

Pub. L. 89-785, title I, §108, Nov. 7, 1966, 80 Stat. 1370; Pub. L. 98-160, title II, §206, Nov. 21, 1983, 97 Stat. 1001, related to appointment of additional employees, prior to repeal by Pub. L. 102-40, title IV, §401(a)(3), May 7, 1991, 105 Stat. 210. See section 7408 of this title.

§ 4112. Performance incentive awards for quality employment, training, and placement services

(a) CRITERIA FOR PERFORMANCE INCENTIVE AWARDS.—(1) For purposes of carrying out a program of performance incentive awards under section 4102A(c)(2)(A)(i)(III) of this title, the Secretary, acting through the Assistant Secretary of Labor for Veterans' Employment and Training, shall establish criteria for performance incentive awards programs to be administered by States to—

(A) encourage the improvement and modernization of employment, training, and placement services provided under this chapter; and

(B) recognize eligible employees and employment service offices for excellence in the provision of such services or for having made demonstrable improvements in the provision of such services.

(2) The Secretary shall establish such criteria in consultation with representatives of States, political subdivisions of States, and other providers of employment, training, and placement services under the Workforce Investment Act of 1998¹ consistent with the performance measures established under section 4102A(b)(7) of this title.

(b) FORM OF AWARDS.—Under the criteria established by the Secretary for performance incentive awards to be administered by States, an award under such criteria may be a cash award or such other nonfinancial awards as the Secretary may specify.

(c) ADMINISTRATION AND USE OF AWARDS.—Performance incentive cash awards under this section—

(1) shall be made from amounts allocated from the grant or contract amount for a State for a program year under section 4102A(c)(7) of this title;

(2) in the case of such an award made to an eligible employee, shall be in addition to the regular pay of the recipient; and

(3) in the case of such an award made to an employment service office, may be used by that employment service office for any purpose.

(d) ELIGIBLE EMPLOYEE DEFINED.—In this section, the term “eligible employee” means any of the following:

(1) A disabled veterans' outreach program specialist.

(2) A local veterans' employment representative.

(3) An individual providing employment, training, and placement services to veterans under the Workforce Investment Act of 1998¹ or through an employment service delivery system (as defined in section 4101(7) of this title).

(Added Pub. L. 107-288, §3(a), Nov. 7, 2002, 116 Stat. 2037; amended Pub. L. 109-461, title VI, §603, Dec. 22, 2006, 120 Stat. 3437.)

REFERENCES IN TEXT

The Workforce Investment Act of 1998, referred to in subsecs. (a)(2) and (d)(3), is Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, and was repealed by Pub. L. 113-128, title V, §§506, 511(a), July 22, 2014, 128 Stat. 1703, 1705, effective July 1, 2015. Pursuant to section 3361(a) of Title 29, references to a provision of the Workforce Investment Act of 1998 are deemed to refer to the corresponding provision of the Workforce Innovation and Opportunity Act, Pub. L. 113-128, July 22, 2014, 128 Stat. 1425. For complete classification of the Workforce Investment Act of 1998 to the Code, see Tables. For complete classification of the Workforce Innovation and Opportunity Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

PRIOR PROVISIONS

A prior section 4112, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1247; Pub. L. 89-785, title I, §109(a), Nov. 7, 1966, 80 Stat. 1370; Pub. L. 93-82, title II, §205(b), Aug. 2, 1973, 87 Stat. 192; Pub. L. 94-581, title I, §110(8), title II, §§209(b)(3), 210(c)(6), Oct. 21, 1976, 90 Stat. 2849, 2861, 2864; Pub. L. 96-151, title III, §305, Dec. 20, 1979, 93 Stat. 1096; Pub. L. 96-330, title I, §115, Aug. 26, 1980, 94 Stat. 1039; Pub. L. 98-223, title II, §209, Mar. 2, 1984, 98 Stat. 44; Pub. L. 100-322, title II, §224, May 20, 1988, 102 Stat. 532, related to special medical advisory group and other advisory bodies, prior to repeal by Pub. L. 102-40, title IV, §401(a)(3), May 7, 1991, 105 Stat. 210. See sections 7312 and 7313 of this title.

AMENDMENTS

2006—Subsec. (a)(1)(B). Pub. L. 109-461, §603(a)(1), inserted “and employment service offices” after “recognize eligible employees”.

Subsec. (c). Pub. L. 109-461, §603(b), substituted “Administration and Use of Awards” for “Relationship of Award to Grant Program and Employee Compensation” as heading.

Subsec. (c)(2). Pub. L. 109-461, §603(a)(2)(B)(i), substituted “in the case of such an award made to an eligible employee, shall be” for “is”.

Subsec. (c)(3). Pub. L. 109-461, §603(a)(2)(A), (B)(ii), (C), added par. (3).

§ 4113. Transition Assistance Program personnel

(a) REQUIREMENT TO CONTRACT.—In accordance with section 1144 of title 10, the Secretary shall enter into a contract with an appropriate private entity or entities to provide the functions described in subsection (b) at all locations where the program described in such section is carried out.

(b) FUNCTIONS.—Contractors under subsection (a) shall provide to members of the Armed Forces who are being separated from active duty (and the spouses of such members) the services described in section 1144(a)(1) of title 10, including the following:

(1) Counseling.

(2) Assistance in identifying employment and training opportunities and help in obtaining such employment and training.

(3) Assessment of academic preparation for enrollment in an institution of higher learning or occupational training.

(4) Other related information and services under such section.

(5) Such other services as the Secretary considers appropriate.

(Added Pub. L. 108-183, title III, §309(a)(1), Dec. 16, 2003, 117 Stat. 2663; amended Pub. L. 109-233,

¹ See References in Text note below.

title IV, §402(e)(2), June 15, 2006, 120 Stat. 411; Pub. L. 112-56, title II, §223(a)(1), Nov. 21, 2011, 125 Stat. 717.)

PRIOR PROVISIONS

A prior section 4113, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1247; Pub. L. 89-785, title I, §110, Nov. 7, 1966, 80 Stat. 1371; Pub. L. 94-581, title I, §110(9), title II, §209(a)(5), (c)(5), Oct. 21, 1976, 90 Stat. 2849, 2860, 2862, related to travel expenses of employees prior to repeal by Pub. L. 102-40, title IV, §401(a)(3), May 7, 1991, 105 Stat. 210. See section 7424 of this title.

AMENDMENTS

2011—Pub. L. 112-56 amended section generally. Prior to amendment, section related to outstationing of Transition Assistance Program personnel.

2006—Subsec. (a)(2). Pub. L. 109-233 substituted “section 6304(a)” for “section 7723(a)”.

DEADLINE FOR IMPLEMENTATION

Pub. L. 112-56, title II, §223(b), Nov. 21, 2011, 125 Stat. 718, provided that: “The Secretary of Labor shall enter into the contract required by section 4113 of title 38, United States Code, as added by subsection (a), not later than two years after the date of the enactment of this Act [Nov. 21, 2011].”

Pub. L. 108-183, title III, §309(b), Dec. 16, 2003, 117 Stat. 2663, provided that: “Not later than 90 days after the date of the enactment of this Act [Dec. 16, 2003], the Secretary of Labor shall implement section 4113 of title 38, United States Code, as added by subsection (a), and shall have employees of the Veterans' Employment and Training Service, or contractors, to carry out that section at the military installations involved by such date.”

§ 4114. Credentialing and licensure of veterans: demonstration project

(a) DEMONSTRATION PROJECT AUTHORIZED.—The Assistant Secretary for Veterans' Employment and Training shall carry out a demonstration project on credentialing in accordance with this section for the purpose of facilitating the seamless transition of members of the Armed Forces from service on active duty to civilian employment.

(b) IDENTIFICATION OF MILITARY OCCUPATIONAL SPECIALTIES AND ASSOCIATED CREDENTIALS AND LICENSES.—(1) The Assistant Secretary for Veterans' Employment and Training shall, in consultation with the Assistant Secretary for Employment and Training, select not more than five military occupational specialties for purposes of the demonstration project. Each specialty so selected by the Assistant Secretary for Veterans' Employment and Training shall require a skill or set of skills that is required for civilian employment in an industry with high growth or high worker demand.

(2) The Assistant Secretary shall enter into a contract with an appropriate entity representing a coalition of State governors to consult with appropriate Federal, State, and industry officials and identify requirements for credentials, certifications, and licenses that require a skill or set of skills required by a military occupational specialty selected under paragraph (1).

(3) The Assistant Secretary shall analyze the requirements identified under paragraph (2) to determine which requirements may be satisfied by the skills, training, or experience acquired by members of the Armed Forces with the military occupational specialties selected under paragraph (1).

(c) ELIMINATION OF BARRIERS TO CREDENTIALING AND LICENSURE.—The Assistant Secretary shall cooperate with appropriate Federal, State, and industry officials to reduce or eliminate any barriers to providing a credential, certification, or license to a veteran who acquired any skill, training, or experience while serving as a member of the Armed Forces with a military occupational specialty selected under subsection (b)(1) that satisfies the Federal and State requirements for the credential, certification, or license.

(d) PERIOD OF PROJECT.—The period during which the Assistant Secretary shall carry out the demonstration project under this section shall be the two-year period beginning on the date of the enactment of the VOW to Hire Heroes Act of 2011.

(Added Pub. L. 109-461, title VI, §604(a)(1), Dec. 22, 2006, 120 Stat. 3437; amended Pub. L. 112-56, title II, §237(a), Nov. 21, 2011, 125 Stat. 725.)

REFERENCES IN TEXT

The date of the enactment of the VOW to Hire Heroes Act of 2011, referred to in subsec. (d), is the date of enactment of Pub. L. 112-56, which was approved Nov. 21, 2011.

PRIOR PROVISIONS

Prior sections 4114 to 4119 were repealed by Pub. L. 102-40, title IV, §401(a)(3), May 7, 1991, 105 Stat. 210.

Section 4114, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1247; Pub. L. 87-574, §4(2), Aug. 6, 1962, 76 Stat. 309; Pub. L. 89-785, title I, §111(a)-(c), Nov. 7, 1966, 80 Stat. 1371; Pub. L. 91-496, §§1, 3, Oct. 22, 1970, 84 Stat. 1092; Pub. L. 93-82, title II, §206, Aug. 2, 1973, 87 Stat. 192; Pub. L. 94-581, title I, §§109, 110(10), title II, §§205(g), 209(a)(6), (c)(6), 210(c)(7), Oct. 21, 1976, 90 Stat. 2848, 2849, 2859, 2860, 2862, 2864; Pub. L. 95-201, §4(a)(2), Nov. 23, 1977, 91 Stat. 1430; Pub. L. 96-330, title I, §116(b), Aug. 26, 1980, 94 Stat. 1039; Pub. L. 97-295, §4(85), Oct. 12, 1982, 96 Stat. 1312; Pub. L. 99-166, title II, §203, Dec. 3, 1985, 99 Stat. 950; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 99-576, title II, §214, Oct. 28, 1986, 100 Stat. 3258; Pub. L. 100-322, title II, §223, May 20, 1988, 102 Stat. 531; Pub. L. 100-687, div. B, title XV, §1503(a)(2), Nov. 18, 1988, 102 Stat. 4133; Pub. L. 101-366, title II, §203, Aug. 15, 1990, 104 Stat. 439, related to temporary full-time, part-time, and without compensation appointments and residencies or internships. See sections 7405 to 7407 of this title.

Section 4115, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1248, related to regulations. See section 7304 of this title.

Section 4116, added Pub. L. 89-311, §6(a), Oct. 31, 1965, 79 Stat. 1156; amended Pub. L. 89-506, §5(b), July 18, 1966, 80 Stat. 307; Pub. L. 93-82, title II, §207, Aug. 2, 1973, 87 Stat. 193; Pub. L. 94-581, title I, §110(11), title II, §§209(a)(7), 210(c)(8), Oct. 21, 1976, 90 Stat. 2849, 2861, 2864; Pub. L. 100-322, title II, §203(a)(1), May 20, 1988, 102 Stat. 509, related to defense of certain malpractice and negligence suits. See section 7316 of this title.

Section 4117, added Pub. L. 89-785, title I, §112(a), Nov. 7, 1966, 80 Stat. 1371; amended Pub. L. 93-82, title II, §208, Aug. 2, 1973, 87 Stat. 194; Pub. L. 94-581, title I, §110(12), title II, §209(a)(1), (8), Oct. 21, 1976, 90 Stat. 2849, 2860, 2861, related to contracts for scarce medical specialist services. See section 7409 of this title.

Section 4118, added Pub. L. 94-123, §2(d)(1), Oct. 22, 1975, 89 Stat. 670; amended Pub. L. 95-201, §3(a), Nov. 23, 1977, 91 Stat. 1429; Pub. L. 96-330, title I, §§102(a)(1), (b)-(d), 103(a), 104(a), title II, §202, Aug. 26, 1980, 94 Stat. 1030, 1031, 1034, 1035, 1047; Pub. L. 97-258, §3(k)(6), Sept. 13, 1982, 96 Stat. 1065; Pub. L. 97-295, §4(86), Oct. 12, 1982, 96 Stat. 1312; Pub. L. 99-576, title II, §231(a), Oct. 28, 1986, 100 Stat. 3263; Pub. L. 100-238, title I, §126, Jan. 8, 1988, 101 Stat. 1757, related to special pay for physicians and dentists. See sections 7431 to 7440 of this title.