



TACIR

The Tennessee Advisory Commission
on Intergovernmental Relations



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MEMORANDUM

TO: TACIR Commission Members

FROM: Harry A. Green *Harry*
Executive Director

DATE: June 30, 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. 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

	Number	Percentage
Gender		
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).

In addition to the USDVA, other federal agencies 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 (CVSO).

In Tennessee, a CVSO, 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 CVSO, 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 CVSO, 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 CVSO 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 CVSOs. 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 CVSOs 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 CVSO.

A CVSO is to be chosen by the governing body of the city or county creating the veterans’ service office. All CVSOs must be honorably discharged veterans of the US armed forces. All CVSOs must complete training and be issued accreditation by the Department of Veterans’ Affairs within one year from the date of appointment. Any CVSO 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 CVSO.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 CVSOs 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 CVSO equal to the average pay received by department heads of the county which employs that CVSO. The CVSOs would be entitled to the same benefits as general county government employees. It would also require the local government to provide the CVSOs with reasonable office space and administrative assistance. As a part of its study of the bill, the TACIR staff surveyed the state’s

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

CVSOs in October and November 2010 in order to get information on the CVSOs' workloads and their work environment. The TACIR staff received 62 responses from CVSOs in 55 counties. It should be noted that some counties employ more than one CVSO.

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 CVSOs. 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 CVSO on a volunteer basis. Twenty-nine counties have part-time CVSOs. One part-time CVSO reported that he worked on a volunteer basis. Marshall and Roane counties each have more than one part-time CVSO.

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 CVSO 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 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.

¹⁶ The staff received more than one survey response from some counties which employ more than one county veteran service officer.

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. CVSOs 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 CVSOs. 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 CVSO 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 one answered sometimes.¹⁷ The staff received a response from each of the two CVSOs 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 CVSOs reported working over 40 hours per week.
- The vast majority of CVSO 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 CVSOs.

¹⁷ The staff received more than one survey response from some counties which employ more than one CVSO. 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.

- Only 10 CVSOs responding to the survey reported a need, at least sometimes, for administrative assistance.

Other States

Other states employ a variety of methods for assisting veterans in filing for benefits. In twenty-two states and the District of Columbia, the state government employs veterans' service officers to assist veterans in filing claims. In Tennessee, the state and county governments both employ individuals who assist veterans in filing for benefits.

In Alaska, the veterans' service organizations provide assistance to veterans in filing claims but the state provides special grants to these organizations to assist to be used to pay salaries and other expenses. Neither the state nor counties employ veterans service officers in Vermont. Wyoming is just beginning to establish a CVSO program. It currently has only two CVSOs who are volunteers.

Twenty-six states including Tennessee authorize counties to appoint veterans service officers. In nine of these states, state law actually requires each county to employ a veteran service officer. Eight of these states specifically authorize the counties to levy a special property tax to help fund the positions of the office.

In a few states, the state assists the counties in funding the county officer positions.

- Iowa law authorizes the state to allocate \$10,000 to each County Veterans Affairs Office each year if there is money available.
- In South Dakota, the state is authorized to provide assistance of \$1 of state funds for each \$4 of county funds to provide for the payment of the county veterans service officer's salary.
- The Wisconsin Department of Veterans Affairs is authorized to issue grants to counties for the improvement of services to veterans.
- The Oregon Department of Veterans' Affairs is authorized to distribute money to counties to enhance and expand the services offered by the CVSOs based on a distribution formula which takes into account the number of veterans in each county.
- In Arkansas and Colorado, the counties may apply for financial assistance from the state. Arkansas can provide \$1 of state funds for every \$2 of county funds for the payment of the salary and expenses of county veterans' service officers. No county may receive in excess of \$3,600 except counties with a veteran population in excess of 2,500 may receive up to \$4,800.

- In Alabama, the state pays the officer's salary but the county must provide office space and pay office maintenance costs.
- CVSO salaries in Nevada are funded by the county, but the state pays a portion of the office costs.
- The county is responsible for the compensation and expenses of county veterans service officers in California, but the state distributes state funds on a pro-rata basis to those counties who have an officer.

Nebraska seems to be the only state that sets a minimum salary for county officers. A full-time officer is required to be paid a minimum of \$5,500 to \$8,000 a year based on the county population.

Conclusions

The CVSOs 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 CVSOs are individuals that deserve to be adequately compensated for their services to veterans and the community.

SB 1336/HB 895 came about at a time when counties are still affected by the economic downturn. This bill would require counties to raise the salary for a county veterans service officer when counties have already instituted salary and hiring freezes and laid off county employees due to declining revenues. The law does not require counties to employ a CVSO. If this legislation passed, it is possible some counties would do away with CVSO altogether which would not be in the best interests of the veterans.

It is difficult to balance the interests of counties with those of the CVSOs and the veterans they serve. This report does not offer a specific recommendation on SB 1336/HB 895. It instead offers some points to consider:

- **Before initiating any change in pay scale, the Legislature should consider requiring the CVSOs, in conjunction with Tennessee Department of Veterans Affairs, to provide detailed information on the operations and workload in each county they serve.**

The amount of work for a CVSO can vary from county to county. Before initiating any changes in pay, it might be beneficial to get in-depth, substantive information on the workload for each officer. The Tennessee County Veterans Service Officers Association in conjunction with the Tennessee Department of Veteran Affairs could identify what workload

measures would be appropriate. Potential measures could include: county veteran population; the percentage of veterans receiving benefits and the amounts received; the number of claims filed relative to the counties' population; and veterans served per officer. To the extent it is possible, this report should include detailed information on the workload of the state veterans benefit representatives and the post service officers. This could help the Legislature judge the need for a new pay scale. It could also be used as a basis to determine which counties need additional assistance. On a statewide level, this information could be used to help ensure that veterans are receiving the benefits they deserve.

- **Any pay scale that is adopted should relate to the numbers of veterans in each county.**

As noted above, the amount of work required of a CVSO varies significantly from county to county. One way to reflect this would be by having the pay scale relate to the number of veterans located in each county. For example, Montgomery County has a relatively large number of veterans so their workload would be much higher than most other counties.