

Hill exempts self from veterans' law

By Erika Lovley & Marin Cogan | 7/14/10

Veterans who apply for jobs on Capitol Hill aren't receiving critical federal job-placement benefits because Congress has largely exempted itself from a law that aids post-military employment for vets, a new congressional report shows.

A groundbreaking report by the Office of Compliance on the state of the congressional workplace is now urging Congress to apply the Veterans Employment Opportunities Act to its own hiring habits.

The law provides veterans with prioritized opportunities to land government jobs, but veterans who apply for jobs with the Architect of the Capitol, U.S. Capitol Police, the Congressional Budget Office and some support positions in the House and Senate do not receive this affirmative-action-type boost, potentially preventing veterans from getting jobs.

The report is already getting attention from Rep. Duncan Hunter (R-Calif.), an Iraq and Afghanistan war veteran who served with the U.S. Marine Corps, who said he aims to push lawmakers to follow the law.

"It's incredible that Congress — years after applying VEOA to government jobs — has yet to finalize the regulations for veterans' employment in the legislative branch. Veterans are some of the most qualified individuals joining the work force today, possessing quality leadership, training and know-how," Hunter told POLITICO in a statement. "We have made a commitment to these men and women, and it's important that we follow through."

While Congress moved to apply VEOA to itself when the law passed in 1998, it required that extra steps be taken to tailor rules to the congressional workplace. But according to OOC's report and aides familiar with the process, Congress has not voted to pass the regulations for years, potentially hindering some veterans from getting jobs in the legislative branch.

The law is designed to counteract economic loss that veterans can suffer after leaving jobs to serve in the military, but it does not guarantee a job.

"Congressional approval for these regulations is extremely important so that veterans benefit from the preference that Congress intended them to have," said Tamara Chrisler, the executive director of OOC.

There are no statistics tracking the number of veteran applicants who are rejected from the legislative branch, but the biggest veterans' group in the country is outraged that Congress has not followed its own law. The legislative branch is one of D.C.'s biggest employers, with nearly 30,000 workers.

"The VEOA provides important safeguards for veterans in the job market. Without such safeguards, veterans may not receive the benefits they are entitled to by their honorable service to our country," said Robert Madden, American Legion assistant director of economics. "The American Legion believes that protections afforded by the VEOA should be applied to all federal jobs without exception, including those that fall under the purview of the legislative branch."

But the process has been stalled, according to the speaker's office and the House Administration Committee, by technical corrections that must be made in the statute itself and agreed to by both the House and the Senate before Congress can approve the regulations. The committee is

examining ways to raise the issue, according to aides close to the process.

“The committee has been engaged in ongoing discussions with the Office of Compliance regarding provisions of the VEOA that are problematic when applied to the House,” said House Administration Committee spokesman Kyle Anderson. “These provisions are the subject of continued dialogue with the OOC and will be addressed by legislation. Veterans remain a valued asset in the House work force and continue to serve in important positions of leadership throughout the House.”

Congress has traditionally been slow to make workplace laws apply to itself. The process began in 1995 with the passage of the Congressional Accountability Act — which was designed to make the congressional workplace a more regulated working environment, implementing laws including the Americans With Disabilities Act, the Family Medical Leave Act and the Occupational Safety and Health Act — but the implementation process has been slow.

Aides for a number of lawmakers with strong ties to veterans’ groups said their offices were unaware of the parity gap, even though the OOC has been meeting with lawmakers on both sides of the aisle and submitted the new regulations for congressional approval more than two years ago.

Chrisler said that prior to approving the regulations, Congress wants an amendment to fix an antiquated provision in the statute.

“As it stands, VEOA provides a benefit to mothers of soldiers who have died or become severely disabled serving our country that is not extended to fathers,” Chrisler said. “The amendment that the speaker is hoping to pass would provide a benefit to both parents. It’s a positive development. That means more opportunities for veteran families.”

But some aides inside the discussions say there has been resistance from congressional officials who are worried the law might apply to their offices, putting quotas on their hiring process and potentially opening some members to lawsuits.

“It’s been a pingpong process for ages,” said one former aide involved in the issue. “They are looking to avoid a massive legal issue. It is in the interest of the committees to string this process along so they can essentially protect some of the members from themselves. Once you start adding hiring complexities, you open yourself to lawsuits that could be embarrassing.”

“Most employers have a preference, and that is not always the veteran,” said Steven Herrick, managing partner and VEOA expert at Tully Rinckey in D.C. “Veterans are looking to get into the federal government so they have a decent salary they can live on. ... It’s certainly helpful to the veteran to have these legislative positions covered by veterans preference statutes.” In the meantime, House Speaker Nancy Pelosi has taken several steps to give veterans an employment boost on the Hill.

Pelosi (D-Calif.) has presided over the Wounded Warriors Program, which provides House employment opportunities for 33 Iraq and Afghanistan veterans. The new House Diversity Initiative, designed to broaden the pool of House job applicants, includes veteran status as one of the program components.

“The speaker supports the intent of the VEOA and hopes that the regulations can be implemented,” said spokesman Drew Hammill. “The Committee on House Administration is working closely with the Senate and the OOC on technical corrections that must be made in the statute before the regulations can be approved.