



December 18, 1998

VETERANS' PROGRAM LETTER NO. 2-99

TO: ALL REGIONAL ADMINISTRATORS AND DIRECTORS FOR
VETERANS' EMPLOYMENT AND TRAINING
ALL STATE EMPLOYMENT SECURITY AGENCY
ADMINISTRATORS (SESA)
ALL STATE OFFICES OF WORKFORCE DEVELOPMENT
ALL ONE-STOP SYSTEM COORDINATORS
ALL REGIONAL ADMINISTRATORS, EMPLOYMENT AND
TRAINING ADMINISTRATION (INFO)

FROM: 
ESPIRIDION (AL) BORREGO

SUBJECT: DVOP Formula and Appointment Criteria

I. PURPOSE: To inform SESAs, Workforce Development Agencies, and field staff of the Veterans' Employment and Training Service (VETS) of an amendment to the formula and appointment criteria for staff of the Disabled Veterans' Outreach Program (DVOP). This amendment is part of Public Law 105-368, enacted and effective on Veterans' Day, November 11, 1998.

II. REFERENCES: Public Law (P.L.) 105-368, The Veterans' Programs Enhancement Act of 1998, signed November 11, 1998; Title 38, United States Code (38 U.S.C.), Section 4103A (a)(1); Veterans' Program Letter (VPL) 10-89, dated May 25, 1989; and Solicitation for Grant Applications (SGA), issued June 20, 1997.

III. BACKGROUND: The Veterans' Programs Enhancement Act of 1998, signed November 11, 1998 brought about some significant changes to Chapter 41 of Title 38 (38 U.S.C.). Two of the most significant changes to Section 4103A (a) (1) are the calculation of the formula level for the DVOP and the appointment order of preference when filling vacant DVOP specialist positions.

Section 4103A (a) (1) read "...one disabled veterans' outreach program specialist for each 6,900 veterans residing in such State who are either veterans of the Vietnam era, veterans who first entered on active duty as a member of the Armed Forces after May 7, 1975, or disabled

veterans.” The basis for determining the formula level for each State was simplified by P.L. 105-368 to one based upon the number of working age veterans residing within each State. The P.L. identifies this age range as between the ages of twenty and sixty-four. This section of Title 38 now reads one DVOP specialist “...for each 7,400 veterans who are between the ages of 20 and 64 residing in such State.

In addition, the sentence “Preference shall be given in the appointment of such specialists to qualified disabled veterans of the Vietnam era.”, was broadened to read: “Preference shall be given in the appointment of such specialists to qualified disabled veterans.”, providing all qualified disabled veterans the same level of preference for vacant DVOP positions. To conform to this change, the following sentence was deleted from this Title 38 section: “If the Secretary finds that a qualified disabled veteran of the Vietnam era is not available for any such appointment, preference for such appointment shall be given to other qualified disabled veterans.”, but the following sentence was retained: “If the Secretary finds that no qualified disabled veteran is available for such appointment, such appointment may be given to any qualified veteran.”

IV. GUIDANCE: The changes in Section 4103 (a) (1) will be effective immediately. States will provide first level preference in filling any vacant DVOP position to all qualified disabled veterans. States may not consider non-disabled veterans for DVOP vacancies without prior written approval from the Regional Administrator for Veterans’ Employment and Training (RAVET). To receive such approval, States must request a waiver demonstrating that there are no qualified disabled veterans available or interested in the vacant DVOP position. Note that Title 38 still requires that each DVOP “specialist shall be a qualified veteran.”

VETS will, prior to FY-2000, issue a Veterans’ Program Letter reflecting changes in the current grant agreement and formula levels as a result of P.L. 105-368. States should note that the actual distribution of funds for DVOP Program will be limited by amounts appropriated to this Program.

V. ACTIONS REQUIRED: A. States will ensure that DVOP selection and hiring practices and procedures are changed to conform to the guidance provided in section IV of this VPL, above. States will provide their Director, Employment and Training Service (DVET) with evidence of this change as soon as it is implemented, but no later than March 31, 1999.

B. DVETs will meet with their State agency to ensure that the grantee understands the changes in the recruitment, selection and appointment criteria for DVOP specialists.

C. RAVETs will retain copies of any approved requests for waiver.

VI. INQUIRIES: Inquiries should be addressed to the appropriate DVET or RAVET, as applicable. RAVETs may contact Stan Seidel of the National Office at (202) 219-9105.

EXPIRATION DATE: September 30, 2000.