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As related to veterans, my primary concern is jobs. A civilian job is crucial to the soldier truly being home, i.e., reintegrated back into civilian society. Professionals who deal in these matters tell us that one of the best therapies for the mental trauma of war is a good job on which the veteran may concentrate his or her energies. The civilian job is the fundamental foundation for all the other things that can be done for the veteran, especially the male veteran.

The Veterans Preference Act of 1944 assisted thousands of veterans obtain federal employment. As of the end of Fiscal Year 2010, the last report I could find online, the US Office of Personnel Management (OPM) reported a total non-postal federal workforce of 2,061,435 employees, of which 542,642 or 26.3%, were veterans. For further details: www.fedshirevets.gov/index.aspx and scroll down to Veterans Employment Data on right of screen. (Do you have any idea how many veterans are employed by the State of Oregon?)

In 2007 Oregon enacted Senate Bill 822, which, patterned after the Veterans' Preference Act of 1944, gives veterans preference for Oregon public service positions in state, county, city and special district organizations. SB-822 is codified at ORS 408.225-235.

As late as early 2011, almost four years after enactment of SB-822 I kept hearing reports from veterans that the law was not being followed in their area. Unbelievable! I went on the internet and visited the web site of all 36 counties. I looked for a stated policy or evidence such as the application form requiring the info necessary to grant veterans' preference, i.e., did the applicant actually claim service in the military, dates of service, type of discharge, requirement for DD-214, etc. Attached are my notes on what I found. (Encl 2) I found evidence

indication that perhaps only 14 of the 36 listed counties were applying veterans' preference in hiring. This information, plus additional information re other organizations apparently not applying veterans' preference, was reported to, among others, BOLI and to Jim Willis, Director of Veterans Affairs. Like firing blanks – some noise but no effect.

The March 7, 2011 issue of Time magazine included a tragic story of a Guardsman, who, after murdering his pregnant wife, their 13 month old daughter and the family's three dogs, put the pistol to his own right temple and fired his last shot. In addition to suffering from the demons of PTSD, this former Guardsman was having trouble finding a job.

I am by no means an expert on the subject of suicide. I had met Robert Tell, the Portland VA Medical Center's expert on suicide prevention as he has lectured on the subject at our VFW Post 1442. After I read the Time story, I asked Mr. Tell if there was any evidence linking suicides to inability to get a job. He said not, and especially not in the case of veterans, citing VA and Center for Disease Control studies. He did say, however, that incidents of suicide clearly increased during economic hard times. Maybe not scientific but to me that establishes a link, tenuous though it may be, between the failure of a veteran suffering from PTSD to get a job to feed his family (hard times) and the suicide of that veteran. (Tell me any worse trauma than being a man not able to feed his family.) Enough of a link in my mind to try to lend some urgency to the task of ensuring SB-822 (ORS 408.225-235) was being applied by all covered organizations.

Governor Kitzhaber's web site invites correspondence from the public. He is in charge. I believe he can make things happen if he chooses to do so. Surely this issue warranted his attention. Hence the letter, dated March 7, 2011, to Governor Kitzhaber attached as enclosure 1. The letter refers to the Time magazine story, discusses my findings with regard to the survey of the county web sites, and presented recommendations which I believed ODVA could and should take to ensure implementation of SB-822. Also discussed in the letter is how one organization, the Tualatin Hills Park and Recreation District, not aware of SB-822 but when advised of it and its requirement, immediately implemented. That case was cited as an example of what could be done with a bit of initiative.

Almost a year since that letter was sent. No answer. That I did not receive a reply is not important. What is important is that apparently no action was taken to remedy the situation.

In my contacts as a private citizen I received a few thanks and caused a few organizations to establish preference policies. However, many ignored me. I suggest public employers would be more responsive to a contact from an employee of either ODVA or the Employment Department, as suggested in the letter to Governor Kitzhaber.

Then comes the Kermit Lisle complaint of denial of his veterans' preference rights by the Oregon State Hospital. The Bureau of Labor and Industries ruled that in fact the hospital did deny Mr. Lisle his veterans' preference rights. (See copy of Oregonian article attached as enclosure 3. About the only thing a private citizen can do in these situations is vent their frustration by writing a letter to the editor. Attached are copies of my letters to the Editors of the Beaverton Valley Times and the Portland Tribune. (encl 4)

With respect to the BOLI decision on the Lisle case. BOLI publishes Final Orders on cases, essentially an abbreviated case report. These can be excellent educational tools which are sorely needed in the case of veterans' preference. The US Merit Systems Board publishes case reports which are excellent resource material in understanding veterans' preference and other statutes subject to adjudication by MSPB. For some reason, the Lisle case does not appear on BOLI's Final Orders web site. It is requested this Committee encourage BOLI to also publish the Lisle case Final Order as well as any others involving this subject.

The Oregonian article quotes Cameron Smith, senior policy advisor to the Governor, as saying, "generally, the preference is not well understood" among public human resources representatives. And he said that other levels of government – counties, cities, school districts – may not understand it fully either.

What I find most disturbing about the Oregonian report is the apparent complacency of Mr. Smith. The Oregonian may have misquoted Mr. Smith but I think not. The survey of the counties indicates at that time the preference was not well understood, not even known to exist by many. Confirmed by the Lisle case itself. Moreover, not only did Mr. Cameron not say anything about

corrective action, none has apparently been initiated. I resent every penny of my taxes that goes to the salary of such a bureaucrat, a bureaucrat who recognizes a problem and does nothing about it.

Mr. Cameron is further quoted as saying “our main challenge is always driving it into every policy area”, and not limiting it [to] such agencies as the Oregon Department of Veterans Affairs. Mr. Cameron seems to disregard that per ORS 406.030 a major function of the Director of Veterans Affairs is to work to drive it into every policy area, i.e., he “...shall organize and coordinate the administration of all present and future federal and state laws pertaining to veterans...”

As a taxpayer I find it frustrating that after applauding our legislature for passing good legislation, nothing happens. Bureaucrats ignore the legislation. I recognize it is difficult for a part-time legislature to exercise a lot of oversight. It is requested in this instance, however, that this Committee hold oversight hearings on what the Governor’s Office, the Director of Veterans Affairs, the Director of Administrative Services, and the Bureau of Labor and Industries have done and intend to do to ensure that SF-822 and its implementing regulations are understood and applied by all organizations to which they apply. Veterans looking for work deserve no less.

As noted above, federal departments are required to report annually on employment of veterans within their departments. The US Office of Personnel Management (OPM) publishes these statistics. Congress uses these reports to monitor how well federal departments are doing. Attached as enclosure 5 is a copy of news article about Senator Grassley zinging federal departments for lagging in the employment of veterans.

It is recommended this Committee legislate or urge the Governor to establish a system of reports on the employment of veterans by the State Government. A draft of a proposed Executive Order is attached as enclosure 6. It is expected that such a report would motivate state activity heads to pay attention to the employment of veterans in their activities. Moreover, it is hoped the numbers reported would set a high standard for lower levels of government as well for private sector employers.

It is recommended this Committee consider amending ORS 408.225-235 to provide hiring preference for widows/widowers of service members killed in the line of duty or dying as a result of injuries sustained in the line of duty and for spouses of 100% disabled veterans. A proposed amendment is attached as enclosure 7.

Title 38 US Code 4212 requires contractors performing on certain kinds of contracts to conduct special outreach programs to hire veterans. It is requested this Committee consider legislation requiring contractors performing on certain state contracts, say above a certain dollar amount or of a given duration, to conduct special recruitment outreach programs for veterans and to give preference to fully qualified veteran applicants. The legislation should require State contracting officers to write these provisions into state contracts.

The US Senate passed a resolution in 2007, Senate Resolution 373, November 8, 2007, urging all employers to target veterans for recruitment and to provide preference in hiring to qualified veterans. A copy of the resolution is attached as enclosure 8. Request this Committee consider such a resolution.

This Legislative Assembly is to be commended on its efforts to reduce the cost of the State bureaucracy by eliminating certain supervisor and public affairs positions, thus improving the efficiency of the bureaucracy. I suggest an area to examine for reducing costs and improving efficiency would be the huge State bureaucracy involved in the administration of veterans' benefits. Not counting federal VA employees in the regional office or the five VA Veterans Centers, I suggest there are at least 60 employees on the State payroll involved in the benefits process. This does not include the employees of the universities and colleges involved in administering GI Bill education claims. Nor does it include the Service Officers of the veterans organizations such as the VFW, DAV, etc.

ODVA claims many of these state employees are needed to advocate for veterans, to defend veterans' claims against the VA. The VA is not the enemy. It has been my experience that VA employees are just as anxious to ensure veterans get their due as these so-called advocates. As a taxpayer I find it offensive to be paying state employees to advocate for veterans. That is the job of the veterans organizations, tax free organizations such as the VFW, American Legion and so on.

Moreover, I find it offensive to pay VA to administer benefits, act on claims, and then pay state employees to challenge the VA decisions. Doesn't make sense.

The entire state bureaucracy involved with veterans issues needs to be examined. Recommend it be audited and ways examined to reduce the size and make it more efficient. For example, regionalize the county veterans service officers. Put them and so-called claims officers on itinerant schedules. With the technology available no reason why these functions cannot be performed more efficiently, thus freeing tax dollars for the real needs of veterans, such as medical care, research on prosthetics, etc. .

Finally, and with all due respect to the legislators who sponsored and voted for it, I would be remiss if I did not comment of HB-3207. ODVA in the VETS NEWS issue of Nov/Dec 2011 would have you think HB-3207 is the best thing since sliced bread. In fact, it is in the final analysis no better than misleading clutter. Misleading in the sense that veterans may be led to believe that HB-3207 gives them rights above and beyond ORS 408.225-235. Clutter in that it is more stuff that employers must plow through to determine what is really required of them. (And the more meaningless clutter the less popular veterans' preference becomes. And in my experience veterans' preference is more popular in the abstract than in real life. The bother and trouble of administering a complicated system is bad enough, but even worse is when it interferes with the hire of a favored non-veteran candidate.)

The VETS NEWS article states: "Under the provisions of HB-3207, veterans who clearly show in their public employment applications that their military education, skills and abilities are directly transferable and meet the minimum qualification and desired attributes will automatically get an interview for the position."

And now what does HB-3207 actually provide. Section 2(2) states: "(2) When an interview is a component of the selection process for a civil service position or for an eligibility list for a civil service position, a public employer shall interview each veteran:

"(a) Whom the employer determines meets the minimum qualifications and special qualifications for the civil service position or eligibility list; and

“(b) Who submits application materials that the public employer determines show sufficient evidence that the veteran has the transferable skills required and requested by the public employer for the civil service position or eligibility list.”

Fine, in the quoted provision HB-3207 provides pretty much what the VETS NEWS says it provides. However, immediately following Section 2(3) zeros out the interview requirement. Section 2(3) states: “(3) A public employer is not required to comply with subsection (2) of this section if the employer conducts interviews only as a part of the process of selection of a candidate for a civil service position or eligibility list.” (underscoring added)

I know of no public employer who does not require written applications which are required to determine if the applicant has the required skills, knowledge and abilities. Indeed, HB-3207 itself requires such. Interviews are not conducted until after this basic determination is made. Thus, clearly the interview is only a part of the process and thus is not required. However, I add that if the candidate meets the requirements of HB-3207, he or she would probably meet the requirements of ORS 408.225-235 and would receive consideration under that statute. Again, misleading and unnecessary clutter that ought to be removed from the books.

One other objection to HB-3207. Section 2(5) provides that the Department of Veterans Affairs shall provide training to veterans on how to show evidence of transferable skills. It is suggested that function would be more properly placed in the Employment Department with the LVERs and DVOPs. I suggest it already exists there. I have known some of these individuals who do (or did) an excellent job conducting such training. It is on the Employment Department website that one will find access to the Military Occupations Translator which provides detailed guidance on describing military occupations in civilian terms. Suggest Section 2 of HB-3207 be repealed.

In concluding I want members of the Committee to know that while I have presented my concerns herein, they are also the concerns of many others, veterans and non-veterans alike. These concerns and ideas on how they may be addressed have been accumulated over the years. Many of them, of course, have their genesis in my association with comrades of VFW Post 1442.

Thank you for reading this testimony and for any action you may take on it.