



## GUIDES AND PUBLICATION

### National Obligation to Veterans

Beginning in its first term the Obama administration demonstrated highly visible public White House engagement through First Lady Michelle Obama and Dr. Jill Biden leading the Joining Forces initiative raises awareness of veteran and family issues. This effort emphasizes and relies on volunteerism, such as Give an Hour and other volunteer-based not-for-profit organizations.

Examples of intergovernmental collaboration include the recently released report from the DOD and Department of the Treasury calling on state governments to streamline licensure and certification requirements for military spouses moving from one state to another. Licensure and evaluation activities are similarly called for to enable veterans and their family members to obtain licensure when moving into a state in their post-service lives. There are current and proposed activities in many states related to this activity detailed later in this report, and there may be opportunities for transfer of learning, and for businesses with activity in multiple states to encourage new models. This will require evaluation of military experience and training, collaboration between states and DOD, as well as the various service branches, and between the states in order to evaluate and appropriately credit experience, education, training, licensure, and certifications across oversight boundaries. Such evaluation might also benefit from experience garnered by the American Council on Education (ACE), through its articulated evaluations of experience, training, and education in the military, and its relevance to certification and licensure education and experience requirements.

The nation's obligation to those who have served is also reflected in widespread welcome home celebrations for deployed service members, yellow ribbon campaigns, clarity of the VA's exemption from sequestration in budget cuts, engagement of the DOL with the private sector through the Secretary of Labor's

Advisory Committee on Veterans' Employment, Training and Employer Outreach (ACVETEO), Governor Cuomo's New York State Council on Returning Veterans, JPMorgan Chase' (JPMC) 100,000 Jobs Mission consortium of employers, the U.S. Chamber of Commerce's Hiring Our Heroes campaign, public/private partnerships such as Employer Support of the Guard and Reserves (ESGR), and many others. Such efforts highlight that novel times call for innovative partnerships to fully engage the actors with the necessary experience to address comprehensive issues.





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There are a variety of policy initiatives that are intended to address obligation to veterans for service by addressing employment issues directly. These include protecting employment rights, prohibiting discrimination, implementing affirmative employment action, providing incentives and credits, and providing support for veteran employment through peer supports, encouragement, recognition and other activities. Some address veterans' unemployment directly, e.g., the Veterans' Preference Act of 1944, as amended, and now codified in Title 5, United States Code, the Veterans' Employment Opportunities Act; the VOW to Hire Heroes Tax Credit; the Uniformed Services Employment and Reemployment Rights Act (USERRA); Vietnam-Era Veteran Employment Readjustment Assistance Act (VEVERAA); state unemployment compensation systems; a new Veterans' Job Corp initiative; and others.

Indirectly, the GI Bill, the Post-9/11 GI Bill, and the Yellow Ribbon GI Bill impact employment by providing vocational and post-secondary education funding which allows veterans, and with the Post-9/11 GI Bill their dependents, to prepare for careers. The Americans with Disabilities Act (ADA) provides for accommodations for those with disabilities incurred in military service. And the Family and Medical Leave Act (FMLA), in addition to its provisions for typical occurrences in civilian life, specifically covers leave rights when military members are deployed and when caregivers of military members incur injuries which impact veteran and family member employment.

Title 38 U.S.C Section 43, USERRA, prohibits discrimination in employment or adverse employment actions against service members and veterans. Specifically, "An employer must not deny initial employment, reemployment, retention in employment, promotion, or any benefit of employment to an individual on the basis of his or her membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services."<sup>1</sup> It also provides reemployment rights for those who are deployed from their civilian jobs. USERRA also includes requirements for reasonable accommodations, including obligations to assist veterans in their reemployment to become qualified for jobs through training or through retraining. This obligation applies regardless of whether or not the disability is connected to a veteran's service. USERRA's disability definition is less stringent than the ADA's, and it applies to all employers unlike the ADA which applies only to employers with 15 or more employees.



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VEVRAA also requires non-discrimination in employment for veterans for federal contractors (and not just to Vietnam-era veterans) with contracts that meet certain thresholds (generally greater than \$100,000/year) and which don't fall in certain exceptions (e.g., out of country, and for certain state or local governments). Some states, such as Washington, provide for preferences in hiring veterans under state law, and some states, e.g., California, provide significantly more protections related to disability, and therefore veterans with disabilities, than the ADA.

### Citations:

<sup>1</sup> Uniformed Services Employment and Reemployment Rights Act of 1994, 70 Fed. Reg. 242 (2005) (to be codified at 20 C.F.R. pt. 1002), found on 1002.18, page 75297. Retrieved from <http://www.dol.gov/vets/regs/fedreg/final/2005023961.pdf>.



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