



Legislative Background Brief

for the
Economic Affairs Interim Committee

3/26/14

Military Training Transferability to the Civilian Work Force

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The 2013 Legislature passed Senate Joint Resolution No. 24 requesting a study of how to improve transferability for military training to civilian jobs. Specifically the study asked that an interim committee or staff:

1. monitor work done by professional and occupational licensing boards regarding recognition of military training as equivalent to licensing requirements;
2. identify and examine other certifications or licensing for civilian or state or local government jobs for which military training and skills may be acceptable equivalents; and
3. identify statutes, if any, that may need to be amended to allow reciprocity for military training for licensure or certification.

The Economic Affairs Interim Committee at its initial meeting in June 2013 asked that staff provide a white paper based on the issues proposed in SJR 24. This paper reviews the points listed above and provides information on what state agencies are doing in relation to employing veterans and members of the Guard or Reserve who may be out of work.

I. Professional and Occupational Licensing Board Rules

Two bills, enacted in 2013 jointly as 37-1-145, directed a rule-making process in which licensure requirements of boards or licensure programs may be met by relevant military training, service, or education completed by a member of the armed forces, a National Guard member, or a member of the military reserves. All rules are to be adopted by July 1, 2014, and the Department of Labor and Industry is on track to do so.

Except for the Board of Professional Engineers and Professional Land Surveyors, which drafted its own rule, the Department, through its Business Standards Division, has taken a standardized approach for all its professional and occupational licensing boards and licensure programs using the following language:

NEW RULE: MILITARY TRAINING OR EXPERIENCE (1) Pursuant to [37-1-145](#), MCA, the board shall accept relevant military training, service, or education toward the requirements for licensure as a *[fill in the occupation]*.

(2) Relevant military training, service, or education must be completed by an applicant while a member of either:

- (a) United States Armed Forces;
- (b) United States Reserves;
- (c) state national guard; or
- (d) military reserves.

(3) An applicant must submit satisfactory evidence of receiving military training, service, or education that is equivalent to relevant licensure requirements as a *[fill in the occupation]*. At a minimum, satisfactory evidence shall include:

- (a) a copy of the applicant's military discharge document (DD 214);
- (b) a document that clearly shows all relevant training, certification, service, or education the applicant received while in the military, including dates of training and completion or graduation; and
- (c) any other documentation as required by the board.

(4) The board shall consider all documentation received to determine whether an applicant's military training, service, or education is equivalent to relevant licensure requirements.

Adam de Yong, the administrator of the Business Standards Division that administratively oversees the licensing boards, said the division had worked with the veterans' representative in the Workforce Services Division in the state Department of Labor and Industry as well as the U.S. Department of Labor (through its veterans' affairs unit) to develop appropriate language and documentation references. He noted, however, that except for the DD 214 there is little standard solid information on which boards can rely. In some cases, de Yong said, boards already were informally recognizing military training for licensure, although health boards had more difficulty obtaining proof of equivalent training.

Of the 28 boards or programs scheduled to hold hearings on the draft rule, 12 had done so by March 24. Six remain to be scheduled. The statute does not apply to one board, the Board of Private Alternative Adolescent Recreation and Outdoor Programs, which licenses only facilities, not people. At none of the hearings was there any public comment. See the Table for a review of the status of the various boards' implementation of 37-1-145, MCA.

Board	Board OK	Hearing	Comments	Adoption	Rule Filed
Chiropractors		2/10	none	on 4/4 agenda	estimated 4/14
Hearing Aid Dispensers		2/10	none		
Licensed Addiction Counselors		2/10	none	estimated 3/17	estimated 3/28
Nursing Home Administrators		2/10	none		
Real Estate Appraisers		2/10	none	on 3/25 agenda	estimated 3/31
Architects and Landscape Architects		2/20	none	on 4/1 agenda	estimated 4/14

Occupational Therapy Practice	3/11			
Sanitarians	3/11			
Electrical	3/24		on 4/16 agenda	estimated 4/28
Plumbers	3/24		early-mid April	estimated 4/28
Radiologic Technologists	3/24		on 5/20 agenda	estimated 6/2
Speech-Language Pathologists and Audiologists	3/24		on 5/16 agenda	estimated 6/2
Hearings scheduled				
Barbers and Cosmetologists	4/3		on 4/28 agenda	estimated 5/12
Clinical Lab. Science Practitioners	4/3			
Massage Therapy	4/3		on 5/12 agenda	estimated 6/2
Optometry	4/3		on 4/18 agenda	estimated 4/28
Physical Therapy Examiners	4/3			
Private Security	4/3		on 4/28 agenda	estimated 5/12
Public Accountants	4/3		on 4/30 agenda	estimated 5/12
Radiologic Technologists	4/3		on 5/20 agenda	estimated 6/2
Dentistry	4/4		mid-late April	estimated 5/12
Funeral Service	4/18			
Medical Examiners	4/18			
Outfitters	4/18			
Pharmacy	4/18			
Respiratory Care Practitioners	4/18			
Prof'l Engineers/Land Surveyors	4/18			
Veterinary Medicine	4/18			
Boards have approved/considered draft rule, hearings not yet scheduled				
Social Workers, Prof'l Counselors, Marriage-Family Therapists	12/6/13	May?		

Alternative Health Care	1/10/14	April?			
Realty Regulation	1/15/14	May?			
Nursing	1/22/14	April/May			
Psychologists	2/28/14	May?			
Board has yet to approve draft rule					
Athletic Trainers	Meeting 4/1	May?			
Military training transferability was not seen as compatible with the following board					
Private Alternative Adolescent Residential or Outdoor Programs	board only licenses facilities, not people				

II. Other Certifications or Licensing for which Military Training May Apply

At least two statutes reference certifications that may relate to military training, and one of these was amended in the 2013 Legislature to provide recognition of military training. The statutes are:

- **7-32-303 - Peace officer employment... certification standards.**

This statute regarding certification standards for peace officers is administered by the Public Safety Officer Standards and Training Council, attached to the Department of Justice. POST states on its website:

Military training is accepted hour for hour only with a written explanation of how the training relates to civilian law enforcement, and needs to follow the same rules as required for out-of-state and other training certification.

POST executive director Perry Johnson says he gets calls from former military personnel who have seemed satisfied with the standard application of hour-for-hour credit. Certification requirements are referenced on the POST website at: <https://doj.mt.gov/post/post-certification-requirements/>.

- **61-5-123 - Skills test waived for commercial CDL.**

House Bill No. 508 in the 2013 Legislature provided a waiver of skills test for a veteran who meets certain criteria, including not having a license suspended, revoked, or canceled, and no convictions for a serious traffic violation or other motor vehicle traffic violations other than parking violations.

The Department of Justice through its Motor Vehicle Division did not have to go through rulemaking to implement HB 508's Section 1 regarding the skills test waiver. The Department notes: "Qualification is determined by the commanding officer, who typically certifies the qualification before the service member is discharged." The website also stresses that the knowledge test may not be waived nor could certain endorsements, such as school bus or hazardous materials endorsements, be transferred. The waiver applies to those currently in the military or employed within a military position in the last 90 days who operated a military motor vehicle equivalent to a commercial motor vehicle. The Division included on its website a form from the Federal Motor Carrier Safety Administration available for a waiver:

Brenda Nordlund, MVD administrator, said an informal estimate indicates about 20-30 veterans have used the military waiver in Montana.

III. Statutes that May Need Amending to Allow for Military Training Reciprocity

No other statute clearly relates to employment reciprocity for military training. The following options might be considered to help improve veterans' employment, if legislators were inclined, and most likely would require a change in statutes to provide additional veterans' preference:

- look at revising apprenticeship provisions other than those dealing with professions or occupations already covered by a licensing board.
- modify existing tax incentives for job training to lower the match required of employers who increase the number of jobs available to veterans through such training grants as those available through the Primary Sector Business Workforce Training Act in Title 39, chapter 11, the Incumbent Worker Training Program in Title 53, chapter 2, or the Big Sky Economic Development Program in Title 90, chapter 1.

IV. Ongoing activities aimed at helping veterans find employment

State government has taken an active role in helping veterans and military enlistees in the Montana National Guard and Air National Guard as well as members of the Air, Navy, and Army Reserves find employment if they are without a job. Statistics are not readily available on the employment status of those people who have signed up for Montana's Guard and Reserve forces to serve one weekend a month (and 2-3 weeks in the summer). Some may be employed but others looking for work. The federal Uniformed Services Employment and Reemployment Rights Act protects employees of the Guard or Reserve by assuring that those returning from military service or training have a right to be reemployed at the former job or a nearly comparable job with the same benefits. This section is not about implementing those USERRA benefits. Rather, the concern voiced to legislators is for finding employment for both the unemployed "weekend warriors" in the Guard and Reserves and the veterans who served in any of America's service branches. For the purposes of this paper, the term "veterans" will be generally used to include not only those who are former active military under Title 32 of the United States Code but also those Montana Guard or Reserve members who have completed what the military terms a "qualifying active duty term of service". The Guard and Reserve are enlisted under Title 10 of the Montana Code Annotated, but if called to active duty by the U.S. government they activate under Title 32.

The unemployment rate in Montana for veterans was 6.4% in 2013, compared to 5.2% for nonveterans and 5.6% as a whole. Nationally the unemployment rate for veterans is about 6.6%. What perhaps is most significant is that Gulf War II veterans had a 9% unemployment rate, the highest of any group of veterans. More information on the statistics is available in Appendix I from the Department of Labor and Industry. What is not always clear from statistics, however, is that a recently returned Guard deployment of 148 soldiers had 42 members who came home and are looking for jobs.

The most likely state-based avenues for assistance are through the Montana Department of Military Affairs or the Workforce Services Division of the Department of Labor and Industry.

- **Department of Military Affairs**

A voluntary group called Employment Services for Guard and Reserve or ESGR helps the Department of Military Affairs find employers willing to hire former military. The Department also has staff who help veterans use their military benefits, including the federally supported G.I. Bill and the state-supported Scholarship for Eligible Purple Heart Recipients, enacted in 2013 (see 10-2-118, MCA). Chris Hindoen with ESGR said the passage of HB 508 has helped veterans get a commercial driver's license. He expects that former military medics and master electricians will find the new military training recognition by licensing boards helpful as they transition to civilian equivalents of their military jobs.

- **Workforce Services**

The Workforce Services Division, which operates the Job Service offices in Montana houses a Veterans Services office, which oversees a Veterans Retraining Assistance Program and other veterans' employment programs. The Veterans Retraining Assistance Program provides up to 12 months of training. A list of specialists specifically working with veterans at 23 Montana Job Service offices throughout the state is available at <http://wsd.dli.mt.gov/veterans/vet1.asp>.

Mike Cooney, administrator of the Workforce Services Division, provided performance measures indicating increases or retention in the following employment measures as of 2013, compared with the previous monitoring period:

- veterans entering employment moved from 60% to 64%;
- veterans' employment retention stayed at 83%;
- disabled veterans entering employment moved from 53% to 57%; and
- disabled veterans' employment retention went from 82% to 83%.

Cooney noted that there has been some difficulty in obtaining information from the military, not only because across-the-board comparisons of training are not readily apparent in many cases but because veterans have difficulty accessing a description of their military training. But the Department of Defense is working on those comparisons. Websites, for example, are available that suggest civilian equivalents to military jobs, such as military.com's skill translator. At that site a person can type in what branch of the service they were in, their pay grade, and their military job title. As one example, typing in that a person served as an enlisted recruiter for the Army at grade E-5 might get the following civilian skill matches: contract administration, human resources processes, job placement services, proofreading/editing, and public/media relations. The search can further be targeted to specific states, which then shows potential job-related openings.

Other web sites include H2H.jobs, standing for Hero 2 Hired, part of the Hiring Our Heroes program of the U.S. Chamber of Commerce Foundation. That site, too, provides career recommendations and a career assessment test to help veterans find a good match for their skills. In the first year of its operation, 2011, Hiring Our Heroes had a job fair in Great Falls for members of the Montana Guard and military reserves.

Promoting recognition of military training and experience for those applying for civilian licensure of professions and occupation was one of the 2013 goals of the Department of Defense organization called USA4Military Families. The Western Region State Liaison sent a letter in favor of SB 183 in the 2013 session. That was one of the two bills that required the Department of Labor and Industry to recognize military training equivalencies in professional and occupational licensure. The other was HB 259.