- (ii) The second job requires the same or higher specific vocational preparation level as the job to which it is being compared, and
- (2) The salary being paid to employees with comparable experience and training in the second job is the same or greater than the salary paid in the job to which it is being compared.
- (Authority: 106 Stat. 2762, Pub. L. 101-484, sec. 4487(b)(3), 10 U.S.C. 1143, note)
- (n) Seasonal job. The term seasonal job means a job which is subject to a seasonal need or availability resulting in no work for the employed person for 90 or more consecutive calendar days.
- (Authority: 106 Stat. 2760, Pub. L. 102-484, sec. 4486(b)(1), 10 U.S.C. 1143 note)
- (o) Secretary. The term Secretary means the Secretary of Veterans Affairs unless otherwise indicated by the text of the sentence in which the term appears.
- (Authority: 106 Stat. 2760, Pub. L. 102-484, sec. 4486(b)(1), 10 U.S.C. 1143 note)
- (p) Service-connected. The term service-connected means, with respect to disability, that the disability was incurred or aggravated in line of duty in the active military, naval or air service. (Authority: 106 Stat. 2758, Pub. L. 102-484, sec. 4483(2), 10 U.S.C. 1143, note)
- (q) State. The term State means each of the several States, Territories, and possessions of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

(Authority: 106 Stat. 2758, Pub. L. 102-484, sec. 4483(2), 10 U.S.C. 1143, note)

(r) Temporary employment. The term temporary employment means employment other than permanent employment.

(Authority: 106 Stat. 2759, Pub. L. 102-484, sec. 4485(a)(3), 10 U.S.C. 1143 note)

(s) *Temporary job.* The term temporary job means a time-limited job, particularly one of known, expected, or intended short duration (generally, not to exceed one year and, frequently, shorter).

(Authority: Pub. L. 102-484, sec. 4486(b)(1), 10 U.S.C. 1143 note)

- (t) *Unemployed*. The term unemployed means that a person is without full-time, permanent employment and wants and is available for full-time, permanent employment.
- (Authority: 106 Stat. 2760, Pub. L. 102-484. sec. 4485(a)(3): 10 U.S.C. 1143 note)
- (u) Veteran. The term veteran means a person who-
- (1) Served in the active military, naval or air service, as defined in paragraph (c) of this section, and

(2) Was discharged or released therefrom under conditions other than dishonorable.

(Authority: 106 Stat. 2757, Pub. L. 102-484, sec. 4483(2), 10 U.S.C. 1143 note, 38 U.S.C. 101(2))

§§ 21.4803—21.4809 [Reserved] **Eligibility**

§ 21.4810 Eligibility requirements for participation.

To establish eligibility for participation in the Service Members Occupational Conversion and Training program, an eligible person, on the date of application, must-

(a) (1) Be unemployed, and

- (2) Have been unemployed for at least 8 of the 15 weeks immediately preceding the date of his or her application for participation in a job training program under this subpart, or
- (b) Be separated from the active military, naval or air service and must have had a primary or secondary occupational specialty in the Armed Forces which (as determined under regulations prescribed by the Secretary of Defense and in effect before the date of the eligible person's separation) is not readily transferable to the civilian workforce; or
- (c) Be entitled to compensation (or but for the receipt of military retired pay would be entitled to compensation) under laws administered by VA for a service-connected disability rated at 30 percent or more.

(Authority: 106 Stat. 2758, Pub. L. 102-484, sec. 4485(a)(1)(B) and (C) 10 U.S.C. 1143

§21.4811 [Reserved]

§21.4812 Application and certification.

- (a) Application. An individual must apply to a facility of the Veterans Benefits Administration for participation in a job training program using the form prescribed by VA. (Authority: 106 Stat. 2759, Pub. L. 102-484,
- sec. 4485(b)(1), 10 U.S.C. 1143 note)
- (b) Approval. VA will approve an application to participate in a job training program if:
- (1) The applicant is an eligible person who meets the participation requirements of § 21.4810, and
- (2) Funds are available to pay employers under this subpart.
- (Authority: 106 Stat. 2759, Pub. L. 102-484, sec. 4485(b)(2); 10 U.S.C. 1143 note)
- (c) Certificates. (1) Upon approving an eligible person's application, VA will furnish the eligible person with a certificate for presentation to an employer with an existing approved job

- training program or an employer who is willing to develop and seek approval for a job training program. The certificate will state:
- (i) The individual's eligibility to participate;
- (ii) The date of the certificate's issuance to the eligible person and the period of its validity, and
- (iii) Approval of entrance into a job training program is subject to the availability of funds.
- (2) A certificate expires 180 days from the date on which it is furnished to the eligible person. However, VA may renew a certificate for an eligible person when the provisions of § 21.4812(b) are met. A renewed certificate expires 180 days from the date on which it is furnished to the eligible person, and may itself be renewed.

(Authority: 106 Stat. 2759, Pub. L. 102-484, sec. 4485(b)(3), 10 U.S.C. 1143 note)

(d) Disapproval. If an individual's application is disapproved, VA will give the individual written notice of the decision, including the reasons therefor, a summary of the evidence considered and an opportunity for a hearing. The individual may appeal VA's denial of his or her application under the same process as is provided in Part 19, Subpart B of this chapter.

(Authority: 106 Stat. 2759, Pub. L. 102-484, sec. 4485(b)(3), 10 U.S.C. 1143 note)

§§ 21.4813—21.4819 [Reserved]

Approval of Employer Programs

§21.4820 Job training program approval.

- (a) Eligible persons. An employer may be paid assistance on behalf of a participating eligible person only for providing a program of job training approved by VA as meeting the requirements of this section and § 21.4822.
- (1) The training provided under an employer's job training program must be in a field of employment providing a reasonable probability of stable, longterm employment and, except as provided in paragraph (a)(3)(ii) of this section, such training must be provided for a period of not less than 6 nor more than 18 months.
- (2) An employer may provide all or part of a job training program under an agreement with an educational institution offering the training through a course or courses which have been approved under § 21.4253 or § 21.4254 for the enrollment of veterans.
- (3) Notwithstanding the provision of paragraph (a)(1) that prohibits a training program from being more than 18 months long-