

## NATIONAL VETERANS EMPLOYMENT & EDUCATION COMMISSION

### TOPIC 1: ECONOMY

The labor market is offering signs the economy is starting to mend from a steep winter slowdown. Worker filings for unemployment benefits—while still high—decreased to 793,000 last week, well below an early January peak that exceeded 900,000. Employers resumed hiring in January after payrolls fell at the end of 2020, and job openings picked up, driven by growth in industries that have weathered the pandemic relatively well.

The worst of the pandemic's effects on the job market appears to have passed, said Aneta Markowska, chief economist at Jefferies LLC. "Things are starting to improve again in the labor market," she said.



Last week's overall jobless claims number could have been lower than reported. The Ohio Department of Job and Family Services said it believes the state's large increase in jobless claims last week was primarily driven by attempted fraud. The state reported approximately 140,000 new unemployment claims in the week ended Feb. 6, triple the figure reported a

week earlier. The state's unemployment office said it would review all claims, leading to delays for some legitimate filers. States across the country have struggled with fraudulent unemployment insurance claims during the pandemic.

One catalyst for the recent labor market improvement is the latest round of government aid, including small-business loans intended to help employers keep and rehire workers, said Ms. Markowska. Another is the relaxation of pandemic-related business restrictions in California and the Northeast.

California lifted its stay-at-home order in late January, allowing restaurants to resume outdoor dining. Restaurant bookings have improved in the state since restrictions were eased, Ms. Markowska said, citing OpenTable data. Hiring in California's leisure-and-hospitality sector is likely to recover from large losses this winter, she added.

Some Northeastern states have also recently eased restrictions. New York City said restaurants could begin indoor dining with limited capacity on Friday. New Jersey's governor announced this month that restaurants, gyms, and nail salons could expand indoor capacity limits.

The economy broadly slowed this winter. Job gains stalled, and consumers cut back on spending. Many economists say the recovery, in the longer term, is mainly dependent on the path of the coronavirus. A successful rollout of vaccines and containment of virus variants will ultimately allow more consumers to feel comfortable with in-person activities and businesses to reopen fully, they say.

Unemployment filings remain above the pre-pandemic peak of 695,000, pointing to the long road ahead for the recovery. About 4.5 million Americans were collecting unemployment benefits through regular state programs in the week ended Jan. 30. So-called continuing claims are well below pandemic highs but more than double the levels were seen a year ago. “It’s still hard to say how quickly things will bounce back from the winter slowdown, but it does seem like things are trending in the right direction,” said Daniel Zhao, senior economist at job site Glassdoor. December payrolls mainly fell because companies were reluctant to hire workers, not because they were laying them off, he said, referencing a recent Labor Department report. Laurie Thomas, the owner of two San Francisco restaurants, is bringing back workers who were furloughed due to California’s ban on outdoor dining this winter.

Ms. Thomas, this week reopened the outdoor eating areas for bistro-café Rose’s Café and the Mediterranean-inspired Terzo. She plans to “run lean,” initially operating with workers necessary for operations, such as chefs, sous chefs, and servers. She said the restaurants would hold off on recalling hosts and extra runners, and employment will run at about 50% to 60% of pre-pandemic levels. “There’s the fear of closing down again,” Ms. Thomas said. “We’re kind of snakebit.”

Ms. Thomas is hopeful the restaurants can offer indoor dining soon because the restrictions limit sales and staffing levels. In a best-case scenario, she expects Rose’s Café and Terzo to seat about 50% as many diners this Valentine’s Day compared with last. Many workers are experiencing long spells of joblessness.

About 4.8 million Americans who exhausted their regular state benefits were drawing on extended benefits through one of the federal pandemic programs in the week ended Jan. 23, a jump from 3.6 million a week earlier. The number of individuals receiving aid through a federal program for workers not typically eligible for unemployment benefits, such as gig-economy workers, also increased at the end of January.

The number of claims for all benefits programs, including those two programs, increased in the week and ended Jan. 23 to more than 20 million from nearly 18 million the week before. The pandemic programs were extended through mid-March by the coronavirus-aid package signed into law in December. Some economists have said that the weekly figures for pandemic unemployment programs are incredibly volatile.

At the start of the year, many state labor departments updated their claims systems after former President Trump signed a bill in December extending the federal programs. According to a new Pew Research Center survey, about half of people who are currently unemployed are pessimistic about quickly finding a job. Douglas Montgomery, 52 years old, of Torrance, Calif., was laid off from his consulting job at Warner Bros. Entertainment in November.

He said he began sending out dozens of applications for jobs listed on online job sites, many of which were below his skills level, but didn’t hear back. “I just got nowhere with them. I mean nothing,” Mr. Montgomery said. “Just, ‘Thank you, but you’re not the right fit at the moment,’ which, quite frankly, is a little shocking but also totally disheartening.” In the past month, Mr. Montgomery has landed a few job interviews but no offer. He believes he is striking out because other job applicants are “95% qualified” for a given role, whereas he might be “85% qualified.”

*[Reported by Ariel De Jesus]*

HOUSEHOLD				DATA		
Table A-5. Employment status of the civilian population 18 years and over by veteran status, period of service, and sex, not seasonally adjusted						
[Numbers in thousands]						
Employment status, veteran status, and period of service	Total		Men		Women	
	Jan 2020	Jan 2021	Jan 2020	Jan 2021	Jan 2020	Jan 2021
Unemployed	319	500	282	461	36	38
Unemployment rate	3.5	5.5	3.5	5.8	3.2	3.3

*The national unemployment rate is 6.7 percent (January 2020). Gulf War II veterans' unemployment rate is 6.3 percent. Currently, Gulf War II women veterans' unemployment rate is 3.8 percent (down from 5.0 percent in November).*

In January 2021, the veteran unemployment rate was 4.9%. The comparable non-veteran unemployment rate was 6.3% in January.

## TOPIC 2: VIRTUAL MEETINGS & CONFERENCE CALLS

**On Monday, February 8,** the National Veterans Employment and Education Division attended NASAA Washington Conference. Speakers included Commissioner John Maxwell of the Virginia Department of Veteran's Affairs, NASAA President Annie Walker, and James Rhulman, Deputy Director, Veteran's Benefits Administration, VA Central Office.

The final event of the day was the Policy Panel. John Kamin did an exceptional job of representing the Legion and discussing VE&E programs and legislative priorities. Other VSOs on the panel included Veterans of Foreign Wars (VFW), Veterans Education Success (VES), National Association of Veterans Program Administrators (NAVPA), Tragedy Assistance Program for Survivors (TAPS), and Student Veterans of America (SVA).

**On Monday, February 8,** the National Veterans Employment and Education Division met with Project Director Woodall to prepare for RBS briefing to NASAA this week and to CCME meeting later this month.

**On Monday, February 8,** the National Veterans Employment and Education Division had another conversation with Grayson Westmoreland and Jon Clark, minority staff, on pending legislation and priorities for the 117th Congress. Bills being considered are the digital GI Bill (complete IT makeover for education benefits area), increased approval requirements, and job training.

**On Monday, February 8,** the National Veterans Employment and Education Division participated in a policy panel at the National Association of State Approving Agencies mid-winter meeting.

VE&E staff discussed the Legion's 2021 education policy priorities, and learned about state approving agency concerns about legislative implementation of H.R. 7501.

***On Tuesday, February 9,*** the National Veterans Employment and Education Division met with HVAC majority staff to discuss priorities for the 117th Congress in the area of veterans education, including a move toward parity for BAH for online learning.

***On Tuesday, February 9,*** the National Veterans Employment and Education Division had a conversation with Esmeralda Silva, CCME President to discuss DOD oversight of schools and impact of 90/10 on CCME institutions and students. Discussed forthcoming Veterans Education Project report.

***On Tuesday, February 9,*** the National Veterans Employment and Education Division attended day two of the NASAA Conference. National Higher Education Consultant, Joseph Wescott presented on the Risk Based Survey Project and Model. Pilot began this month in six states; Texas, Nevada, Illinois, Delaware, New York and Oklahoma. We are on track to roll the new model out nationally October 1.

***On Tuesday, February 9,*** the National Veterans Employment and Education Division hosted their 4th Virtual Career Fair with the Department of Texas and Texas Veterans/Workforce Commission. The event was a huge success with 910 registered job seekers (Bahrain, Japan, Italy, Germany, Guam, Australia, Botswana, and two active-duty sailors out to sea aboard a U.S. Destroyer) and 260 employers.

***On Tuesday, February 9,*** the National Veterans Employment and Education Division participated in a roundtable meeting convened by DOL VETS introducing DOD's new Assistant Secretary of Defense for Readiness Thomas Constable. VE&E staff shared the Legion's work on licensing and credentialing, as well as the plans for unveiling our new Military Credentialing Advancement Initiative.

***On Wednesday, February 10,*** the National Veterans Employment and Education Division met with Arnold Ventures and VES. Priority for 117th Congress is 90/10 and the language is inserted in the American Rescue Act being moved through Congress utilizing budget reconciliation process. This means that no amendments may be made to the package. However problems may develop in the Senate due to the Byrd Rule.

***On Wednesday, February 10,*** the National Veterans Employment and Education Division attended day three of the NASAA Conference and Joseph Wescott moderated the Congressional Staff panel attended by Justin Vogt (HVAC Majority), Jon Clark (HVAC minority), Simon Coon (SVAC Majority) and Kelsey Baron (SVAC Minority). Excellent discussion of Job Ready Bill, enhancements to approval requirements bill, and GI Bill digitalization.

***On Wednesday, February 10,*** the National Veterans Employment and Education Division had a conversation with DEVR University Veterans and Military Affairs Director Scott Leering. Scott wishes to set up monthly meetings and wishes the first meeting to be with his new president and Director Sharpe. He explained that though the university severely downsized their military affairs staff, they remain committed to serving veterans.

***On Wednesday, February 10,*** the National Veterans Employment and Education Division spoke with Mark Toal, Director, Outreach for the Department of Labor, Veterans Employment and Training Services (DOL-VETS), regarding the Acting Assistant Secretary's confirmation of DOL-

VETS to address our commission on March 1. He will focus on the direction of DOL-VETS in the new administration.

***On Wednesday, February 10,*** the National Veterans Employment and Education Division participated in a planning call with the Arnold Foundation regarding its education advocacy grant to the Legion. VE&E staff shared its progress on the 90-10 issue, as well as 2021 education priorities.

***On Thursday, February 11,*** the National Veterans Employment and Education Division had conversations with VES on problem schools in GA and LA and need for the SAAs to act. Discussion with Texas SAA Director on approval issue there. Also, worked on GWB Institute policy recommendations.

***On Thursday, February 11,*** the National Veterans Employment and Education Division attended first virtual HVAC Hearing to organized Committees and Subcommittees. Chairman Takano is still head of HVAC and Congressman Mike Levin is Chair of Subcommittee on Economic Opportunity. In Mark UP of the Covid Package, no Republican Amendments were allowed. Those amendments included assistance to help veterans with cancer, Buy American for medical supplies and increased funding for the VA OIG. All failed on party line votes.

***On Thursday, February 11,*** the National Veterans Employment and Education Division attended a debrief call with the Department of Texas, Texas, Veterans/Workforce Commission regarding the virtual career fair on February 9. The focus was on lessons learned.

***On Thursday, February 11,*** the National Veterans Employment and Education Division met (virtually) with Michael Hinkle, President, and Liza Gonzales, Chief Strategy Officer of Skill Mil. SkillMil is a veteran-owned business geared at hiring and placing veterans with companies and organizations globally. Additionally, their focus is on the lower enlisted (E1-E5) and ensuring that they can obtain meaningful employment.

***On Thursday, February 11,*** the National Veterans Employment and Education Division conducted a conference call with Lumina Foundation about Legion progress on the MCAI grant. The Legion will be officially launching its MCAI report on March 3rd, and invited a Lumina representative to be a part of the launch. Lumina accepted the invitation, and expressed they were pleased with the Legion's progress.

***On Friday, February 12,*** the National Veterans Employment and Education Division had discussions with HVAC staffers and congressional members on implementation of Isakson and Roe.

***On Friday, February 12,*** the National Veterans Employment and Education Division met with NASAA and EdCounsel on RBS project. Final day of NASAA Washington Conference and meeting of the Executive Board.

***On Friday, February 12,*** the National Veterans Employment and Education Division had a video call with Oliver Holland, Senior Manager – Sourcing & Attraction for Rolls-Royce based out of London, UK. The focus was primarily on employment opportunities coming up in June. Rolls-Royce is in the process of obtaining a contract from the United States Air Force to redesign and rebuild their Rolls-Royce engines for all B-52's in the Air Forces Fleet. The plant would be based out of Indianapolis, Indiana. They would like to focus on attracting veterans that possess the soft skills they obtain while in the military.

## **GLOSSARY OF FREQUENTLY USED ABBREVIATIONS**

ACE: American Council on Education  
ACP: American Corporate Partners, a veterans support organization  
ATLAS: Accessing Telehealth through Local Area Stations, a V.A. telehealth initiative  
BLS: Labor Department's Bureau of Labor Statistics  
C&P: V.A.'s Compensation and Pension exam  
CAVC: Court of Appeals for Veterans Claims  
COLA: Cost-of-living adjustment  
CSAAVE: California State Approving Agency for Veterans Education  
DIMO: Defense Security Cooperation Agency/Defense Institute for Medical Operations  
DOD: Department of Defense  
DOL-VETS: Department of Labor, Veterans Employment and Training Services  
EdCounsel: Higher education consulting firm  
EIDL program. SBA's Economic Injury Disaster Loans  
EIDL: Economic Injury Disaster Loan  
GAO: Government Accountability Office  
GPD: V.A.'s Grant and Per Diem Program for homeless veterans  
GWB: George W. Bush Higher Education Policy Work Group  
HEROES ACT of 2003: Higher Education Relief Opportunities for Students Act of 2003. Grants the Secretary of Education the authority to waive requirements that impede military borrowers' access to critical repayment protection during the war, military operation, or national emergency.  
HVAC: House Veterans Affairs Committee  
MCAI: American Legion's Military Credentialing Advancement Initiative  
MSLP: The Federal Reserve's Main Street Lending Program  
MSO: Military Support Organization  
NAICU: National Association of Independent Colleges & Universities  
NASAA: National Association of State Approving Agencies. Responsible for approving school funding for GI Bill  
NAVPA: National Association of Veterans Program Administrators  
NCA: V.A.'s National Cemetery Administration  
NDAA: National Defense Authorization Act  
NLD: American Legion's National Legislative Division  
OPM: Office of Personnel Management  
PPP: Paycheck Protection Program  
RBS: Risk-Based Survey Model  
RPIC: Rural Placemaking Innovation Challenge  
S2S: Service to School, a veterans organization  
SAA: State Approving Agency, responsible for approving school funding for GI Bill  
SBA: Small Business Administration  
STEM: Science, Technology, Engineering, Medical  
SVA: Student Veterans of America, a veterans organization  
SVAC Senate Veterans Affairs Committee  
TAPS: Transition Assistance Program for Survivors, a nonprofit for Gold Star Families  
TEAM Act: Senate Bill 4393, to improve the provision of health care for veterans who were exposed to toxic substances from burn pits  
TFA: American Legion's Temporary Financial Assistance program  
USAID: United States Agency for International Development  
USDA: United States Department of Agriculture  
USERRA: Uniformed Services Employment and Reemployment Rights Act  
VA&R: American Legion's Veterans Affairs and Rehabilitation Division

VACO: Veterans Affairs Central Office  
VBA: V.A.'s Veterans Benefits Administration  
VE&E: Veterans Employment and Education Division  
VES: Veterans Education Success, a veterans organization  
VSO: Veterans Service Organization

### TOPIC 3a: TRACKING LEGISLATION

**GI Bill Repair Act of 2020:** To extend to black veterans of World War II, their surviving spouses, and direct descendants eligibility for specific housing and educational assistance programs administered by the Secretary of Veterans Affairs

(Tracked by John Kamin)

[Resolution No.: None on file](#)

**Status: Currently on hold, has not been introduced**

**Homeless Veteran Coronavirus Response Act:** The bill allows V.A. to use existing funds for a broader range of services; authorizes the Department to collaborate with outside organizations to facilitate shelters on its properties; loosens restrictions on Grant and Per Diem (GPD) payments, and requires V.A. to ensure veterans participating in V.A. homeless programs have access to V.A. telehealth services.

(Tracked by Ariel De Jesus)

[Resolution No. 326: Support Funding for Additional Housing for Homeless Veterans with Families](#)

**HR 6800, the Heroes Act:** Allows VA to provide transport and purchase food, shelter, phones, clothing, blankets, and toiletry items for homeless veterans; Authorizes VA to set up temporary encampments on the grounds of V.A. Medical Centers to allow homeless veterans to shelter on V.A. parking lots temporarily; Allows VA to provide reimbursements to social service providers receiving grants for the costs of services for minor children.

(Tracked by Ariel De Jesus)

[Resolution No. 324: Support Funding for Homeless Veterans](#)

**HR 1615:** The American Legion supports legislation that would streamline and improve the verification process for veteran-owned small businesses and veteran-owned small businesses.

(Tracked by Joe Sharpe)

[Resolution No. 155: Support Verification Improvements for Veterans' Business](#)

**Status: Passed at the 2016 National Convention.**

**HR 2224:** To direct the Secretary of Labor to prioritize services to homeless veterans with dependent children in carrying out homeless veterans' reintegration programs and for other purposes.

(Tracked by John Kamin)

[Resolution No. 326: Support Funding for Additional Housing for Homeless Veterans with Families](#)

**HR 1196, Jobs for Veterans Act of 2019:** This bill allows an increased work opportunity tax credit for employers who hire veterans who have been certified as discharged or released from active duty in the Armed Forces after September 11, 2001, and who begin working for the employer after December 31, 2019, and before January 1, 2024. This increased credit is in addition to any work opportunity tax credit allowed to a veteran with a service-connected disability.

(Tracked by John Kamin)

**Resolution No. 354: Work Opportunity Tax Credit Program**

**HR 7010, Paycheck Protection Program Flexibility Act of 2020:** This bill significantly changes the PPP loans' terms to be more advantageous to small businesses. Including more flexibility in applying the loan to other expenses besides payroll and benefits and extending the time frame for expending the loan.

(Tracked by Joe Sharpe)

**HR 4625:** To require education programs to be approved by the V.A. to abide by the Principles of Excellence to include a ban on deceptive or misleading recruiting, clear information about total costs and program requirements, accommodation for deployments, ensuring a point of contact for veterans, and not being under a punitive action by an accreditor.

(Tracked by John Kamin)

**Resolution No. 318: Ensuring the Quality of Servicemember and Veteran Student's Education at Institutions of Higher Education**

**HR 6957:** To direct the Secretaries of Defense and Veterans Affairs to treat a period of full-time National Guard duty, performed in response to the national emergency declared on March 13, 2020, by the President concerning COVID-19, as not shorter than 90 days.

(Tracked by John Kamin)

**Resolution No.:** Currently studying for appropriate resolution.

**HR 4920 Department of Veterans Affairs Contracting Preference Consistency Act of 2020:** is a bill that would allow AbilityOne companies to keep their preferential treatment at the Department of Veteran Affairs after 2016 with some compromises. The Senate initially sent it back to the House after it was passed for changes. Those changes have been reconciled, and the bill cleared its last hurdle before it is sent to the White House.

**S. 2594:** To amend title 5, United States Code, to modify specific requirements concerning service and retirement for veterans' Preference for federal hiring.

(Tracked by Ariel De Jesus)

**Resolution No. 317: Enforcing Veterans' Preference Hiring Practices in Federal Civil Service**

**S. 3745, Coronavirus Emergency Borrower Defense (E-BD) Act:** to require the Department of Education to grant full student loan discharges to three specific emergency categories of defrauded borrowers—specifically borrowers covered by:

- (1) Department of Education findings against Corinthian.
- (2) Department of Education findings against ITT Tech; and
- (3) State attorneys general group discharge applications made before the date of enactment.

(Tracked by John Kamin)

**Resolution No. 82: Preserve Veteran and Servicemember Rights to Gainful Employment and Borrower Defense Protections**

**TOPIC 3b: ACTION TAKEN ON LEGISLATION**

**Building Credit Access for Veterans Act:** A bill to require the Secretary of Veterans Affairs to carry out a pilot program to establish an automated process for obtaining alternative credit rating information and other purposes.

(Tracked by Ariel)



**Status: Draft Bill / Letter of Support submitted on October 13**

**HR 8426:** Protecting Apprenticeship Training for Veterans Act: Currently, veterans must meet a minimum number of apprenticeship hours to receive their Housing Allowance. Due to pandemic work shortages, veterans in those programs now face a reduction or suspension in their stipend. This would allow veteran apprentices who were laid off to roll over excess hours from a previous month to meet the hourly requirement.

(Tracked by John Kamin)

[Resolution: Resolution No. 25: Support and Expand Apprenticeship Opportunities for Servicemembers](#)

**Status: Letter of Support drafted**

**HR 4941: Veteran Employment Transition Act” or the “VET Act”** was sponsored by Representative Andy Kim. The bill's last action was in the House on 12/02/2019; it was referred to the Subcommittee on Economic Opportunity. The bill's goal is to improve the Transition Assistance Program. The bill would allow certain veterans' service organizations to contact veterans regarding benefits and better inform veterans of employment opportunities. The Service groups would inform veterans of the benefits and employment opportunities with the Federal, State, and local governments. The groups inform veterans of events in the area.

(Tracked by Ariel De Jesus)

[Resolution No. 70: Improve Transition Assistance Program](#)

**Status: Letter of Support submitted**

**HR 7003:** is a bill sponsored by Rep. Takano, Mark D-CA-41, and was introduced 05/22/2020. The bill would authorize a pilot program in the Department of Defense to enhance efforts to provide job placement assistance and related employment services directly to the National Guard, Reserves, and veterans of the Armed Forces. The last action on the bill was 05/22/2020 and referred to the Committee on Armed Services.

(Tracked by Ariel De Jesus)

[Resolution No. 81: Transition Assistance Program Employment Workshops for National Guard and Reserve Members](#)

**Status: Pending Letter of Support**

**Draft Bill:** Veterans Educational Assistance Transparency and Accountability Improvement Act, improve the G.I. Bill Comparison Tool ensures veterans, servicemembers, and their families are better informed when choosing what educational institution is best for them.

[Resolution No. 327: Support Further Assessment and Evaluation of Institutions of Higher Learning to Enable Veterans to Make Informed Education Choices](#)

**Status: Letter of Support submitted**

**Draft Bill:** JSF - To amend title 38, United States Code, to clarify the scope of procedural rights of members of the uniformed services concerning their employment and reemployment rights, and for other purposes.

(Tracked by Ariel De Jesus)

**Status: We submitted written testimony for the July 23, 2020 hearing.**

**Draft Bill:** USERRA Protections for State Active Duty - To amend title 38, United States Code, extend particular employment and reemployment rights to members of the National Guard who perform State active duty. Submitted written testimony to the Legislative Division.

(Tracked by Ariel De Jesus)

[Resolution No. 315: Support Employment and Reemployment Rights of National Guard and Reservists Returning from Deployment](#)

**Status: We submitted written testimony for the July 23, 2020 hearing.**

**HR 7111: Veterans Economic Recovery Act of 2020:** Require the Secretary of V.A. to carry out a rapid retraining program that provides eligible veterans up to 12 months of retraining assistance for in-demand occupations. These 12 months of benefits would be equivalent to students' and schools' payments through the Post 9/11 GI Bill.

(Tracked by John Kamin)

[Resolution No. 316: Support Employment of Veterans in the Public and Private Workforce](#)

**Status: This bill was submitted for the July 23, 2020 testimony.**

**HR 7445:** To expand eligibility for home loans from the Secretary of Veterans Affairs to individual members of the Armed Forces reserve components.

[Resolution No. 329: Support Home Loan Guaranty Program](#)

**Status: This bill was submitted for the July 23, 2020 testimony.**

## TOPIC 4: EMPLOYMENT

A Washington state firefighter and a U.S. Naval reservist are suing their employers for allegedly discriminating against them based on their military service. Brett Martinson, who joined the Washington Army National Guard in March 2002, has worked at Central Pierce Fire & Rescue for over 23 years. He contends fire department supervisors told him he was not selected for a promotion “due to your status in the military,” according to a complaint filed on Jan. 13 in the U.S. District Court for the Western District of Washington.

Central Pierce Fire & Rescue did not respond to The News Tribune’s request for comment. Ana Lugo, a reservist in the U.S. Navy, says she was fired from her job as a teacher at New Start High School in the Highline School District in King County because of her military service. According to court documents, in August 2016, Lugo says she was “interrogated” by her supervisor about her military service. The supervisor asked Lugo whether she wanted to teach at New Start or be in the Navy, saying, “only one of these is your full-time job, and it isn’t the Navy, this is your bread and butter, this is what pays your bills.” In a statement to The News Tribune, Highline School District said it supports employees’ commitment to military duty but disagrees with Lugo’s complaint allegations.

Since 2002, Martinson has been deployed at least ten times with the Guard, including a year-long deployment to Afghanistan. According to the complaint, Martinson met with Central Pierce human resources, payroll, the assistant chief of operations and emergency medical services, and a union representative before his deployment to Afghanistan because he’d previously been denied an accommodation for the lieutenant’s exam. “Given his prior experience regarding lieutenant testing, Mr. Martinson requested to take a make-up upon his return if there was testing held while he was on deployment,” the complaint reads.

While on deployment in 2016, at least six other employees were promoted to lieutenant. According to his lawsuit, Martinson was denied the chance to take a make-up exam when he returned.

Martinson says Central Pierce Fire & Rescue violated the Uniformed Services Employment and Reemployment Rights Act of 1994, which protects service members’ civilian employment rights.



Specifically, the Act protects servicemembers from discrimination based on their service and allows them to be absent for five years for military service without retaliation.

“People say they support the troops and aren’t anti-military, but their tunes change when issues come up, and people have to be absent for deployments,” said Matthew Crotty, an attorney for Martinson. Martinson is seeking damages, including service credits he says he should have accrued towards retirement and a jury trial to determine whether Central Pierce Fire & Rescue violated USERRA. Crotty and attorney Thomas Jarrard also represent Lugo, who says Highline School District violated USERRA when it refused to reinstate her as a teacher at New Start High School.

In June 2017, Lugo was put on active duty for 330 days. In 2019 her orders were extended through January 2020. When she told her employer she would be on an extended deployment, she was informed her employment had already been terminated for failing to maintain a teaching certificate in the state of Washington. Washington State are prohibited from offering contracts to educators who do not have a current certificate,” Catherine Carbone Rogers, chief communications officer for Highline Schools, told The News Tribune. “The state issues certificates and the process for maintaining the certificate is between the state and the educator.” When she asked for her job back upon returning from deployment, the district refused and said she’d have to apply for another open position. According to court documents, the district hired new teachers in 2020, but she was not reemployed. Before filing a lawsuit against Highline School District on Feb. 5, 2021, Lugo reached out to the Employer Support for Guard and Reserve, or ESGR, an agency whose job is to provide resources for and resolve issues between employers and military reserve employees. Phil Sanders, the vice-chairman for ESGR in Washington, told The News Tribune about three-quarters of ESGR cases in 2020 were resolved without having to bring a lawsuit.

“We’re not attorneys out there advocating for service members,” Sanders said. “Our job is to be a neutral party providing information. A lot of the time, these things amount to a misunderstanding or a misinterpretation of what the law requires.” In Lugo’s case, ESGR could not resolve the issue, so she filed a complaint with the Department of Labor, Veterans Employment and Training Service. They found that the district violated USERRA when they refused to reemploy Lugo. The district agreed to rehire her, but only if she waived her USERRA rights and agreed not to sue the school district. Lugo is seeking damages and a trial by jury to determine whether Highline violated USERRA.

Over the years, the American Legion has advocated for strengthening USERRA, ensuring full protection for those who are called up to serve this great nation of ours.

### **Resolution No. 85: Support Employment and Reemployment Rights of National Guard and Reservists Returning from Deployment**

*[Reported by Ariel De Jesus]*

## **TOPIC 5a: VETERAN HOUSING AND HOMELESSNESS**

Boston 25 News first told you about a Vietnam War veteran on Monday who is being evicted from his apartment. About 24 hours later, an anonymous donor reached out to Boston 25 News reporter Malini Basu saying that they will help the veteran cover two months’ worth of rent.

The governor’s office is working on helping the veteran as well. Many others reached out on social media wanting to help. That veteran’s apartment was filled with moving boxes on Tuesday night. His biggest fear, he said, is that he will be out on the streets in the cold, homeless.

“I’m being evicted,” veteran Frank Sharpe said. At 71 years old, Sharpe said he is feeling scared, alone and with nowhere to go.

On Monday night, Basu met the veteran in Dorchester at an eviction rally with dozens of others. They said they’re paying the rent but can’t afford the rent hike.



*Frank Sharpe a Vietnam Veteran on the verge of being evicted.*

“With this pandemic going on, it’s going to be really rough on me. I’m just recovering from a stroke,” Sharpe said.

Sharpe added that he was the former owner of the Dorchester apartment and lost the House to a short sale. He said he’s up to date on rent and has been paying the \$800 per month, but he can’t afford the rent increase that’s now double at \$1600 per month.

“I need some help right now. I’m being pushed out on the street during the winter,” Sharpe said. On Twitter, one viewer said, “This is just so wrong! we owe him so much more.” Another follower added, “as a vet, I’d never forgive myself if I ever let something like this happen to an elderly Vietnam vet.”

“I’m trying to fulfill my life the best way I can,” Sharpe said. As he stood there inside his apartment filled with boxes, Sharpe was in tears. “I have nowhere to go,” Sharpe said.

Boston 25 News reached out to the landlord twice; both times that person hung up on our reporter. The good news on Tuesday though is that someone reached out to our reporter privately on Twitter and said they will help cover Sharpe’s next two months of rent.

There are situations like this happening all around the nation. We have a nation need to ensure that our at-risk veterans who are on a fixed income are protected, especially our older veterans. The American Legion has always advocated for legislative or administrative solutions to help protect our aging veterans who are on a fixed or low income. The American Legion will continue to monitor.

### **Resolution No. 331: Support Housing Preference for Low-Income Veterans in the Department of Housing and Urban Development**

*[Reported by Ariel A De Jesus Jr]*

## TOPIC 5b: VETERAN HOUSING AND HOMELESSNESS

The Department of Veterans Affairs Enhanced-Use Lease Program (EUL) is an important component of both VA's mission to end Veteran homelessness and the department's overall asset management program. Through this program, VA out-leases underutilized real estate under its jurisdiction or control to the private sector for up to 75 years for the purpose of developing supportive housing for homeless and at-risk Veterans and their families. Through this innovative portfolio management tool, Veterans are provided with an expanded range of services that would not otherwise be available on medical center campuses.



Most of the direct services to Veterans are in the form of supportive housing. Some examples of the supportive services provided by our partners include, job training, financial management assistance, free haircuts, community gardens and playgrounds, computer/technology centers,

laundry facilities, community meeting and socializing rooms, fitness centers, support groups, and senior companion programs, to name a few. Our partners provide Veterans with housing on a priority placement basis, and in some cases, serve our Veterans exclusively. These EUL projects provide safe, affordable living arrangements near health care providers, which contribute to positive health care outcomes for Veterans. Many of the benefits to the Veterans extend beyond the campus, as they are non-quantifiable benefits such as increased access to health care, improved satisfaction and quality of life for Veterans and their families, improved relations with the community, and other socio-economic benefits.

The EUL program is managed by the Office of Asset Enterprise Management (OAEM). At this time, OAEM is in the process of executing the Building Utilization Review and Repurposing (BURR) initiative, whereby unused and underused land and buildings on existing VA property are evaluated for homeless housing projects through both public-private collaboration and VA's EUL program. Currently, VA is identifying and conducting due diligence on additional sites nationwide that have potential for repurposing as supportive housing for homeless and at-risk Veterans and their families. OAEM continues to identify strategic sites within VA's portfolio, through the BURR II initiative, to further the effort to end Veteran homelessness across the country.

The American Legion is encourage to see programs such as VA's EUL program being used for the purpose of developing supportive housing for homeless veterans. Currently a letter of support is pending approval for the nomination of the US Department of Veterans Affairs (VA) Enhanced-Use Lease (EUL) Program for the National Trust for Historic Preservation/Advisory Council on Historic Preservation Award for Federal Partnerships in Historic Preservation.

### **Resolution No. 319: Expanding Veterans Employment and Homeless Services within the Department of Veterans Affairs**

*[Reported by Joseph Sharpe]*



## TOPIC 6: SMALL BUSINESS

On Wednesday, February 10 the National Veterans Employment and Education Division attended a webinar hosted by REMI CEO & Chief Economist Frederick Treyz, Ph.D. and business development representatives Carson Poling and Julia Wacker titled “Buy America and American Manufacturing”. The conference examined how buying American can impact the nation’s economy. During the presentation, they used the Policy Insight model to evaluate the long-term, dynamic economic impacts of Biden’s executive order as they analyze the benefits and trade-offs across the entire economy.



The Buy American Act requires the United States to contract with U.S. businesses whenever possible. By increasing the required threshold for how much of a product must be made in the U.S. to qualify as “Made in America” and changing how domestic content is defined and measured, the Biden administration aims to close loopholes and allow for direct federal spending on American goods and services.

Administrative officials have said that “when we use taxpayer money to rebuild America, we buy American and we support American jobs.” However, critics of the executive order claim that positive impacts to American production and manufacturing will be minimal when compared to the increase in costs to taxpayers and the federal government caused by this policy.

The economic implications of the Buy American Act are:

- A rise in domestic manufacturing as well as a possible reshoring effect within some industries.
- An increase in government spending due to higher acceptable preferential rates
- Shifting away from imports and the economic trade-off that accompanies this shift
- The nation gains in gainful employment and GDP

The American Legion supports the Buy American Act as it is in line with **Resolution No. 13: Support “Buy American” Policy within the Federal Government to Create Opportunities for Veterans.**

*[Reported by Joseph Sharpe]*

## TOPIC 7: EDUCATION

House Democrats are hoping to terminate a GI Bill loophole that veteran advocates for years have said sets for-profit schools up to scam veterans and service members and use predatory tactics to recruit beneficiaries,.

“Predatory for-profit colleges have taken advantage of the ‘90-10 loophole’ to cheat veterans and service members out of their education benefits while providing them with a low-quality education,

useless degrees, and burdening them with student loan debt," House Committee on Veterans' Affairs Chairman Mark Takano, D-Calif., said in a statement. "The 90-10 rule was put in place to prevent waste, fraud, and abuse of federal education dollars, but for-profits have exploited the loophole to earn millions in profits."

A measure included in the coronavirus relief package now being debated by Congress would reclassify how GI Bill money is counted. Right now, for-profit schools must collect at least 10 percent of their revenue from non-federal sources. Democrats are pushing for a massive bill for pandemic relief intended to include stimulus checks to individuals and families. As with some bills passed through Congress, other unrelated legislative measures are sometimes included.



*New Bill Aims to Close G.I Bill Loophole at For-Profits*

The 90/10 rule doesn't count the GI Bill as federal revenue, despite military scholarships coming from federal dollars. This gives for-profit colleges an incentive to recruit veterans to stay in business, veteran advocates have argued.

"Closing the 90/10 loophole has been the top higher education priority for nearly all veterans and military organizations for many years, and we are relieved and hopeful that this will finally remove the target from the backs of service members, veterans, and military families," said Carrie Wofford, president of Veterans Education Success, an advocacy group.

Because of the loophole, the for-profit school industry has drawn intense scrutiny from some lawmakers and veteran advocates for conducting questionable business practices to recruit veterans. One for-profit school, the University of Phoenix, was required to refund \$50 million and cancel another \$141 million in debt for its marketing practices toward GI Bill recipients.

In 2018, the Department of Veterans Affairs inspector general warned the agency could waste \$2.3 billion in payments to "ineligible colleges" during the next five academic years. In the bulk of cases, the payments would go to for-profit universities or bogus schools.

Veteran advocates have lobbied against the loophole for years. In 2019, 37 veteran advocacy groups penned a letter to key lawmakers highlighting the importance of closing the loophole.

But one veteran group has the opposite view. The Veterans Education Project on Tuesday released a study that found curtailing the 90/10 rule would set up schools to go close and it would put beneficiaries at risk of losing out on access to schools.

"Our analysis suggests that the 90/10 rule may indeed reduce the supply of seats for veterans and military students at for-profits with the weakest student outcomes, but these students may well end up at public institutions with even weaker student outcomes," the study concluded. "We find that there are hundreds of public institutions that report student outcomes as weak, or weaker, than those of the for-profit colleges failing a 90/10 rule that includes GI Bill and Department of Defense benefits."

VE&E analysis of this issue disputes VEC's claims. veterans will not lose access to their GI Bill benefits or other federal aid with the closure of the 90/10 loophole. Instead, closing the loophole will protect their benefits, and taxpayer dollars, from being wasted at low-quality, for-profit colleges.

Further, closing the 90/10 loophole also wouldn't immediately impact any schools; only schools that fail to improve their quality to attract revenue would be affected. Because there are no consequences under the Higher Education Act until a school fails the 90/10 measure for two consecutive fiscal years, schools have time to come into compliance.

*[Reported by John Kamin]*

## **TOPIC 8: CAREER FAIRS**

ALL IN-PERSON CAREER FAIRS SCHEDULED THROUGH APRIL HAVE BEEN CANCELLED, SUSPENDED, OR POSTPONED.

**The American Legion is working on future virtual workshops and career fairs.**

On Tuesday, February 9, The American Legion (Department of Texas/National), and Texas Veterans/Workforce Commission hosted a virtual career fair. The event was a huge success.

Total Jobseekers: 910

Total Employers: 260

Total Employment Opportunities: 2,173

Job Seekers came from across the country, Guam, Japan, Germany, Italy, Australia, Botswana, and two Active-Duty Sailors who were out to sea.

**Newly discharged veterans claiming benefits totaled 9,171, an increase of 558 from the prior week.**

*The American Legion's National Veterans Employment & Education Commission's Mission is to take actions that affect veterans' economic well-being, including issues relating to veterans' education, employment, home loans, vocational rehabilitation, homelessness, and small business.*

*[Reported by Ariel De Jesus]*

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