STATEMENT OF
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THE AMERICAN LEGION
BEFORE THE
SUBCOMMITTEE ON ECONOMIC OPPORTUNITY
COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES
ON
"A REVIEW OF VETERANS' PREFERENCE IN FEDERAL GOVERNMENT HIRING"

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Veterans' Preference Benefits Everyone:

Simply stated, Veterans' Preference is a rising tide that lifts all boats. Because the Armed Forces are comprised of people from every walk of life in the United States, so is Veterans' Preference. This benefit does not discriminate. Veterans' Preference includes veterans from every socioeconomic class, gender, religion, ethnicity, sexual orientation and creed. Veterans' preference is fair, and aims to help our veterans obtain employment all while furnishing the U.S. government with qualified candidates and personnel.

Chairman Wenstrup, Ranking Member Takano, and distinguished members of the subcommittee; On behalf of our National Commander, Dale Barnett, and the over 2 million members of The American Legion, we thank you for this opportunity to testify regarding The American Legion's positions on Veterans' Preference before this committee.

Veterans' Preference is triggered when a hiring manager is deciding between two equally qualified candidates, where one is a civilian and the other is a servicemember or veteran. Veterans' Preference requires a veteran must be fully qualified for the position being sought. The preference was not and is not designed to force agencies to hire a veteran simply because they are a veteran.

When the system in place is working, more veterans are employed, which is obviously a goal of The American Legion. However, when the system fails, perhaps because a hiring manager chose not to select the veteran, even though they are equally qualified, it is extremely difficult to know if ignoring Veterans' Preference was the reason. The culture of seeking employment is filled with customs dictating interview etiquette. Candidates are trained to balance aggression and avoid coming on too strong. In some situations it is not considered proper to ask why you did not get the position you were seeking. Because of these customs it can be hard for a veteran to definitively say they did not receive Veterans' Preference.

Veterans' Preference is important however, and a great benefit to the government, or indeed any organization, to stock their employee ranks with qualified veterans. The government has already invested a great deal of resources in training veterans during their military service, and that training

can be put to use in further service of the government. Common military training includes, but is not limited to, the ability to work well within a team, unparalleled work ethic, dedication and many other attributes an employer wants in an employee. The initial investment made by our government in our servicemembers and veterans still continues to pay dividends as these people are still working for the government and using their training to benefit the country and the American tax payer.

The American Legion supports veterans' preference in the federal, state, and private sector:

One of the reasons Veterans' Preference was established was to assist our nation's veterans, who joined the military and were not typically exposed to standard professional social settings. Veterans' Preference accounts for this by giving them inroads into government employment that will allow them to learn the soft personal skills that their civilian counterparts learned early on. Absence from the highly competitive job market due to military service creates an unfair and unequal burden on veterans in competing for employment with non-veteran peers upon completion of military service. Veterans' Preference was created to help restore the place of veterans on equal footing with their civilian counterparts by giving them an advantage.

One area in particular The American legion has been working to assist servicemembers and veterans happens to deal with an antiquated Department of Defense policy. The policy (5 U.S.C. 3326) stated that a separating servicemember could not obtain employment at the DOD for a minimum period of 180 days. Fortunately, Representative Derek Kilmer authored and introduced H.R 4527, the Military Retiree Employment Act. This common sense legislation removes the 180 day hold off and permits the DOD to hire qualified and experienced personnel. The American Legion, through Resolution 350[1] was able to support Rep. Kilmer's bill, and we encourage the House of Representatives to consider this proposed legislation.

That said, The American Legion does not only support Veterans' Preference in the federal government, but also within the state and public sectors. Veterans' Preference is mandated at the federal level, and though we would not suggest the private sector be forced to hire veterans, we certainly encourage them to investigate and implement their own level of veterans' preference. Many companies and organizations already do this, including The American Legion. It is worth highlighting that The American Legion does not only advocate for veterans at the federal level, where it's mandated, but at every level. Veterans are a very unique and dynamic group of people who understand and typically possess a great work ethic and know how to work under pressure and stressful conditions.

Where are the problem areas?:

No veterans organization does as much as The American Legion to work to ensure veterans are getting hired and finding their proper place in the workforce. The American Legion annually conducts dozens of Hiring Fairs across the country in conjunction with the Chamber of Commerce. American Legion seminars provide expertise to veterans on constructing resumes and developing interview skills. The American Legion works to develop translators that can convert military skills

[1] Resolution No. 350 "Veterans Employment Initiative" (August 2014)

into civilian resumes and link up qualified service members with the civilian jobs that need them. Through our research and dealings with Veterans Preference in the veterans community, we have found several small issues, which is to be expected in a large bureaucracy such as the federal government.

One of the largest issues we've encountered deals with the reporting or complaint system that a veteran utilizes once they feel their benefits have been violated. Currently, when a veteran wishes to file a complaint, they have multiple options for reporting the possible infraction. A veteran can submit a claim to the Department of Labor Veterans Employment and Training Services (DOL VETS). They can report their complaint to the agency where they applied for the position. They can even report their concern to the Equal Employment Opportunity Commission (EEOC). Though having options is hardly ever viewed as a bad thing, The American Legion is concerned the possibility of not having one location for complaints to travel through may cause problems.

For example, multiple reporting venues makes it difficult to track or consolidate information about possible Veterans' Preference violations. Compartmentalization of the information leads to stove piping which prevents broad analysis which would be helpful. Logically speaking, consolidating complaints through a single path makes the most sense, so if there are many issues with the same agency/office, it will be easier to recognize and correct, instead of complaints being divided among several offices.

A secondary problem is illustrated by a recent example reported in the Federal Times. Sometimes agencies or sections of the government skirt or circumvent the Veteran' Preference regulations. According to an article a few weeks ago, "…The Office of Special Council has launched allegations at the Export-Import Bank sought to illegally remove veteran applications from consideration for IT positions within its office."[2] It is because of cases much like this that The American Legion believes Congress should conduct an investigation of all federal agencies and their individual practices of Veteran' Preference hiring[3]. An investigation of this sort simply aims to ensure the preference is being applied fairly, and not being avoided or being rewarded to those who do not deserve it. Veterans' Preference provides such a strong benefit to both veterans and the government that The American Legion absolutely believes it is important to investigate to ensure it is being properly applied and situations such as the recent problems with the Export-Import Bank do not arise.

Finally, The American Legion is concerned about the potential impact of a bill currently being considered in the House of Representatives. H.R. 1964, the *Air Traffic Controllers Hiring Act of 2015*, as it is currently written, may place another group on the same level as Veterans' Preference, and this raises warning flags for our members. According to the legislation, which we understand may be revised, people who graduate from Collegiate Training Initiative (CTI) may be given "preferential consideration," just as veterans are. This may be an unintentional consequence of the legislation, but nevertheless, The American Legion believes that to be wrong and is willing to work to ensure the legislation does not damage the effects of Veterans' Preference. The American

[2] "Allegations of Export-Import Bank dumping vet applicants emerge" – Carten Cordell, *Federal Times* – March 16, 2016

[3] Resolution No. 322 *"Support an Investigation of Hiring Practices in the Federal Government"* – National Convention, Charlotte, NC – AUG 2014

Legion's position has always been and will continue to be in favor of veterans and Veteran' Preference, and that no other preference should exist on the same level of preference. Attending or obtaining certain certificates or degrees are important and should be recognized for what it is that they do, raise the level of qualifications of a candidate, but this should not replace or counter Veterans' Preference.

The men and women, regardless of rank, who have served our nation boldly gave up a large amount of their lives to do so. The reason for veteran' preference is to reward them and acknowledge that sacrifice over a civilian who did not take that oath and assist the veteran in giving them a hand up. The American Legion "deplores each and every attempt to degrade, dilute or modify the historical precedence of giving job eligibility preference to those who are taken from their communities to serve their country in time of war."[4]

The American Legion has and will aggressively continue to support Veterans' Preference across the federal government. It is our belief that millions of veterans have served our nation honorably, and therefore should be rewarded properly and provided this common sense benefit as thanks for their hard work and sacrifice. As always, The American Legion thanks the Subcommittee Economic Opportunity for the opportunity to explain the position of the over 2 million veteran members of this organization.

For additional information regarding this testimony, please contact Mr. Matthew J. Shuman at The American Legion's Legislative Division at (202) 263-5755 or mshuman@legion.org

[4] Resolution No. 342 *"Support Veterans Preference in Public Employment"* – National Convention, Charlotte, NC – AUG 2014