



May 3, 2000

VETERANS' PROGRAM LETTER NO. 07-00

TO: ALL REGIONAL ADMINISTRATORS, DIRECTORS AND ASSISTANT  
DIRECTORS FOR VETERANS EMPLOYMENT AND TRAINING  
ALL STATE EMPLOYMENT SECURITY AGENCY  
ADMINISTRATORS (SESA)  
ALL REGIONAL ADMINISTRATORS, EMPLOYMENT AND  
TRAINING ADMINISTRATION (INFO)

FROM:  ESPIRIDION (AL) BORREGO

SUBJECT: Procedures to be followed when filling vacant Disabled Veterans' Outreach Program (DVOP) Specialist and/or Local Veterans' Employment Representative (LVER) positions, and when filling positions as a result of a Reduction-in-Force (RIF).

I. Purpose: Procedures are being restated to ensure compliance and conformity with statutory changes.

II. References: Public Law 100-323, Veterans' Employment, Training and Counseling Amendments of 1988, signed May 20, 1988; Public Law 105-368, The Veterans' Program Enhancement Act of 1998, signed November 11, 1998; Title 38 of the United States Code (U.S.C.) section(s) 4101(5), 4103 (a)(1), section 4104(a)(1), and 4104(a)(1)(2)(A); Veterans' Program Letter (VPL) 10-89 DVOP/LVER Staff Assignment/Appointments, dated May 25, 1989; VPL 2-99, DVOP Formula and Appointment Criteria dated December 18, 1998; the Solicitation for Grant Applications (SGA) issued June 20, 1997; and Revised Special Grant Provisions for Fiscal Year (FY) 2000 (October 1, 1999 - September 30, 2000), Sections A.1., A.6., B.2., B.6. and B.7.

III. Background: Since 1988, there have been several statutory changes (referenced above) impacting the procedures for filling, displacing and eliminating DVOP/LVER staff positions. Special Grant Provisions have been revised, and VPLs have been issued to inform States of ongoing obligations and to reflect any changes in procedures regarding these issues.

IV. Guidance:

1. Preference shall be given in the following order for the appointment/assignment of DVOP Specialist to:
  - a. Qualified Disabled Veterans
  - b. Other Qualified Veterans

DVOP Specialists may be assigned or appointed only after consultation with the Director for Veterans' Employment and Training (DVET). The DVET will ensure that only qualified disabled veterans are assigned or appointed to DVOP positions unless a waiver has been approved. States may not consider non-disabled veterans for DVOP vacancies without prior written approval from the Assistant Secretary for Veterans' Employment and Training (ASVET). To receive such approval, States must request a waiver, through their DVET, demonstrating that exhaustive efforts have been made to identify qualified disabled veteran candidates for the position(s) and that there are no qualified disabled veterans available for or interested in the vacant DVOP position(s). After review, the DVET will forward the waiver request to the RAVET, along with his/her recommendation. The RAVET will review the request and forward, along with his recommendation, to the ASVET for a decision.

2. Preference shall be given in the following order for the assignment/appointment of LVERs:
  - a. Qualified service-connected disabled veterans
  - b. Qualified eligible veterans; and
  - c. Qualified eligible persons (e.g. spouses of any persons who were killed in action or who died of service-connected disabilities; spouses of certain active duty individuals forcibly detained or listed as missing in action (MIA); or spouses of 100% disabled veterans - See Title 38 USC Section 4101(5)).

LVER staff may be assigned or appointed only after consultation with the DVET. The DVET will ensure that only qualified, and eligible veterans (or other eligible persons) are assigned or appointed to LVER positions.

3. Procedures to be followed in a RIF affecting DVOP Specialists:

In a RIF, a DVOP Specialist duly appointed by a State merit/civil service system can only be displaced by a more senior employee of the same or higher veterans' priority group. If qualified, such senior individuals may assume the DVOP Specialist positions only after consultation with and full knowledge of the DVET.

4. Procedures to be followed in a RIF affecting LVER Specialists:

In a RIF, full-time/half-time LVER Specialists duly appointed by a State merit/civil service system can only be displaced by more senior employees of the same or higher veterans' priority group, as provided in item 2. above and in paragraph B.2, of the Special Grant Provisions. Such qualified senior individuals may assume LVER positions only after consultation with the DVET. In addition, when any employee who was assigned LVER duties on a full-time or half-time basis without the distinct civil service title, is displaced in a RIF or similar action, the LVER position immediately becomes vacant.

The displacing individual does not necessarily become the designated LVER. The SESA should follow its established posting and or recruitment process for filling any vacant LVER position until a qualified current or newly hired employee of the highest possible veterans' preference level is selected following DVET consultation.

5. To facilitate the provision of veterans' preference in appointment/assignment of DVOP/LVER staff, it is suggested that each Grantee maintain registers (lists) of available first, second and third preference candidates for each of the job classifications. This is particularly important for States whose Civil Services laws already require the appointment of DVOP/LVER staff from a certified register of eligibles or States that have traditionally experienced high staff "turnover" rates.

V. Actions Required:

1. DVET must be consulted prior to the assignment, appointment or RIF affecting any DVOP/LVER staff or positions.
2. The Grantee must provide to the RAVET, through the DVET, any request with justification for approval to fill a DVOP position with a non-disabled veteran.
3. The RAVET will review the Grantee's request for filling a DVOP position with a non-disabled veteran and forward the request, with his recommendation, to the ASVET for a decision.
4. States will consult with VETS staff to ensure State personnel procedures conform to this guidance.

VI. Inquiries: SESA inquiries should be addressed to the appropriate DVET. DVETs will address their inquiries through their RAVET to Joel Delofsky at the Chicago Regional Lead Center at (312) 353-4932 or to Miguel Hernandez in VETS National Office at (202) 693-4708.

VII. Expiration Date: September 30, 2005, or until otherwise rescinded.

