

## One War to Another

Talk about shell shock. Over the past few months at my law firm dedicated to protecting the employment rights of military service members and veterans, I've heard from a shocking number of individuals experiencing trouble finding jobs.

Part of the problem, especially in this economy, is that there are not many jobs to be had, for anyone. But it's worse for veterans. After a decade of sustained U.S. combat operations, employers have developed a bias against hiring them.

Consider this: By 2010, 11.5 percent of veterans who had served since September 2001 were unemployed, compared to 9.4 percent of nonveterans, according to the U.S. Bureau of Labor Statistics. The unemployment rate for these post-9/11 veterans shot to 21.9 percent for males between ages 18 and 24. At first I thought the problem of veteran unemployment had reached a critical point, but, actually, this is only the beginning.

On Dec. 31, the Defense Department must complete its drawdown of military personnel from Iraq, resulting in the redeployment of 46,000 service members. Around the same time, it will be pulling more troops out of Afghanistan.

In the coming months, more and more service members will return to civilian life, some because of retirement or completed deployments, others because of force reductions. The Army, for example, is looking to reduce its ranks by 50,000 soldiers by 2016, leaving it with a force of 520,000, according to media reports.

The transition to the civilian workforce will be especially hard for National Guard and Reserve members, even though many of them left jobs to serve their country. Their unemployment rate was 14 percent as of July 2010. As of Sept. 13 of this year, 92,266 National Guard and Reserve personnel had been activated, according to Defense Department statistics. While this is down from the surge levels of 2009, it remains many times higher than pre-Afghan war levels.

Hiring bias remains an elusive enemy of veterans. Many suspect it of killing their job prospects, but few smoking guns are usually discovered. The fact that Congress passed the Uniformed Services Employment and Reemployment Rights Act in 1994 demonstrates that the threat of such bias exists.

Recently, a federal district court in Massachusetts ruled in favor of a soldier who sued the city of Somerville for refusing to hire him as a police officer because of his active military duty.

At a Veteran Affairs Employment Summit hosted by the House Committee on Veterans' Affairs in September, VetJobs President and CEO Theodore Daywalt said in written testimony that 65 percent to 70 percent of employers "will not now hire as a new employee" an active member of the National Guard and Reserve.

Daywalt, whose company helps thousands of veterans and their family members find jobs worldwide, attributed this reluctance to the "constant activation of National Guard brigades

and to a lesser extent reserve personnel." The result of this hiring bias was an "exceptionally high unemployment rate," namely for young veterans.

The shame, however, cannot be placed squarely on government. Post-9/11 veterans are actually two times as likely to work in the public sector as nonveterans, according to the Bureau of Labor Statistics.

In 2009, President Barack Obama directed executive agencies to be more proactive in helping veterans obtain federal employment. During the 2010 fiscal year, executive branch agencies hired 72,000 veterans. Veterans account for 26.3 percent of the executive branch's 2.06 million employees, according to the Office of Personnel Management.

While much has been made of the sacrifice of the few for the many, the private sector must assume greater responsibility for this crisis. Despite what the law requires, some employers are reluctant to hire or re-employ service members out of fear a redeployment or leave to treat service-related injuries or illnesses will hurt their bottom line.

Most recently, Obama has included in his American Jobs Act provisions that would increase the maximum tax credit available to businesses that hire disabled veterans. The legislation also proposes to create "Returning Heroes Tax Credits" available to businesses that hire unemployed veterans.

The U.S. Senate unanimously passed its own veterans employment bill on Thursday. It incorporates some proposals from Obama and the House, among others.

It is as hard to say whether these new and sweetened tax credits will put much of a dent in the veteran unemployment problem as it is to say whether Congress will pass the President's jobs plan.

Whether the American Jobs Act offers a diplomatic approach toward high veteran unemployment or not, this problem demands a guns and butter strategy. Congress and the administration must act in some form.

The "guns" part could entail lawsuits filed by veterans against employers who refuse to hire them because of their military duty. Suits could also come from eligible veterans whose former employers refuse to rehire them in their old positions with the same seniority, status, pay and other benefits they would have received had they not been called to active duty.

The Marines and Army Cavalry share the motto of "first in, last out." This is the reality many service members faced in Iraq and Afghanistan. It should not be the reality they have to face in the unemployment line.

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