

# Vocational Rehabilitation and Employment

The relationship between veterans, disabled veterans, and work is vital to public policy in today's environment. People with disabilities, including disabled veterans, often encounter barriers to their entry or re-entry into the workforce and lack accommodations on the job; many have difficulty obtaining appropriate training, education, and job skills. These difficulties in turn contribute to low labor force participation rates and high levels of reliance on public benefits. At present funding levels our public eligibility and entitlement programs cannot keep pace with the resulting demand for benefits.

In recent years there has been an increased reliance on licensing and certification as a primary form of competency recognition in many career fields. This emphasis on licensing and certification can present significant, unnecessary barriers for transitioning military personnel seeking employment in the civilian workforce. These men and women receive exceptional training in their particular fields while on active duty, yet in most cases these learned skills and trades are not recognized by nonmilitary organizations. Efforts to enhance civilian awareness of the quality and depth of military training should be made to eliminate licensing requirements and employment barriers. We are encouraged by the appointment of a new director and deputy director who have the opportunity to take Vocational Rehabilitation and Employment in a new direction.

## *Vocational Rehabilitation and Employment Issues*

### **Services for Disabled Veterans Lacking:**

*Many disabled veterans are not receiving suitable vocational rehabilitation and employment services required to provide a smooth transition into the workforce.*

On January 10, 2000, the Department of Veterans Affairs changed the name of the Vocational Rehabilitation and Counseling Service (VR&C) to Vocational Rehabilitation and Employment Service (VR&E). The purpose of the name change was to reenergize the focus of the organization's mission, preparing disabled veterans for suitable employment and providing independent living services to those veterans who are severely disabled and are unlikely to secure suitable employment at the time of their entry into independent living. We applaud the Veterans Benefits Administration's efforts and look forward to their continuing changes to improve delivery of meaningful services to disabled veterans. For too many years, and in spite of many individual successes, VR&E was the recipient of valid criticism. Many of these criticisms remain of concern, including the following:

- Inadequate and sometimes nonexistent case management;
- Outdated regulations, as well as policies and procedures manuals;
- Long delays in the time taken to process applications;
- Lack of accountability for poor decision making—there needs to be consistency with flexibility and accountability;
- Inadequate use of electronic information technology;
- Failure to explore entrepreneurial opportunities for severely disabled veterans and other disabled veterans who are unable to obtain or retain employment or are suitable for self-employment;
- Declaring veterans rehabilitated after training without ensuring that they achieve suitable employment;
- Case loads too large;
- VR&E's Case Management Information Management System (Corporate WINRS is in need of updating and implementation);
- Staff shortages;
- Need for collaboration with the Department of Labor and the Small Business Administration.

We encourage VR&E to continue with its efforts to improve its services and to involve and seek recommendations from the IBVSOs and other stakeholders.

### ***Recommendations:***

VBA must place a higher emphasis on complementing VR&E's staffing requirements and needs.

VR&E should continue its efforts to improve case management techniques and use state-of-the-art information technology.

VR&E should rewrite its operational policies and procedure manuals.

General Counsel should expedite the promulgation of new regulations for VR&E.

VR&E must place higher emphasis on academic training, employment services and independent living services to achieve the goal of rehabilitation of severely disabled veterans.

VR&E should develop plans and partnerships to enhance the availability of entrepreneurial opportunities for disabled veterans.

VR&E should develop plans to continue follow-up of rehabilitated veterans for at least 2 years to ensure that rehabilitation is successful.

**Unpaid Work Experience:**

*For vocational rehabilitation clients, the unpaid work experience program should be expanded to include work in the private and nonprofit sector.*

For many years disabled veteran clients under vocational rehabilitation could participate in a program of unpaid work experience as part of their rehabilitation program with Federal Government agencies. Several years ago that authority was expanded to include state and local governments but not private- or not-for-profit-sector employers.

In today’s labor market it is beneficial for those seeking career employment not only to be trained properly but also to have some related work experience, either as an intern or volunteer or in some other capacity. The

concept of unpaid work experience as part of a veteran’s training program is significant and should result in a higher success rate of employment outcomes.

**Recommendation:**

Congress should extend the authority for unpaid work experience to private-sector and not-for-profit-sector employers who are willing to develop such unpaid work experience opportunities consistent with the veterans’ training program.



**Assistance Programs Inadequate:**

*The Transition Assistance Program and Disabled Transition Assistance Program do not adequately serve servicemembers.*

For several years the Department of Defense (DOD), the Department of Labor (DOL), and VA have been providing transition assistance workshops to separating military personnel through the Transition Assistance Program (TAP) and the Disabled Transition Assistance Program (DTAP). These programs generally consist of a three-day briefing on employment and related subjects, as well as veterans’ benefits.

DTAP, however, has been largely relegated to a session in which a representative from VA’s Vocational Rehabilitation and Employment Service advises disabled veterans with potential eligibility about their rights and how the programs work. DTAP has been viewed as a “stand alone” program. Typically, a DTAP participant does not benefit from other transition services.

The number of military members being separated annually is still high (more than 200,000 as projected by the DOD) and could increase because of large numbers of soldiers leaving due to the current operational tempo. The IBVSOs believe that TAP must continue to provide its important services. The Com-

mission on Servicemembers and Veterans Transition Assistance has recommended the continuation of TAP/DTAP.

The IBVSOs are concerned, as well, that too little is being done for transitioning disabled veterans.

**Recommendations:**

Congress should pass legislation ensuring the eligibility of all disabled veterans on a priority basis for all federally funded employment and training programs.

The DOD should ensure that separating servicemembers with disabilities receive all of the services provided under TAP as well as the separate DTAP session by VR&E.

Congress has authorized the provision of TAP services to separating servicemembers 1 year prior to discharge and for military retirees up to 2 years prior to discharge. In the event that notification of separation or retirement occurs less than that authorized, transi-

tion services should begin as soon as possible following notification.

Whenever practical, the DOD should make pre-separation counseling available for members being separated

prior to completion of their first 180 days of active duty, unless separation is due to a service-connected disability when these services are mandatory.



### **Certification and Licensing of Transitioning Military Personnel:**

*Civilian licensure and certification barriers facing transitioning military members must be reduced.*

In recent years there has been an increased reliance on licensure and certification as a primary form of competency recognition. The public, professional associations, employers, and the Government have turned to credentialing to regulate entry into employment and to promote safety, professionalism, and career growth. Hundreds of professional and trade associations currently offer certification in their fields, and there has been an increase in occupational regulation by states and the Federal Government. The trends suggest that in the 21st century the interest in competency recognition will accelerate.

The emphasis on licensure and certification can present significant barriers for transitioning military personnel seeking employment in the civilian workforce. Credentialing standards, such as education, training, and experience requirements, are developed based on traditional methods for obtaining competency in the civilian workforce. As a result, many transitioning military personnel who have received their career preparation through military service find it difficult to meet certification and licensing requirements due to the lack of civilian recognition of military training and experience. For some, this inability to become credentialed bars entry into employment in their fields entirely. For others, the lack of credentials will make it difficult to compete with their civilian-sector peers for jobs. Those who are able to obtain employment in their fields

without the applicable credentials may face decreased earnings and limited promotion potential.

Pilot programs have been initiated in some states to provide credentialing to servicemembers in a limited number of fields. The IBVSOs believe that there are a number of factors that have an impact on the ability of current and former military personnel to obtain civilian credentials. Many civilian credentialing boards do not have adequate knowledge of and do not give proper recognition to military training and experience. The lack of clarity regarding the procedures for exchange of transcripts between military and civilian credentialing boards creates undue barriers for military personnel.

The IBVSOs believe the DOD must assist members preparing to transition from active duty to civilian jobs through the proper dissemination of information. The DOD must maintain involvement with the certifying organizations and coordinate efforts among Federal agencies and private industry.

#### ***Recommendation:***

Armed Forces training schools need to pay greater attention to the activities and requirements of civilian credentialing agencies.



**Performance Standards:**

*Performance standards in the Veterans Employment and Training Service system are inconsistent and inadequate.*

Within the Veterans Employment and Training Service (VETS) system there are currently no performance standards that can be used to compare one state to another or even office to office within a state. Even where such benchmarks have been produced, the VETS headquarters and regional administrators have almost no authority to reward a good job or impose sanctions for poor performance. Given the limits of state civil service systems, some State Employment Security Agency (SESA) administrators have a similar difficulty in holding local managers accountable for performance. The only real tools VETS possesses is the staff members' own powers of moral suasion and personal relationships they may have developed.

The only real authority is the seldom-used power to recapture funds when a state has acted in a way contrary to law. The power to declare a state out of compliance can be likened to the power to declare nuclear war: Everyone is afraid to use it because it might well destroy everything. For several years many have seen a need for some sort of standards for both Disabled Veterans' Outreach Program (DVOP)/Local Veterans' Employment Representative Program (LVER) staff and for the SESAs as an entity. The problem has always been both a technical one, how to develop national standards and for what purpose, and a political one, the states have viewed even the minimal standards of behavior currently in place as constituting intrusive interference from Washington. Current standards compare services to nonveterans and veterans—a state need only do a little better for veterans than for nonveterans. If it places 3% of its

nonveteran applicants, the state need only place 4% of its veteran applicants to be in compliance.

This certainly conflicts with Congressional intent and purpose as expressed in title 38 U.S.C. § 4102:

The Congress declares as its intent and purpose that there shall be an effective Job and Job Training Counseling Service Program, Employment Placement Service Program, and Job Training Placement Service Program for eligible veterans so as to provide such veterans and persons the maximum of employment and training opportunities.

**Recommendations:**

VETS must complete development of meaningful performance standards and reward states that exceed the standards by providing additional funding.

Public Law 107-288, the Jobs for Veterans Act, authorizes VETS, through its grants to states, to provide cash and other incentives to individuals who are most effective in assisting veterans, particularly those with barriers to employment, find work. This recognition is only for individuals and not entities. Congress should amend this law so that such entities as Career One-Stops who do a good job for veterans can be recognized.

Congress should consider the feasibility and practicality of alternative means of delivering employment services for veterans, such as a competitive bidding process.



### Training Institute Inadequately Funded:

*The National Veterans Training Institute lacks adequate funding to properly administer its training programs, which are unavailable elsewhere.*

The National Veterans Training Institute (NVTI) was established in 1986 and authorized in 1988 by P.L. 100-323. NVTI is administered by staff from the Department of Labor/VETS through a contract currently with the University of Colorado at Denver. NVTI trains Federal and state employees and managers who provide direct employment and training services to veterans and servicemembers. The NVTI curriculum offers courses for staff of the DVOP and LVER programs in core professional skills, marketing and accessing the media, case management, vocational rehabilitation and counseling program support, and facilitation of Transition Assistance Program (TAP) workshops.

Training offered to VETS staff includes a basic course on the Uniformed Services Employment and Reemployment Rights Act (USERRA), enacted in October

1994; a new investigative techniques course; a quality management course; and a grants management course.

NVTI offers DOD employees TAP management training, through reimbursable agreements under the Economy Act (at actual cost of training). NVTI also offers a Resource and Technical Assistance Center, a support center, and repository for training and resource information related to veterans programs, projects, and activities.

### Recommendation:

Congress must fund NVTI at an adequate level to ensure training is continued and expanded to state and Federal personnel who provide direct employment and training services to veterans and servicemembers in an ever-changing environment.



### Program Reassessment:

*Leadership is needed on a comprehensive reassessment of veterans' employment and training programs.*

This reassessment must involve all veterans and other stakeholders, as well as congressional oversight. The Senate or House Veterans' Affairs Committee should take the lead to involve veterans service organizations; the National Association of State Workforce Agencies; veteran-based organizations, such as the National Coalition of Homeless Veterans (NCHV) and the Office of the Assistant Secretary for Veterans Employment and Training (OASVET); and possibly the International Association of Personnel Employment Services (IAPES) Veterans' Committee in discussing these matters of standards and accountability for veterans' employment programs. These issues include accountability at every level, backed up by:

- Significant incentives and reasonable sanctions, and
- The selective use of competition to ensure performance.

A meeting to discuss a more effective basis for delivering employment and training services to veterans should take place at an early date. The need is to secure the best ideas of veterans and the various stakeholders, solicit their support of general concepts, forge common ground for modifications to the law, and ensure early and effective compliance should such changes to the law be authorized and the funding appropriated. The de facto devolution of the SESAs is proceeding at an accelerating rate. The enactment of the Workforce Investment Act of 1998 is accentuating this trend.

Someone must take the lead, and the IBVSOs recommend it be the House or Senate Veterans' Affairs Committee. The progressive movement toward one-stops does not make the traditional way of delivering employment services to veterans a viable alternative.

Veterans continue to receive far less than a proportionate amount of the primary Job Training Partnership resources (Title IIA and Title III), and there are virtually no veteran-specific projects funded by this \$2.3 billion resource at the state or local level.

Unless there is a paradigm shift, there will likely be reductions in force of DVOP specialists and LVERs and a further erosion of the buying power of each dollar appropriated for the programs administered through VETS. To do nothing is tantamount to waiting for the system operation to become increasingly problematic, contentious, and even less effective. Some have suggested that trying to keep everything the way it was is irresponsible in light of the dramatically changed realities.

***Recommendations:***

The House or Senate Veterans' Affairs Committees should conduct oversight to assure full implementation of P.L. 107-288 to ensure the President's National Hire Veterans Committee fulfills its purposes of:

- Raising employer awareness of the advantages of hiring separating servicemembers and recently separated veterans;
- Facilitating the employment of separating servicemembers and veterans through America's Career Kit, the national electronic labor exchange; and
- Directing and coordinating departmental, state, and local marketing initiatives.

Congress should provide the DOL adequate funding to enforce Uniformed Services Employment and Reemployment Rights Act, P.L. 103-353.

