

Disability Agency Profile

January 27, 1995

MEMORANDUM TO: CAROL RASCO
Assistant to the President for
Domestic Policy

ALICE RIVLIN
Director
Office of Management and Budget

FROM: BERNARD E. ANDERSON
Assistant Secretary

SUBJECT: Information Requested from Agencies
Within Department of Labor

In response to your January 18, 1995 memorandum I am including a memorandum for each of the agencies who have programs dealing with disabilities. The agencies involved include Office of the Assistant Secretary for Administration and Management (OASAM), Assistant Secretary Cynthia Metzler, Veteran's Employment and Training Service (VETS), Assistant Secretary Preston Taylor, Employment and Training (ETA), Assistant Secretary Douglas Ross, Wage and Hour Division (WHD), Administrator Maria Echaveste and Office of Federal Contract Compliance Programs (OFCCP), Deputy Assistant Secretary Shirley Wilcher.

If there are any follow up questions or information that you may need, please contact Gene Karp, Deputy Assistant Secretary for Employment Standards Administration at (202) 219-6191.

Attachments

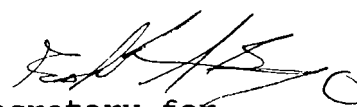
U.S. Department of Labor

Office of the Assistant Secretary for
Veterans' Employment and Training
Washington, D.C. 20210



MEMORANDUM FOR: BERNARD E. ANDERSON
 Assistant Secretary for
 Employment Standards

ATTENTION: GENE KARP

FROM: ESPIRIDION BORREGO 
 Deputy Assistant Secretary for
 Veterans' Employment and Training

SUBJECT: Programs Serving Individuals with Disabilities

The Office of the Assistant Secretary for Veterans' Employment and Training welcomes the opportunity to describe the programs and services available to individuals with disabilities through the Veterans' Employment and Training Service (VETS). VETS programs and services are authorized by law and funded through the annual appropriations process. Services to veterans are provided directly by VETS' staff or through grants to State and/or local service providers. Although VETS serves all veterans and other eligible persons, many legislated programs specifically target disabled veterans or special disabled veterans.

A disabled veteran is essentially defined as a veteran qualified to receive disability compensation from the Department of Veterans Affairs (VA), receives disability retirement from active military service, or was released from active duty due to a service-connected disability. Special disabled veterans are individuals entitled to VA disability compensation rated at 30% or more, or who qualify for vocational rehabilitation services provided by the VA. Many of VETS programs and activities described on the attached pages describe services to be provided to or on behalf of disabled veterans as required by law.

VETS also serves National Guard members and reservists who are injured or disabled during a period of active duty. VETS provides direct reemployment assistance to separating military and members of reserve components and the National Guard as authorized by the Uniformed Services Employment and Reemployment Rights Act (USERRA). Individuals released from active duty may have the legal right to return to the job they left. If a disability was incurred or aggravated that disqualifies an

individual from continuing employment in the same job they had prior to active duty they may have further rights. VETS assists employers and veterans (once able to return to work) to secure necessary accommodations to continue in their previous position, or in any other position of similar seniority, status and pay for which they can now, or after some rehabilitation or retraining, qualify.

It is important to recognize that Department of Labor VETS staff are instrumental in preserving veterans' reemployment rights with no need for additional funds. Similarly, in many of the programs described below, much of the direct labor exchange and other client services are provided by VETS funded State staff with little additional discrete funding necessary to perform those services.

The following pages contain detailed descriptions of VETS programs (identified by the respective Catalog of Federal Domestic Assistance (CFDA) number), activities and services which significantly impact the employment status of those individuals who are defined as disabled veterans. The descriptions include the Disabled Veterans' Outreach Program (DVOP); the Local Veterans' Employment Representative (LVER) program; programs authorized and funded through Title IV, Part C, of the Job Training Partnership Act (JTPA IV-C); services through Homeless Veterans' Reintegration Projects (HVRP) authorized under the Stewart B. McKinney Homeless Assistance Act; the Service Members' Occupational Conversion and Training Act (SMOCTA) program and the Federal Contractor Job Listing (FCJL) component to the Federal Contractor Program (FCP).

The attached summaries are composed following the guidance contained in the attachment to the White House Memorandum to Members of the National Disability Policy Review Team.

Attachments

- **U.S. Department of Labor, Veterans' Employment and Training Service, 17.801 - Disabled Veterans' Outreach Program**

- Formula staffing grants authorized under 38 U.S.C. 4103A., with funding from the Unemployment Trust Fund, awarded annually to States to staff and support a set number of Disabled Veterans' Outreach Program (DVOP) Specialists determined by formula and available funding. The primary intent of the program is to provide jobs and job training opportunities for disabled and other veterans. DVOP Specialists provide direct client services, using a case management approach whenever applicable, that include outreach to disabled veterans who may be in need of employability development or labor exchange/job placement services; outreach and job development through individual contacts with employers; vocational guidance, referrals to jobs and to job training openings and referrals for supportive services that assist clients prepare to reenter the civilian labor force. The job duties summarized above are clearly delineated at 38 U.S.C. 4103A (c) . Though attached to local employment service (Job Service) offices, approximately one-quarter of a DVOP specialists' work week covers other appropriate sites such as Department of Veterans Affairs (VA) locations. These Specialists also facilitate Transition Assistance Program/Disabled Transition Assistance Program workshops for separating servicemembers at various military installations.

A disabled veteran is essentially defined at 38 U.S.C. 4211 as a veteran qualified to receive disability compensation from the Department of Veterans Affairs (VA), is receiving disability retirement from active military service, or was released from active duty due to a service-connected disability or due to a disability aggravated during military service. Special disabled veterans are those individuals entitled to VA compensation for a service-connected disability rated at 30% or more, or are disability retired from military service, or who qualify for vocational rehabilitation services provided by the VA.

In accordance with Chapter 41 of Title 38, performance measures are applied to the services provided to veterans and subgroups of veterans at 20 CFR 1001.121, and individual standards of performance are applied by each State to each DVOP specialist (38 U.S.C. 4104A and 20CFR 1001, Subpart E).

- Type of service or benefit provided: Outreach and employment or training-related assistance.
- DVOP specialists' clients are veterans or separating service members who may or may not be disabled. If disabled the extent of disability of each individual may be obtained by the DVOP specialist and may be kept on file (due to ADA guidelines, detailed information is optional), however, the only demographic information approved to be gathered for the disabled veterans' population served is whether they are disabled veterans or special disabled veterans and in which of four age clusters they fall, or whether they are veterans with a handicapping condition that is not service-connected.
- Budgetary authority is provided at 38 U.S.C. 4102A (b) (5) and outlays for Fiscal Year 1994 were \$83,855,000 in obligations which supported approximately 1,772 staff nationally. In Fiscal Year 1995, \$83,601,000 was authorized to fund 1,698 positions.
- Data regarding the services provided by DVOP specialists is collected by States quarterly and compiled on a Program Year basis nationally forty-five days following the end of each Fiscal Year-based grant period. DVOP specialists provide direct client services and information reported reflects the results of their direct efforts. Since DVOP specialists also directly and indirectly provide some assistance to veterans who obtain their own jobs and disabled veterans placed in jobs or training by other Job Service staff, the numbers of disabled veterans placed by the entire Job Service should also be considered.

Disabled Veterans' Outreach Program Page 3

The results of DVOP and total Job Service efforts are displayed below:

SERVICES	DVOP SPECIALISTS		ALL JOB SERVICE	
	Disabled Veterans	Special Disabled	Disabled Veterans	Special Disabled
Registered	69,278	27,609	146,090	54,917
Counseled/ Voc Guidance	6,027 9,210	2,679 3,975	4,392 4,264	7,335 6,800
Referred to Jobs	42,353	16,908	79,222	30,493
Placed in Employment	16,669	6,905	27,258	10,884
Entered Employment	10,935	4,640	38,802	15,389

- The Disabled Veterans' Outreach Program is administered by the State Employment Security Agencies (SESAs). As the grantor agency, the Veterans' Employment and Training Service (VETS) performs quarterly fiscal reviews and analyses, monitors Statewide performance at least quarterly and audits each LESO at least annually.
- The DVOP continues to evolve as the needs of the population and the makeup of the SESA changes. The Case Management approach to delivering client services is being adopted at more and more locations. SESA staffing reductions affect the volume and proportion of all veterans served that are routed to the DVOP specialists. The development of one-stop shopping career centers will necessitate further adjustment to the normal way of conducting DVOP Specialist business.
- The success of the DVOP is well documented and shared by the major veterans' organizations, the Secretary of Labor, the current Administration, the bi-partisan membership of the Committee on Veterans' Affairs of both Houses of Congress, and both the Senate majority and minority leadership.
- For more information contact Deputy Assistant Secretary Espiridion Borrego at (202) 219-9116 or Joel H. Delofsky, Division Chief at (202) 219-9110. ●

- **U.S. Department of Labor, Veterans' Employment and Training Service, 17.802 - Job Training Partnership Act, Title IV, Part C (JTPA IV-C) - Services to Veterans**

- Veterans' Employment Programs are authorized annually under 29 U.S.C. 1520, et. seq. (JTPA) for programs described at 29 U.S.C. 1721, et. seq. JTPA IV-C grants are intended to further the employability of those disabled veterans, Vietnam era veterans and those recently-separated from military service (within the last four years). Funds are competitively awarded to state entities as designated by the Governors, generally JTPA Service Delivery Areas (SDAs) that provide direct client services under the direction of local Private Industry Councils. The primary intent of the program is to provide job training and employment opportunities for eligible veterans and to facilitate attainment of career goals through long term employment.

A disabled veteran is essentially defined as a veteran receiving disability compensation from the Department of Veterans Affairs (VA), receiving disability retirement from active military service, or was released from active duty due to a service-connected disability. Special disabled veterans are those individuals entitled to VA compensation for a service-connected disability rated at 30% or more, or are disability retired from military service, or who qualify for vocational rehabilitation services provided by the VA.

In accordance with the provisions of each grant agreement, performance measures are applied to the services provided through each grant for both fiscal and programmatic activity.

- Type of service or benefit provided: Primarily outreach, assessment training and employment assistance. Vocational guidance, career exploration, and supportive services are also provided. In addition, limited funds are dedicated to research and demonstration pilot projects generally of National impact with the intent of testing and developing innovative improved service delivery designs and processes..

- JTPA IV-C grantees/service providers primarily deliver employment and training services to eligible veterans, including disabled veterans,. as well as establishing linkages with other supportive service resources such as DVOPs/LVERs, and the Department of Veterans' Affairs (DVA). The nature and extent of disability of an individual applying for service may be obtained by the case worker (or DVOP specialist) during initial assessment and may be kept on file (due to ADA guidelines, detailed information is optional). However, the only demographic information approved to be gathered for this population served is whether they are disabled veterans or special disabled veterans. Although final report data is not yet available, it is anticipated that in Program Year (PY) 1993, ending 6/30/94, approximately 2000 disabled and special disabled veterans were placed in permanent jobs. It is anticipated that similar services will be provided and results achieved in the current PY 1994 programs.
- Budgetary authority is provided at 29 U.S.C. 1520 et. al. For Fiscal Year 1994 \$8,957,000 was authorized which supported grant programs in 41 states and various specialized training services nationally. In Fiscal Year 1995, \$8,880,000 has been authorized to fund these programs. Under the newly implemented competitive award process there will be fewer (14) but larger grants.
- Data regarding the services provided by these programs is collected quarterly and compiled on a Program Year basis nationally at the end of each Program Year-based grant period. Grantee staff provide direct employment and training client services and information reported reflects the results of their direct efforts. Linkage with other state resources is also directly and indirectly provided through design; additional assistance from existing programs (e.g., DVOP/LVER) is provided to veterans as needed.
- The JTPA IV-C programs are administered by the State JTPA Administrative entities, State Employment Security Agencies (SESAs) or other state entities as designated by the Governor. As the grantor agency, the Veterans' Employment and Training Service (VETS) performs quarterly fiscal reviews and analyses, monitors grantee performance no less than quarterly and audits each grantee, on-site, at least once during the period of performance of the grant.

- The Case Management approach to services is being adopted at more and more locations. Although the specific intent of this program is to leverage resources as much as possible to provide services to these eligible veterans which is over and above resources already accessible. Many programs target minority, women and homeless veterans and provide services which result in job placements otherwise not available.

- The success of the JTPA program is well documented and shared by the major veterans' organizations, the Secretary of Labor, the current Administration, the bi-partisan membership of the Committee on Veterans' Affairs of both Houses of Congress, and both the Senate majority and minority leadership.

- For further information contact Deputy Assistant Secretary Espiridion Borrego at (202) 219-9116 or Jeffrey Crandall at (202) 219-9105. ●

- **U.S. Department of Labor, Veterans' Employment and Training Service, 17.803 - Veterans' Reemployment Rights (VRR)**
- This program is operated by VETS' staff within the agency's general administrative budget. In fulfilling the VRR function VETS' resources attempt a right of veterans reservists and National Guard members.

- **U.S. Department of Labor, Veterans' Employment and Training Service, 17.804 - Local Veterans' Employment Representative (LVER) Program**

- This is a formula staffing grant authorized under 38 U.S.C. 4104. Authorized funds from the Unemployment Trust Fund are awarded annually to States to staff and support a set number of Local Veterans Employment Representatives (LVER) staff determined by formula and available funding. The primary intent of the program is to provide jobs and job training opportunities for disabled and other veterans. LVER staff are responsible for the direct provision of employment counseling, vocational guidance, interviewing, job referral, developing employment, apprenticeship, and other on-the-job training opportunities. Using a case management approach to delivering client services they also assist disabled veterans who may be in need of prosthetic equipment or other accommodations to become employable, or provide referrals to supportive services to address barriers to employment and help prepare clients to enter or re-enter the civilian labor force. LVER staff provide functional supervision of all veterans' services within their local office of operations and the preparation of quarterly and year-end program reports (with applicable recommendations). The job duties summarized above are clearly delineated at 38 U.S.C. 4104 (c). Though attached to local employment service (Job Service) offices, LVER staff also facilitate Transition Assistance Program/Disabled Transition Assistance Program workshops for separating service members at various military separation centers.

A disabled veteran is essentially defined at 38 U.S.C. 4211 as a veteran receiving disability compensation from the Department of Veterans Affairs (VA), receives disability retirement from active military service, or was released from active duty due to a service-connected disability. Special disabled veterans are those individuals entitled to VA compensation for a service-connected disability rated at 30% or more, or are disability retired from military service, or who qualify for vocational rehabilitation services provided by the VA.

In accordance with Chapter 41 of Title 38, performance measures are applied to the services provided to veterans and subgroups of veterans (e.g. disabled and Vietnam era veterans) and individual standards of performance are applied by each State to each LVER (38 U.S.C. 4104A).

Local Veterans' Employment Representative Program Page 2

- Type of service or benefit provided: Vocational guidance, employment or training-related assistance, case management.
- LVER staff' clients are veterans or separating service members who may or may not be disabled. If disabled the extent of disability of an iindividual may be obtained by the LVER and may be kept on file (due to ADA guidelines, detailed information is optional). However, the only demographic information approved to be gathered for this population is whether they are disabled veterans or special disabled veterans and in which of four age clusters they fall, or whether they are veterans with a handicapping condition that is not service-connected.
- Budgetary authority is provided at 38 U.S.C. 4102A (b) (5) and outlays for Fiscal Year 1994 were \$ 78,166,000 in obligations which supported approximately 1,524 staff nationally. In Fiscal Year 1995, \$77,593,000 was authorized to fund 1454 positions.
- Data regarding the services provided by LVER staff is collected by States quarterly and compiled on a Program Year basis nationally forty-five days following the end of each Fiscal Year-based grant period. LVER staff provide direct client services and information reported reflects the results of their direct efforts. Since LVER staff also directly and indirectly provide some assistance to veterans and disabled veterans who obtain their own jobs as well as those placed in jobs or training by other Job Service staff, the numbers of disabled veterans placed by the entire Job Service should also be considered.

Local Veterans' Employment Representative Program Page 3

These are displayed below:

SERVICES	LVER staff		ALL JOB SERVICE	
	Disabled Veterans	Special Disabled	Disabled Veterans	Special Disabled
Registered	50,705	20,215	146,090	54,917
Counseled/ Voc Guidance	4,847 6,397	2,251 2,787	16,977 15,793	7,335 6,808
Referred to Jobs	33,436	13,031	79,222	30,493
Placed in Employment	13,063	5,285	27,258	10,884
Entered Employment	8,418	3,536	38,802	15,389

- The Local Veterans' Employment Representative Program is administered by the State Employment Security Agencies (SESAs). As the grantor agency, the Veterans' Employment and Training Service (VETS) performs quarterly fiscal reviews and analyses, monitors Statewide performance no less than quarterly and audits each local service delivery point at least annually.

- LVERs also provide functional supervision over the services provided by other local employment service office (LESO) staff. The Case Management approach to services is being adopted at more and more locations. SESA staffing reductions affect the volume and proportion of all veterans served that are routed to the LVER staff. The development of one-stop shopping career centers may require adjustment to the normal way LVER staff provide functional supervision over other LESO staff.

- The successes of fifty years of LVER services are well documented and shared by the major veterans' organizations, the Secretary of Labor, the current Administration, the bi-partisan membership of the Committee on Veterans' Affairs of both Houses of Congress, and both the Senate majority and minority leadership.

- For further information contact Deputy Assistant Secretary Al Borrego at (202) 219-9116 or Joel H. Delofsky, Division Chief at (202) 219-9110. ●

- **U.S. Department of Labor, Veterans' Employment and Training Service, 17.805 - Homeless Veterans' Reintegration Projects Program**

- This is a categorical grant authorized under the Stewart B. McKinney Homeless Assistance Act and found at 42 U.S.C. 11487. Funds are awarded annually to support a number of Homeless Veterans Reintegration Project (HVRP) grants determined by available funding. The primary intent of the program is to provide jobs and job training opportunities for homeless veterans, some who may also be disabled. HVRP grants provide direct client services, using a case management approach to the provision of services whenever applicable, that include outreach to homeless veterans who will benefit from employability development or labor exchange/job placement services; outreach and job development through individual contacts with employers; vocational guidance, referral to jobs and to job training openings and referrals for supportive services geared toward assisting clients prepare to re-enter the civilian labor force. Though not affiliated with local employment service (Job Service) offices, HVRP grantees receive placement service assistance from DVOP and LVER staff.

- One third of the homeless adult male population are veterans; Federal estimates place 250,000 veterans homeless on any given night. The major priority among homeless veterans is job training and jobs, according to the VA survey compiled in conjunction with recent Summit on Homeless Veterans (February 1994).

- A disabled veteran is essentially defined as a veteran receiving disability compensation from the Department of Veterans Affairs (VA), receives disability retirement from active military service, or was released from active duty due to a service-connected disability. Special disabled veterans are those individuals entitled to VA compensation for a service-connected disability rated at 30% or more, or are disability retired from military service, or who qualify for vocational rehabilitation services provided by the VA.

- Type of service or benefit provided: These grant programs expedite the reintegration of homeless veterans into the labor market, with supportive services and placement into transitional and permanent housing.
- HVRP clients are any veterans who may be considered homeless. If disabled, the extent of disability of an individual may be obtained by the HVRP staff and may be kept on file (due to ADA guidelines, detailed information is optional). In their plans grantees do not have to indicate the number of disabled veterans they plan to serve. The number of disabled veterans actually served is also not available.
- Budgetary authority is provided at 29 U.S.C. 11448 and outlays for Fiscal Year 1994 were \$5,055,000 in obligations which supported thirty-two homeless projects in seventy-five major cities, and six rural areas nationally. These projects have served over 26,000 participants and placed over 10,000 homeless veterans into jobs. In Fiscal Year 1995, \$5,011,000 is authorized to maintain successful grantees for an additional year.
- To the extent that many homeless veterans suffer from substance abuse, they may be disadvantaged in the local labor market, which represents a significant handicap. Many other homeless veterans, particularly combat veterans have been diagnosed with Post Traumatic Stress Disorder (PTSD), and are characterized as disabled veterans, however no hard data is collected on this group. Data regarding the services provided by HVRP operators is collected by VETS quarterly and compiled on a Fiscal Year basis nationally forty-five days following the end of each Fiscal Year-based grant quarter. HVRP operators provide direct client services and information reported reflects the results of their direct efforts. HVRP operators also directly and indirectly provide assistance to disabled veterans who need housing and are able to get their own jobs, and are placed in jobs or training by HVRP projects.

- The Homeless Veterans' Reintegration Projects may be administered by State and local Public agencies, Private Industry Councils, not-for-profit agencies, and other municipalities or rural entities. As the grantor agency, the Veterans' Employment and Training Service (VETS) performs quarterly fiscal reviews and analyses, monitors program-wide performance no less than quarterly and generally audits each program operator annually.
- The HVRP continues to evolve as the needs of the homeless veterans population changes, and the capabilities of the Project providers increase. The Case Management approach to services is being adopted at more and more locations. Funding and program fluctuations affect the volume and proportion of all veterans served that are served by the HVRP operators.
- The success of the HVRP is well documented and shared by the major veterans' organizations, the Secretary of Labor, the current Administration, the bi-partisan membership of the Committee on Veterans' Affairs of both Houses of Congress, and both the Senate majority and minority leadership. The VETS' Homeless Veterans' Reintegration Project model has been successful. It costs about \$1,200 to outreach to, enroll, provide the necessary supportive services, training and transitional housing and get the homeless veteran a job. Reports of the services provided indicate cost effectiveness.
- For further information contact Special Assistant Tom Keefe at (202) 219-9116 or Joel H. Delofsky, Division Chief at (202) 219-9110.●

- **U.S. Department of Labor, Veterans' Employment and Training Service, Service Members' Occupational Conversion and Training Act (SMOCTA) Program**

- SMOCTA is a special initiative to facilitate rapid transition of separating military personnel into the civilian workforce. Monetary incentives are provided to employers to train and retain in employment eligible veterans who either recently separated from military service or are eligible to receive compensation or vocational rehabilitation under the laws of the Department of Veterans Affairs (VA). The funds (approximately \$75,000,000) were derived from the Fiscal Year 1993 Defense Appropriation. At this point in time virtually all the authorized funds have been obligated to employers who have hired or are currently training certified eligible veterans in approved training programs. Although direct client assistance is provided by State staff funded by the Veterans' Employment and Training Service, SMOCTA is administered for the Department of Defense (DoD) by the VA.

- Type of service of benefit provided. Disabled Veterans' Outreach Program (DVOP) Specialists and Local Veterans' Employment Representative (LVER) staff provide technical assistance to employers seeking training program approval and to eligible recently-separated and disabled veterans seeking certification and matching to approved programs.

SMOCTA clients are veterans being released early from the military to obtain employment. Veterans discharged after 2 August 1990, may be eligible for the program. Eligibility extends to individuals who are unemployed at the time of application and had been unemployed for at least fifteen weeks. Employers can receive up to \$10,000 for a trainee's wages during the training period; \$12,000 if the veterans has a service connected disability rating equivalent to 30% or more.

SMOCTA was enacted on October 23, 1992, as part of Public Law 102-484, the National Defense Authorization Act for Fiscal Year 1993 (Title XLIV, Subtitle G). It authorized the Department of Defense to support a program designed to assist separated service members in their integration into the civilian labor force.

The Act, which is codified at 10 U.S.C., Chapter 58, §§ 4481-4495, authorized DOD to enter into agreements with the Departments of Veterans Affairs and Labor to implement the program. A Memorandum of Understanding (MOU) was signed on March 11, 1993 by the three Departmental partners in this program. The Department of Veterans Affairs (VA) serves as the implementing agency, with responsibility for certifying eligible veterans and employers' training programs, and disbursing the on-the-job training payments to employers. The Department of Defense supports the program by providing funding, assisting with public information efforts and inspections or evaluations and coordination of program activities. The Department of Labor provides services to eligible veterans and employers through its DVOP and LVER staff and SESAs, promotes the program, and insures the provision of job development efforts and case management services to veterans participating in the program.

By the end of 1995 over 12,500 veterans have been placed into jobs, but it is unknown how many of those were disabled.

The agencies involved have demonstrated a high degree of cooperation and willingness to work together to resolve and prevent problems and difficulties. The MOU has bonded participating agencies together with the mutual goal to accomplish the objectives of SMOCTA as smoothly, efficiently, and as promptly as feasible.

- **U.S. Department of Labor, Veterans' Employment and Training Service, Federal Contractor Program, Job Listing Component**

- Section 4212 of title 38 U.S.C. requires certain federal contractors to take affirmative action to employ, and advance in employment , qualified special disabled veterans and veterans of the Vietnam-era. The contractors are also required to list all of its suitable openings with appropriate local employment service offices. Job Service staff, including Disabled Veterans' Outreach Specialists and Local Veterans' Employment Representatives, are then required to provide priority in referral for targeted veterans to listed federal contractor job openings.

The Department of Labor's Office of Federal Contract Compliance Programs is responsible for enforcement of the affirmative action and job listing provisions of the law. The Veterans Employment and Training Service (VETS), however, also plays a key role in gathering information about federal contractors and disseminating the data to State Employment Security agencies as well as ensuring referral priorities for special disabled and Vietnam-era veterans are observed. These responsibilities are carried out by continually updating the data base on current federal contractors and by annual on-site reviews of local office performance conducted by VETS field staff.

U.S. Department of Labor

Office of the Assistant Secretary
for Administration and Management
Washington, D.C. 20210



JAN 27 1995

MEMORANDUM FOR SHIRLEY J. WILCHER

FROM:

Annabelle T. Lockhart
ANNABELLE T. LOCKHART

Director

Directorate of Civil Rights

SUBJECT:

Survey of Federal Programs for Individuals With
Disabilities

The attached responds to your memorandum requesting a description of programs for individuals with disabilities. This information has been asked for by the Domestic Policy Council. In addition to the attachment in hard copy, we are providing you with a disc copy of our response.

Attachment

**PROGRAMS BY THE DIRECTORATE OF CIVIL RIGHTS,
U.S. DEPARTMENT OF LABOR**

(This responds to the request for information from the Domestic Policy Council.)

1. A) Identify each program administered by the agency serving individuals with disabilities.

a. Section 504 of the Rehabilitation Act of 1973, as amended.

- **Agency, Bureau, Account and Program Title:** Directorate of Civil Rights (DCR), Office of the Assistant Secretary for Administration and Management; Enforcement of section 504 of the Rehabilitation Act of 1973, as amended.
- **Description of program:** This is an enforcement activity. Recipients of financial assistance from the Department of Labor are prohibited from discriminating on the basis of disability. The protection of section 504 extends to applicants for and participants in funded programs and activities as well as applicants for and employees of funded programs. Programs that receive funding by the Department of Labor include: State Unemployment Insurance and Employment Service programs; State education and enforcement activities funded by the Occupational Health and Safety Administration and the Mine Safety and Health Administration; training and employment programs funded under the Job Training Partnership Act of 1982, as amended, including State programs for economically disadvantaged and dislocated workers, Migrant and Seasonal Farmworkers, Native Americans and Job Corps; and employment and training programs for veterans. Regulations Implementing section 504 are found at 29 CFR part 32 and 29 CFR part 34.
- **Type of service or benefit provided:** Discrimination complaint processing.
- **Number and demographics:** There are no accurate numbers of individuals with disabilities in DOL programs protected by section 504. However, DCR has estimated this number to be 5,096,460. This is based upon an estimate of the total number of participants in and applicants for DOL funded programs (25,391,549) and an estimate of the number of individuals employed in and seeking employment in State and local programs funded by DOL (90,750), and the assumption that 20%¹

^{1/} This estimate is based upon information contained in the Americans with Disabilities Act of 1990.

of these participants, employees and applicants are individuals with disabilities.

- **Budget authority and outlays for FY 1994 and FY 1995:** Enforcement of section 504 is not a specific line item in DCR's budget. DCR's overall FY 1994 budget was \$4,906,000. DCR's FY 1995 estimated budget is \$4,891,000.
- **Nature and frequency of data collected on services/benefits provided and populations served:** Data on the actual number of persons with disabilities served by a recipient is collected only at the time of a compliance review.
- **Roles of Federal and non-Federal entities in administering the program:** Both part 32 and 34 requires each recipient to designate an individual responsible for ensuring that it is complying with section 504 and to establish a recipient-level complaint procedure for the resolution of complaints alleging a violation of section 504.
- **Major administrative and/or programmatic issues currently confronting the program:** None
- **Other information:** None
- **Name, position and telephone number of contact person:** Bud West, Senior Policy Advisor, (202) 219-8927.

b. Partial responsibility for the investigation of complaints alleging violation of Title II of the Americans with Disabilities Act of 1990.

- **Agency, Bureau, Account and Program Title:** Directorate of Civil Rights (DCR), Office of the Assistant Secretary for Administration and Management; Enforcement of Title 28 CFR part 35, Nondiscrimination on the Basis of Disability in State and Local Government Services.
- **Description of program:** This is an enforcement activity. Title II of the Americans with Disabilities Act of 1990 prohibits discrimination on the basis of disability by public entities. Just as with section 504, Title II's protection extend to applicants for and participants in a public entity's programs and activities as well as applicants for and employees of such programs. Title 28 CFR 35.190(b)(7) assigns to the Department responsibility of processing complaints alleging a violation of Title II in "all programs, services, and regulatory activities relating to labor and the work force."

- **Type of service or benefit provided:** Discrimination complaint processing.
- **Number and demographics:** Unknown
- **Budget authority and outlays for FY 1994 and FY 1995:** No specific budget line item for this activity. See above.
- **Nature and frequency of data collected on services/benefits provided and populations served:** None.
- **Roles of Federal and non-Federal entities in administering the program:** Public entities with 50 or more employees are required to designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title II and part 35.
- **Major administrative and/or programmatic issues currently confronting the program:** None.
- **Other information:** None.
- **Name, position and telephone number of contact person:** Bud West, Senior Policy Advisor, (202) 219-8927.

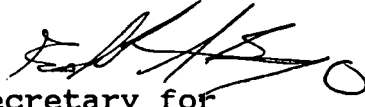
U.S. Department of Labor

Office of the Assistant Secretary for
Veteran's Employment and Training
Washington, D.C. 20210



MEMORANDUM FOR: **BERNARD E. ANDERSON**
 Assistant Secretary for
 Employment Standards

ATTENTION: **GENE KARP**

FROM: **ESPIRIDION BORREGO** 
 Deputy Assistant Secretary for
 Veterans' Employment and Training

SUBJECT: **Programs Serving Individuals with Disabilities**

The Office of the Assistant Secretary for Veterans' Employment and Training welcomes the opportunity to describe the programs and services available to individuals with disabilities through the Veterans' Employment and Training Service (VETS). VETS programs and services are authorized by law and funded through the annual appropriations process. Services to veterans are provided directly by VETS' staff or through grants to State and/or local service providers. Although VETS serves all veterans and other eligible persons, many legislated programs specifically target disabled veterans or special disabled veterans.

A disabled veteran is essentially defined as a veteran qualified to receive disability compensation from the Department of Veterans Affairs (VA), receives disability retirement from active military service, or was released from active duty due to a service-connected disability. Special disabled veterans are individuals entitled to VA disability compensation rated at 30% or more, or who qualify for vocational rehabilitation services provided by the VA. Many of VETS programs and activities described on the attached pages describe services to be provided to or on behalf of disabled veterans as required by law.

VETS also serves National Guard members and reservists who are injured or disabled during a period of active duty. VETS provides direct reemployment assistance to separating military and members of reserve components and the National Guard as authorized by the Uniformed Services Employment and Reemployment Rights Act (USERRA). Individuals released from active duty may have the legal right to return to the job they left. If a disability was incurred or aggravated that disqualifies an

individual from continuing employment in the same job they had prior to active duty they may have further rights. VETS assists employers and veterans (once able to return to work) to secure necessary accommodations to continue in their previous position, or in any other position of similar seniority, status and pay for which they can now, or after some rehabilitation or retraining, qualify.

It is important to recognize that Department of Labor VETS staff are instrumental in preserving veterans' reemployment rights with no need for additional funds. Similarly, in many of the programs described below, much of the direct labor exchange and other client services are provided by VETS funded State staff with little additional discrete funding necessary to perform those services.

The following pages contain detailed descriptions of VETS programs (identified by the respective Catalog of Federal Domestic Assistance (CFDA) number), activities and services which significantly impact the employment status of those individuals who are defined as disabled veterans. The descriptions include the Disabled Veterans' Outreach Program (DVOP); the Local Veterans' Employment Representative (LVER) program; programs authorized and funded through Title IV, Part C, of the Job Training Partnership Act (JTPA IV-C); services through Homeless Veterans' Reintegration Projects (HVRP) authorized under the Stewart B. McKinney Homeless Assistance Act; the Service Members' Occupational Conversion and Training Act (SMOCTA) program and the Federal Contractor Job Listing (FCJL) component to the Federal Contractor Program (FCP).

The attached summaries are composed following the guidance contained in the attachment to the White House Memorandum to Members of the National Disability Policy Review Team.

Attachments

- **U.S. Department of Labor, Veterans' Employment and Training Service, 17.801 - Disabled Veterans' Outreach Program**

- Formula staffing grants authorized under 38 U.S.C. 4103A., with funding from the Unemployment Trust Fund, awarded annually to States to staff and support a set number of Disabled Veterans' Outreach Program (DVOP) Specialists determined by formula and available funding. The primary intent of the program is to provide jobs and job training opportunities for disabled and other veterans. DVOP Specialists provide direct client services, using a case management approach whenever applicable, that include outreach to disabled veterans who may be in need of employability development or labor exchange/job placement services; outreach and job development through individual contacts with employers; vocational guidance, referrals to jobs and to job training openings and referrals for supportive services that assist clients prepare to reenter the civilian labor force. The job duties summarized above are clearly delineated at 38 U.S.C. 4103A (c) . Though attached to local employment service (Job Service) offices, approximately one-quarter of a DVOP specialists' work week covers other appropriate sites such as Department of Veterans Affairs (VA) locations. These Specialists also facilitate Transition Assistance Program/Disabled Transition Assistance Program workshops for separating servicemembers at various military installations.

A disabled veteran is essentially defined at 38 U.S.C. 4211 as a veteran qualified to receive disability compensation from the Department of Veterans Affairs (VA), is receiving disability retirement from active military service, or was released from active duty due to a service-connected disability or due to a disability aggravated during military service. Special disabled veterans are those individuals entitled to VA compensation for a service-connected disability rated at 30% or more, or are disability retired from military service, or who qualify for vocational rehabilitation services provided by the VA.

In accordance with Chapter 41 of Title 38, performance measures are applied to the services provided to veterans and subgroups of veterans at 20 CFR 1001.121, and individual standards of performance are applied by each State to each DVOP specialist (38 U.S.C. 4104A and 20CFR 1001, Subpart E).

- **Type of service or benefit provided: Outreach and employment or training-related assistance.**
- **DVOP specialists' clients are veterans or separating service members who may or may not be disabled. If disabled the extent of disability of each individual may be obtained by the DVOP specialist and may be kept on file (due to ADA guidelines, detailed information is optional), however, the only demographic information approved to be gathered for the disabled veterans' population served is whether they are disabled veterans or special disabled veterans and in which of four age clusters they fall, or whether they are veterans with a handicapping condition that is not service-connected.**
- **Budgetary authority is provided at 38 U.S.C. 4102A (b) (5) and outlays for Fiscal Year 1994 were \$83,855,000 in obligations which supported approximately 1,772 staff nationally. In Fiscal Year 1995, \$83,601,000 was authorized to fund 1,698 positions.**
- **Data regarding the services provided by DVOP specialists is collected by States quarterly and compiled on a Program Year basis nationally forty-five days following the end of each Fiscal Year-based grant period. DVOP specialists provide direct client services and information reported reflects the results of their direct efforts. Since DVOP specialists also directly and indirectly provide some assistance to veterans who obtain their own jobs and disabled veterans placed in jobs or training by other Job Service staff, the numbers of disabled veterans placed by the entire Job Service should also be considered.**

Disabled Veterans' Outreach Program Page 3

The results of DVOP and total Job Service efforts are displayed below:

SERVICES	DVOP SPECIALISTS		ALL JOB SERVICE	
	Disabled Veterans	Special Disabled	Disabled Veterans	Special Disabled
Registered	69,278	27,609	146,090	54,917
Counseled/ Voc Guidance	6,027 9,210	2,679 3,975	4,392 4,264	7,335 6,800
Referred to Jobs	42,353	16,908	79,222	30,493
Placed in Employment	16,669	6,905	27,258	10,884
Entered Employment	10,935	4,640	38,802	15,389

- The Disabled Veterans' Outreach Program is administered by the State Employment Security Agencies (SESAs). As the grantor agency, the Veterans' Employment and Training Service (VETS) performs quarterly fiscal reviews and analyses, monitors Statewide performance at least quarterly and audits each LESO at least annually.
- The DVOP continues to evolve as the needs of the population and the makeup of the SESA changes. The Case Management approach to delivering client services is being adopted at more and more locations. SESA staffing reductions affect the volume and proportion of all veterans served that are routed to the DVOP specialists. The development of one-stop shopping career centers will necessitate further adjustment to the normal way of conducting DVOP Specialist business.
- The success of the DVOP is well documented and shared by the major veterans' organizations, the Secretary of Labor, the current Administration, the bi-partisan membership of the Committee on Veterans' Affairs of both Houses of Congress, and both the Senate majority and minority leadership.
- For more information contact Deputy Assistant Secretary Espiridion Borrego at (202) 219-9116 or Joel H. Delofsky, Division Chief at (202) 219-9110. ●

- **U.S. Department of Labor, Veterans' Employment and Training Service, 17.802 - Job Training Partnership Act, Title IV, Part C (JTPA IV-C) - Services to Veterans**
- Veterans' Employment Programs are authorized annually under 29 U.S.C. 1520, et. seq. (JTPA) for programs described at 29 U.S.C. 1721, et. seq. JTPA IV-C grants are intended to further the employability of those disabled veterans, Vietnam era veterans and those recently-separated from military service (within the last four years). Funds are competitively awarded to state entities as designated by the Governors, generally JTPA Service Delivery Areas (SDAs) that provide direct client services under the direction of local Private Industry Councils. The primary intent of the program is to provide job training and employment opportunities for eligible veterans and to facilitate attainment of career goals through long term employment.

A disabled veteran is essentially defined as a veteran receiving disability compensation from the Department of Veterans Affairs (VA), receiving disability retirement from active military service, or was released from active duty due to a service-connected disability. Special disabled veterans are those individuals entitled to VA compensation for a service-connected disability rated at 30% or more, or are disability retired from military service, or who qualify for vocational rehabilitation services provided by the VA.

In accordance with the provisions of each grant agreement, performance measures are applied to the services provided through each grant for both fiscal and programmatic activity.

- Type of service or benefit provided: Primarily outreach, assessment training and employment assistance. Vocational guidance, career exploration, and supportive services are also provided. In addition, limited funds are dedicated to research and demonstration pilot projects generally of National impact with the intent of testing and developing innovative improved service delivery designs and processes..

- JTPA IV-C grantees/service providers primarily deliver employment and training services to eligible veterans, including disabled veterans,. as well as establishing linkages with other supportive service resources such as DVOPs/LVERs, and the Department of Veterans' Affairs (DVA). The nature and extent of disability of an individual applying for service may be obtained by the case worker (or DVOP specialist) during initial assessment and may be kept on file (due to ADA guidelines, detailed information is optional). However, the only demographic information approved to be gathered for this population served is whether they are disabled veterans or special disabled veterans.

Although final report data is not yet available, it is anticipated that in Program Year (PY) 1993, ending 6/30/94, approximately 2000 disabled and special disabled veterans were placed in permanent jobs. It is anticipated that similar services will be provided and results achieved in the current PY 1994 programs.

- Budgetary authority is provided at 29 U.S.C. 1520 et. al. For Fiscal Year 1994 \$8,957,000 was authorized which supported grant programs in 41 states and various specialized training services nationally. In Fiscal Year 1995, \$8,880,000 has been authorized to fund these programs. Under the newly implemented competitive award process there will be fewer (14) but larger grants.

- Data regarding the services provided by these programs is collected quarterly and compiled on a Program Year basis nationally at the end of each Program Year-based grant period. Grantee staff provide direct employment and training client services and information reported reflects the results of their direct efforts. Linkage with other state resources is also directly and indirectly provided through design; additional assistance from existing programs (e.g., DVOP/LVER) is provided to veterans as needed.

- The JTPA IV-C programs are administered by the State JTPA Administrative entities, State Employment Security Agencies (SESAs) or other state entities as designated by the Governor. As the grantor agency, the Veterans' Employment and Training Service (VETS) performs quarterly fiscal reviews and analyses, monitors grantee performance no less than quarterly and audits each grantee, on-site, at least once during the period of performance of the grant.

- The Case Management approach to services is being adopted at more and more locations. Although the specific intent of this program is to leverage resources as much as possible to provide services to these eligible veterans which is over and above resources already accessible. Many programs target minority, women and homeless veterans and provide services which result in job placements otherwise not available.
- The success of the JTPA program is well documented and shared by the major veterans' organizations, the Secretary of Labor, the current Administration, the bi-partisan membership of the Committee on Veterans' Affairs of both Houses of Congress, and both the Senate majority and minority leadership.
- For further information contact Deputy Assistant Secretary Espiridion Borrego at (202) 219-9116 or Jeffrey Crandall at (202) 219-9105.●

- **U.S. Department of Labor, Veterans' Employment and Training Service, 17.803 - Veterans' Reemployment Rights (VRR)**

- This program is operated by VETS' staff within the agency's general administrative budget. In fulfilling the VRR function VETS' resources attempt a right of veterans reservists and National Guard members.

- **U.S. Department of Labor, Veterans' Employment and Training Service, 17.804 - Local Veterans' Employment Representative (LVER) Program**

- This is a formula staffing grant authorized under 38 U.S.C. 4104. Authorized funds from the Unemployment Trust Fund are awarded annually to States to staff and support a set number of Local Veterans Employment Representatives (LVER) staff determined by formula and available funding. The primary intent of the program is to provide jobs and job training opportunities for disabled and other veterans. LVER staff are responsible for the direct provision of employment counseling, vocational guidance, interviewing, job referral, developing employment, apprenticeship, and other on-the-job training opportunities. Using a case management approach to delivering client services they also assist disabled veterans who may be in need of prosthetic equipment or other accommodations to become employable, or provide referrals to supportive services to address barriers to employment and help prepare clients to enter or re-enter the civilian labor force. LVER staff provide functional supervision of all veterans' services within their local office of operations and the preparation of quarterly and year-end program reports (with applicable recommendations). The job duties summarized above are clearly delineated at 38 U.S.C. 4104 (c). Though attached to local employment service (Job Service) offices, LVER staff also facilitate Transition Assistance Program/Disabled Transition Assistance Program workshops for separating service members at various military separation centers.

A disabled veteran is essentially defined at 38 U.S.C. 4211 as a veteran receiving disability compensation from the Department of Veterans Affairs (VA), receives disability retirement from active military service, or was released from active duty due to a service-connected disability. Special disabled veterans are those individuals entitled to VA compensation for a service-connected disability rated at 30% or more, or are disability retired from military service, or who qualify for vocational rehabilitation services provided by the VA.

In accordance with Chapter 41 of Title 38, performance measures are applied to the services provided to veterans and subgroups of veterans (e.g. disabled and Vietnam era veterans) and individual standards of performance are applied by each State to each LVER (38 U.S.C. 4104A).

Local Veterans' Employment Representative Program Page 2

- Type of service or benefit provided: Vocational guidance, employment or training-related assistance, case management.
- LVER staff' clients are veterans or separating service members who may or may not be disabled. If disabled the extent of disability of an individual may be obtained by the LVER and may be kept on file (due to ADA guidelines, detailed information is optional). However, the only demographic information approved to be gathered for this population is whether they are disabled veterans or special disabled veterans and in which of four age clusters they fall, or whether they are veterans with a handicapping condition that is not service-connected.
- Budgetary authority is provided at 38 U.S.C. 4102A (b) (5) and outlays for Fiscal Year 1994 were \$ 78,166,000 in obligations which supported approximately 1,524 staff nationally. In Fiscal Year 1995, \$77,593,000 was authorized to fund 1454 positions.
- Data regarding the services provided by LVER staff is collected by States quarterly and compiled on a Program Year basis nationally forty-five days following the end of each Fiscal Year-based grant period. LVER staff provide direct client services and information reported reflects the results of their direct efforts. Since LVER staff also directly and indirectly provide some assistance to veterans and disabled veterans who obtain their own jobs as well as those placed in jobs or training by other Job Service staff, the numbers of disabled veterans placed by the entire Job Service should also be considered.

Local Veterans' Employment Representative Program Page 3

These are displayed below:

SERVICES	LVER staff		ALL JOB SERVICE	
	Disabled Veterans	Special Disabled	Disabled Veterans	Special Disabled
Registered	50,705	20,215	146,090	54,917
Counseled/ Voc Guidance	4,847 6,397	2,251 2,787	16,977 15,793	7,335 6,808
Referred to Jobs	33,436	13,031	79,222	30,493
Placed in Employment	13,063	5,285	27,258	10,884
Entered Employment	8,418	3,536	38,802	15,389

- The Local Veterans' Employment Representative Program is administered by the State Employment Security Agencies (SESAs). As the grantor agency, the Veterans' Employment and Training Service (VETS) performs quarterly fiscal reviews and analyses, monitors Statewide performance no less than quarterly and audits each local service delivery point at least annually.

- LVERs also provide functional supervision over the services provided by other local employment service office (LESO) staff. The Case Management approach to services is being adopted at more and more locations. SESA staffing reductions affect the volume and proportion of all veterans served that are routed to the LVER staff. The development of one-stop shopping career centers may require adjustment to the normal way LVER staff provide functional supervision over other LESO staff.

- The successes of fifty years of LVER services are well documented and shared by the major veterans' organizations, the Secretary of Labor, the current Administration, the bi-partisan membership of the Committee on Veterans' Affairs of both Houses of Congress, and both the Senate majority and minority leadership.

- For further information contact Deputy Assistant Secretary Al Borrego at (202) 219-9116 or Joel H. Delofsky, Division Chief at (202) 219-9110. ●

- **U.S. Department of Labor, Veterans' Employment and Training Service, 17.805 - Homeless Veterans' Reintegration Projects Program**

- This is a categorical grant authorized under the Stewart B. McKinney Homeless Assistance Act and found at 42 U.S.C. 11487. Funds are awarded annually to support a number of Homeless Veterans Reintegration Project (HVRP) grants determined by available funding. The primary intent of the program is to provide jobs and job training opportunities for homeless veterans, some who may also be disabled. HVRP grants provide direct client services, using a case management approach to the provision of services whenever applicable, that include outreach to homeless veterans who will benefit from employability development or labor exchange/job placement services; outreach and job development through individual contacts with employers; vocational guidance, referral to jobs and to job training openings and referrals for supportive services geared toward assisting clients prepare to re-enter the civilian labor force. Though not affiliated with local employment service (Job Service) offices, HVRP grantees receive placement service assistance from DVOP and LVER staff.

- One third of the homeless adult male population are veterans; Federal estimates place 250,000 veterans homeless on any given night. The major priority among homeless veterans is job training and jobs, according to the VA survey compiled in conjunction with recent Summit on Homeless Veterans (February 1994).

- A disabled veteran is essentially defined as a veteran receiving disability compensation from the Department of Veterans Affairs (VA), receives disability retirement from active military service, or was released from active duty due to a service-connected disability. Special disabled veterans are those individuals entitled to VA compensation for a service-connected disability rated at 30% or more, or are disability retired from military service, or who qualify for vocational rehabilitation services provided by the VA.

- **Type of service or benefit provided:** These grant programs expedite the reintegration of homeless veterans into the labor market, with supportive services and placement into transitional and permanent housing.
- **HVRP clients** are any veterans who may be considered homeless. If disabled, the extent of disability of an individual may be obtained by the HVRP staff and may be kept on file (due to ADA guidelines, detailed information is optional). In their plans grantees do not have to indicate the number of disabled veterans they plan to serve. The number of disabled veterans actually served is also not available.
- **Budgetary authority** is provided at 29 U.S.C. 11448 and outlays for Fiscal Year 1994 were \$5,055,000 in obligations which supported thirty-two homeless projects in seventy-five major cities, and six rural areas nationally. These projects have served over 26,000 participants and placed over 10,000 homeless veterans into jobs. In Fiscal Year 1995, \$5,011,000 is authorized to maintain successful grantees for an additional year.
- **To the extent** that many homeless veterans suffer from substance abuse, they may be disadvantaged in the local labor market, which represents a significant handicap. Many other homeless veterans, particularly combat veterans have been diagnosed with Post Traumatic Stress Disorder (PTSD), and are characterized as disabled veterans, however no hard data is collected on this group. Data regarding the services provided by HVRP operators is collected by VETS quarterly and compiled on a Fiscal Year basis nationally forty-five days following the end of each Fiscal Year-based grant quarter. HVRP operators provide direct client services and information reported reflects the results of their direct efforts. HVRP operators also directly and indirectly provide assistance to disabled veterans who need housing and are able to get their own jobs, and are placed in jobs or training by HVRP projects.

- The Homeless Veterans' Reintegration Projects may be administered by State and local Public agencies, Private Industry Councils, not-for-profit agencies, and other municipalities or rural entities. As the grantor agency, the Veterans' Employment and Training Service (VETS) performs quarterly fiscal reviews and analyses, monitors program-wide performance no less than quarterly and generally audits each program operator annually.
- The HVRP continues to evolve as the needs of the homeless veterans population changes, and the capabilities of the Project providers increase. The Case Management approach to services is being adopted at more and more locations. Funding and program fluctuations affect the volume and proportion of all veterans served that are served by the HVRP operators.
- The success of the HVRP is well documented and shared by the major veterans' organizations, the Secretary of Labor, the current Administration, the bi-partisan membership of the Committee on Veterans' Affairs of both Houses of Congress, and both the Senate majority and minority leadership. The VETS' Homeless Veterans' Reintegration Project model has been successful. It costs about \$1,200 to outreach to, enroll, provide the necessary supportive services, training and transitional housing and get the homeless veteran a job. Reports of the services provided indicate cost effectiveness.
- For further information contact Special Assistant Tom Keefe at (202) 219-9116 or Joel H. Delofsky, Division Chief at (202) 219-9110.●

- **U.S. Department of Labor, Veterans' Employment and Training Service, Service Members' Occupational Conversion and Training Act (SMOCTA) Program**

- SMOCTA is a special initiative to facilitate rapid transition of separating military personnel into the civilian workforce. Monetary incentives are provided to employers to train and retain in employment eligible veterans who either recently separated from military service or are eligible to receive compensation or vocational rehabilitation under the laws of the Department of Veterans Affairs (VA). The funds (approximately \$75,000,000) were derived from the Fiscal Year 1993 Defense Appropriation. At this point in time virtually all the authorized funds have been obligated to employers who have hired or are currently training certified eligible veterans in approved training programs. Although direct client assistance is provided by State staff funded by the Veterans' Employment and Training Service, SMOCTA is administered for the Department of Defense (DoD) by the VA.

- Type of service of benefit provided. Disabled Veterans' Outreach Program (DVOP) Specialists and Local Veterans' Employment Representative (LVER) staff provide technical assistance to employers seeking training program approval and to eligible recently-separated and disabled veterans seeking certification and matching to approved programs.

SMOCTA clients are veterans being released early from the military to obtain employment. Veterans discharged after 2 August 1990, may be eligible for the program. Eligibility extends to individuals who are unemployed at the time of application and had been unemployed for at least fifteen weeks. Employers can receive up to \$10,000 for a trainee's wages during the training period; \$12,000 if the veterans has a service connected disability rating equivalent to 30% or more.

SMOCTA was enacted on October 23, 1992, as part of Public Law 102-484, the National Defense Authorization Act for Fiscal Year 1993 (Title XLIV, Subtitle G). It authorized the Department of Defense to support a program designed to assist separated service members in their integration into the civilian labor force.

The Act, which is codified at 10 U.S.C., Chapter 58, §§ 4481-4495, authorized DOD to enter into agreements with the Departments of Veterans Affairs and Labor to implement the program. A Memorandum of Understanding (MOU) was signed on March 11, 1993 by the three Departmental partners in this program. The Department of Veterans Affairs (VA) serves as the implementing agency, with responsibility for certifying eligible veterans and employers' training programs, and disbursing the on-the-job training payments to employers. The Department of Defense supports the program by providing funding, assisting with public information efforts and inspections or evaluations and coordination of program activities. The Department of Labor provides services to eligible veterans and employers through its DVOP and LVER staff and SESAs, promotes the program, and insures the provision of job development efforts and case management services to veterans participating in the program.

By the end of 1995 over 12,500 veterans have been placed into jobs, but it is unknown how many of those were disabled.

The agencies involved have demonstrated a high degree of cooperation and willingness to work together to resolve and prevent problems and difficulties. The MOU has bonded participating agencies together with the mutual goal to accomplish the objectives of SMOCTA as smoothly, efficiently, and as promptly as feasible.

- **U.S. Department of Labor, Veterans' Employment and Training Service, Federal Contractor Program, Job Listing Component**

- Section 4212 of title 38 U.S.C. requires certain federal contractors to take affirmative action to employ, and advance in employment , qualified special disabled veterans and veterans of the Vietnam-era. The contractors are also required to list all of its suitable openings with appropriate local employment service offices. Job Service staff, including Disabled Veterans' Outreach Specialists and Local Veterans' Employment Representatives, are then required to provide priority in referral for targeted veterans to listed federal contractor job openings.

The Department of Labor's Office of Federal Contract Compliance Programs is responsible for enforcement of the affirmative action and job listing provisions of the law. The Veterans Employment and Training Service (VETS), however, also plays a key role in gathering information about federal contractors and disseminating the data to State Employment Security agencies as well as ensuring referral priorities for special disabled and Vietnam-era veterans are observed. These responsibilities are carried out by continually updating the data base on current federal contractors and by annual on-site reviews of local office performance conducted by VETS field staff.

U.S. Department of Labor

Employment Standards Administration
Washington, D.C. 20210

Reply to the Attention of:



January 27, 1995

MEMORANDUM TO: GENE KARP

FROM: WAGE AND HOUR DIVISION
Employment Standards Administration

SUBJECT: Information Requested From Agencies
Within Department of Labor

The material is attached.

- 1.A) Section 14(c) of the Fair Labor Standards Act (FLSA) provides for the employment of persons with disabilities under certificates at wage rates below the statutory minimum wage to the extent necessary to prevent the curtailment of opportunities for employment. Such wages must be commensurate with the individuals' productivity as that productivity is measured against the productivity of workers who are not disabled for the work being performed and must be based on wages being paid in the community for similar work.
- B) None
- 2.) Employment Standards Administration, Wage and Hour Division. Regulations, (Account?), Employment of Workers with Disabilities Under Special Certificates.

Section 14(c) of the FLSA provides for the employment of workers with disabilities under certificates issued by the Department of Labor at wage rates below the statutory minimum otherwise required by the Act. Such employment is permitted in order to prevent the curtailment of opportunities for employment. The FLSA defines workers with disabilities as "individuals (including individuals employed in agriculture) whose earning or productive capacity is impaired by age, physical or mental deficiency, or injury." The wages paid to such workers must be commensurate with wage rates paid in the vicinity to workers that are not disabled for the work being performed taking into account the type, quality, and quantity of work. Such wages must also reflect the individual's productivity. The program is authorized under 29 U.S.C. 214(a) and administered under Regulations, 29 CFR Part 525, Employment of Workers with Disabilities under Special Certificates.

The benefit provided is employment under certificate that would otherwise be unavailable if the employer was required to pay the minimum wage required by the FLSA.

In fiscal year 1993, approximately 8,000 certificates were issued authorizing the employment of over 175,000 workers with disabilities. Approximately 300 investigations were conducted. There is no breakdown by disability.

No money goes directly to individuals with disabilities. The agency is responsible for issuing certificates and for investigating possible violations of the regulations. No separate figures are available for expenditures related directly to this program.

There is no non-Federal funding.

Information with respect to certificates issued and investigations conducted is compiled quarterly and annually.

The Wage and Hour Division is solely responsible for administering the program.

The Division is currently considering consolidating the certification in one regional office. Certification is currently being done in all eight regions for the areas under their jurisdiction.

The person responsible for program information is Maria Echaveste, Administrator, Wage and Hour Division, (202) 219-8305.

Sellers

THE WHITE HOUSE
WASHINGTON

FAX TO MEMBERS OF THE NATIONAL DISABILITY POLICY REVIEW

Distribution:

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CC: Lisa Fairhall, Richard Green, Diana Fortuna, Lynn Margherio,
Joe Stiglitz, Debbie Fine

U.S. Department of Labor

Employment and Training Administration
200 Constitution Avenue, N.W.
Washington, D.C. 20210

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JAN 27 1995

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U.S. DEPARTMENT
OF LABOR
OFFICE OF THE
ASSISTANT SECRETARY
F-100

MEMORANDUM FOR: GENE ~~K~~ARP
FROM: PAUL A. MAYRAND
SUBJECT: Disability Program Package

Attached please find the subject package which we have prepared in response to your request.

Please advise me if any additional information is required. My telephone number is 219-5500.

Attachment

I. Dislocated Worker Program

A. Program Title

Department of Labor, Employment and Training Administration
Dislocated Worker Program

B. Authorizing Legislation

Title III of The Job Training Partnership Act (JTPA)

C. Brief Program Description

Block grants to states

D. Type Service Provided:

Re-training and re-employment services

E. Number and demographics of individuals served

311,876 dislocated workers served in PY 1992; 5,337(3%)
were people with disabilities.

F. Budget authority and outlays for PY-1994-95: \$1,296 billion

G. Other funding (non federal):

N/A

H. Nature and periodicity of data collected on services:

Characteristics/annually

I. Roles of federal and non-federal entities administering the program:

Federal oversight; block Grants to states

J. Major administrative/programmatic issues currently confronting the program.

K. Advocacy groups/major political supporters, etc.

L. Name, position, and telephone number of contact person responsible for program information:

Eric Johnson 202-219-5577.

Comments:

There are no specific program or projects for people with disabilities.

II. Job Training Programs

A. Program Title:

Department of Labor, Employment and Training Administration,
Job Training and Partnership Act (JTPA)

B. Authorizing Legislation: Public Law 102-367

C. Brief program description:

Covered below.

D. Type Service Provided:

Title II-A authorizes training and services for the economically disadvantaged and others who face significant employment barriers. Services include an assessment of a individual needs and abilities and a strategy of services such as classroom training, on-the-job-training, job search assistance, work experience, counseling, basic skills training and support services. Title II-B offers economically disadvantaged young people jobs and training during the summer. These include basic and remedial education, work experience programs and support services such as transportation. Academic enrichment is also a major part of the program and may include basic and remedial education. Title II-C provides year-round training and employment programs for youth, both in and out of school. Program services may include all authorized adult services, limited internships in the private sector, school-to-work transition services, and alternative high school services.

E. Number and demographics of individuals served:

	<u>PY-88</u>	<u>PY-89</u>
adults	39,579 (10%)	36,577 (10%)
youth	46,579 (14%)	43,168 (14%)

	<u>PY-90</u>	<u>PY-91</u>
adults	31,247 (10%)	28,052 (10%)
youth	37,234 (14%)	38,463 (15%)

	<u>PY-92</u>	
adults	24,855 (10%)	
youth	36,934 (15%)	summer-96,314

F. Budget authority and outlays for 1994-1995:

II-A. \$988,021,000.00
II-B. \$876,664,336.00
II-C. \$608,682,000.00

G. Other funding(non-federal)

N/A

H. Nature and periodicity of data collected on services:

Participant data/ available 1st quarter of calendar year.

I. Roles of federal and non-federal entities in administering the program:

Federal-provide financial, administrative and legislative oversight to program; grants to state governors who establish service delivery areas to receive federal funds; local elected officials establish private industry councils to oversee job training programs at local levels.

J. Major administrative/programmatic issues currently confronting the program:

K. Advocacy groups:

L. Program contact person(data):

Diane Mayronne(202)219-5229

III. People With Disabilities Program

A. Program Title

Department of Labor, Employment and Training Administration,
Programs for People with Disabilities.

B. Authorizing Legislation:

Title IV, Part SECTION 451 JTPA

C. Brief program description:

The general purpose of the program is to increase the number and quality of job opportunities for disabled individuals. Programs are administered through a process of grant awards to national organizations established to serve the needs of people with disabilities. A brief description of the nine organizations currently funded under this program is attached.

D. Type service provided:

The projects provide special outreach services and tailored training, job development and job placement services. The services are designed to address major conditions which constitute barriers to labor market participation-sight, hearing, epilepsy, mental retardation, and other physical and emotional impairments.

E. Number and demographics of individuals served:

6,800 (see attachment for specific disability breakout)

F. Budget authority and outlays for 1994-1995:

\$4,172,815.00.

G. Other funding(non federal):

N/A

H. Nature and periodicity of data collected on services/individuals:

demographic-annually-within projects

I. Roles of federal and non-federal entities in administering the program: Federal-grant administration; non federal: program services

J. Major administrative programmatic issues currently
confronting the program:

K. Advocacy groups/major congressional supporters, etc

L. Contact person:

Paul A. Mayrand, Director Office of Special Targeted
Programs, 202-219-5500.

ETA (USES) Program for People with Disabilities:

A. Program Title

Department of Labor, Employment and Training Administration
Employment Service (ES) Program for People with Disabilities

B. Authorizing Legislation

Wagner-Peyser Act of 1933, as amended by the Job Training Partnership Act of 1982, and by the Rehabilitation Act of 1973, as amended.

C. Type of Service Provided

Qualified customers with a disability are provided assistance in obtaining employment. Services include counseling, testing, job development, employability appraisal and placement services. Customers are referred to outside agencies for training, rehabilitation, or supportive services not provided by ES local offices.

D. Brief Program Description

Services are provided by ES local offices of State employment security agencies to customers with disabilities who need help in obtaining employment.

E. Number and Demographics of Individuals Served

Total customers with disabilities served for program year 1993 - 468,136.

F. Budget Authority and Outlays for 1994-1995

Funded by congressional appropriation and distributed by ETA to states (Governors) as part of a block grant.

G. Other funding (Non-Federal)

N/A

H. Nature and Periodicity of Data Collected on Services/Program

Data is collected quarterly on: customers with disabilities counseled, tested, referred to training, trained, referred to jobs and placed in jobs.

I. Roles of Federal and Non-Federal Entities in Administering the Program.

At least one person in each state of federal employment office is specifically assigned to effectuate services to persons with disabilities.

Local office are responsible for the on-site implementation of the services (described in H above).

- J. Major Administrative/Programmatic Issues Currently Confronting the program:

Funding - Staff - Literature

- K. Advocacy Groups/Major Congressional Supporters, etc.:

- L. Name, Position, and Telephone Number of Contact Person Responsible for Program Information.

Carol Coates
ES Disabilities Specialist
(202) 219-9092

RESPONSIBLE ETA COMPONENT - Office of Job Training Programs

PEOPLE WITH DISABILITIES PROGRAM

The Employment and Training Administration's Projects for People with Disabilities Program is administered by its Office of Job Training Programs. It is authorized under Title IV, Part D, Section 451 of the Job Training Partnership Act and is funded through grant awards on an annual, program year basis. The general purpose of these projects is to increase the number and quality of job opportunities for disabled individuals. The projects provide special outreach services and tailored training, job development and job placement services. The grantees operate national programs which, in many instances, are linked to local rehabilitation agencies and programs. Additionally, these projects provide services which address each of the major conditions which constitute barriers to labor market participation - sight, hearing, epilepsy, mental retardation and other physical and emotional impairments.

There are currently nine national organizations which are funded under this program. For Program Year 1994, the total funding for the program is \$4,172,815 which collectively will serve approximately 6,800 disabled individuals. Attached is a list providing a short synopsis of each of the nine programs, their funding levels for PY 1994 and the numbers to be served by each.

Attachment

- Goodwill Industries of America - The project provides multi-occupational in-house training and job placement to physically and emotionally disabled, mentally retarded, deaf, blind and other disabled persons. In addition to its job development efforts, the project in Program Year 1994 will enroll 405 individuals of which 405 will be placed in jobs. The funding level is \$487,500.
- National Association of Rehabilitation Facilities - The project provides on-the-job training and job placement to disabled individuals in rehabilitation facilities. In addition to its job development efforts, the project in Program year 1994 will enroll 700 individuals of which 600 will be placed in jobs. The funding level is \$309,000.
- Epilepsy Foundation of America - The project provides screening and pre-employment evaluation, support services, job-seeking skills training, job search assistance and job placement tailored to the special needs of epileptics who are unemployed or underemployed. In addition to its job development efforts, the project in Program Year 1994 will enroll 1,236 individuals of which 800 will be placed in jobs. The funding level is \$715,850.
- Electronic Industries Foundation - The project provides a national outreach, pre-employment counseling and job placement program and fosters new employment opportunities for disabled persons, providing a centralized job referral service with the electronic and other industries and rehabilitation agencies. In addition to its job development efforts, the project in Program Year 1994 will provide services to 450 individuals of which 180 will be placed in jobs. The funding level is \$297,000.
- Mainstream, Inc. - The project conducts promotional activities to encourage employers to hire people with disabilities and to provide information on workplace accommodations. It recruits and places disabled individuals through a variety of services and a computerized job bank system. In addition to its promotional activities, the project in Program Year 1994 will recruit 540 individuals of which at least 370 will be placed in jobs. The funding level is \$358,750.
- Association for Retarded Citizens - The project provides on-the-job training in a variety of occupations for mentally retarded persons through sub-grants with public and private employers. For Program Year 1994 the goal is to enroll 1,000 individuals of which 850 will be placed in jobs. The funding level is \$1,194,800.

- o National Federation of the Blind - The project provides an applicant register, job announcements, counseling, job referrals and employer education seminars, and operates a job bank to promote the interests of the blind and place them in employment opportunities. In addition to its job development efforts and job bank efforts, the project in Program Year 1994 will enroll 2,000 and placed 125 of them in competitive employment, and will provide a series of employer/employee seminars, recorded bulletins, 11 publications concerning the needs of blind persons, one resource guide and one technical assistance guide. The funding level is \$251,320.
- o International Association of Machinists - The project provides training, supportive services and job development for unemployed or underemployed disabled persons. It provides follow-up services to assure placement success and career advancement opportunities. The project in Program Year 1994 will enroll 270 disabled individuals and place 180 in competitive employment. The funding level is \$268,000.
- o Marriott Foundation for People with Disabilities - The project is a transitional school-to-work program for youth with disabilities. It provides them with job training and placement that enhance their current and future employment prospects as they prepare to leave high school. The project in Program Year 1994 will enroll 118 disabled youth and place 105 of them into unsubsidized employment. The funding level is \$290,595.

U.S. Department of Labor

Employment Standards Administration
Office of Federal Contract
Compliance Programs
Washington, D.C. 20210



MEMORANDUM FOR BERNARD E. ANDERSON
Assistant Secretary

Ann H. Blackwell

FROM: *Shirley J. Wilcher* **SHIRLEY J. WILCHER**
Deputy Assistant Secretary for
Federal Contract Compliance

SUBJECT: Survey of Federal Programs for Persons with
Disabilities

Attached is the Office of Federal Contract Compliance Programs' response to the National Disability Policy Review Team's survey. Also attached are the responses prepared by the Directorate of Civil Rights and the Veterans' Employment and Training Service.

Section 503 of the Rehabilitation Act of 1973, as amended, (29 U.S.C. 793); Implementing Regulations at 41 CFR Part 60-741

The Office of Federal Contract Compliance Programs (OFCCP), an agency in the U.S. Department of Labor's Employment Standards Administration, enforces Section 503 of the Rehabilitation Act, as amended, (Section 503). Section 503 requires Government contractors and subcontractors to take affirmative action to employ and advance in employment qualified individuals with disabilities. The Department's regulations implementing Section 503, which are published at 41 CFR Part 60-741, prohibit contractors from discriminating against individuals on the basis of disability, and require them to implement the affirmative action requirements of the statute.

Sections 503's scope and enforcement mechanisms have been affected by the passage of the Americans with Disabilities Act of 1990 (ADA), (42 U.S.C. 12101 et seq.), which prohibits discrimination against individuals with disabilities by employers generally. The ADA is enforced by the Equal Employment Opportunities Commission (EEOC).

The ADA required OFCCP to develop procedures to prevent the imposition of inconsistent or conflicting standards for the same requirements. OFCCP published for notice and comment proposed regulations that would conform Section 503's definitions and requirements to those of the ADA. Those regulations have not yet been published in final form. The definitions discussed below are contained in OFCCP's current regulations.

Covered Contractors

Section 503 applies to any contract or subcontract of \$10,000 or more. Contracts that meet the jurisdictional amount must contain a provision requiring that the contractor shall take affirmative action to recruit, hire, and promote qualified individuals with disabilities.

Approximately 100,000 employers with a collective workforce of about 25 million employees are subject to the affirmative action and nondiscrimination requirements of Section 503.

Covered Individuals

The Rehabilitation Act defines an individual with a disability as "any person who: (i) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (ii) has a record of such impairment, or (iii) is regarded as having such an impairment." (29 U.S.C. 706) The ADA amended the Rehabilitation Act to exclude from coverage, among others, individuals who are currently engaging in the illegal use of drugs, and individuals whose current use of alcohol prevents such

individuals from performing the jobs in question or whose employment, by reason of current alcohol abuse, would constitute a direct threat to property or safety of others.

Compliance Review and Complaint Investigation Process

OFCCP is authorized to investigate and attempt to resolve charges of employment discrimination under Section 503. OFCCP also conducts regular compliance reviews of Government contractors, which consist of a detailed examination of the contractor's workforce profile along with an investigation of each aspect of its policies and practices from recruitment and hiring process to terminations.

Because most Federal contractors are covered by both the ADA and Section 503, Title I of the ADA requires that the enforcement of the ADA and Section 503 be coordinated. EEOC and OFCCP have published joint regulations which set forth procedures governing the processing of complaints that fall within the overlapping jurisdiction of both the ADA and Section 503 -- 41 CFR Part 60-741 (OFCCP) and 29 CFR Part 1641 (EEOC). Under the joint rule, complaints of employment discrimination based on disability that are filed with the OFCCP are considered simultaneously dual filed under the ADA. Further, OFCCP has been designated EEOC's agent for purposes of investigating complaints filed with OFCCP that are subject to both laws.

An individual alleging a violation of Section 503/ADA must file a written complaint with OFCCP within 180 days of the date of the alleged violation. If the investigation of the Section 503/ADA complaint results in a finding of no violation, OFCCP will issue both a finding of no violation and a right-to-sue letter. If OFCCP finds a violation, it will attempt to obtain full relief. If the matter is not resolved through conciliation or settlement, it will be referred for administrative enforcement under Section 503.

Demographics

In FY 1994 OFCCP received a total of 528 complaints alleging violations of Section 503/ADA. During FY 1994, the agency completed 802 complaint investigations, and is planning to complete 744 complaint investigations in FY 1995.

During FY 1994, OFCCP obtained \$598,967 in back pay benefits for individuals with disabilities and \$1,613,792 in the financial awards.

Budget Authority and Outlays

The total budget appropriation for the agency was \$56,306,000 for FY 1994, and \$58,928,000 for FY 1995. There is no specific budget outlay for individuals with disabilities.

For further information contact Robert Gerlerter, Chief of the Branch of Planning and Program Development at 219-7501.

1. A. Programs administered by the Directorate of Civil Rights (DCR) that serve persons with disabilities.

- o Under the responsibilities outlined in Section 502 of the Rehabilitation Act, DCR is responsible for ensuring that all facilities occupied by DOL are accessible to persons with disabilities. Each regional office annually submits a status report on the accessibility of its buildings.
- o DCR provides the services of a full time interpreter for deaf and hard-of-hearing employees. The Interpreter also coordinates all additional interpreter services needed by the various DOL agencies.
- o DCR operates a PC-based Telecommunication network for the hearing impaired. FULLTALK allows hearing impaired persons to call an 800 number for the National and Regional offices, to obtain information on their TTY display screen about the Department or leave a message which can be relayed to the appropriate departmental component for response.
- o DCR has a contractual relationship with the Public Health Service to provide consultative services to DOL agencies responding to requests of reasonable accommodation from their employees. DCR acts as conduit between the DOL agency and the PHS physicians.
- o DCR processes complaints filed by DOL employees or applicants for employment that allege discrimination on the basis of disability (Section 501). DCR is also responsible, under Section 504 of the Rehabilitation Act, to investigate complaints alleging discrimination on the basis of disability filed by participants, beneficiaries, or employees of entities that receive financial assistance in the form of grants from DOL.