

MEMORANDUM OF UNDERSTANDING

AMONG

DEPARTMENT OF LABOR
DEPARTMENT OF DEFENSE
DEPARTMENT OF VETERANS AFFAIRS
DEPARTMENT OF HOMELAND SECURITY

TRANSITION ASSISTANCE PROGRAM
AND
DISABLED TRANSITION ASSISTANCE PROGRAM

Purpose: The Department of Labor (DOL), Department of Defense (DoD), Department of Veterans Affairs (VA), and the Department of Homeland Security (DHS) enter into this Memorandum of Understanding (MOU) as required by section 1144 (a) (3) of Title 10, United States Code, to carry out the Transition Assistance Program (TAP). This MOU recommits DOL, DoD, and VA, and adds the DHS, to provide TAP Employment Workshops, VA Benefits Briefings and the Disabled Transition Assistance Program (DTAP) for members of the Armed Forces and their spouses who are within 12 months of separation, or within 24 months of retirement. It supersedes and replaces all previous Transition Assistance Program (TAP) MOUs.

Authority: Section 502 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 1991, P.L. 101-510, codified in sections 1141-1143 and 1144-1150 of title 10, United States Code, authorized comprehensive transition assistance benefits and services for separating service members and their spouses and required that TAP Employment Workshops be established and maintained. Section 502 further mandated that DOL, DoD, and VA enter into a detailed agreement regarding this requirement. Section 543 of the NDAA for FY 1995, P.L. 103-337, among other things, amended section 1144 of title 10, United States Code, to include Coast Guard members and their spouses under TAP. Section 302 of the "Veterans Education and Benefits Act of 2001," P.L. 107-103, amended section 1142 of title 10, United States Code, to change the timeline in which separating service members are to commence the transition process. Section 1142 now requires that pre-separation counseling begin as soon as possible during the 12 months prior to separation for separatees who are not retiring and, in the case of members anticipating retirement, that counseling commence as soon as possible during the 24 months prior to retirement.

Background: DOL conducts two and a half (2 ½) day TAP Employment Workshops that provide employment information, training opportunities, and vocational guidance to allow separating service members to make informed career choices. The DoD, VA, and DHS in partnership with DOL, provide a comprehensive mix of veterans' benefits and program information for the service members' use in determining their future career direction. Further, the Employment Workshops provide service members an array of job placement assistance and employment training services to carry out those choices and begin their transition into civilian

employment prior to separation.

VA conducts a half-day (4 hours) VA Benefits Briefing for separating and retiring service members. In addition to the VA Benefits Briefings, VA also provides the DTAP. The DTAP provides information about disability benefits and vocational rehabilitation to: (1) individuals being separated due to a service-connected disability; (2) those who will be medically discharged; and (3) those who suspect they have a service-connected disability.

DTAP will be 2 hours in length, and will provide extensive information regarding VA's Vocational Rehabilitation and Employment Service (VR&E) benefits. All separating and retiring service members who qualify for DTAP should attend the VA Benefits Briefing prior to attending DTAP.

Objectives: The successful transition of veterans into civilian life is a mutual responsibility and concern of the DOL, DoD, VA, and DHS. To this end, these Departments are committed to maintaining a program to furnish counseling, assistance in identifying and obtaining employment and training opportunities, information about veterans' benefits programs, and other related information and services, to separating service members and their spouses.

Scope: The Transition Assistance Program shall be available to active duty members and their spouses within 12 months of separation or 24 months of retirement. On a space-available basis, DoD and DHS will authorize separated service members to attend workshops up to 180 days after their date of separation. If more than 180 days have elapsed since their date of separation, and separatees wish to seek employment assistance and counseling, they will be referred to the local One-Stop Career Center system where they can access an array of services, including those provided by a Disabled Veterans' Outreach Program (DVOP) Specialist or Local Veterans' Employment Representative (LVER). Additionally, the parties to this MOU may discuss and/or agree on other methods to provide transition assistance to service members unable to attend DOL workshops.

Definitions: See Acronyms and Definitions attached.

Responsibilities: Under subsections 1144 (a) and (b) title 10, United States Code, DOL is responsible for establishing and maintaining TAP Employment Workshops, with the cooperation of DoD, DHS, and VA. Accordingly, under this MOU, DOL is responsible for TAP Employment Workshop delivery. The DoD and DHS are responsible for service member participation, to include supporting and marketing the program to military commanders and providing logistical support. The VA is responsible for providing veterans' benefits information, claims assistance, and information that is unique to veterans being separated due to service-connected disabilities or other medical reasons.

Joint Responsibilities: To facilitate comprehensive workshops, DOL, DoD, VA, and DHS agree to:

- a. Provide an effective and well-coordinated sequence of transition services, minimizing any

- b. Promote optimal workshop sizes of no less than 24 participants. To this end, coordinate TAP Employment Workshop scheduling and access to TAP Employment Workshops among military installations within a 100-mile radius, regardless of military service affiliation.
- c. Ensure the following descending order of priority with respect to workshop attendance:
 - (1) Service members and their spouses who are closest to their date of separation from active duty (especially those within 90 days or less of separation).
 - (2) Personnel returning from overseas.
 - (3) Service members assigned to remote or isolated sites.
 - (4) All other active duty personnel and spouses eligible for TAP participation.
 - (5) Former service members, up to 180 days after their date of separation.
- d. Permit separating service members and their spouses to attend Employment Workshops 12 months prior to separation and permit retirees and their spouses to attend Employment Workshops 24 months prior to retirement.
- e. Coordinate with the appropriate representatives of the DOL, DoD, VA, and DHS on new internal directives that may affect the conduct of the TAP Employment Workshops.
- f. Coordinate support services required through other public agencies, military and veterans' service organizations, and the private sector.
- g. Identify and obtain potential guest speakers for workshops. However, all guest speakers must first be cleared by the military installation.
- h. Coordinate any pilot programs, studies, surveys, special initiatives, with DOL, DoD, VA, and DHS headquarters level Points of Contact (PoCs).
- i. Review and assess quarterly the overall quality of the program and the effectiveness of local delivery at participating sites, and modify the workshop components as required.
- j. Support development of local MOUs among local installation transition offices and regional and state DOL and VA offices. The local MOUs must conform to the overall intent and legal references contained in this MOU.

The Department of Labor will:

- a. Provide PoCs and coordinators at the headquarters and local level for the TAP Employment Workshops.

- b. Locate TAP Employment Workshops for separating and retiring service members on or within 100 miles of all major military installations.
- c. Develop TAP Employment Workshops to be two and a half (2 ½) days in length. The curriculum for two and a half (2 ½) days will focus on job-search assistance.
- d. Provide sufficient numbers of highly qualified TAP Employment Workshop facilitators such as DVOP specialists, LVER staff, and DOL contractor personnel to conduct TAP Employment Workshops.
- e. Provide overseas Employment Workshops.
- f. Make available to all separatees and retirees all TAP manuals and associated TAP Employment Workshop materials.
- g. Coordinate with the Department PoCs for DoD, VA, and DHS on any deletions or additions to the TAP Employment Workshop curriculum.
- h. Provide training for TAP Employment Workshop facilitators, within available class limitations, at the National Veterans' Training Institute (NVTI).
- i. Monitor TAP Employment Workshop delivery to maintain a high quality program. Monitoring should include TAP Employment Workshop evaluations of participants' feedback. The feedback will be used to improve the program at the local level and to elevate participants' issues of broad scope to the national level.
- j. Perform annual Workshop monitoring visits to ensure the quality of Workshops. Review participants' class critiques and monitor the effectiveness of the TAP Employment Workshop facilitators.
- k. Cooperate with the DoD, VA, and DHS to resolve problems with the Workshops.
- l. Provide ongoing publicity through installation newspaper articles, flyers and posters.
- m. Collect and provide DoD, VA, and DHS quarterly data on the number of DOL TAP Employment Workshops conducted and the number of attendees at the Workshops. Data provided will include: branch of service hosting the Workshop; number of retirees, separatees, and number of spouses for each class; total number of participants for each class; the breakdown of the workshop by gender and service (Army, Navy, Air Force, Marine Corps, and Coast Guard); the number of participants having more than 90-days left in the service; the number of participants with less than 90-days left in the service; and the organization that facilitated each Workshop [DVOP, LVER, VETS' Staff, Contractor, or When Actually Employed (WAE) Staff].
- n. Provide TAP Employment Workshops that include, at a minimum:

- (1) Information concerning employment and training assistance, including: (a) labor market information; (b) civilian work place requirements and employment opportunities; (c) instruction in resume preparation, cover letters, and job applications; (d) job analysis techniques, job search techniques, job interview techniques, and salary negotiation.
- (2) Information on Federal, State, and local programs that may be of assistance to members after separation from the armed forces, especially those services provided through the local One-Stop system, including services provided by Local Veteran Employment Representatives and Disabled Veteran Outreach Program Specialists and programs offered by military and veterans' service organizations
- (3) Information advising members that the DoD and the DHS are required by Title 10, U.S.C., Section 1143(a) to provide proper certification or verification of job skills and experience acquired while on active duty that may have application to licensing and certification for employment in the civilian sector. Brief members on the DOL Website for Credentialing, advise them of the information they will find there, and explain how it will be of assistance to them as they job search.
- (4) Information and other assistance on acquiring loans and grants from the Small Business Administration and other Federal, State, and local agencies.
- (5) Information about the geographic areas in which members may relocate after separation from the armed forces, including, to the degree possible, information about employment opportunities, the labor market, and the cost of living in those areas (including, to the extent practicable, the cost and availability of housing, child care, education, and medical and dental care).
- (6) Guidance and information to separatees and retirees during Workshops, on the role of Veterans' Service Organizations (VSOs). Explain how these organizations can assist separating and retiring service members with employment assistance. Provide information on how separating service members and retirees can access information on VSOs, and find out which ones sponsor and/or support job fairs in their local area.
- (7) Information about any public and community service jobs programs available.
- (8) Information on optional subjects or topics that may be considered relevant to the separating service member's ability to conduct a successful job search, such as familiarization with the "Internet" and those sites with potential to enhance his/her job search. However, the optional subjects or topics cannot be substituted for the mandatory requirements stated in paragraphs (1) through (7) above.

The Department of Defense will:

- a. Provide PoCs and coordinators at the headquarters and local level for the DOL TAP Employment Workshops, VA Benefits Briefings, and DTAP.

- b. Make available a version of the TAP Employment Workshop, and provide transition assistance services, to the maximum extent feasible, to all separating service members who are assigned at overseas military installations where DOL is not facilitating a workshop.
- c. Share information about military personnel separations, base closures/realignments, and projected number of separating members by service as early as possible at the beginning of each fiscal year. This is required in order to determine the number of workshops that need to be decreased/increased and to adjust resources as necessary.
- d. Provide suitable classroom facilities for DOL TAP Employment Workshops, VA Benefits Briefings, and DTAP. Seating for DOL Workshops should be for a minimum of 24 participants on a regularly scheduled basis. There is no minimum participant requirement for VA Benefits Briefings and DTAP. Such facilities must include appropriate utilities (adequate lighting, ventilation, heat, etc.), male and female restrooms, furniture (tables, chairs, lectern, etc.), handicapped access, and sufficient parking. Audiovisual equipment (projection screen, overhead projector, microphone, etc.), telephones, and janitorial services must also be provided.
- e. Work with DOL and VA coordinators and military installations within a region (defined as an area in which military installations are within 100 miles of each other) to promote course delivery which will accommodate the recommended minimum workshop size of 24 participants. This should include coordination among military installations regardless of military service affiliation.
- f. Provide on-going publicity through, but not limited to newsletters, installation newspaper articles, flyers and posters.
- g. Encourage and promote maximum participation with the support of installation and unit commanders.
- h. Notify and register participants for Workshops. Work with DOL and VA coordinators to ensure seating is provided in accordance with priority considerations enumerated under paragraph c. "Joint Responsibilities," above.
- i. Follow-up with appropriate supervisory personnel to help ensure scheduled personnel are available for TAP Employment Workshops, required post-Government employment ethics briefing, VA Benefits Briefings, and DTAP. Installation TAP staffs are responsible for classroom discipline and facility logistics.
- j. PoCs or coordinators at DoD installations shall to the extent practicable, notify the local DOL and VA Coordinators of TAP Employment Workshop, required post-Government ethics briefings, VA Benefits Briefing, and DTAP cancellations at least 14 working days prior to the start date of a TAP Employment Workshop, VA Benefits Briefing or DTAP.
- k. Provide and fund NVTI training for DoD TAP Employment Workshop facilitators.

l. Assist DOL in monitoring TAP Employment Workshop delivery. Assist VA in monitoring VA Benefits Briefings and DTAP.

The Department of Homeland Security (U.S. Coast Guard) will:

a. Provide PoCs and coordinators at the headquarters and local level for the TAP Employment Workshops, VA Benefits Briefings, and DTAP.

b. Provide suitable classroom facilities for DOL TAP Employment Workshops, VA Benefits Briefings, and DTAP. Seating for DOL Workshops should be for a minimum of 24 participants on a regularly scheduled basis. There is no minimum requirement for VA Benefits Briefings and DTAP. Such facilities must include appropriate utilities (adequate lighting, ventilation, heat, etc.), male and female restrooms, furniture (tables, chairs, lectern, etc.), handicapped access, and sufficient parking. Audiovisual equipment (projection screen, overhead projector, microphone, etc.), telephones, and janitorial services must also be provided.

c. Work with DOL and VA coordinators and military installations within a region (defined as an area in which military installations are within 100 miles of each other) to promote course delivery that will accommodate the recommended minimum workshop size of 24 participants. This should include coordination among military installations regardless of military service affiliation.

d. Provide on-going publicity through, but not limited to, installation newspaper articles, flyers and posters.

e. Encourage and promote maximum participation, with the support of installation and unit commanders.

f. Notify and register participants for Workshops. Work with DOL and VA coordinators to ensure seating is provided in accordance with priority considerations enumerated under paragraph c. "Joint Responsibilities," above.

g. Assist DOL in monitoring TAP Employment Workshop delivery. Assist VA in monitoring VA Benefits Briefings and DTAP.

h. Follow-up with appropriate unit supervisory personnel to help ensure scheduled service members are available for TAP Employment Workshops, ensure classroom discipline, and supervise facility logistics.

i. DHS [US Coast Guard (local installations)] PoCs or coordinators shall, to the extent practicable, notify the local DOL and VA Coordinators of Workshop, VA Benefits Briefing, and DTAP cancellations at least 14 days prior to the start date of a TAP Employment Workshop, VA Benefits Briefing, or DTAP.

j. Provide and fund NVTI training for DHS TAP Employment Workshop facilitators.

The Department of Veterans Affairs will:

a. Provide PoCs and coordinators at the headquarters level for VA Benefits Briefings and DTAP.

b. Provide information on veterans' benefits and claims assistance. The VA Benefits Briefings will be a half-day (4 hours) in length.

c. In addition to VA Benefits Briefings, provide a separate DTAP Briefing to those individuals who: (1) are being separated or retiring due to a service-connected disability; (2) are being medically discharged; or (3) suspect they have a service-connected disability. The standardized DTAP will be 2 hours in length and in addition to the half-day (4 hours) VA Benefits Briefings. All separating and retiring service members who qualify for DTAP should attend the VA Benefits Briefing prior to attending DTAP.

d. Provide highly qualified benefits counselors, instructional aides (instructor's manuals, slides, and/or overheads of presentations, etc.), and course materials on veterans' benefits information for each Veterans Benefits Briefing and DTAP participant at locations where VA benefits' presentations and DTAP briefings are conducted.

e. Provide VA training curriculum concerns about veterans' benefits information and claims assistance to the National Veterans' Training Institute and DOL Transition Assistance Workshop staff.

f. Monitor VA Benefits Briefings and DTAP presenters to maintain a high quality program. Monitoring should include participants' evaluations. Their feedback will be used to improve the program at the local level and to elevate issues of broad scope to the national level.

g. Provide guidance and information to separatees and retirees during VA Benefits Briefings on the role of Veterans' Service Organizations. Also, provide information on how these organizations can assist them following their separation.

h. Provide overseas counselors under a separate Memorandum of Agreement with the Department of Defense.

i. Provide on-going publicity through, but not limited to, newsletters, installation newspaper articles, flyers and posters.

Oversight: The DOL, DoD, VA, and DHS PoCs at the national level will meet quarterly, or more frequently as necessary, to discuss program accomplishments, including best practices; to engage in planning; and/or to resolve issues. The DOL representative will chair the meetings.

Review/Changes: The DOL, DoD, VA, and DHS PoCs at the national level will review this MOU periodically, but no less than once every two years. Changes to this MOU will be in writing and approved in any event by all of the signatories or their successors. If during the review process it is determined that there will be no changes to this MOU, the signatories (or their successors') representatives will sign a joint memorandum stating that the MOU has been reviewed and is approved without change.

Effect of Agreement: This Memorandum of Understanding is an internal agreement and does not confer any rights upon any individual. It supersedes and replaces all previous Transition Assistance Program (TAP) MOUs.

This agreement does not authorize the expenditure or reimbursement of any funds. Nothing in this MOU shall obligate DoD, DHS, VA, or DOL to expend appropriations or enter into any contract or other obligation. All obligations of the Parties under this MOU shall be subject to the availability of funds for such purposes.

Nothing in this Memorandum of Understanding shall be interpreted as limiting, superseding, or otherwise affecting the parties' normal operations or decisions in carrying out their statutory or regulatory duties. This Memorandum of Understanding does not limit or restrict DoD, DHS, VA, or DOL from participating in similar activities or arrangements with other agencies.

Effective Date and Duration:

This Memorandum of Understanding shall become effective upon the date of the final signature of the undersigned parties. This MOU, as amended in writing, shall remain in force until superseded by a successor MOU. In the event this MOU is no longer statutorily required, it will be of no force and effect unless continued by mutual consent of the parties.

Signatures

DEPARTMENT OF LABOR

BY: 
DATE: _____

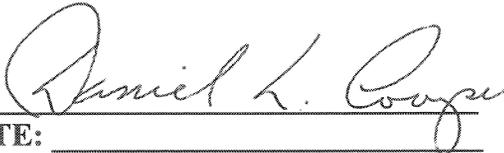
Charles S. Ciccolella
Assistant Secretary for Veterans'
Employment and Training

DEPARTMENT OF DEFENSE

BY: 
DATE: _____

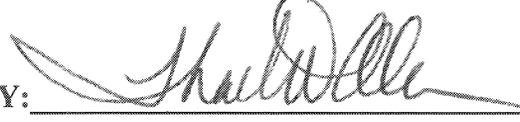
David S. C. Chu
Under Secretary of Defense for Personnel
and Readiness

**DEPARTMENT OF
VETERANS AFFAIRS**

BY: 
DATE: _____

Daniel L. Cooper
Under Secretary for Benefits

**DEPARTMENT OF
HOMELAND SECURITY**

BY: 
DATE: _____

Thad W. Allen
Admiral, U.S. Coast Guard
Commandant

SEP 19 2006

Acronyms and Definitions

A. Acronyms

1. DoD – Department of Defense
2. DOL – Department of Labor
3. DHS – Department of Homeland Security (United States Coast Guard)
4. DTAP – Disabled Transition Assistance Program
5. VA – Department of Veterans Affairs
6. DVOP - Disabled Veterans Outreach Program (Specialist)
7. LVER - Local Veterans Employment Representative (State)
8. NVTI – National Veterans Training Institute
9. PoC- Point of Contact
10. TAP - Transition Assistance Program
11. WAE – “When Actually Employed” designates on-call federal employees receiving pay for specific services rendered but not assigned regular duties. While in a working status, these employees are understood as federal temporary employees and fall under federal expectations, guidelines and protections.

B. Definitions

1. Coordinator - A person at the local level who has the responsibility for class scheduling and logistics.
2. Facilitator - A person trained at the National Veterans Training Institute (NVTI) or other entity approved by the National Office of Veterans Employment and Training Service whose primary duty is presenting instruction and providing administrative support of the TAP Employment Workshop.
3. Point of Contact – A representative from DOL, DoD, DHS or VA who is charged with carrying out that agency’s responsibilities.
4. Separating service member - A uniformed member of the Army, Navy, Marine Corps,

Air Force, or Coast Guard who is being discharged, released from active duty, released from custody and control of the Armed Forces, transferred to the Individual Ready Reserve, or retired.