



**The Tennessee Advisory Commission
on Intergovernmental Relations**



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MEMORANDUM

TO: TACIR Commission Members

FROM: Harry A. Green *Harry*
Executive Director

DATE: February 7, 2011

SUBJECT: County Veterans Service Officer Study

The Tennessee House of Representatives' State and Local Government Committee referred SB 1336/HB 895 to the Tennessee Advisory Commission on Intergovernmental Relations (TACIR) for study. A copy of the bill and its fiscal note is included in this tab. SB 1336/HB 895 amends the law which relates to the compensation of County Veterans Service Officers. Specifically, this bill would amend the law to require that

- the initial compensation of a County Veterans' Service Officer be no less than the average pay received by department heads of the general government of the jurisdiction
- the initial compensation be increased annually by no less than the average cost-of-living adjustment provided to general government employees of the jurisdiction
- the County Veterans Service Officers be entitled to the same benefits as the general government employees of the jurisdiction and
- the County Veterans Service Officers be provided reasonable office space and administrative support.

Current County Veterans Service Officers compensation would be no less than the amount provided above. Current County Veterans Service Officers would also be entitled to the same benefits and support.

BACKGROUND

Tennessee's Veteran Population

In 2010, according to the U.S. Department of Veterans Affairs' (USDVA) most recent estimates, Tennessee had 495,766 veterans, around 8 percent of the total state population of 6.3 million.¹ The majority are male, 92 percent. Most are between the ages of 50-74, 54 percent. In addition, 83 percent of the state's veterans are white and around 14 percent are black. The vast majority of the state's veterans served during wartime. The largest number of veterans served during the Vietnam War, 175,140.

Between September 2000 and September 2010 the number of veterans living in Tennessee was estimated to have decreased 11 percent, from 556,802 to 495,766 veterans. According to federal estimates, Tennessee's veteran population will continue to decrease over the next decade by around 14 percent from 495,766 to 424,309.

Table 1: Characteristics of Tennessee's Veteran Population—2010²³

Gender	Number	Percentage
Male	456,551	92%
Female	39,215	8%
Age		
24 and below	5,740	1%
25-49	127,514	26%
50-74	268,458	54%
75+	94,054	19%
Ethnicity		
White	409,937	83%
Hispanic	5,292	1%
Black	71,650	14%
American Indian	2,212	Less than 1%
Asian	1,528	Less than 1%
Other	5,147	1%
Period of Service⁴		
World War II	36,005	
Korean War	49,532	
Vietnam War	175,140	
Gulf War	126,339	
Peacetime	128,390	
Total	495,766	

¹ Veterans by State, Age Group, Period of Service, Race/Ethnicity, Gender 2000-2036, U.S. Department of Veterans Affairs, accessed November 23, 2010, <http://www1.va.gov/VETDATA/Demographics/Demographics.asp>.

² Ibid.

³ This information represents federal estimates for fiscal year ending September 30, 2010.

⁴ Veterans who served in more than one war are counted in multiple categories.

Veterans Benefits

In his second inaugural speech, President Abraham Lincoln recognized the nation's obligation "to care for him who shall have borne the battle, and for his widow and his orphan." Today Tennessee veterans may be eligible for a wide range of federal and state benefits.

Federal Benefits

The U.S. Department of Veterans Affairs (USDVA) administers a number of benefit programs. Table 2 lists the USDVA's major benefit programs.

Table 2: Federal Benefit Programs for Veterans Offered through the US Department of Veterans Affairs⁵

Disability	Veterans are eligible for monthly compensation if they are at least 10 percent disabled as a result of military service.
Pensions	Veterans are eligible for a monthly pension if they are a wartime veteran with limited income, and are permanently and totally disabled or at least 65 years old.
Health Care	The VA provides a number of health care services.
Vocational Rehabilitation and Employment	The VA helps veterans with service-connected disabilities find and keep suitable employment.
Education and Training	The VA provides benefits to veterans in an approved education or training program.
Home Loans	It provides guarantees for private home loans, refinancing at a lower interest rate and special grants for disabled veterans to adapt or acquire housing suitable for their needs.
Life Insurance	It provides various life insurance programs including low cost and renewable term life insurance.
Burial	The VA provides headstones and markers, Presidential Memorial Certificates, burial flags, reimbursement of burial expenses and burial in a VA national cemetery.
Dependants and Survivors	Compensation is payable to certain survivors of veterans who died on active duty, from service-related disabilities and survivors of certain veterans who are being paid 100 percent disability compensation at time of death.

⁵ U.S. Department of Veterans Affairs, *Federal Benefits for Veterans and Dependents* (Washington D.C.: 2010).

Other federal agencies in addition to the USDVA administer programs for veterans. The U.S. Small Business Administration provides business planning, counseling, and training. It also manages a range of special loans and guarantees to veterans who own or are starting a small business. The U.S. Department of Agriculture provides loans and guarantees to veterans who want to buy, improve, or operate farms.

In FY 2009, Tennessee veterans received \$2.2 billion in federal aid from the USDVA.⁶ In FY 1999, they received \$1.2 billion in federal aid from the USDVA. This represents an 83% increase in federal aid from the USDVA to Tennessee's veterans during that ten year time period.

State Benefits

Tennessee also provides benefits for veterans. Table 3 lists the major state veterans benefit programs.

Table 3: Major State Benefit Programs for Veterans⁷

Property Tax Relief	Property tax relief is available for severely disabled veterans and/or surviving spouses.
County Motor Vehicle Privilege Tax Exemption	Veterans that are 100 percent disabled or a former POW are eligible for exemption from the county motor vehicle privilege tax.
Veterans Homes	Three veterans homes available for veterans who qualify.
Employment Programs	The state provides veterans with preference in state employment and credit for military service in state employment.
Veteran Owned Businesses	Special consideration is given to Tennessee service-disabled veterans in the awarding and procuring of state contracts.
Tuition Fees	Dependants and/or spouses of certain veterans qualify for free tuition at state universities.
Burial	Tennessee provides burial for eligible veterans at three state veteran cemeteries.
Registration of Discharges	Registration of discharges is provided by the county registrar at no-fee.
Other	Free license plates for certain veterans; parking privileges for free license plate holders; free hunting and fishing licenses for veterans with 30 percent or more war related disability after one-time fee of \$10.

⁶ Geographic Expenditure of VA Expenditures, U.S. Department of Veterans Affairs, accessed November 29, 2010 http://www1.va.gov/VETDATA/GDX/Geographical_data.asp.

⁷ State Benefits for Eligible Veterans, Dependents, and/or Survivors, Tennessee Department of Veteran Affairs, accessed November 23, 2010 <http://www.state.tn.us/veteran/benefitsstate.htm> and Tennessee Code Annotated.

Benefit Claims Process

Veterans must generally file a claim in order to receive benefits. This can be a long and complex process. Each benefit program has its own eligibility requirements. Some programs have income limits while others may require wartime service. Veterans may also be eligible for benefits for only a limited period of time. For example, veterans have 10 years from the date they were released from active duty to use their federal education and training benefits.

There are different claim forms for different benefit programs so it may be a challenge for a veteran to determine which claim form to use. The claim forms themselves can be several pages long with many questions that may require the attachment of additional information such as medical records, court records, separation papers, marriage certificates and divorce decrees, military records and birth certificates. Due to the complexity of the claims process most veterans file claims with the assistance of an accredited representative such as a County Veterans Service Officer.

In Tennessee, a County Veterans Service Officer, a Veterans Benefit Representative or a Post Service Officer can assist veterans in filing for veterans benefits. A Veteran's Service Officer is a local government employee who can assist veterans in applying for benefits. A Veterans Benefits Representative is an employee of the state Department of Veteran Affairs who can also assist veterans in filing for benefits. Post Service Officers are members of local Veterans Service Organizations such as the American Legion who are appointed by the veterans organizations to counsel veterans and their families and assist them in filing claims.⁸ They serve on a volunteer basis.

The claims process usually begins when the veteran contacts a County Veterans Service Officer, Post Service Officer or a Veterans Benefit Representative and inquires about benefits. This person will interview the veteran and then identify and explain benefits which the veteran may be eligible for. The County Veterans Service Officer Post Service Officer or Veterans Benefit Representative will also help the veteran complete an application for benefits including helping the veteran to compile any supporting documentation which may be necessary. Claims processed by the Tennessee Department of Veteran Affairs Claims Division are assigned to a Veterans Claims Specialist.⁹ The Veterans Claims Specialist reviews a claim to make certain that it is completed properly and has all necessary supporting documentation before it is submitted to the USDVA.¹⁰ The Specialist helps the veteran in any hearing that may be necessary in the prosecution of a claim and assists with appeals.¹¹

⁸ Tennessee Department of Veterans Affairs, *Annual Report 7/1/08-6/20/09*, (Nashville: 2009), 6

⁹ *Ibid.* 8.

¹⁰ *Ibid.*

¹¹ *Ibid.*

COUNTY VETERANS SERVICE OFFICERS

The General Assembly authorized the creation of Veterans' Service Officer positions by the passage of Chapter 38 of the Public Acts of 1945. This legislation empowered cities and counties to establish Veterans Service Offices headed by County Veterans Service Officers. The General Assembly declared that "it is of vital interest to each community in this state that such returned veterans be advised and assisted in obtaining all rights granted to them by legislation both Federal and State."

There are County Veterans Service Officers currently serving veterans in 83 counties.¹² The law authorizes counties and cities to establish veterans service offices for the purpose of advising the veterans and their dependants and assisting them in obtaining of all rights, privileges, immunities and benefits to which they may be entitled under any law or private institutions or individuals.¹³ The law does not require a county or city to create a veterans service office or employ a County Veterans Service Officer.

A County Veterans Service Officer is to be chosen by the governing body of the city or county creating the veterans' service office. All County Veterans Service Officers must be honorably discharged veterans of the US armed forces. All County Veterans Service Officers must complete training and be issued accreditation by the Department of Veterans' Affairs within one year from the date of appointment. Any County Veterans Service Officer that does not complete the training shall be removed from office. No veteran or veteran dependent is charged a fee for services rendered by a County Veterans Service Officer.¹⁴

Counties and cities are authorized to appropriate such funds as necessary for the operation of service offices. The senior Veteran Service Officer may receive compensation commensurate to the compensation paid to heads of county government departments of comparable size in the county in which the officer is employed. This compensation may be prorated to reflect the numbers of hours that the officer actually worked during the pay period.¹⁵

The County Veterans Service Officers work in conjunction with Veterans Benefit Representatives and Post Service Officers to help veterans file claims and obtain benefits.

SURVEY OF COUNTY VETERANS SERVICE OFFICERS

The bill sent to TACIR for study, SB 1336/HB 895, would set a minimum level of compensation for a County Veterans Service Officer equal to the average pay received by department heads of the county which employs that County Veterans Service Officer. The Officers would be entitled to the same benefits as general county

¹² This is based on the County Veterans Service Officer Directory on the Tennessee County Veterans Service Officer Association website, <http://tnvso.com/id16.html> accessed November 29, 2010.

¹³ T.C.A. § 58-3-109

¹⁴ T.C.A. § 58-3-111

¹⁵ T.C.A. § 58-3-110

government employees. It would also require the local government to provide the County Veterans Service Officers with reasonable office space and administrative assistance. As a part of its study of the bill, the TACIR staff surveyed the state's County Veterans Service Officers in October and November 2010 in order to get information on the Officers' workload and their work environment. A copy of the survey form is included in this tab. The TACIR staff received 62 responses from County Veterans Service Officers in 55 counties. It should be noted that some counties employ more than one County Veterans Service Officer.

Survey Results

Number of Full-Time and Part Time County Veterans Service Officers

According to the survey responses, at least 26 counties have full-time County Veterans Service Officers. Some counties, such as Montgomery and Bradley counties, employ more than one full-time Officer. Of the full-time Officers one indicated that he worked as a County Veterans Service Officer on a volunteer basis. Twenty-nine counties have part-time County Veterans Service Officers. One part-time County Veterans Service Officer reported that he worked on a volunteer basis. Marshall and Roane counties each have more than one part-time County Veterans Service Officer.

Hours Worked

Six respondents reported working less than 20 hours per week.¹⁶ All of these were part-time Officers. Twenty-three reported working between 20-30 hours per week. Of these 4 were full-time employees and 19 were part-time. Twenty survey respondents reported working 31-40 hours per week. Of these 17 indicated they were full-time employees while 3 indicated they were part-time Officers. Twelve respondents reported working more than 40 hours per week. They all indicated that they were full-time Officers. One part-time County Veterans Service Officer indicated that his work hours varied.

Case Loads

The survey asked the Officers to estimate their average case load. The staff received a range of responses to this question. Some respondents estimated the average number of cases they handled per day. Others responded with their weekly, monthly, or annual case load. The responses ranged from a low of 2-3 cases per month to a high of 5,200 claims handled per year.

Working Outside the Office

Survey respondents from 52 counties reported helping veterans file claims outside the office. Only 3 Officers indicated in their survey responses that they did not help veterans file claims outside the office. Of these one survey respondent indicated that in

¹⁶ The staff received more than one survey response from some counties which employ more than one County Veteran Service Officer.

the past he had helped veterans outside the office but health problems prevented him from doing so now. Survey respondents indicated they spent anywhere from 1-50 hours per week outside the office on average assisting veterans. Some respondents indicated they traveled hundreds of miles each week assisting veterans outside the office.

Survey respondents from 53 counties indicated that they engaged in community outreach activities such as attending meetings of veterans organizations and other community groups or networking with other human service providers in the community. Three survey respondents indicated that they did not engage in community outreach activities. County Veterans Service Officers reported that they spent anywhere from 1 to 20 hours per week on average engaging in community outreach activities.

Office Space

According to the survey responses, at least 50 counties in the state provide office space for their County Veterans Service Officers. Five respondents stated that office space was not provided by the county. Of these one survey respondent stated the American Legion provided office space.

Administrative Assistance

Survey respondents from 26 counties reported having administrative assistance. Of these 10 reported having administrative assistant/clerical help. Two reported having IT (information technology) assistance. One County Veterans Service Officer who responded to the survey said he would be hiring someone soon.

Survey respondents from 29 counties reported not having any administrative assistance. Of these 17 indicated that they did not need administrative assistance. Eight reported a need for assistance. Two survey respondents did not answer the question and 1 answered sometimes.¹⁷ The staff received a response from each of the two County Veterans Service Officers in Marshall County. One Officer reported that he sometimes felt there was a need for administrative assistance. The other Officer reported that he did not think there was a need for administrative assistance.

Findings from the Survey

- The majority of those Officers responding to the survey reported working between 20-40 hours per week.
- Twelve County Veterans Service Officers reported working over 40 hours per week.

¹⁷ The staff received more than one survey response from some counties which employ more than one County Veteran Service Officer. In two cases, Officers in the same county provided conflicting answers. One Officer from Marshall County stated they did not need administrative assistance and one reported a need for one sometimes. One Officer from Roane County reported a need for assistance and one responded that they did not need assistance.

- The vast majority of County Veterans Service Officers spend time working outside the office helping veterans file claims and/or engaging in community outreach activities such as attending veterans organization meetings.
- At least 50 counties provide office space for their County Veterans Service Officers.
- Only 10 County Veterans Service Officers responding to the survey reported a need, at least sometimes, for administrative assistance.

Issues Raised by the Study

It is evident from the responses to the staff survey that the County Veterans Service Officers are dedicated, hard-working individuals committed to helping the veterans of this state secure the benefits to which they are entitled. They work long hours. In some cases, they may work full-time hours for part-time pay. They are willing to travel to a veteran at their home, hospital or nursing home in order to help them. The Officers' actions benefit the community since the veteran benefits which the Officers help veterans obtain make their way back into the local economy. The County Veterans Service Officers are individuals that deserve to be adequately compensated for their services to veterans and the community.

This raises the issue of how to go about ensuring that Officers are adequately compensated, SB 1336/HB 895 would require counties to raise the pay for a County Veterans Service Officer to the average pay received by department heads of the county which employs that County Veterans Service Officer. This could be a substantial increase in costs for a county. According to the bill's fiscal note, this legislation would increase local expenditures in excess of \$980,000. Counties are not required to employ a County Veterans Service Officer. If this legislation passed, it is possible some counties would do away with County Veterans Service Officer altogether which would not be in the best interests of the veterans.

An alternative would be for the state to provide additional financial assistance to the counties to help increase the pay for County Veterans Service Officers. However, with the state facing an estimated \$1.5 billion budget deficit this year and possibly budget deficits for the next few years it may be a challenge for the state to set aside funds to help increase the pay for County Veterans Service Officers in the near future.

There is also the issue of whether or not factors other than average pay of county department heads should be taken into account when determining pay for County Veterans Service Officers. Should factors such as the number of veterans in a county or the average number of claims filed in the County Veterans Service Officer's office be considered when calculating the pay for Officer?

These are difficult issues which the staff will continue to grapple with as we continue the study.