STATEMENT OF
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THE AMERICAN LEGION
TO THE
SUBCOMMITTEE ON ECONOMIC OPPORTUNITY
COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES
ON
DEPARTMENT OF VETERANS AFFAIRS' (VA's) VOCATIONAL REHABILITATION AND EMPLOYMENT (VR&E) SERVICE
AND ITS INTERACTION WITH
DEPARTMENT OF LABOR'S (DOL's) VETERANS' EMPLOYMENT AND TRAINING SERVICE (VETS)

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Mr. Chairman and distinguished members of the Subcommittee, thank you for the opportunity to express the views of The American Legion regarding the VA's VR&E performance since the report of the VA Vocational Rehabilitation and Employment Task Force, *The Vocational Rehabilitation and Employment Program for the 21st Century Veteran* and on VR&E's interaction with the DOL's VETS.

The mission of the VR&E program is to help qualified, service-disabled veterans achieve independence in daily living and, to the maximum extent feasible, obtain and maintain suitable employment. The American Legion fully supports these goals. As a nation at war, there continues to be an increasing need for VR&E services to assist Operations Iraqi Freedom and Enduring Freedom veterans in returning to independent living, achieving the highest possible quality of life, and securing meaningful employment. To meet America's obligation to these specific veterans and other eligible VR&E veterans, VA leadership must be focused on marked improvements in case management, vocational counseling, and -- more importantly -- job placement.

The very future of severely-disabled veterans rests squarely on the coordinated efforts of every Federal agency (DoD, VA, DoL, OPM, et al) involved in the overall successful transition from the battlefield to the civilian workplace. Timely access to quality health care services, successful physical rehabilitation, vocational training, and job placement -- each will play a critical role in the "seamless transition" of each and every veteran, as well as his or her family.

VOCATIONAL REHABILITATION AND EMPLOYMENT SERVICE

Administration of VR&E and its programs is a responsibility of the Veterans Benefits Administration (VBA). Historically, VBA has placed emphasis on the processing of veterans' claims and the reduction of the claims backlog, which is commendable, but the need to provide effective employment programs through VR&E should not be overlooked.

For the last 25 years, VR&E's primary focus has been providing veterans with skills training and not obtaining meaningful employment. Clearly, an employability plan that doesn't achieve the ultimate objective – a job – is an injustice to those veterans seeking assistance transitioning into the civilian workforce.

Vocational counseling plays a key role in identifying barriers to employment that must be overcome, then matches veterans' skills with those career opportunities available for fully qualified candidates. Becoming fully qualified becomes the next logical objective towards successful transition.

Veterans preference should play a large role in vocational counseling as the Federal government has scores of employment opportunities that educated, well-trained, and motivated veterans can fill – given a fair and equitable chance to compete. Working together, all Federal agencies should identify those vocational fields, especially those with high turnover rates, suitable for VR&E applicants. Career fields like information technology, claims adjudications, debt collection, etc. offer employment opportunities and challenges for career-oriented applicants that also offer career opportunities outside the Federal government.

Some of the reasons VA is lacking in its efforts to find employment for disabled veterans were cited in a number of reports published by the Government Accountability Office (GAO). The primary cause for this failure, according to the GAO report, dated September 1996, titled *Vocational Rehabilitation: VA Continues to Place Few Disabled Veterans in Jobs,* is that the program has historically been marketed to veterans as an education program and not an employment program**.** A majority of veterans attend universities and colleges with few enrolled in training programs, such as apprenticeships and on-the-job training that can lead to direct job placement.

This report stated that workloads were exceptionally high for the limited number of staff, which hinders the staff's ability to effectively assist individual veterans with identifying employment opportunities. Currently, the average caseload of a typical VR&E counselor approaches 160 veterans. The President's FY 2006 budget request includes an additional 21 Management Direction and Support FTE's to be redirected from other business lines. While this will help with implementing Task Force recommendations, the Direct Services FTE level remains flat at 963. The American Legion urges Congress to provide the funding needed to increase the number of VR&E counselors in FY 2006 instead of simply shifting existing employees.

According to the 2004 VA Vocational Rehabilitation and Employment Task Force Report, *The Vocational Rehabilitation and Employment Program for the 21st Century Veteran,* there have been no significant improvements since the 1996 GAO report. Currently, in many states only a few veterans from the VR&E program are being referred to the VETS for additional assistance in obtaining employment. Veterans with high–tech skills and advanced education are referred to expensive commercial placement agencies that do not specialize in employment assistance for veterans and difficult to place veterans are sent to VETS. Additionally, many VR&E counselors are not effectively communicating with their VETS counterparts.

The American Legion recommends exploring possible training programs through the National Veterans Training Institute (NVTI) geared specifically for VR&E Counselors. NVTI serves as a valuable resource for VETS employment specialists and made a marked improve in VETS performance. Contracting for standardized or specialized training for VR&E employees may very well strengthen and improve the overall program performance. Since each has common tasks and responsibilities, common training may facilitate better communications.

The American Legion supports the creation of an adequate system for evaluating the effectiveness of the VR&E Service. Although the need for an accurate system of measuring the success of the VR&E program was discussed during other House Veterans' Affairs Committee hearings, The American Legion believes not much action has taken place. Historically, the success of the program was based on the number of veterans entering training. As a result, VA often allowed program participants to enter into fields of training where there were few chances for successful job placement at the completion of that training. Another problem cited by the 2004 Task Force report is that the large number of unique veterans being served in some capacity during a fiscal year is not accurately reported.

It seems that the VR&E program has remained in a perpetual state of transition for the past 25 years, according to countless GAO and VA reports. The 2004 Task Force report stated that VR&E system must be redesigned for the 21st Century employment environment. The American Legion supports strong leadership and verification of timely implementation of these recommendations. Furthermore, The American Legion would encourage this Subcommittee to set up a series of "status update" hearings on progress of the transformation.

VETERANS EMPLOYMENT AND TRAINING SERVICE

The DoD discharges approximately 250,000 service members annually. Since September 11, 2001, an increasing number of these veterans are members of the National Guard and Reserve returning to local communities. These recently separated service personnel actively seek employment or prepare to continue their formal or vocational education. The veterans' employment specialists within the VETS program play a significant role in helping these recently separated service personnel to reach their vocational goals.

The mission of VETS is to promote the economic security of America's veterans by assisting them in finding and securing meaningful employment. The American Legion believes VETS program is one of the best-kept secrets in the Federal government. The American Legion is deeply concerned with the recent changes of Title 38, United States Code. The American Legion did not support that legislation because of the philosophical restructuring of the Local Veterans' Employment Representative (LVER) and Disabled Veterans' Outreach Program (DVOP). The staffing formulas and standardized job descriptions were established to make sure every veteran had access to employment specialists' services, if needed, regardless of his or her residence. Special assistance was provided to hard-to-place veterans through highly trained and fully qualified DVOP specialists.

The new process turns control of VETS over to Governors to create potentially 50 different mini-VETS resulting in little standardization of services rendered. Services will only be as good as the elected leadership chooses to make it. The American Legion is deeply concerned that a

Governor could minimize the relationship between VETS and VR&E based on duties and responsibilities assigned to VETS specialists within the state's grant program.

The American Legion is far from optimistic that accountability of Federal VETS dollars will be spent on veterans' employment services. Strict oversight must be provided to ensure quantitative results. Quality and timeliness of services may vary greatly from state to state. DoL proposed Workforce Investment Act (WIA) Plus Consolidated Grant Program under current consideration in the Senate could ultimately end VETS and return veterans' employment to the pre-VETS days with disproportionate unemployability rates among combat veterans. Higher unemployment among veterans compared to their non-veteran peers resulted in the creation of VETS.

VETS continues to improve by expanding its outreach efforts with creative initiatives designed to improve employment and training services for veterans and, providing employers with a labor pool of quality applicants with marketable and transferable job skills. VETS took the initiative in identifying military occupations that require civilian licenses, certificates or other credentials at the local, state, or national levels. They are developing IT systems to tap into highly competitive and fast moving high–tech job markets. VETS helps to eliminate barriers to recently separated service personnel and assists in the transition from military service to the civilian labor market.

Although The American Legion strongly opposes any attempt to move VETS to VA, we are more concerned with the ultimate future of VETS under the complete Administrative control of State Administrators.

SERIOUSLY MENTALLY ILL VETERANS AND SUPPORTED EMPLOYMENT

The wars in Iraq and Afghanistan are producing fewer casualties than previous conflicts, but a higher percentage of severely wounded veterans are likely to be psychiatric casualties, many of which manifest years after the soldiers return from combat. As we learned in Vietnam, the latency of mental disorders brought about by traumatic stress of insurgency conflicts predispose the soldier to higher levels of uncertainty as to when and where stressors may occur.

Public Law 108–170, The Veterans Mental Health and Back–to–Work Act of 2003, authorized VA to begin a program of supported employment services for veterans with serious mental illness (SMI). Any veteran is eligible for the service, but the SMI veteran population is the target audience for improving chances for sustained and meaningful employability. The American Legion supported this legislation and applauds Congress for its vision in enacting it. Although largely a function of VHA, we are concerned that the addition of yet another Federal agency into the mix could result in further disarray in the effective coordination of VR&E services.

The overarching goal of any new joint employment program should be to ensure a seamless continuum of services for veterans with serious mental illness between the VHA and the VBA in the areas of psychiatric rehabilitation services (PRS) and VR&E. The American Legion is concerned that a disconnect may occur as a result of the difference in culture between VBA, which is primarily regulatory driven and VHA, that is largely influenced by clinical best practice standards within statutory authority. Although both VBA and VHA are doing their best to carry out their mandated missions within the resources available, changes must take place to keep pace

with new evidence-based rehabilitation models in the field of rehabilitation practice, if this initiative is to succeed. Those changes include cultural, statutory and regulatory ones.

SMI veterans will have special needs in VR&E system. Circumstances that interfere with the veteran's ability to complete rehabilitation will cause the veteran to be placed in one of two statuses: interrupted status or discontinued status. Interrupted status recognizes that a variety of situations may arise in the course of a rehabilitation program in which a temporary suspension of the program is warranted, while discontinued status identifies situations in which termination of all services and benefits received is necessary after a review of the case. A veteran may be discontinued when he or she will be unable to participate in a rehabilitation program because of serious physical or emotional problems for an extended period and VA medical staff is unable to estimate an approximate date by which the veteran will be able to begin or return to the program. In addition, once a veteran is placed in employment following training and remains on the job for only 60 days, he or she is considered rehabilitated and unwisely is discontinued.

Clearly, The American Legion does not feel this is in the best interest of veterans with SMI. Veterans with serious mental illness deserve and require more than a final cold adjudicative determination. The reasons they are unable to handle a course of rehabilitative training and employment seeking may be attributable to their very conditions. The American Legion believes that in these situations, the programs fail the veteran, rather than the veteran failing the programs. In the clinical world of VHA, such failure would be treated much as any other relapse, regression or decompensation; that is the treatment would pick back up where the client left off.

VHA's Psychiatric Rehabilitation Service (PRS) focuses on strengths, needs, abilities and preferences of the veteran with SMI. PRS' guiding principles:

- Everyone with mental illness can engage in work;
- Vocational Rehabilitation should be available to all mental health consumers;
- Work should be in an integrated setting; and
- Rapid integration into paid community employment should be facilitated.

VA's Advisory Committee on Care of Recovery of Veterans with Serious Mental Illness has underscored the need to integrate psychosocial recovery in the treatment of mental illness. Integrated psychosocial recovery includes gainful employment. The Substance Abuse and Mental Health Services Administration has concluded that SMI need not lead to unemployment when individuals are given proper training and employment support services. A joint study of supported employment conducted by VA Connecticut Health Care System, VAMC Indianapolis, Yale University and the Indiana Schools of Medicine found that most people with SMI want to work and cited evidence that they can gain competitive employment with sufficient supports.

All aspects of the vocational rehabilitation of veterans should be removed from the realm of sterile administrative adjudication. Clearly, supported employment is the wave of the future in rehabilitation of persons with SMI. This model is being widely embraced by the general rehabilitation community. The American Legion agrees with these principles, which form a part of the recovery model of rehabilitation.

The American Legion would like to see a focused effort to study ways to synthesize and integrate the now largely fragmented VA voc-rehab and psychosocial rehabilitation programs. This should include the VETS or eventually an improved and refocused VR&E into a continuum of care, recovery–focused model with the emphasis on restoring SMI veterans to productive lives as quickly as possible.

Summary

America asks young men and women to serve in its armed forces to protect and defend this great nation and its way of life. Their selfless service provides millions of their fellow Americans with the opportunity to pursue their vocational endeavors. Therefore, that oath of enlistment is a "contract" between America and G.I. Joe or Jane that binds them and the Federal government together. The successful transition of that service member back into the civilian workforce must be a shared responsibility, especially if that service member has suffered service-connected disabilities. There is much talk about "seamless transition" between DoD and VA, but it goes beyond that. It should be a "seamless transition" between all Federal agencies involved – that means:

- Honoring veterans preference in hiring;
- Prompt adjudication of disability claims;
- Timely access to VA quality health care;
- Housing of the homeless; and
- Any other Federal assistance needed.

Although the treaties are signed, the guns are silenced, the dead are buried, and the parades are over – America's debt to its true "heroes of democracy" continues beyond the grave. As former President Lincoln said so eloquently: *"With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds,* ***to care for him who shall have borne the battle and for his widow and his orphan****, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations."*

These words rang true on March 4, 1865. They ring true today. These programs we address today test this nation's willingness to met its obligations and fulfill its part of the "contract."

Mr. Chairman and Members of the Subcommittee, this concludes my testimony. I appreciate the opportunity to present The American Legion's views on these important and timely topics.