

Employment issues – veterans

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Occupational Licensing

State legislatures have enacted a number of provisions to help returning veterans reintegrate into the civilian workforce over the past several years. This is a trend that follows reports of high unemployment among post-9/11 veterans. Veterans often experience long delays in obtaining civilian employment even when they have transferable skills gained through military education, training and experience.

Since 2010, all 50 states and Puerto Rico have enacted legislation assisting active duty service members and veterans in transferring and obtaining occupational licenses and certifications. Some laws apply only to specific professions while others are broader. Many states now are expanding on previous legislation to cover more professions and address any barriers to licensure that still exist.

In addition, 45 states have enacted legislation to streamline the process for military spouses transferring a license or certification between states.

Examples of Enacted Legislation:

- **Alaska** (HB 46 – 2013): Waives the commercial motor vehicle driving skills test for certain drivers with military commercial motor vehicle experience.
- **Delaware** (HB 296 - 2014): Allows professional licensing boards to recognize military education, training and experience when reviewing credentials and issuing licenses and aims to assist service personnel and their spouses in obtaining and renewing professional licenses when transitioning from active duty. The law also allows boards to issue temporary licenses based upon licensing in another state.
- **Michigan** (HB 4605 - 2013): Authorizes the use of military experience as the basis for licensure as a medical first responder, emergency medical technician, emergency medical technician specialist, paramedic or emergency medical services instructor-coordinator.
- **North Carolina** (SB 761 - 2014): Amends an existing occupational licensing law to require each licensing board to publish a document that lists the specific criteria for licensure that are satisfied by military training or experience. The law also requires licensing boards to notify applicants whose military training or experience does not satisfy the requirements for licensure and explain the reasons behind the decision.

Maine: 12 MRSA §6311 – *Multiple waivers or reduction in criteria for apprentice and licensing requirements for Lobster apprentice program, limited entry fishery license, commercial crab license.*

Maine: 10 MRSA §8010 – *Requires each board, commission, office and agency within Department of Professional and Financial Regulation to adopt processes for facilitating the expediting professional licensing for returning veterans, active military and spouses. The law also permits the recognition of comparable licenses issued in another state until that license term ends or Maine license term begins.*

Employer Grants and Tax Credits

At least 14 states—Alabama, Alaska, Connecticut, Delaware, Idaho, Illinois, Maryland, Mississippi, New Mexico, New York, Utah, Vermont, Washington and West Virginia—provide tax credits to encourage private employers to hire returning veterans. Employers can typically claim the tax credit for the first and second taxable year in which they employ one or more qualified veterans. Credits range from \$1,000 to \$5,000 for each veteran hired.

Examples of Enacted Legislation:

- **Alabama** (HB 152 – 2012): The Heroes for Hire Act provides a \$1,000 tax credit to employers who hire unemployed veterans who recently returned from active duty. It provides a \$2,000 tax credit to recently discharged veterans who start their own business
- **Delaware** (HB 275 – 2012): Provides an employer tax credit up to \$1,500 to spur the hiring of veterans who have served in overseas conflicts since 2001.
- **Vermont** (HB 275 – 2011): Provides a \$2,000 tax credit to employers who hire recently discharged veterans.

In addition, several states provide grants to businesses to encourage the hiring of veterans and to defray costs associated with retraining:

- **Connecticut** (SB 927 – 2013): Provides grants to businesses to subsidize part of the cost of on-the-job training and compensation for newly hired veterans.
- **Missouri** (HB 1680 – 2012): The Show-Me-Heroes program offers on-the-job training for returning National Guard members, reservists and recent active duty service members. Employers are reimbursed for half of the participant's wages during the training period.
- **Wisconsin** (AB 40 – 2013): Creates a grant program to encourage employers to hire and retain disabled veterans. Employers can receive up to \$10,000 over four years for each disabled veteran hired.

Hiring Preference

While all states grant some form of employment preference to veterans in the public sector, private employers had been hesitant to favor veterans because of provisions of the Civil Rights Act of 1964 that prohibit discrimination in hiring. An exception to the law, however, allows veterans preference if authorized under federal, state or local law. Since 2011, 19 states (including 14 states in the past two years) enacted legislation allowing private employers to give preference in hiring to honorably discharged veterans: Arizona, Arkansas, Florida, Idaho, Iowa, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, North Dakota, Oklahoma, Oregon, South Carolina, Virginia, Washington and Utah. Many of the laws also apply to spouses of disabled veterans and surviving spouses.

Maine: 5 MRS §7054 – Provides preference when making appointments and in position retention for veterans employed, or seeking employment, with the state (excluding unclassified service positions). Points are added to earned qualifying ratings in examinations (for which a passing grade has been attained) by a veteran not previously employed in state service. A veteran receiving a disability pension is entitled to preference points regardless of previous state service. Preferences also extended to certain family members of veterans.

When placed on employment registers, veterans are listed before non-veterans with the same rating.

This provision also gives added preference to veterans with regard to retention when reductions in personnel are required.

Maine: 26 MRS chapter 7, subchapter 11 – Establishes the Voluntary Veteran Preference Employment Policy Act. The act states that a private employer may implement a veteran preference employment policy. The policy must be in writing and uniformly applied to employment decisions.

Job Placement Services

These programs facilitate the exchange of information between the state and employers with the goal of linking returning veterans with businesses looking to hire. They may also help veterans prepare a resume and complete applications for employment.

Examples of Enacted Legislation:

- **Arkansas** (HB 1575 – 2013): Requires the Department of Workforce Services to maintain a registry of private employers and local government employers in Arkansas that have a voluntary veterans' preference employment policy.
- **Florida** (HB 7015 – 2014): Creates the Veterans Employment and Training Services program to link veterans with businesses seeking to hire dedicated, well-trained workers. It directs program staff to offer skills assessments to veterans, share information on other state services and assist them in preparing applications for employment.
- **Virginia** (HB 971 – 2014): Requires the adjutant general to establish a program under which the Department of Military Affairs can share information with the Employment Commission on members of the National Guard undergoing discharge, separation or release.

Discrimination in Hiring

Many returning veterans face a subtle form of discrimination as they search for employment. Employers may wrongfully assume that a member of the National Guard or Reserves may be called to active duty shortly after beginning work. For other employers, fears regarding post traumatic stress disorder are the primary concern. In 2014, legislators in Indiana (HB 1242) and Louisiana (SB 412) enacted legislation making it unlawful for an employer to discriminate against a prospective employee based on the individual's status as a veteran or member of the National Guard or Reserves.

Maine has laws governing the preservation of employment status for military service members and National Guard that apply to both public sector and private sector employment.