

## VETS Fact Sheet 1

### Employment Services for Veterans

The Department of Labor's Veterans' Employment and Training Service (VETS), through cooperative efforts with, and grants to, each state, offers employment and training services to eligible veterans through two principal programs:

Disabled Veterans' Outreach Program.

Local Veterans' Employment Representatives Program.

#### Disabled Veterans' Outreach Program

Disabled Veterans' Outreach Program (DVOP) specialists develop job and training opportunities for veterans, with special emphasis on veterans with service-connected disabilities. DVOP specialists provide direct services to veterans enabling them to be competitive in the labor market. They provide outreach and offer assistance to disabled and other veterans by promoting community and employer support for employment and training opportunities, including apprenticeship and on-the-job training.

DVOP specialists work with employers, veterans' organizations, the Department of Veterans' Affairs and Defense, and community-based organizations to link veterans with appropriate jobs and training opportunities.

DVOP specialists serve as case managers for veterans enrolled in federally-

funded job training programs such as the Department of Veterans Affairs' Vocational Rehabilitation program, and other veterans with serious disadvantages in the job market. DVOP specialists are available to those veterans and their employers to help ensure that necessary follow up services are provided to promote job retention.

The Department of Labor provides grant funds to each state's employment service to maintain DVOP specialist positions in the state. The staffing formula and current appropriations level support about 1,400 DVOP specialists nationally. DVOP specialists are employees of the state and are generally located in state employment service offices. About one-quarter are stationed full- or part-time in locations other than employment service offices.

DVOP specialists may be stationed at regional offices and medical or veterans' Outreach centers of the Department of Veterans' Affairs, state or county veterans' service offices, Job Training Partnership Act program offices, community-based organizations, and military installations.

To contact a DVOP specialist, call or visit the nearest State Employment Service (sometimes known as Job Service) agency listed in the State Government section your phone book.

Local Veterans' Employment Representatives

Local Veterans' Employment Representatives (LVERs) are state employees located

in state employment service local offices to provide assistance to veterans by:

supervising the provision of all services to veterans furnished by employment service employees, including counseling, testing, and identifying training and employment opportunities;

monitoring job listings from federal contractors to see that eligible veterans get priority in referrals to these jobs;

monitoring federal department and agency vacancies listed at local state employment service offices and preliminary processing of complaints from veterans about the observance of veterans' preference by Federal employers;

promoting and monitoring the participation of veterans in federally-funded employment and training programs;

cooperating with the Department of Veterans' Affairs to identify and aid veterans who need work-specific prosthetic devices, sensory aids or other special equipment to improve their employability; and

contacting community leaders, employers, unions, training programs and veterans' service organizations to be sure eligible veterans get the services to which they are entitled.

Usually, one full-time LVER is allocated to local employment service offices for

each 1,100 or more veterans who registered for assistance in the preceding year.

One half-time LVER is allocated to offices at which at least 350 veterans registered for help. This formula and the current appropriation level for the program support about 1,300 LVERs employed nationwide. State Employment Service Agency management may deviate from the allocation formula in the actual assignment of positions to specific locations.

For more information about Department of Labor employment and training programs for veterans, contact the VETS office nearest you, listed in the phone book in the United States Government under the Labor Department or visit our site:

<http://www.dol.gov/vets/aboutvets/contacts/main.htm>.

Fact Sheet VETS - 02

#### TRANSITION ASSISTANCE PROGRAM:

The Transition Assistance Program (TAP) was established to meet the needs of separating service members during their period of transition into civilian life by offering job-search assistance and related services.

The law creating TAP established a partnership between the Departments of Defense, Veterans Affairs, Transportation and the Departments of Labor's Veterans' Employment and Training Service (VETS), to give employment and training information to armed forces members within 180 days of separation or retirement.

TAP helps service members and their spouses make the initial transition from military service to the civilian workplace with less difficulty and at less overall cost to the government. An independent national evaluation of the program estimated that service members who had participated in TAP, on average, found their first post-military job three weeks sooner than those who did not participate in TAP.

TAP consists of comprehensive three-day workshops at selected military installations nationwide. Professionally-trained workshop facilitators from the State Employment Services, military family support services, Department of Labor contractors, or VETS' staff present the workshops.

Workshop attendees learn about job searches, career decision-making, current occupational and labor market conditions, and resume and cover letter preparation and interviewing techniques. Participants also are provided with an evaluation of their employability relative to the job market and receive information on the most current veterans' benefits.

Service members leaving the military with a service-connected disability are offered the Disabled Transition Assistance Program (DTAP). DTAP includes the normal three-day TAP workshop plus additional hours of individual instruction to help determine job readiness and address the special needs of disabled veterans.

Although experience shows that veterans generally enjoy a favorable employment rate in the nation's job market, many veterans initially find it difficult to compete successfully in the labor market. The TAP program addresses many barriers to success and alleviates many employment related difficulties.

Fact Sheet VETS - 03

#### JOB RIGHTS FOR VETERANS AND RESERVE COMPONENT MEMBERS

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA 38 U.S.C. 4301-4333)

The Department of Labor, through the Veterans' Employment and Training Service (VETS), provides assistance to all persons having claims under USERRA,

The Uniformed Services Employment and Reemployment Rights Act (USERRA) clarifies and strengthens the Veterans' Reemployment Rights (VRR) Statute.

USERRA continues the protection of civilian job rights and benefits for veterans and members of Reserve components. However, USERRA makes major improvements in protecting service member rights and benefits by clarifying the law, improving enforcement mechanisms, and providing Federal Government employees with Department of Labor assistance in processing claims.

USERRA expands the cumulative length of time that an individual may be absent from work for military duty and retain reemployment rights to five years (the previous law provided four years of active duty, plus an additional year if it was for the convenience of the Government). There are important exceptions to the five-year limit, including initial enlistments lasting more than five years, periodic National Guard and Reserve training duty, and involuntary active duty extensions and recalls, especially during a time of national emergency. USERRA clearly establishes that reemployment protection does not depend on the timing, frequency, duration, or nature of an individual's service as long as the basic eligibility criteria are met.

USERRA provides enhanced protection for disabled veterans, requiring employers to make reasonable efforts to accommodate the disability. Service members convalescing from injuries received during service or training may have up to two years to return to their jobs.

USERRA provides that returning service-members are reemployed in the job that they would have attained had they not been absent for military service (the long-standing "escalator" principle), with the same seniority, status and pay,

as well as other rights and benefits determined by seniority. However, USERRA also requires that reasonable efforts (such as training or retraining) be made to enable returning service members to refresh or upgrade their skills to help them qualify for reemployment. The law clearly provides for alternative reemployment positions if the service member cannot qualify for the "escalator" position.

USERRA also reaffirms and clarifies that while an individual is performing military service, he or she is deemed to be on a furlough or leave of absence and is entitled to the non-seniority rights accorded other individuals on non-military leaves of absence.

Health and pension plan coverage for service members is clarified under USERRA. Individuals performing military duty of more than 30 days may elect to continue employer sponsored health care for up to 18 months; however, they may be required to pay up to 102 percent of the full premium. For military service of less than 31 days, health care coverage is provided as if the service member had remained employed. USERRA clarifies pension plan coverage by making explicit that all pension plans are protected.

The period an individual has to make application for reemployment or report back to work after military service is now based on time spent on military duty; not on the category of service performed. For service of less than 31 days, the service member must return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an eight-hour rest period. For service of

more than 30 days but less than 181 days, the service member must submit an application for reemployment within 14 days of release from service. For

service of more than 180 days, an application for reemployment must be submitted within 90 days of release from service.

USERRA also requires that service members provide advance written or verbal notice to their employers for all military duty unless giving notice is impossible, unreasonable, or precluded by military necessity. Additionally, service members are able (but are not required) to use accrued vacation or annual leave while performing military duty.

The Department of Labor, through the Veterans' Employment and Training Service (VETS) provides assistance to all persons having claims under USERRA, including Federal and Postal Service employees.

If resolution is unsuccessful following an investigation, the service member may have his or her claim referred to the Department of Justice for consideration of representation in the appropriate District Court, at no cost to the claimant. For the first time, if violations under USERRA are shown to be willful, the court may award liquidated damages. Federal and Postal Service employees may have their claims referred to the Office of Special Counsel for consideration of representation before the Merit Systems Protection Board (MSPB). Individuals who pursue their own claims in court or before the MSPB may be awarded reasonable attorney and expert witness fees if they prevail.

Service member employees of intelligence agencies are provided similar

assistance through the agency's Inspector General.

Fact Sheet VETS - 04

### Homeless Veterans' Reintegration Project

The purpose of The Homeless Veterans Reintegration Project (HVRP) is to "expedite the reintegration of homeless veterans into the labor force." It was authorized under Section 738 of the Stewart B. McKinney Homeless Assistance Act in July 1987. Funds are awarded competitively to units of State or local governments, Private Industry Councils, and nonprofit organizations.

Grantees provide an array of services directly and through linkages in the local community. The program is employment focused and veterans receive the employment and training services they need to reenter the labor market. Job counseling, resume preparation, job development and placement are among the services that may be provided. Supportive services such as clothing, shelter, referral to medical or substance abuse treatment, and transportation assistance are also provided to meet the needs of this target group. Since its inception, HVRP has featured an outreach component using veterans who themselves have experienced homelessness. In recent years this requirement was modified to allow the projects to utilize formerly homeless veterans in other positions where there is direct client contact if outreach was not needed extensively, such as counseling, peer coaching, and intake and follow up.

The emphasis on helping homeless veterans get and retain jobs is enhanced through linkages and coordination with veterans' services programs and organizations such as the Disabled Veterans' Outreach Program and Local Veterans' Employment Representatives in the State Employment Security/Job Service Agencies or the newly instituted workforce development systems, Workforce Investment Boards, One-Stop Centers, Veterans' Workforce Investment Program, the American Legion, Disabled American Veterans, Veterans of Foreign Wars and the Departments of Veterans' Affairs, Housing and Urban Development and Health and Human Services.

Fact Sheet VETS - 05

#### VETERANS' WORKFORCE INVESTMENT PROGRAM (VWIP)

The statutory intent of the Workforce Investment Act, Section 168, Veterans' Workforce Investment Programs, is to support employment and training programs, through grants or contracts, program to meet the needs for workforce investment activities of veterans with service-connected disabilities, veterans who have significant barriers to employment, veterans who served on active duty in the armed forces during a war or in a campaign or expedition for which a campaign badge has been authorized, and recently separated veterans.

The VWIP program is administered by the Office of the Assistant Secretary for Veterans' Employment and Training (OASVET). The annual funding for Veterans' Workforce Investment Programs (VWIP) is authorized through the budget and appropriation processes. The Program Year (PY) 2000 (July 1, 2000 - June 30, 2001) funding level for these specialized veterans' employment and training programs was \$7.3 million. Most of the appropriated funds are used to support two-year grants awarded to entities designated by States' Governors through a competitive, Solicitation-of-Grant Applications (SGA) process conducted in even-numbered years.

The PY 2000 competitive process allowed for two-year grant programs, the second year funding is based on performance and availability of funds. Of the PY 2000, VWIP funds, \$6.2 million was provided to Ten (10) States. The intent of VWIP is to provide employment and training services to eligible veterans in the attempt to place veterans into gainful employment.

These programs can provide for, but are not limited to training (formal classroom or on-the-job training), retraining, job placement assistance, and support services, including testing, counseling. Grantees may choose to supplement the core training by offering other services that also enhance the employability of participants. These programs complement services generally provided by States through mainstream WIA program operators under Title 1, and the Wagner-Peyser Act.

Veterans may also be eligible for services under other WIA titles that assist

economically disadvantaged or dislocated workers with employment, training, and other workforce development services. The programs provided by unsolicited proposals are accepted by the OASVET for consideration for award of any remaining funds. VWIP allow for specialized employment, training and educational resources to be tailored to meet the needs of the specific target populations of veterans served. In many programs, minority, female, economically disadvantaged, homeless and/or disabled veterans can be targeted to receive these specialized resources. Projects that enhance direct veterans' training-related services, that emphasize service to sub-categories of the eligible veterans target groups, and demonstration or research projects that are considered unique or innovative receive priority consideration.

Fact Sheet VETS - 06

#### FEDERAL CONTRACTOR PROGRAM

Any contractor or subcontractor with a contract of \$25,000 or more with the Federal Government must take affirmative action to hire and promote qualified targeted veterans which includes, special disabled veterans, veterans of the Vietnam-era, recently separated veterans, and any other veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized.

Contractors and subcontractors with openings for jobs, other than executive or

top management positions, positions which are to be filled from within the contractor's organization, and positions lasting 3 days or less, must list them with the nearest State Job Service (also known as State Employment Service) office. The requirement applies to vacancies at all locations of a business not otherwise exempt under the company's Federal contract. Qualified targeted veterans receive priority for referral to Federal contractor job openings listed at those offices. The priority for referral does not guarantee that referred veterans will be hired.

Federal contractors are not required to hire those referred, but must have affirmative action plans. Contractors with at least 50 employees and a contract of \$50,000 or more must have a written affirmative action plan. They must be able to show they have followed the plans and that they have not discriminated against veterans or other covered groups. They must also show that they have actively recruited targeted veterans and disseminated all promotion information internally regarding promotion activities.

Companies must file an annual VETS-100 report, which shows the number of targeted veterans in their work force by job category, hiring location, and number of new hires, including targeted veterans hired during the reporting period and the maximum number and minimum number of employees of such contractor during the period covered by the report. Instructions, information and follow-up assistance is provided at VETS-100 Internet site at <http://vets100.cudenver.edu/> or employers may contact the VETS-100 Processing Center at (703) 461-2460 or e-mail at <mailto:helpdesk@vets100.com> .

For information about how to list a job opening, contact the nearest State Job Service office listed in the telephone book.

#### Frequently Asked Questions

For copies of Affirmative Action Obligations of Contractors and Subcontractors for Disabled Veterans and Veterans of the Vietnam Era, Rules and Regulations, contact:

Office of Federal Contract Compliance Programs

Employment Standards Administration

200 Constitution Ave., NW

U.S. Department of Labor

Washington, D.C. 20210

Fact Sheet VETS - 08

#### VETERANS' PREFERENCE

The U. S. Government has laws to assist veterans who seek Federal employment from being penalized for their time in military service. Veterans who are disabled or who served on active duty in the Armed Forces during certain specified time periods or in military campaigns are entitled to preference over others in hiring from competitive lists of eligibles and also in

retention during reductions in force. Preference applies in hiring for virtually all jobs, whether in the competitive or excepted service. The Office of Personnel Management (OPM) administers entitlement to veterans' preference in Federal employment under title 5, United States Code, and oversees other statutory employment requirements in title 5 and 38. However, the veterans' preference laws do not guarantee veterans a job, nor do they give veterans preference in internal agency actions such as promotion, transfer, reassignment and reinstatement.

For more specific information on veterans' preference, OPM has developed the VetsInfo Guide. This guide explains how the Federal employment system works and how veterans' preference and the special appointing authorities for veterans operate within the system. It is available on the Internet at:

<http://www.opm.gov/veterans/html/vetsinfo.htm>

Veterans' preference administrative redress

The Veterans Employment Opportunities Act (VEOA) of 1998 provides that a veteran or other preference eligible person who believes that his or her rights under any law or regulation related to veterans' preference have been violated may file a written complaint with the U. S. Department of Labor's Veterans' Employment and Training Service (VETS). If a person believes his or her eligibility for preference in the Federal government is not being extended for the purposes of hiring or a Reduction in Force (RIF), that person may file a complaint, in writing, to VETS, within 60 days of the

alleged violation. If VETS finds the case to have merit, we will make every effort to resolve it. If resolution cannot be achieved within 60 days, the claimant may appeal to the Merit Systems Protection Board (MSPB), at which time VETS ceases all investigative activity. However, in cases where VETS is making progress and the claimant does not choose to appeal to the MSPB, investigative and resolution efforts by VETS may be continued indefinitely. If VETS determines the complaint to be without merit, the claimant still retains the right to appeal to the MSPB following receipt of the no-merit determination. If the MSPB has had such an appeal for 120 days and has not issued a judicially reviewable decision, the claimant may file a claim in the U. S. District Court, at which time MSPB will cease all activity on the claim. If the MSPB or the District Court find for the claimant, they may order the agency to comply with the applicable provisions of law and award compensation for any loss of wages or benefits.

A failure by a government official to knowingly fail to comply with veterans' preference requirements is now treated as a prohibited personnel practice (PPP). However, in the case of this particular PPP, the law stipulates that "corrective action" for the claimant (for example, reinstatement, back wages) is not available . Therefore, a claimant should go through the redress process with VETS first, in order to obtain the remedies discussed above. Following the redress process and after the claimant has been "made whole", then the case can go to the Office of Special Counsel (OSC) as a potential PPP. VETS does not investigate PPP cases. Information on OSC procedures and how to file a claim may be found at: <http://www.osc.gov>

## National Veterans' Training Institute

The U.S. Department of Labor, through the Office of the Assistant Secretary for Veterans' Employment and Training (OASVET), established the National Veterans' Training Institute in 1986 to provide specialized training and professional skills enhancement of State Employment Security Agency and other veterans' service providers' staff.

To perform most effectively, veterans' services specialists require specialized training; and State Employment Security Agencies' local job service office and other program management staff need more generalized training. The NVTI strives to meet both needs.

The NVTI basic training focuses on improving employment services for veterans through a professional skills-development program. About 70 percent of participants are Disabled Veterans' Outreach Program specialists and Local Veterans' Employment Representatives; the remaining participants are state employees and administrative staff, Federal employees and others involved with veterans' employment and training issues.

The NVTI training curriculum is designed to ensure that participants are trained

in competencies that meet customers' needs. In addition to the basic employment and training professional-skills course, training is offered in veterans' benefits, transition assistance, case management, marketing and accessing the media, and management of veterans' services. NVTI also offers courses in veterans' reemployment rights case investigation and grants management, to address the training needs of the U.S. Department of Labor Veterans' Employment and Training Service (VETS) staff.

The University of Colorado at Denver operates the NVTI under a competitively-awarded contract with VETS. Classes are delivered in a variety of modes, including residential weeks in Denver and selected locations around the country, and via distance learning approaches. NVTI courses are accredited by the North Central Association of Colleges and Universities; satisfactory course completion can earn participants two hours of academic credit per average five-day course.

NVTI's administrative office in Denver houses the Resource and Technical assistance Center (RTAC), a repository for a variety of materials and information resources on veterans' issues and services that offers on-going support for individuals who have completed NVTI training.

