

June 25, 2003

VETERANS' PROGRAM LETTER (VPL) NO. 11-03

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

FROM: FREDERICO JUARBE JR. (signed)

SUBJECT: May Update of Implementation Plan for Public Law 107-288

- I. Reference:** Veterans' Program Letter No. 06-03, dated April 25, 2003, Subject: April Update of Implementation Plan for Public Law 107-288.
- II. Purpose:** This Veterans' Program Letter (VPL) transmits the monthly progress report on the implementation of Public Law (P.L.) 107-288, the "Jobs for Veterans Act." Each work plan is presented in outline form covering the scope, milestones, and estimated completion dates.
- III. Inquiries:** Questions regarding the new law should be addressed to the Director for Veterans' Employment and Training (DVET) in your State. DVETs are to forward all questions through their Regional Administrator to Ronald Drach in the VETS' National Office (drach.ronald@dol.gov).

Attachment

1. WORK PLAN TITLE: Federal Contractor

SCOPE: The Federal Contractor Work Plan focuses on the following areas of concentration:

1. Revise existing regulations and guidance materials to accommodate the increase in the threshold amount from \$25,000 to \$100,000 for all federal contracts that procure personal property and non-personal services.
2. Develop and issue guidance for listing job openings with the employment service delivery system.
3. Develop guidance/technical assistance on how information on the listed federal contractor job openings will be provided to States, subdivisions of States, and private entities carrying out employment, training, and placement services.
4. Revise reporting systems to accommodate the new definition of recently separated veterans and submit the proposed revisions for approval by the Office of Management and Budget (OMB).
5. Develop guidance on how job openings listed by federal contractors can be used most effectively to improve veterans' opportunities for employment/advancement.
6. Review each related Memorandum of Understanding (MOU) and make required updates.

PROGRESS TO DATE:

Revised regulations are required to implement the statutory changes to the contract threshold level and to the definition of eligibility groups for the VETS-100 Report in the Federal Contractor Program (FCP). The Employment and Training Administration (ETA) will revise the regulations concerning the listing of job openings with federal contractors and the OFCCP will revise the regulations regarding affirmative action. VETS is responsible for revising the regulations regarding submission of the VETS-100 Report. The Policy Planning Board (PPB) has approved the NPRM and it was sent to OMB for their review on 5/29/03.

MAJOR MILESTONES:

- Issue a new MOU with the OFCCP by September 2003.
- Revise FCP guidance materials by December 2003.
- Publish the Notice of Proposed Rulemaking on VETS-100 reporting by November 2003
- Publish the Final Rule on VETS-100 reporting by September 2004.
- Submit the Final Rule to the Government Accounting Office (GAO), President of the Senate, and Speaker of the House of Representatives, in accordance with the Congressional Review Act (CRA) by September 2004.

2. WORK PLAN TITLE: Federal Hiring Tasks

SCOPE: The Federal Hiring Tasks Work Plan involves the following areas of concentration:

1. Review, update, or cancel the current Memorandum of Understanding (MOU) between VETS and the Office of Personnel Management (OPM), as appropriate.
2. Contact OPM to obtain timelines for the revisions required in the regulations for the Veterans' Recruitment Appointment (VRA) and to determine the effect of those changes on VETS' links to the OPM website.
3. Update guidance and brochures on VRA.

PROGRESS TO DATE:

VETS determined that the MOU is no longer required and should be cancelled. OPM notified VETS that it is revising and updating the VRA regulations and plans to update its website. Plans are underway to update the VETS website links to the VetGuide and the VetsInfoGuide in the OPM website after OPM completes its updates. OPM completed the update in April.

MAJOR MILESTONES:

- Confirm that OPM issues the final revised regulations.
- Update VETS' links to the OPM website by May 2003.
- Cancel the MOU by May 2003.
- Verify that the updates to the VetGuide and the VetsInfoGuide are correct by July 2003.

3. WORK PLAN TITLE: State Employee Performance Incentive Awards

SCOPE: The State Employee Performance Incentive Awards Work Plan focuses on the following areas of concentration:

1. Establish eligibility and selection criteria for performance incentives awards.
2. Consult with representatives of States, political subdivisions of States, and service providers on how to incorporate improved integration of veterans' programs within the Workforce Investment Act (WIA) service delivery system as a criterion for performance incentives awards.
3. Develop guidance on expenditure and use of award money.
4. Develop language providing guidance on required submissions regarding state planning and reporting.

PROGRESS TO DATE:

Recommendations were developed for policy guidance on eligibility and selection criteria for receipt of awards, State planning and reporting requirements, coordination among States' employment and training programs and WIA partners, appropriate alternatives to cash awards, and other implementation issues. Policy guidance has been incorporated into the instructions for submission of the State Plan. VPL 08-03, Subject: State Employee Performance Incentive Awards was issued on May 29, 2003 providing guidance on the development and implementation of States' employee performance incentive award plans.

MAJOR MILESTONES:

- VETS' Executive staff review and give feedback on the recommendations for policies and guidance concerning performance incentive awards by March 2003. - **Completed**
- Develop policy guidance regarding performance incentive awards in consultation with the VETS' Executive staff by April 2003. - **Completed**
- Incorporate performance incentive awards policy guidance in the draft of the Jobs for Veterans Technical Assistance Guide (TAG) for the State Veterans' Program and Budget Plan by April 2003. - **Completed**
- Disseminate a Veterans' Program Letter (VPL) regarding State employee performance incentive awards by May 2003. - **Completed**
- Receive OMB approval of the Jobs for Veterans TAG by December 2003.
- Implement performance incentive awards by FY 2004.

4. WORK PLAN TITLE: Developing State Plan

SCOPE: The Developing State Plan Work Plan involves the following areas of concentration:

1. Identify the approval criteria and subject matter to be addressed in the State Veterans' Program and Budget Plan.
2. Develop guidance regarding the integration of Local Veterans' Employment Representatives (LVER) staff and Disabled Veterans' Outreach Program (DVOP) specialists in the employment service delivery system of a State.
3. Determine the veterans' populations to be emphasized by the employment service delivery system within a State.
4. Determine how the terms and conditions of a new grant or modification should be affected based upon the results of past reviews and performance of the State.
5. Develop guidance for the States on submitting reports that pertain to hiring non-veterans as DVOP specialists or LVER staff.
6. Develop guidance for the States regarding their description of the coordination of employment and training services provided to veterans and eligible persons under the Workforce Investment Act and the Wagner-Peyser Act.
7. Establish guidance to determine what "sufficient staffing" means for DVOP specialists and LVER staff assigned.

PROGRESS TO DATE:

Following VETS' National Conference in Denver from May 19-22, the Veterans' Program Letter regarding Fiscal Year 2004 grant modifications was rewritten to incorporate new due dates and submittal instructions, and to accommodate four, 1 ½ day seminars for State Workforce Agency representatives and VETS' Directors for Veterans' Employment and Training from each State. These seminars will be held in Denver from July 14-27th, 2003. States will have more than 30 days following their participation in Denver to complete the modification request and forward it directly to VETS' National Office for review and processing. A description of the seminar (agenda) and schedule will become a new enclosure to the Veterans' Program Letter (VPL) described in this section.

The only enclosure to the VPL that remains to be completed addresses the funding amounts to be distributed to States. Once a description of the formula for States appears in the Federal Register as an Interim Final Rule, the Program Letter can be issued to the State Workforce Agencies. The Interim Final Rule will describe the new data and tabulations for FY 2004 grants. That will be the last enclosure to the VPL announcing the requirements for requesting modification for FY 2004 DVOP and LVER funding in accordance with the requirements of Title 38, chapter 41, of the United States Code (38 U.S.C. 41), as amended by P.L. 107-288, the Jobs for Veterans Act of 2002.

MAJOR MILESTONES:

- Incorporate funding methodology for DVOP and LVER grants into State's grant planning instructions by June 2003.
- Submit proposed language for State Veterans' Program and Budget Plan instructions to the National Office by May 2003.
- Complete the Jobs for Veterans Grant TAG, with notation of pending OMB approval, by August 2003 for grants beginning October 2004.
- Receive OMB approval of the Jobs for Veterans Grant TAG by December 2003, for use with FY 2005 Jobs for Veterans grants to States.

5. WORK PLAN TITLE: Establishment Of Funding Formula

SCOPE: The Establishment of Funding Formula Work Plan involves the following areas of concentration:

1. Identify the quantitative criteria and data sources that best embody the approach established in Public Law 107-288 for allocating funds to States.
2. Project initial changes and subsequent variations in the patterns of allocating funds to States by applying a two-year phase-in period and by testing criteria to implement the minimum funding level and hold-harmless provisions.
3. Develop an Interim Final Rule (IFR) and Notice of Proposed Rulemaking (NPRM) to implement the funding formula.

PROGRESS TO DATE:

In consultation with the Bureau of Labor Statistics (BLS), VETS' confirmed that the number of "veterans seeking employment" can be estimated with the greatest degree of accuracy at the State level by including data on the number of veterans in the civilian labor force from the Current Population Survey (CPS) and data on unemployment from the Local Area Unemployment Statistics (LAUS). Based upon the 2001 data, a preliminary illustration of the potential impact of the new funding formula on State allocation levels was developed, and criteria for implementing the statutory provisions regarding the phase-in period, minimum funding levels, and hold-harmless rates also were tested.

VETS completed consideration of additional data sources suitable for inclusion in the new funding formula (e.g., State-level data on the number of Transition Assistance Program (TAP) workshops). VETS recently appeared before the Department of Labor's Policy Planning Board (PPB) to discuss the draft Interim Final Rule for the first year (FY 2004) and draft NPRM for the FY 2005 and subsequent years. The PPB approved the proposal and sent it forward to the Secretary of Labor, who also approved it. This will allow VETS to achieve full implementation of the new funding formula.

MAJOR MILESTONES:

- Submit a memorandum with the draft IFR or NPRM to the PPB by May 2003.
- *Completed*
- Complete preparation of implementing guidance for the new funding formula upon receipt of IFR or NPRM approval by May 2003.
- Publish IFR and NPRM implementing the new funding formula by August 2003.

6. WORK PLAN TITLE: Performance Standards and Outcome Measures

SCOPE: The Performance Standards and Outcome Measures Work Plan involves the following areas of concentration:

1. Develop a performance accountability system to measure the performance of Local Veterans' Employment Representatives (LVER) staff, Disabled Veterans' Outreach Program (DVOP) specialists, and the public labor exchange services to veterans.
2. Develop a system of weighted performance measures that provides special consideration for placement of veterans requiring intensive services.
3. Develop a system for State-level negotiation of target grant-based performance standards based on the new weighting scheme.

PROGRESS TO DATE:

Key issues and proposed options for weighting schemes for grant-based measures were outlined in a white paper. Consensus was reached on a weighted measurement system that is consistent with the legislative emphasis on disabled veterans, newly separated veterans, and intensive services. Methodology for negotiating target performance standards based on the weighted measures has also been developed and approved. These recommendations were incorporated into the development of draft policy guidance regarding grant-based performance measures. A Veterans' Program Letter (VPL), introducing the new measures for DVOP and LVER programs and the system of weighting, will be issued in the near future.

MAJOR MILESTONES:

- Develop policy guidance regarding grant-based performance measures, and the weighting of those performance measures by April 2003. - **Completed**
- Incorporate policy guidance into the grant application and planning instructions for FY 2004 grants by April 2003. - **Completed**
- Disseminate a VPL regarding grant-based performance measures by May 2003.
- States implement grant-based performance measures by July 2003.
- OMB approves a State Jobs for Veterans Technical Assistance Guide (TAG) by December 2003.

7. WORK PLAN TITLE: Disabled Veterans' Outreach Program (DVOP) and Local Veterans' Employment Representative (LVER) Roles and Responsibilities

SCOPE: The DVOP and LVER Roles and Responsibilities Work Plan involves the following areas of concentration:

1. Develop roles and responsibilities for DVOP specialists and LVER staff.
2. Provide clarification on the principal duties of DVOP specialists and LVER staff.
3. Develop policy and guidance regarding part-time DVOP specialists and LVER staff.
4. Provide guidance to the States on veterans' preference in the appointment of DVOP specialists and LVER staff.
5. Define intensive services provided by DVOP specialists with cross-references to the definition of intensive services under the Workforce Investment Act (WIA).
6. Define the minimum contents of the quarterly report of the LVER to the local office manager and the DVET, which is required by statute.

PROGRESS TO DATE:

VPL 11-02 issued policy guidance on roles and responsibilities for DVOP specialists and LVER staff. Recommendations were developed regarding: (1) minimum time requirements for part-time DVOP specialists and LVER staff; (2) veterans' preference in the appointment of these staff; and (3) LVER quarterly reporting requirements, as established in P.L. 107-288. Consensus was reached on the recommendations, and they have been incorporated into the development of policy guidance. A VPL providing this additional guidance on DVOP and LVER staffing options and reporting requirements affected by P.L. 107-288 will be issued in the near future.

MAJOR MILESTONES:

- Develop policy guidance regarding assignments of DVOP specialists and LVER staff, part-time staffing issues, veterans' preference in hiring DVOP and LVER staff, and the contents of the quarterly LVER report by April 2003. - **Completed**
- Incorporate new policy guidance in the Jobs for Veterans Technical Assistance Guide (TAG) by April 2003. - **Completed**
- Disseminate a VPL regarding part-time staffing issues, veterans' preference in hiring DVOP and LVER staff, consistency of DVOP intensive service role and intensive services under WIA, and the contents of the quarterly LVER report by May 2003.
- Implement (by States) roles and responsibilities for DVOP specialists and LVER staff by July 2003.
- Receive OMB approval of Jobs for Veterans TAG by December 2003 for FY 2005 grants to States.

8. WORK PLAN TITLE: Transition Services

SCOPE: The Transition Services Work Plan focuses on the following areas of concentration:

1. Delete “Vietnam Era veterans” from VETS’ websites, printed documents, and reporting systems and insert “veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized.”
2. Determine the means for registering Transition Assistance Program (TAP) participants.
3. Establish a data collection and reporting system to capture TAP participants, as well as the services provided to “transitioning service members.”
4. Review the current TAP Memorandum of Understanding (MOU) with all partners and determine the need for revisions.
5. Provide guidance to the field on the preferred approach to staffing TAP workshops.
6. Clarify assistance that can be provided to spouses participating in TAP by Disabled Veterans Outreach Program (DVOP) specialists and Local Veterans Employment Representative (LVER) staff.

PROGRESS TO DATE:

Deletion of all references to “Vietnam Era veterans” on the VETS’ website and printed VETS’ fact sheets continues. ETA 9002 Report is being modified to replace “Vietnam Era Veteran” with “Transitioning Service Members”. Future changes to the draft MOU between VETS and the Departments of Defense, Transportation, and Veterans Affairs regarding TAP will be accomplished by publishing addenda, if needed, to the MOU.

Senior VETS staff provided further clarification on the intent of the law for registering TAP participants. Since the intent is to get as many people as possible to register voluntarily, a streamlined approach is necessary. In most cases, States have automated enrollment systems. Registration at the TAP site would require sufficient equipment to support the effort. A suggestion is being developed to design a simple registration form to complete a “starter record,” which will include name, SSN, Separation/Retirement Date, and if the veteran intends to remain within that State. The completed form would then be entered into the system to establish a permanent record of services provided to the veteran.

MAJOR MILESTONES:

- Finalize deletion of Vietnam Era references from websites and printed materials by June 2003.
- Complete activities under the Transition Services Work Plan by June 2003.

9. WORK PLAN TITLE: Administrative Costs

SCOPE: The Administrative Costs Work Plan focuses on the following areas of concentration:

1. To clarify and issue definition changes regarding administrative costs.
2. To identify and clarify what the reasonable expenses of Disabled Veterans' Outreach Program (DVOP) and Local Veterans' Employment Representative (LVER) programs are to be incorporated into the administrative or direct costs of the program.

PROGRESS TO DATE:

This work plan is complete. OMB A-87 guidelines will be used to account for direct and indirect costs.

MAJOR MILESTONES:

- Submitted documents detailing the three alternative methodologies in February 2003. – *Completed*
- Convened a conference call in February 2003 to discuss the alternative methodologies and the key implications to be considered by VETS in making a final decision on the issue. – *Completed*
- Modify the affected procedures and guidance in accordance with VETS' final choice of an approach to this issue during March 2003. - *Completed*
- Perform the ASVET Review during March 2003. - *Completed*
- Perform the Solicitor Review during March 2003. - *Completed*

10. WORK PLAN TITLE: President's National Hire Veterans Committee

SCOPE: Public Law 107-288 Section 6 directs the formation of the President's National Hire Veterans Committee. The Committee's duties include (1) furnishing information to employers regarding the training and skills of veterans and disabled veterans, as well as the advantages of hiring them and (2) facilitating employment of veterans and disabled veterans through participation in America's Career Kit national labor exchange and through other means. The Secretary of Labor will appoint the committee membership and the chairman as provided by law.

PROGRESS TO DATE:

The National Office developed the initial steps necessary to establish the committee after a comprehensive review of the P.L.107-288 and an evaluation of similar organizations, such as the National Employer Support of the Guard and Reserve (ESGR) Committee, in the Department of Defense. Jeffrey R. Earley has been hired as Executive Director.

MAJOR MILESTONES:

- Hire Director by May 2003. - *Completed*
- Hire initial staff (determine whether FTE or contract) by June 2003.
- Draft Charter by September 2003.
- Develop Detailed Plans of Action and Milestones by September 2003.
- Develop office space plan by September 2003.
- Conduct initial meeting during September 2003.
- Define duties and functions by September 2003.
- Identify potential staffing requirements by October 2003.
- Post a Federal Register Notice by October 2003.
- Develop and post meeting schedule by December 2003.

11. WORK PLAN TITLE: Electronic Veterans' One-Stop

SCOPE: The Electronic Veterans' One-Stop Work Plan focuses on researching and designing a central employment website that will provide the following four platforms: transition and job readiness, resources, job fair and employer support, and online access to case managers for veterans.

PROGRESS TO DATE:

A meeting was held to develop the content for the Veterans' One-Stop. In order to take advantage of the expertise of individuals in the field, the meeting included several veterans' representatives. Key content areas, links to existing information, and additional information needs were identified.

VETS still anticipates that the website will draw heavily from the services and content provided in the suite of tools of the Department of Labor's CareerOneStop portal. To ensure easy access to available services, the Electronic Veterans' One-Stop will also use the functionality developed for the CareerOneStop Coach. A mock-up of the site was developed and demonstrated to VETS executive staff.

MAJOR MILESTONES:

- Meeting to begin development of One-Stop content in April 2003. -*Completed*
- Launch the website by May 2004.

12. WORK PLAN TITLE: National Threshold for Entered Employment Rate

SCOPE: The National Threshold for Entered Employment Rate Work Plan involves the following areas of concentration:

1. Initiate regulatory action for establishment of a national threshold for the Entered Employment Rate for veterans, as required by P.L. 107-288.
2. Determine levels of performance that will be identified as deficient and require a Corrective Action Plan (CAP). Develop recommendations for next steps required following the implementation of a CAP.
3. Formulate and disseminate a draft regulation on a national threshold for the Entered Employment Rate for veterans.
4. Complete required procedures for Departmental and Office of Management and Budget (OMB) approval of draft and final regulations.
5. Draft the final regulation.
6. Publish the final regulation.

PROGRESS TO DATE:

VETS examined several methodologies potentially suitable for inclusion in regulations to establish a national threshold for the Entered Employment Rate (EER), as required by P.L. 107-288. The advantages and disadvantages of each method were addressed during meetings between the Office of the Solicitor and VETS' Executive staff. An approach that is generally consistent with the current practice under the Workforce Investment Act (WIA) has been identified and proposed as the most appropriate method to meet the statutory requirement for a national threshold for the EER and for the implementation of a CAP where performance is determined to be deficient. A Regulation Identification Number was obtained, and a draft Notice of Proposed Rulemaking (NPRM) is being developed.

MAJOR MILESTONES:

- Obtain a Regulation Identification Number by March 2003. – ***Completed***
- Develop a draft text of the NPRM by April 2003. – ***Completed***
- Submit the VETS' plans to initiate regulatory action to the Department of Labor's Policy and Planning Board by April 2003. – ***Completed***
- Obtain departmental clearance for the publication of the NPRM by May 2003.
- Publish the NPRM regarding the national threshold for the Entered Employment Rate by September 2003.
- Conduct a post-promulgation public comment period by January 2004.
- Publish the Final Rule by June 2004.