

HB 1592: to reduce occupational licensing barriers for military spouses in Washington state

By Todd Myers, Director, Center for the Environment

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Key Findings

1. Military spouses who move to Washington state face barriers to getting a job because of needlessly strict licensing rules.
2. President Biden recently highlighted this problem, noting license rules “lock some people out of jobs, and make it harder for people to move between states.”
3. Washington state HB 1592 would require state agencies to approve work licenses for military spouses within 30 days.
4. However, the bill does not count training and work experience gained in other states.
5. HB 1592 is a good start to helping military spouses find work in Washington and should be a catalyst for additional improvements.
6. Legislators should follow California, Colorado and other states and allow temporary work for one year until a Washington-based license is approved.

Introduction

In 2021, President Biden signed the “Executive Order on Promoting Competition in the American Economy,” which included a call to reduce the barriers that excessive occupational licensing restrictions create for military spouses who are transferred to a base in another state.¹ The order notes that the

inconsistency of the barriers from state to state “locks some people out of jobs, and makes it harder for people to move between states—particularly burdening military spouses, 34% of whom work in a field requiring a license and are subject to military-directed moves every few years.”

That problem is particularly acute in Washington state. Washington state has some of the most restrictive licensing laws in the country, requiring occupational licenses for more jobs than any other state except Louisiana.² Additionally, as other states have reduced barriers-to-work for military spouses, Washington has lagged behind.

The U.S. Department of Labor notes that, “In recent years, most states have passed laws creating less burdensome license recognition options for military spouses.”³ Spouses moving to Washington state, however, still face significant problems in receiving work licenses, even if they have professional experience and are fully licensed in another state.

The proposed Washington state “Military Spouse Employment Act” (HB 1592) would reduce those barriers by guaranteeing that spouses receive their license in a timely fashion after completing the requirements to be licensed.⁴ Although this is a welcome step, it falls far short of what is necessary to live up to the promise of President Biden’s executive

1 The White House, “Executive Order on Promoting Competition in the American Economy,” July 9, 2021, at <https://www.whitehouse.gov/briefing-room/statements-releases/2021/07/09/fact-sheet-executive-order-on-promoting-competition-in-the-american-economy/>.

2 Carpenter, Dick, et al., “License to Work: A national study of burdens from occupational licensing, 2nd Edition,” Institute for Justice, November 2017, at https://ij.org/wp-content/uploads/2017/11/License_to_Work_2nd_Edition.pdf.

3 U.S. Department of Labor, “Promising Practices: Military spouse license recognition for policymakers and licensing administrators,” at <https://www.workforcegps.org/-/media/Global-Site/Content/Resources/Milspouse/MilSpouse-Promising-Practices-Guide-for-Policymakers-and-Licensing-Admins.ashx>. Accessed January 20, 2022.

4 Washington State Legislature, “House Bill 1592 – 67th Legislature,” introduced December 6, 2020, at <https://lawfileext.leg.wa.gov/biennium/2021-22/Pdf/Bills/House%20Bills/1592.pdf?q=20220110193144>

order and is far behind what other states like California have done recently.

While a good first step, legislators should build on HB 1592 to allow spouses to come to Washington to use their skills during a transition period or to openly recognize licenses from other states.

The challenges for military spouses

The preamble of The Military Spouse Employment Act outlines the problems faced by family members who move to Washington state as part of a mandatory military deployment. The authors of the legislation note that spouses face serious hurdles, “with approximately 34 to 50 percent working in fields that require a professional license. The length of time to credential after a move is a significant employment barrier...”⁵ According to the National Council of State Legislatures, 93% of military spouses are women.

Being relocated creates emotional stress in military families and lack of employment or underemployment adds financial pressure. The U.S. Department of Defense noted in 2017 that, “employment gaps and underemployment within military families, which lead to additional stress and financial strain that could also impact military spouses’ health and wellbeing, as well as service members’ military readiness.”⁶

There are two elements to the licensing burden. First, many occupational licenses require applicants to spend hundreds or thousands of hours in training, which they often don’t need, and then take a test to show their competence. Second, once that training is complete, state licensing departments must approve the application and grant a license in a timely way. HB 1592 would reduce this second barrier.

Expediting license approval

To help reduce these burdens, HB 1592 would require state agencies to expedite the approval of licenses after meeting all other requirements. It says that, “To the extent resources are available” agencies must issue a license “within 30 days of submitting a completed application and all required supporting materials, if, in the opinion of the authority, the requirements for licensure, certification, registration, or obtaining a permit of such other state are substantially equivalent to that required in Washington.”⁷ This would be a welcome reform, but is not a substantial difference from what is already occurring.

In a presentation to a legislative workgroup, a representative of the Washington State Department of Licensing presented a table showing the average time to issue work licenses for 18 different occupations during the first eight months of 2021.⁸ The table showed that the average time to issue a license was 12.2 days, with only three of the 18 jobs categories taking an average of longer than 30 days. Ensuring these relatively quick turnaround times remain the norm is an important function of the legislation, but SB 1592 would largely codify existing practice.

The legislation does not reduce the more significant barriers involving the requirement that military spouses must re-start their training without credit for training or experience they gained in other states. The state does have reciprocal recognition with some other jurisdictions. That recognition is only available for states where the requirements are “substantially equivalent” to Washington’s. The determination of whether a license from another state is “substantially equivalent” is entirely at the discretion of the agency. The only benefit of HB 1592 is it would expedite issuing licenses after military spouses

5 Ibid.

6 Herman, Zach, “Supporting military spouses through occupational license recognition,” National Council of State Legislatures, October 11, 2019, at <https://www.ncsl.org/blog/2019/10/11/supporting-military-spouses-through-occupational-license-recognition.aspx>.

7 Washington State Legislature, “House Bill 1592 – 67th Legislature,” introduced December 6, 2020, at <https://lawfilesexternal.wa.gov/biennium/2021-22/Pdf/Bills/House%20Bills/1592.pdf?q=20220110193144>.

8 Washington State Department of Licensing, “Military service member and military spouse licensing report,” December 2021, at <https://www.dol.wa.gov/about/docs/leg-reports/2021-military-licensing-report.pdf>.

had completed hundreds (or thousands) of hours of training for a job they already know.

Other states have solved this problem by providing a temporary license to practice during a transition period. This allows military spouses to hold a job while working toward meeting Washington state’s licensing requirements.

For example, California grants a temporary license for one year to military spouses who hold “a current license in another state, district, or territory of the United States in the profession or vocation for which the applicant seeks a license from the board.”⁹ Colorado has a similar law, allowing military spouses to practice using an out-of-state license for a year.¹⁰ Washington state should follow the lead of these other innovative states and provide a temporary license for those with experience in other states.

Military spouses are particularly vulnerable to licensing differences among states because they often have little choice about moving to a new jurisdiction. Those difficulties are not unique to military spouses, however. Others who have work experience and are obligated to move to Washington should also be extended this same courtesy and respect, allowing them to work, contribute to Washington’s economy and provide services that improve the lives of residents.

Conclusion

The Military Spouse Employment Act is a great start in making Washington state a welcoming place for skilled workers who move here due to a military transfer. The licensing section of the legislation recognizes that providing an opportunity to work eases the stress of what can be a difficult transition. To truly live up to President Biden’s call to help military spouses find work in their new

home, however, Washington lawmakers will need to build on this legislation. While our state prides itself on being innovative, we have fallen behind other states in providing job opportunities.

If HB 1592 can be a catalyst to further reductions in occupational license barriers, that may be its best legacy to improve the lives of military spouses.

Todd Myers is the director of Washington Policy Center’s Center for the Environment.

Nothing here should be construed as an attempt to aid or hinder the passage of any legislation before any legislative body.

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- 9 Veterans.gov, “Military Spouse License Transfer Options: California Law,” October 15, 2021, at <https://www.dol.gov/sites/dolgov/files/VETS/files/state-laws/CALIFORNIA.pdf>.
 - 10 U.S. Department of Labor, “Military Spouse License Recognition, State Profile: Colorado,” at https://www.workforcegps.org/-/media/Global-Site/Content/Resources/MilSpouse-Licensing-State-Profile_Colorado.ashx.