

PART VI – EMPLOYMENT SERVICES
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Chapter 1
OVERVIEW OF EMPLOYMENT SERVICES

1.01. Introduction

a. Purpose

The purpose of the VA Vocational Rehabilitation and Employment Program is “to provide for all services and assistance necessary to enable Veterans with service-connected disabilities to become employable and to maintain suitable employment.” (Title 38, United States Code (U.S.C.) 3100) The program’s intent is to help Veterans reach suitable employment (or an independent living goal when applicable). VA provides training or education to Veterans when needed in order for them to reach a rehabilitation goal. However, in some cases employment services alone are sufficient to help the Veteran reach suitable employment. Part VI discusses employment services both as a standalone service and as the final element of a program of rehabilitation through long-term or short-term training.

b. Provisions

VA will provide employment services to Veterans when all of the following conditions are met:

1. VA has provided the Veteran a comprehensive evaluation,
2. VA has found the Veteran entitled to Chapter 31 benefits under 38 Code of Federal Regulations (CFR) 21.51, or he/she meets the criteria under 38 CFR 21.47, in which he/she is a current or previous participant in a rehabilitation program,
3. VA has identified the Veteran’s need for employment services, and the case manager has verified that the needed services are available, and
4. The Veteran’s Individualized Written Rehabilitation Plan (IWRP) or Individualized Employment Assistance Plan (IEAP) includes the identified services. (Refer to Chapter 3 of Part VI for Case Management during Employment Services.)

1.02. References and Resources

Law: 38 U.S.C. 3100
 38 U.S.C. 3104
 38 U.S.C. 3117

Regulations:	38 CFR 21.47
	38 CFR 21.51
	38 CFR 21.73
	38 CFR 21.84
	38 CFR 21.88
	38 CFR 21.196
	38 CFR 21.250
	38 CFR 21.362
	38 CFR 21.364

1.03. Definitions

a. Individualized Employment Assistance Plan (IEAP)

An IEAP is a signed agreement between the Employment Coordinator (EC) or Vocational Rehabilitation Counselor (VRC) and Veteran. An IEAP specifies all necessary services to assist the Veteran obtain and maintain suitable employment. The IEAP also identifies VA's responsibilities, the Veteran's responsibilities, service providers, evaluation criteria and the period of services.

b. Suitable Employment

Suitable employment is employment that is compatible with the Veteran's disability conditions and is consistent with his/her interests, aptitudes and abilities.

c. Entry into Employment

38 CFR 21.72(a)(2) explains that the services to be provided may include training the Veteran to the level generally recognized as necessary for entry into employment in a suitable occupation. It further explains that Veterans will be provided training in a particular degree, diploma or certificate necessary for entry into the planned vocational goal. For example, if it is determined that the most appropriate vocational goal for a Veteran is Social Worker the Veteran will be provided training for a master's degree in Social Work, which is regarded as necessary for employment in that occupation. However, if the most appropriate vocational goal is determined to be Case Aide or Case Worker, the Veteran will instead be provided training for a bachelor's in Social Work.

d. Period of Employment Services

This refers to the period of time during which services will be provided to the Veteran. Services may include counseling, medical, social and other placement and post-placement assistance to be provided to a Veteran under an IEAP.

e. Program of Employment Services

This refers to an IEAP developed for a Veteran whose eligibility is limited to employment services only (38 CFR 21.250(b)(1)).

f. Job Development

1. Job Development Defined

The term "job development" refers to a comprehensive, professional set of services to assist the Veteran in obtaining suitable employment and does not merely consist of soliciting jobs on behalf of the Veteran (38 CFR 21.250(b)(2)). VA staff must engage in job development activities to increase the likelihood that Veterans with disabilities will obtain suitable employment with cooperating employers. Successful job development is advantageous to both employers and Veterans as follows:

(a) Benefit to Employers

Referral of suitably trained and well-prepared Veterans who have received the necessary support services, such as adjustment counseling and job modification, benefits employers directly through the referred Veterans' long-term productivity.

(b) Benefit to Veterans

Successful referrals of Veterans result in suitable employment of the Veterans and contribute to an ongoing benefit by establishing a network of employers who are invested in employing Veterans referred by the VR&E Division.

2. What Job Development May Include

In addition to soliciting employment for Veterans, job development may include:

(a) Enhancing the Veteran's job readiness by assisting with the following activities:

- Resume preparation
- Development of interviewing techniques and strategies
- Other services necessary to enhance the Veteran's job readiness

(b) Referral to Job Clubs

VR&E Divisions may establish a job club or refer Veterans to existing job clubs in the local area. A job club operates in a structured setting where groups of Veterans work together on various activities that may enhance their job search and develop their job-seeking skills.

(c) Access to Job Lab Resources

The VR&E's job lab resources include access to computers with Internet capabilities, which allow Veterans to conduct their job search online and access the VetSuccess.gov website.

1.04. VR&E Division Responsibility

a. Scope

VR&E responsibility does not end when the Veteran completes his/her education, training or job placement. VR&E is responsible for assisting the Veteran until he/she satisfactorily adjusts to employment and the Veteran's condition meets the requirements for declaring him/her rehabilitated under 38 CFR 21.283.

b. Case Management as Critical Element in Employment Services

Success of a Veteran's rehabilitation depends on the final phase of his/her program. This period requires effective caseload management to ensure Veterans are provided with time-sensitive necessary services efficiently. Procedures outlined in Part VI will help case managers carry out these responsibilities. The case manager must ensure the Veteran receives tangible employment services. The case manager may personally provide those services or coordinate them through a Disabled Veterans Outreach Program (DVOP) specialist or contractor. Additional information on Employment Services case management is discussed in M28R.III.A.4.10.

c. Monthly Contacts and Case Reviews for Veterans Receiving Employment Services

The case manager will maintain, at minimum, monthly contact with the Veteran to ensure that each Veteran is progressing according to the employment plan. The case manager may provide these services or coordinate them through a DVOP specialist or a contractor. During these contacts, a case manager should assess the following:

1. Is the Veteran following the job-seeking steps outlined in his/her IEAP?
2. Do the Veteran's circumstances require changes such as services to be provided, service providers, period of services, etc., in his/her IEAP? If changes are required, the case manager and the Veteran must work hand in hand to develop the changes using the appropriate evaluation criteria.

Simultaneously, the case manager must review the Veteran's case to ensure new and current information is updated in the Veteran's records.

d. Veteran's Satisfactory Conduct and Cooperation

1. Case managers must work closely with the Veteran to ensure the Veteran's satisfactory conduct and cooperation while receiving employment services. This includes the collaborative participation of the Veteran in the development of his/her IEAP. The case manager will inform the Veteran of available services to assist him/her in obtaining suitable employment and explain the Veteran's responsibilities in the successful implementation of his/her rehabilitation plan.
2. A case manager may interrupt or discontinue provision of services under 38 CFR 21.362 and 21.364 if the Veteran fails to cooperate. The Veteran may be reinstated into employment services if he/she meets the requirements outlined in Part I, Chapter 10 and 38 CFR 21.364.

e. VR&E Staff Members' Specific Responsibilities

1. VR&E Officer and Assistant VR&E Officer
 - (a) Supervises or delegates authority for contracting employment services as necessary.

- (b) Implements established Memorandum of Understanding (MOU) and VR&E national employment agreements such as Disabled American Veterans (DAV). (See M28R.VI.6.04.(b))
- (c) Ensures appropriate workload distribution for effective case management and timely services to Veterans.
- (d) Conducts special case reviews. The VR&E Officer will personally, or with the assistance of a delegated team, review cases in which the Veteran has not obtained employment after an extensive and thorough job search. The officer and/or reviewers will seek to identify and address obstacles to the success of the Veteran's current plan or recommend redeveloping the plan.

2. Case manager

A Vocational Rehabilitation Counselor (VRC) or an Employment Coordinator (EC) may be assigned case management responsibilities for Veterans receiving employment services. Thus, the term "case manager" may refer to either a VRC or EC. The responsibilities for this case management include, but are not limited to:

- (a) Developing the IEAP
- (b) Authorizing and coordinating the provision of services and assistance to the Veteran
- (c) Authorizing the delivery of goods and services, including reasonable accommodation
- (d) Providing direct services such as development of job-seeking skills and job development
- (e) Conducting the required monthly follow-up contacts with Veterans and monthly reviews of a Veteran's progress toward completing his/her vocational goal

1.05. Veteran's Responsibilities

- 1. The Veteran shares responsibility in completing the vocational objectives of his/her IWRP, achieving job readiness, and completing the job-seeking objectives of his/her IEAP within the period of services as specified in his/her rehabilitation plan.

2. If a Veteran has difficulty completing the objectives outlined in the IEAP, the case manager must help the Veteran resolve any difficulties that may impede his/her job search. If the difficulties cannot be resolved, the case manager must ensure that the Veteran is provided with re-evaluation and/or re-development of his/her employment plan.

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Chapter 2
ELIGIBILITY AND DURATION OF EMPLOYMENT SERVICES

2.01 Introduction

Vocational Rehabilitation and Employment Services offers employment services to all eligible Veterans. This chapter covers the eligibility criteria, duration and authorization to provide VR&E Services. This chapter provides the foundation and framework, including Title 38, United States Code (U.S.C.) and Title 38, Code of Federal Regulations (CFR) provisions for eligible and job-ready Veterans seeking employment assistance.

2.02 References and Resources

Laws: 38 U.S.C. 3108, 5113
 38 U.S.C. 1114(k)
 38 U.S.C. 3117(a)(2)
 Rehabilitation Act of 1973, as Amended

Regulations: 38 CFR 21.47(a), (b), and (d)
 38 CFR 21.73
 38 CFR 21.88
 38 CFR 21.190(d)
 38 CFR 21.197
 38 CFR 21.250
 38 CFR 21.326
 38 CFR 21.362

VA Form (VAF): VAF 28-1902b, Counseling Record – Narrative Report

2.03 Eligibility Criteria

a. General Information

All Veterans (other than Veterans found in need of a program of independent living services) currently eligible for and entitled to vocational rehabilitation services are eligible for assistance in obtaining or maintaining suitable employment. (38 CFR 21.47(a)) These individuals include:

- Veterans entitled to and needing only employment services
- Veterans who are rehabilitated to the point of employability (38 CFR 21.190(d))

- Veterans who terminated training but now need assistance to find or maintain employment
- Veterans who were either previously rehabilitated or discontinued under the VA Vocational Rehabilitation and Employment (VR&E) Program, and reevaluated and found to have an employment handicap and a vocational goal that is currently feasible
- In addition, a Servicemember who is determined fit for duty by a Physical Evaluation Board while participating in the VA VR&E Program may be offered employment services only if needed to ensure adjustment to the military occupation

b. Responsibilities

VR&E staff will work with all eligible Veterans to help them achieve suitable employment. Employment Coordinators (ECs) and Vocational Rehabilitation Counselors (VRCs) are also responsible for delivering effective employment services to Veterans to assure satisfactory conduct, cooperation and participation in the planned employment services. (38 CFR 21.362)

c. Eligibility of Current Participants

VR&E considers a Veteran eligible for employment services when the Veteran is determined to be "job-ready" in an initial comprehensive evaluation and the Veteran opts for one of the following tracks:

- Rapid Access to Employment
- Reemployment with Previous Employer

Additionally, Veterans who have achieved Rehabilitation To the point of Employability (RTE), are eligible for employment services under 38 CFR 21.190(d).

d. Eligibility of Prior Participants

Past participants enrolled in a vocational rehabilitation program under Chapter 31 or a similar program under the Rehabilitation Act of 1973, as amended, may be eligible for employment assistance. A VRC must determine that the Veteran is employable in competitive employment, sheltered workshops (now referred to as "transitional employment programs"), supported employment or other special situations at the minimum wage.

If the prior participant files a formal claim for vocational rehabilitation and the case is in a discontinued status, then the VRC must reopen the case in order to make an entitlement determination.

If the prior participant's case is in rehabilitated status and there is no reason to overturn it, the VRC must leave the case in Rehabilitated status and provide the Veteran with limited employment services.

Prior participants must also meet the requirement of employability under the following conditions:

1. The Veteran filed a formal claim for vocational rehabilitation.
2. The Veteran has a service-connected disability that meets both of the following conditions:
 - (a) The disability was incurred on or after September 16, 1940.
 - (b) VA is paying at least the 20 percent rate of compensation for the disability, or 10 percent for a Veteran determined to have a serious employment handicap. VA will also pay compensation if the Veteran is not receiving military retired pay. (For individuals, who first applied for vocational rehabilitation before November 1, 1990, the Veteran's combined disability rating must be greater than 0 percent. This includes Veterans, who are only entitled to compensation under 38 U.S.C. 1114(k).
3. The Veteran must have completed one of the following two items:
 - A vocational rehabilitation program under the VA VR&E Program or participated in such a program for at least 90 days on or after September 16, 1940
 - A vocational rehabilitation program under the Rehabilitation Act of 1973, as amended, after September 26, 1975, or participated in such a program for at least 90 days of post-secondary education or vocational training under 38 CFR 21.47(b) and must be employable in competitive employment, a transitional or extended employment program or another special situation at the minimum wage

Prior participants with only employment handicap, who have ratings of 10 percent or more, can receive limited employment services under 38 U.S.C. 3117(a)(2). Limited employment services include the following:

- Direct placement in employment
 - Referral to Disabled Veterans Outreach Program (DVOP) specialists and/or Local Veterans' Employment Representatives (LVERs)
 - Use of job development and placement specialists at state/federal rehabilitation agencies: Department of Labor Veterans Employment and Training Service, state employment security agencies or state employment services offices, also known as "One-Stop Career Centers"; Office of Personnel Management; or any other public or non-profit organization with placement services
 - Use of any for-profit entity if otherwise cost-effective and comparably effective services from the entities above are unavailable
- e. Eligibility after General Vocational Rehabilitation Eligibility Has Expired

VR&E may furnish a program of employment assistance to a Veteran even though the Veteran's basic period of eligibility has expired. A Veteran must have an employment handicap and be currently employable in a suitable occupation. (38 CFR 21.47(d))

- f. Veterans Solely in a Program of Employment Services

A VRC may determine that a Veteran with an employment handicap is already employable and needs only employment services to obtain or maintain suitable employment. For example, a Veteran may already have transferrable skills from a previous employer or adequate education or training to qualify for a job but needs services such as resume preparation, interviewing and job-search skills training, payment of fees to obtain certification/licensure, etc. to obtain employment. If the VRC determines that a specific vocational goal is currently reasonably feasible, then the VRC should perform the following tasks:

- Document the determination on VAF 28-1902b, Counseling Record - Narrative Report (See Appendix O. VA Forms)
- Complete an Individualized Employment Assistance Plan (IEAP)
- Close Evaluation and Planning (EP) case status
- Assign the Veteran to Job Ready (JR) case status

2.04 Duration of Employment Assistance

a. Duration Limited to 18 Months

A period of employment assistance is limited to a total of 18 months (not including any time in Interrupted (INT) case status). Sixty days prior to a Veteran completing the training component under his/her Individualized Written Rehabilitation Plan (IWRP), the VRC must complete the Veteran's IEAP. If a combined IWRP/IEAP was initially developed, then the IEAP portion of the plan should be reviewed and revised if necessary at least 60 days prior to completion of training.

During the 18-month period, the VRC will tailor and may modify the type, duration, and phasing of employment services to accommodate the Veteran's needs. The Veteran will concentrate his/her efforts on the activities specified in the IEAP.

A Veteran who has received 18 months of employment services may not receive additional employment services. If a Veteran is unable to achieve suitable employment by the end of the 18-month period, then VR&E must discontinue the case. A Veteran in either Rehabilitated (REH) or Discontinued (DIS) case status may do the following:

- Request additional employment assistance
- Formally reapply to the VA VR&E Program

The Veteran must be determined eligible and entitled to Chapter 31 services. Upon this determination, VR&E will offer the Veteran vocational rehabilitation services, including an additional 18 months of employment services.

NOTE: If a Veteran obtains suitable employment before exhausting 18 months of entitlement to employment services, the case manager may keep the case open and declare the Veteran "rehabilitated" after the 60-day follow-up period has been completed, even if that follow-up period extends past the 18 months. The VRC must document that all services leading to suitable employment were provided during the 18-month eligibility period.

b. Employment Assistance Not Charged Against Entitlement

The period of employment assistance is not charged against the months of entitlement under Chapter 31. (38 CFR 21.73) Accordingly, if an eligible and entitled Veteran is employable in a suitable occupation, then VR&E may

provide employment assistance even though the Veteran has exhausted 48 months of Chapter 31 entitlement and is not eligible for an extension. (38 CFR 21.47(d))

In addition, the period under which a Veteran who has been hired under the Special Employer Incentives (SEI) program does not count toward the 18-month limitation of employment services. The VRC should document the period of SEI services in CWINRS Notes to include a statement indicating the period of services under which SEI was provided should be deducted from the total period of employment services. For example, if the period during which SEI was provided equals six months and the total period the Veteran's record remained in JR status in CWINRS was 23 months, the VRC would subtract six months from 23 months and note that the duration of employment services for the purposes of 28 CFR 21.73 equals 17 months. This documentation should be filed in the Veteran's Counseling/Evaluation/Rehabilitation (CER) folder.

2.05 Authorization of Employment Services

a. Commencing Date

VR&E will authorize employment services to a Veteran on the day a VRC declares that the Veteran has been rehabilitated to the point of employability and the Veteran is job-ready, and moves the Veteran from RTE case status to JR case status. A Veteran may also be found job-ready when he/she needs only a program of employment services. The Veteran may receive the employment services established in the IEAP once the IEAP is signed.

Once in JR case status, Veterans will begin a period of employment services to work toward suitable employment. Veterans may receive job-related training and other rehabilitation services to achieve the employment objectives in their rehabilitation plan.

b. Termination of Employment Services

The VRC will terminate authorization for employment services the earliest of the following dates:

- The date VA finds that the authorization was in error because of an act of omission or commission either on the part of the Veteran or on the part of another individual who committed or omitted the act with the Veteran's knowledge
- The last day of the month in which severance of service connection becomes final

- The day preceding the date of a fraudulent act
- The date preceding the commission of a treasonable or subversive act for which the Veteran is convicted (38 U.S.C. 3108, 5113)
- The last day VR&E provides employment services under the terms of an IEAP, when the Veteran is rehabilitated or employment services are interrupted prior to discontinuance (38 CFR 21.326)

NOTE: If a Veteran's program is interrupted, then the VRC must establish a specific date for reentry into JR case status under 38 CFR 21.197, unless 18 months of VR&E Employment Services have already been utilized.

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Chapter 3 PLANNING AND CASE MANAGEMENT DURING EMPLOYMENT SERVICES

3.01 Introduction

Employment services are a primary component of most vocational rehabilitation programs. Effective employment planning begins during the initial comprehensive evaluation. The results of the comprehensive evaluation are incorporated into vocational exploration activities. These activities lead to identification of suitable vocational goals and planning of services and other assistance necessary to enable the Veteran to reach his/her employment goal. Title 38, United States Code (U.S.C.) 3104(a)(5) authorizes VA to furnish services necessary to assist eligible Veterans to prepare for, obtain and maintain suitable employment.

This chapter contains guidance and requirements for employment planning, direct services, support services, monitoring the Veteran's progress in employment services, monitoring contractual services and advocacy. Additionally, statutory and regulatory references are provided throughout this chapter.

3.02 References and Resources

Law:	38 U.S.C. 3104
Regulations:	38 Code of Federal Regulations (CFR) 21.154 38 CFR 21.210-21.224 38 CFR 21.252 38 CFR 21.254 38 CFR 21.268 38 CFR 21.282 38 CFR 21.370-21.376
Directive:	VHA Directive 2010-022, dated May 14, 2010
Resource:	Job Accommodation Network (JAN)
Website:	www.askjan.org
VA Form (VAF):	VAF 28-8872, Rehabilitation Plan VAF 28-1905d, Special Report of Training

3.03 Employment Planning

a. Role of Employment Planning in the Rehabilitation Process

1. General Information

The goal of the VA Vocational Rehabilitation and Employment (VR&E) Program (except in the cases where the program goal is to increase independence in daily living) is for the Veteran to obtain and maintain suitable employment based on his/her interests, aptitudes and abilities. The Individualized Employment Assistance Plan (IEAP) should clearly state a specific vocational goal and outline specific employment activities necessary for the Veteran to achieve his/her vocational goal. Among these employment activities, the IEAP might include:

- Registering with the college or university placement office
- Registering with the state employment office
- Joining a local professional organization

2. Early and Thorough Employment Planning

Detailed planning is essential to the provision of effective employment services. In effect, planning for employment begins with the evaluation process described in detail in M28R.II.1 and 2. The key to a successful employment plan is addressing employment barriers (e.g. lack of experience or training in the chosen field) and developing strategies to overcome those barriers at the onset of the counseling relationship.

b. Responsibilities During Employment Planning

1. Veteran

A Veteran participating in the employment planning process assists the case manager in identifying his/her employment needs and goals. It is imperative that the Veteran openly and candidly discusses personal strengths, goals, obstacles to goal attainment, and other pertinent information during counseling sessions with the Vocational Rehabilitation Counselor (VRC) or Employment Coordinator (EC).

2. VR&E

VRCs and ECs are responsible for establishing positive counseling relationships with the Veteran to ensure, to the maximum extent possible, that he/she receives quality services. This includes, but is not limited to, the following concepts:

- (a) The Veteran and his/her case manager are equal partners in the employment planning process.
- (b) The Veteran's perceptions regarding employment planning and vocational goal attainment must be addressed early and throughout the process. This is critical to attaining a successful employment outcome.
- (c) The identification of a suitable vocational goal is the foundation of a successful employment plan. Case managers assist the Veteran in identifying that goal by utilizing a variety of resources. These resources may include any combination of the following:
 - Veteran's self-report
 - Record of past training, employment, volunteer activities and educational experiences
 - Descriptive occupational literature and various web-based resources
 - Information-seeking interviews with prospective employers or those who are currently working in the field
 - Career and aptitude testing designed to identify the Veteran's interests, aptitude and abilities
 - Reviewing labor market information to determine if the vocational goal is viable in that area
 - Information about the Veteran's disability, including any functional limitations and capacities

c. Development of the IEAP

The IEAP guides Veterans through their program of employment services designed to lead to suitable employment. Case managers prepare the IEAP on VAF 28-8872, Rehabilitation Plan. By signing this plan, the case manager and the Veteran mutually agree to complete specific activities intended to result in the Veteran obtaining and maintaining suitable employment. The IEAP outlines and ranks the tasks in terms of preferred sequence of completion. The IEAP will be developed:

- No later than 60 days prior to the projected end of the period of training and/or other rehabilitation services as outlined in the rehabilitation plan

- If employment services constitute the Veteran's sole plan of services, as determined by the evaluation

d. Selection of Services and Categories

The case manager's assessment of a Veteran's employment assistance needs should include a review of the following important considerations:

1. What are the Veteran's personal strengths that support attainment of the program goal?
2. What additional support does the Veteran need to achieve his/her program goal?

3.04 Direct Services

The case manager works closely with the Veteran to develop a list of value-added services to promote attainment of the vocational goal. Direct Services may include the following:

a. Skill Development Needs

The Veteran may need to develop or improve his/her employment-seeking skills, to include:

- Interviewing techniques
- Resume preparation
- Grooming and hygiene habits
- Personal marketing skills
- Communication skills
- Networking skills

The case manager will provide the necessary assistance to enable the Veteran to achieve these skills, either through direct assistance or with the support of additional resources as defined below.

b. Information Development Needs

The case manager and the Veteran need to work together to acquire factual and realistic data about the job market. Case managers assist the Veteran not only in the development of a suitable vocational goal, but also in the development of a clear understanding of his/her perceptions of that goal, and what he/she may anticipate following the achievement of the goal in terms of salary and benefits.

c. Resources and Referrals

In addition to providing direct services, case managers utilize the following resources to ensure that the Veteran has every opportunity to achieve his/her vocational goal:

1. Department of Labor (DOL)

DOL employs Disabled Veterans' Outreach Program (DVOP) specialists and Local Veterans' Employment Representatives (LVERs) to work as Veterans' employment liaisons. DVOP specialists and LVERs assist Veterans in securing temporary employment, internships and placement into suitable employment. Case managers encourage Veterans to work closely with their DVOP specialist and LVER.

2. VA Medical Facilities

Veterans Health Administration (VHA) facilities provide therapy and other medical treatment options to Veterans with disabilities participating in the VA VR&E Program. For more information on the scope of these services, refer to VHA Directive 210-022, dated May 14, 2010.

3. Community Resources

Community resources may include placement services at the Veteran's technical school, college or university, state vocational rehabilitation agencies and other locally based not-for-profit facilities.

3.05 Employment Adjustment Allowance

An Employment Adjustment Allowance (EAA) is an allowance consisting of a two-month payment at the full-time rate of subsistence allowance for the Veteran's type of training. In order to be entitled to EAA, a Veteran's case must have progressed through Rehabilitation to the Point of Employability status to Job Ready Status (JRS) following the provision of services under an Individualized Written Rehabilitation Plan (IWRP). There must be documented declaration of job-readiness by the VR&E case manager in the Counseling Evaluation Rehabilitation (CER) folder at the time the Veteran's case is placed in

JR status. The Veteran must satisfactorily participate in the services planned in the IEAP for a period of 30 days before the first payment of EAA may be authorized, and participate for an additional 30 days before a second payment is authorized (38 CFR 21.268). For more information on how to authorize and process EAA payments, refer to M28R.V.B.10.

3.06 Supportive Services

a. General Information

Case managers authorize a broad range of supportive services for Veterans seeking employment. Supportive services may include, but are not limited to, the following:

- Medical treatment, care and services
- Supplies
- Payment for licenses, certifications and other fees
- Special services for individuals who are blind and/or deaf
- Transportation assistance
- Services to the Veteran's family
- EAA

b. Responsibilities

Case managers carefully evaluate the Veteran's need for supportive services, and coordinate provision of services in a timely manner.

c. Types of Supportive Services

1. Supplies

Supplies may be provided to a Veteran who is receiving employment services under the provision of 38 CFR 21.210-21.224. For more information on how to obtain supplies, refer to M28R.IV.A.5.

2. Job Accommodations

A job accommodation is any modification or adjustment to a job or the work environment that will enable a qualified Veteran with a disability to

participate in the application process or to perform essential job functions. Case managers may authorize the purchase of equipment or payment for an assistive technology specialist to travel to the Veteran's workplace and assess his/her worksite to ensure it is ergonomically correct and meets the Veteran's needs (38 CFR 21.254(a)). For more information on how to provide workplace accommodations visit www.askjan.org, Job Accommodation Network (JAN), or see M28R.VI.A.4.

3. Travel

Case managers can pay for intraregional and interregional travel (but not moving expenses) to the place of employment under certain conditions (38 CFR 21.370-21.376). Payment for this travel is limited to the Veteran's transportation costs and does not include the costs associated with the travel of dependents or possessions. Prior to authorization, the case manager must determine that the travel at government expense is necessary for the Veteran to obtain and maintain suitable employment. For more information on how to authorize interregional and intraregional travel, refer to M28R.VI.A.5.

(a) Limited Travel for Interviews

Case managers may authorize intraregional travel (travel within the jurisdiction of the regional office) for a Veteran to report to a prospective employer-trainer (for on-the-job training) for an interview prior to induction into training. There must be a definite assurance in advance of approving the travel that, upon the interview, the employer will start the Veteran in training, if the employer finds the Veteran acceptable (38 CFR 21.370, (b)(2)(ii)). Case managers may also authorize interregional travel (travel outside the jurisdiction of the regional office) when the Veteran needs to report to the chosen school for a personal interview prior to induction into training when the school requires the interview as a condition of admission. There must be assurance before the travel is approved that the Veteran's records (school, counseling, etc.) show that he/she meets all the basic requirements for induction under 38 CFR 21.282, and that the Veteran submits a transcript of his/her high school credits and a transcript from any school he/she attended following high school to the school (38 CFR 21.370, (b)(2)(iii)(A-C)).

(b) Travel to Report for Work

Case managers may approve intraregional and/or interregional travel at government expense for a Veteran to report to a place of prearranged satisfactory employment upon completion of his/her program of vocational rehabilitation for the purpose of beginning work (38 CFR 21.370 and 21.372).

(c) Special Transportation Assistance

A case manager may authorize a special travel allowance to cover the extraordinary costs of transportation the Veteran incurs while he/ she is receiving employment services. The case manager will determine the need for a transportation allowance with the assistance of a medical consultant to determine the need for special transportation assistance and to develop transportation arrangements that do not unduly tax the Veteran's ability to travel and pursue a rehabilitation program. Transportation assistance includes mileage, parking fees, a reasonable fee for a driver, transportation furnished by a rehabilitation facility or transitional employment facility, and other reasonable expenses that may be incurred in local travel. For more information on how to authorize special transportation assistance, see 38 CFR 21.154, and M28R.VI.A.5.

4. Payment For Licenses, Certifications and Fees

The case manager may authorize payment for a license, certificate or fee when an employer requires it to fulfill the occupational or professional qualifications of the Veteran's employment goal. The case manager may approve it either while the Veteran is in JRS or after he/she becomes employed as a condition of the employment. Payment may include the cost of examinations required to obtain the license, permit or certificate. The Veteran must meet all prerequisites for taking the examination, such as successful completion of training, prior to the VA authorizing payment (38 CFR 21.254(a)).

For more information on how to process payment for licenses, certifications and fees, see M28R.VI.A.5.

d. Excluded Services

The following services may not be provided to a Veteran during a period or program of employment services (38 CFR Part 21.254(b)):

- Subsistence allowance, or payment of an allowance at the educational assistance rate paid under Chapter 30 for similar training, except for EAA

- Education and training services, other than brief courses, such as review courses necessary for licensure
- Revolving Fund Loan
- Work-study allowance

3.07 Monitoring Veteran's Progress in Employment Services

The case manager must monitor the Veteran's participation in employment services within 30 days after the Veteran is declared job-ready, and at least monthly until the Veteran is declared rehabilitated. Monitoring may include a face-to-face or videoconference meeting with the Veteran. Services must be adapted according to the Veteran's needs and must be immediately provided to assist in the Veteran's ability to obtain and maintain employment.

If the Veteran has no special needs or no barriers are identified, other methods such as telephone or email may be used to determine the Veteran's progress. Additionally, a DVOP specialist, LVER or a VA contractor can assist the case manager by making the required contacts.

All contacts or meetings with the Veteran must be clearly documented on VAF 28-1905d, Special Report of Training or in CWINRS notes and should include the following topics for discussion:

- a. Is the Veteran following the employment-seeking actions outlined in the IEAP?
- b. Is the Veteran receiving the appropriate level of assistance or is more assistance needed?
- c. Do circumstances require modification of the IEAP, including changes in services or service providers? If the plan requires modification, the case manager must redevelop the IEAP with the Veteran using a comprehensive evaluation.
- d. Is the Veteran employed? If so, does the job meet his/her needs?

3.08 Contracting for Employment Services

- a. Areas Appropriate for Contract Services

Provision of effective employment services is generally a labor-intensive activity requiring specialized skills. The case manager and the Veteran must identify the specialized employment services needed, such as:

- Resume preparation
- Interviewing techniques
- Marketing, such as conducting informational interviews with employers
- Networking
- Job search techniques

Once the case manager and the Veteran have identified the services, three factors affect the decision whether or not to contract for these services:

1. Does VR&E have the resources to provide the services directly?
2. Is the impact of the Veteran's disability such that specialized placement assistance would be beneficial?
3. Are there available resources, including public and private agencies, that can provide adequate assistance on a no-charge basis?

b. Selection of Service Providers

Contracts are awarded at a national level. Authority from VR&E Service is required in order to develop local contracts. VR&E Service may contract with for-profit entities if the VA determines comparable services from non-profit or public-sector agencies are not available in the Veteran's community, but services by for-profit agencies are available locally. Examples include:

- The Veteran needs highly individualized services which are not available from public-sector or not-for-profit agencies
- Receiving the services from a public-sector or not-for-profit agency would constitute a hardship for the Veteran
- The VA cannot obtain comparable services cost-effectively from other sources, such as public-sector or not-for-profit agencies

c. Monitoring Contractual Services

When using contractual services, case managers must make sure it is clear that the VRC/EC is accountable for ensuring the Veteran receives these services. The VRC/EC is also responsible for the provision of employment services to ensure that the Veteran's progress is monitored regularly and that services are provided appropriately and in a timely manner.

In addition, the case manager must address all employment needs that the VA contractor identifies and coordinate the necessary services, to include amending the IEAP if necessary.

For more information on how to use contracted assistance, refer to M28R.VI.A.4.

3.09 Advocacy Responsibility

Case managers ensure that Veterans receiving Chapter 31 employment services benefit from all applicable provisions of the laws and regulations providing for special consideration, emphasis, or preference in placement or training (38 CFR 21.252(c)). To advocate for the Veteran, case managers perform, but are not limited to, the following activities:

- Encouraging prospective employers to recognize that Veterans with disabilities are excellent workers and hiring Veterans with disabilities is consistent with good business practices
- Creating a more favorable climate for job-seeking Veterans with disabilities through public awareness programs to educate employers on the advantages of hiring Veterans with disabilities through the use of outreach programs
- Working closely with hiring managers to identify and develop job modifications to accommodate Veterans with disabilities
- Supplying technical assistance for the modification of jobs, facilities, and equipment when assistance is necessary for a Veteran to obtain and maintain suitable employment
- Providing post-placement assistance to Veterans to aid in job orientation, how to address unexpected problems, and provide other services to ensure a suitable adjustment to employment

- Assisting the Veteran with filing a complaint if the Veteran believes the employer has discriminated against him/her or has not carried out affirmative action obligations

Chapter 4
JOB READINESS, DEVELOPMENT AND PLACEMENT SERVICES

- 4.01 Introduction
 - 4.02 References and Resources
 - 4.03 Job Readiness
 - a. General Information
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Chapter 4
JOB READINESS, DEVELOPMENT AND PLACEMENT SERVICES

4.01 Introduction

Most Veterans' employment programs, whether administered by the Department of Veterans Affairs (VA), Department of Labor (DOL), Office of Personnel Management (OPM), Small Business Administration (SBA), or another federal agency, are designed to contribute to the Veteran's readjustment to civilian life. Public Law 96-466 established suitable employment as a fundamental criterion of successful readjustment for Veterans participating in VA's Vocational Rehabilitation and Employment (VR&E) Program. Employment services, including job development and placement, are central to VR&E's mission.

This chapter provides detailed information on job accommodations, job readiness, direct placement services, job development and analysis, and modifications to the job. Statutory and regulatory references are also cited in this chapter.

4.02 References and Resources

Laws:	Public Law 96-466 Americans with Disabilities Act
Regulations:	38 Code of Federal Regulations (CFR) 21.250(b)(2) 38 CFR 21.252
Resources:	Dictionary of Occupational Titles Occupational Outlook Handbook
Websites:	www.disability.gov www.askjan.org www.wave.net/upg/immigration/dot_index.html#MENU www.bls.gov/OCO www.dol.gov/vets

4.03 Job Readiness

a. General Information

A Veteran must first be declared "job ready" before a case manager provides him/her employment services or post-employment services. Job ready refers to a Veteran's ability to obtain and maintain suitable employment after

receiving the services necessary to become suitably employable as outlined in his/her rehabilitation plan.

A Veteran with a disability who is job ready should meet the same expectations as any applicant for employment who does not have a disability. In general, an employer's expectations for an applicant include the following:

- Demonstrates proper workplace decorum
- Works effectively with others
- Understands the requirements of the job
- Acts responsibly and with dignity
- Has the skills and knowledge required to perform the duties of the job

b. Requirements

It is the case manager's responsibility to make a determination for declaring a Veteran job ready before he/she is provided employment services. The determination must include the following verifications:

1. Documentation such as a diploma, certification from a training facility or transcript of records that demonstrate the Veteran has completed the education or other training outlined in his/her Individualized Written Rehabilitation Plan (IWRP)
2. Completion of any required certification or license
3. No barriers, such as disability conditions, family situations, etc., that may prevent the Veteran from obtaining or maintaining suitable employment
4. Possession of job-seeking skills

c. Job-Seeking Skills

The case manager must assess the Veteran's job-seeking skills before declaring the Veteran to be job ready. This includes ensuring that the Veteran possesses adequate job-seeking skills needed to begin his/her job search. Job-seeking skills training may be provided by a Vocational Rehabilitation Counselor (VRC), Employment Coordinator (EC), community agency or private contractor, if the Veteran is determined in need of this

training. Job-seeking skills and other factors needed to begin a job search include, but are not limited to, the following:

- Creating a comprehensive resume and cover letter
- Utilizing the Internet to search and apply for jobs
- Networking with others
- Utilizing local labor market information to identify growing occupational fields
- Preparing for and participating in an interview
- Negotiating salary requirements
- Following up after an interview

d. Documentation for Job Ready Declaration

The case manager must accurately and clearly justify and document the declaration of the Veteran's job readiness on VAF 28-1905d, Special Report of Training (See Appendix O. VA Forms), or CWINRS Notes. The narrative must clearly explain that there are no impediments in the Veteran's ability to obtain or maintain suitable employment. This documentation must be filed in the middle flap of the Counseling/Evaluation/Rehabilitation (CER) folder.

Additionally, the case manager must ensure that the Veteran's CER folder contains a documented contact with the Veteran that clearly demonstrates that the case manager has established communication with the Veteran while making the job ready determination.

e. Effective Date for Opening Job Ready Status

The effective date for declaring a Veteran job ready is the date the documentation for the declaration is completed. A Veteran cannot be declared job ready on the sole basis that the Veteran obtained suitable employment.

The effective date for placing the case in Job Ready (JR) Status is the same date as the declaration of the Veteran's job readiness.

f. No Retroactive Declaration of Job Readiness

A case manager cannot make a retroactive declaration of a Veteran's job readiness. This will include instances in which a Veteran completed the objectives of his/her IWRP but cannot be located or does not respond to motivational contacts, or obtained suitable employment and resumes contact with his/her case manager. Determination for job readiness may begin at the time the case manager re-establishes contact with the Veteran. This contact must be clearly documented on VAF 28-1905d or CWINRS Notes and filed in the middle flap of the Veteran's CER folder.

g. Veteran Determined Not Job Ready

If a case manager determines that the Veteran is not currently job ready, the case manager must work with the Veteran to determine the services he/she needs to become ready to obtain or maintain suitable employment. Once the services are identified, the case manager must modify the Veteran's IWRP to include the additional services to be provided.

4.04 Job Placement

a. Direct Placement Service

This requires the case manager's active involvement and personal intervention with employer on behalf of the Veteran. Direct job placement occurs within a network that involves employers, employees and service providers.

1. Direct placement entails the following activities:

- Matching the Veteran's needs, abilities and aspirations to the demands, salary and other characteristics of a specific employment objective
- Communicating the terms of the match to the parties involved and working to bring about a successful job interview for both the Veteran and employer
- Establishing and maintaining placement aid tools (e.g., networking information on file or database to facilitate matching and communication activities, etc.)

2. Successful placements are mutually beneficial to the employer, Veteran, and VA. Direct placement involves actively and personally intervening with employers on behalf of the Veteran. Direct job placement occurs

within a network of employers, job-seeking Veterans and service providers.

(a) Employers

Employers are concerned about timeliness in filling job vacancies and the productivity of newly hired employees. When collaborating with employers, the case manager is regarded as the service provider. The case manager functions as a salesperson in a consumer-oriented market. Successful placement of Veterans creates goodwill with employers and often results in long-lasting working relationships that aid in future placements. Therefore, the case manager should consider the employers' time constraints and staffing needs. This means that the case manager refers only qualified and carefully matched applicants.

(b) Veterans

The primary considerations in determining whether a Veteran is a qualified candidate for a specific job are experience, credentials and academic or vocational training. However, other evaluations and supportive services may be necessary to ensure that the Veteran is job ready. For example, interpersonal and readjustment issues may require resolution before a Veteran is ready to seek employment.

(1) Employment Services as Part of an IWRP

The IWRP may include employment objectives, even if employment-related activities are not planned to take place until after the Veteran completes formal training or education. The case manager may provide services such as developing interviewing and job-seeking skills to improve the Veteran's employability while the Veteran is participating in an IWRP.

(2) Job Interview Referrals Prior to the Declaration of Job Readiness

A referral to a job interview is a disservice to both the Veteran and potential employer if the Veteran is not job ready. The Veteran's future employability may be impaired and the service provider's credibility with the employer may be damaged if a referral for a job interview is made prematurely.

The case manager can provide a variety of services to ensure that the Veteran is ready to proceed to the interview phase of the job

search process prior to the referral for a job interview. Examples of these services include, but are not limited to:

- Mock interviewing sessions
- Informational interviewing
- Development of a comprehensive resume
- Training in successful interviewing techniques

(c) Service Providers

A case manager may utilize services available from various service providers as tools to increase the Veteran's marketability, connect with potential employers and address any employer issues. These services may include, but are not limited to, the following:

- (1) Job analyses, modifications to the job, and post-placement services are utilized to ensure a successful placement.
- (2) Services available to the Veteran such as supplies, training and payment of license fees will increase the Veteran's marketability.
- (3) Special hiring programs are useful in placing Veterans. Programs such as noncompetitive placement in a public sector agency and unpaid work experience are direct placement tools (refer to M28R.VI.A.8 for more information on these programs, as well as other special hiring authorities).

b. Job Development

According to 38 CFR 21.250(b)(2), job development is defined as "a comprehensive professional service to assist the individual Veteran to actually obtain a suitable job, and not simply the solicitation of jobs on behalf of the Veteran." Since job development is a difficult and demanding activity, the case manager may need to coordinate with a variety of service providers to accomplish aspects of job development, to include:

1. Public sector agencies, such as local, state and federal government agencies. The Veterans' Employment and Training Service (VETS), which is a Department of Labor program, provides employment and training services to eligible Veterans at the state level through two principle programs:

- Disabled Veterans' Outreach Program (DVOP). A DVOP specialist provides outreach and offers assistance to Veterans with disabilities and other Veterans by promoting community and employer support for employment and training opportunities.
- Local Veterans' Employment Representatives (LVERs). An LVER is a state employee located in state employment offices and provides employment assistance to Veterans, including processing complaints regarding the observance of Veterans' preference.

For more information on these programs, see www.dol.gov/vets.

2. Not-for-profit organizations such as public post-secondary schools, vocational schools, colleges and universities provide career services to assist students with job placement. On-campus recruiting and job fairs are common practice in these settings, providing excellent opportunities for job development.
3. For-profit entities, such as employment agencies. Employment agencies serve both large and small organizations across all industry sectors, thus providing opportunities for job development in a variety of occupational settings.

4.05 Job Analysis

a. General Information

Job analysis is an essential aspect of direct placement. It is a process used to identify and determine the particular job duties and requirements, and the relative importance of these duties for a given job. An important concept is that the analysis is conducted on the specifics of the job, not the person performing the duties of the job. Job analysis is particularly useful when dealing with small businesses, as many of the jobs in this setting have a variety of ancillary duties.

b. Methodology

A case manager may need to conduct an on-site analysis of a prospective job when precise information about job task requirements and the work environment are not known. A job analysis should identify the following factors of a job:

1. Key tasks and responsibilities

2. Required problem-solving and decision-making skills
3. Management responsibilities
4. Contact with others
5. Job complexity
6. Work environment
7. Physical and cognitive demands
8. Education, experience, license and/or certification requirements

c. Job Profile

A case manager may utilize the Dictionary of Occupational Titles (DOT) and the Occupational Outlook Handbook (OOH) to identify several aspects of an occupation, to include:

- Training and education requirements
- Earnings
- Working conditions
- Expected job growth/decline rate
- Physical demands
- Essential job duties

This information, coupled with an understanding of the Veteran's strengths and weaknesses, will increase the likelihood of a successful placement.

For more information on or access to the DOT and/or OOH see www.wave.net/upg/immigration/dot_index.html#MENU and www.bls.gov/OCO.

d. Other Important Considerations

Additional issues may prove to be barriers to employment. For example, the location of accessible parking, entrances, restrooms and dining facilities are

part of a comprehensive job site analysis. The identification of these barriers assists in the development of an individualized accommodation plan.

4.06 Modifications to the Job

The Americans with Disabilities Act, Title I, requires employers with 15 or more employees to provide qualified individuals with disabilities an equal opportunity to benefit from the full range of employment-related opportunities available to others. For example, it prohibits discrimination in recruitment, hiring, promotions, training, pay, social activities and other privileges of employment. It restricts questions that can be asked about an applicant's disability before a job offer is made, and it requires that employers make reasonable accommodation to the limitations of otherwise qualified individuals with disabilities.

Reasonable accommodations and workplace modifications provide the same stability to employees with disabilities, allowing the opportunity to capitalize on their strengths and independence. The case manager must assist the Veteran in identifying and requesting these services from the employer. The Job Accommodation Network that is found at www.askjan.org is a valuable resource in the identification of possible accommodations. Additionally, lists of public, not-for-profit and private sector organizations and programs providing information and assistance on reasonable accommodation and job modifications may be found at www.disability.gov under the topics of "Employment" and "Technology." For more information on reasonable accommodation, refer to M28R.VI.A.8.

Chapter 5
OUTREACH ACTIVITIES TO EMPLOYERS

- 5.01 Introduction
- 5.02 References and Resources
- 5.03 Promotion of Training and Employment Opportunities
- 5.04 Role of the Employment Coordinator (EC)
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 - 1. VBA Facebook
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 - 5. VA YouTube Channel
 - f. Partnerships
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 - 2. Non-Paid Work Experience Program
 - 3. Special Employer Incentive
 - 4. Partnerships and Memoranda of Understanding (MOU)
 - g. Partnership with U.S. Department of Labor, Veterans Employment and Training Service (DOL/VETS)
- 5.06 Federal Veterans Employment Initiative

Chapter 5
OUTREACH ACTIVITIES TO EMPLOYERS

5.01. Introduction

- a. Outreach is a proactive, intentional effort by individuals in an organization to connect its ideas or practices to the efforts of other organizations, groups and individuals. Along these lines, Vocational Rehabilitation and Employment (VR&E) staff is authorized and directed to contact Veterans with service-connected disabilities, employers, community organizations and other entities in order to:
 - 1. Promote training opportunities supported by VR&E to all potentially eligible and entitled Veterans
 - 2. Increase community awareness of the VR&E Program
 - 3. Connect employers with VR&E as a potential source of training for Veterans and a potential source of Veterans for employment
 - 4. Establish employment opportunities for VA VR&E Program participants
 - 5. Develop community relationships and support
- b. Through outreach, VR&E staff helps individuals and groups learn about VR&E services and how to access them. In this chapter, topics include promotion of training and employment opportunities, employer outreach and marketing, and Internet marketing.

5.02. References and Resources

Regulations: 38 Code of Federal Regulations (CFR) 21.252(b)
 38 CFR 21.256
 38 CFR 21.296
 38 CFR 21.299

Websites: www.VetSuccess.gov
 www.facebook.com/VeteransBenefits?v=wall
 www.twitter.com/VAVetBenefits
 www.youtube.com/user/DeptVetAffairs
 www.dol.gov/vets
 www.va.gov/vecs
 www.va.gov/cfbnpartnerships
 www.VocRehab.com

www.canar.org/index.php

5.03. Promotion of Training and Employment Opportunities

- a. Per requirements under the provision of 38 CFR 21.232(b), VR&E offices are directed to promote the establishment of employment, training and related opportunities to provide eligible Veterans with compensable service-connected disabilities all services and assistance necessary to enable them to become employable and to obtain and maintain employment.
- b. Effective promotion of training and employment opportunities for Veterans includes:
 - 1. Coordination and cooperation with other disability and employment placement service providers and interested parties
 - 2. Participation in job fairs and related community activities
 - 3. Engagement in outreach activities to employers
 - 4. Providing employers with valuable consultation services such as:
 - (a) Training on the Americans with Disabilities Act (ADA) and other relevant disability law
 - (b) Assistance in determining and providing assistive technology or other reasonable accommodations needed by a Veteran

5.04. Role of the Employment Coordinator (EC)

One of the EC's primary duties is conducting outreach activities to employers. These outreach duties include, but are not limited to:

- a. Establishing effective relationships with potential employers within the regional office's (RO) jurisdiction
- b. Serving as the primary consultant and point of contact for the VR&E staff members, employers, Veterans and the community regarding employment services
- c. Providing labor market information (LMI) to assist case managers in developing suitable vocational goals

- d. Advocating for the placement of Veterans in suitable employment through active networking with employers
- e. Providing guidance to the Veterans and employers regarding access to the VetSuccess.gov website through assistance with the registration process and the listing of employment opportunities
- f. Utilizing state-of-the-art marketing techniques to promote the hiring of Veterans with service-connected disabilities. This should include media events and job fairs with employers within the office's jurisdiction

5.05. Outreach Activities

a. Marketing

Good marketing is essential for successful outreach with employers. All VR&E offices are directed to market the VR&E program and the employment of Veterans with service-connected disabilities within their jurisdiction.

1. Each VR&E Office's responsibilities include but are not limited to the following:
 - (a) Conducting informational briefings to local and national employers
 - (b) Developing local Memoranda of Understanding (MOU) with various employers for job training and placement of Chapter 31 Veterans
 - (c) Encouraging employers to register and list job openings on the VetSuccess.gov website

b. VetSuccess Website at www.vetsuccess.gov

1. Features

This website contains valuable information and links to provide employers with qualified Veteran applicants and serves as resource center for the Veterans. These include:

- A repository of Veterans' resumes (Resume Books) for registered employers to review for hiring
- Online space for employers to list job openings

- Information on Special Hiring Events in the RO's jurisdiction
- Tips for preparing applications, writing resumes and interviewing

2. Requirements for VR&E staff

The case manager must ensure that each Veteran in his/her caseload is registered in the VetSuccess website and must assist them in registering and using the website.

c. Marketing Material

Each VR&E office is directed to distribute promotional materials developed by VR&E to employers and the community. These may include, but are not limited to:

- DVDs or other video media developed for this purpose
- Printed materials – QuickBooks, pamphlets, brochures, posters, flyers, etc.
- Promotional products – pens, lapel pins, bumper stickers, tote bags, sticky notes, etc.

Each EC is provided an EC portfolio. This is an organizer that contains various items including a VA VR&E Program Standardized PowerPoint Presentation, forms for various employment programs, and informational brochures, DVDs and handouts. The EC portfolio should also be used to carry the resumes of the Veterans the EC is seeking to place. The portfolio is used as the EC's resource center when meeting with employers.

These marketing materials may be distributed during the following and other relevant activities:

- Vocational rehabilitation employers' network meetings
- Industry expositions such as Chamber of Commerce events
- Job fairs sponsored by state employment offices
- Job fairs sponsored by non-government organizations (e.g., Goodwill Industries)
- Veterans Employment and Training Service (VETS) sites

- State vocational rehabilitation offices
- d. Marketing Strategies
1. Targeted Marketing

VR&E endeavors to market the VR&E program and the employment of Veterans with disabilities using a marketing strategy with well-defined target employers. Each VR&E division will analyze the local labor market using available resources and develop a list of local employers that are partners in the employment of Veterans with disabilities or that have potential for collaboration with VA. When developing a list of priority targets for focused marketing, consideration should be given to:

- Employers with a history of hiring VR&E participants
 - Federal, state and local government agencies
 - Employers with a large number of employees
 - Defense contractors, who can be found at www.defense.gov/advisories/advisory.aspx?advisoryid=597
 - Other federal contractors available at www.gsa.gov/portal/content/100020
 - Veteran-owned businesses listed at www.vetbiz.gov
2. Cold Calling

VR&E staff is directed to generate a database or list of potential employers both in order to locate current career openings for Veterans and to promote systematic marketing efforts. Cold calling will often be necessary for both of these aims and should not be avoided. VR&E staff must research the company or agency prior to contacting it and maintain professionalism throughout all contacts. When calling, the VR&E staff member should be simple and direct, first introducing himself/herself and then asking to speak to the hiring manager. He/she should ask the hiring manager for an appointment to discuss the possibility and benefits of employing Veterans who are pre-screened, trained and job-ready.

A list of employers to contact should be compiled from available sources including but not limited to:

- Data-mining job announcements online or in newspapers for employer information
- Collaborating with the DVOP specialist or LVER at the Department of Labor's Veterans' Employment and Training Service (VETS) to identify potential employers
- Reviewing local Chamber of Commerce listings of companies by location and number of employees
- Searching the U.S. Securities and Exchange Commission listing of publicly held companies for local employers' names, contact addresses and phone numbers at www.sec.gov/edgar/searchedgar/companysearch.html
- Searching business information aggregators such as www.guidestar.org (for non-profits) or www.hoovers.com

3. Employer Accounts

Once a company or government agency is determined to be a potential source of employment for Veterans in the VR&E program, the EC will work with the employer to create a relationship in which the employer regards VR&E as a first-class source of pre-screened, trained, job ready candidates for employment. VR&E staff will assist the employer in setting up an account on www.Vetsuccess.gov. The EC will also work with the employer's hiring manager to determine an appropriate schedule and preferred method of contact for VR&E staff to reach the company to discuss available openings.

e. Social Media

VA has established a substantial online presence utilizing the most current social media. The VA Social Media Office can be found online at www.va.gov/opa/SocialMedia.asp. The main goal of VA social media is to interact with the "millions of Veterans and their family members" who already use social media each day. Currently, most social media websites are blocked on VA computers but access can be granted with approval of the VR&E Officer and the local Information Security Officer.

Due to VR&E's responsibility to protect the Veteran's privacy and the Veteran's assumption of the confidentiality of VA communications, it is not appropriate for VR&E staff to communicate directly with Veterans, Servicemembers, and/or their families using social media sites. In addition,

VR&E staff will not respond as a VR&E employee to any posting on social media sites unless officially designated to do so by a senior management official.

The established media for VA are:

1. VBA Facebook at www.facebook.com/VeteransBenefits

VBA manages a Facebook page to allow real-time feedback on various programs and services. This page is also used to notify Veterans and stakeholders of upcoming events and to make other announcements. VR&E staff is responsible for providing a Facebook posting biweekly.

2. VBA Twitter at www.twitter.com/VAVetBenefits

Twitter is a social networking and microblogging service similar to Facebook but limiting written posts to 140 characters. VR&E staff is responsible for providing a microblog called a "tweet" on a weekly basis.

3. VA Flickr at www.flickr.com/photos/VeteransAffairs

This photo-sharing site is used to "put a face on" VA personnel, facilities, services and Veterans.

4. VAntage Point at www.blogs.va.gov/VAntage

This is the official blog of the VA and provides a forum for Veterans, active-duty military, their families and the general public to learn about the Department and its initiatives and to contribute feedback. Since VA employees are encouraged to submit guest blogs, VAntage Point may also be used in local outreach and marketing efforts if approved by the VR&E Officer and the RO Director.

5. VA YouTube Channel at www.youtube.com/user/DeptVetAffairs#g/c/A93A5833057D78B7

YouTube provides a video posting site for individuals to share and view videos. The website also provides a forum for response to videos by written reply or video reply. VR&E Service will solicit and may post testimonial-type videos featuring Chapter 31 participants discussing their experiences in the VetSuccess program. VR&E Service may also utilize YouTube to reach out to employers to market VA Vocational Rehabilitation Program services and to encourage them to consider VR&E as a hiring resource. Staff must contact the VA Office of Public and

Intergovernmental Affairs and the VA Social Media Office before submitting a video.

f. Partnerships

Establishing partner relationships with employers not only assists in expeditiously placing Veterans in suitable employment, but also is beneficial when regular hiring proves difficult for Veterans who have special and complicated circumstances.

1. On-the-Job Training

For more information regarding on-the-job training (OJT), refer to 38 CFR 21.296 and M28-1.I.3.2.

2. Non-Paid Work Experience Program

For more information on the Non-Paid Work Experience (NPWE) program, refer to 38 CFR 21.299 and M28-1.I.3.2.

3. Special Employer Incentive

For more information on the Special Employer Incentive (SEI) initiative, refer to 38 CFR 21.256 and M28R.VI.7.

4. Partnerships and MOUs

See M28R.VI.6 and www.VetSuccess.gov for a list of partners. MOUs are developed to increase employment and training opportunities for Veterans with disabilities. MOUs provide for a pre-established agreement on shared costs and responsibilities between the employer and VR&E. For more information on VR&E's national MOUs, refer to M28R.VI.6.

g. Partnership with U.S. Department of Labor, Veterans Employment and Training Service (DOL/VETS)

The VETS staff provides direct job-placement services to Veterans. VETS offers Veterans assistance with Veterans' preference eligibility information, Uniform Services Employment and Reemployment Rights Act (USERRA) guidance, and Hire Vets First initiatives. VETS utilizes DVOPs and LVERs in the field to facilitate outreach and job placement efforts on behalf of DOL and VA. For more information on VETS, refer to www.dol.gov/vets.

5.06. Federal Veterans Employment Initiative: Executive Order 13518, dated November 9, 2009

This executive order enhances and promotes recruitment of Veterans for employment opportunities within the executive branch. It establishes an interagency Council on Veterans Employment (Council) and requires each federal agency to develop an Operational Plan for the employment of Veterans. Each agency on the Council must also provide a full-time Human Resources Specialist to serve as the agency's Veterans Employment Program Coordinator. This specialist is responsible for coordinating and managing employment of Veterans and must perform outreach activities at the agency, including helping with the placement of Veterans with disabilities. More information is available at www.fedshirevets.gov. Any VRC/EC assisting a Veteran in Job Ready Services should utilize this site both as a one-stop shop for information on federal employment of Veterans and as a directory to find the Veterans ECs at different federal agencies.

Chapter 6
PARTNERSHIPS AND MEMORANDA OF AGREEMENT/UNDERSTANDING

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Chapter 6
PARTNERSHIPS AND MEMORANDA OF AGREEMENT/UNDERSTANDING

6.01 Introduction

Vocational Rehabilitation and Employment (VR&E) believes partnerships with other organizations help us to provide quality and timely training and employment services to Veterans with disabilities. This chapter supplies information on service providers, intra-agency and interagency coordination, and the highly visible and important partnership with Department of Labor's Veterans' Employment and Training Service (DOL/VETS). This chapter also contains the statutory and regulatory provisions covering subject matter related to partnerships, Memoranda of Agreement (MOA) and Memoranda of Understanding (MOU).

6.02 References and Resources

- Laws: Wagner-Peyser Act of 1933, as Amended
 38 United States Code (U.S.C.) 4103A
 38 U.S.C. 4214
 Rehabilitation Act of 1973, as Amended
 Americans with Disabilities Act of 1990, as Amended
 Freedom of Information Act
 Privacy Act of 1974, as Amended
 Health Insurance Portability and Accountability Act of 1996
- Regulation: 38 Code of Federal Regulations (CFR) 21.252
- Guidance: U.S. Department of Labor Veterans' Employment and
 Training Service and U.S. Department of Veterans Affairs
 Vocational Rehabilitation and Employment Service Technical
 Assistance Guide (TAG), December 2008
 Memorandum of Agreement between VR&E and
 Rehabilitation Services Administration, October 3, 2005
- Websites: www.fedshirevets.gov
 www.dol.gov/vets/REALifelines/index.htm
 www.doleta.gov/programs/Wagner_Peyser.cfm
 www.sba.gov
 www.va.gov/osdbu
 www.dol.gov/vets
 www.doleta.gov/usworkforce/wia/act.cfm
 www.va.gov/cfbnpartnerships
 www.vaforvets.va.gov
 www.dav.org/

VA Form (VAF): VAF 3288, Request for and Consent to Release of Information from Claimant's Records

6.03 Overview of Service Providers

a. General Information

Effective VR&E job development and placement services are dependent upon the Vocational Rehabilitation Counselor's (VRC) and Employment Coordinator's (EC) ability to make full use of available resources. Each VR&E Regional Office (RO) needs to develop and cultivate a referral network that includes the following organizations and programs:

- DOL/VETS
- State Workforce Agencies (SWA) or state employment services' offices
- Programs authorized by the Rehabilitation Act of 1973, as Amended
- Office of Personnel Management (OPM) and federal agencies' Human Resources (HR) offices
- Other public, non-profit or for-profit organizations offering placement services
- Disabled American Veterans (DAV)

b. Local Government Agencies

All government agencies are required to provide employment opportunities to Veterans. In some geographical locations, employment services may be available through local agencies, including county and municipal governments. The availability of local services may depend on other circumstances in addition to an individual's Veteran status.

c. State Employment Services' Offices

In accordance with the Wagner-Peyser Act of 1933, as Amended, a system of public employment offices known as Employment Service, provides job-seekers (with priority to Veterans) and employers with a variety of employment-related labor exchange services, including but not limited to the following:

- Job-seeker assessment of skill levels, abilities and aptitudes

- Career guidance
- Job referral assistance
- Placement assistance
- Recruitment services to employers with job openings
- Matching job-seeker experience with job requirements, skills and other attributes
- Assisting employers with special recruitment needs

Veterans receive priority referral to jobs and training, as well as special employment services and assistance. The system provides specialized attention and service to individuals with disabilities. DOL exercises some administrative control over state employment services' offices by distributing funding and prescribing regulations. Each state employment services office participates in employment-related services through a network of state employment agencies.

d. Federal Government

DOL is responsible for maintaining the national system of state employment services offices. DOL does not directly deliver employment services to Veterans; instead, it monitors and evaluates the delivery of these services by the state employment services offices.

For more information on the Wagner-Peyser Act, as Amended, and state employment services offices go to www.doleta.gov/programs/wagner_peyser.cfm.

6.04 Other Agencies Coordination

a. Referrals

VRCs should research and network with other agencies to identify available services and programs, and to determine what personal information they require to provide services. The VRC should inform the Veteran of the nature of the information provided, and any exchange of personal information must meet applicable state and federal laws (e.g., Freedom of Information Act and Privacy Act) and agency regulations and policies. The Veteran's written consent should accompany the exchange of information in the form of a VAF

3288, Request for and Consent to Release of Information from Claimant's Records.

The Veteran's Individualized Employment Assistance Plan (IEAP) should clearly show all intra-agency (agencies inside the VA) and interagency (agencies outside the VA) referrals. It should contain specific information about the methods, services and activities that the Veteran will use in achieving identified goals and objectives. The agency should be identified by name, address, telephone number and email address on the IEAP. The VRC should make contact with the agency liaison through a face-to-face, email or telephone contact in advance of the referral. The VRC and/or EC are ultimately responsible for ensuring Veterans receive the services that they need to help them obtain employment (38 CFR 21.252).

b. Coordination with Public and Private Agencies

VRCs should have a clear understanding of the roles and responsibilities of public and private agencies providing job placement and related services. VRCs will develop innovative methods of cooperation and determine how to coordinate activities with these agencies to assist Veterans with their employment goals. Close contact with state employment services and state rehabilitation agencies will help to minimize duplicate agency contacts.

1. Partnership with DOL/VETS

Efficient and seamless service is the common goal and responsibility of interagency staff when assisting Veterans with disabilities, particularly those receiving VR&E services. Effective communication and coordinated efforts from all agencies involved will ensure Veterans receive the most comprehensive and professional service possible.

A team approach and partnership between VR&E, DOL/VETS and SWAs are fundamental to a seamless experience for Veterans receiving VR&E services as they move through the evaluation, training, job search and employment phases of their program. For more information on the DOL/VETS and VR&E partnership, refer to:

- VR&E Knowledge Management Portal, Useful Links & Resources - User Guides
- U.S. Department of Labor Veterans' Employment and Training Service and U.S. Department of Veterans Affairs Vocational Rehabilitation and Employment Service Technical Assistance Guide (TAG), December 2008

- DOL Veterans' Employment and Training Service at www.dol.gov/vets

2. Partnership with OPM

Executive Order (EO) 13518, November 9, 2009, Employment of Veterans in the Federal Government, states that it is the policy (of the administration of President Barack Obama) to enhance recruitment of and promote employment opportunity for Veterans within the executive branch, consistent with merit system principles and Veterans' preferences prescribed by law. The federal government will thereby help lead by example in promoting Veterans' employment. For more information on EO 13518, see Appendix AH, EOs. In addition and in accordance with 38 U.S.C. 4214, the agency responsible for planning, implementing, and overseeing the employment of Veterans in the federal government and the Disabled Veterans Affirmative Action Program (DVAAP) is OPM. VRCs should maintain a working relationship with OPM and other federal agencies' HR offices in the recruitment and retention of Veterans with disabilities.

For more information on the employment of Veterans with disabilities in the federal government and DVAAP, refer to M28R.VI.8 and www.fedshirevets.gov.

3. Partnership with Veteran Employment Services Office (VESO)/VA for Vets

VR&E and VA for Vets have a similar mission, which is to increase employment opportunities within the VA for Veterans. Specifically, VA for Vets offers Veterans the tools they need to launch or advance their civilian careers through thorough military skills translation and career matching services. The service also offers professional development and deployment lifecycle support for current Veteran and Military Service Member employees, and online training and personalized services for supervisors, human resources professionals, hiring managers and coworkers who work with current Veteran employees. The Veteran Employment Services Office (VESO) is a strategic program management office that oversees all VA Veteran employment initiatives and manages VA for Vets.

For more information on VESO/VA for Vets, go to www.vaforvets.va.gov.

4. Partnership with the VA's Center for Faith-Based and Neighborhood Partnerships

VR&E and the VA's Center for Faith-Based and Neighborhood Partnerships (FBNP) partner to provide faith-based and secular organizations with information on the benefits of hiring Veterans with disabilities. VR&E and FBNP conduct quarterly roundtable meetings at selected ROs to discuss issues of concern and to meet with employers.

For more information on the FBNP, refer to www.va.gov/cfbnpartnerships.

5. Partnership with State Rehabilitation Agencies

VR&E ROs should expand cooperation and provision of employment services to Veterans through the assistance of state rehabilitation agencies and other programs authorized under the Rehabilitation Act of 1973, as Amended. The MOU between VR&E and the Department of Education Rehabilitation Services Administration, (RSA) is in Appendix K.

Before referring a Veteran to a state rehabilitation agency, the VRC and state rehabilitation counselor must collaboratively review the Veteran's case to determine what services the state is able to provide to the Veteran. If, after collaborating with the state rehabilitation counselor, agreement is reached on what services the state is able to provide to the Veteran, the VRC should make the referral. One advantage of the VA/state rehabilitation agency partnership is that state rehabilitation agencies are able to provide services that VA cannot legally provide to the Veteran, such as a clothing allowance and some transportation allowances. Also, state rehabilitation agency offices are usually spread out across the state and can serve Veterans who do not live close to a Regional Office or out-based VR&E office. State rehabilitation agencies are particularly advantageous to Veterans who live in areas with limited employment and placement opportunities.

6. Partnership with the Small Business Administration

VRCs should contact the Small Business Administration (SBA) during the development of an Individualized Written Rehabilitation Plan (IWRP) and/or IEAP for self-employment. Examples of services provided by the SBA are as follows:

- Offers training sessions in management and marketing techniques, some tailored exclusively to Veterans
- Publishes extensive materials on business practices

- Maintains a list of local business people available to consult with would-be entrepreneurs

The SBA can assist VRCs and Veterans with plan development concerning business trends, funding and marketing, and can assist in obtaining bank loans by guaranteeing payments against default.

For more information on the SBA and the services it provides, visit www.sba.gov.

For more information on self-employment, see M28R.VI.A.9.

7. Partnership with SCORE

Another agency to consider when developing either an IWRP and/or IEAP for a self-employment goal is SCORE. SCORE is a nonprofit association dedicated to educating entrepreneurs and helping small businesses start, grow and succeed nationwide. SCORE is a resource partner with the SBA and has been mentoring small business owners for more than 40 years.

SCORE is a valuable network of 13,000+ volunteers who offer small business entrepreneurs confidential business counseling services at no charge. SCORE volunteers have the knowledge and experience to help any small business owner get the help he/she needs.

SCORE also provides local workshops and events throughout the country to connect small business owners with the people and information they need to start, grow and maintain their businesses, as well as online workshops available 24 hours a day 7 days a week. SCORE provides resources, templates and tools to assist entrepreneurs in developing tools and plans they need to navigate their way to small business success.

For more information on SCORE, go to www.score.org.

8. Partnership with the VA's Office of Small and Disadvantaged Business Utilization

VRCs must be aware of the Veteran-owned Small Business Outreach Program in VA's Office of Small and Disadvantaged Business Utilization (OSDBU). The Veteran-owned Small Business Outreach Program solicits Veteran-owned small businesses and provides for possible VA contract opportunities.

The OSDBU provides outreach and liaison support to business owners (small and large) and other members of the private sector concerning small business acquisition issues. OSDBU is responsible for monitoring VA implementation and execution of socioeconomic programs. OSDBU conducts different outreach efforts to assist Veteran-owned businesses, to include:

- Advising the Veteran business community of contract opportunities
- Coordinating outreach activities with national service organizations
- Sponsoring Veterans to attend business opportunity conferences
- Publishing a Veteran-owned small business resource list
- Developing news releases aimed at Veterans in business
- Maintaining a dialogue with the SBA

9. Partnership with Disabled American Veterans

In 88 offices throughout the United States and in Puerto Rico, the Disabled American Veterans (DAV) employs a corps of approximately 260 National Service Officers (NSOs) who represent Veterans and their families with claims for benefits from VA, the Department of Defense and other government agencies. Veterans need not be DAV members to take advantage of the assistance, which is provided free of charge.

NSOs function as attorneys-in-fact, assisting Veterans and their families in filing claims for VA disability compensation and pension; vocational rehabilitation and employment; education; home loans; life insurance; death benefits; and health care. The DAV also provides information seminars, counseling, and community outreach to Veterans and their families.

For more information on DAV, go to www.dav.org/.

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SPECIAL EMPLOYER INCENTIVE PROGRAM

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Chapter 7
SPECIAL EMPLOYER INCENTIVE PROGRAM

7.01 Introduction

The Special Employer Incentive (SEI) program is a private-sector initiative that connects job-seeking Veterans with employers for On-the-Job Training (OJT) and employment opportunities.

This chapter provides an overview of the SEI program, steps required to arrange SEI opportunities, information on direct benefit payments to Veterans as well as the duration and limitations of employer payments. Statutory and regulatory provisions are also contained in this chapter.

7.02 References and Resources

- Laws: Pub. L. 112-56
 Rehabilitation Act of 1973, as Amended
 38 United States Code (U.S.C.) 4211(1)
 38 U.S.C. 4212
- Regulations: 38 Code of Federal Regulation (CFR) 21.256 (superseded by
 Pub. L. 112-56)
 38 CFR 21.290
 38 CFR 21.190
 38 CFR 21.292
 38 CFR 21.294
 38 CFR 21.7136
- VA Forms (VAF): VAF 28-1904, Agreement to Train on the Job Disabled
 Veterans
 VAF 28-1905c, Monthly Record of Training and Wages
 VAF 28-1905d, Special Report of Training
 VAF 28-1905m, Request for Supplies
 VAF 20-8206, VA Statement of Assurance of Compliance
 with Equal Opportunity Laws
 VAF 22-8794, Designation of Certifying Official(s)
 VAF 119, Report of Contact

7.03 Program Overview

a. General Information

The SEI program provides Veterans who face extraordinary obstacles to obtaining employment with additional assistance in finding employment in the private sector. Some Veterans may not be able to locate suitable employment or OJT opportunities in their local commuting areas; other Veterans may face additional challenges due to their disabilities. The goal of the program is to place Veterans who are generally qualified for employment but may lack some specific training or work experience.

The advantage to private-sector employers is that Vocational Rehabilitation & Employment (VR&E) Services will reimburse a portion of the expenses incurred as a result of either providing direct employment or OJT opportunities to Veterans. VR&E staff will not make payments to government employers, including federal, state, or local agencies, as a part of this initiative.

b. Program Requirements

1. Veterans' Eligibility Requirements

Veterans may participate if the following occurs:

- (a) The Veteran has been determined generally qualified for employment
- (b) The Veteran has been declared job ready

2. Employers' Eligibility Requirements

(c) Course and Facility Approval

Employment Coordinators (ECs) and Vocational Rehabilitation Counselors (VRCs) must establish that potential employers comply with the course and facility approval provisions. These provisions are outlined under 38 CFR 21.290 and 21.292.

(d) Equal Employment Opportunity Requirements

ECs and VRCs must ensure that employers comply with the Rehabilitation Act of 1973, as Amended, and with 38 U.S.C. 4212 regarding equal employment opportunity requirements for Veterans with disabilities (as defined in 38 U.S.C. 4211(1)). The Department of Labor (DOL) publishes a list of non-complying employers. (Unless a question arises regarding an employer's compliance, the case manager will consider that an employer not on this list meets these compliance requirements.)

VR&E staff members should direct questions concerning compliance to the local DOL representative or to the Education Liaison Representative at the VA Regional Office.

c. Program Benefits

1. Benefits for Veterans

The benefits for Veterans include:

- (a) Assistance with overcoming barriers to employment
- (b) Increased opportunities for permanent placement

2. Benefits for Employers

The benefits for employers include:

- (a) Reimbursement of up to 50 percent of the Veteran's salary during the SEI opportunity to cover compensation for the following:
 - Additional expenses incurred for cost of instruction
 - Loss of production
 - Additional supply and equipment costs
- (b) Minimal paperwork
- (c) Case manager support to enable a successful employer/employee match
- (d) Employee training at employer's standards

7.04 How to Set Up SEI Opportunities

a. General Information

SEI should be arranged whenever the VRC or EC determines that this service is needed for the Veteran to obtain employment. All ECs and VRCs should be familiar with the process and requirements. Setting up an SEI opportunity should be a streamlined process, which requires the following steps:

1. Determine the need for SEI
 2. Locate an employer and conduct a site visit survey (38 CFR 21.294)
 3. Amend the Individualized Employment Assistance Plan (IEAP)
 4. Coordinate the Contract for Education and Training and Schedule I form with the contracting specialist or VR&E Officer
 5. Complete the following forms and justification (See Appendix O, VA Forms):
 - VAF 22-8794, Designation of Certifying Official(s)
 - VAF 20-8206, VA Statement of Assurance of Compliance with Equal Opportunity Laws
 - VAF 28-1904, Agreement to Train On The Job Disabled Veterans
 - VAF 28-1905m, Request for Supplies (if applicable) (See M28-1,III,6 for information on the authorization of supplies.)
 - Perform follow-up efforts
- b. Determining Need for and Type of SEI Opportunities
1. Case managers must identify whether eligible Veterans need SEI opportunities.
 2. Case managers will determine whether SEI opportunities are necessary to overcome obstacles such as age, disability(ies), work history, a limited number of employers in the commuting area and/or adjustment problems. Oftentimes available local employers will offer OJT or employment only if VA offers to reimburse them for direct expenses to the degree permitted under this program. (38 CFR 21.256 (b))
 3. The case manager must determine whether an OJT or work experience SEI opportunity is in the best interest of the Veteran. An OJT refers to a structured training process that needs to be completed for a specific job or position. A work experience opportunity provides the opportunity for a Veteran to improve his/her general skills and to develop new skills.
- c. Search for Placement Opportunities

The search process for SEI opportunities involves two important steps. ECs and VRCs will perform the following tasks:

1. Locate potential employers (a state vocational rehabilitation placement specialist, local DOL Disabled Veterans' Outreach Program (DVOP) specialist, or state employment representative may be contacted to assist in this effort). Cold calls are another way to identify potential employers. A Veteran may find his/her own employer as well.
2. Inform employers that the paperwork involved is minimal and that the EC or VRC will assist the employer with voucher preparation, if necessary.

d. Amend IEAPs

The case manager will amend the Veteran's IEAP after an employer is found and the Veteran agrees to participate in the program. The amended IEAP should list the steps necessary for the Veteran to maintain employment. Case managers must also determine whether the placement will involve OJT or not. OJT involves particular job elements that may not have been a part of a Veteran's generalized training under his/her Individual Written Rehabilitation Plan (IWRP). For example, a Veteran may have been trained in auto or TV repair, but not in the repair of a particular make of car or TV model series.

e. Coordinate Contract Agreements

Once the case manager determines that the employer meets the qualifications of the SEI program, he/she will coordinate the signing of the contract. Additionally, the case manager must ensure that the Veteran's Counseling, Evaluation and Rehabilitation (CER) folder contains the following:

- Verification of the employer's compliance with applicable laws and regulations, documented on VAF 28-1905d, Special Report of Training (See Appendix O) and in CWINRS case notes
- SEI Contract (See Appendix Q, Special Employer Incentives Contract for a sample of an SEI contract)
- Schedule I form (See Appendix R, Schedule I)
- A statement on the SEI contract: "The contractor will ensure the Veteran will not displace a current employee or prevent the recall of a laid-off employee."

The case manager should ensure that a veteran does not start work before the contract is signed. If an employer hires a Veteran without the SEI, an SEI cannot be set up after the fact. The SEI is designed to encourage the employer to hire the Veteran.

f. Conduct Case Management

The Employment Services case manager must provide the same level of supervision provided to other Veterans receiving employment services. The Veteran will be provided an initial "face-to-face" supervision within 30 days of beginning the SEI opportunity and each month thereafter.

The case manager shall provide the level of support necessary to ensure the successful completion of the SEI program. Early intervention, should problems arise, will help to stabilize the veteran during and after participation in the SEI program. The case manager must perform follow-up efforts to address the employer's feedback regarding the Veteran's progress.

g. Complete Documentation

For all SEI programs, the case manager will maintain progress notes. Progress notes will be kept on VAF 28-1905d (See Appendix O, VA Forms) or in CWINRS notes and VAF 28-1905c, Monthly Record of Training and Wages (See Appendix O, VA Forms), which is completed by the employer and submitted to the case manager for review.

h. Reimburse Employers

VR&E can reimburse an employer up to a maximum of one-half the wages the employer pays the Veteran. These wages should be agreed upon prior to the time the contract is signed, but cannot be less than the wages other employees receive in the same or similar jobs for that period of time. The company may pay the Veteran at a trainee wage rate in an OJT opportunity, but must pay the established journeyman rate if the job the Veteran is hired into does not include formal OJT.

1. Reimbursement Limited to Direct Expenses

Employers may receive reimbursement only for direct expenses. Direct expenses include:

- Instructional costs (paying supervisors to instruct the Veteran and purchasing instructional aids)

- Training materials and supplies
- Modification of equipment or working areas to permit the Veteran to be as productive as other workers
- Any significant loss of company productivity

Employers should base all of these expenses on objective data and cannot approximate the data. For example, employers must show workers in the same occupational classification as a Veteran are more productive than the Veteran, but the workers and Veteran are paid a similar salary. If this is clearly verified by the case manager, the employer can charge VR&E a percentage of the wages the Veteran received during the SEI opportunity, not to exceed 50 percent.

2. Employer Responsible for Productivity Determination

The employer is responsible for making the decision regarding loss of productivity. VR&E staff members may NOT review productivity or similar records beyond the brief justification, which the employer submits to VR&E in claiming reimbursement for the loss of productivity.

3. Limitations on Amounts an Employer can Claim

The employer may NOT claim reimbursement for more than one-half the total wages paid to the Veteran (projected in item #5 of Schedule I of the contract). The employer will project the amount for reimbursement in item #6 of Schedule I of the contract. The employer may itemize each of the expense factors (e.g., 30 percent due to loss of productivity) or submit a single figure encompassing all of the factors for which reimbursement may be claimed.

4. Vouchers

(e) Submission of Vouchers for Payment

The employer may submit vouchers on a monthly or quarterly basis or a voucher at the end of the Veteran's SEI opportunity. The voucher must include the following:

- (1) Start and end dates of the period for which the employer is claiming reimbursement

- (2) Wages the employer paid during this period to the Veteran
- (3) Wages the employer paid during this period to employees in the same or similar jobs, if applicable
- (4) Amount of reimbursement the employer claims for the following items:
 - Instruction costs
 - Productivity losses
 - Supply and equipment expenses

(f) Review Vouchers

Case managers will perform the following tasks:

- (1) Review vouchers
- (2) Ensure the figures correspond with Schedule I of the contract and VAF 28-1905c (See Appendix O, VA Forms) that the employer previously submitted
- (3) Ensure the total claim does not exceed 50 percent of item #5 of Schedule I of the contract and not more than 50 percent of the salary paid for the time period invoiced
- (4) Determine if the claim is incorrect and return the total voucher to the employer with an explanation of the reasons for the return
- (5) Forward the voucher to the Contracting Specialist for payment following approval in the same manner as other vouchers

i. Perform Follow-Up

Case managers will follow up with their Veterans for at least 60 days after completion of the SEI program. Case managers must ensure the following:

- (a) Confirm with the employer that the Veteran has reached his/her goals
- (b) If the Veteran's employment is stable, complete recommendations for rehabilitation

(c) If the Veteran's employment is not stable, determine interventions

The following documents (See Appendix O, VA Forms) must be completed, signed, and collected during the follow-up period:

- VAF 28-1905c, Monthly Record of Training and Wages
- VAF 28-1905d, Special Report of Training or CWINRS notes
- VAF 119, Report of Contact or CWINRS notes, if appropriate
- Employer invoices

j. Adjusting the Type of Opportunity

During an SEI, the employer may offer a new opportunity to the Veteran that will require a change in program type. Refer to M28R.VI.A.7.04.b.2 for more information on OJT vs. work experience opportunities.

ECs or VRCs should perform the following:

- Reclassify the opportunity from a work experience to an OJT or vice versa
- Adjust the duration of the SEI opportunity from the agreed-upon terms in the IEAP

Making adjustments during the Veteran's SEI opportunity may increase the Veteran's chances of maintaining employment with the employer. The EC or VRC will charge the period the Veteran used for the first SEI opportunity against the period available for the new SEI opportunity.

k. Placement Termination or Reevaluation

1. A Veteran may have to leave his/her position due to performance, the deterioration of his/her disability or other issues. The case manager may need to reevaluate a participating Veteran's current employment needs. After the reevaluation, the EC or VRC and Veteran may decide to pursue and develop another SEI opportunity with a different employer. This new SEI opportunity may occur without regard to the number of months of entitlement used in the previous SEI opportunity.

Case managers should carefully monitor entitlement usage for Veterans who do not have a serious employment handicap (SEH) to ensure that these Veterans do not use more than 48 months of entitlement. Upon

completion of the SEI, case managers, in coordination with the contracting officer and VR&E Officer, must ensure that the contract with the employer is officially closed out.

2. Additional SEI Program Approvals

Before a Veteran can participate in a second or subsequent SEI opportunity, the Regional Office Director and the VR&E Service Director must approve the new opportunity.

I. Charge against Entitlement

The case manager will charge basic Chapter 31 entitlement for the period during which the employer is entitled to reimbursements of direct expenses under the program. However, from the time VR&E staff determines that a Veteran needs an SEI opportunity and when the actual opportunity begins, VR&E staff will not charge either basic entitlement or the 18 months of employment services entitlement.

7.05 Direct Benefit Payments to Veterans

a. Subsistence Allowance

No Veteran may receive Chapter 31 subsistence allowance while participating in an SEI program. However, SEI participants are eligible for all services that Veterans can receive under VR&E's Employment Services.

b. Chapter 30 Allowance

In accordance with 38 CFR 21.7136, a Veteran who is participating in an approved OJT program under Chapter 30 may elect to receive a subsistence allowance equivalent to the Chapter 30 rate only if he/she is eligible to receive payment at that rate.

7.06 Duration of Employer Payments

a. Work Experience

Case managers are responsible for approving a Veteran's initial SEI work experience opportunity; two to six months of work experience may be authorized. If needed, the case manager may request an additional three months for the VR&E Officer's approval. Work experience as an SEI opportunity may not exceed a total of nine months.

b. On-the-Job Training (OJT)

Case managers are responsible for approving a Veteran's initial SEI OJT opportunity; two to six months may be authorized. The VR&E Officer and Regional Office Director may authorize one three-month extension per SEI OJT opportunity. The VR&E Service Director will need to provide concurrence for the three-month extension. An SEI OJT opportunity may not exceed 12 months.

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VETERANS' PREFERENCE AND SPECIAL HIRING AUTHORITIES

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Chapter 8
VETERANS' PREFERENCE AND SPECIAL HIRING AUTHORITIES

8.01 Introduction

This chapter provides a summary of Veterans' preference, special appointing authorities, and federal and departmental equal employment opportunity programs and resources. This chapter contains the statutory and regulatory provisions that deal with the employment of Veterans with disabilities.

The Department of Veterans Affairs (VA) Vocational Rehabilitation and Employment (VR&E) Program has a variety of employment resources, some described in this chapter. See Appendix AG, Employment Resources, for a list of other recruitment programs and initiatives related to employment of individuals, including Veterans with disabilities.

8.02 References and Resources

Laws:	Title VII of the Civil Rights Act of 1964, as Amended Civil Rights Act of 1991 Rehabilitation Act of 1973, as Amended Americans with Disabilities Amendments Act Veterans' Preference Act of 1944, as Amended Jobs for Veterans Act 2002, Public Law (P.Law) 107-288 Veteran Employment Opportunity Act, P.Law 105-339 Veterans Millennium Health Care and Benefit Act, P.Law 106-117 Vow to Hire Heroes Act 2011, P.Law 112-56 5 United States Code (U.S.C.) 2108 5 U.S.C. 3112 5 U.S.C. 3304 5 U.S.C. 3309 29 U.S.C. 794(d) 38 U.S.C. 31 38 U.S.C. 4211 38 U.S.C. 4214 38 U.S.C. 4301-4335
Regulations:	5 Code of Federal Regulations (CFR) 3.1 5 CFR 211 5 CFR 213.3102(u) 5 CFR 302 5 CFR 302.201 5 CFR 307

5 CFR 307.103
5 CFR 315.604
5 CFR 315.611
5 CFR 315.705
5 CFR 315.707
5 CFR 315.709
5 CFR 316.301-302
5 CFR 316.401-402
5 CFR 332.401
5 CFR 335.106

Executive Orders: Executive Order (EO) 13164, Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation

VA Directives: VA Directive 5975, March 6, 2007
VA Directive and Handbook 5975.1, May 30, 2002

OPM Resources: VetGuide
Delegated Examining Operating Handbook and Memoranda

Websites: www.fedshirevets.gov
www.va.gov/VECS
www.doleta.gov/business/Incentives/opptax
www.eeoc.gov/laws/guidance/enforcement_guidance.cfm
www.askjan.org
www.section508.va.gov
www.tricare.mil/cap/disabilities

8.03 Preference in Federal Employment

a. General Information

Veterans' preference is a tool to assist in the placement of Veterans in federal government positions, providing a "first consideration." Veterans' preference was established by the Veterans' Preference Act of 1944, as amended, and is found in various provisions of 5 U.S.C. 2108.

Veterans' preference applies to permanent and temporary positions in both the competitive and excepted services, which are two classes of jobs in the federal government. For the competitive service, applicants must compete with other individuals for positions that are posted on the USAJOBS website through a structured process. In the excepted service, applicants such as Veterans with disabilities may be noncompetitively considered and hired

through a number of special appointing authorities that agencies may utilize to fill jobs. The excepted service contains certain agencies and entities, groups of individuals, and positions that are outside the competitive service. The methods used for the competitive and excepted services differ:

1. For Competitive Service

Veterans' preference gives eligible Veterans additional points toward a passing examination score or rating. Eligible Veterans are also placed at the top of hiring certificates for positions, except for professional and scientific positions at grade GS-09 and above. Eligible Veterans who apply for professional or scientific positions still receive points and are listed ahead of other applicants having the same rating. (5 U.S.C. 3309 and 3313(1) and (2)(A); 5 CFR 332.401(b))

2. For Excepted Service

Veterans' preference allows eligible Veterans to apply noncompetitively under special appointing authorities.

- b. Preference Requirements

Veterans must be discharged from active duty under an honorable or general discharge to be eligible for Veterans' preference. Veterans' preference does not:

1. Guarantee that a Veteran will be selected for employment
2. Apply to internal agency actions, such as promotions, transfers, reassignments and reinstatements
3. Apply to the Senior Executive Service, positions in the legislative and judicial branches of the federal government or positions in certain exempted agencies, such as the Central Intelligence Agency

- c. Responsibilities

1. Vocational Rehabilitation and Employment

VR&E will partner with VA's Veterans Employment Coordination Service (VECS) and its regional offices to support the Department's National Veterans Employment Program in the marketing, advocacy and education of Veterans' preference. VECS is an organization within VA's Office of Human Resources management created to attract, recruit and hire

Veterans within VA, particularly severely injured Veterans from Operations Iraqi Freedom and Enduring Freedom.

More information on VECS may be found at www.va.gov/VECS.

VR&E staff members must be thoroughly familiar and current with Veterans' preference regulations and documentation requirements. Vocational Rehabilitation Counselors (VRCs) and Employment Coordinators (ECs) act as resources to perform the following tasks:

- Provide guidance on Veterans' preference and assist job ready Veterans in completing federal vacancy applications
 - Review applications and ensure Veterans have complete packages including appropriate Veterans' preference and required documentation
 - Educate Human Resources (HR) personnel and managers on the importance of hiring Veterans with disabilities and Veterans' preference regulations and rules. (Hiring managers have at their discretion the ability to select applicants from various lists, some of which may not contain any Veteran applicants.)
 - Develop a basic understanding of the Office of Personnel Management's (OPM) Delegated Examining Operating Handbook (DEOH) and its regularly occurring memoranda (www.opm.gov/deu), which provide updated information on Veterans' preference. (The DEOH provides operational procedures for agencies to use in the staffing and placement process for competitive examining of positions.)
2. Office of Personnel Management (OPM)

OPM is responsible for prescribing and enforcing regulations in the administration of Veterans' preference in the competitive and excepted services. OPM is also the deciding agency in requests for selecting non-Veterans over Veterans in the job selection process. OPM's guidance is found in the VetGuide at www.fedshirevets.gov and in the DEOH.
 3. Department of Labor's Veterans' Employment and Training Service (DOL/VETS)

VETS assists Veterans in determining their eligibility for Veterans' preference. VETS developed a web-based questionnaire to determine eligibility, which may be found at www.dol.gov/vets.

d. Required Documentation

Veterans who claim Veterans' preference must submit the following documentation with their federal job applications. If a Veteran does not submit the required documentation, then Veterans' preference will not apply.

1. For Claiming 5-Points Preference

- DD214, Certificate of Release or Discharge from Active Duty (must show Veteran's character of service upon discharge)

2. For Claiming 10-Points Preference

- DD214, Certificate of Release or Discharge from Active Duty (must show Veteran's character of service upon discharge)
- Purple Heart Recipients: Purple Heart must be listed on the DD214 or other official documentation
- SF-15, Application for 10-Point Veteran' Preference
- Letter from the VA Regional Office stating the Veteran's percentage of disability

3. For Claiming to be a Spouse or Child of a Qualifying Veteran (10-Points preference)

- DD214, Certificate of Release or Discharge from Active Duty (must show the Veteran's character of service upon discharge)
- SF-15, Application for 10-Point Veterans' Preference
- Letter from the VA Regional Office showing that the Veteran is unemployable or 100-percent service-connected
- If Veteran is deceased, a copy of the death certificate

NOTE: Veterans must contact their local VA Regional Office to obtain a Veterans' preference letter at (800) 827-1000.

8.04 Special Appointing Authorities

Special appointing authorities are noncompetitive and excepted service appointing authorities, which federal agencies can use entirely at their discretion. These authorities provide flexibility in staffing hard-to-fill positions and overcoming underrepresentation, and allow for quick and easy hiring.

a. General Responsibilities

1. VR&E will make every effort to educate HR personnel, managers, and Veterans on these special appointing authorities. VRCs and ECs will be knowledgeable about the various authorities' regulations and provide guidance to HR personnel, hiring managers and Veterans. In addition, ECs should promote the use of these authorities.
2. When Veterans are searching and applying for federal employment, ECs and Veterans will check the vacancy announcements, which clearly state "Who May Apply." This section in the vacancy announcements will identify the individuals and authorities that may be considered. ECs will provide Veterans an overview of vacancy announcements and their structure, including what to look for in key sections as Veterans begin their federal job search.

NOTE: Disabled Veterans' Outreach Program (DVOP) specialists and Local Veterans' Employment Representatives (LVERs) may also perform this function.

b. Authorities for Veterans and Individuals with Disabilities

The most common authorities available to hiring managers, HR personnel and Veterans and individuals with disabilities include:

- Veterans' Recruitment Appointment (VRA)
- 30 Percent or More Disabled Veterans' Authority
- Disabled Veterans Enrolled in a VA Training Program Authority
- Veterans' Employment Opportunities Act (VEOA)
- Schedule A for Persons with Disabilities

These authorities offer multiple approaches to the employment of Veterans. Generally, the authorities provide for the following:

Overview of Authorities	
VRA	VRA gives agencies the discretion to appoint eligible Veterans to positions in the federal government without competition. Veterans may be appointed to any grade level in the General Schedule through GS-11 or equivalent). This authority also allows applicants with disabilities rated at 30 percent or more, or rated at 10 or 20 percent and determined to have a "serious employment handicap" to be employed by VA as Veterans benefits counselors, Veterans claims examiners, Veterans representatives at educational institutions and counselors at readjustment centers. Applicants must meet the basic qualifications for the position to be filled.
30 Percent or More Disabled Veterans' Authority	Veterans may be initially appointed noncompetitively to a temporary or term appointment. Then, as early as day 61 of employment under this authority, hiring managers may convert Veterans to a career or career-conditional appointment. There is no grade-level limitation for this authority. Applicants must meet all qualification requirements for the position to be filled.
Disabled Veterans Enrolled in a VA Training Authority	This authority is the equivalent to the Non-Paid Work Experience (NPWE) program. Veterans eligible for training through VR&E may enroll in training or work experience under an agreement between any government agency (local, state or federal) and VA. Veterans are not considered government employees for most purposes. Training is tailored to the individual's needs and goals. Certificates of Training are provided at the end of the training/work experience, which allows agencies to appoint Veterans noncompetitively under status quo appointments. Those appointments may be converted to career or career-conditional at any time.
VEOA	This authority, unique to the competitive service, allows Veterans to apply to positions under merit promotion procedures (inside the federal government) when the agency is recruiting outside of its own workforce. Veterans' preference is not a consideration when selections are made for these appointments.
Schedule A for Persons with Disabilities	This excepted service authority is an alternative to authorities specifically designed for Veterans. Schedule A provides a way to hire individuals with physical, psychiatric or cognitive impairments without competition. Schedule A employees can be converted to permanent positions in the competitive service after completing two years on the job

	and demonstrating satisfactory performance (with or without reasonable accommodation).
Employment of Veterans with Disabilities who have Completed a Training Course under Chapter 31 (5 CFR 315.604)	This authority, unique to the competitive service, allows any agency to appoint a Veteran with a disability noncompetitively to positions or class of positions for which he/she is trained. Veterans with disabilities must satisfactorily complete an approved course of training prescribed by VR&E.

More information on these authorities is listed below:

1. VRA

(a) General Information

VRA is an excepted service authority that allows agencies to appoint eligible Veterans without competition. Veterans can be appointed under this authority at any grade level up to and including GS-11 or equivalent (promotion potential of the position is not a factor). This authority also allows applicants with disabilities rated at 30 percent or more, or rated at 10 or 20 percent and determined to have a "serious employment handicap" to be employed by VA as Veterans benefits counselors, Veterans claims examiners, Veterans representatives at educational institutions and counselors at readjustment centers. This special appointing authority is a good tool for filling entry-level to mid-level positions.

(b) Appointment Options

In most cases, this authority's duration is two years. In accordance with 5 CFR 307.103, after successfully completing two years of employment, Veterans must be converted to a career or career-conditional appointment in the competitive service.

Agencies can use VRA to fill noncompetitive temporary (not to exceed one year) or term (more than one year but not to exceed four years) positions based on an individual's eligibility for VRA. The temporary or term appointment must be at the grades authorized for VRA, but is not a VRA itself and does not lead to conversion to the competitive service. For Veterans on temporary appointments, the agencies may extend the temporary appointments for one additional year for a total of 24 months. Term appointments may be extended within the one-to-four year period according to the employing agencies' procedures. Agencies may request approval of an extension beyond the four years

of a term appointment from OPM. At the conclusion of the temporary or term appointment and extension, if needed, Veterans may be considered for new jobs or other VRAs, provided they qualify.

(c) Requirements

Requirements of this special appointing authority are as follows:

(1) No vacancy announcement is required. Possible recruitment options include but are not limited to the following:

- Veterans may contact agencies and submit resumes and supporting documentation to the agencies' Veterans Employment Program Managers (VEPMs), Special Placement Program Coordinators (SPPCs), HR personnel, or hiring managers
- Hiring managers and HR personnel may receive resume referrals from their agencies' VEPMs and SPPCs, VR&E and other outside resources

(2) Veterans' preference applies under 5 CFR 302.201 and 211 when using this authority.

(3) Specific eligibility requirements for this authority are provided in 38 U.S.C. 4214 and 5 CFR 307.

(4) Agency-prescribed education/training is required for Veterans with less than 15 years of education.

(d) References

For more information on the VRA, see the VetGuide and the following references:

- VRA Authority, Pub. L. 107-288
- 38 U.S.C. 4211 and 4214
- 5 CFR 211, 302.201, 307, 315.705, 316.301-302 and 316.401-402

2. 30 Percent or More Disabled Veterans' Authority

(a) General Information

Under 5 U.S.C. 3112, a Veteran with a compensable service-connected disability of 30 percent or more may receive a noncompetitive appointment in a federal agency if the Veteran meets the job qualification standards. This special appointing authority is a good tool for filling positions at any grade level quickly. Another key feature of this authority is the ability for federal employers to convert Veterans under this authority from a temporary appointment to permanent status after a relatively brief period of employment.

(b) Appointment Options

HR personnel will first place Veterans on a time-limited appointment of at least 60 days. Hiring managers may convert them upon day 61 or later to a career or career-conditional appointment in the competitive service.

Additionally, temporary (not to exceed one year) or term (more than one year, but not more than four years) appointments are other appointment options under this authority. For this authority, temporary and term appointments may lead to conversion to career or career-conditional employment. If a Veteran meets the qualifications for the position and is appointed to the position, a manager may convert the appointment, without a break in service, at any time during the temporary or term appointment.

NOTE: For Veterans on temporary appointments, the agencies may extend the temporary appointments for one additional year for a total of 24 months. Term appointments may be extended within the one-to-four year period according to the employing agencies' procedures. Agencies may request approval of an extension beyond the four years of a term appointment from OPM.

(c) Requirements

Requirements of this special appointing authority are as follows:

(1) No vacancy announcement is required. Possible recruitment options include but are not limited to the following:

- Veterans may contact agencies and submit resumes and supporting documentation to the agencies' VEPs, SPPCs, HR personnel, or hiring managers

- Hiring managers and HR personnel may receive resume referrals from their agencies' VEPs and SPPCs, VR&E, and other outside resources

(2) Specific eligibility requirements for this authority are provided in 5 CFR 315.707(a)(1)-(2).

(3) There is no grade-level restriction.

(4) A VA letter or military discharge papers substantiating the service-connected disability is required.

(5) The applicant must meet the job qualifications including any required employment testing.

(6) Reasonable accommodation must be provided for testing.

(d) References

For more information on the 30 Percent or More Disabled Veterans' Authority, see the VetGuide and the following references:

- 5 U.S.C. 3112
- 5 CFR 316.301-302, 316.401-402 and 315.707

3. Disabled Veterans Enrolled in a VA Training Program Authority

(a) General Information

This authority is a useful resource for providing Veterans with the necessary training and work experience they need at no or nominal cost. Eligible Veterans may be placed in training or work experience at government agencies. The purpose of the Veterans' training or work experience is to:

- Gain exposure in a particular field
- Learn the skills needed for a specific position
- Develop the knowledge and abilities required for the position
- Keep their resumes up-to-date with current and continual work experience

VR&E will establish a formal training agreement with the participating government agency. The training or work experience will provide for tailored duties and assignments to meet the individual's needs and goals. Duration has no required set length.

NOTE: If the training is intended to prepare the individual for an eventual position at the government agency rather than just work experience, the government agency must insure that the training will enable the Veteran to meet the qualification requirements for the position.

(b) Equivalency with Non-Paid Work Experience (NPWE)

This authority is the equivalent of the NPWE Program.

(c) Specific EC and VRC Responsibilities for this Authority

ECs and VRCs perform the following activities:

- (1) Work with HR personnel and managers in the creation of opportunities under this authority and provide guidance.
- (2) Promote the use of this authority and instruct HR personnel and managers to code in their personnel management system the work experience or training under NPWE as this authority. (This will give the federal agencies credit in utilizing the authority and add toward their Disabled Veterans Affirmative Action Program (DVAAP) accomplishments report, which federal agencies submit to OPM.)
- (3) Educate HR personnel and managers on the DVAAP and importance of hiring Veterans with disabilities, in an effort to assist in the marketing of the NPWE so more agencies utilize the authority and program.

(d) Certificate of Training

Upon successful completion of the training, the government agency and VA will give the Veteran a Certificate of Training showing the occupational series and grade level of the position for which trained. The Certificate of Training allows any agency to appoint the Veteran noncompetitively to a position, which may be converted to career or career-conditional at any time.

(e) References

For more information on the Disabled Veterans Enrolled in a VA Training Program Authority, see the VetGuide and the following references:

- 38 U.S.C. Chapter 31
- 5 CFR 3.1 and 315.604

4. Veterans Employment Opportunities Act (VEOA) of 1998, as Amended

(a) General Information

VEOA is a competitive service appointing authority. This authority is different from the excepted and noncompetitive appointing authorities that make up the special appointing authorities, and can only be used when filling permanent, competitive service positions. It allows Veterans to apply to announcements that are only open to "status" candidates, which means "current competitive service employees." The VEOA allows managers to consider highly qualified, non-status preference eligibles and Veterans without using more restrictive competitive examination procedures.

(b) Requirements

Eligible Veterans' latest discharge must be issued under honorable conditions. When federal agencies recruit from outside their own workforce under merit promotion (internal) procedures, vacancy announcements must state "VEOA is applicable" and be posted on the USAJOBS website. Current or former federal employees meeting VEOA eligibility can apply. However, current employees applying under VEOA are subject to time-in-grade restrictions like any other General Schedule employee. Veterans' preference does not apply to internal agency actions, such as promotions, transfers, reinstatements and reassignments. Specific eligibility requirements for this authority are provided in 5 CFR 335.106 and 5 U.S.C. 3304(f).

Federal agencies must consider VEOA applicants with other status candidates. HR personnel perform the following activities:

- Determine which applicants are qualified
- Rate and rank applicants based on their qualifications

- Issue a selection certificate in accordance with the agency merit promotion plan

Veterans are not subject to geographic area of consideration limitations. This simply means that Veterans from outside the geographic area of the position may be considered. Applicants should factor in whether any relocation allowances/incentives are being afforded before applying. (Agencies are under no obligation to provide relocation assistance.) If a VEOA-eligible candidate is selected, he/she is given a career-conditional or career (as appropriate) appointment.

(c) References

For more information on the VEOA, see the VetGuide and the following references:

- Pub. L. 105-339
- Veterans Millennium Health Care Act (Pub. L. 106-117)
- 5 U.S.C. 3304(f)
- 5 CFR 315.611 and 335.106

5. Schedule A, Appointment for Persons with Disabilities

(a) General Information

In accordance with 5 CFR 213.3102(u), individuals, including Veterans, with severe physical, cognitive or psychiatric disabilities may apply for federal jobs noncompetitively. Veterans with disabilities have the option of applying noncompetitively either to a vacancy announcement from USAJOBS or via a resume submission to an agency's SPPC under this authority. A listing of agencies' SPPCs may be found on OPM's website. Refer to M28R.VI.8.05(d)(1-4) for more information on the Selective Placement Program (SPP) and SPPC. The job seeker with a disability must be at least minimally qualified to perform the position.

This authority is a two-year excepted service appointment. After two years of successful employment and approval by the supervisor, the individual may be converted to a career-conditional appointment under the competitive service.

(b) Requirements

Specific eligibility and administration of the authority are provided in the regulation. Veterans who wish to be considered under this authority should note on either the vacancy application package or resume submission for the noncompetitive process, "Applying under 5 CFR 213.3102(u)" or state, "I am an individual with a disability eligible for a Schedule A appointment." The reference and statement are best placed within the cover letter for the application package or resume submission or the top of the application or resume. Sometimes, the accompanying documentation will identify the reference citation.

(c) Documentation

For consideration under this authority, documentation known as a "Schedule A letter" from a licensed medical professional or other entity, such as from VR&E, must be provided with the Veterans' vacancy application packages or resume submissions. The documentation must indicate proof of disability and job readiness certification. See Appendix AB, Schedule A Letter, for a copy of VAF 2157, which is to be used as the "Schedule A letter" for VRCs/ECs and Veterans' use.

(d) Specific EC and VRC Responsibilities for this Authority

ECs and VRCs perform the following activities:

- (1) Provide training to HR personnel and managers as well as guidance on this authority
- (2) Assist Veterans interested in being considered under this authority, including:
 - Determining that the Veteran has a disability and the disability constitutes a barrier to securing employment
 - Evaluating the Veteran's specific job skills, functional abilities and functional limitations
 - Reviewing the requirements of the position that interests the Veteran
 - In some cases, working in close cooperation with the prospective employer and conducting on-site visits to determine

any possible adaptations and/or modifications of the position and the worksite, and identifying reasonable accommodations

- Evaluating the Veteran's ability to meet the requirements of a particular job and work situation
- Establishing the Veteran's ability to perform the duties of the position with or without reasonable accommodation
- Certifying in writing that the applicant is a qualified individual with a disability and is job ready. See Appendix AC, Schedule A Letter, for a copy of VAF 2157

(e) References

For more information about this authority, see 5 CFR 213.3102(u) and 315.709, and www.opm.gov/disability.

8.05 Equal Employment Opportunity Programs

a. General Information

VA's Equal Employment Opportunity (EEO) program is committed to ensuring that all employees and applicants for employment have equality of opportunity in the federal workplace. EEO is established by laws, which are shaped into programs by regulatory agencies such as the Equal Employment Opportunity Commission (EEOC) and OPM. These programs are designed to prevent unlawful discrimination and retaliation for filing discrimination claims or other protected activity.

b. Responsibilities

VR&E Service supports diversity management and EEO in VA and across the federal government. VR&E staff perform the following tasks:

- Assist managers and HR personnel government-wide in the recruitment, development and retention of a diverse workforce
- Advocate employment of Veterans with disabilities and ensure that job-seeking Veterans are treated with dignity and respect
- Work in partnership with VA's Office of Diversity Management and Equal Employment Opportunity (ODMEEEO) to conduct training on affirmative employment for Veterans with disabilities

- Work with managers and HR personnel to conduct accessibility evaluations in the workplace and workstation and identify reasonable accommodations for Veterans with disabilities
 - Analyze hiring and separation trends to project, identify and coordinate recruitment needs
 - Coordinate, market and arrange opportunities with colleges, affinity groups, advertising outlets for specific communities, professional associations, etc.
- c. Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994

1. General Information

USERRA prohibits discrimination in employment, retention, promotion or any benefit of employment based on a Veteran's uniformed service. The Department of Labor assists individuals with USERRA claims. VR&E staff assists Veterans and the Department of Labor, as appropriate.

2. References

For more information about USERRA, see 38 U.S.C. 4301-4335 and www.dol.gov/vets/programs/userra/main.htm.

d. Work Opportunity Tax Credit (WOTC)

The WOTC is a federal tax credit incentive that Congress provides to private-sector businesses for hiring individuals from 12 target groups who have consistently faced significant barriers to employment. Pub. L. 112-56, Vow to Hire Heroes Act of 2011 was enacted on November 21, 2011. Specifically, under Section 261 of the Act, the "Returning Heroes and Wounded Warriors Work Opportunity Tax Credits" amended and expanded the definition of WOTC's Veteran target groups. The target groups include Veterans or returning Servicemembers who are participating in the VR&E program, particularly those Veterans who have been unemployed for a significant period. In addition, Section 261 specifies the WOTC limit and a sunset date. See Appendix AB, Work Opportunity Tax Credit. These provisions became effective November 22, 2011, through December 31, 2012. Since the tax credits limit and dates are changed periodically, this appendix will be updated as the changes occur.

The main objective of this program is to enable the targeted employees to gradually move from economic dependency into self-sufficiency as they earn a steady income and become contributing taxpayers, while the participating employers are compensated by being able to reduce their federal income tax liability. The WOTC joins other workforce programs that assist in workplace diversity and facilitate access to good jobs for American workers.

For more information on the WOTC, refer to www.doleta.gov/business/Incentives/opptax.

e. Selective Placement Program (SPP)

1. General Information

The SPP is a federal recruitment resource that does the following:

- Connects job seekers, including Veterans, with disabilities with HR personnel and hiring managers
- Promotes employment
- Provides options to fill jobs quickly and easily

The program serves as a repository of items not to be limited to resumes and Schedule A letters; information on current federal employment laws; hiring programs and resources; and federal agency employment opportunities. The job-seekers who submit resumes to the SPPCs must be at least minimally qualified to perform the positions they are seeking.

2. Selective Placement Program Coordinator (SPPC)

Each federal agency's SPP has a SPPC or a cadre of SPPCs department-wide. OPM oversees the overall federal SPP. OPM also maintains a listing of all SPPCs government-wide on its website. The SPPCs serve as liaisons between job seekers and hiring managers and HR personnel. The roles of the SPPCs are very similar to the roles of the ECs. Some of the tasks of the SPPCs include:

- Serve as the technical expert on special hiring authorities and the process for applying for positions under those authorities
- Research vacancies in their geographic area

- Identify appropriate vacancies for particular job seekers and provide assistance with the vacancy applications
- Identify possible resumes for hiring managers and HR offices
- Train hiring managers in the utilization of special hiring authorities, and advocate their use

3. Job Candidate Referral Options

The referral options are as follows:

- (a) Job seekers may submit their resumes and Schedule A letters directly to a federal agency's SPPC. When a SPPC receives resumes and Schedule A letters from job seekers with disabilities, the SPPC will forward the resumes only to prospective managers that may have vacant positions or are able to create new positions. The managers may review the resumes, arrange interviews and make direct selections.
- (b) SPPCs may work with job-seeking Veterans and submit resumes and Schedule A letters to HR in their agencies to be considered under the special appointing authority for individuals with disabilities (5 CFR 213.3102(u)) to fill open vacancy announcements. Refer to M28R.VI.A.8.04(b)(5) for more information on this special appointing authority. SPPCs and ECs must remind and train hiring agencies' HR offices on keeping information on an individual's disability and medical condition confidential. SPPCs and HR personnel may inform hiring managers that applicants are applying noncompetitively and remind them about the importance of diversity.
- (c) Hiring managers and HR personnel may request from SPPCs and HR personnel resume referrals of job-seekers with disabilities in particular fields. Managers may also request assistance in recruitment activities, such as job fairs, to locate prospective employees. Managers may make selections from the resumes provided by the SPPCs. HR personnel will assist managers in hiring the new employees noncompetitively without posting a vacancy announcement.

4. Responsibilities

VA station directors oversee their SPP. VR&E Officers or their designees coordinate with their ECs and VRCs and station personnel officers and SPPCs. Together they develop job opportunities within VA facilities and

other federal agencies in the same geographical area. The VR&E Officer, with the assistance of VRCs and ECs, participate in the station's overall program as follows:

- (a) Serve on the station committee on employees with disabilities.
- (b) Consult with the station's SPPC and serve as a resource person in the following areas:
 - Placement of job seekers with disabilities
 - Analysis of physical and other requirements of positions to determine suitability of positions
 - Modification of worksites and environment, and restructuring job tasks
 - Resolution of problems of job adjustment related to disability
 - Career development planning
 - Orientation/sensitivity training for supervisors and coworkers of employees with disabilities
 - Certification of applicants with severe disabilities for appointment

f. Reasonable Accommodation

1. General Information

According to VA Directive 5975, a reasonable accommodation is defined as: "Any modification or adjustment to the work environment, or to the manner or circumstances under which work is customarily performed, that enables a qualified individual with a disability to perform the essential functions of a position or enjoy equal benefits and privileges of employment as are enjoyed by similarly situated individuals without a disability." The Americans with Disabilities Act (ADA) requires reasonable accommodation in three aspects of employment:

- Equal opportunity in the application process
- Performance of the essential functions of a job by a qualified individual with a disability

- Enjoyment of equal benefits and privileges of employment by an employee with a disability

A federal agency must make reasonable accommodation to the known physical, cognitive and psychological limitations of a qualified applicant or employee unless the agency can show that the accommodation would impose an undue hardship on its operations.

2. Types of Reasonable Accommodation

There are many types of reasonable accommodations, including:

- Making facilities accessible to and usable by individuals with disabilities
- Restructuring job duties
- Modifying work schedules
- Adjusting or modifying examinations
- Acquiring assistive technology or modifying equipment or devices

3. References

For more information on reasonable accommodation, see:

- VA Handbook 5975.1; EO 13164
- EEOC Guidance on Reasonable Accommodation at www.eeoc.gov/laws/guidance/enforcement_guidance.cfm
- Rehabilitation Act of 1973, as Amended
- Americans with Disabilities Amendments Act
- Job Accommodation Network, a service of the Office of Disability Employment Policy at www.askjan.org

g. Section 508 of the Rehabilitation Act of 1973, as Amended

1. General Information

29 U.S.C. 794d, 508 requires federal agencies to procure, use, maintain and develop accessible electronic and information technology, unless

doing so imposes an undue burden. Section 508 was enacted to eliminate barriers in information technology to make available new opportunities for individuals with disabilities and encourage the development of technologies that will help achieve these goals. One resource that assists in this effort is the Architectural and Transportation Barriers Compliance Board (the Access Board).

2. Requirements

Section 508 requires agencies to provide federal employees with disabilities access to information and data that is comparable to the access provided to federal employees without disabilities. National security systems are exempt.

3. Responsibilities

VR&E must ensure information provided to employees, applicants and Veterans with disabilities is accessible and compliant with the laws and regulations that govern Section 508. This includes marketing items such as brochures, videos and websites. VRCs and ECs must ask the Veterans they serve what format of information is best for them or assist them in determining that need and provide the necessary format.

4. Computer/Electronic Accommodations Program (CAP)

CAP, a Department of Defense program, provides assistive technology and services to federal employees, including Veterans, with disabilities. CAP provides necessary accommodations at no cost to federal agencies.

5. References

For more information on Section 508 and CAP, visit:

www.section508.gov

www.section508.va.gov

www.tricare.mil/cap/disabilities

h. Special Emphasis Programs (SEPs)

1. General Information

ODMEEEO has responsibility for Special Emphasis Programs (SEPs). SEPs and related special observances are designed to increase awareness of diverse groups. SEPs are focused on issues such as eliminating employment barriers and discriminatory practices, decreasing underrepresentation and improving cross-cultural awareness.

For each SEP, there is a Special Emphasis Program Manager (SEPM). SEPMs are required at each VA field facility. Participation in any of the SEPs shall be open to all employees.

2. People with Disabilities Program

One of the SEPs required by regulation is the People with Disabilities Program (PWDP). The coordinator of this SEP is the Disability Program Manager (DPM).

The PWDP is a resource to assist VR&E in marketing and educating managers and employees on the VR&E program. The VR&E Officer shall designate a representative to assist in the following activities:

- Collaborate and coordinate with the DPM on various programs and resources, such as reasonable accommodation, to increase recruitment and employment opportunities for Veterans with disabilities
- Serve on the PWDP committee and appropriate subcommittees

Chapter 9
SELF-EMPLOYMENT

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 - f. Case Support - CWINRS' case notes, VAF 28-1905d, and VAF 119

Appendix O. VA Forms

Chapter 9 SELF-EMPLOYMENT

9.01 Introduction

The self-employment track is designed for Veterans who have the necessary job skills to start a business. Self-employment may also be the right track for Veterans who have limited access to traditional employment or require a more accommodating work environment due to the effects of a disability. This chapter provides guidance on the self-employment process, the assignment of categories for self-employment assistance, and self-employment in conjunction with a State Vocational Rehabilitation agency. Statutory and regulatory references are also contained throughout this chapter.

9.02 References and Resources

- Laws: Small Business Act of 1953, as Amended
 38 United States Code (U.S.C.) 3104
 38 U.S.C. 3107
 38 U.S.C. 3117
- Regulations: 38 Code of Federal Regulations (CFR) 21.50
 38 CFR 21.84
 38 CFR 21.88
 38 CFR 21.98
 38 CFR 21.184
 38 CFR 21.214
 38 CFR 21.252
 38 CFR 21.257
 38 CFR 21.258
- VA Forms (VAF): VAF 119, Report of Contact
 VAF 28-0794, Self-Employment Plan Approval Request
 VAF 28-0795, Business Plan Review Guide
 VAF 28-1902b, Counseling Record-Narrative Report
 VAF 28-1902n, Counseling Record-Narrative Report
 (Supplemental Information)
 VAF 28-1905d, Special Report of Training
 VAF 28-8872, Rehabilitation Plan
- Websites: www.sba.gov
 www.vetbiz.gov

9.03 Self-Employment Overview

Self-employment is a viable rehabilitation objective for many Veterans. The conditions under which Vocational Rehabilitation and Employment (VR&E) can furnish self-employment services are outlined in Title 38, Code of Federal Regulations (CFR), 21.257. Veterans who currently operate a successful business may not receive self-employment services. VR&E encourages self-employment as an objective for Veterans who are unlikely to achieve rehabilitation through employment with existing companies, agencies, or organizations. VR&E's self-employment program framework is based on the following principles:

- a. Enhance vocational opportunities for Veterans.
- b. Assist Veterans in identifying self-employment potential and candidacy based on eligibility criteria for Category I or Category II levels of service (for additional information on the determination of categories, see M28R.VI.A. 9.05).
- c. Complete, coordinate, or contract for preliminary evaluations of Veterans' potential for self-employment, including identifying any areas of concern or barriers to the successful pursuit of self-employment.
- d. Ensure adequate resources are available for the development of a proposed business plan.
- e. Conduct a thorough feasibility analysis of all proposed business plans.
- f. Establish realistic self-employment goals based on sound business research.
- g. Provide services based on economic viability and severity of disability.
- h. Monitor, evaluate, measure and verify all self-employment plans/goals.
- i. Provide services and assistance that lead to sustaining a successful self-employment business that continues after rehabilitation services are completed.

9.04 Completion of a Comprehensive Evaluation

A preliminary self-employment evaluation assesses the Veteran's needs, potential, suitability and readiness to start a business. The evaluation will also identify and address all issues or barriers to the successful pursuit of a self-

employment plan. This evaluation is completed during the evaluation and planning phase of service delivery as outlined in 38 CFR 21.184.

a. Responsibilities

The Vocational Rehabilitation Counselor (VRC) must work closely with the Veteran to foster an open line of communication to ensure that the evaluation process is successful. It is imperative that the VRC have a clear understanding of the Veteran's motivation, functional ability, and interest, as self-employment is one of the most demanding tracks to employment. It is much more challenging than simply obtaining and maintaining employment in a traditional setting. It is the responsibility of the VRC to assist the Veteran make an informed decision regarding this track to employment.

Examples of the demands and challenges associated with pursuing self-employment include the following:

- Developing a viable business plan
- Obtaining funding
- Securing a business location
- Hiring staff
- Obtaining an initial stock
- Advertising and marketing
- Understanding business and tax law
- Learning purchasing and accounting skills
- Developing a strong support system

Veterans are responsible for actively participating in the self-employment process from the onset of service. The Veteran must agree to use resources to assist in the development and implementation of a business plan. It is imperative that the Veteran has a clear understanding of the self-employment process before the pursuit of this track to employment. The intensive nature of the evaluation and planning process is lengthy and can take several months to complete. An informed Veteran will be better prepared to anticipate and work within the self-employment framework and timeline.

b. Preliminary Self-Employment Evaluation Questions

The following questions provide structure for VRCs when gathering information to determine the Veteran's suitability and readiness to start a business:

- What business would the Veteran like to start?
- Will the Veteran's disability pose any barriers to operating the business? If yes, what reasonable accommodations can be developed to address those barriers?
- What qualifications does the Veteran possess to ensure he/she has the ability to start and operate a business?
- What skills and/or knowledge will the Veteran need to acquire to operate this business?
- Why does the Veteran want to start this type of business?
- Where will the business be located?
- What hours and days will the business operate?
- Who will use the Veteran's service and/or buy the product(s)?
- Where are the Veteran's business/customers located?
- If you were a potential customer, why would you use this business? What would keep you coming back to this business?
- Is there another business like the one the Veteran proposes operating in the same area? If so, is it successful? Why or why not?
- How will the Veteran advertise his/her business?
- How many customers does the Veteran estimate he/she will have during the first and second year?
- How much money will be required to start the business? What are the likely sources for securing the start-up funds?
- How much money does the Veteran estimate he/she will earn during the first and second year?

- Will the Veteran hire employees? If so, how much will the Veteran pay the employees?
- Who will do the ordering, customer contact and bookkeeping?
- What equipment will be needed? How will the Veteran acquire this equipment?

The VRC may consider asking the Veteran to address these questions before the evaluation and planning meeting. This will not only be a useful tool to assess the Veteran's motivation and interest, but the responses can guide the meeting and ensure that a complete evaluation is obtained.

c. Preliminary Self-Employment Evaluation Findings

The preliminary self-employment evaluation findings will assist the VRC in determining if either of the following applies:

1. Self-employment is warranted. If so, then the VRC will assist the Veteran in the development of a business plan.
2. Self-employment is not warranted at this time. If so, then the VRC will consider alternative rehabilitation services.

NOTE: The VRC may use a contract counselor to complete this process if contractual agreements are in place for the use of for-profit entities. See M28R.VIII.A.7 for additional information on the administration of contractual activities and services.

9.05 Categories Assignment for Self-Employment Assistance

The VRC must assign Veterans to one of two categories of services when the self-employment track is elected. The category assignment is based on information obtained from the initial entitlement orientation, as well as the preliminary evaluation for self-employment services. The provision of services is dependent on the category assignment and governed by 38 CFR 21.214, 21.252 and 21.257.

a. Category I

Veterans designated as Category I must meet the following four conditions:

1. Serious employment handicap (SEH)

2. Most-severe service-connected disabilities
3. Employability limitations so severe that self-employment is the only option to achieve the rehabilitation goal
4. All other reasonable employment goals are unsuitable due to the severity of the Veteran's service connected disability(ies)

b. Category II

Veterans designated as Category II must have one of the following:

1. Employment handicap, or
2. SEH, but the service-connected disability(ies) is not considered most severe.

c. Provision of Service

The provision of service is based on category assignment.

4. Services Available to Veterans Classified as Category I

VR&E may provide the following level of special services and assistance to Veterans assigned to Category I:

- (a) Comprehensive training in the vocational goal, and in the operation of a small business
- (b) Minimum stocks of materials such as an inventory of salable merchandise or goods
- (c) Expendable items required for day-to-day operations, and items which are consumed on the premises
- (d) Essential equipment, including machinery, occupational fixtures, accessories and appliances
- (e) Incidental services such as business license fees

5. Services Available to Veterans Classified as Category II

VR&E may provide the following level of special services and assistance to Veterans assigned to Category II:

- (a) Comprehensive training in the vocational goal
- (b) Incidental training in the management of a small business
- (c) License or other fees required for employment
- (d) Personal tools and supplies that are required of all individuals to begin employment in the approved occupational field

6. Services and assistance Veterans Affairs (VA) may not authorize

Certain discrete services may not be provided to Veterans participating in the self-employment track. VA must not authorize any of the following:

- (a) Full or partial payment to purchase land or buildings
- (b) Lease or rental payments
- (c) Purchase or rentals of cars, trucks, or other vehicles
- (d) Stocking either a farm for animal husbandry operations or a fishery

9.06 Develop a Proposed Business Plan

a. Business Plan Development

1. Responsibilities

The VRC coordinates services and assists the Veteran develop a proposed business plan. The proposed business plan will address all items identified on VAF 28-0795, Business Plan Review Guide. See Appendix O, VA Forms, for a copy of VAF 28-0795. The Veteran is responsible for developing the written business plan for VR&E's consideration. The VRC will ensure that the Veteran works with a professional business consultant, either on a voluntary or contractual basis, as a guide in this process. The business consultant may:

- Recommend potential funding resources
- Assist in developing a funding package

- Suggest marketing strategies
- Conduct a feasibility analysis of the business plan
- Recommend actions to increase the viability of the business plan

2. Resources

The following resources are available to assist in the development of a business plan:

(d) U.S. Small Business Administration (SBA)

The SBA is a government agency designed to provide counseling, advice, and information on starting a business. SBA has district offices located around the country that provide these services through a variety of programs, including the following:

- (1) Service Corps of Retired Executives (SCORE) is a non-profit association of volunteer business counselors trained to serve as advisors and mentors to people who are attempting to start a business.
- (2) Small Business Development Centers (SBDC) are partnerships primarily between the government and colleges/universities. SBDCs provide education services to people who are attempting to start a business. SBDC services include assisting small businesses with financial, marketing, production, organization, engineering and technical issues, and feasibility studies.
- (3) Veterans Business Outreach Centers (VBOC) are designed to provide entrepreneurial development services, such as business training, counseling, and mentoring services. VBOCs provide pre-business plan workshops, concept assessments, business plan preparations and comprehensive feasibility analysis.

These services are free and community based. See www.sba.gov for additional information on programs administered, and services offered, by the SBA.

- (e) Center for Veterans Enterprise (CVE) assists Veterans who own or want to start a business by providing counseling services to meet financial, management, and technical needs. CVE also assists VA Contracting Officers identify Veteran-owned small businesses, which

have priority in the award process in certain government contracting situations. See www.vetbiz.gov for additional information on CVE.

- (f) Other public or private small business consulting agencies, such as universities, colleges, and business development centers.

b. Review and Analysis of Business Plan

1. Addressing Viability and Feasibility

The VRC must review and analyze the Veteran's business plan to ensure that it is viable and the proposed vocational goal is feasible. All proposed and formal business plans should address the following areas in order for the VRC to conduct a thorough analysis of the plan:

- (a) The location and if applicable the cost of the site selected for the business.
- (b) A financial statement describing the availability of non-VA financing, including the Veteran's financial resources.
- (c) A study of the economic viability of the proposed business plan, which must discuss the following issues:
 - Business location in relation to the geographic distribution of the population that the business would serve
 - Population traffic patterns, which would bring business to the Veteran's proposed site of operation
 - Probability that the business could serve as a subcontractor to larger organizations
 - Probability that the business could provide contract goods or services to VA or other federal agencies
 - Competition the Veteran would face from similar businesses in the market area
 - Comparison of the operational expenses and projected growth in gross and net income from the business over the first five years of operation

- The Veteran's ability to absorb losses in the early years of operation until the business develops an adequate market share
- (d) A cost analysis specifying the types, amounts, and estimated costs of services, initial stocks and other supplies
- (e) A working outline for developing a market strategy for the business' services or products
- (f) A detailed description of the business' operation plan
- (g) A schedule of the training needed for successful operation of the business
- (h) Results of contacts with the SBA to secure consideration under Section 8 of the Small Business Act of 1953, as Amended

The VRC should provide this information to the Veteran in advance of his/her meeting with the agency who will be assisting in the development of the business plan. This will ensure that all questions are addressed initially, reducing the likelihood that the Veteran will propose an incomplete business plan.

2. Responsibilities

The VRC must ensure the following events occur:

- (a) Assessment of the economic viability of the proposed business plan is conducted, arranged, or contracted
- (b) Arrangement of professional consultations on either a voluntary or contractual basis to assist with the development and assessment of the business plan
- (c) Determination that the Veteran's business plan addresses all items in the Business Plan Review Guide, VAF 28-0795.

3. Resources for Business Plan Analysis

To assist with the analysis of the business plan, VRCs may consult with a variety of organizations and entities, including, but not limited to:

- Business associations

- Economic development corporations
- College business programs

c. Summation of Business Plan Analysis

VRCs must complete a summation of the business plan analysis. This summation answers the questions outlined in the Business Plan Review Guide, as well as any additional supporting documentation relevant to the Veteran's request for self-employment services. The summation should clearly identify the viability of the business plan and rehabilitation services needed. The VRC must:

1. Summarize information from the business plan analysis into a written report, either in a VAF 28-1902b, VAF 28-1902n, or in a CWINRS case note. See Appendix O, VA Forms, for a copy of these forms.
2. Obtain the written report from the contractor/vendor who assisted in completing the evaluation of feasibility for a proposed business plan, if applicable. Include a copy of this report in the Veteran's Counseling Evaluation Rehabilitation (CER) folder.

9.07 Develop and Implement a Self-Employment Rehabilitation Plan

a. Individualized Written Rehabilitation Plan (IWRP)/Individualized Employment Assistance Plan (IEAP) Development

The VRC and Veteran will discuss the findings of the business plan review and feasibility assessment in an effort to develop an IWRP that will incorporate components or vocational objectives of an IEAP. The plan must clearly outline the Veteran's goals and objectives, as well as criteria for measuring the success of those goals and objectives. The VRC must ensure that the objectives of the IWRP/IEAP specifically address all identified needs to prepare for, obtain, and maintain self-employment as outlined in 38 CFR 21.84 and 21.88, including:

- Allocation of resources
- Purchasing of equipment, inventory and supplies
- Training needs
- Required licenses and permits

- Funding needs

b. Self-Employment Plan Concurrence

Per 38 CFR 21.258, the VR&E Officer (VREO) must approve all self-employment plans with an estimated or actual cost of up to \$25,000 for the total cost of the plan. The VR&E Service Director must approve a self-employment plan with an estimated or actual cost of \$25,000 or more. The VRC must submit the self-employment plan and VAF 28-0794, Self-Employment Plan Approval Request, to the VREO for approval before obtaining the Veteran's signature or authorizing any service. See Appendix O, VA Forms, for a copy of VAF 28-0794.

If the VREO approves the self-employment plan, then the Veteran and VRC both sign VAF 28-8872, Rehabilitation Plan. See Appendix O, VA Forms, for a copy of VAF 28-8872. The VRC will provide a copy of the signed VAF 28-8872 to the Veteran and place the original form on the right side of the CER folder.

If the VREO does not approve the self-employment plan, then the VRC must perform one of the following tasks:

1. Take the recommended corrective action(s) for approval of a revised self-employment plan.
2. Consider alternative rehabilitation options if revision will not result in approval.

If the VREO does not approve the self-employment plan, and efforts by the VRC did not meet the Veteran's expectations or request for service, the Veteran can appeal the disagreement over the development of the plan per 38 U.S.C. 3107 and 38 CFR 21.98. In this situation, the Veteran must submit a written statement to the VRC requesting a review of the proposed plan and detailing his/her objections to the terms and conditions of the proposed plan.

c. Case Management

The VRC moves the case to rehabilitation to the point of employability status for the implementation and provision of services once all approval and signatures are obtained for the self-employment plan. During this time, the VRC provides case management services to ensure that the objectives and goals of the rehabilitation plan are being addressed and met. Additionally, the VRC will discuss any concerns with the Veteran and take appropriate

action(s) to address those concerns, ensuring that the Veteran has every opportunity to succeed.

The VRC must make a determination of the Veteran's job-readiness after all necessary services have been provided to successfully establish the business and to ensure that the business is viable, generating income, and there are no impediments in operating the business. Once the Veteran is declared job-ready, the VRC must change the case status to Job Ready Status (JRS).

The VRC must perform the following case management tasks during this status:

1. Determine Veteran's eligibility for EAA payment. If Veteran is eligible, authorize EAA payment. (Refer to Circular 28-97-01, Paragraph 10, October 29, 2004.)
2. Conduct supervision at least monthly to monitor the Veteran's progress and satisfactory conduct and participation.
3. Conduct follow-up contacts for a minimum of 12 months after the successful start of a business to ensure that the Veteran's business is successful and all needs are addressed and met.

9.08 Self-Employment Services in Conjunction with a State Vocational Rehabilitation Agency

VR&E may furnish self-employment services to a Veteran who has trained for self-employment under a State Vocational Rehabilitation agency per 38 U.S.C. 3117. The Veteran must meet the requirements for self-employment for Veterans with the most severe disabilities in accordance with 38 CFR 21.257(b), which states that the Veteran's service-connected disability(ies) result in limitations so severe that self-employment is the only reasonably feasible vocational goal. The Veteran must complete an initial evaluation to determine the level of employment handicap and if the achievement of a vocational goal is feasible per the provisions of 38 CFR 21.50. The following conditions must also be met:

- a. The Veteran is eligible for VA-sponsored employment assistance.
- b. An official of the State Vocational Rehabilitation agency with responsibility for administering self-employment programs certifies the following:
 1. The Veteran has successfully completed training for a self-employment program.

2. The assistance needed is not available through non-VA sources.
 3. The state program's training/employment plan describes the VA assistance needed.
- c. The VR&E Service Director approves the request.

9.09 Limited and Specifically Defined Employment Assistance

Veterans who are employable and previously completed a vocational rehabilitation program for self-employment in a small business enterprise under Chapter 31, or who trained under a State Vocational Rehabilitation program with the objective of self-employment in a small business enterprise, can receive specifically defined employment assistance described in this section. Per 38 U.S.C. 3104 (a)(12), these specifically defined services and assistance are limited to the following:

- a. Employment service is limited to facilitation of services required to secure an SBA-backed loan to buy equipment necessary to establish a business, and assistance to ensure receipt of the special consideration provided for in section 8 of the Small Business Act (15 U.S.C. 633(b)).
- b. For Veterans with the most severe service-connected disability, VA can provide license fees, supplementary equipment, initial stocks, and supplies that the VRC determines are necessary to establish a business.

To provide this assistance, the VRC must conduct an initial evaluation to determine that the Veteran is employable in an occupation consistent with his/her abilities, aptitudes, and interests. An IEAP is required. Determinations of employment handicap, serious employment handicap, and current reasonable feasibility are not applicable, unless the evaluation indicates that the Veteran is not employable. In that situation, entitlement to other Chapter 31 services and assistance must be determined. These limited and specifically defined services are not subject to the 18-month employment services entitlement limitation or to the 12-year eligibility period.

9.10 Required Documents for the Delivery of Self-Employment Services

- a. The Self-Employment Fact Sheet covers a variety of information, including:
 - Identification of supplies and related assistance that VR&E may not authorize

- Definition of Category I and II and outline of the types of assistance available in each category
 - Description of the business consultant's role
- b. The Preliminary Self-Employment Evaluation provides guidance on gathering information to determine the Veteran's suitability and readiness to start a business.
 - c. VAF 28-0795, Business Plan Review Guide, provides guidance on conducting a feasibility analysis of a proposed business plan.
 - d. VAF 28-0794, Self-Employment Plan Approval Request, details the submission request for the proposed self-employment plan for concurrence to the VR&E Officer.
 - e. VAF 28-8872, Rehabilitation Plan, outlines the services necessary to obtain and maintain suitable self-employment.
 - f. VAF 28-1905d, Special Report of Training, VAF 119, Report of Contact, or CWINRS' case notes can be used to document and monitor services provided to a Veteran.

See Appendix O, VA Forms, for a copy of these forms.

Chapter 10
POST EMPLOYMENT SERVICES AND CASE CLOSURES

10.01 Introduction

10.02 References and Resources

10.03 Post-Employment Services

- a. Purpose
- b. Maintaining Suitable Employment
- c. Services
 - 1. Counseling
 - 2. Job Modification/Reasonable Accommodation
 - 3. Payment of Employment Adjustment Allowance (EAA)
- d. Follow-Up Activities
 - 1. Required Monthly Follow-Up
 - 2. Extended Follow-Up
 - 3. Required Extended Follow-Up for Specific Employment
 - (a) Self-Employment
 - (b) Temporary Employment
- e. Documentation of Follow-Up Activities

10.04 Rehabilitation

- a. Declaration of Rehabilitation
- b. Progression to Rehabilitation
- c. Determination of Nature of Employment
 - 1. Permanent Employment
 - 2. Temporary Employment
 - 3. Seasonal Employment
 - 4. Self-employment
 - 5. Veteran Employed in the Vocational Goal Outlined on the Individualized Written Rehabilitation Plan (IWRP)
 - 6. Veteran's Employment Differs from the Planned Goal
 - 7. Veteran Does Not Complete the Vocational Objectives of His/Her IWRP
 - 8. Veteran Received Employment Services Only
 - 9. Veteran Employed in an Occupation Unrelated to the Vocational Goal Outlined in the Rehabilitation Plan
 - 10. Veteran Elects to Pursue Further Education

10.05 Case Closures

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- b. Rehabilitated
 - 1. Justification for Suitability of Employment
 - 2. Closure Statement
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10.06 Re-entrance into a Rehabilitation Program

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Appendix O. VA Forms

Chapter 10
POST-EMPLOYMENT SERVICES AND CASE CLOSURES

10.01. Introduction

Post-employment services and case closure are the final phases in the Veteran's vocational rehabilitation process. This chapter provides information and guidance on post-placement services, periods of employment services, and determining rehabilitation and discontinuance of cases in employment services.

10.02. References and Resources

- Laws: Rehabilitation Act of 1973, as Amended
38 United States Code (U.S.C.) 3117
- Regulations: 38 Code of Federal Regulations (CFR) 21.190(d)
38 CFR 21.194(d)(l)
38 CFR 21.196
38 CFR 21.197
38 CFR 21.283
38 CFR 21.284
- VA Form (VAF): VAF 4107, Your Rights to Appeal our Decision
VAF 28-1902b, Counseling Record – Narrative Report
VAF 28-1905d, Special Report of Training
VAF 28-0850, Checklist for Proposed Rehabilitation
VAF 28-8872, Rehabilitation Plan

10.03. Post-Employment Services

a. Purpose

Post-placement services are provided to ensure that the Veteran is able to maintain suitable employment. Suitability of employment means that the Veteran's employment is compatible with his/her disability condition(s), requires reasonably developed skills, and is consistent with his/her interests, aptitudes, and abilities.

b. Maintaining Suitable Employment

When a Veteran obtains employment, the case manager must obtain the necessary information that includes but is not limited to the following:

- Date of employment

- Name and contact information of employer
- Job title
- Essential duties or position description
- Monthly salary
- Type of employment (full-time, part-time, permanent, temporary, etc.)
- Employment benefits (health, vacation, etc.)

The case manager may obtain the employment information from the Veteran through direct communication by email, letter, or telephone, or from a third party as well. The third party may be the employer, a Disabled Veterans Outreach Program (DVOP) specialist, Local Veterans' Employment Representative (LVER), or a school employment coordinator.

The date of employment is the date the Veteran was hired for the position. The follow-up period for post-employment services begins from the date the case manager received notification of Veteran's employment.

The case manager must use VAF 28-1905d (See Appendix O, VA Forms) or CWINRS Notes to clearly document the Veteran's relevant contact and employment information. Documentation must be filed appropriately in the Veteran's Counseling, Education, and Rehabilitation (CER) folder.

c. Services

The case manager will provide employment assistance to a Veteran who has completed the vocational objectives outlined on his/her rehabilitation plan and who has obtained suitable employment. Services that may be authorized during this period may include but are not limited to the following:

1. Counseling

The first few months is the critical period for a Veteran starting a new position. Within this period a new employee is expected to:

- Become reasonably skilled in performing the work requirements
- Effectively relate to supervisors and coworkers

- Gain experience in the work environment

Therefore, it is essential that counseling be provided to the Veteran to ensure that he/she is able to maintain employment. This is also useful in identifying and addressing potential problems such as time management, task management, following directions, job modification, or conflicts with coworkers, management, and/or customers. Some key factors that may also affect satisfactory work adjustment and therefore need to be addressed may include:

- Transportation
- Child and family care
- Personal budgeting and financial management
- Use of leisure time
- Family and marital relationships

2. Job Modification/Reasonable Accommodation

Job modification and reasonable accommodation provides a Veteran with disabilities with the necessary work conditions and tools to perform his/her job duties. The case manager is responsible for ensuring that the Veteran is provided with job modification or reasonable accommodation as soon as the need is established.

Generally, a job modification or reasonable accommodation may be identified while the Veteran is still participating in his/her training program. However, the need may not become evident until after a Veteran has begun working. In this instance, necessary modification or reasonable accommodation must be addressed as soon as possible.

In order to assist the Veteran, employers must be informed regarding provision of job modification and reasonable accommodation.

For job modification and reasonable accommodation for Veterans with disabilities and available resources, refer to M28R.VI.A.4 and 8.

3. Payment of Employment Adjustment Allowance (EAA)

A Veteran who has entered suitable employment immediately upon completing his/her training program, has been declared job ready, and is actively participating in employment services, may be provided an EAA. The EAA payment may be authorized after a determination that the Veteran has satisfactorily participated in post-placement services for at least 30 days and again after 60 days.

For additional information on EAA payment, refer to M28.V.5.

d. Follow-Up Activities

The case manager must follow up with the Veteran at least monthly during the post-employment phase. The follow-up contacts may also be provided by a DVOP specialist or a VA contractor, under the supervision of the case manager. This monthly follow-up is intended to monitor the Veteran's progress in his/her job and to determine if further services are needed to ensure the Veteran's successful adjustment to his/her new employment position. These follow-up activities may be extended beyond the required 60-day period until the Veteran is declared rehabilitated.

1. Required Monthly Follow-Up

The case manager must monitor the Veteran's employment progress through a monthly contact, for a minimum of 60 days from the day the Veteran began his/her employment.

If the Veteran obtains suitable employment prior to completion of his/her vocational training, the monthly contact will begin after the Veteran has completed his/her vocational training objective, has been declared job ready, and an Individualized Employment Assistance Plan (IEAP) has been developed.

If the Veteran obtains suitable employment and the case manager discovers the employment at a later date, the monthly contact will begin after the date of the discovery of the Veteran's employment, the Veteran has been declared job ready, and an IEAP has been developed.

The follow-up activities must address but are not limited to the following:

- (a) Is the Veteran adjusting well to the work environment?
- (b) Is the Veteran able to perform his/her work duties without any difficulties?

(c) Is the Veteran able to maintain satisfactory relationships with his/her co-workers, supervisors, customers, etc.?

(d) Is there any impediment that may prevent the Veteran from maintaining employment?

2. Extended Follow-Up

Provision of the minimum 60-day post-placement follow-up does not necessarily indicate that the Veteran has satisfactorily adjusted to his/her employment. Some Veterans may need continued monitoring of their employment progress beyond this 60-day period, to ensure their successful adjustment.

Additionally, a Veteran may need services beyond those identified in his/her current employment plan. In this instance, the case manager must ensure the IEAP is updated to reflect the additional services. As necessary, the period of services outlined in the IEAP must also be extended to ensure validity of the services. However, the case manager should ensure that the employment services do not exceed the regulatory limit of 18 months.

3. Required Extended Follow-Up for Specific Employment

The case manager must ensure that an extended follow-up is provided for Veterans participating in the following employment services:

(a) Self-Employment – minimum of one year extended follow-up

(b) Temporary Employment – minimum of one year extended follow-up. (See definition in M28R.VI.A.10.04.c) If employment is converted to a permanent position, the case manager must make the 60-day follow-up from the date of the conversion of the employment. The case manager must ensure and verify that there are no impediments to the Veteran's ability to maintain employment.

e. Documentation of Follow-Up Activities

Follow-up activities include face-to-face meetings or communications with the Veteran via telephone, fax, email, or other written correspondence.

The case manager must ensure that all follow-up activities and contacts made with the Veteran and/or a third party are documented on VAF 28-

1905d (See Appendix O, VA Forms) or CWINRS Notes. Documentation must be filed on the middle flap of the Veteran's CER folder. Email communications between the Veteran and the case manager must be printed and filed in the CER file.

The documentation should clearly demonstrate that the Veteran is adjusting to his/her employment, and should outline all services provided to resolve issues encountered.

Follow-up activities specified in M28R.VI.A.10.03.d.1(a)-(d) must be documented as well.

10.04. Rehabilitation

a. Declaration of Rehabilitation

A case manager may declare a Veteran rehabilitated for employment only under the conditions outlined in 38 CFR 21.283 (a)-(d).

Rehabilitated status, as defined in 38 CFR 21.196, is the status in which the goals of a Veteran's Individualized Written Rehabilitation Plan (IWRP) or IEAP are substantially achieved. Therefore, a case manager cannot declare a Veteran rehabilitated until the Veteran has substantially achieved the goals of his/her rehabilitation program.

b. Progression to Rehabilitation

The conditions under which a case may be placed in Rehabilitated status from Job Ready (JR) status are prescribed under 38 CFR 21.196. There is an expected sequence of actions, which follows completion of education or training under an IWRP that leads to the declaration of rehabilitation. This is described in the following order of progression:

1. The case manager determines that the Veteran has achieved rehabilitation to the point of employability under 38 CFR 21.190(d) and the Veteran has been declared job ready.
2. The Veteran receives the necessary services to assist in active search for employment as outlined in his/her IEAP.
3. The Veteran obtains employment in either the same occupation as specified in the IEAP or in a closely related occupation. If the Veteran obtains employment in a closely related occupation, the case manager must determine that wages and benefits in the current employment are

commensurate with those received by workers in the same occupation outlined in the original IWRP.

4. Subsequent to the required post-employment follow-up, the case manager makes a determination of whether the employment is suitable and that the Veteran is well adjusted to the job.

c. Determination of Nature of Employment

The case manager must make a determination of the nature of the Veteran's employment for suitability.

1. Permanent Employment

A case manager may declare a Veteran who has been hired in a suitable and permanent position as rehabilitated. A permanent position is one in which the Veteran can expect to maintain employment as long as his/her performance is satisfactory and the hiring organization continues as a viable enterprise.

Employment through a federal government special appointing authority, such as Veterans Recruitment Assistance (VRA), is considered a permanent position.

2. Temporary Employment

A case manager may not declare a Veteran rehabilitated in an employment that is temporary in nature. An employment is considered temporary if the Veteran is hired for a limited period and is not eligible for benefits. When a Veteran is hired for temporary employment, the appointment must be converted to permanent status and the Veteran must maintain this permanent status for at least 60 days before the case manager can declare him/her rehabilitated.

If the temporary employment is not converted to permanent status, the case manager must provide the Veteran with additional employment services, not to exceed the regulatory requirement of 18 months.

3. Seasonal Employment

The case manager will consider seasonal employment, such as construction work, as permanent if this is the occupational pattern.

4. Self-employment

The case manager must defer declaration of a Veteran's rehabilitation for self-employment for one year. The one-year period for employment service will begin after the case manager has determined that the business is viable, operational, and generating income. The extended follow-up services will ensure stability of the Veteran's employment.

5. Veteran Employed in the Vocational Goal Outlined on His/Her IWRP

A case manager may declare a Veteran who has completed the vocational objectives of his/her rehabilitation plan rehabilitated if the Veteran has been employed in the same occupation as outlined in his/her IWRP and has maintained the employment for at least 60 continuous days or one year in self-employment.

6. Veteran's Employment Differs from the Planned Goal

When a Veteran obtains employment in a different field from the training he/she has received under the VA Vocational Rehabilitation and Employment (VR&E) Program, the case manager must make a determination if the employment is closely related to the occupational goal outlined in the IWRP. To make this determination, the case manager must examine both the content of training and the depth of training required for both occupations. A Veteran should be able to use the training he/she has received both in terms of content and depth of training to consider a particular field as closely related to the original vocational goal.

The Occupational Outlook Handbook (OOH) is generally the accepted source for occupational information and offers substantial assistance in making the determination for closely related occupations. It contains useful information, including nature of the work, working conditions, training, other qualifications, and advancement.

The handbook also provides information on related occupations. However, the case manager must review this section carefully since occupations listed under the "Related Occupations" does not necessarily mean that they meet the Chapter 31 requirements for determination of being closely related occupations. For example, the Related Occupations entry for "drafters" states: "Other workers who are required to prepare or understand detailed drawings, make accurate and precise calculations and measurements, and use various measuring devices. This occupational classification includes architects, engineering technicians,

engineers, photogrammetrists, landscape architects, and surveyors.” In this example, a case manager should not consider the physically demanding occupation of a surveyor as closely related to the sedentary job of a drafter using the framework of the VA VR&E Program.

The case manager must keep in mind that for a determination of rehabilitation, a Veteran must be employed in a suitable occupation, meaning employment that is compatible with the Veteran’s disability condition(s) and is consistent with the Veteran’s interests, aptitudes, and abilities.

7. Veteran Does Not Complete the Vocational Objectives of the IWRP

A case manager may be able to declare a Veteran rehabilitated even if the Veteran has not completed the vocational objectives of the rehabilitation plan. However, the Veteran must substantially achieve the goals of his/her rehabilitation program and the case manager ensures the following:

- (a) The Veteran has obtained and retained employment significantly using the services provided under his/her IWRP or IEAP.
- (b) The Veteran’s employment is consistent with his/her interests, aptitudes and abilities.
- (c) The Veteran has been provided the maximum services to assist in maintaining his/her employment.
- (d) The Veteran is employed for 60 continuous days, or one year for temporary employment or self-employment, in the same occupation outlined in his/her rehabilitation plan and is determined to have successfully adjusted to the occupation.

8. Veteran Received Employment Services Only

A Veteran who has been provided with employment services only under an IEAP and has failed to complete the objectives of the plan may still be declared rehabilitated under the same criteria used for a Veteran who failed to complete all of the objectives of his/her IWRP. The case manager may cite 38 CFR 21.196(b)(3)(i) or (ii) for declaration of rehabilitation.

9. Veteran Employed in an Occupation Unrelated to the Vocational Goal Outlined in the Rehabilitation

A case manager may declare the Veteran rehabilitated in an occupation that is unrelated to the vocational goal in his/her rehabilitation plan if the following applies:

- (a) The Veteran has been employed for at least 60 continuous days or one year of self-employment.
- (b) By developing a new IEAP, the Veteran agrees to the change in his/her vocational goal, and the Veteran's employment meets the following conditions:
 - (1) Has been obtained after unsuccessful intensive efforts to secure employment in the occupation outlined in his/her IWRP or related occupation
 - (2) Is consistent with the Veteran's aptitudes, interests, and abilities, and
 - (3) Utilizes some of the academic, technical or professional knowledge and skills that were provided under the VA Vocational Rehabilitation Program.

10. Veteran Elects to Pursue Further Education

A case manager may declare a Veteran rehabilitated if the Veteran pursues additional education or training instead of obtaining employment after completing his/her training under Chapter 31. However, the case manager must ensure that the following criteria are met:

- (a) The additional education or training that the Veteran is pursuing has been considered and is not approvable as part of his/her rehabilitation program.
- (b) The vocational goal that has been determined consistent with the Veteran's aptitudes, abilities, and interests will be enhanced by the Veteran's completion of the additional education or training.

10.05. Case Closures

- a. Discontinued

For specific guidelines for Discontinuance case closures, follow procedures outlined in M28.V.8.

b. Rehabilitated

1. Justification for Suitability of Employment

When a Veteran is declared rehabilitated, the case manager must clearly explain the rehabilitation decision in a closure statement. The closure statement must cite the applicable paragraph in 38 CFR 21.283, which supports the declaration of rehabilitation. In addition, the case manager must provide a summary of the case that includes but is not limited to the following items:

- The Veteran's impairments to employability
- Vocational rehabilitation services provided to the Veteran
- Explanation as to how the rehabilitation services contributed to the Veteran's ability to overcome his/her impairments through suitable employment
- Required employment data

There are instances when a determination of suitability of a Veteran's employment is necessary to validate the rehabilitation decision. This may include occasions when a Veteran accepts employment that is not the same as the vocational goal in his/her rehabilitation plan. The case manager must explain the rehabilitation decision in terms of wages, benefits, and the Veteran's abilities, limitations, and interests.

In cases where a Veteran chooses to maintain current employment that the case manager determines to be unsuitable, the case manager may not declare the Veteran rehabilitated. However, the case manager must re-evaluate the Veteran's rehabilitation program for another potential plan of services that may lead to the Veteran's successful rehabilitation.

2. Closure Statement

The case manager must provide a written justification for the rehabilitation decision in a closure statement. Guidelines for justification of rehabilitation decisions are provided in M28R.VI.A.10.04. The case manager is required to explain clearly the basis of the rehabilitation decision in terms of suitability and nature of the Veteran's employment.

The closure narrative should also include but is not limited to the following information:

- Date of closure statement
- Remaining entitlement
- Current service-connected disability conditions and rating
- SEH Determination
- Vocational goal
- Training objective
- Type and description of degree
- Dates training began and completed
- Cumulative GPA
- Begin date of employment
- Place of employment
- Title of position
- Supervisor's name and contact information
- Work requirements

3. Other Required Documentation

The case manager must ensure that the following documentations are included in the Veteran's CER file:

- A copy of the Veteran's diploma/certificate or official transcript of records
- Narrative for the required declaration of the Veteran's job readiness
- Current IEAP

- Verification of EAA payments (if applicable)

4. VR&E Officer's (VREO's) Concurrence for Closure

Prior to the actual closure of the case, the case manager must submit the VAF 28-0850, Checklist for Proposed Rehabilitation (See Appendix O, VA Forms) with the Veteran's CER folder to the VREO or Assistant VREO for review and concurrence. The checklist must be completed and properly signed and dated by the reviewing officer. The checklist must be filed on top of the middle flap of the CER folder.

5. CWINRS and BDN Update

The case manager must ensure that the Veteran's employment data are correctly entered in CWINRS and BDN. The closure in BDN and CWINRS must reflect the accurate Reason Code (RC). The effective date of a case closed as Rehabilitated in CWINRS and BDN should not be earlier than the date of the VREO's concurrence with the rehabilitation decision, and should match the date of the Rehabilitation notification letter sent to the Veteran.

6. Required Notification Letters

The case manager must inform the Veteran of any actions taken during his/her rehabilitation program:

(c) Notification of Proposed Rehabilitation

(1) Further Education

If rehabilitation is proposed for a Veteran as a result of his/her pursuit of further education, or the Veteran obtains suitable employment that is not the same as the occupational goal outlined in his/her rehabilitation plan, the case manager must provide the Veteran a notification letter informing him/her of the proposed declaration of rehabilitation. The letter must include the Veteran's appellate rights. If the Veteran does not respond after 30 days from the date of the proposed rehabilitation notification letter, the case manager may proceed to close the case as "Rehabilitated."

(2) Suitable Employment

A notification letter of the proposed rehabilitation is not required if rehabilitation of the Veteran is a result of completion of the vocational objectives outlined in his/her signed IWRP.

(d) Notification of Rehabilitation Decision

Upon receipt of the VREO's approval for the rehabilitation closure, the case manager must provide the Veteran a notification letter informing him/her of the rehabilitation decision. The letter must include the effective date of the closure, clear explanation or justification of the decision, and VAF 4107, Veteran's Appellate Rights (See Appendix O, VA Forms).

10.06. Re-entrance into a Rehabilitation Program

A Veteran who has been previously declared rehabilitated may receive additional vocational rehabilitation services under provisions of 38 CFR 21.284. The case manager must make a determination as to whether the previous rehabilitation decision must be overturned prior to re-opening a Veteran's claim for Chapter 31 benefits.

a. Rehabilitated

1. Criteria

A Veteran who has been declared rehabilitated under provisions of 38 CFR 21.283 may be provided additional period of training or services only if the Veteran has a compensable service-connected disability and either:

- (a) The Veteran's service-connected disability has worsened to the extent that it precludes him/her from performing the job requirements for which he/she was previously declared rehabilitated, or
- (b) The Veteran's previous employment for which he/she was previously declared rehabilitated is found to be unsuitable based on the Veteran's specific employment handicap and capabilities.

2. Determination

The case manager must make a determination for overturning the previous rehabilitation decision immediately upon receipt of the Veteran's reapplication for vocational rehabilitation. The Veteran will be scheduled for a comprehensive evaluation to determine if he/she meets the criteria for overturning the previous rehabilitation decision. This determination

must be documented on VAF 28-1902b (See Appendix O, VA Forms) and filed in the Veteran's CER folder.

(a) If the determination results in a negative decision, the Veteran must be informed in writing to explain the reason(s) for the decision, and be provided with his/her appellate rights (VAF 4107, See Appendix O).

(b) If the determination results in a positive decision:

(1) The case manager must submit the case to the VREO for concurrence

(2) Upon the VREO's concurrence, the Veteran's application will be processed immediately using the Auto-Generated Eligibility Determination (GED) processing

(3) The Veteran will be scheduled for an appointment for further evaluation and planning of additional services.

b. Periods of Employment Services

A Veteran who has been receiving employment services may be provided an additional period of training and related services, if any of the following conditions is met:

1. The rehabilitation services originally provided to the Veteran are currently determined as inadequate to make the Veteran employable in the occupation for which he/she pursued rehabilitation
2. The vocational goal or employment that was originally developed for the Veteran is no longer suitable, or
3. Due to technological changes that occurred after the Veteran has been declared job ready, the Veteran is no longer able to:
 - (a) Perform the duties of the occupation for which he/she trained, or those of a related occupation, or
 - (b) Obtain employment in the occupation for which he/she trained, or in a related occupation.

c. Multiple Periods of Employment Services

A Veteran may be eligible for employment assistance even if the Veteran has been provided employment services previously in either the VA Vocational Rehabilitation Program or a vocational rehabilitation program under the Rehabilitation Act of 1973, amended. The Veteran must have completed or participated in employment services for at least 90 days. For eligibility criteria for employment services, refer to M28R.VI.A.2.