

EFFECTIVE DATE

Section effective Dec. 1, 1976, see section 703(c) of Pub. L. 94-502, set out as a note under section 3693 of this title.

REFERENCES TO AND CONTINUATION OF POSITION OF DEPUTY ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT

Pub. L. 96-466, title V, §504(b), (c), Oct. 17, 1980, 94 Stat. 2203, provided that:

“(b) Any reference in any law, regulation, directive, or other document to the Deputy Assistant Secretary of Labor for Veterans' Employment shall be deemed to be a reference to the Assistant Secretary of Labor for Veterans' Employment.

“(c) Notwithstanding any other provision of law, the position of Deputy Assistant Secretary of Labor for Veterans' Employment, as constituted on the day before the date of the enactment of this section [Oct. 17, 1980], shall remain in existence until a person has been appointed to and has qualified for the position of Assistant Secretary of Labor for Veterans' Employment (established by the amendments made by subsection (a) [amending sections 2002 and 2002A [now 4102 and 4102A] of this title].”

[Reference to Assistant Secretary of Labor for Veterans' Employment in any law in force on Nov. 6, 1986, deemed to be a reference to Assistant Secretary of Labor for Veterans' Employment and Training, see section 2(b)(3) of Pub. L. 99-619, set out as a References in Other Laws note under section 553 of Title 29, Labor.]

[Pub. L. 96-466, title VIII, §802(e), Oct. 17, 1980, 94 Stat. 2218, provided that section 504(b), (c) are effective Oct. 1, 1980.]

§ 4103. Directors and Assistant Directors for Veterans' Employment and Training; additional Federal personnel

(a) DIRECTORS AND ASSISTANT DIRECTORS.—(1) The Secretary shall assign to each State a representative of the Veterans' Employment and Training Service to serve as the Director for Veterans' Employment and Training, and shall assign full-time Federal clerical or other support personnel to each such Director.

(2)(A) Each Director for Veterans' Employment and Training for a State shall, at the time of appointment, have been a bona fide resident of the State for at least two years.

(B) The Secretary may waive the requirement in subparagraph (A) with respect to a Director for Veterans' Employment and Training if the Secretary determines that the waiver is in the public interest. Any such waiver shall be made on a case-by-case basis.

(3) Full-time Federal clerical or other support personnel assigned to Directors for Veterans' Employment and Training shall be appointed in accordance with the provisions of title 5 governing appointments in the competitive service and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5.

(b) ADDITIONAL FEDERAL PERSONNEL.—The Secretary may also assign as supervisory personnel such representatives of the Veterans' Employment and Training Service as the Secretary determines appropriate to carry out the employment, training, and placement services required under this chapter, including Assistant Directors for Veterans' Employment and Training.

(c) COORDINATION WITH STATE DEPARTMENTS OF LABOR AND VETERANS AFFAIRS.—Each Director

for Veterans' Employment and Training for a State shall coordinate the Director's activities under this chapter with the State department of labor and the State department of veterans affairs.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1218, §2012; renumbered §2003, Pub. L. 87-675, §1(a), Sept. 19, 1962, 76 Stat. 558; amended Pub. L. 89-358, §6(c)(1), Mar. 3, 1966, 80 Stat. 27; Pub. L. 92-540, title V, §502(a), Oct. 24, 1972, 86 Stat. 1094; Pub. L. 93-508, title IV, §401(c), Dec. 3, 1974, 88 Stat. 1592; Pub. L. 94-502, title VI, §§602, 606(1), Oct. 15, 1976, 90 Stat. 2404, 2405; Pub. L. 96-466, title V, §505, title VIII, §801(i), Oct. 17, 1980, 94 Stat. 2204, 2216; Pub. L. 97-295, §4(70), Oct. 12, 1982, 96 Stat. 1310; Pub. L. 97-306, title III, §304(a)(1), (b), (c), Oct. 14, 1982, 96 Stat. 1437, 1438; Pub. L. 100-323, §§5, 7(a), 15(a)(2), (c)(1), (3)(A), May 20, 1988, 102 Stat. 563, 564, 574; Pub. L. 101-237, title IV, §423(b)(8)(B), Dec. 18, 1989, 103 Stat. 2093; renumbered §4103 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103-446, title XII, §1201(d)(14), Nov. 2, 1994, 108 Stat. 4684; Pub. L. 104-275, title III, §302, Oct. 9, 1996, 110 Stat. 3332; Pub. L. 107-288, §4(a)(1), Nov. 7, 2002, 116 Stat. 2042; Pub. L. 110-389, title III, §316, Oct. 10, 2008, 122 Stat. 4167; Pub. L. 114-315, title V, §504(a), Dec. 16, 2016, 130 Stat. 1568.)

PRIOR PROVISIONS

Prior section 4103, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1243; Pub. L. 86-568, title I, §114(a)-(e), July 1, 1960, 74 Stat. 300; Pub. L. 87-574, §5, Aug. 6, 1962, 76 Stat. 309; Pub. L. 87-793, §801, Oct. 11, 1962, 76 Stat. 859; Pub. L. 88-18, May 8, 1963, 77 Stat. 15; Pub. L. 88-426, title I, §117(a), Aug. 14, 1964, 78 Stat. 409; Pub. L. 89-785, title I, §103(a), (b), Nov. 7, 1966, 80 Stat. 1368; Pub. L. 93-82, title II, §202, Aug. 2, 1973, 87 Stat. 188; Pub. L. 94-581, title I, §110(2), title II, §§205(d), 209(c)(1), 210(c)(2), Oct. 21, 1976, 90 Stat. 2848, 2859, 2861, 2863; Pub. L. 96-330, title I, §105(b), title III, §303, Aug. 26, 1980, 94 Stat. 1036, 1050; Pub. L. 100-687, div. B, title XV, §1506(b)(1), Nov. 18, 1988, 102 Stat. 4135, related to Office of Chief Medical Director, prior to repeal by Pub. L. 102-40, title IV, §401(a)(3), May 7, 1991, 105 Stat. 210. See section 7306 of this title.

Provisions similar to those comprising this section were contained in section 2002 of this title prior to the amendment of this chapter by Pub. L. 92-540.

AMENDMENTS

2016—Subsec. (c). Pub. L. 114-315 added subsec. (c).

2008—Subsec. (a)(2). Pub. L. 110-389 designated existing provisions as subpar. (A) and added subpar. (B).

2002—Pub. L. 107-288 substituted “Directors and Assistant Directors for Veterans' Employment and Training; additional Federal personnel” for “Directors and Assistant Directors for Veterans' Employment and Training” in section catchline and amended text generally, substituting subsecs. (a) and (b) for former subsecs. (a) to (c) relating to Directors and Assistant Directors and their responsibilities.

1996—Subsec. (a). Pub. L. 104-275 substituted “full-time Federal clerical or other support personnel” for “full-time Federal clerical support” in first sentence and “Full-time Federal clerical or other support personnel” for “Full-time Federal clerical support personnel” in third sentence.

1994—Subsec. (c)(2). Pub. L. 103-446 substituted “subchapter II of chapter 77” for “subchapter IV of chapter 3”.

1991—Pub. L. 102-83, §5(a), renumbered section 2003 of this title as this section.

Subsec. (a). Pub. L. 102-83, §5(c)(1), substituted “4107” for “2007”.

Subsec. (c)(8). Pub. L. 102-83, §5(c)(1), substituted “4212” for “2012”.

Subsec. (c)(11). Pub. L. 102-83, §5(c)(1), substituted “1712A” for “612A”.

1989—Subsec. (c)(2), (10). Pub. L. 101-237 substituted “Department of Veterans Affairs” for “Veterans’ Administration”.

1988—Pub. L. 100-323, §15(c)(3)(A), substituted “Directors and Assistant Directors” for “State and Assistant State Directors” and inserted “and Training” after “for Veterans’ Employment” in section catchline.

Subsec. (a). Pub. L. 100-323, §15(a)(2), struck out “of Labor” after “The Secretary” at beginning.

Pub. L. 100-323, §15(c)(1), substituted “Director for Veterans’ Employment and Training” for “State Director for Veterans’ Employment” in two places, “Assistant Director for Veterans’ Employment and Training” for “Assistant State Director for Veterans’ Employment”, “Assistant Directors for Veterans’ Employment and Training” for “Assistant State Directors for Veterans’ Employment”, and “Directors for Veterans’ Employment and Training” for “State Directors for Veterans’ Employment”.

Subsec. (b)(1)(A). Pub. L. 100-323, §15(c)(1), substituted “Director for Veterans’ Employment and Training” for “State Director for Veterans’ Employment” and “Assistant Director for Veterans’ Employment and Training” for “Assistant State Director for Veterans’ Employment”.

Pub. L. 100-323, §5(1)–(3), designated existing provisions as subpar. (A), redesignated former cls. (A) and (B) as (i) and (ii), respectively, and substituted “, except as provided in subparagraph (B) of this paragraph, be a qualified veteran” for “be an eligible veteran” in cl. (i).

Subpar. (b)(1)(B). Pub. L. 100-323, §5(4), added subpar. (B).

Subsec. (b)(2). Pub. L. 100-323, §15(c)(1), substituted “Director for Veterans’ Employment and Training” for “State Director for Veterans’ Employment” and “Assistant Director for Veterans’ Employment and Training” for “Assistant State Director for Veterans’ Employment”.

Pub. L. 100-323, §15(a)(2), struck out “of Labor” after “to the Secretary”.

Subsec. (c). Pub. L. 100-323, §15(c)(1), substituted “Director for Veterans’ Employment and Training” for “State Director for Veterans’ Employment” and “Assistant Directors for Veterans’ Employment and Training” for “Assistant State Directors for Veterans’ Employment”.

Subsec. (c)(1). Pub. L. 100-323, §7(a)(1), inserted “(A) functionally supervise the provision of services to eligible veterans and eligible persons by such system and such program and their staffs, and (B)” after “(1)” and “, including the program conducted under the Veterans’ Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note)” after “programs”.

Subsec. (c)(2). Pub. L. 100-323, §7(a)(2), inserted “and otherwise to promote the employment of eligible veterans and eligible persons” after “opportunities”.

Subsec. (c)(13) to (15). Pub. L. 100-323, §7(a)(3)–(5), added cls. (13) to (15).

1982—Pub. L. 97-306, §304(a)(1), struck out text that preceded cl. (1), which related to assignment, number, qualifications, pay, and administrative position of veterans’ employment representatives, and inserted in lieu thereof a revised section catchline and subsecs. (a) to (c) relating to State and Assistant State Directors for Veterans’ Employment.

Pub. L. 97-295 substituted “chapter 51 and” for “chapter 51 of”.

Subsec. (c)(6). Pub. L. 97-306, §304(b), substituted provision of cl. (6) that the Director and Assistant Director promote and facilitate the participation of veterans in Federal and federally funded employment and training programs and directly monitor the implementation and operation of such programs to ensure that eligible veterans, veterans of the Vietnam era, disabled veterans, and eligible persons receive such priority or other

special consideration in the provision of services as is required by law or regulation, for provision that they promote the participation of veterans in Comprehensive Employment and Training Act programs and monitor the implementation and operation of Comprehensive Employment and Training Act programs to assure that eligible veterans, disabled veterans, and veterans of the Vietnam era receive special consideration when required.

Subsec. (c)(8) to (12). Pub. L. 97-306, §304(c), added cls. (8) to (12).

1980—Pub. L. 96-466 in provisions preceding par. (1) inserted “(and shall assign full-time clerical support to each such representative)” after “to serve as the veterans’ employment representative”, struck out “, United States Code,” after “title 5”, substituted “employment and training programs” for “manpower and training programs”, inserted “system” after “public employment service” wherever appearing, and in par. (6) inserted “, disabled veterans, and veterans of the Vietnam era” after “eligible veterans”.

1976—Pub. L. 94-502 substituted “the Secretary shall determine” for “he shall determine”, “such representative’s” for “his”, “administered by the Secretary or by prime sponsors under the Comprehensive Employment and Training Act” for “administered by the Secretary”, added cl. (6), and redesignated former cl. (6) as (7).

1974—Pub. L. 93-508 substituted “250,000 veterans and eligible persons of the State” for “250,000 veterans of the State”, and “Secretary’s veterans’ and eligible persons’ counseling and placement policies” for “Secretary’s veterans’ counseling and placement policies”, and in cls. (1), (2), (4), (5), and (6) of the fifth sentence substituted “eligible veterans and eligible persons” for “eligible veterans”, in cl. (3) substituted “eligible veteran’s or an eligible person’s” for “eligible veteran’s”, and in cl. (4) substituted “such veterans and persons” for “such veterans”.

1972—Pub. L. 92-540 substituted provisions relating to the assignment of veterans’ employment representatives for provisions relating to the assignment of employees of local offices. See section 2004 of this title.

1966—Pub. L. 89-358 inserted “or of service after January 31, 1955” after “veterans of any war”.

EFFECTIVE DATE OF 2016 AMENDMENT

Pub. L. 114-315, title V, §504(b), Dec. 16, 2016, 130 Stat. 1569, provided that: “Subsection (c) of such section [38 U.S.C. 4103(c)], as added by subsection (a), shall take effect on the date that is 1 year after the date of the enactment of this Act [Dec. 16, 2016].”

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-288 effective Nov. 7, 2002, and applicable for program and fiscal years under this chapter beginning on or after such date, see section 4(a)(4) of Pub. L. 107-288, set out as a note under section 4102A of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by section 15(a)(2), (c)(1), (3)(A) of Pub. L. 100-323 effective May 20, 1988, and amendment by sections 5 and 7(a) of Pub. L. 100-323 effective on 60th day after May 20, 1988, see section 16(a), (b)(2) of Pub. L. 100-323, set out as a note under section 3104 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by section 505 of Pub. L. 96-466 effective Oct. 1, 1980, see section 802(e) of Pub. L. 96-466, set out as a note under section 4101 of this title.

Amendment by section 801(i) of Pub. L. 96-466 effective Oct. 1, 1980, see section 802(h) of Pub. L. 96-466, set out as a note under section 3452 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-502 effective Dec. 1, 1976, see section 703(c) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-508 effective Dec. 3, 1974, see section 503 of Pub. L. 93-508, set out as a note under section 3452 of this title.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-540 effective 90 days after Oct. 24, 1972, see section 601(b) of Pub. L. 92-540, set out as a note under section 4101 of this title.

§ 4103A. Disabled veterans' outreach program

(a) REQUIREMENT FOR EMPLOYMENT BY STATES OF A SUFFICIENT NUMBER OF SPECIALISTS.—(1) Subject to approval by the Secretary, a State shall employ such full- or part-time disabled veterans' outreach program specialists as the State determines appropriate and efficient to carry out intensive services and facilitate placements under this chapter to meet the employment needs of eligible veterans with the following priority in the provision of services:

(A) Special disabled veterans.

(B) Other disabled veterans.

(C) Other eligible veterans in accordance with priorities determined by the Secretary taking into account applicable rates of unemployment and the employment emphases set forth in chapter 42 of this title.

(2) In the provision of services in accordance with this subsection, maximum emphasis in meeting the employment needs of veterans shall be placed on assisting economically or educationally disadvantaged veterans.

(3) In facilitating placement of a veteran under this program, a disabled veterans' outreach program specialist shall help to identify job opportunities that are appropriate for the veteran's employment goals and assist that veteran in developing a cover letter and resume that are targeted for those particular jobs.

(b) REQUIREMENT FOR QUALIFIED VETERANS.—A State shall, to the maximum extent practicable, employ qualified veterans to carry out the services referred to in subsection (a). Preference shall be given in the appointment of such specialists to qualified disabled veterans.

(c) PART-TIME EMPLOYEES.—A part-time disabled veterans' outreach program specialist shall perform the functions of a disabled veterans' outreach program specialist under this section on a half-time basis.

(d) ADDITIONAL REQUIREMENT FOR FULL-TIME EMPLOYEES.—(1) A full-time disabled veterans' outreach program specialist shall perform only duties related to meeting the employment needs of eligible veterans, as described in subsection (a), and shall not perform other non-veteran-related duties that detract from the specialist's ability to perform the specialist's duties related to meeting the employment needs of eligible veterans.

(2) The Secretary shall conduct regular audits to ensure compliance with paragraph (1). If, on the basis of such an audit, the Secretary determines that a State is not in compliance with paragraph (1), the Secretary may reduce the amount of a grant made to the State under section 4102A(b)(5) of this title.

(Added Pub. L. 96-466, title V, § 506(a), Oct. 17, 1980, 94 Stat. 2204, § 2003A; amended Pub. L.

97-306, title III, § 305, Oct. 14, 1982, 96 Stat. 1439; Pub. L. 100-323, §§ 2(e)(1), 7(b), 15(c)(1), May 20, 1988, 102 Stat. 559, 565, 574; Pub. L. 101-237, title IV, § 423(b)(8), Dec. 18, 1989, 103 Stat. 2093; renumbered § 4103A and amended Pub. L. 102-83, §§ 2(c)(4), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 402, 406; Pub. L. 102-568, title V, §§ 501, 503, Oct. 29, 1992, 106 Stat. 4340; Pub. L. 103-446, title VII, § 701(b), Nov. 2, 1994, 108 Stat. 4674; Pub. L. 105-277, div. A, § 101(f) [title VIII, § 405(d)(29)(B), (f)(21)(B)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-424, 2681-432; Pub. L. 105-368, title X, § 1004(a), Nov. 11, 1998, 112 Stat. 3364; Pub. L. 107-95, § 9(a), Dec. 21, 2001, 115 Stat. 920; Pub. L. 107-288, § 4(b)(1), Nov. 7, 2002, 116 Stat. 2043; Pub. L. 109-461, title VI, § 602(a), Dec. 22, 2006, 120 Stat. 3437; Pub. L. 112-56, title II, §§ 234(b), 241(a), Nov. 21, 2011, 125 Stat. 722, 728.)

AMENDMENTS

2011—Subsec. (a)(1). Pub. L. 112-56, § 234(b)(1), inserted “and facilitate placements” after “intensive services” in introductory provisions.

Subsec. (a)(3). Pub. L. 112-56, § 234(b)(2), added par. (3).

Subsec. (d). Pub. L. 112-56, § 241(a), added subsec. (d).

2006—Subsec. (c). Pub. L. 109-461 added subsec. (c).

2002—Pub. L. 107-288 amended section generally, substituting subssecs. (a) and (b) for former subssecs. (a) to (c) relating to appointment, services and stationing, and functions of disabled veterans' outreach program specialists.

2001—Subsec. (c)(11). Pub. L. 107-95 added par. (11).

1998—Subsec. (a)(1). Pub. L. 105-368, in first sentence, substituted “for each 7,400 veterans who are between the ages of 20 and 64 residing in such State.” for “for each 6,900 veterans residing in such State who are either veterans of the Vietnam era, veterans who first entered on active duty as a member of the Armed Forces after May 7, 1975, or disabled veterans.”, in third sentence, struck out “of the Vietnam era” after “disabled veterans”, and struck out after third sentence “If the Secretary finds that a qualified disabled veteran of the Vietnam era is not available for any such appointment, preference for such appointment shall be given to other qualified disabled veterans.”

Subsec. (c)(4). Pub. L. 105-277, § 101(f) [title VIII, § 405(f)(21)(B)], struck out “part C of title IV of the Job Training Partnership Act and” after “training programs including”.

Pub. L. 105-277, § 101(f) [title VIII, § 405(d)(29)(B)], substituted “including part C of title IV of the Job Training Partnership Act and title I of the Workforce Investment Act of 1998” for “(including part C of title IV of the Job Training Partnership Act (29 U.S.C. 1501 et seq.))”.

1994—Subsec. (a)(1). Pub. L. 103-446 substituted “rates comparable to those paid other professionals performing essentially similar duties” for “a rate not less than the rate prescribed for an entry level professional”.

1992—Subsec. (a)(1). Pub. L. 102-568, § 501, substituted “specialist for each 6,900 veterans residing in such State who are either veterans of the Vietnam era, veterans who first entered on active duty as a member of the Armed Forces after May 7, 1975, or disabled veterans.” for “specialist for each 5,300 veterans of the Vietnam era and disabled veterans residing in such State.”

Subsec. (b)(1)(A). Pub. L. 102-568, § 503, amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “Services to disabled veterans of the Vietnam era who are participating in or have completed a program of vocational rehabilitation under chapter 31 of this title.”

1991—Pub. L. 102-83, § 5(a), renumbered section 2003A of this title as this section.

Subsec. (a). Pub. L. 102-83, § 5(c)(1), substituted “4102A(b)(5)(A)(i)” for “2002A(b)(5)(A)(i)” in par. (1) and “4104” for “2004” in par. (2).