

AMENDING TITLE 38, UNITED STATES CODE, TO PROVIDE FOR QUALIFICATIONS FOR VOCATIONAL REHABILITATION COUNSELORS AND VOCATIONAL REHABILITATION EMPLOYMENT COORDINATORS EMPLOYED BY THE DEPARTMENT OF VETERANS AFFAIRS

SEPTEMBER 28, 2010.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. FILNER, from the Committee on Veterans' Affairs, submitted the following

R E P O R T

[To accompany H.R. 5630]

The Committee on Veterans' Affairs, to whom was referred the bill (H.R. 5630) to amend title 38, United States Code, to provide for qualifications for vocational rehabilitation counselors and vocational rehabilitation employment coordinators employed by the Department of Veterans Affairs, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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## PURPOSE AND SUMMARY

H.R. 5630 was introduced on June 29, 2010, by Representative John Boozman of Arkansas, Ranking Member of the Subcommittee on Economic Opportunity. H.R. 5630 seeks to set minimum professional qualifications for Vocational Rehabilitation Counselors and Vocational Rehabilitation Employment Coordinators within the Department of Veterans Affairs (VA). The bill would also require the Secretary of the VA to prescribe and enforce a remediation program for Counselors and Coordinators who do not meet or maintain such qualifications.

## BACKGROUND AND NEED FOR LEGISLATION

To qualify for the VA Vocational, Rehabilitation, and Employment (VR&E) program, a veteran must have a 20 percent service-connected disability rating and an employment handicap that has a substantial impact upon the veterans' ability to "prepare for, obtain, or retain employment consistent with such veteran's abilities, aptitudes, and interests." Veterans with a 10 percent service-connected disability rating which creates a "serious employment handicap" may also be eligible for VR&E benefits.

The VR&E program includes:

- Comprehensive rehabilitation evaluation to determine abilities, skills, and interests for employment;
- Vocational counseling and rehabilitation planning for employment services;
- Employment services such as job training, job-seeking skills, resume development, and other work readiness assistance;
- Assistance finding and keeping a job, including the use of special employer incentives and job accommodations for On-the-Job Training (OJT), apprenticeships, and non-paid work experiences;
- Post-secondary training at a college, vocational, technical or business school;
- Supportive rehabilitation services including case management, counseling, and medical referrals for Independent Living services for veterans unable to work due to the severity of their disabilities.

To provide these services to disabled veterans requires a significant level of education and clinical training. A Government Accountability Office (GAO) report titled *VA Vocational Rehabilitation and Employment: Better Incentives, Workforce Planning, and Performance Reporting Could Improve Program* (GAO 09-34, January 2009) stated that "[i]n terms of skill shortages, almost one-third of the regional offices reported that the skills of their counselors no more than moderately meet the needs of the veterans they serve and almost one-third reported the same for their employment coordinators" (GAO report at 17).

Vocational Rehabilitation Counselors provide all initial testing and evaluation to assist a disabled veteran with placement in one of the five VR&E tracks. VR&E Counselors also provide continuing case management services while the veteran is participating in the program. Although it is the Committee's understanding that VA currently only hires rehabilitation counselors with master's de-

grees, there is no requirement to obtain or maintain professional certification in the field. H.R. 5630 would place such initial hiring qualifications in statute and require counselors to obtain and maintain certification of their counseling skills from a national accrediting organization within five years of employment at VA.

VR&E Employment Coordinators are responsible for assisting VR&E participants with finding employment upon completion of the program of rehabilitation. This function also requires a level of skill and education to properly evaluate the skills and needs of disabled veterans completing VR&E.

H.R. 5630 would require that in order to be employed by the VA as a Vocational Rehabilitation Employment Coordinator, an individual must have completed a bachelor's degree in a relevant field, obtain certification within five years after being first employed by an accredited certifying body recognized by the National Commission for Certifying Agencies, and maintain such certification as a condition of continued employment. In order to be employed as a Vocational Rehabilitation Counselor, an individual must have completed a master's degree in vocational rehabilitation counseling, obtain certification within five years after being first employed by an accredited certifying body recognized by the National Commission for Certifying Agencies, and maintain such certification as a condition of continued employment.

H.R. 5630 also directs the Secretary to develop a remediation plan for counselors and coordinators who fail to meet these standards and to terminate any such employee who fails to meet the requirements of the tailored remediation plan.

#### HEARINGS

The Subcommittee on Economic Opportunity held two oversight hearings regarding the VA's Vocational Rehabilitation and Employment program during the 111th Congress on April 2, 2009, and May 6, 2010.

#### COMMITTEE CONSIDERATION

On September 15, 2010, the full Committee met in an open markup session, a quorum being present, and ordered H.R. 5630 reported favorably to the House of Representatives, by voice vote.

#### COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the record votes on the motion to report the legislation and amendments thereto. There were no record votes taken on amendments or in connection with ordering H.R. 5630 reported to the House. A motion by Mr. Buyer of Indiana to order H.R. 5630 reported favorably to the House of Representatives was agreed to by voice vote.

#### COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

## STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goals and objectives are reflected in the descriptive portions of this report.

## NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee will adopt as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

## EARMARKS AND TAX AND TARIFF BENEFITS

H.R. 5630 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the House of Representatives.

## COMMITTEE COST ESTIMATE

The Committee will adopt as its own the cost estimate on H.R. 5630 prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, a cost estimate for H.R. 5630 provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not available when the Committee filed this report.

## FEDERAL MANDATES STATEMENT

The Committee will adopt as its own the estimate of Federal mandates regarding H.R. 5630 prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

## ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act would be created by H.R. 5630.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional authority for H.R. 5630 is provided by Article I, section 8 of the Constitution of the United States.

## APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or

accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

#### SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

*Section 1. Qualification for vocational rehabilitation counselors and vocational rehabilitation employment coordinators employed by the Department of Veterans Affairs*

This section would establish the completion of a master's degree as the minimum qualification to be hired by VA as an employment counselor and a bachelor's degree as the minimum qualification to be hired by VA as an employment coordinator. This section also would require obtaining and maintaining national certification.

This section also requires the Secretary of VA to tailor a remediation plan for counselors and coordinators who fail to meet or maintain such qualifications and to terminate those who do not successfully comply with a remediation program.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

### TITLE 38, UNITED STATES CODE

\* \* \* \* \*

### PART III—READJUSTMENT AND RELATED BENEFITS

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### CHAPTER 31—TRAINING AND REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES

Sec.

3100. Purposes.

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3123. *Qualifications for vocational rehabilitation counselors and vocational rehabilitation employment coordinators.*

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**§ 3123. *Qualifications for vocational rehabilitation counselors and vocational rehabilitation employment coordinators***

(a) **VOCATIONAL REHABILITATION COUNSELORS.**—*Each individual employed by the Department as a vocational rehabilitation counselor shall—*

*(1) have completed a masters degree in vocational rehabilitation counseling before being so employed;*

*(2) by not later than five years after the individual is first so employed, obtain certification by an accredited certifying body recognized by the National Commission for Certifying Agencies; and*

(3) as a condition of continued employment, maintain such certification.

(b) *VOCATIONAL REHABILITATION EMPLOYMENT COORDINATORS.*—Each individual employed by the Department as a vocational rehabilitation employment coordinator shall—

(1) have completed a bachelors degree in the relevant field, as designated by the Secretary, before being so employed;

(2) by not later than five years after the individual is first so employed, obtain certification by an accredited certifying body recognized by the National Commission for Certifying Agencies; and

(3) as a condition of continued employment, maintain such certification.

(c) *REMEDIATION PLAN.*—If an individual employed by the Department as a vocational rehabilitation counselor or a vocational rehabilitation employment coordinator fails to meet a condition of employment applicable to such individual under subsection (a) or (b), the Director of the Vocational Rehabilitation and Employment Service shall develop a remediation plan for such individual. If the individual fails to complete the remediation plan, such failure shall be cause for termination.

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