

**Testimony
of**

**Bruce Wyngaard, Operations Director
Ohio Civil Service Employees Association
(OCSEA/AFSCME Local 11)**

Representing the

**American Federation of State, County and Municipal
Employees (AFSCME)**

**Before the
Veterans' Affairs Subcommittee on Benefits
U.S. House of Representatives**

On H.R. 4015, the Jobs for Veterans Act

April 18, 2002

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Mr. Chairman, my name is Bruce Wyngaard, and I am Operations Director of the Ohio Civil Service Employees Association (OCSEA). OCSEA represents the employees of the Ohio Department of Job and Family Services, which includes the State's Local Veterans Employment Representatives (LVERs) and Disabled Veterans Outreach Program specialists (DVOPs) as well as the other Ohio employment security personnel. OCSEA is affiliated with the American Federation of State, County and Municipal Employees (AFSCME), and I appear here today on behalf of the 1.3 million members of AFSCME.

We commend you for the direction you have taken in H.R. 4015 to improve employment and training services for veterans. If ever there was a time to remind us how much we owe these brave men and women, it certainly is now.

AFSCME supports your efforts to strengthen the existing federal-state partnership for veterans' services within the Department of Labor (DOL). This approach will benefit veterans considerably more than the Administration's plan to transfer some veterans' programs to the Department of Veterans Affairs, which we strongly oppose.

I serve on Ohio's Workforce Investment board and have sought to have the concerns of workers in general and the labor movement in particular addressed in the new Workforce Investment Act (WIA) system that is emerging. Whatever that system's growing pains, it is clear that a "one-stop" model of service delivery is evolving. Services to veterans should remain an important part of that system, and it makes sense for program oversight to remain at DOL. Removing veterans' programs from this evolving system will simply isolate them from the administrative structures and resources necessary to provide them with the best services.

I also want to express our appreciation for your willingness to focus on improving the existing system instead of creating a public-private competition for federal veterans' employment service dollars. As you are aware, AFSCME strongly opposed prior proposals along that line. We believe that such competition often would distract from the real task of improving services and can lead to coordination problems and duplication of functions. We favor labor-management cooperation within the public sector as a way to fix problems and enhance services, instead of seeking to outsource or reshuffle agency functions. In Ohio, the Quality Services through Partnership (QStP) program has produced \$180 million in savings to Ohio's taxpayers since 1993 by setting up labor-management teams to solve real problems.

With regard to H.R. 4015, AFSCME supports its focus on preserving and enhancing veterans' preferences, linking veterans' services with the WIA one-stop system, making the terminology of veterans' programs consistent with WIA, and establishing performance measurement and incentive frameworks.

However, as a general observation, we are concerned that the discretion given to the Secretary of Labor in a number of places in the legislation may give too much policy-making authority to the executive branch and leave some important matters unresolved. We also are concerned about the role of federal officials in state personnel matters created by the legislation. We have the following specific comments:

Requirements for Priority Service

In general, AFSCME believes that it is appropriate to give priority consideration to veterans in connection with labor exchange and employment and training activities. We strongly support the provision in the legislation that would require contractors to list their job openings with the appropriate employment service delivery system. AFSCME believes mandatory listing of job vacancies with the employment service is essential to building an effective national labor exchange for veterans and all other jobless workers.

We also support a close integration of the DVOP/LVER staff with the workforce system. Integration of DVOP/LVER staffing in Ohio has worked. For example, the Transitional Assistance Program (TAP) workshops link recently separated service personnel with information on programs and benefits for new employment. These services are integrated through our DVOPs and LVERs into the one-stop awareness program. The staff are trained as TAP facilitators, and the results show that about 60 percent of those completing the TAP workshops are employed in 90 days.

We are concerned, however, about the general trend to underfund all federal employment and training programs, a situation that creates intense competition for increasingly scarce dollars. In that context, we are concerned that the mandate to serve veterans first under all WIA programs could intensify this competition and exacerbate tensions among job seekers and staff in local offices. For this reason, we suggest that you consider provisions to guarantee increased funding for Section 168 of WIA, which provides specific funding authority for veterans services. We also urge you to support increased funding for the entire federal workforce system.

Incentive Awards and Performance Standards

AFSCME supports the provisions in the bill to give incentive awards to states for positive performance. We also agree with the provisions that would establish a performance accountability system that is more closely aligned with the new measures created under WIA and the new labor exchange. However, we urge you to provide for greater input from a broader group of stakeholders and for more direction to DOL in both of these sections.

I serve as a member of the Ohio Workforce Policy Board's performance measure subcommittee, and we are just beginning to get a handle on how we collect data, what data is

important and what types of performance criteria will effectively direct the system. Making decisions about incentives and performance is very complex. A poorly designed system – regardless of how well intentioned, can cause serious problems.

We have learned from our One Stop development experience in Ohio that measurement/incentives work well if the system is designed to meet specific expectations and if the expectations (measurements) are valued by the local stakeholders and by the Workforce Investment Boards charged with providing one-stop services. If the dollars do not match what local stakeholders see as important or if the measurements do not acknowledge the barriers faced locally, then the measurements or incentives have little impact. If the measurements only reflect jobs filled and do not acknowledge the significant case management work that is necessary, certain populations will not get the required services. The measurements should acknowledge the existence of multiple employment barriers.

In this regard, I would like to note the over-reliance in some one-stop centers on technology. While we support technology as an important complement to the work of employment service staff, many workers – veterans and others – need hands-on assistance. Veterans who need more personalized services – whether to deal with disabilities, to reenter civilian life or tailor their military skills to the demands of the civilian workforce – should have qualified and accessible staff who understand their needs in addition to cutting-edge technology. All too often, in recent years, states have replaced staff with technology in response to underfunding, and the result has been a diminution of services for individuals with the greatest needs and barriers to employment.

We suggest the Subcommittee give consideration to establishing more guidance concerning the performance standards and to the way in which the incentive awards can be used. Some possible uses for the incentive awards may involve innovative application of technology with personalized service, staff training to improve the screening and referral of veterans to services, process improvements, including labor-management quality improvement committees, and development of recommended model ratios of staff to veterans.

Revisions to Staffing Grants and Refinement of Job Training and Placement Functions

While we recognize that the current staffing grants have been seriously underfunded and may have structural problems, we are concerned that H.R. 4015 does not necessarily resolve these problems. In our view, the method of allocating funds leaves too much discretion to the executive branch. We think the legislation should specify in more detail the criteria for allocating funds and ensure that states receive reliable base funding.

AFSCME also is concerned that the requirement for states to employ such full-time and part-time disabled veterans' outreach program specialists and local veterans' employment representatives as it deems appropriate and efficient will be a hollow one without a guarantee of adequate federal funding. States will only be able to employ as many representatives as federal funding levels permit unless the legislation anticipates that they redirect funds from other sources.

We would strongly oppose redirecting resources from other programs, which themselves are chronically underfunded. Instead, we support guaranteed federal funding through a workload-based formula and urge you to consider it.

As a general matter, AFSCME supports simplifying the description of the duties of the veterans' specialists and representatives, but we believe that the legislation should not give so much unilateral authority to the Department of Labor. The legislation should describe the services that must be provided, but we are concerned that, under H.R. 4015, DOL officials could impose very specific job duties.

Our concern in this regard is reinforced by the fact that the legislation gives federal officials authority to submit to the states recommendations and comments in connection with the annual performance rating of each veterans' outreach specialist and employment representative. The legislation also provides that the federal funds to support these positions shall not be governed by the provisions of any other law or regulation that is inconsistent with Sections 4102A, 4103A or 4104.

As the collective bargaining representative of DVOP and LVER employees in many states, we see these provisions as problematic. We question whether these provisions would negate state personnel rules as they relate to these positions, possibly putting these employees at great risk of arbitrary actions by management. In addition, putting one level of government in the position of evaluating the specific job performance of employees of a different level of government will create considerable confusion and potentially undermine my union's ability to represent our members effectively. For example, it is not clear how we would grieve an unfavorable action based on an annual performance rating when our contract is with the state, but the federal government has a substantial influence in the evaluation of the individual employee.

In closing, Mr. Chairman, I want to reiterate AFSCME's support for the general framework of H.R. 4015, particularly its recognition of the importance of supporting, measuring and rewarding the work of LVERs and DVOPs, and placing that work in the context of the Workforce Investment Act and other DOL programs. We look forward to working with you as this legislation moves forward and would be happy to answer any questions at this time.