



## MEMORANDUM

**Date:** January 21, 2019

**To:** Andreas Mueller, Executive Director, Governor's Military Council

**From:** Allison Hsieh, Policy Advisor, Governor's Military Council

**Subject:** **Military Spouse Licensing and Credentialing Progress in California**

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### Introduction and Purpose

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Military spouses face unique challenges that have the potential to detract from the overall readiness of our military forces. The social and economic well-being of military spouses is a key national security concern as the potential lack of equal economic opportunity for military spouses can create obstacles that affect a family's decision to begin, carry out and continue military service. Notably, the underemployment of military spouses can directly influence military readiness and can hamper military recruitment and retention. Beyond the national security implications, military spouses are a key element in California's workforce as they can offer the full spectrum of professional experience to California's labor market. Because many military installations in the state are located in rural or otherwise economically distressed areas, military spouses can add additional talent and perform critical jobs that might be otherwise lacking in such regions. It is essential that the state support the ability of military spouses to provide for their families and while it is true that licensure and credentialing do not necessarily lead to employment they are important qualifiers whose restrictions can be significant hindrances.

A primary challenge facing military spouses are the frequent moves associated with military service. In June 2017, the U.S. Chamber of Commerce Foundation's *Hiring our Heroes* initiative published a study titled "Military Spouses in the Workplace," which showed that military families move frequently, often to a new state, and that 50% of these families move at least three times during a service member's career, often with little or no notice.<sup>1</sup> The economic and social costs a spouse experiences as a result from these moves can pose significant hardship to a family, such as the difficulty

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<sup>1</sup> U.S. Chamber of Commerce Foundation (2017, June 14) *Hiring our Heroes Military Spouses in the Workplace*. p. 6. Retrieved December 13, 2018 from: <https://www.uschamberfoundation.org/slideshow/military-spouses-workplace>

maintaining proper professional credentialing when moving from state to state. Nearly half of the nation's military spouses work in professions such as a teacher, occupational therapist, or nurse, which require a state specific license, credential or certificate and compounds the difficulties faced from frequent moves.<sup>2</sup> The delay in obtaining new licenses for each state a military spouse moves to significantly hampers opportunities for military spouses to work in their new state of residence. The economic well-being of military spouses is also important to our nation's military readiness. Importantly, according to the study, one of the leading factors service members cited for leaving military service was concern over transferring to a location where there is a lack of available career opportunities for spouses.<sup>3</sup> Employment for military spouses is an important economic and ethical issue for California given the more than 250,000 servicemembers currently serving in the state.

Given its rich military history and prominent role in our country's national security, California should lead the nation in installing policies that support military spouses and military families. For its part, the Governor's Military Council is committed to not only improving opportunities for military spouses in the state, but also to increasing California's attractiveness to discharging service members and veterans who want to call California home in retirement. In 2019, the Council will work to develop, advise and reinforce the efforts of the Governor, as well as increase awareness of current opportunities to enhance these efforts. In fact, with the Council's assistance, California took many important steps forward these last several years to support military spouses and military families.

## Current California Legislative Actions

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The DoD released its report "Supporting our Military Families: Best Practices for Streamlining Occupational Licensing Across State Lines," in 2012. The report identified three strategies that states could use to address the limiting barriers to employment for military spouses in fields that require licensing/credentialing: 1) allow for "licensure by endorsement;" 2) create procedures for temporary or provisional licensing; and, 3) institute an expedited application process for military spouses applying for credentialing in their new state of residence.<sup>4</sup> As one of 24 states to implement all three DoD suggested policies above, California has taken several legislative actions in the last six years as detailed below.

### AB 1904 (Block-2012) — Expedited Licensure for Military Spouses

Both the Assembly and Senate fully supported and approved AB 1904, which Governor Brown signed into law in 2012, which requires boards within the California Department of Consumer Affairs (DCA) to expedite the licensure process for an applicant who holds a license in the same profession in another jurisdiction and is married to, or in a legal union with, an Active Duty member of the United States Armed Forces assigned to a duty station in California under Active Duty orders. Importantly, of the 48 states that

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<sup>2</sup> Borden, Lynne M, et al. *Military Spouse Licensure Portability Examination*. November 2017. 2.

<sup>3</sup> U.S. Chamber of Commerce Foundation, 2017 Hiring our Heroes Military Spouses in the Workplace. 13.

<sup>4</sup> Borden, Lynne M, et al. *Military Spouse Licensure Portability Examination*. November 2017. 2.

have adopted credentialing policies following the DoD report, only California and Oregon classify the domestic partners of service members as being eligible for the benefits provided streamlined credentialing process.

#### [AB 186 \(Maienschein-2014\) — Temporary Licenses for Military Spouses](#)

AB 186 passed both houses in 2014 with only one vote of opposition recorded in the State Assembly. The bill establishes a temporary licensure process at the Department of Consumer Affairs for military spouse or domestic partner applicants who hold current credentials from another jurisdiction. The temporary license is good for 12 months or until a license is issued or denied. The bill also requires military spouse or domestic partner applicants seeking certain temporary licenses in more technical fields to undergo the proper state examination associated with a full license.

#### [AB 226 \(Cervantes-2017\) — Expediting the Teacher Credential Review Process](#)

In October 2017, Governor Brown signed AB 226, which passed unanimously through both legislative houses. The law requires the Commission on Teacher Credentialing (CTC) to provide a determination an application for a California teacher credential within seven days of the date that the commission received the application if the applicant is a spouse of an Active Duty member of the Armed Forces who is assigned to a duty station in this state under Active Duty orders and holds a valid teaching credential in another U.S. state, district, or territory.

The CTC serves as the standards board for educator preparation for the public schools of California, controls the licensing and credentialing of professional educators in the state and oversees the enforcement of professional practices of educators and discipline of credential holders in the state. The Assembly estimated that the bill would apply to about 100 credentials per year, based on the number of Active Duty spouses who take advantage of the CTC's fee waiver program for military spouses. Under the fee waiver program, CTC waives the processing fee for an initial California credential applications for out-of-state applicants who relocate to California due to receipt of orders from a branch of the United States Armed Forces that require the applicant's spouse to relocate to California. This action by the state was an important one because many sources cite teaching as the most commonly held profession by military spouses nationwide.

#### [SB 1080 \(Roth-2018\) — Military Spouse Licensing for Ride-Sharing Platforms](#)

Approved by the Governor on September 18, 2018, SB 1080 is the most recent action taken by the state legislature concerning military spouse licensing. The bill, designed to streamline the onboarding process for military spouses wishing to become employed as drivers for a ride-sharing service like Uber or Lyft, allows nonresident Active Duty military members or their spouses to be certified using a valid driver's license issued by another other state or territory of the United States in which the member or dependent is a resident. This effort is particularly important given the frequency with which military spouses are using ride-sharing platforms as opportunities to either provide or supplement their incomes. Uber reports that around 50,000 military-associated (Active Duty, military spouses, and dependent) drivers have been certified by the company

since it started its military identifier program back in 2014, with the number one reason for signing up being income supplementation.<sup>5</sup> Similarly, Lyft reports that 26% of its drivers are military-associated and rely on Lyft for their financial security.<sup>6</sup>

### California State Bar Revisions to the Special Admissions Rule 9.41.1 (2018)

Special Admissions rules govern the extent to which those not formally admitted to the State Bar of California may practice in California. In 2018, the California State Bar reviewed a proposal to create a new special admissions Rule of Court and Rules of the State Bar category for Registered Military Spouses who are licensed attorneys in another state and are married to an Active Duty member of the United States Armed Forces assigned to a duty station in California under Active Duty orders. This proposal, if adopted, will permit “Attorney Spouses” to practice law in California under the supervision of an attorney licensed in California without requirement to take the state bar examination prior to employment.<sup>7</sup>

California has one of the most historically low pass rates for its state bar examination; in July 2018, the pass rate for all test takers (first-timers and repeaters) was 40.2%.<sup>8</sup> The proposed special admissions rule permits Military Spouse Attorneys to practice their profession in a state that characteristically poses a significant challenge to incoming attorneys.

## Recent Federal Actions

There is renewed prioritization for the issue of military spouse licensure from the federal government and federal elements, attention from the DoD and DHS to Congress has made this evident. In fact, a major policy announcement in a letter from the Secretaries of the Air Force, Navy and Army to Governors, stated that the strength of a state’s policy framework in supporting the career options of military spouses will now be formally used as criteria for future force structure and military basing decisions.<sup>9</sup> The message from the DoD is clear: states must take decisive action to safeguard and promote the economic opportunities for military spouses.

Congress has also been active on this issue, for instance, a new bipartisan bill (S.2379, “The Military Spouse Employment Act of 2018”) introduced in the U.S. Senate on February 6, 2018, was proposed by Senators Kaine [D-VA], Gillibrand [D-NY], Murray [D-WA] and Perdue [R-GA] and aims at leveraging federal resources for the military spouse licensing issue. The bill requires the Secretary of Defense to release a report to Congress outlining ways to increase the participation in defense contracts of businesses that implement and maintain programs to employ military spouses. This bill creates a potential economic opportunity for California beyond the previously mentioned benefits to resident military families. As a significant portion of California’s economy relies on the

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<sup>5</sup> <https://www.uber.com/newsroom/ubermilitary-50000-strong-and-counting/>

<sup>6</sup> <https://blog.lyft.com/posts/celebrating-our-servicemembers?rq=military>

<sup>7</sup> <http://www.calbar.ca.gov/About-Us/Our-Mission/Protecting-the-Public/Public-Comment/Public-Comment-Archives/2018-Public-Comment/Revisions-to-the-Special-Admissions-Rules>

<sup>8</sup> [http://www.calbar.ca.gov/Portals/0/documents/admissions/JULY2018\\_CBX\\_Statistics.pdf](http://www.calbar.ca.gov/Portals/0/documents/admissions/JULY2018_CBX_Statistics.pdf)

defense industry, incentive programs to hire military spouses down the defense supply chain could potentially have positive economic impacts.

Also introduced in 2018 by Representative McEachin, H.R. 5125 seeks to improve and expand authorities, programs, services and benefits for military spouses and families. This includes increasing access to the United States' Department of Labor's employment, job training and other transitional assistance for military spouses.

The Council remains attuned to future federal activities such as these to mirror and adopt at the state level to benefit spousal employment opportunities.

### About the State of California Governor's Military Council

The California Governor's Military Council, created in 2013 by Governor Edmund G. Brown Jr. and codified by the state legislature in 2015, protects and enhances U.S. military and national security operations in California, as well as supports California's service members, veterans and their families. Chaired by former Assemblymember Col. Rocky Chávez (Retired), vice chaired by Vice Admiral Jody Breckenridge, United States Coast Guard (Retired), and formerly chaired by the Honorable Ellen O. Tauscher, the bipartisan Council identifies important policy issues and is the statutory national security policy advisory body to the Governor and Legislature. It also coordinates the state's diverse advocacy efforts to underscore the unique national security value of California's military bases, national security activities, defense technology companies, and workforce to policymakers, ensuring California speaks with a unified voice. For more information about the Council more information on the Council, please visit: <http://militarycouncil.ca.gov/>.