

**STATEMENT OF  
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BEFORE THE  
HOUSE COMMITTEE ON VETERANS' AFFAIRS  
SUBCOMMITTEE ON ECONOMIC OPPORTUNITY  
CONCERNING  
A REVIEW OF VA'S VOCATIONAL REHABILITATION AND EMPLOYMENT PROGRAM**

**JULY 8, 2015**

Chairman Wenstrup, Ranking Member Takano, and members of the Subcommittee, Paralyzed Veterans of America (PVA), thanks you for the opportunity to testify for this oversight hearing regarding the Department of Veterans Affairs' (VA) Vocational Rehabilitation and Employment (VR&E) program. This program is an integral part of the assistance provided to veterans who have acquired a disability as a result of their commitment to serve their nation.

PVA is an organization of veterans who are catastrophically disabled by a spinal cord injury or disease. Many of our members have participated in VA's VR&E program as they struggled to rebuild their lives after sustaining a life-altering disability. The VR&E program is authorized under Chapter 31 of Title 38 of the United States Code to provide comprehensive services to address the employment barriers of service-connected disabled veterans in an effort to obtain and maintain gainful employment, while achieving maximum independence in daily living. VR&E also provides independent living services to help veterans with significant disabilities achieve the highest quality of life possible, including future employment when possible. In fiscal year 2013, 135,815

veterans participated in VA's VR&E program, the overwhelming majority of whom served during the Gulf War Era.<sup>1</sup>

In July, our nation will celebrate the 25th anniversary of the Americans with Disabilities Act, which provides equality of opportunity and access for Americans with disabilities. While we have many successes on which to reflect, we are fully aware that more work must be done. Despite all of our advances, veterans and all people with disabilities are underrepresented in our nation's workforce. For example, 37 percent of Gulf War era veterans with service-connected disability ratings of 60 percent or higher are not in the labor force.<sup>2</sup>

Veterans with catastrophic disabilities have difficulties when continuing in their occupational fields or seeking initial employment. There are barriers to employment that inhibit a smooth transition to the workplace when veterans with disabilities search for employment. These employment barriers could be the false perceptions of the potential costs to employers of hiring people with disabilities, including workplace accommodations, and the negative perceptions many people have about veterans' reliability or emotional problems.

Recognizing these barriers hinder the ability of PVA members to participate in the workforce, in 2007, PVA launched Operation PAVE (Paving Access for Veterans Employment). Operation PAVE is a vocational rehabilitation program that assists PVA members and other veterans with disabilities in obtaining and retaining employment. Today, Operation PAVE has seven regional offices: Boston, Massachusetts; Chicago, Illinois; Long Beach, California; Minneapolis, Minnesota; Richmond, Virginia; San Antonio, Texas; and Tampa, Florida.

Operation PAVE provides veterans and their families and caregivers with one-on-one career counseling and assistance. These services are available to all veterans with disabilities, including those who have non-service-connected disabilities. All services, from résumé assistance, interview preparation, vocational counseling, and employer networking are provided at no charge—and are available to dependents as well. Each office is staffed by an experienced, graduate level certified, vocational counselor. Although these counselors are working with some of the most difficult to place clients, including those who are paraplegics and quadriplegics, they have a high rate of success in helping veterans return to work.

## COUNSELOR-TO-VETERAN RATIO

Operation PAVE seeks to keep its counselor workload at a maximum of 125 veterans per counselor or less. This ratio of 1:125 is recognized as a full workload in the field of

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<sup>1</sup> Department of Veterans Affairs, Veterans Benefits Administration Annual Benefits Report for Fiscal Year 2013, <http://www.benefits.va.gov/REPORTS/abr/ABR-VocRehab-FY13-09262014.pdf>.

<sup>2</sup> News Release, U.S. Bureau of Labor Statistics, Employment Situation of Veterans – 2014 (Mar. 18, 2015) <http://www.bls.gov/news.release/vet.nr0.htm>.

vocational rehabilitation counseling. When counselors are required to work with more than 125 clients, the employment counseling process is delayed. This is particularly true when counselors are working with veterans who have significant disabilities and increased barriers to employment. For example, PAVE counselors have reported that veterans express frustration with how difficult it can be to connect with VR&E counselors, as calls and emails sometimes go unanswered.

In January 2014, the Government Accountability Office issued a report calling on VA's VR&E program to implement performance and workload management improvements. At that time, caseloads for VR&E counselors ranged up to 1:139.<sup>3</sup> *The Independent Budget* (IB), co-authored by AMVETS, Disabled American Veterans, PVA, and the Veterans of Foreign Wars, has continually highlighted the shortage of counselors. The IB for the 114<sup>th</sup> Congress requests sufficient resources for the VR&E program to establish a maximum counselor-to-veteran ratio of 1:125 or smaller.

The IB projects that approximately 165,000 veterans will participate in the VR&E program in fiscal year 2016. To achieve a maximum ratio of 1:125, VR&E would need an additional 382 full-time equivalent employees (FTEs), which would bring VR&E's total FTEs to 1,824. The increase in staff would provide 277 new VR&E counselors and 105 new employees providing support services. These additions would require an increase in appropriations of \$41.8 million. It should be noted that VA did not request additional staffing for fiscal year 2015, despite increased demand for services.

VA's VR&E program is critical to veterans with catastrophic disabilities as they seek to rejoin the workforce and return to their homes and communities. Congress must invest in this program to ensure that counselors have the tools and resources needed to return veterans with disabilities to work. Veterans with significant disabilities, who with proper supports and services can return to the workforce, are in danger of falling out of the workforce and moving onto Social Security Disability Insurance and VA's Individual Unemployability benefit. While these benefits are necessary for many veterans with disabilities, it is unacceptable for veterans to fall through the cracks because our nation refuses to continue investing in their futures.

Providing VA with additional resources to decrease the counselor-to-veteran ratio is a step in the right direction. VA must also, however, reduce bureaucratic hurdles that delay veterans in moving through the vocational rehabilitation process. For example, Operation PAVE counselors have noted that they are able to more quickly begin providing résumé assistance, interview preparation, and vocational counseling because there are fewer procedural hurdles to clear for eligibility. We urge VA to continue to build efficiencies into the system that will eliminate wait times and assist counselors in managing their time and caseloads as efficiently as possible.

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<sup>3</sup> Government Accountability Office, "VA Vocational Rehabilitation and Employment: Future Performance and Workload Management Improvements Are Needed," GAO-14-61, January 2014.

## VR&E MUST INCREASE COLLABORATION WITH PUBLIC AND PRIVATE PARTNERS

High caseloads hinder VA's VR&E counselors from being able to provide more intensive services, including providing more individualized training for veterans with significant barriers to employment. If current resource levels are maintained, one way to reduce the load for VR&E counselors and employment specialists is to increase partnerships with community organizations that provide specialty placement services. This is particularly important in the case of veterans who have unique needs related to their disabilities and life circumstances.

PVA's Operation PAVE counselors have reported developing relationships with VR&E counselors. It appears that these relationships have varying degrees of collaboration. One PAVE counselor reported receiving referrals of veterans with significant disabilities who need one on one help in returning to work. Without these referrals, the counselor reported that it may be difficult for overloaded VR&E staff to dedicate the time and resources necessary to ensure success for these veterans.

Without these types of partnerships, seriously disabled veterans would likely receive minimal consideration, or be designated as unemployable. Severely disabled veterans require the commitment and specialized attention that a VA counselor is trained to provide but cannot afford to present. By referring these veterans to PVA's counselor the veteran receives the specialized attention necessary, which more frequently leads to placement in suitable employment, and the VA is able to also take credit for facilitating the veteran's successful placement. This relationship works well for all parties and most importantly results in employment success for these veterans.

Unfortunately, some of our Operation PAVE counselors report receiving few referrals from VA's VR&E program. PVA is pleased that VA's VR&E Director has recently committed to working to increase collaboration between VR&E offices served by PVA's PAVE program. Fostering new partnerships to serve veterans, particularly those with significant disabilities, is critical to stretching resources within VA to serve as many veterans as possible. These partnerships are also critical in serving veterans who are not eligible for VA's services and their caregivers and family members.

In addition to private partners, VA's VR&E program must connect with other government agencies that play a role in helping veterans with disabilities return to the workforce. For example, the Department of Labor's Veterans' Employment and Training Service (VETS) administers programs that play a key role in assisting veterans with disabilities in obtaining employment. We urge continued collaboration between VR&E and VETS, including completion of a revision of the Technical Assistance Guide: "A Team Approach for Providing Employment Services to Veterans with Disabilities."<sup>4</sup> Published

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<sup>4</sup> U.S. Department of Labor, Veterans' Employment and Training Service & U.S. Department of Veterans Affairs, Vocational Rehabilitation and Employment Service, Technical Assistance Guide: A Team Approach for Providing Employment Services to Veterans with Disabilities (December 2008), <http://www.dol.gov/vets/VMS/VPLs/VPL-01-09-Attch-3.pdf>.

in 2008, this guide provides detailed information regarding how these programs can work together to assist a veteran with disabilities in returning to the workplace.

We commend VR&E's active participation with the Administration's Curb Cuts to the Middle Class Initiative. This interagency collaboration seeks to increase employment opportunities for all people with disabilities. Coordinating with other federal agencies who have expertise in working on issues that impact people with disabilities, including disabled veterans, is important to ensuring that VR&E's policies and procedures reflect agency best practices.

Under current fiscal constraints, VR&E may never have enough counselors to adequately work with the thousands of veterans seeking assistance each year. By establishing and renewing cooperative agreements with public and private partners, more veterans will be able to receive the specialized service they need. The VA must do outreach in each community to find experienced, credible partners to reduce the workload and place more veterans in employment. These relationships should be developed and encouraged by local VR&E supervisors.

## PRIORITIZATION OF SERVICES

PVA acknowledges that VA's VR&E program needs additional resources to meet the needs of entitled veterans with disabilities; however, we have serious concerns about allowing VA to prioritize access to these services. Within state vocational rehabilitation programs, a designated state unit may establish an order of selection in the event that it will be unable to provide services to all eligible clients. An order of selection must provide the order in which individuals will be served; give justification for the order of selection; and describe service and outcome goals, including when each goal will be met for clients within each priority group.<sup>5</sup> Federal regulations require that individuals with the most significant disabilities must have the highest priority for services.<sup>6</sup>

PVA's members have some of the most significant barriers to employment of any veterans served by VA. Our concern with prioritization is that VR&E services should be available to all entitled service-connected disabled veterans. Creating prioritizations within the VR&E system would most likely create waiting lists as order of selection has done within the state vocational rehabilitation systems. At the close of fiscal year 2013, 33,856 individuals were on waiting lists for state vocational rehabilitation services.<sup>7</sup>

PVA's Operation PAVE counselors have expressed concerns about prioritizing vocational rehabilitation services. According to one counselor, who has experience in the state vocational rehabilitation system, prioritizing clients can be very subjective. An experienced counselor can use, or disregard, many factors in an evaluation. The end result is that prioritizing does not indicate the actual number of clients who require the services of a particular category of service. It merely allows a counselor to designate

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<sup>5</sup> 34 C.F.R. § 361.36.

<sup>6</sup> *Id.*

<sup>7</sup> State Vocational Rehabilitation Services Program, 80 Fed. Reg. 21,094 (April 16, 2015).

the predetermined number of clients in each category, which determines when the individual will be served.

Prioritizing the order in which veterans with disabilities will receive VR&E services is problematic. Without a requirement that all entitled veterans be served, it is easy to imagine a system in which veterans needing VR&E services find themselves stuck in waiting lists for those services. A recent study examining the impact of waiting lists in state vocational rehabilitation programs on Social Security Disability Insurance beneficiaries seeking to return to work showed that long wait times for services due to order of selection were “associated with lower employment outcomes” for those beneficiaries.<sup>8</sup> Instead of delays, veterans with disabilities should have the opportunity to return to work as quickly as possible.

#### LONGER EMPLOYMENT FOLLOW-UP TIME

As a matter of general practice, VR&E follows veterans placed in employment for 60 days. After 60 days, the veteran’s file is closed and the placement is counted as a success. However, we do not believe 60 days is sufficient time to determine if a veteran with a catastrophic disability has adjusted to the reality of returning to employment as a person with a disability.

Adjusting to a new job can be difficult for anyone. For veterans with significant disabilities, challenges related to reasonable accommodations, changing medical needs, or other disability-related issues may lead to problems beyond 60 days post placement. As a co-author of the IB, PVA believes an extended follow up of one year would allow the counselor, employer, and employee to address and resolve issues that can be adjusted or corrected within the veteran’s employment situation. Our Operation PAVE counselors apply this principle in their ongoing follow-up with the veterans that they serve.

In many situations, long-term support may be critical to ensuring that a veteran with a disability is able to successfully remain on the job. Job retention prevents a need to return to the VR&E program to once again begin the job search. Instead of receiving additional services that help them return to the workforce, these veterans may be forced to apply for additional financial benefits through VA or other government programs that may make it difficult for them to ever return to the workforce.

#### ELIMINATE 12-YEAR DELIMITING DATE

As a co-author of the IB, PVA supports the elimination of the 12-year limit on eligibility for VR&E services. The current 12-year delimiting date is insufficient to meet the vocational rehabilitation needs of veterans who have incurred significant disabilities. Many conditions worsen overtime and increase limitations caused by the disability.

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<sup>8</sup> Todd Honeycutt & David Stapleton, Striking While the Iron is Hot: The Effect of Vocational Rehabilitation Service Wait Times on Employment Outcomes for Applicants Receiving Social Security Disability Benefits, 39 Journal of Vocational Rehabilitation 137, 137 (2013).

Veterans with catastrophic disabilities should be able to access vocational rehabilitation services that allow them to return to work at any time during their lives.

Veterans recovering from the wounds, injuries, and illnesses associated with military service may need time to reevaluate the path of their lives. In some situations the medical healing process, applicable rehabilitation programs, and emotional adjustment to their new life may significantly delay the time before a veteran is ready to consider employment. Limiting entitlement to 12 years fails to serve these veterans and sentences them to a lifetime of decreased opportunities.

## REMOVE THE CAP ON INDEPENDENT LIVING

Veterans who are severely disabled may be unable to seek employment due to the nature of their disabilities. To assist these veterans, VA's VR&E program has the option of providing independent living services. In this program, a number of creative alternatives to employment preparation can be recommended, purchased, or approved by the counselor to enhance the quality of life for the veteran.

The Independent Living program began as a pilot limited to 500 veterans nationwide. Through the years, independent living services proved to be a viable option in the rehabilitation process and the program's capacity was expanded. The program's maximum allowable cap was recently expanded to 2,700 veterans. The limitations on this program mean that a majority of the thousands of veterans returning from the Iraq and Afghanistan conflicts with serious disabilities will never be informed about this program, or allowed to benefit from it.

PVA and the co-authors of the IB have asked Congress for years to remove the cap from the Independent Living program. We know that many veterans who could qualify for the program are never offered this option. This keeps the number of new participants to a minimum. The current cap on the program should be removed immediately. Currently, VA must monitor enrollees into the program to ensure that the cap is never exceeded. Services that help veterans with significant disabilities live independently should not be limited as such limitations could force these veterans into costly institutional care when they prefer to be in their homes.

Congressional funding for VA's VR&E program must keep pace with veterans' need for this service. Our veterans with disabilities have made a tremendous sacrifice for our nation, which is why our leaders must make a concerted effort to ensure that access to education, employment, and training opportunities are available for their transition to the civilian job market.

PVA thanks you for this opportunity to express our views. We would be happy to answer any questions that you may have.

## **Heather L. Ansley, Esq., MSW**

Heather L. Ansley is the Associate General Counsel for Corporate and Government Relations at Paralyzed Veterans of America.

Ms. Ansley began her tenure with the organization in January 2015. Her responsibilities include corporate legal matters, government relations, and disability advocacy. She also works to promote collaboration between disability organizations and veterans service organizations by serving as a co-chair of the Consortium for Citizens with Disabilities (CCD) Veterans and Military Families Task Force. Additionally, she serves as a member of CCD's Board of Directors.

Prior to her arrival at Paralyzed Veterans of America, she served as Vice President of VetsFirst, a program of United Spinal Association. She has also served as the Director of Policy and Advocacy for the Lutheran Services in America Disability Network.

Before arriving in Washington, D.C., she served as a Research Attorney for The Honorable Steve Leben with the Kansas Court of Appeals. Prior to attending law school, she worked in the office of former U.S. Representative Kenny Hulshof (R-MO) where she assisted constituents with problems involving federal agencies. She also served as the congressional and intergovernmental affairs specialist at the Federal Emergency Management Agency's Region VII office in Kansas City, Missouri.

Ms. Ansley is a Phi Beta Kappa graduate of the University of Missouri-Columbia with a Bachelor of Arts in Political Science. Ms. Ansley also holds a Master of Social Work from the University of Missouri-Columbia and a Juris Doctorate from the Washburn University School of Law in Kansas.

She is licensed to practice law in the State of Kansas and before the United States District Court of Kansas.



### **Information Required by Rule XI 2(g)(4) of the House of Representatives**

Pursuant to Rule XI 2(g)(4) of the House of Representatives, the following information is provided regarding federal grants and contracts.

#### ***Fiscal Year 2015***

Department of Veterans Affairs, Office of **National Veterans Sports Programs & Special Events** — Grant to support rehabilitation sports activities — \$425,000.

#### ***Fiscal Year 2014***

No federal grants or contracts received.

#### ***Fiscal Year 2013***

National Council on Disability — Contract for Services — \$35,000.

### **Disclosure of Foreign Payments**

Paralyzed Veterans of America is largely supported by donations from the general public. However, in some very rare cases we receive direct donations from foreign nationals. In addition, we receive funding from corporations and foundations which in some cases are U.S. subsidiaries of non-U.S. companies.