

history background check has been initiated but not yet completed, to perform duties under LOSS upon favorable findings of preliminary investigations.

(1) *No presumption of right.* No individual will be permitted to perform duties under LOSS in a position subject to criminal history background check without authorizing policy or other written permission from a DoD Component head.

(2) *Preliminary investigations required.* No individual will be permitted to perform duties under LOSS in a position subject to criminal history background check unless the following investigative elements have been reviewed and determined favorably:

(i) An IRC, including installation law enforcement records check, drug and alcohol records, and FAP records check for a minimum of 2 years before the date of the application if the individual has a preexisting DoD affiliation.

(ii) Initial results from the advanced FBI fingerprint criminal history background check (not the full check).

(3) *Exception for non-specified volunteers.* Due to the controlled, limited duration of an activity for these individuals, an advanced FBI fingerprint criminal history background check is not required. Non-specified volunteers will be permitted to perform duties and services under LOSS for the duration of the activity.

(4) *Supervisor requirements.* The supervisor must be a person who:

(i) Has undergone and successfully completed the required background check.

(ii) Has complied, as required, with the periodic reinvestigation requirement for a recurring criminal history background check.

(iii) Has not previously exhibited reckless disregard for an obligation to supervise an employee, contractor, or volunteer.

(5) *Video surveillance.* The use of video surveillance equipment to provide temporary oversight for individuals whose required background checks have been initiated but not completed is acceptable provided it is continuously monitored by an individual who has undergone and successfully completed all required background checks. This provision shall meet the intent of a flexible

and reasonable alternative for “direct sight supervision.”

(6) *Conspicuous identification of individuals subject to LOSS.* Individuals permitted to perform duties solely under LOSS must be conspicuously marked by means of distinctive clothing, badges, wristbands, or other visible and apparent markings. The purpose of such markings must be communicated to staff, customers, parents, and guardians by conspicuous posting or printed information.

(7) *Permissible performance of duties without supervision.* Individuals otherwise required to perform duties only under LOSS may perform duties without supervision if:

(i) Interaction with a child occurs in the presence of the child’s parent or guardian;

(ii) Interaction with children is in a medical facility, subject to supervisory policies of the facility, and in the presence of a mandated reporter of child abuse; or

(iii) Interaction is necessary to prevent death or serious harm to the child, and supervision is impractical or unfeasible (*e.g.*, response to a medical emergency, emergency evacuation of a child from a hazardous location).

PART 88— TRANSITION ASSISTANCE PROGRAM (TAP) FOR MILITARY PERSONNEL

Sec.

88.1 Purpose.

88.2 Applicability.

88.3 Definitions.

88.4 Policy.

88.5 Responsibilities.

88.6 Procedures.

APPENDIX A TO PART 88—CAREER READINESS STANDARDS

APPENDIX B TO PART 88—MLC TAP

APPENDIX C TO PART 88—PRE-SEPARATION OR TRANSITION COUNSELING

APPENDIX D TO PART 88—IDP AND ITP

APPENDIX E TO PART 88—TRANSITION GPS (GOALS, PLANS, SUCCESS)

APPENDIX F TO PART 88—DOLEW EXEMPTIONS

APPENDIX G TO PART 88—VIRTUAL CURRICULA

APPENDIX H TO PART 88—CAPSTONE

APPENDIX I TO PART 88—DATA, INFORMATION COLLECTION, DATA SHARING, AND MANAGEMENT PORTFOLIO

AUTHORITY: 10 U.S.C. Chapter 58.

§ 88.1

32 CFR Ch. I (7–1–16 Edition)

SOURCE: 80 FR 74683, Nov. 30, 2015, unless otherwise noted.

§ 88.1 Purpose.

This part establishes policy, assigns responsibilities, and prescribes procedures for administration of the DoD TAP.

§ 88.2 Applicability.

This part:

(a) Applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff (CJCS) and the Joint Staff (JS), the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this part as the “DoD Components”).

(b) Does not apply to members of the Army and Air National Guard serving under 32 U.S.C. 101.

§ 88.3 Definitions.

Unless otherwise noted, these terms and their definitions are for the purpose of this part.

Active Component (AC). Defined in 10 U.S.C. 101.

Active Duty. Defined in 10 U.S.C. 101.

Active Service. Defined in 10 U.S.C. 101.

Active Status. Defined in 10 U.S.C. 101.

Brick and mortar classroom. A learning environment where participants attend a Transition Goals, Plans, Success (GPS) module in a traditional classroom facility led by an in-person instructor or facilitator.

Credentialing. The act of obtaining certificates, licensure, or other official verification of competency accepted by civilian industry or federal, State, or local authorities.

Career Readiness Standards (CRS). A set of common and specific activities and associated relevant deliverables (documentation within the last 12 months) that must be achieved to demonstrate Service members are prepared to transition effectively to pursue their personal post-separation higher education, career technical training, and civilian employment goals.

Continuum of Military Service Opportunity Counseling. Counseling that provides information to AC Service members on the procedures for and advantages of affiliating with the Selected Reserve, pursuant to 10 U.S.C. 1142.

Department of Labor (DOL) American Job Centers. American Job Centers (or AJCs) provide free help to job seekers and employers for a variety of career and employment-related needs. More than 2,500 AJCs are located throughout the United States. Priority of service applies to employment and training programs funded by the Department of Labor. Many locations have staff directly assigned to assist veterans in finding employment. Although the AJC makes assistance available to everyone looking for a job, veterans are given priority. Priority of Service for veterans at the AJC is offered to all veterans. This means that veterans are offered services before non-veterans and have priority of access to all DOL-funded employment and training programs offered at the AJC.

DOL Employment Workshop. Mandatory DOL-led workshop, which focuses on the mechanics of resume writing, networking, job search skills, interview skills, and labor market research.

DOL Gold Card. The Gold Card initiative is a joint effort of the Department of Labor’s Employment and Training Administration (ETA) and the Veterans’ Employment and Training Service (VETS). An eligible veteran can present the Gold Card at his/her local AJC to receive enhanced intensive services including up to six months of follow-up.

Eligible Service member. Defined in 10 U.S.C. 101.

Facilitator. A person trained or qualified as a subject matter expert to deliver appropriate components of Transition GPS. The facilitator’s primary duty is presenting instruction, information, and engaging curricula to ensure Service members meet learning objectives.

Individual Development Plan (IDP). A written plan designed to meet particular goals for individual career development that is aligned with the eligible Service member’s organizational and operational missions. It outlines developmental objectives with training

activities (e.g., professional military education and military certifications). Service members will align the IDP effectively to make use of active duty time, experiences, training, and education towards personal long-term post-transition career goals.

Individual Transition Plan (ITP). An OSD standardized document that is created, evolves and is maintained by the Service member that provides the framework to perform detailed assessments of their personal and professional preparedness to achieve realistic career goals after separation from active duty.

Involuntary separation. A Service member is considered to be involuntarily separated if the member was involuntarily discharged or denied reenlistment under adverse or other-than-adverse conditions (e.g., force shaping) pursuant to 10 U.S.C. 1141.

ITP Checklist. An automated tool to document that Service members have met the CRS.

ITP Review. A module in the transition GPS Core Curricula where TAP staff explains the purpose, use, function, and responsibilities associated with the ITP. Eligible Service members must produce evidence of this deliverable indicating they met this CRS before separation, retirement, or release from active duty.

Job placement counseling. Transition services pursuant to 10 U.S.C. 1142 for one-on-one counseling that refines and guides spouses of eligible Service members on all facets of the job search process, to include writing resumes.

Military Occupation Code (MOC) Crosswalk. A curriculum that translates military skills, training, and experience into identification of required civilian credentialing appropriate for civilian jobs.

National Guard. Defined in 10 U.S.C. 101 and 32 U.S.C. 101.

Personal Financial Planning. A curriculum that provides Service members with skills to develop a post-separation 12-month budget. It also assists Service members in learning how to manage their own finances as civilians, both at home and in the workplace.

Recovering Service member. Defined in Department of Defense/Department of Veterans Affairs, Wounded, Ill, and In-

jured Senior Oversight Committee Memorandum, "Implementation of Wounded, Ill and Injured Related Standard Definitions," December 10, 2008.

Relocation assistance. Information about the benefits and services provided by the Military Departments related to transport of household goods for transitioning Service members and their dependents and any entitlements for storage.

Reserve Component (RC). Defined in 10 U.S.C. 101 and 37 U.S.C. 101. The Reserve Corps of the Public Health Service is not eligible for TAP services.

Resilient Transitions. A module in the Transition GPS Core Curriculum that introduces participants to resources on transition-related issues, including stress management, considerations for families, support systems, value of a mentor, and special issues, that eligible Service members and their families may encounter as they prepare for a post-military life. These issues may have a significant negative impact on the transition process if overlooked. The focus of the curriculum is to connect the Service member with agencies and organizations based on the individual Service member's need for support and guidance.

Short notice separation. An unanticipated separation with 30 days or fewer before separation, retirement, or release from active duty.

TAP Coordinating Council. Individuals designated in this part to participate in updating and improving the TAP. The TAP Coordinating Council meets at least quarterly.

TAP Governance Body. A structure, established in October 2013, comprised of interagency senior leadership from the DoD, VA, DOL, Department of Homeland Security (DHS), Department of Education (ED), Small Business Administration (SBA), and the Office of Personnel Management (OPM), that steers and monitors implementation of the TAP redesign and modifies TAP, as needed, to meet the changing environment consisting of the TAP Executive Council (EC) and the Senior Steering Group (SSG). See Interagency Statement of Intent, "Transition Assistance for Separating Service Members" (available at <http://prhome.defense.gov/>)

RFM/TVPO) for a description of the TAP governance structure.

TAP interagency parties. By law, Federal agencies are required to deliver TAP services to transitioning Service members. See § 88.6 for a list of the TAP interagency parties.

TAP Staff. Subject matter experts hired by OSD and the Military Services, to provide services and programs that prepare Service members for transition from active duty to civilian life.

Targeted population. A population of eligible Service members consisting of those who are:

- (1) 18 to 24 years old;
- (2) Completing first-term enlistments;
- (3) Involuntarily separating due to force shaping; and/or
- (4) Separating on short notice from military service.

Transition. The preparation and process for moving from active duty service to the civilian sector.

Transition GPS. A package of activities and curricula specifically designed to provide eligible Service members with the targeted set of knowledge, skills, documentation, and assistance required to meet the CRS before transition and enable a successful transition from active duty to civilian life.

Transition GPS Core Curricula and Tracks. Components of Transition GPS based on value-added learning objectives that enable Service members to become career ready. The Core Curricula builds the CRS common to all Service members. Transition GPS tracks are chosen by Service members to meet Accessing Higher Education and Career Technical Training CRS or to pursue business ownership or other self-employment.

Transition GPS Participant Assessment. A web-based evaluation completed by the Service member about the Transition GPS modules, tracks, and virtual curricula. It includes curriculum and instruction materials, learning outcomes, facilitator performance, facilities, and logistics. Participant feedback from the assessment ensures that Transition GPS meets the needs and expectations of transitioning Service members and is outcome based. Information collected in the assessment will support the performance monitoring,

evaluation, and reoccurring modifications to Transition GPS.

Transition overview. The Transition GPS module that explains the transition process in terms of who, what, where, when, and why. It is intended to gain the participant's attention and emphasize the importance of preparing for transition and making the most of the information provided. It is also intended to provide an overview of the Transition GPS Core Curricula program and the benefits of preparation for active involvement in each session. A skilled trainer well versed in the overall TAP should facilitate the transition assistance overview session.

Unanticipated Separation. Service members released from active duty before completion of enlistment, contract, or orders.

VA Benefits Briefings I and II. VA-led mandatory briefings that provide eligible Service members with hands-on training and information on available veterans' benefits and services.

Virtual Transition GPS Curricula. A web-based version of the Transition GPS curricula that provides an alternative delivery method for Service members who cannot attend installation-based training to access Transition GPS classes.

Warm Handover. A Capstone process between respective Military Departments and appropriate interagency parties resulting in the person-to-person connection of Service members to services and follow-up resources as needed. The Warm Handover provides a confirmed introduction and assurance that the appropriate interagency party/parties acknowledge(s) that an eligible Service member requires post-military assistance and the interagency party/parties is/are willing to follow through on providing assistance to meet the needs of Service members and assist them in attaining the CRS and making a successful transition.

EFFECTIVE DATE NOTE: At 81 FR 41808, June 28, 2016, § 88.3 was amended by revising the definition of "Involuntary separation", effective Sept. 1, 2016. For the convenience of the user, the revised text is set forth as follows:

§ 88.3 Definitions.

* * * * *

Office of the Secretary of Defense

§ 88.5

Involuntary separation. A Service member is considered to be involuntarily separated if the member was involuntarily discharged or denied reenlistment under other-than-adverse conditions (e.g., force shaping) pursuant to 10 U.S.C. 1141.

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§ 88.4 Policy.

It is DoD policy that:

(a) The TAP:

(1) Prepares all eligible members of the Military Services for a transition from Active Duty back to civilian life.

(2) Enables eligible Service members to fulfill the requirements of the VOW to Hire Heroes Act and meet CRS as required by this part.

(3) Is the overarching program that provides transition assistance, information, training, and services to eligible transitioning Service members to prepare them to be career ready when they separate, retire, or are released from active duty back to civilian life. The TAP consists of multiple elements, including: The Transition GPS curricula, the components of which are outlined in appendix E to part 88; policy and procedures; information technology (IT) infrastructure; research, studies and survey data; performance measures and outcomes; assessments; curricula development in both brick and mortar and virtual settings and modifications; CRS; accountability data; and resources required to implement transition assistance.

(b) Components are integrated throughout the eligible Service member's Military Life Cycle (MLC) TAP at key touch points. The Transition GPS component of TAP consists of curriculum, counseling, information, referral, and deliverables to enable eligible Service members to meet the CRS.

(c) This policy establishes a TAP interagency governance structure according to DoD Instruction 5105.18, "DoD Intergovernmental and Intragovernmental Committee Management Program" (available at <http://www.dtic.mil/whs/directives/corres/pdf/510518p.pdf>), referred to in this part as the TAP EC and SSG. DoD will support and carry out the DoD mission of the governance structure as set out in the Interagency Statement of Intent, dated August 15, 2013, "Transition Assistance

for Separating Service Members." The EC will designate working groups as appropriate. DoD representation to working groups will be in accordance with § 88.5 of this part.

§ 88.5 Responsibilities.

(a) Under the authority, direction, and control of the Under Secretary of Defense (Personnel and Readiness) (USD(P&R)), the Assistant Secretary of Defense for Manpower and Reserve Affairs Readiness and Force Management (ASD(M&RA)):

(1) Provides policy, direction, and oversight to the Transition to Veterans Program Office (TVPO);

(2) Provides oversight and governance for the TAP and serves as the DoD lead chair of the TAP EC on a rotational basis with DOL and the VA;

(3) Oversees TAP policy and programs, monitors compliance with TAP provisions, and provides guidance to DoD Component heads; and

(4) Coordinates with the CJCS to provide JS Senior Enlisted Advisor participation for the TAP EC and Senior Enlisted Advisor representation to the TAP SSG;

(b) Under the authority, direction, and control of USD(P&R), the Assistant Secretary of Defense for Health Affairs (ASD(HA)):

(1) Ensures that the Defense Health Agency provides transitional medical and dental care information pursuant to 10 U.S.C. 1145 to the TVPO for incorporation into Pre-separation Counseling; and

(2) Provides representation to the TAP EC and SSG working groups, as necessary;

(c) Under the authority, direction, and control of the USD(P&R), the Assistant Secretary of Defense for Reserve Affairs (ASD(RA)):

(1) Helps the TVPO establish and publish guidance for participation in the TAP that is specific to eligible RC Service members as defined in law and policy;

(2) Coordinates with TVPO to integrate elements of Transition GPS, before the DD Form 214, "Certificate of Release from Active Duty," August 20, 2009, into the Yellow Ribbon Reintegration Program in conjunction with the policy established in DoD Instruction

§ 88.5

32 CFR Ch. I (7–1–16 Edition)

1342.28, “DoD Yellow Ribbon Reintegration Program (YRRP)” (available at <http://www.dtic.mil/whs/directives/corres/pdf/134228p.pdf>), as appropriate;

(3) Provides Executive Director, Family and Employer Programs Policy, Senior Executive Service (SES), representation to the TAP SSG; and

(4) Provides representation to the TAP EC and SSG working groups, as necessary.

(d) Under the authority, direction, and control of the (ASD (M&RA), the Deputy Assistant Secretary of Defense for Military Community and Family Policy (DASD(MC&FP)):

(1) Develops policy and programs in DoD Instruction 1342.22, “Military Family Readiness” (available at <http://www.dtic.mil/whs/directives/corres/pdf/134222p.pdf>) and other applicable MC&FP issuances that complements TAP;

(2) Coordinates with TVPO on the roles, responsibilities, and policies set out in DoD Instruction 1342.22. The roles include coordination with:

(i) Installation education officers that impact the delivery of the Transition GPS Accessing Higher Education track;

(ii) Certified financial counselors that impact the delivery of the Transition GPS Core Curricula Personal Financial Planning for Transition module;

(iii) TAP staff, in conjunction with Military Departments whose staff are functionally aligned with DASD(MC&FP), regarding the delivery of the Transition GPS components to enable eligible Service members to meet CRS;

(3) Provides policy regarding job placement counseling for the spouses of eligible transitioning Service members and career change counseling to Service members and dependents of eligible Service members in accordance with 10 U.S.C. Chapter 58; and

(4) Provides representation to the TAP EC and SSG working groups, as necessary.

(e) Under the authority, direction, and control of the (ASD(R&FM)), the Deputy Assistant Secretary of Defense for Military Personnel Policy (DASD(MPP)) provides:

(1) Information and updates on entitlements and policies affecting eligible Service members as defined in law and policy; and

(2) Representation to the TAP EC and SSG working groups, as necessary.

(f) Under the authority, direction, and control of the ASD(R&FM), the Deputy Assistant Secretary of Defense for Readiness (DASD(R)):

(1) Provides information and updates on entitlements and policies affecting eligible Service members as defined in law and policy;

(2) To the extent possible and where available, ensures DASD(R) programs and policies related to job training, employment skills training, apprenticeships, and internships complement those programs and policies that govern the TAP that fall under the purview of TVPO in conjunction with DoD Instruction 1322.29, “Job Training, Employment Skills Training, Apprenticeships, and Internships (JTEST-A1) for Eligible Service Members” (available at <http://www.dtic.mil/whs/directives/corres/pdf/132229p.pdf>);

(3) Coordinates private-sector credentialing, licensing, and training outreach, and collaborates with the TVPO to align transition preparation across the MLC TAP and facilitate the military talent pipeline from the Military Departments to the civilian work force; and

(4) Provides representation to the TAP EC and SSG working groups, as necessary;

(g) Under the authority, direction, and control of the USD(P&R), the Director, Department of Defense Human Resource Activity (DoDHRA) provides:

(1) Administrative support to TVPO, including human capital, funding, and logistics; and

(2) Representation to the TAP EC and SSG working groups, as necessary.

(h) Under the authority, direction, and control of the Director, DoDHRA, the Director, Defense Suicide Prevention Office (DSPO):

(1) Provides suicide prevention and resource information to TVPO for incorporation into Transition GPS programming for eligible Service members as defined in statute and policy pursuant to 10 U.S.C. Chapter 58;

(2) Coordinates with TVPO on the role, responsibilities, and training of Suicide Prevention Program Managers (SPPMs), in conjunction with the Military Departments as it relates to Transition GPS; and

(3) Provides representation to the TAP EC and SSG working groups, as necessary.

(i) Under the authority, direction, and control of the Director, DoDHRA, the Director, Defense Manpower Data Center (DMDC):

(1) Oversees implementation of the TAP data collection, data sharing, and IT portfolio management requirements as described in this section;

(2) Provides assistance to TVPO with the establishment of business processes for data collection, data sharing, web services, and cost sharing related to IT portfolio management requirements in this part;

(3) Provides representation to the TAP EC and SSG working groups, as necessary; and

(4) Provides program status updates, as determined by the TVPO, based on data housed within DMDC capabilities;

(j) Under the authority, direction, and control of the ASD(R&FM), the Director, TVPO:

(1) Coordinates TAP policies, programs, and delivery with the USD(P&R);

(2) Develops policy, strategic guidance, and program goals for the TAP and Transition GPS; and reviews, modifies, and reissues such guidance, as required;

(3) Oversees the Military Departments' implementation of TAP;

(4) Implements the requirements of the TAP governance bodies as defined by Interagency Statement of Intent, "Transition Assistance for Separating Service Members";

(5) In conjunction with ASD(R&FM), supports and coordinates meetings and activities for TAP governance bodies, as defined in § 88.3;

(6) Serves as the DoD lead chair of the TAP SSG on a rotational basis with DOL and VA;

(7) Establishes processes to monitor compliance with statutory mandates and other performance management requirements, as appropriate;

(8) Establishes automated data collection processes through secure electronic data transfer, in conjunction with the Military Departments, partner agencies, and DMDC. (See paragraph (c) of appendix I to part 88);

(9) Before submission of operational execution plans, coordinates with the Military Departments and must receive approval from Director, TVPO, before final submission of operational execution plans, system modifications, or development of new systems that fall under DoD TAP data and information requirements.

(i) Implementation of any new IT system or capability; or

(ii) Revision to an existing system or capability of the Military Departments that support the TAP.

(10) Coordinates and collaborates with the interagency parties and other organizations, as appropriate, in accordance with a Memorandum of Understanding among the DoDVADOLEDDHS, SBA, and OPM "Transition Assistance Program for Separating Service Members" (available at <http://prhome.defense.gov/RFM/TVPO/>), to facilitate delivery of Transition GPS curricula, resources, and services, and to determine data sharing requirements;

(11) Coordinates with DMDC to provide TVPO-approved web-based services to the Military Departments for electronic transmission of DD Form 2958, "Service Member's Individual Transition Plan Checklist" and DD Forms 2648 or 2648-1, "Pre-separation or Transition Counseling Checklist for Active Component (AC) Service Members" and "Transition Assistance Program (TAP) Checklist for Deactivating/Demobilizing National Guard and Reserve Service Members," respectively;

(12) Establishes a performance management framework to determine current and future resourcing and requirements;

(13) Analyzes data to evaluate the overall performance of the TAP;

(14) Establishes, reviews, assesses, and evaluates the effectiveness of Transition GPS;

(15) Oversees and monitors the development, delivery, maintenance, modification, and quality assurance of the Transition GPS brick-and-mortar and

§ 88.5

32 CFR Ch. I (7–1–16 Edition)

virtual curricula, products, and CRS deliverables, in accordance with this paragraph and MOU among DoD, VA, DOL, ED, DHS, SBA, and OPM, “Transition Assistance Program for Separating Service Members.” Develops brick-and-mortar and virtual curricula for the components of Transition GPS that fall under the purview of DoD and coordinates with interagency partners on their respective curriculums;

(16) Coordinates with interagency parties, the Military Departments, and Joint Knowledge Online (JKO), on the methods, processes, and standards used to deliver Transition GPS brick-and-mortar and virtual curricula, products, and deliverables used within Transition GPS, in accordance with MOU among DoD, VA, DOL, ED, DHS, SBA, and OPM, “Transition Assistance Program for Separating Service Members” and this part;

(17) Monitors Transition GPS curricula delivery by TVPO and Military Departments by conducting evaluations and participant assessments;

(18) Updates DD Forms 2648, 2648–1 and 2958 in conjunction with the Military Departments, within 180 days of legislative changes that affect eligible Service members, as appropriate;

(19) Develops, maintains, standardizes, and oversees usage of the ITP at the appropriate time in an eligible Service member’s MLC TAP in conjunction with Military Departments;

(20) Establishes and leads TAP Coordinating Council consisting of subject matter experts from the DoD Components, to formulate, review, and update TAP policies and programs. Collaborates and coordinates on the development of the Military Departments’ implementation plans related to TAP. RC members appointed to the TAP Coordinating Council will be determined pursuant to guidance from the Director, TVPO and in consultation with the Military Departments;

(21) Designates the DoD lead for the EC Transition Assistance Working Group. Conducts outreach to private- and public-sector entities to improve transition preparation in order to keep transition services aligned to the needs of the civilian labor market; and

(22) Expands TAP services through online media and other cooperative

outreach efforts to support eligible Service members and their spouses, as defined by statute and policy.

(k) The Secretaries of the Military Departments:

(1) Implement and administer TAP in accordance with this part;

(2) Oversee TAP for their respective AC and RC;

(3) Coordinate electronically with TVPO their implementation guidance pertaining to this part, before publication. A copy of the final implementing guidance will be provided to TVPO within 120 days from the publication date of this part. Future changes to TAP guidance will be forwarded to the TVPO within 30 days of issuance;

(4) Ensure the Inspector General (IG) of each Military Department, including their respective RC, conducts an inspection of TAP in accordance with established IG protocols;

(i) TAP IG inspection findings will be submitted biannually to the USD(P&R) no later than January 31 of the fiscal year following the previous inspection date.

(ii) The first TAP IG inspection findings will be submitted two full fiscal years from the effective date of this part.

(5) Internally resource TAP to meet the provisions as defined in law and policy;

(6) Ensure that eligible Service members receive the TVPO standardized Transition GPS components, develop a viable ITP, and meet CRS;

(7) Ensure that Service members who do not meet the CRS or do not have a viable ITP receive a warm handover, as defined in § 88.3, to the appropriate interagency party;

(8) Align, administer, and reinforce Transition GPS components and resources at appropriate key touch points throughout the MLC TAP of eligible Service members to ensure they are afforded the opportunity, time, and resources for career readiness preparation. At the separation, retirement, or release from active duty touch point all Service members must meet the CRS;

(9) Ensure Service member access to Transition GPS brick-and-mortar and virtual curricula;

(10) Provide the opportunity within the officer and enlisted evaluation systems to use the rate at which Service members within a command have met the CRS, as a performance criteria;

(11) In order to execute Transition GPS in accordance with MOU among DoD, VA, DOL, ED, DHS, SBA, and OPM, “Transition Assistance Program for Separating Service Members” and DoD 5500.07-R, “Joint Ethics Regulation (JER)” (available at <http://www.dtic.mil/whs/directives/corres/pdf/550007r.pdf>), DoD Instruction 1344.07, “Personal Commercial Solicitation on DoD Installations” (available at <http://www.dtic.mil/whs/directives/corres/pdf/134407p.pdf>), DoD Instruction 1000.15, “Procedures and Support for Non-Federal Entities Authorized to Operate on DoD Installations” (available at <http://www.dtic.mil/whs/directives/corres/pdf/100015p.pdf>), DoDI 1322.25, “Voluntary Education Program,” and DoDI 1322.19, “Voluntary Education Program in Overseas Areas” to allow facility access to interagency parties on installations in the United States and abroad;

(12) Encourage installation commanders to permit properly vetted civilian employers to have access to transition assistance-related events and activities in the United States and abroad in accordance with MOU among DoD, VA, DOL, ED, DHS, SBA, and OPM, “Transition Assistance Program for Separating Service Members,” DoD 5500.07-R, and DoD Instruction 1344.07, at no cost to the U.S. Government. Access must be for the purpose of offering job opportunities, mentoring, internships, or apprenticeships leading to employment. Educational institution access will also be in accordance with DoD Instruction 1322.25, “Voluntary Education Program,” and DoD Instruction 1322.19, “Voluntary Education Program in Overseas Areas;”

(13) Strongly encourage installation commanders to permit access to VSOs and MSOs to transition assistance-related events and activities in the United States and abroad in accordance with MOU among DoD, VA, DOL, ED, DHS, SBA, and OPM, “Transition Assistance Program for Separating Service Members,” DoD 5500.07-R, and DoD Instruction 1344.07, at no cost to the U.S. Government. Access must be

for the purpose of assisting Service members with the pre- and post-military disability claim process and transition resources and services;

(14) Assign the appropriate Departmental Deputy Assistant Secretary or Director to serve as a TAP SSG member (*e.g.*, Civilian Personnel/Quality of Life; Air Force Management Integration; Fleet and Family Readiness); and

(15) Provides representatives to the TAP EC working groups, as necessary.

(1) The Chief of the National Guard Bureau assigns the Director of Personnel, an SES, to serve as a TAP SSG member.

(m) In addition to the responsibilities in paragraph (k) of this section and in consultation with the Commandant of the U.S. Marine Corps (USMC), the Secretary of the Navy (SECNAV):

(1) Develops joint implementation instructions to ensure statutory compliance for all eligible transitioning USMC and U.S. Coast Guard (USCG), personnel whenever the Coast Guard operates as a service in the Navy pursuant to 10 U.S.C. 5033 and 14 U.S.C. 3.

(2) Assigns an SES member to serve as TAP SSG member.

EFFECTIVE DATE NOTE: At 81 FR 41808, June 28, 2016, § 88.5 was amended by revising the introductory text for paragraphs (a), (c), (e), (f), and (j), and paragraph (j)(5), effective Sept. 1, 2016. For the convenience of the user, the revised text is set forth as follows:

§ 88.5 Responsibilities.

(a) Under the authority, direction, and control of the Under Secretary of Defense (Personnel and Readiness) (USD(P&R)), the Assistant Secretary of Defense for Readiness (ASD(R)):

* * * * *

(c) Under the authority, direction, and control of the USD (P&R), the Assistant Secretary of Defense for Manpower and Reserve Affairs (ASD (M&RA)):

* * * * *

(e) Under the authority, direction, and control of the (ASD(M&RA)), the Deputy Assistant Secretary of Defense for Military Personnel Policy (DASD(MPP)) provides:

* * * * *

(f) Under the authority, direction, and control of the (ASD(R)), the Deputy Assistant

§ 88.6

Secretary of Defense for Force Education and Training (DASD(FE&T)):

* * * * *

(j) Under the authority, direction, and control of the (ASD(R)), the Director, TVPO:

* * * * *

(5) In conjunction with ASD(R), supports and coordinates meetings and activities for TAP governance bodies, as defined in § 88.3;

* * * * *

§ 88.6 Procedures.

(a) Military Department Requirements. The Military Services' additional requirements include:

(1) Perform these TAP operations and resource management functions:

(i) Develop requirements and budgets for the Program Objective Memorandum (POM); Future Year Defense Program (FYDP); and program budget reviews, as required to comply with TAP requirements. Coordinate with OSD TVPO for TAP resource advocacy throughout these cycles.

(ii) Establish program elements or accounting codes to separately and independently verify and review the monthly Military Department-funded execution data (i.e., program funding levels, obligations, disbursements) in Defense Finance and Accounting Service (DFAS) reports and submit to TVPO quarterly. Any decrement to Military Department TAP annual program funding of 5% or greater must be reported to TVPO.

(iii) Identify and submit TAP-related issues at the general or flag officer and SES equivalent level to the TVPO in a timely manner so that TAP-related issues can go before the SSG for discussion and decision.

(2) Coordinate with TVPO on implementation of any new IT systems or capabilities and revisions to existing systems that support the TAP. TVPO will have final approval on any new IT systems and or modifications. TVPO approval will be obtained before the Military Departments implement any IT systems modifications or develop any new systems that support TAP. See paragraph (c) of appendix I to part 88.

(3) Use TVPO-selected standardized individual assessment tools.

(4) Ensure that Service members receive an individualized assessment, pursuant to this paragraph, of the various positions of civilian employment in the private sector for which members may be qualified as a result of the skills developed through MOC qualification, successful completion of resident training courses, attainment of military ranks or rates, or other military experiences.

(5) Develop, maintain, document, and oversee the IDP process.

(6) Inform and educate unit, command, and installation leadership on their responsibility to administer the TAP to ensure that eligible Service members meet the CRS before separation, retirement, or release from active duty.

(7) Identify the eligible population for Transition GPS services.

(8) Identify and provide qualified counselors and trained instructors to facilitate the Transition GPS core curricula and Accessing Higher Education track.

(9) Coordinate with DSPO SPPMs at the local installation level to provide information in support of the Transition GPS Core Curricula module on resilient transitions and to distribute suicide prevention information and resources pursuant to 10 U.S.C. Chapter 58 .

(10) Release eligible Service members during duty hours to complete the Transition GPS and exempt them from normal duty for the full 24-hour period of each workshop or briefing day and the 12 hours immediately preceding and following each workshop or briefing.

(11) Provide eligible Service members with the link to the TVPO web-based Transition GPS Participant Assessment and encourage them to complete it at the end of each Transition GPS brick-and-mortar and virtual curricula module or group of modules. Responses will not identify individual Service members.

(12) Establish a process within the military personnel organizations of the Military Departments to receive a legible copy of the completed and authenticated DD Forms 2648 or 2648-1 from

the TAP staff. The process will include a mechanism to verify transmission of the form to the eligible Service member's permanent official military personnel file.

(13) Maintain or establish permanent employment assistance centers at appropriate military installations pursuant to 10 U.S.C. 1143.

(14) Use appropriate assets at military installations and in the local community to enhance Transition GPS in accordance with DoD 5500.07-R and DoD Instruction 1344.07.

(15) Coordinate with the appropriate TAP interagency parties for scheduling and conducting the VA Benefits Briefings I and II and Career Technical Training track; DOLEW and SBA Entrepreneurship track in accordance with MOU among DoD, VA, DOL, ED, DHS, SBA, and OPM, "Transition Assistance Program for Separating Service Members."

(16) Coordinate warm handovers and Capstone support with interagency parties.

(17) Provide classroom space. Classes cannot exceed 50 participants (facilitator-to-student ratio should be 1:50 per separate classroom). A minimum of 10 participants is required to conduct a class. Military Departments will provide classrooms, appropriate facilities, IT infrastructure, fully-functioning web access, equipment, including classroom computers or accommodation for personal computers to enable effective Transition GPS instruction and counseling in accordance with MOU among DoD, VA, DOL, ED, DHS, SBA, and OPM, "Transition Assistance Program for Separating Service Members;" provide adequate facilities and workspace for instruction and counseling as agreed to by interagency parties also in accordance with MOU among DoD, VA, DOL, ED, DHS, SBA, and OPM, "Transition Assistance Program for Separating Service Members." Military Departments may request exceptions for classrooms of more than 50 or less than 10 participants on a case-by-case basis. Such requests will be handled by the local installation level staff with partner agencies.

(18) Provide reasonable accommodations that enable wounded, ill or in-

jured recovering Service members to successfully complete TAP.

(b) *TAP Implementation.* (1) Development of brick-and-mortar and virtual curricula, staff training, and delivery of certain elements of the Transition GPS Core Curricula and Transition GPS tracks will be conducted in coordination and conjunction with the TVPO and appropriate TAP interagency parties in accordance with MOU among DoD, VA, DOL, ED, DHS, SBA, and OPM, "Transition Assistance Program for Separating Service Members."

(2) Interagency parties, and their respective curricula consist of:

(i) VA: Provides the VA Benefits Briefings I and II and Career Technical Training track.

(A) The VA hosts a web portal for connectivity between employers and transitioning Service members, Veterans and military spouses.

(B) The VA web portal supports providing private and public sector employers with a direct link to profiles of separating Service members.

(ii) DOL: Provides the DOLEW.

(iii) SBA: Provides the Entrepreneurship track.

(iv) OPM: In conjunction with DOL, reviews and provides federal job search curriculum content for use in the DOLEW.

(v) ED: Consultative reviews of curricula to ensure accuracy of content, employment of adult learning principles, and to enhance adult learning experiences.

(vi) DHS: Coordinates and plans for USCG participation in the TAP, in accordance with this paragraph. MOU among DoD, VA, DOL, ED, DHS, SBA, and OPM, "Transition Assistance Program for Separating Service Members," and pursuant to 14 U.S.C. 13

(vii) DoD provides transition overview, resilient transitions, MOC Crosswalk, Financial Planning for Transition, ITP review, and Accessing Higher Education.

(c) *TAP Eligibility*—(1) *Service Members.* (i) Eligible Service members who have completed their first 180 days or more of continuous active duty in accordance with 10 U.S.C. 1142 are eligible for the following components of Transition GPS:

§ 88.6

32 CFR Ch. I (7-1-16 Edition)

(A) Pre-separation or Transition Counseling.

(B) Transition GPS Core Curricula.

(C) Transition GPS Tracks.

(D) Capstone.

(ii) RC members may choose to decline pre-separation or transition counseling, using the DD Form 2648 or DD Form 2648-1, for each successive period of active duty under 10 U.S.C. 1142 consisting of 180 days or more of continuous active duty.

(iii) Eligible Service members may choose to participate in one or more of the individual Transition GPS tracks, if resources, capacity, and operational requirements allow, based on the Service member's interests and ability to meet the CRS and complete the track.

(iv) A minimum day requirement for Pre-separation or Transition Counseling does not apply to eligible Service members who are retiring or separating due to a disability.

(v) Administrative and punitive separations change the eligibility of Service member's participation as follows:

(A) Pre-separation or transition counseling will not be provided to a Service member who is being discharged or released before the completion of that member's first 180 continuous days or more on active duty pursuant to 10 U.S.C. 1142.

(B) All Service members shall participate in all mandatory components of Transition GPS. In cases where Service members receive a punitive or "Under Other Than Honorable Conditions" discharge, Commanders have the discretion to determine participation in the remaining Transition GPS curricula in consultation with inter-agency partners, as appropriate.

(2) *Spouses and dependents.* (i) Pursuant to 10 U.S.C. 1144, spouses of eligible Service members are entitled to the DOLEW.

(ii) Pursuant to 10 U.S.C. 1142 spouses of eligible Service members are entitled to:

(A) Job placement counseling for spouses and career change counseling to dependents of eligible members in accordance with 10 U.S.C. 1142. See paragraph (d)(3) of § 88.5 for the spouse job placement counseling responsibilities of the DASD(MC&FP).

(B) DoD and VA administered survivor benefits information.

(C) DoD financial planning assistance, including information on budgeting, saving, credit, loans, and taxes.

(E) VA-benefits orientation, such as education, employment, home loan services, housing assistance benefits information, and responsible borrowing practices counseling.

(iii) Pursuant to 10 U.S.C. 1142, eligible Service members and their dependents are entitled to:

(A) Career change counseling.

(B) Information on suicide prevention resource availability following military separation, retirement, or release from active duty.

(iv) Pursuant to 10 U.S.C. 1145, eligible Service members and their dependents are entitled to transitional medical and health care that will be available for 180 days, beginning on the first day after the date of separation, retirement, or release from active duty.

(v) Unless prohibited by statute, spouses of eligible Service members are encouraged to participate in Transition GPS as resources and capacity allow. Participating spouses may have their attendance recorded in accordance with the privacy and information collection mandates and requirements of appendix I to part 88 and 32 CFR part 310.

(vi) Spouses or designated caregivers completing Pre-separation or Transition Counseling (using DD Forms 2648 or 2648-1) on behalf of an eligible recovering Service member will provide their Social Security Number for data collection purposes in accordance with this paragraph, 10 U.S.C. 1142, DoD Instruction 1342.28 32 CFR part 310 and 14 U.S.C. 5033.

(d) *Transition GPS Priority of Service.* The following is the descending order of priority for participation in Transition GPS:

(1) Eligible Service members identified as part of the targeted population, as defined in § 88.3 of this part.

(2) Eligible Service members closest to their dates of separation, retirement, or release from active duty.

(3) Eligible Service members returning from overseas or assigned to remote or isolated and geographically dispersed locations.

(4) All other eligible Service members that do not fall into the categories addressed in paragraphs (a) through (c) of this section.

(5) Eligible Service members who have attended any previous Transition GPS component and who want to repeat a component, as resources and capacity allow.

(6) Spouses of eligible Service members, based on statute and policy, as resources and capacity allow.

(e) *Transition GPS participation.* All eligible Service members must participate in Transition GPS and must meet the Common CRS and the specific CRS commensurate with their personal higher education or career technical training objectives before separation, retirement, or release from active duty. This will be reflected by the discharge date recorded on the DD Form 214.

APPENDIX A TO PART 88—CAREER READINESS STANDARDS

(a) The CRS are defined as a set of common and specific activities and associated relevant deliverables (documentation within the last 12 months) that, when achieved, the Service member will be able to demonstrate that he or she is prepared to transition to effectively and pursue their personal post-separation higher education, career technical training, and civilian employment goals. General and flag officers are exempt from CRS, completion of the ITP, ITP Checklist, and Capstone.

(b) The CRS are tangible measures of a Service member's preparedness for higher education or direct entry into a civilian career. The tangible measures consist of:

(1) *Common CRS.* All eligible Service members will show documented evidence that they have:

(i) Completed the TVPO standardized ITP. The ITP must document the individual's personal employment; higher education; career technical training; or entrepreneurship goals, actions, and milestones ;

(ii) Completed the TVPO standardized 12-month post-separation budget;

(iii) Registered for VABenefits online account;

(iv) Completed the Continuum of Military Service Opportunity counseling (AC only);

(v) Evaluated the transferability of military skills to the civilian workforce and completed the TVPO standardized gap analysis provided during the MOC crosswalk;

(vi) Identified requirements and eligibility for certification, licensure, and apprentice-

ship in the Service member's desired potential career field;

(vii) Completed a standardized individual assessment tool, as determined by TVPO or the Military Departments, to identify personal interests and leanings that will enable informed decision-making regarding career selection;

(viii) Received a DOL Gold Card, as defined in §88.3, for DOL American Job Centers; and

(ix) Completed a job application package, received a job offer letter, or provided proof of future employment. The job application package must include the Service member's private or public sector resume, personal and professional references, and at least two submitted job applications.

(2) *Accessing Higher Education and Career Technical Training CRS.* Eligible Service members seeking higher education or career technical training when they depart from military service will show documented evidence that they have:

(i) Completed a standardized individual assessment tool, selected by the Military Departments, to assess aptitudes, interests, strengths, or skills used to inform a Service member's decisions about selecting higher education and career technical training toward a desired future career field;

(ii) Completed a comparison of higher education or career technical training institution options;

(iii) Completed an application or received acceptance letter from a higher education or career technical training institution and

(iv) Confirmed one-on-one counseling with a higher education or career technical training institution advisor via telephone, email, or letter.

APPENDIX B TO PART 88—MLC TAP

(a) *Key Touch Points.* (1) Key touch points of the MLC TAP are reflected in the individual Military Service's plans and will include, at a minimum:

(i) First permanent duty station for AC personnel or first home station for RC personnel during initial drilling weekends;

(ii) Reenlistment;

(iii) Promotion;

(iv) Deployment and redeployment or mobilization or activation; demobilization or deactivation;

(v) Change of duty station;

(vi) Major life events (*e.g.*, change in family status, change in Military Occupational Specialty, Navy Rating or Air Force Specialty Code); and

(vii) Retirement, separation or release from active duty.

(2) Transition GPS services may be made available to ineligible RC members during the MLC TAP as resources and capacity allow.

(b) *MLC TAP Timeline.* (1) The MLC TAP begins at the first permanent duty station or home station, continues throughout the military career of an eligible Service member, and culminates at Capstone. It includes the development of the IDP. Throughout the MLC TAP, Service members will be trained, educated, and postured to become career-ready upon separation from military service by completing the Transition GPS curriculum to meet the CRS. On commencing the transition process, the IDP will migrate into the ITP. The MLC TAP will include a Capstone.

(2) Before participating in Pre-separation or Transition Counseling, eligible Service members will complete a standardized individual assessment tool, as determined by TVPO or the Military Departments, to identify personal interests and leanings that will enable informed decision-making regarding career selection.

(3) Before participating in the Transition GPS Core Curricula, eligible Service members will complete a standardized individual assessment tool, selected by the Military Departments or TVPO, to assess aptitudes, interests, strengths, or skills used to inform a Service member's decisions about selecting higher education and career technical training toward a desired future career field.

(4) Eligible RC component Service members, on completion of two or more mobilizations, must have a relevant standardized individual assessment.

APPENDIX C TO PART 88—PRE-SEPARATION OR TRANSITION COUNSELING

(a) *Pre-Separation or Transition Counseling.* Mandatory counseling is provided to eligible Service members by TAP staff or command career counselors to inform members of services, benefits, curricula, assessments, CRS deliverables, and ITP during and after their separation, retirement, or release from active duty.

(1) An appropriate legal representative or ethics official will brief eligible Service members on ethics pursuant to DoD 5500.07-R, to ensure they understand information on post government (military) employment counseling (restrictions on employment, imposed by statute and regulation). These briefings shall be conducted by the Military Services as appropriate.

(2) Eligible Service members will receive information from a career counselor or transition staff member on how to access and use the DD Form 2586, "Verification of Military Experience and Training."

(3) Eligible Service members who are voluntarily or involuntarily separated under any program initiated by a DoD instruction or directive, Congressional directive, Presidential executive order, or Military Department regulation, in order to ensure good

order and discipline, shape the force, or draw down or realign forces, will be briefed by a career counselor or transition staff member on any special entitlements or benefits associated with these programs.

(4) Eligible Service members retained on active duty past their enlistment or reenlistment or contracts for purposes of mission essentiality, deployment continuity, or operational requirements, as determined by the Secretary concerned, will be briefed by a career counselor or transition staff member on any entitlements and benefits incurred during involuntary retention actions.

(5) Eligible Services members will be counseled and provided information or referrals, as requested, on all items listed on DD Forms 2648 or 2648-1 by the transition staff or command career counselors.

(b) *Pre-Separation or Transition Counseling Timeline.* Pursuant to 10 U.S.C. 1142, Pre-separation or Transition Counseling:

(1) For retirement purposes, will begin as soon as possible during the 24-month period preceding an anticipated retirement date but no later than 90 days before retirement; or

(2) For reasons other than retirement, will begin as soon as possible during the 12-month period preceding the anticipated date of separation but no later than 90 days before separation, retirement, or release from active duty; or

(3) Will begin as soon as possible within the remaining period of service when:

(i) A retirement or other separation is unanticipated, and there are 90 or fewer days before separation, retirement, or release from active duty; or

(ii) An eligible RC member is being demobilized or deactivated from active duty under circumstances in which operational requirements, as determined by the Secretary concerned, make the 90-day requirement unfeasible.

(4) Will not be provided to Service members who are discharged or released before completing their first 180 continuous days or more on active duty, as defined by 10 U.S.C. 1142. This limitation does not apply in the case of Service members who retire or separate for a disability.

(c) *Involuntary Separations.* Eligible Service members, and their dependents, undergoing involuntary separation from active duty as defined in 10 U.S.C. 1141 and in accordance with DoD Instruction 1332.30 and DoD Instruction 1332.14, will be made aware that they are entitled to:

(1) Use of commissary and exchange stores during the two-year period starting on the date of involuntary separation, pursuant to 10 U.S.C. 1146;

(2) Transitional medical and dental health care that will be available for 180 days beginning on the first day after the date of involuntary separation, pursuant to 10 U.S.C. 1145;

(3) Extended use of military family housing, subject to overseas Status of Forces Agreements, for up to 180 days after separation on a space-available basis and potential rental charges, pursuant to 10 U.S.C. 1147, the Secretary, shall require a reasonable rental charge for the continued use of military family housing under paragraph (a) of this appendix, except that such Secretary may waive all or any portion of such charge in any case of hardship;

(4) Overseas relocation assistance, including computerized job relocation assistance and job search information, pursuant to 10 U.S.C. 1148;

(5) Preference in hiring by non-appropriated fund instrumentalities, pursuant to 10 U.S.C. 1143; and

(6) Excess leave for a period not in excess of 30 days or permissive temporary duty for a period not in excess of 10 days for the purpose of carrying out necessary relocation activities, pursuant to 10 U.S.C. 1149.

(d) *Pre-Separation or Transition Counseling Checklist (DD Forms 2648 or 2648-1)*. (1) The DD Form 2648 and DD Form 2648-1 will be used by eligible Service members to record Pre-separation or Transition Counseling.

(2) In accordance with 32 CFR part 310, privacy information contained within these forms will be maintained based on the System of Records Notification pertaining to these forms.

(3) All items on the applicable DD Forms 2648 or 2648-1 will be addressed during Pre-separation or Transition Counseling.

(4) Pre-separation or Transition Counseling checklist data will be submitted electronically to DMDC through the DMDC web-based service or TVPO-approved systems.

APPENDIX D TO PART 88—IDP AND ITP

(a) *IDP*. (1) Eligible Service members will initiate an IDP in accordance with Military Department regulations and procedures.

(2) Eligible Service members will document on the IDP the actions they must take to achieve their military and post-transition career goals and meet the CRS before separation, retirement, or release from active duty.

(3) Commanders, or commanders' designees, will ensure eligible Service members develop, update, and maintain the IDP at key touch points throughout the MLC TAP, in accordance with Military Department regulations and procedures.

(4) The IDP should be initiated in accordance with Military Departments regulations, but no later than 180 days after arrival at the first permanent active duty station for AC members or first home station for RC members during their initial drilling weekends.

(5) On the eligible Service member's decision to separate or retire or on notification of involuntary separation, the IDP will migrate into the ITP.

(b) *ITP*. (1) Service members will be introduced to the requirement of developing an ITP from their IDP during Pre-separation or Transition Counseling.

(2) The ITP is a step-by-step plan derived from the eligible Service member's IDP.

(3) Eligible Service members are required to document their post-military personal and professional goals and objectives on the ITP.

(4) The ITP is an evolving document that is reviewed, modified, and verified throughout transition preparation.

(5) ITP responses serve as potential triggers for further action by the eligible Service member to connect to the appropriate interagency party or subject matter expert for assistance.

(6) During the ITP review and verification processes, eligible Service members must produce evidence of the deliverables that meet the CRS before separation, retirement, or release from active duty.

(c) *ITP Checklist (DD Form 2958)*. (1) The ITP Checklist, in conjunction with the ITP, will be used by the commander, or commander's designee, to verify that the eligible Service member has or has not met the CRS.

(2) If it is determined that the CRS or a viable ITP have not been achieved, then the ITP checklist will document confirmation of a warm handover to partner agencies and other appropriate agencies.

(3) During the ITP review and verification processes, eligible Service members must produce deliverables to serve as evidence that they are prepared to meet the CRS before separation, retirement, or release from active duty.

(4) ITP Checklist data will be submitted electronically to DMDC through the DMDC web-based service or a TVPO-approved system.

(5) TAP staff will explain to eligible Service members during Pre-separation or Transition Counseling how the ITP and Pre-separation or Transition Counseling checklists work together to provide the Service member with a plan for meeting the CRS.

APPENDIX E TO PART 88—TRANSITION GPS (GOALS, PLANS, SUCCESS)

(a) *Transition GPS*. (1) Transition GPS is the package of TAP resources and services that will be used as a vehicle to enable eligible Service members to attain the CRS throughout the MLC TAP.

(2) Changes, as needed, to the standardized Transition GPS brick-and-mortar or virtual curricula, services, and learning objectives must be approved by TVPO for implementation across all Military Departments.

(3) The following Transition GPS components require mandatory participation unless Service members are exempt:

(i) Pre-separation or Transition Counseling is mandatory. See appendix C to part 88 for Pre-separation or Transition Counseling requirements.

(ii) VA Benefits Briefings I and II are mandatory.

(iii) Capstone is mandatory. See appendix H to part 88 for Capstone requirements.

(4) Participation in the DOLEW is mandatory, unless exempt. See appendix F to part 88 for specific DOLEW exemptions.

(5) Except for the components designated as mandatory, participation in Transition GPS tracks are based on proof of the Service member's ability to meet the associated CRS.

(6) Transition GPS consist of these components:

(i) *Pre-separation or Transition Counseling.* Pre-separation or Transition Counseling is mandatory for all eligible Service members no later than 90 days before separation, in accordance with 10 U.S.C. 1142. See appendix C to part 88 for Pre-separation or Transition Counseling requirements.

(ii) *Transition GPS Core Curricula.* Except for those subcomponents designated as mandatory, completion of the following subcomponents is determined based on the eligible Service member's ability to attain the CRS. The curricula consists of the following subcomponents (defined in §88.3):

(A) Transition Overview;

(B) Resilient Transitions;

(C) MOC Crosswalk;

(D) Personal Financial Planning for Transition;

(E) VA Benefits Briefings I and II, to be conducted pursuant to 10 U.S.C. 1142. Completion of this subcomponent is mandatory;

(F) DOLEW, to be conducted pursuant to 10 U.S.C. 1144. Completion of this subcomponent is mandatory, unless exempt. See appendix F to part 88 for DOLEW exemption eligibility; and

(G) ITP Review.

(iii) *Transition GPS Tracks.* (A) Eligible Service members may choose to participate in one or more, if resources, capability, and operational requirements allow of the Transition GPS tracks based on their interests and ability to meet the CRS.

(B) The outcome of completed tracks will be documented in the Service member's ITP and on the ITP checklist, as applicable.

(C) Eligible Service members may participate in one or more, if resource availability and operational requirements allow, of the following Transition GPS tracks:

(1) *Accessing Higher Education Track.* Eligible Service members pursuing higher education will receive guidance to prepare for the application process. On completing the Accessing Higher Education Track, eligible Service members will be prepared to:

(i) Complete an application to an accredited academic institution offering a sound

program of study towards the Service member's career aspirations within the member's financial means.

(ii) Schedule a session with a counselor from an academic institution.

(iii) Meet individually with education counselors, as needed.

(2) *Career Technical Training Track.* Eligible Service members pursuing career technical training will receive guidance and help in selecting schools and technical fields. On completion of the Career Technical Training Track, eligible Service members will be prepared to:

(i) Complete an application to an accredited career technical training institution offering a sound program of study towards the Service member's career aspirations within the member's financial means.

(ii) Schedule a session with a counselor from a career technical training institution.

(iii) Meet individually with career technical training experts and VA vocational education counselors, as applicable.

(3) *Entrepreneurship Track.* Eligible Service members pursuing business ownership or self-employment in the private or non-profit sectors will receive information related to the benefits and challenges of entrepreneurship, the steps required to pursue business ownership and evaluate the feasibility of a business concept, and the SBA and other public and private sector resources available for further technical assistance and access to capital and contracting opportunities. Upon completing of Entrepreneurship Track, eligible Service members will have developed the initial components of a business feasibility plan at no cost to the participant.

(i) Eligible Service members will be given the opportunity to enroll in an optional eight-week online entrepreneurship course instructed by professors and practitioners.

(ii) Eligible Service members will be afforded the opportunity to connect with a small business owner as a mentor to assist with the business start-up process. A warm handover, as needed, will be coordinated through procedures established by the SBA.

(iv) *Capstone.* (A) Completion of Capstone is mandatory.

(B) Capstone provides an opportunity for eligible Service members to have attainment of the CRS verified by the commander or his or her designee.

(C) At Capstone, if the Service member cannot meet the CRS before transition, the commander or his or her designee confirms and documents a warm handover to appropriate interagency parties, or local resources. If in the judgement of the Commander or commander's designee, it is determined that the Service member does not meet CRS or does not have a viable ITP, then he or she must confirm that a warm handover takes place with the appropriate interagency parties, as needed.

(b) *Command responsibility.* (1) Commanders have oversight responsibility for Service members achieving CRS via Transition GPS. The oversight responsibility may not be delegated. Transition GPS may not be delegated except as stated in paragraph (b)(2) of this appendix.

(2) Commanders will:

(i) Ensure eligible Service members are afforded the opportunity, resources, and time to meet the CRS before separation, retirement, or release from active duty.

(ii) Be fully engaged throughout the MLC TAP in enabling Service members the opportunity, resources, and time to meet and attain the CRS and comply with statutory mandates before separation, retirement, or release from active duty.

(iii) Verify that eligible Service members have met the CRS and have a viable ITP during Capstone and ensure that members who did not meet the CRS or do not have a viable ITP receive a warm handover to the appropriate interagency parties or local resources.

(iv) Ensure Transition GPS components are delivered at key touch points throughout the MLC TAP.

(v) Ensure development and maintenance of the IDP throughout the MLC TAP and afford Service members the opportunity, resources and time to meet the CRS.

(c) *Transition GPS timeline.* In anticipation of the discharge or release from active duty of an eligible Service member, and during key touch points in the MLC TAP, the following timeline is applicable:

(1) In the case of an anticipated retirement, the components of Transition GPS not yet completed will begin as soon as possible during the 24-month period before the retirement date;

(2) In the case of a separation other than a retirement, the components of Transition GPS not yet completed will begin as soon as possible during the 12-month period before the anticipated discharge date;

(3) The incomplete components of Transition GPS will begin no later than 90 days before separation, retirement, or release from active duty except in those cases where statute determines specific timelines;

(4) In the case that there is a retirement or an unanticipated separation, and there are 89 days or fewer before discharge or release from active duty, the components of Transition GPS not yet completed will begin as soon as possible within the remaining period of service or the effective date on the DD 214, and the Service member must meet all requirements; and

(5) Transition GPS will begin as soon as possible within the remaining period of service when:

(i) An eligible RC member is being released from active duty under circumstances in which operational requirements, as deter-

mined by the Secretary concerned, make the prescribed timeline unfeasible; or

(ii) There are 90 or fewer days before the anticipated release from active duty.

APPENDIX F TO PART 88—DOLEW EXEMPTIONS

(a) The only exemptions to eligible Service member participation in the DOLEW portion of the Transition GPS Core Curricula are:

(1) Eligible Service members retiring after 20 or more years of qualifying military service.

(2) Eligible Service members who, after serving their first 180 continuous days or more on active duty, pursuant to 10 U.S.C. 1142 meet at least one of the following criteria:

(i) Are able to provide documented evidence of civilian employment; or

(ii) Are able to provide documented acceptance into an accredited career technical training, undergraduate, or graduate degree program; or

(iii) Have specialized skills which, due to unavoidable circumstances, are needed to support a unit on orders scheduled to deploy within 60 days. The first commander in the eligible Service members' chain of command, with authority pursuant to 10 U.S.C. chapter 47, also known and referred to as the Uniform Code of Military Justice (UCMJ), must certify on the DD Form 2958 any such request for exemption from the DOLEW. A make-up plan must accompany the postponement certification.

(iv) Eligible recovering Service members who are separating, retiring, or being released from active duty who are enrolled in the Education and Employment Initiative, or similar transition program designed to secure employment, higher education, or career technical training post-separation. The standardized terms and definitions for wounded, ill, and injured are outlined in the DoD/VA Wounded, Ill, and Injured Senior Oversight Committee Memorandum, "Implementation of Wounded, Ill, and Injured Related Standard Definitions" (available at <http://www.health.mil/Policies/2008/12/10/Implementation-of-WII-Standard-Definitions>).

(b) TAP staff will document on the DD Form 2958 the decision of eligible Service members who qualify for an exemption and elect not to participate in the DOLEW.

(c) Eligible RC Service members who have previously participated in the DOLEW may request an exemption.

(d) Eligible Service members who qualify for an exemption may still elect to participate in the DOLEW.

APPENDIX G TO PART 88—VIRTUAL CURRICULA

(a) DoD Components and Military Departments, in conjunction with JKO, DHS, VA, DOL, OPM, SBA and other appropriate inter-agency parties, must leverage the capabilities of web-based adult learning to ensure the transitioning force complies with statutory mandates to meet the CRS before separation, retirement, or release from active duty.

(b) As provided by TVPO or JKO, the virtual curricula provides an alternative delivery of Transition GPS to enable compliance with statutory mandates and attainment of the CRS as set by this Appendix. Those who can use the virtual curricula include:

(1) Eligible Service members whose duty locations are in remote or isolated geographic areas.

(2) Eligible Service members who are undergoing short-notice separation, as defined in the §88.3 and pursuant to 10 U.S.C. chapter 59, and cannot access brick-and-mortar curricula in a timely manner.

(3) Spouses of eligible Service members, as resources and capacity allow.

(c) A Virtual Curricula must:

(1) Be easily accessible by eligible Service members through JKO;

(2) Be approved in design, look, color, etc., by the Director of TVPO in consultation with the Military Departments and partner agencies;

(3) Include interactive technology tools to monitor Service member participation in the training and knowledge gained;

(4) Include module materials and activities that engage participants, support diverse learning styles, foster frequent interaction, and encourage meaningful communication and collaboration between the participants and instructors;

(5) Include a data-capture feature or interface with the TVPO and DMDC-provided web service or process to ensure Service members receive credit for successfully completing the curricula;

(6) Ensure Virtual Curricula is compliant with section 508 of the Rehabilitation Act of 1973 as amended, 29 U.S.C 792.

(d) The virtual curricula's educational effectiveness and teaching and learning process will be assessed through an evaluation process that may include Service members' knowledge gain, retention, and satisfaction. TVPO will evaluate assessments in collaboration with the Military Departments and partner agencies.

(e) Intended learning outcomes will be reviewed regularly to ensure clarity, utility, and appropriateness.

(f) Documented procedures will be used to assure that security of personally identifiable information (PII) is protected in the conduct of assessments and evaluations and

in the dissemination of results in accordance with 32 CFR part 310 and 14 U.S.C. 5033.

(g) Changes to the DoD virtual curricula will be approved by TVPO for implementation across all Military Departments.

APPENDIX H TO PART 88—CAPSTONE

(a) *Review and verification.* Capstone is a two-stage process. Stage one is an in-depth review of the Service members ITP and CRS, which is conducted by TAP staff. Stage two consists of the Commander or Commanders' designee verifying that the Service member has a viable ITP and has met the CRS. If the Commander or Commanders' designee determines that the Service member does not meet CRS or does not have a viable ITP, then he or she must confirm that a warm handover takes place with the appropriate interagency parties, as needed. The review and verification processes may or may not occur simultaneously.

(1) *Stage One—Capstone review.* During the Capstone review, a Service member's ITP, CRS deliverables pertaining to the member's personal goals and ITP Checklist will be checked to identify shortfalls and determine if the member is at risk of not meeting the CRS before separation, retirement, or release from active duty.

(i) The review will be conducted by:

(A) A TAP staff member or career counselor for eligible Service members in the rank of O-5 or below.

(B) The first Commander with UCMJ authority in the chain of command, or his or her designee, for eligible Service members in the rank of O-6 and above.

(ii) If during the review a Service member is determined to be incapable of meeting the CRS or has gaps in the ITP, the TAP staff will introduce the member to the necessary resources to assist him or her in becoming career ready. Resources include remedial skills building via the Transition GPS curricula, one-on-one assistance from TAP staff, and assistance from installation or local community resources.

(iii) Service members will document the point of contact name, phone number, and email address of remedial resources on the ITP.

(2) *Stage Two—Capstone verification.* The eligible Service member's Commander or his or her designee will review the ITP, CRS deliverables, and DD Form 2958 during Capstone verification to determine whether the requirements to complete the CRS have been attained.

(i) In cases where Service members are still not able to meet the CRS during Capstone verification, the Commander or his or her designee will initiate a warm handover to appropriate partner agencies or local resources for post-separation support in the

community where the Service member plans to relocate; and

(i) The Commander or his or her designee will confirm the warm handover has occurred by documenting it on the DD Form 2958.

(3) *Completion of Capstone.* Service members are to be counseled on their ITPs during Capstone. If they do not have a viable ITP or meet CRS, they will be referred to further training and services, as needed; and connected, as needed, to appropriate interagency parties and local resources that provide continued benefits, services, and support when they become veterans.

(b) *Timeline.* (1) Capstone will be completed for each eligible Service member in accordance with the timeline prescribed within this appendix to verify the member has met the CRS before separation, retirement, or release from active duty.

(2) Capstone will be completed no later than 90 days preceding an anticipated separation, retirement, or release from active duty for eligible Service members.

(3) Exceptions to this timeline are:

(i) In the case of eligible AC Service members with an unanticipated separation of 89 days or fewer before discharge or release from active duty, Capstone will begin no later than the date of separation as reflected on the DD Form 214.

(ii) In the case of eligible RC members release from active duty, in which operational requirements, as determined by the Secretary concerned, make the prescribed timeline unfeasible, Capstone will begin no later than the date of release from active duty as reflected on the DD Form 214.

APPENDIX I TO PART 88—DATA, INFORMATION COLLECTION, DATA SHARING, AND MANAGEMENT PORTFOLIO

(a) *Data.* Individual eligible Service member Transition GPS data and attendance will be stored in the DMDC-provided Web service capabilities for:

- (1) DD Forms 2648 or 2648-1;
- (2) Transition Overview;
- (3) Resilient Transitions;
- (4) MOC Crosswalk;
- (5) Personal Financial Planning for Transition;
- (6) VA Benefits Briefings I and II;
- (7) DOLEW;
- (8) ITP Review;
- (9) Tracks;
- (10) ITP Checklist; and
- (11) Participant Assessment.

(b) *Data sharing.* (1) Specific information regarding data collection, data sharing, assessments, and evaluations can be found in the MOU among DOD, VA, DOL, ED, DHS, SBA, and OPM, "Transition Assistance Program for Separating Service Members". This reference serves as the basis of an informa-

tion sharing agreement between the interagency parties and the DoD.

(2) TVPO will oversee and coordinate sharing requirements and authorities for DoD TAP data with interagency parties, as applicable.

(3) DMDC will process, store, host, and maintain data and coordinate data sharing on request that meets established DoD information assurance standards in accordance with this appendix and 32 CFR part 310.

(4) Each organization requesting TAP data sharing will prepare a business case to support the purpose and type of data requested from other parties.

(i) The business case will clearly articulate how the requested data enables the parties to meet their mission and better serve Service members and veterans.

(ii) The business case will be submitted to TVPO for review and approval.

(iii) Approved business cases will be submitted to DMDC to set up business processes and cost sharing arrangements.

(5) To ensure protection of PII and privacy:

(i) The DoD Components and interagency parties will share Service member information in accordance with 32 CFR part 310 and requirements for collecting, sharing, storing, and maintaining PII. They will meet the need, if required, to establish a system of records notification; and

(ii) All official procedures for safeguarding and retaining PII will be followed as established in 32 CFR part 310.

(c) *Management Portfolio.* (1) DoD TAP data and information requirements governed by this appendix will be reviewed by TVPO for alignment to the investment and IT portfolios to ensure no duplication of capability or system redundancies occur during requirement development or IT acquisition.

(2) TAP data will be shared in a standard form for the enterprise to facilitate compliance verification and to measure effectiveness of the program.

PART 93—ACCEPTANCE OF SERVICE OF PROCESS; RELEASE OF OFFICIAL INFORMATION IN LITIGATION; AND TESTIMONY BY NSA PERSONNEL AS WITNESSES

Sec.

- 93.1 References.
- 93.2 Purpose and applicability.
- 93.3 Definitions.
- 93.4 Policy.
- 93.5 Procedures.
- 93.6 Fees.
- 93.7 Responsibilities.

AUTHORITY: E.O. 12333, 3 CFR, 1981 Comp., p. 200; 50 U.S.C. apps. 401, 402.