

MEMORANDUM

TO: Kent Carlson and Michael Wishnie, Co-Chairs, Task Force to Study the Use of
MOS Specialty Training as a Substitute for State Licensing Requirements
FROM: Law Student Interns, Veterans Legal Services Clinic, Yale Law School
DATE: November 26, 2013
RE: State Programs for Crediting Military Experience

I. OVERVIEW

This memo summarizes state and federal efforts to ease the transition from the military to the civilian workforce. Section I presents key findings and conclusions from a survey of national best practices. Section II examines the federal legislation and initiatives on this issue. Section III describes existing practices at the state level. Section IV explores the potential for legislative and regulatory reforms in Connecticut. Section V presents two case studies that might provide useful models for the Task Force. Highlights of the memo include:

- Two significant federal laws on this issue are the VOW to Hire Heroes Act of 2011 and the Veterans Skills to Jobs Act of 2012. These laws establish tax credits for hiring veterans and direct federal agencies to credit military experience.
- Many states have enacted their own legislation to promote veterans employment. The existing state-level legislation tends to focus on a core set of issues, including: spousal licensing; CDL waivers; EMT and nursing licenses; data collection; and license extensions for active duty service members. Legislation from other states may provide a model for the Connecticut Task Force.
- The Task Force may also wish to consider additional state-level reforms, including tax credits, fee waivers, and a campaign to publicize existing veterans employment services.
- At the federal level, the Task Force could consider advocating for military transcript reform and for relaxed restrictions on the use of federal training and employment funds. The Task Force could also support a more extensive fee reimbursement policy from the Department of Veterans Affairs, which currently covers the cost of state licensing fees for some occupations.
- Two state-level initiatives that might serve as useful case studies for the Task Force are a new Maryland law and a recent executive initiative in New York. The White House recently recognized the Maryland Veterans' Full Employment Act of 2013 as "the national standard" in state-level military credentialing legislation. Maryland's law streamlines more than 70 state licenses, requires state universities to give academic credit for military experience, and facilitates licensing for military spouses who move across state lines. In New York, Governor Cuomo's "Experience Counts" program achieves many of the same aims through regulatory reform.

II. FEDERAL LEGISLATION AND INITIATIVES

The federal government has prioritized veterans' employment in a number of ways. In 2012, President Obama oversaw the creation of a Credentialing and Licensing Task Force within the Department of Defense (DoD).¹ In December of last year, the DoD Task Force announced that it would identify military specialties that readily transfer to civilian employment by the end of 2013.² The DoD Task Force then initiated a Pilot Program to study licensing in five specific occupational areas: aircraft mechanic; automotive mechanic; healthcare; supply and logistics; and truck drivers.³ That study is ongoing.

The last four years has also witnessed a steady flow of proposed and enacted federal legislation related to veterans' employment. Two new federal laws are particularly noteworthy. First, in 2011, Congress passed the VOW (Veterans Opportunity to Work) to Hire Heroes Act.⁴ The VOW Act amends the United States Code to require federal agencies to treat active duty service members as veterans for the purpose of hiring.⁵ The goal of this amendment is to enable service members to begin searching for civilian jobs with the federal government before they are discharged from active duty. The VOW Act also provides tax credits to private sector employers who hire unemployed veterans.⁶

More recently, Congress passed and President Obama signed into law the Veterans Skills to Jobs Act of 2012.⁷ That Act directs federal agency heads to treat relevant military training as sufficient to satisfy civilian occupational licenses. It also empowers federal agencies to promulgate the new regulations necessary to credit military experience and training.

Beyond supporting these laws, the White House has also been active in encouraging veterans' employment through the Joining Forces Initiative, a program devoted to providing resources for veterans who are transitioning to civilian jobs.⁸ That Initiative has published two significant reports on issues relevant to the Connecticut Task Force: *The Fast Track to Civilian Employment*,⁹ a study of civilian licensing requirements; and *Military Skills for America's Future*,¹⁰ a report on efforts to leverage military experience to put veterans and military spouses back to work. These reports were circulated at the first Task Force meeting.

III. STATE LEGISLATION

Prompted in part by the Joining Forces Initiative, many states have passed new legislation to promote veterans' employment. The most notable among them is **Maryland**, which has been recognized by the White House as the state that sets "the national standard" on military credentialing.¹¹ In 2013, Maryland passed the Veterans' Full Employment Act,¹² which streamlines licensing requirements for over 70 civilian occupations. That Act requires state licensing agencies to credit military education and training toward the qualifications of civilian job licenses.¹³ It also requires the state's public universities to implement policies that award academic credit for military experience.¹⁴ Finally, Maryland's law requires state agencies to expedite licenses for military service members and spouses who seek to transfer a license across state lines or to obtain a temporary license while re-qualifying in Maryland.¹⁵

A number of other states have also passed legislation related to licensing for veterans and military spouses. State-level legislation tends to focus on several key issues:

A. Spousal Licensing

Many states have passed “spousal licensing legislation” that expedites temporary licenses for military spouses and veterans who cross state lines with existing occupational licenses. These laws have been particularly helpful to nurses and teachers, two occupations common among military spouses. The states with spousal licensing legislation include **Arizona, Colorado, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Montana, New Mexico, Nevada, North Dakota, South Dakota, Tennessee, Utah, Wisconsin, and Wyoming.**¹⁶ In a related initiative, **North Dakota** has passed a law that grants a teachers’ license to an applicant who holds a teaching license in another state. **Connecticut** has achieved partial spousal licensing through the case-by-case provision of temporary and expedited licenses in many occupations, but the state has not implemented any comprehensive legislation to facilitate spousal licensing. More detailed information on Connecticut’s approach to spousal licensing is contained in the separate memorandum on this issue, which was submitted to the Task Force on November 4, 2013.

In addition to passing military spouse-specific statutes, states have also worked to support military families by ensuring broader forms of cross-state licensing reciprocity. **Vermont** recently announced that its Apprenticeship State Council plans to match the federal guidelines for licensing reciprocity between states.¹⁷ In the summer of 2012, the **Utah** Department of Workforce Services initiated the Accelerated Credentialing to Employment (ACE) program, which provides National Guard and Reserve veterans with resources to determine if they already qualify for Utah-based occupational licenses.¹⁸ Utah’s ACE program also offers job training and educational information for veterans.

B. CDL Waivers

Like many states, **Connecticut** has adopted the Military Skills Test Waiver for Commercial Drivers Licenses (CDLs).¹⁹ Other states with CDL waivers include **Arizona,**²⁰ **Kentucky,**²¹ **Mississippi,**²² **South Dakota,**²³ **Tennessee,**²⁴ **Utah,**²⁵ **Virginia,**²⁶ and **Wyoming.**²⁷ **Iowa** has not waived the CDL skills test altogether, but has passed a law that allows its Department of Transportation to waive the driving skills test if a service member can prove relevant active-duty training.²⁸

States have also implemented policies to encourage veterans to obtain CDL licenses. In addition to enacting its CDL law, **Virginia** recently started a “Troops to Trucks” program in which its DMV works with military installations to certify veterans as third party testers to train more personnel to operate commercial motor vehicles. In **New York**, the Governor has initiated a campaign called “Experience Counts,” which waives the CDL test and supports veterans’ efforts to obtain heavy-duty drivers’ licenses.²⁹

C. Law Enforcement

Illinois recently passed legislation that makes it easier for Afghanistan/Iraq Campaign veterans to join the Illinois State Police (ISP). The Illinois law waives certain educational requirements, including the existing rule that ISP candidates who are not yet 21 undergo two years of law enforcement studies. It also waives a rule that prevented officers under the age of 21 from carrying firearms or having the power of arrest.³⁰ **New York** has achieved similar aims

with its “Experience Counts” program, which provides on-site training to help veterans become armed security guards.³¹

D. EMTs and Nurses

Several states have passed laws that streamline occupational licenses in the healthcare industry. **Indiana** and **Kentucky** have recently enacted laws that make it easier for veterans to become EMTs.³² **Wyoming, Utah, Tennessee, Kansas, South Dakota, New Mexico,** and **Mississippi** have passed similar legislation for EMT licenses, and have streamlined nursing licenses as well.³³

E. Construction Trades

Georgia has passed a law that streamlines licensing for construction trades, including electricians and plumbers. Enacted in April 2013, the law created a committee to determine whether veterans should receive skills waivers for their military training. The law also empowered the committee to grant licenses to military spouses.³⁴

F. License Tolling

Connecticut, like **Montana**³⁵ and **Washington**,³⁶ has passed a law that automatically renews most occupational licenses when service members are on active duty. These laws mean that fewer veterans’ licenses expire during their tours of duty. The memorandum on Spousal Licensing and Tolling, which was circulated to the Task Force on November 4, 2013, examines the Connecticut tolling statute in more detail.

G. Mandatory Credit for Military Experience

In 2012, **Oregon** passed a law that requires state agencies to credit military experience when awarding occupational licenses if that experience is substantially equivalent to the education required for licensing.³⁷ **Washington** and **West Virginia** have also enacted laws that make recognizing military experience and training mandatory for state agencies.³⁸

H. Data Collection

Data collection and management efforts are critical to facilitating veterans’ employment. States with notable efforts to centralize data, streamline collection efforts, or integrate disparate data sets in an effort to facilitate veteran employment include **Alaska, Maryland, Minnesota, New Hampshire, Tennessee, Utah,** and **Vermont**.³⁹

I. Other Pending Reforms

Several state legislatures have announced their intention to pass legislation that streamlines occupational licensing for veterans. Those states include **Alaska** and **Hawaii**.⁴⁰ **Michigan** has considered introducing legislation to streamline licenses for barbers, security

guards, electricians, and plumbers.⁴¹ Michigan has also introduced a program that provides wounded veterans with paid internships at the state's Department of Transportation.⁴²

IV. POTENTIAL CONNECTICUT REFORMS

Connecticut has enacted laws, policies, and a number of initiatives for its veterans, including several of the measures listed above. Like many states, Connecticut has adopted the CDL waiver for heavy-duty drivers. Connecticut has also implemented license tolling for a many occupations, and has partially achieved spousal licensing through use of temporary and expedited licenses for jobs common among military spouses. Nonetheless, Connecticut has yet to pass comprehensive legislation to support veterans and military families who would like to enter the state's civilian labor market. Laws from other states might provide a useful model for the Task Force as it moves forward.

In addition to streamlining specific occupational licenses to better credit military training, the Task Force could consider several other state-level reforms. Potential reforms include:

- Reducing or eliminating state licensing fees for all veterans. Connecticut currently has a fee waiver for veterans who received an Honorable discharge and apply for a state license within one year of leaving the military. The Task Force could consider recommending that the state expand this fee waiver provision to capture more of Connecticut's veterans.
- Improving information dissemination and communication with returning veterans. The Connecticut Department of Labor (DOL) has launched a website that connects veterans to employers. The website allows veterans to schedule appointments with employment representatives who provide information about jobs, grants, credits, and apprenticeship and job training programs.⁴³ The Task Force could consider ways to publicize this website.
- Enacting tax credits. The VOW to Hire Heroes Act of 2011 created two federal tax credits to incentivize firms to hire veterans. First, the Returning Heroes Tax Credit allows employers to claim a credit of 40 percent for the first \$6,000 of wages paid to a veteran unemployed for at least four weeks in the last year, or whose family has received Supplementary Nutrition Assistance Program (SNAP) benefits for three of the past 15 months before hiring. If the veteran was unemployed for more than six months in the last year, the employer may claim 40% of up to \$14,000 in wages.⁴⁴ Second, the Wounded Warriors Tax Credit gives a \$4,800 credit to firms that hire veterans within one year of discharge with service-connected disability. The credit increases to 40% of the first \$24,000 of wages for a disabled veteran who has been unemployed for more than six months in the last year.⁴⁵ Connecticut could institute similar tax credits for state employers.

Beyond these three measures, the Task Force could also consider advocating for federal reforms. Notable areas for reform at the federal level include:

- **Military Transcripts.** Transcripts issued by the military are often difficult for civilian employers to translate. The federal government has already recognized this issue and has encouraged the Department of Defense (DoD) to amend military transcripts to provide more legible information for potential employers. In response, DoD has begun working with private sector employers to study ways that it might change the format of its transcripts. The Task Force could monitor these changes and could consider ways to better translate military transcripts for Connecticut employers.
- **VA Reimbursements.** The VA currently publishes a list of occupations for which it will reimburse the costs of state licensing exams.⁴⁶ As the process stands, veterans can apply to the VA for reimbursement after they have taken the relevant exam. To better serve veterans, the VA could expand its list of approved occupations and could better publicize its reimbursement policies. The Task Force could advocate for this reform.
- **Federal Funding.** The federal government currently imposes tight restrictions on states' use of federal employment and training funds.⁴⁷ Relaxing these restrictions would give states, including Connecticut, maximum flexibility to tailor services to their unique veterans populations.

V. CASE STUDIES

Two state-level developments—a new statute in Maryland and an executive initiative in New York—merit particular attention from the Task Force as it considers the best avenues for reform in Connecticut. The case studies described below are also outlined in a shorter memorandum, “Case Studies on Military Credentialing,” which was circulated separately before the last Task Force meeting.

A. Maryland: The Veterans' Full Employment Act of 2013

Enacted earlier this year, the Maryland Veterans' Full Employment Act is designed to smooth the process by which veterans receive state licenses and academic credit for relevant military training and experience. Maryland's law also reduces the burden of relocation for military families by removing state licensure impediments for military spouses.⁴⁸ The legislature passed the Act in response to the federal USA4Military Families initiative, which identified license streamlining and spousal licensing as two of the most pressing issues facing military service members and their families.⁴⁹ Ultimately, the statute aims to produce full veteran employment by 2015, which it defines as a veteran unemployment rate of 3% or lower.⁵⁰ Through Governor O'Malley's performance-management tool, *VetStar*, the Administration will track the state's progress toward this goal.⁵¹

To achieve its aims, the Maryland Veterans' Full Employment Act of 2013 uses a combination of mandatory crediting, expedited licensing, data collection, and information dissemination. Under the Act, Maryland licensing boards are required to consider a veteran's relevant military experience when calculating her years of practice in an occupation.⁵² Maryland licensing boards must also credit any substantially equivalent military training and education.⁵³ In addition, the Act requires state agencies to grant temporary, immediate licenses to applicants

who otherwise meet the specified requirements so that veterans do not have to wait for full licensure to begin working.⁵⁴ In terms of spousal licensing, the Maryland Act establishes a cross-state reciprocity program under which military spouses with existing out-of-state licenses can quickly receive Maryland licenses and join the labor market.⁵⁵ The Veterans' Full Employment Act also requires each state agency to publish information about how its licensing process works for veterans on its website.⁵⁶

Beyond these structural reforms, Maryland's law also specifically addresses health-sector licensing. The Veterans' Full Employment Act requires certain health occupation boards to assign advisors to military applicants. These advisors guide veterans through the licensing process and direct them to opportunities where they can build credentials should they not already possess all the requisite military experience for a particular license.⁵⁷ In addition, the statute permits, but does not require, these health licensing boards to renew licenses that have lapsed as a direct result of a military deployment.⁵⁸

Finally, Maryland's statute provides for robust data collection. Pursuant to the new law, each state agency is required to submit periodic reports to the Governor in which it provides data including the number of veteran, active duty service member, and military spouse applicants for its licenses, the number of such applicants who were approved for licensing, and the number of applicants who were denied licenses. Where agencies have denied a license to a veteran or military spouse, the Act directs the agency to specify the reasons for denial.⁵⁹

B. New York: The "Experience Counts" Campaign

The "Experience Counts" program presents a similar model for reform, in this case enacted through regulation and executive order rather than new legislation. In November 2011, New York Governor Andrew Cuomo initiated a series of reforms to ensure that state agencies recognize military experience when veterans transfer to the civilian workforce and higher education.

In the education sector, Governor Cuomo directed the State University of New York (SUNY) and the City University of New York (CUNY) to improve their procedures for awarding academic credit for military training. Under the Experience Counts program, each school now flags applications received from veterans and active duty service members. SUNY and CUNY also provide centralized guidance to students who are veterans in order to award the maximum amount of credit for their prior military experience and training.

The Experience Counts initiative also reforms licensing and occupational training procedures. Under the new program, the Department of Motor Vehicles (DMV) has agreed to waive licensing fees and road tests for New York Commercial Drivers Licenses (CDLs). As of January 2013, 250 CDLs had been issued under this expedited system. Governor Cuomo also directed the Department of Public Health (DPH) to allow military medic training to count toward certification for home health aide and nursing home aide licenses.⁶⁰ Finally, the Experience Counts Campaign created a free, on-site training program through which veterans can become licensed armed security guards and connect with potential employers.⁶¹

In addition to implementing these changes, the Experience Counts program also expanded the State Council on Returning Veterans and their Families, an inter-agency group that assists the Governor with the efficient coordination of state services for veterans.⁶² That Council has asked State agencies to identify ways that New York can better recognize military skills and training in all of its licensing procedures. Specific licenses covered by the Council's campaign

include: Emergency Medical Technicians, Armed and Unarmed Security Guards, Bus Drivers, Certified First Responders, Crane Operators, Home Health Aides and Nurse Aides, Licensed Radiological Technologists, Personal Care Providers, Tractor Trailer Operators, and Truck Drivers.⁶³

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²² *Id.*

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⁶³ *Id.*