling Center, a community-based center operated by DM&S facilities

Veteran of the Korean Conflict means a veteran who served in the active military, naval or air service during the Korean Conflict (June 27, 1950, through January 31, 1955), and whose discharge or release was for conditions other than dishonorable. (38 USC 101(2) and (9))

Veteran of the Vietnam era for the purposes of chapters 41 and 42 of title 38, USC, means an eligible veteran any part of whose active military, naval, or air service was during the Vietnam era (August 5, 1964, through May 7, 1975). No veteran may be considered to be of the Vietnam era for employment and training purposes under chapter 42 of title 38 U. S. Code after December 31, 1991. (38 USC 2001(2), 2011(2))

VR&C - Vocational Rehabilitation and Counseling. This may refer to the Service in VACO or the Divisions in VARO's.

VRR - Veterans' reemployment rights

VSD - Veterans Services Division in a VARO, VAO or USVAC

WB - Women's Bureau, Office of the Secretary of Labor

OUTLINE FOR STATEWIDE AGREEMENTS

To insure uniformity in developing and implementing similar agreements at State and local levels, the following format shall be followed:

SECTION I - PURPOSE. The national Agreement between the Department of Labor and the Veterans Administration is a joint statement of cooperation between the two agencies implementing the legislative requirements of Sections 220, 244, 1516, 2008 and 2009 of title 38, United States Code.

A. OBJECTIVES

B. SCOPE (Refer to sec. I, par. 3 of the national Agreement.)

SECTION II - PARTIES TO THE AGREEMENT

A. Veterans Administration (Regional Office(s) and Medical Centers to include appropriate departments in these facilities)

B. State Employment Security Agencies

C. Veterans Employment and Training Service

SECTION III - RELATIONSHIPS AND RESPONSIBILITIES AT STATE AND LOCAL LEVELS

Describe in detail each element and subelement contained in section IV, paragraphs 1-16 of the national Agreement, how the operational levels in the DOL and the VA will coordinate their activities, how these cooperative efforts will be established, and how each element or subelement will complement the other to attain the stated goals and objectives.

EXHIBIT A - GLOSSARY

EXHIBIT B - LIST OF LIAISON PERSONNEL

EXHIBIT C - ACTION PLAN TO COORDINATE ACTIVITIES UNDER PUBLIC LAW 98-77