

March 31, 2003

VETERANS' PROGRAM LETTER (VPL) NO. 05-03

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: March Update of Implementation Plan for Public Law 107-288

- I. Reference:** Veterans' Program Letter No. 04-03, dated February 24, 2003, Subject: Implementation Plan for Public Law 107-288.
- II. Purpose:** To provide an update on the status of the implementation of Public Law (P.L.) 107-288, the "Jobs for Veterans Act." This Veterans' Program Letter (VPL) transmits the monthly progress report on the implementation of this important legislation.
- 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 Bachman in the VETS' National Office (bachman-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.
5. Develop guidance on how job openings listed by federal contractors can be used most effectively to improve veterans' opportunities for employment/advancement.
6. Develop a crosswalk between the data bases maintained for the Federal Contractor Award Information System (FCAIS) and for the VETS-100 Reports.
7. Review each related Memorandum of Understanding (MOU) and make required updates.

PROGRESS TO DATE:

Initial meetings have been held with the Office of Federal Contract Compliance Programs (OFCCP) and the Office of the Solicitor of Labor (SOL) to discuss updating the MOU between VETS and the OFCCP. VETS determined that revised regulations are needed for the Federal Contractor Program (FCP) to implement the changes in the contract threshold level and in the definition of the eligibility groups for the VETS-100 Report. VETS continues to work with the OFCCP and the SOL on similar language and definitions to be used in all FCP regulations. VETS has submitted a draft Notice of Proposed Rule Making to the SOL for informal review.

VETS met with the Employment and Training Administration (ETA), the National Association of State Workforce Agencies (NASWA), and the OFCCP and determined that ETA would revise the regulations on the listing of federal contractor openings, VETS will revise the regulations regarding submission of the VETS-100 Report, and the OFCCP will revise the regulations regarding affirmative action.

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 time lines 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 web site.
3. Update guidance and brochures on VRA.

PROGRESS TO DATE:

Met with the OPM and the Office of the Solicitor of Labor (SOL) and determined that the MOU is no longer required and should be cancelled. Contact was initiated with OPM to obtain a time line for revising the VRA regulations and for updating OPM's website. The time line could change if it is determined that a legislative remedy is required to characterize the type of discharge needed to qualify for VRA eligibility. OPM committed to issue the revised regulations, to update the VetGuide, and to update the VetsInfoGuide by April 2003. OPM currently estimates that the required website updates will be completed by May 2003. Plans are underway to update the VETS website links to the VetGuide and the VetsInfoGuide in the OPM website after OPM completes its updates.

MAJOR MILESTONES:

- Confirm that OPM issues the final revised regulations by April 2003.
- 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:

A white paper was developed outlining the statutory requirements for incentive awards and preliminary proposals. A meeting was held to develop recommendations 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.

MAJOR MILESTONES:

- VETS' Executive staff review and give feedback on the recommendations for policies and guidance concerning performance incentive awards by March 2003.
- Develop policy guidance regarding performance incentive awards in consultation with the VETS' Executive staff, for inclusion in the draft of the Technical Assistance Guide (TAG) for the State Veterans' Services Plan by April 2003.
- Disseminate a Veterans' Program Letter (VPL) regarding State employee performance incentive awards by May 2003.
- Receive OMB approval of the State Veterans' Services Plan 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' Services Plan.
2. Develop guidance regarding levels of 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' population 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-veteran individuals 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 for the States to determine what will be a "sufficient" number of DVOP specialists and LVER staff for them to assign.

PROGRESS TO DATE:

A work plan has been developed that addresses four major areas: (1) developing language regarding DVOP/LVER integration levels in employment service delivery points; (2) developing language regarding emphasis on and services to special populations of veterans; (3) coordinating with the funding formula task lead so that relevant information can be incorporated into the States' grant application instructions; and (4) developing language regarding States' reporting of non-veterans hired as DVOP specialists or LVER staff.

Over half of the work plan tasks have been completed, including the preliminary, organizational, and definitional work in the four key areas. A preliminary outline of the Technical Assistance Guide (TAG) for developing the State Veterans' Services Plans for FY 2005 was developed. A draft grant instruction package was developed, with placeholders for products being developed by other task leads. (This language will be incorporated into the FY 2004 Grant Instruction Package and the FY 2005 Draft TAG.)

A determination concerning the Special Veterans' Population (Benchmark #3), has been reached. The Act is clear about the groups to be considered a priority for VETS and that the States should be able to identify particular groups of veterans needing special consideration, such as Native American veterans. Language reflecting this approach was developed for the Grant Instruction Package. In determining distributed funding

(Benchmark #4), a grant-planning document will be incorporated for FY 2004, which is being developed separately, the methodology and funding table, as a baseline.

MAJOR MILESTONES:

- Incorporate funding methodology for DVOP and LVER grants into State's grant planning instructions by March 2003.
- Submit proposed language for State Veterans' Services Plan instructions to the National Office by April 2003.
- Complete the State Veterans' Services Plan TAG, with notation of pending OMB approval, by May 2003.
- Receive OMB approval of the State Veterans' Services Plan TAG by December 2003 for use in FY 2005 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 the three-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) 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 a three-year phase-in period, minimum funding levels, and hold-harmless rates also were tested.

VETS also recently completed consideration of additional data sources potentially suitable for inclusion in the new funding formula (e.g., State-level data on the number of Transition Assistance Program (TAP) workshops). VETS currently intends to move forward with the preparation of draft regulations for the Department of Labor's Policy Planning Board (PPB) to initiate the process that will be required to achieve full implementation of the new funding formula.

MAJOR MILESTONES:

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

6. WORK PLAN TITLE: Performance Standards, Outcome Measures, and Corrective Action

SCOPE: The Performance Standards, Outcome Measures, and Corrective Action 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. Define intensive services with cross-references to the definition of intensive services under the Workforce Investment Act (WIA).
4. 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.

PROGRESS TO DATE:

A white paper was developed that outlined the key issues and proposed options for weighting schemes for grant-based measures. Specific recommendations were developed, presented to VETS' Executive staff, and consensus has been reached on a weighted measurement system that is consistent with the legislative emphasis on disabled veterans, newly separated veterans, and intensive services.

MAJOR MILESTONES:

- Develop policy guidance regarding CAPs, grant-based performance measures, and the weighting of those performance measures for inclusion in the grant application and planning instructions for FY 2004 grants by April 2003.
- Disseminate the grant application instructions for FY 2004 by May 2003.
- Disseminate a Veterans' Program Letter (VPL) regarding grant-based performance measures by May 2003.
- States implement grant-based performance measures by July 2003.
- OMB approves a State Veterans' Services Plan 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 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:

Policy guidance on roles and responsibilities for DVOP specialists and LVER staff was issued in VPL 11-02. Recommendations have been 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. These were presented to the VETS' Executive staff and consensus has been reached on these policy recommendations.

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.
- Incorporate new policy guidance in the State Veterans' Services Plan Technical Assistance Guide (TAG) by April 2003.
- Implement (by States) roles and responsibilities for DVOP specialists and LVER staff by July 2003.
- Receive OMB approval of State Veterans' Services Plan 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’ web sites, 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 DVOP specialists and LVER staff.

PROGRESS TO DATE:

VETS continues to work on deleting all references to “Vietnam Era veterans” on the VETS’ website and printed VETS’ fact sheets. Modification of the ETA 9002 Report to replace “Vietnam Era Veteran” with “Transitioning Service Members” is progressing. Currently, changes are not required to the draft MOU between VETS and the Departments of Defense, Transportation, and Veterans Affairs regarding TAP. Future revisions, as required, will be accomplished by developing addenda to the MOU.

A meeting is being planned with representatives from DOD, the National Association of State Workforce Agencies (NASWA), the National Veterans Training Institute (NVTI), and the Department of Transportation to discuss delivery of employment services on military bases. The meeting will address alternative methods of registering active-duty members during the transition process. Registrations would be voluntary and updated annually to accommodate the two-year eligibility period for retiring military personnel. Guidance will be developed and sent to the field concerning the preferred approach for staffing TAP workshops.

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:

The VETS staff chose the DVOP/LVER Information Management System (DLIMS), the Workforce Investment Act (WIA) and the Wagner-Peyser Act to use as the basis to determine and define administrative costs. An information paper is being developed. A meeting will be held with State and Federal staff to discuss options. A recommendation will be developed and submitted to the VETS National Office for final approval.

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.
- Perform the ASVET Review during March 2003.
- Perform the Solicitor Review during March 2003.

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. Current focus is on hiring the Director.

MAJOR MILESTONES:

- Hire Director by May 2003.
- 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 on-line access to case managers for veterans.

PROGRESS TO DATE:

A meeting was held to address the components of the Internet-based, One-Stop System for services to veterans. During February 2003, the VETS Executive Staff was briefed regarding the objectives and the overall plan for this task and gave approval to proceed as planned.

Development for a website for the Veterans' Electronic One-Stop is in the early planning stage. VETS anticipates that the website will draw heavily from the services and content provided in the suite of tools of the CareerOneStop portal. To ensure easy access to available services, the Electronic Veterans' One-Stop may also use the functionality developed for the CareerOneStop Coach.

MAJOR MILESTONES:

- Demonstrate the website to the VETS' Executive Staff by February 2004. - *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. Formulate and disseminate a draft regulation on a national threshold for the Entered Employment Rate for veterans.
3. Complete required procedures for Departmental and Office of Management and Budget (OMB) approval of draft and final regulations.
4. Draft the final regulation.
5. Publish the final regulation.

PROGRESS TO DATE:

VETS explored 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. Internal meetings with the Office of the Solicitor and with the VETS' Executive staff addressed the advantages and disadvantages of the available methodologies. 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.

MAJOR MILESTONES:

- Obtain a Regulation Information Number by March 2003. - *Completed*
- Submit the VETS' plans to initiate regulatory action to the Department of Labor's Policy and Planning Board by April 2003.
- Develop a draft text of the proposed Interim Final Rule approval by April 2003.
- Obtain departmental clearance for the publication of the Interim Final Rule by May 2003.
- Publish the Interim Final Rule 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.