

ALABAMA

Veteran Defined

The term “veteran” as used within this document shall be defined as any person, male or female, who served on active duty, whether commissioned, enlisted, inducted, appointed or mustered into the military or naval service of the United States during any war in which the United States has been engaged, and who shall have been discharged or released from such services under conditions other than dishonorable. (Ala. Code § 31-5-1 (1975)).

JOB STATUS AND REEMPLOYMENT RIGHTS

Those state employees who are not in the classified service, upon being called into or entering the military service, shall have the same rights and privileges as to reemployment by the state or any department thereof as are granted to those employees in the classified service. (ALA. CODE § 36-26-33)

State, county, and municipal officials, who enter the military or naval service at a time when a state of national emergency has been declared to exist by the President of the United States, have preservation of job status and reemployment rights. Ala. Code 36-8-1-6)

Any teacher entering military service at a time when there is an existing state of war between the United States and any other country shall be granted a leave of absence for the duration of the war and until the beginning of the school year next succeeding the date on which said teacher is released from military service.

Any teacher entering the military service of the United States, who is not on continuing service status but who has accumulated one or more years of teaching experience immediately prior to entering military service, shall be given credit for such experience if such teacher returns to said position within one year after release from military service. Contact the local school board for information on required notices and forms. (Ala. Code 16-24-13)

PREFERENCE IN STATE CLASSIFIED EMPLOYMENT

All persons who have been honorably discharged from the United States Armed Forces at any time shall have 5 points added to any earned ratings in examination for entrance to the state classified service. Honorably discharged veterans with the present existence of a service-connected disability and entitled to pension, compensation or disability allowance under existing laws shall have 10 points added to any earned ratings. Wives and widows of certain disabled or deceased veterans may have the 10-point preference extended to them and added to any earned ratings. Veterans also receive preference on the classified service employment registers over non-veterans with the same ratings. Ala. Code § 36-26-15(b))

ALASKA

General Eligibility

Eligibility for most VA benefits is based upon discharge from active military service under other than dishonorable conditions. Active service means full-time service, other than active duty for training, as a member of the Army, Navy, Air Force, Marine Corps, Coast Guard, or as a commissioned officer of the Public Health Service, Environmental Science Services Administration or National Oceanic and Atmospheric Administration, or its predecessor, the Coast and Geodetic Survey.

Dishonorable and bad conduct discharges issued by general courts-martial may bar VA benefits. Veterans in prison must contact VA to determine eligibility. VA benefits will not be provided to any Veteran or dependent wanted for an outstanding felony warrant.

AS 39.25.159. Employment Preference For Veterans and Former Prisoners of War.

(a) A veteran or former prisoner of war who possesses the necessary qualifications for a position or job classification applied for under this chapter is entitled to a preference under this subsection. In an assessment using numerical ratings, points equal to five percent of the points available from the assessment device or devices shall be added to the passing score of a veteran, and points equal to 10 percent of the points available from the assessment device or devices shall be added to the passing score of a disabled veteran or former prisoner of war. In an assessment not using numerical ratings, consideration shall be afforded to a veteran; additionally, an opportunity to interview for the position shall be afforded to a disabled veteran or a former prisoner of war. A person may receive preference under only one of the categories described in this subsection or in (c) of this section. A person may use the preference without limitation when being considered for a position for which persons who are not currently state employees are being considered. If the recruitment for a position is limited to state employees, preference under this subsection may not be counted. If a position in the classified service is eliminated, employees shall be released in accordance with rules adopted under AS 39.25.150 (13). In the case of a comparison of employees with equal qualifications on the factors adopted under AS 39.25.150 (13), a veteran or former prisoner of war shall be given preference over a person who is not a veteran or former prisoner of war, and the veteran or former prisoner of war shall be kept on the job. This subsection may not be interpreted to amend the terms of a collective bargaining agreement.

(b) [Repealed, Sec. 2 ch 56 SLA 1993].

(c) A member of the national guard who possesses the necessary qualifications for a position or job classification applied for under this chapter is entitled to a preference under this subsection. In an assessment using numerical ratings, points equal to five percent of the points available from the assessment device or devices shall be added to the passing

score of a member of the national guard. In an assessment not using numerical ratings, consideration shall be afforded to a member of the national guard. A person may use the preference without limitation when being considered for a position for which persons who are not currently state employees are being considered. If the recruitment for a position is limited to state employees, preference under this subsection may not be counted. If a position in the classified service is eliminated, employees shall be released in accordance with rules adopted under AS 39.25.150 (13). In the case of a comparison of employees with equal qualifications on the factors adopted under AS 39.25.150 (13), a member of the national guard shall be given preference over a person who is not a veteran, a former prisoner of war, or a member of the national guard. This subsection may not be interpreted to amend the terms of a collective bargaining agreement. In this subsection, "member of the national guard" means a person who is presently serving as a member of the Alaska National Guard and who has at least eight years of service in the Alaska National Guard.

(d) In this section,

(1) "consideration" means reviewing a person's entire application in order to determine whether the person should be selected, rejected, or admitted to further steps in the assessment or selection process.

(2) "disabled veteran" means a veteran who is entitled to compensation under laws administered by the United States Department of Veterans Affairs, a person who was honorably discharged or released from active duty because of a service-connected disability, or a person who was disabled in the line of duty while serving in the Alaska Territorial Guard;

(3) "prisoner of war" means a person who has been a prisoner of war during a declared war or other conflict as determined by the Department of Defense under federal regulations;

(4) "veteran" means a person

(A) with 181 days or more active service in the armed forces of the United States who has been honorably discharged after having served during any period

(i) between April 6, 1917, and December 1, 1919, between September 16, 1940, and December 31, 1947, or between June 27, 1950, and October 14, 1976; or

(ii) in which the person was awarded a campaign badge, expedition medal, the Purple Heart, or an award or decoration for heroism or gallantry in action;

(B) who served 181 days or more in the Alaska Territorial Guard.

Section 36-26-15 - Tests for establishment of employment registers for positions in classified service; preferences for veterans, etc.; cooperation of board with federal government, etc., in establishing and administering standards of personnel qualifications, pay plans, etc.

(a) The director shall conduct tests to establish employment registers for the various classes of positions in the classified service. The tests shall take into consideration elements of character, reputation, education, aptitude, experience, knowledge, skill, personality, physical fitness and other pertinent matters and may be written or oral or any other demonstration of fitness as the director may determine. For a promotion test, the qualifications shall include the requirement that an applicant be employed in a position in such class and for such length of time, as the director shall specify, subject to the rules. Public notice of the time, place and general scope of every test shall be given. The director, with the approval of the board, shall determine the qualifications for admission to any test. Admission to tests shall be open to all persons who appear to possess the required qualifications and may be lawfully appointed to a position in the class for which a list is to be established, and no fee shall be charged therefor. The director may, however, reject the application of any person for admission to a test or may strike the name of any person from a list or refuse to certify the name of any person on a list for a position if he finds that such person lacks any of the required qualifications or is physically unfit to perform effectively the duties of the position in which he seeks employment or is addicted to the habitual excessive use of drugs or intoxicating liquor or has been convicted of a crime involving moral turpitude or guilty of any notoriously disgraceful conduct or has been dismissed from the public service for delinquency or has made a false statement of a material fact or practiced or attempted to practice any fraud or deception in his application or test or in attempting to secure appointment.

(b) All persons who have been honorably discharged from the Army, Navy, Air Force, Marine Corps or Coast Guard who have ever served in the armed forces of the United States at any time shall have five points added to any earned ratings in examination for entrance to the classified service. All persons who have ever served in the armed forces of the United States at any time who have been honorably discharged and who established by official records of the United States the present existence of a service-connected disability and because of disability are entitled to pension, compensation or disability allowance under existing laws and widows of such persons who shall have died in line of duty during any such period and widows of such persons who shall have been honorably discharged from the Army, Navy, Air Force, Marine Corps or Coast Guard and wives of such persons who shall have been honorably discharged from the Army, Navy, Air Force, Marine Corps or Coast Guard who, because of service-connected disability are not themselves qualified but whose wives are qualified, shall have 10 points added to any earned ratings. In entering upon registers the names of preference claimants entitled to five additional points, they will take the place to which their ratings entitle them on the register with nonveterans (the earned ratings augmented by the five points to which they are entitled) and will be certified when their ratings are reached. The name of a veteran with the augmented rating is entered ahead

of the name of a nonveteran when their ratings are the same. The names of persons entitled to a 10-point preference, however, will be placed ahead of all others on the register with the same rating (ahead of veterans entitled to a five-point preference and nonveterans) and shall be then certified in the order of their augmented ratings. An appointing officer who passes over a veteran eligible and selects a nonveteran with the same or lower rating shall file with the director the reasons for so doing, which reasons will become a part of the veteran's record but will not be made available to anyone other than the veteran himself, except in the discretion of the appointing officer. When reductions are being made in any part of the classified service, persons entitled to military preference in appointment shall be the last to be discharged or dropped or reduced in rank or salary if their record is good or if their efficiency rating is equal to that of any employee in competition with them who is retained in the service in their department.

(c) The board shall, in establishing and administering standards of personnel qualifications, pay plans and tests both for personnel now in place as well as that later employed, cooperate with and avail itself fully of the advice and assistance of the appointing authorities involved and of the federal government in those departments administered in whole or in part with federal funds

EMPLOYMENT TAX INCENTIVES

Small business owners (50 or less employees) may receive an additional \$1,000 income tax

credit for each recently deployed and now discharged, unemployed Veteran newly hired.

An additional \$2,000 tax credit is also available to recently deployed and now discharged,

unemployed Veterans who start their own businesses.

(Heroes for Hire Act, ALA. CODE § 40-18-321, *et seq.*)

Section 40-18-321 - Requirements for tax credit.

In addition to the existing tax credit allowed for in the Full Employment Act of 2011, codified as Section 40-18-290 through 40-18-293, an additional \$1,000 tax credit for job creation is available if existing requirements of Section 40-18-290 through 40-18-293 are met along with the following definition:

RECENTLY DEPLOYED UNEMPLOYED VETERAN. An individual who is all of the following:

(1) Was a resident of Alabama at the time of entry into military service or was mobilized to active, federal military service while a member of the Alabama National Guard or other reserve unit located in Alabama, regardless of the resident's home of record.

(2) Received an honorable or general discharge from active, federal military service within the two-year period preceding the date of hire.

(3) Has certification by the Department of Labor at the time of hire of either of the following:

a. Collecting or being eligible to collect unemployment benefits.

b. Having exhausted his or her unemployment benefits.

ARIZONA

Employment Preferences

Age Limit: An honorably discharged veteran shall be eligible for employment preference, rights, and privileges under any merit system in the state in the state or any political subdivision thereof, regardless of age, if otherwise qualified.

Civil Service: Veterans who pass an examination for employment by the state, county or city will have 5 points added to their certification score. The veteran must have served for more than six (6) months and be separated under honorable conditions. Veterans entitled to compensation for a service-connected disability will have 10 points added to their certification score. Certain spouses or surviving spouses shall be given a 5 point preference if the veteran died of a service-connected disability.

Fire Department: Members of any fire company inducted into the military establishment of the United States for military training are authorized reinstatement to their previous rating after discharge from military service.

Police And Fire Department: The period of military service shall be included in computing the length of service of the employee to determine eligibility for retirement.

Reserve Status/War Emergency: Appointive officers or employees of the state or of a political subdivision will be reinstated to their former position upon completion of military service to which they were inducted or ordered during time of war or were called to service because of their status as an active or inactive member of the Reserves.

492 Preferences

2005 Arizona Revised Statutes - Revised Statutes §38-492 Preferences

A. A veteran of the armed forces of the United States who is separated from the armed forces under honorable conditions following more than six months of active duty and who takes an examination for employment by the state or any political subdivision under a merit system of employment as provided by section 38-491 shall, in the determination of the veteran's final rating on such examination, be given a preference of five points over persons other than veterans. The preference shall be added to the grade earned by such veteran, but only if such veteran earns a passing grade without preference.

B. A disabled person who takes an examination for employment by the state or any political subdivision under a merit system of employment shall, in the determination of the disabled person's final rating on such examination, be given a preference of five points. The

ARKANSAS

21-3-302. Veterans Preference Law.

(a) This section shall be entitled the “Veterans Preference Law”.

(b) For purposes of this section, “veteran” means:

(1) A person honorably discharged from a tour of active duty, other than active duty for training only, with the armed forces of the United States; or

(2) Any person who has served honorably in the National Guard or reserve forces of the United States for a period of at least six (6) years, whether the person has retired or been discharged or not.

(c) In every department or agency of state government or institution of higher education with employee positions subject to the Uniform Classification and Compensation Act, § 21-5-201 et seq., a veteran who voluntarily submits official proof of his or her status as a veteran, disabled veteran, or a surviving spouse of a deceased veteran who remains unmarried at the time the preference is sought and who is a citizen and resident of this state shall be entitled to employment preference in a position over other applicants after meeting substantially equal qualifications.

(d) (1) If there is an examination, evaluation, or similar instrument given for the purpose of establishing an interview or employment list for such public sector jobs and a person entitled to preference attains a passing grade thereon, he or she shall have five (5) points added to his or her final earned rating if the examination, evaluation, or similar instrument is subject to numerical scoring.

(2) If the examination, evaluation, or similar instrument is not subject to numerical scoring, the selection authority must be able to demonstrate how veterans preference was arrived at in the selection process.

(3) A veteran who established by the records of the federal Department of Veterans Affairs the existence of a service-connected disability, or a veteran who is over fifty-five (55) years of age, disabled, and entitled to a pension or compensation under existing laws, or the spouse of such a veteran, whose disability disqualifies him or her for appointment shall have ten (10) points instead of five (5) points added to his or her final earned rating on the examination, evaluation, or similar instrument.

(e) The qualified veteran's status shall be considered on questions of promotion and retention of employees according to § 21-3-304.

(f) The names of candidates who have qualified in an examination, evaluation, or similar instrument given for the purpose of establishing an interview or employment list shall be entered on an appropriate register or list of eligibles in the following order:

(1) Names of ten-point-preference eligibles shall be placed at the head of the register or applicant list of persons certified as having equal eligibility points;

(2) Names of five-point-preference eligibles shall be placed at the head of the register or applicant list of persons certified as having equal eligibility points; and

(3) Names of all other eligibles who do not have preference as provided in this section shall be placed on the register or applicant list in accordance with their ranking of eligibility points.

(g) The persons entitled to preference shall not be disqualified from holding any position on account of age or by reason of any physical disability, provided that the age or disability does not render the person incapable to perform properly the duties of the position for which he or she applied.

(h) Nothing in this section shall be construed to apply to the position of elective or political appointees in any department, agency, or institution of higher education or to any person holding a strictly confidential administrative or secretarial position in relation to the appointing officer.

preference shall be added to the grade earned by the disabled person but only if such person earns a passing grade without preference. For the purposes of this subsection, "disabled person" means an individual who has a physical or mental impairment that substantially limits one or more major life activities of the individual or who has a record of such an impairment or is regarded as having such an impairment.

C. A person qualified for a preference pursuant to subsections A and B of this section shall be given a ten point preference.

D. A spouse or surviving spouse of any of the following, otherwise qualified pursuant to subsection A of this section, shall be given a five point preference as if the spouse or surviving spouse were an eligible veteran pursuant to subsection A of this section:

1. Any veteran who died of a service-connected disability.
2. Any member of the armed forces who is serving on active duty and who, at the time of application, is listed by the secretary of defense of the United States in any of the following categories for not less than ninety days:
 - (a) Missing in action.
 - (b) Captured in the line of duty by a hostile force.
 - (c) Forcibly detained or interned in the line of duty by a foreign government or power.
3. A person who has a total, permanent disability resulting from a service-connected disability or any person who died while the disability was in existence.

E. An honorably separated veteran who served on active duty in the armed forces at any time and who has a service-connected disability or is receiving compensation or disability retirement benefits under laws administered by the veterans administration, army, navy, air force, coast guard or United States public health service shall be given a ten point preference pursuant to this section.

F. If a person is eligible for a preference pursuant to this section and the person applies for employment with the state or any political subdivision under a merit system of employment as provided by section 38-491 in which applicants are assessed and evaluated but scores are not given, preference shall be given by granting applicable preference codes to qualified applicants.

G. No person eligible for a preference pursuant to this section shall be allowed more than a ten point preference.

H. If a department, division or agency of the state or any political subdivision is operated under a merit system prescribed by the federal government or a department, division or agency of the federal government, the provisions of that system, including preferences, prevail.

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38-492. Preferences

A. A veteran of the armed forces of the United States who is separated from the armed forces under honorable conditions following more than six months of active duty and who takes an examination for employment by this state or any political subdivision of this state under a merit system of employment as provided by section 38-491, in the determination of the veteran's final rating on the examination, shall be given a preference of five points over persons other than veterans. The preference shall be added to the grade earned by the veteran, but only if the veteran earns a passing grade without preference. Any veteran who is entitled under 10 United States Code chapter 1223 to retired pay for non-regular service or, but for age, would be entitled under that chapter to retired pay for non-regular service and who takes an examination for employment by any political subdivision of this state under a merit system of employment as provided by section 38-491, in the determination of the veteran's final rating on the examination, shall be given a preference of five points over persons other than veterans. The preference shall be added to the grade earned by the veteran, but only if the veteran earns a passing grade without preference.

B. A person with a disability who takes an examination for employment by this state or any political subdivision of this state under a merit system of employment, in the determination of the person's with a disability final rating on such examination, shall be given a preference of five points. The preference shall be added to the grade earned by the person with a disability but only if such person earns a passing grade without preference. For the purposes of this subsection, "person with a disability" means an individual who has a physical or mental impairment that substantially limits one or more major life activities of the individual or who has a record of such an impairment or is regarded as having such an impairment.

C. A person qualified for a preference pursuant to subsections A and B of this section shall be given a ten point preference.

D. A spouse or surviving spouse of any of the following, otherwise qualified pursuant to subsection A of this section, shall be given a five point preference as if the spouse or

surviving spouse were an eligible veteran pursuant to subsection A of this section:

1. Any veteran who died of a service-connected disability.
2. Any member of the armed forces who is serving on active duty and who, at the time of application, is listed by the secretary of defense of the United States in any of the following categories for not less than ninety days:
 - (a) Missing in action.
 - (b) Captured in the line of duty by a hostile force.
 - (c) Forcibly detained or interned in the line of duty by a foreign government or power.
3. A person who has a total, permanent disability resulting from a service-connected disability or any person who died while the disability was in existence.
- E. An honorably separated veteran who served on active duty in the armed forces at any time and who has a service-connected disability or is receiving compensation or disability retirement benefits under laws administered by the United States department of veterans affairs, army, navy, air force, coast guard or United States public health service shall be given a ten point preference pursuant to this section.
- F. If a person is eligible for a preference pursuant to this section and the person applies for employment with this state or any political subdivision of this state under a merit system of employment as provided by section 38-491 in which applicants are assessed and evaluated but scores are not given, preference shall be given by granting applicable preference codes to qualified applicants.
- G. No person eligible for a preference pursuant to this section shall be allowed more than a ten point preference.
- H. If a department, division or agency of this state or any political subdivision of this state is operated under a merit system prescribed by the federal government or a department, division or agency of the federal government, the provisions of that system, including preferences, prevail.

CALIFORNIA

2009 California Government Code - Section 18971-18979 :: Article 4. Veterans' Preference

GOVERNMENT CODE SECTION 18971-18979

18971. In the case of entrance examinations to establish eligible lists for policemen and watchmen, veterans who become eligible for appointment by attaining the passing mark established for the examination and whose service as veterans exceeds three months shall be classified on such eligible lists in the relative order of the individual ratings attained and ahead of all nonveterans passing such examinations, and are eligible for appointment on the basis of such order of standing on such eligible lists.

18972. For specific State services or employments as determined by the board, it may in examination allow general or individual preference in ratings to veterans who have suffered permanent disability in line of duty, if such disability will not prevent the proper performance of the duties required under such service or employment, and if such disability is of record in the files of the United States Veterans' Administration.

18973. Except as provided in Section 18978, in the case of all other entrance examinations, veterans and widows or widowers of veterans who become eligible for certification from eligible lists by attaining the passing mark established for the examination, shall be allowed one of the following additional credits:

- (a) Disabled veterans, 15 points.
- (b) All other veterans, widows or widowers of veterans, and spouses of 100 percent disabled veterans, 10 points.

For the purpose of this section, "veteran" means any person who has served full time for 30 days or more in the armed forces in time of war or in time of peace in a campaign or expedition for service in which a medal has been authorized by the government of the United States, or during the period September 16, 1940, to January 31, 1955, or who has served at least 181 consecutive days since January 31, 1955, and who has been discharged or released under conditions other than dishonorable, but does not include any person who served only in auxiliary or reserve components of the armed forces whose service therein did not exempt him or her from the operation of the Selective Training and Service Act of 1940.

For the purpose of this section: "disabled veteran" means any veteran as defined herein who is currently declared by the United States Veterans Administration to be 10 percent or more

COLORADO

TECHNICAL GUIDANCE -VETERANS, ACTIVE MILITARY, AND NATIONAL DISASTER RESPONSE PERSONNEL

Prepared by the Division of Human Resources in the Department of Personnel & Administration. Revised January 2014

GENERAL

This technical guidance addresses a number of topics related to veterans and active military service, including residency, preference in selection and layoff, military leave, administrative leave and leave sharing for employees called to active service, and leave for intermittent disaster response personnel. It is a U.S. Department of Labor (DOL) requirement to post the Uniformed Services Employment and Reemployment Rights Act (USERRA) poster in offices where employment related matters are maintained. For further information about the poster, please access the DOL website at: <http://www.dol.gov/vets/>. Veterans' preference in selection and reduction in workforce is authorized by the Colorado Constitution, Article XII, Section 15. This section provides for preference in both selection (Sec. 15(1)(a-e)) and in reduction in the workforce (Sec. 15(3)(a-b)). Section 15(5) of the article states that "no person shall receive preference pursuant to this section with respect to a promotional opportunity."

VETERANS' PREFERENCE IN SELECTION

Veterans' preference recognizes the economic loss suffered by citizens who have served their country in uniform, restores veterans to a favorable competitive position for government employment, and acknowledges the larger obligation owed to disabled veterans. Therefore, the U.S. Congress and the Colorado Constitution have authorized the awarding of preference to certain veterans, as outlined below. As stated above veterans' preference in selection does not apply to selection activities that would result in a promotional opportunity for the candidate.

Applying Veterans' Preference

All eligible veterans, whether or not they have previously used veterans' preference, are eligible to receive veterans' preference. Current employees may receive preference when applying for positions that would not result in a promotional opportunity for that employee.

If any non-numerical component is used during the comparative analysis process, candidates entitled to preference (i.e., eligible veterans) shall be added to the interview eligible list and are referred to the appointing authority for interview in addition to the six highest-ranking candidates. If a strictly numerical comparative analysis process is used, candidates entitled to veterans' preference shall be given preference in accordance with Colorado law. Candidates that meet the criteria for veterans' preference are referred only if

their final passing score, plus any applicable veterans' preference points places them as one of the six highest-ranking applicants eligible for referral.

- Preference points are added to the final passing score. Points are not added after individual assessment components, nor are they added to any step in an assessment process to allow a candidate scoring below a cutoff point to continue in the process.
- Preference points are added after the final examination has been scored, prior to referral.

The addition of points will change the individual veteran's score and may alter the ranking on the eligible list. The addition of preference points and subsequent revision of an eligible list shall not affect referrals or appointments already made from a list. This situation should only occur when a candidate failed to provide the required documentation in order to determine eligibility prior to establishment of a referral list.

Eligibility Determination for Awarding Veterans' Preference Points

Five-point preference

Five-point preference is given to those honorably separated (this means an honorable or general discharge). Who served on active duty (excluding active duty for training) in the Armed Forces:

- During any war declared by Congress;
- During the period April 28, 1952, through July 1, 1955;
- For more than 180 consecutive days, any part of which occurred after January 31, 1955, and before October 15, 1976;
- During the Gulf War period beginning August 2, 1990, and ending January 2, 1992;
- For more than 180 consecutive days, any part of which occurred during the period beginning September 11, 2001, and ending on the date prescribed by Presidential proclamation or by law as the last day of Operation Iraqi Freedom; or,
- In a campaign or expedition for which a campaign medal has been authorized, such as El Salvador, Lebanon, Granada, Panama, Southwest Asia, Somalia, and Haiti.
- The spouse of a veteran unable to work because of a service-connected disability;
- The widow/widower of a deceased veteran who was or would have been entitled to Veterans' preference.

Medal holders and Gulf War veterans who originally enlisted after September 7, 1980, or entered active duty on or after October 14, 1982, without having previously completed 24 months of continuous active duty; must have served continuously for 24 months or the full period called or ordered to active duty. For a complete list of service dates and campaigns used in awarding preference points visit:

VetGuide *Appendix A: Wars, Campaigns and Expeditions of the Armed Forces Since WW II Which Qualify for Veterans Preference*

Ten-point preference

Ten preference points are awarded to those honorably separated veterans who:

- Qualify as disabled veterans because they have served on active duty in the Armed Forces at any time and have a present service-connected disability or are receiving compensation, disability retirement benefits, or pension from the military or the Veterans Administration.
- **Documentation** - Proof of eligibility must be provided before points are allowed. This consists of the following:
 - For veterans, a DD214 reflecting dates of service, type of discharge, and, if appropriate, a campaign badge or service medal. If information regarding a campaign badge or service medal is necessary to award preference points and is not reflected on the DD214, other documents reflecting the grade or medal must be provided.
 - For disabled veterans, a DD214 and proof of disability in the form of a letter from the Veterans Administration verifying that the veteran is currently receiving monetary benefits or has a disability retirement.
 - For spouses of veterans unable to work due to a service-connected disability, a DD214, proof of the disability as outlined above, and a copy of the marriage license.
 - For widows/widowers of deceased veterans, a DD214, a copy of the marriage license, a copy of the death certificate, and a signed statement from the widow/widower that she/he has not remarried.

Additional Information

If an applicant has both an honorable and a dishonorable discharge, the most recent discharge is used to determine eligibility for preference points. No minimum service is required for veterans with compensable service-connected disabilities or for those discharged for disabilities incurred in the line of duty.

PREFERENCE IN LAYOFF

Employees must have qualified for preference in the selection process or have earned preference after the initial hire date to qualify for preference in the layoff process. Veterans are given preference under the state constitution when a layoff results from a lack of work or a lack of funds. See Colorado Constitution, Article XII, section 15 (3)(a). When a reduction in the state workforce becomes necessary due to lack of work or curtailment of funds, employees eligible for veterans' preference, are awarded service credit on a year-for-year basis for up to ten years of military service. Veterans with 20 or more years military service are not eligible to receive any credit for this service for retention purposes.

Individuals who qualify for veterans' preference shall not be separated from employment before individuals not eligible for veterans' preference with the same amount of total state service.

CONNETICUT

SUMMARY

State law defines a “veteran” in several ways with some statutes defining a veteran especially for a particular benefit program. In the absence of a specific definition, eligibility is determined according to a general definition in [CGS § 27-103](#). This law defines a veteran as an individual honorably discharged or released under honorable conditions from active duty in the armed forces.

Veterans who served at least 90 days on active duty in the U.S. Armed Forces during a time of war, however, are eligible for a range of benefits not available to those without wartime service.

For further information on programs and eligibility requirements, veterans may contact the state Veterans' Department Office of Advocacy and Assistance at 1-800-447-0961 and visit the Veterans' Department website: www.state.ct.us/ctva/.

Information on federal benefits for veterans and their families is available by calling the U.S. Department of Veterans' Affairs at 1-800-827-1000 and visiting its website: http://www.va.gov/opa/publications/benefits_book.asp

WAR SERVICE BENEFITS

To be eligible for these, a veteran must have at least 90 days wartime service during or in specified wars, operations, or conflicts unless he or she was separated from service sooner because of a Veterans' Administration (VA)-rated, service-connected disability or he served for the duration of any military operation that lasted for less than 90 days.

DELEWARE

DEL CODE § 5935 : Delaware Code - Section 5935: VETERANS' PREFERENCE

The rules shall provide for preference to be given to veterans of the armed forces of the United States who served during wartime. Such rules shall provide that:

- (1) Preference shall be confined to original entrance and shall not be applied to promotion within the classified service or to retention in case of reduction in force;
- (2) Preference shall be granted only in the form of credits to be added to earned ratings in examinations, with disabled veterans receiving no more than 10 points and other veterans no more than 5 points;
- (3) A definition of a disabled veteran shall be set forth in the rules;
- (4) All veterans shall be required to meet job requirements before receiving preference credits;
- (5) Employees in the classified service who, while in good standing, leave or have left the state service to engage in military service shall be given credit for seniority purposes for the time served in the armed forces not to exceed 3 years; and
- (6) Any preference points for which a veteran would qualify after complying with paragraphs (1), (2) and (3) of this section may be claimed by his or her unmarried widow or widower providing he or she achieves a passing examination grade.

29 Del. C. 1953, § 5935; 55 Del. Laws, c. 443, § 1; 56 Del. Laws, c. 376, § 6; 59 Del. Laws, c. 448, § 1; 60 Del. Laws, c. 318, § 1; 65 Del. Laws, c. 71, § 1; 76 Del. Laws, c. 124, §§ 10, 11.;

Veterans' Preference

Applicants who are veterans of the armed forces of the United States who served during wartime, a spouse of any member of the armed forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and

has been so listed for a total of more than 90 days: 1. Missing in action; 2. Captured in line of duty by a hostile force; or 3. Forcibly detained or interned in line of duty by a foreign government or power; or a spouse of a veteran who has a disability resulting from a service connected disability or the un-remarried widow or widower of a deceased Veteran, upon successful completion of an examination, may claim veterans' preference to be granted in the form of credits to be added to earned numeral ratings in examinations.

Preference shall be confined to original entrance to State employment and shall not be applied to promotion within the classified service or to retention in case of reduction in force.

How to Claim Veterans' Preference

To claim preference you must meet one of these categories and submit the necessary forms listed below:

- a.** A Veteran of the armed forces of the United States who served during wartime.
- b.** A spouse of a veteran who has a disability resulting from a service connected disability.
- c.** An unremarried widow or widower of a deceased Veteran.
- d.** A spouse of any member of the armed forces serving on active duty who, at the time of application for the priority, is listed in 1 or more of the following categories and has been so listed for a total of more than 90 days: 1. Missing in action; 2. Captured in line of duty by a hostile force; or 3. Forcibly detained or interned in line of duty by a foreign government.

DISTRICT OF COLUMBIA

703.1 When used in this section, the following terms shall have the meaning ascribed:

Armed forces=The United States Army, Navy, Air Force, Marine Corps and Coast Guard.

Disabled veteran=An eligible veteran, as defined in this subsection, who has established a service-connected disability or is receiving compensation, disability retirement benefits, or pension because of a public law administered by the Veterans Administration or a military department.

Disabled Vietnam veteran=A veteran, as defined in this subsection, who has established a service-connected disability or is receiving compensation, disability retirement benefits, or pension because of a public law administered by the Veterans Administration or a military department.

Discharge under honorable conditions=Either an honorable or general discharge from the armed forces. It does not apply to an honorable discharge given an enlisted person to allow commissioning as an officer without a break in service, and does not apply to an amnesty or clemency discharge.

Eligible spouse=The legal husband or wife (including by common law marriage if valid under the laws of the place where the parties lived at the time of the marriage) of a "disabled veteran," a "disabled Vietnam veteran," or a "30 percent disabled veteran," all as defined in this subsection, provided such veteran is disqualified, by reason of his or her service-connected disability, for appointment to a Federal civil service or District government position along the general lines of his or her usual occupation.

Eligible survivor=A person who was married to a veteran, as defined in this subsection, at the time of such veteran's death, and who has not subsequently remarried, unless such remarriage has been annulled, provided that such veteran's service in the armed forces was during a war, in a campaign or expedition for which a campaign badge has been authorized, or included any portion of the period from April 28, 1952 through July 1, 1955, and that such veteran either:

- (a) Separated from the armed forces with an honorable or general discharge; or
- (b) Died while on active duty under conditions which would not have been cause for separation with other than an honorable or general discharge.

Eligible Veteran=A veteran, as defined in this subsection, whose service in the armed forces was for more than 180 consecutive days, beginning on or before October 14, 1976, or, if in time of war, beginning on or after October 15, 1976, and who was separated with an honorable or general discharge.

Preference eligible=A person who has been granted preference eligibility pursuant to § 703.7 below, or a person, other than one excluded by § 703.2 below, who is one of the following (all as defined in this subsection):

- (a) A disabled veteran;
- (b) A disabled Vietnam veteran;
- (c) An eligible spouse;
- (d) An eligible survivor;
- (e) An eligible veteran;
- (f) A 30 percent disabled veteran; or
- (g) A Vietnam veteran.

Thirty percent (30 percent) disabled veteran=A disabled veteran or a disabled Vietnam veteran, both as defined in this subsection, with a classification from the Veterans Administration as being 30 percent or more disabled.

Veteran=A person who served on active duty in the armed forces of the United States, exclusive of active duty for training as a member of the Army or Air National Guard, or as a Reserve for service in the Army, Navy, Air Force, Marine, or Coast Guard Reserve.

Vietnam veteran=A veteran, as defined in this subsection, whose service in the armed forces was for more than 180 consecutive days, or included service in an area for which a campaign badge has been authorized, or included any portion of the period from August 5, 1964 through May 7, 1975, and who was separated with a discharge of other than dishonorable.

703.2 No eligible veteran or Vietnam veteran, both as defined in § 703.1 above, shall be a preference eligible if such person is retired from the armed forces.

703.3 No preference eligible shall receive any appointment preference except within the number of years as follows:

- (a) An eligible veteran or disabled veteran: 5 years from date of separation;
- (b) A 30% disabled veteran, eligible spouse, or eligible survivor: without time limitation; or
- (c) A Vietnam veteran or disabled Vietnam veteran: 10 years from May 19, 1982.

703.4 (a) A preference eligible who becomes eligible for certification from the register by attaining a passing mark established for the examination by the Office of Personnel, shall be allowed one of the following credits:

- (1) An eligible veteran or a Vietnam veteran: 5 points; or
 - (2) A disabled veteran, disabled Vietnam veteran, 30 percent disabled veteran, eligible spouse, or eligible survivor: 10 points.
- (b) The Office of Personnel shall place a preference eligible, who has qualified for a position by passing an entrance examination, on the register pursuant to his or her final score, including preference credits.
- (c) Veterans preference credits are restricted to initial appointments with the District government, or new appointments following a break in service, except for reduction-in-force purposes as covered in § 703.8 below.

703.5 The Director of Personnel shall prescribe the means whereby persons applying for a position in the District government claim veterans preference.

703.6 The following documents shall be accepted as proof of the facts stated therein for the purpose of determining entitlement to preference eligibility:

- (a) DD Form 214, Report of Transfer or Discharge;
- (b) Certificates indicating Honorable Discharge or General Discharge under honorable conditions;
- (c) Certificate of transfer to Fleet Naval or Marine Corps Reserve;
- (d) Certificate of transfer to Enlisted Reserve Corps;

- (e) Report of separation from Service Department, provided honorable separation is shown;
- (f) Certificate of Satisfactory Service or release from active duty;
- (g) Official statement from Service Department that honorable separation was effected; or
- (h) Certification from the Veterans Administration indicating that the veteran has a service-connected disability.

703.7 In accordance with § 703(d) of DC Law 2-139 (DC Code § 1-607.3(d)), a person who would qualify as a preference eligible but for the fact of separation with other than an honorable or general discharge, may be entitled to veterans preference if he or she can show, to the satisfaction of the Mayor, that the discharge was the result of discrimination. The person claiming that the discharge was the result of discrimination shall submit such claim and supporting evidence to the Office of Human Rights, which shall investigate the matter and report to the Mayor its findings and recommendations. The decision of the Mayor shall be final.

703.8 For purposes of reduction in force, a preference eligible shall be defined in accordance with Federal law and regulations issued by the US Office of Personnel Management.

703.9 In accordance with § 703(c) of DC Law 2-139 (DC Code § 1-607.3(c)), any employee of the District of Columbia who was entitled to veterans preference under Federal law and regulations on January 1, 1979, and who has served continuously since that date without a break in service, shall be entitled to the same preference for the duration of his or her service.

FLORIDA

295.07 Preference in appointment and retention.—

(1) The state and its political subdivisions shall give preference in appointment and retention in positions of employment to:

(a) Those disabled veterans:

1. Who have served on active duty in any branch of the United States Armed Forces, have received an honorable discharge, and have established the present existence of a service-connected disability that is compensable under public laws administered by the United States Department of Veterans Affairs; or

2. Who are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the United States Department of Veterans Affairs and the United States Department of Defense.

(b) The spouse of a person who has a total disability, permanent in nature, resulting from a service-connected disability and who, because of this disability, cannot qualify for employment, and the spouse of a person missing in action, captured in line of duty by a hostile force, or forcibly detained or interned in line of duty by a foreign government or power.

(c) A wartime veteran as defined in s. 1.01(14), who has served at least 1 day during a wartime period. Active duty for training may not be allowed for eligibility under this paragraph.

(d) The unremarried widow or widower of a veteran who died of a service-connected disability.

(e) The mother, father, legal guardian, or unremarried widow or widower of a member of the United States Armed Forces who died in the line of duty under combat-related conditions, as verified by the United States Department of Defense.

(f) A veteran as defined in s. 1.01(14). Active duty for training may not be allowed for eligibility under this paragraph.

(g) A current member of any reserve component of the United States Armed Forces or the Florida National Guard.

(2) The Department of Veterans' Affairs shall adopt rules to ensure that veterans

are given special consideration in the employing agency's selection and retention processes. The rules must include the award of point values as articulated in s. 295.08, if applicable, or, where point values are not relevant, must include procedures to ensure that veterans are given special consideration at each step of the employment selection process, unless the sponsoring governmental entity is a party to a collective bargaining agreement, in which case the collective bargaining agreement must comply within 90 days following ratification of a successor collective bargaining agreement or extension of any existing collective bargaining agreement.

(3) Preference in employment and retention may be given only to eligible persons who are described in subsection (1).

(4) The following positions are exempt from this section:

(a) Those positions that are exempt from the state Career Service System under s. 110.205(2); however, all positions under the University Support Personnel System of the State University System as well as all Career Service System positions under the Florida College System and the School for the Deaf and the Blind, or the equivalent of such positions at state universities, Florida College System institutions, or the School for the Deaf and the Blind, are included.

(b) Positions in political subdivisions of the state which are filled by officers elected by popular vote or persons appointed to fill vacancies in such offices and the personal secretary of each such officer, members of boards and commissions, persons employed on a temporary basis without benefits, heads of departments, positions that require licensure as a physician, licensure as an osteopathic physician, licensure as a chiropractic physician, and positions that require that the employee be a member of The Florida Bar.

GEORGIA

Employment Preference

A 5-point credit is extended to war veterans employed by the State of Georgia. A 10-point credit is extended to veterans employed by the State of Georgia with a VA service connected disability of 10 percent or more. [5 U.S.C. § 2108]

5 U.S. Code § 2108 - Veteran; disabled veteran; preference eligible

§ 2108.

Veteran; disabled veteran; preference eligible

For the purpose of this title—

(1) “Veteran” means an individual who—

(A) served on active duty in the armed forces during a war, in a campaign or expedition for which a campaign badge has been authorized, or during the period beginning April 28, 1952, and ending July 1, 1955;

(B) served on active duty as defined by [section 101\(21\) of title 38](#) at any time in the armed forces for a period of more than 180 consecutive days any part of which occurred after January 31, 1955, and before October 15, 1976, not including service under [section 12103\(d\) of title 10](#) pursuant to an enlistment in the Army National Guard or the Air National Guard or as a Reserve for service in the Army Reserve, Navy Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve;

(C) served on active duty as defined by [section 101\(21\) of title 38](#) in the armed forces during the period beginning on August 2, 1990, and ending on January 2, 1992; or

(D) served on active duty as defined by [section 101\(21\) of title 38](#) at any time in the armed forces for a period of more than 180 consecutive days any part of which occurred during the period beginning on September 11, 2001, and ending on the date prescribed by Presidential proclamation or by law as the last date of Operation Iraqi Freedom;

and, except as provided under section 2108a, who has been discharged or released from active duty in the armed forces under honorable conditions;

(2) “disabled veteran” means an individual who has served on active duty in the armed forces, (except as provided under section 2108a) has been separated therefrom under honorable conditions, and has established the present existence of a service-connected disability or is receiving compensation, disability retirement benefits, or pension because of a public statute administered by the Department of Veterans Affairs or a military department;

(3) “preference eligible” means, except as provided in paragraph (4) of this section or section 2108a(c)—

- (A)** a veteran as defined by paragraph (1)(A) of this section;
 - (B)** a veteran as defined by paragraph (1)(B), (C), or (D) of this section;
 - (C)** a disabled veteran;
 - (D)** the unmarried widow or widower of a veteran as defined by paragraph (1)(A) of this section;
 - (E)** the wife or husband of a service-connected disabled veteran if the veteran has been unable to qualify for any appointment in the civil service or in the government of the District of Columbia;
 - (F)** the mother of an individual who lost his life under honorable conditions while serving in the armed forces during a period named by paragraph (1)(A) of this section, if—
 - (i)** her husband is totally and permanently disabled;
 - (ii)** she is widowed, divorced, or separated from the father and has not remarried; or
 - (iii)** she has remarried but is widowed, divorced, or legally separated from her husband when preference is claimed;
 - (G)** the mother of a service-connected permanently and totally disabled veteran, if—
 - (i)** her husband is totally and permanently disabled;
 - (ii)** she is widowed, divorced, or separated from the father and has not remarried; or
 - (iii)** she has remarried but is widowed, divorced, or legally separated from her husband when preference is claimed; and
 - (H)** a veteran who was discharged or released from a period of active duty by reason of a sole survivorship discharge (as that term is defined in [section 1174\(i\) of title 10](#)); but does not include applicants for, or members of, the Senior Executive Service, the Defense Intelligence Senior Executive Service, the Senior Cryptologic Executive Service, or the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service;
- (4)** except for the purposes of chapters [43](#) and [75](#) of this title, “preference eligible” does not include a retired member of the armed forces unless—
- (A)** the individual is a disabled veteran; or
 - (B)** the individual retired below the rank of major or its equivalent; and
- (5)** “retired member of the armed forces” means a member or former member of the armed forces who is entitled, under statute, to retired, retirement, or retainer pay on account of service as a member.

HAWAII

Employment and Re-Employment: Preference is given to Veterans and service-connected disabled Veterans and their widow(er)s for civil service positions, training programs, job counseling and referrals to civilian jobs by the Workforce Development Division, Department of Labor & Industrial Relations. Re-employment rights for Veterans, Reservists or National Guard members who leave a position within State or County government for training or active military service.

Haw. Rev. Stat. § 76-103 : Hawaii Statutes - Section 76-103: Veteran's preference.

Search Haw. Rev. Stat. § 76-103 : Hawaii Statutes - Section 76-103: Veteran's preference.

The extent to which veteran's preference shall be given to veterans, to disabled veterans, to spouses of disabled veterans, and to surviving spouses of deceased servicemen who have not remarried shall be provided by rules and regulations. [L 1955, c 274, pt of §1; RL 1955, §3-81; am L 1967, c 279, §1; HRS §76-103; am L 1973, c 177, §1(3)]

- See more at: <http://codes.lp.findlaw.com/histatutes/1/7/76/V/76-103#sthash.hic1k9dw.dpuf>

IDAHO

IDAHO STATE VETERANS PREFERENCE

Frequently Asked Questions for Public Employers

Which employers must give the Idaho veteran's preference?

The Idaho legislature has granted preference to veterans and certain family members when applying for positions with the state, county, city and other local public employers such as taxing districts for sewers, roads, schools and cemeteries.

The United States Congress has also granted preference to veterans. Some federal contractors are subject to federal veteran's preference. Application of the federal veteran's preference is outside the scope of this Frequently Asked Questions. An Idaho public employer should consult with its legal counsel to determine if it is subject to federal veteran's preference.

Reference: Idaho Code title 65 chapter 504 (2011).

Which applicants are entitled to Idaho Veterans Preference?

The following applicants are entitled to Idaho veteran's preference:

- Honorably Discharged members of the armed forces of the United States who served on active duty during the following periods:
 - In a campaign or expedition for which a campaign badge has been authorized;
 - During the period from April 28, 1952 to July 1, 1955;
 - For a period of more than 180 consecutive days any part of which occurred between February 1, 1955 and October 14, 1976 (with certain exceptions for reserve service);
 - During the period between August 2, 1990 and January 2, 1992; or,
 - For a period of more than 180 consecutive days any part of which occurred during the period beginning on September 11, 2001, and ending on the date prescribed by Presidential proclamation or by law as the last date of Operation Iraqi Freedom.

Please note that the above list is flexible in that it changes automatically with a change to the law defining eligibility for federal veteran's preference, which can be found at 5 USC section 2108.

- Disabled veterans as defined in section [65-502](#), Idaho Code.
- The widow or widower of any veteran eligible for preference so long as he or she remains unmarried.
- The wife or husband of a service-connected disabled veteran is eligible for preference if the veteran cannot qualify for any public employment because of a

service-connected disability.

Reference: Idaho Code §§ 65-502(17) and 65-503 (2011).

What are my responsibilities in the hiring process?

- Include Idaho veteran's preference in your hiring materials. Idaho public employers must give notice in all announcements and advertisements of vacancies that Idaho veteran's preference will be given to qualified applicants.
- Application forms must inquire whether the applicant is claiming Idaho veteran's preference and whether the applicant has previously claimed Idaho veteran's preference.
- Idaho public employers must inform applicants of requirements for documentation concerning eligibility for Idaho veteran's preference.
- Apply Idaho veteran's preference when selecting an applicant to fill a position.
- Provide notice of your appeal process to applicants who claim Idaho veteran's preference and are not selected.

Reference: Idaho Code §§ 65-503A, 65-504, and 65-506 (2011).

Which positions and employment changes are subject to Idaho veteran's preference?

An applicant does not receive Idaho veteran's preference for every public position or for all position changes. Idaho veteran's preference does not apply to:

- Internal employer actions such as promotions, transfers, and reassignments.
Please note, however, that some Idaho public employers have provided additional protections to veterans during reductions in force and other employment actions.
- A second position with the same public employer.
- A break in service with the public employer does not reinstate the Idaho veteran's preference.
- Application to another office, division or agency of the public employer also does not reinstate the Idaho veteran's preference.
- Certain key employee positions, elected offices, temporary or casual positions, jobs held by patients, inmates or students in or enrolled at a state institution.

Reference: Idaho Code §§ 65-502(6)(7)(9) and (16), 65-503A(2), and 65-504(1) (2011).

Can the applicant's actions remove their eligibility for Idaho Veterans Preference?

A public employer can refuse to accept an application from an otherwise qualified preference eligible applicant who is deemed unqualified through his or her actions.

Examples include dismissal for cause from a public entity, a felony conviction or conduct unbecoming a public employee.

Reference: Idaho Code §§ 65-503A(5) (2011).

How do I apply Idaho veteran's preference?

The Idaho veteran's preference laws use defined terms that may vary the meaning of terms a public employer uses in its own hiring processes. Public employers should familiarize themselves with the terms used in Idaho Code title 65 chapter 5 to avoid confusion and misapplication of the Idaho veteran's preference. Idaho veteran's preference varies with the type of selection process used and whether the veteran applicant has a service-connected disability:

- For positions where applicants are subject to a rating system based on experience and qualifications (a "civil service position" defined in Idaho Code section 65-502(3)), an applicant qualified for Idaho veteran's preference receives a basic preference of a five percentage point increase to the rating otherwise earned from the applicant's experience and qualifications. A veteran with a ten percent service-connected disability receives an enhanced preference of a ten percentage point increase to their earned rating. A veteran with a thirty percent service-connected disability is entitled to an interview if they possess all the qualifications for the position. The public employer may limit the number of interviews to ten if there are more than ten qualified applicants with a thirty percent service-connected disability. Idaho State Veterans Preferences 3 3/6/12
- For positions where the applicants are not subject to a rating system, a veteran is entitled to preference with an Idaho public employer over other applicants for the same position who are not more qualified.

Reference: Idaho Code §§ 65-504 (2011).

When must a public employer accept a late application under the Idaho veteran's preference?

In some cases a veteran can file a late application. If a veteran misses the closing date due to military service or for service-connected hospitalization, the veteran can file an application for up to one year after discharge from military service or hospitalization. A disabled veteran can also file a late application to be on an open hiring list if the veteran has not already been examined twice for the same position and grade, is not already on the hiring list, and is not currently serving in a position in the same grade covered by the hiring list. Late application is not allowed if the hiring list has expired, the selection process is no longer active or the position has been filled.

Reference: Idaho Code §§ 65-503A(3)(4) (2011).

What type of appeal process is a public employer required to offer?

Public employers should consult with their legal counsel to determine if an appeal process is in place and whether the process complies with the requirements of Idaho Code title 65 chapter 5. Public employers may adopt the basic process established by the Idaho Division of Veterans Services pursuant to Idaho Code section 65-506(2). The basic process can be found at IDAPA 21 title 01 chapter 06 (IDAPA 21.01.06). A public

employer's decision is subject to review by an Idaho district court
Reference: Idaho Code §§ 65-506 (2011).

What are the penalties for failing to apply Idaho veteran's preference?

Idaho law allows a court to direct the public employer to properly apply Idaho veteran's preference, to award the costs of suit and the reasonable attorney fees of an applicant successfully claiming a violation of Idaho veteran's preference, and to award damages. Damages cannot exceed \$5,000 or 10 percent of the annual salary of the position, whichever is higher. The damages cap includes any amount awarded for the costs of suit.

Reference: Idaho Code §§ 65-506(3) (2011).

TITLE 65
SOLDIERS AND SAILORS
CHAPTER 5

RIGHTS AND PRIVILEGES OF VETERANS

65-504. BASIC PREFERENCE AND ADDITION OF POINTS TO COMPETITIVE EXAMINATION RATINGS. (1) An applicant who is preference eligible is entitled to a preference in initial appointment with a public employer over other applicants for the same position who are not more qualified.

(2) Application of preference in civil service positions:

(a) Five (5) points shall be added to the earned rating of any veteran and the widow or widower of any veteran as long as he or she remains unmarried. The names of all five (5) point preference eligible applicants shall be placed on the register in accordance with their augmented rating. The additional points added by reason of veterans' preference shall be used only for the purpose of initial appointment and not for the purpose of any promotion, transfer or reassignment.

(b) Ten (10) points shall be added to the earned rating of veterans discharged under honorable conditions who qualify as disabled veterans because they have served on active duty in the armed forces at any time and have a current service-connected disability of ten percent (10%) or more. Alternatively, ten (10) points shall be added to the earned rating of the widow or widower of any disabled veteran as long as he or she remains unmarried or the spouse of any eligible disabled veteran who cannot qualify for any public employment because of a service-connected disability. The names of all ten (10) point preference eligible applicants shall be placed on the register in accordance with their augmented rating. The additional points added by reason of veterans' preference shall be used only for the purpose of initial appointment and not for the purpose of any promotion, transfer or reassignment.

(c) Veterans discharged under honorable conditions who served on active duty in the armed forces at any time and have a current service-connected disability of thirty percent (30%) or more shall be offered an interview if they are one (1) of the qualified applicants on the register for the position. If applicants are not ranked, an interview must be offered to such veterans who fully meet all qualifications for the position. Notwithstanding this subsection, employers shall not be required to interview more than a total of ten (10) applicants regardless of the number of such qualified veteran applicants.

EMPLOYMENT BENEFITS

Veterans hiring preference closely mirrors the rules within the Federal Government. Specific Information can be found in Idaho Statute Title 65, Chapter 5.

GENERAL INFORMATION

Idaho Law provides Veterans preference points for individuals who have been in active service, other than active duty for training, of the United States as defined by Idaho Code, Title 65, Chapter 5, Section 502(6), & U.S.C Section 2108. (See specific eligibility information below). Veterans preference points are also provided for individuals who have served on active duty in the armed services, have been discharged honorably, & who have a present service connected disability of 10% or more, or are a Purple Heart recipient. Veterans preference points are added to the final passing score & may improve a Veterans position on a list of qualified candidates. The preference points added are used only for initial appointment & not for promotions, transfers, or reassignments. Veterans preference requires public employers to provide additional consideration for eligible Veterans, but it does not guarantee the Veteran a job.

WHO IS ELIGIBLE

To be eligible for Veterans preference points you must have been discharged under honorable conditions. Veterans preference points are available on the initial hire only.

PREFERENCE POINTS

5 POINTS

Preference eligible Veterans discharged under honorable conditions, or the widow or widower of a preference eligible Veteran, as long as she or he remains unmarried, are eligible for five (5) preference points.

10 POINTS

Disabled Veterans are defined as any individual who has served on active duty in the armed services at any time, who has been discharged under honorable conditions, & who

has a present service connected disability of 10% or more or are Purple Heart recipients. They are eligible for 10 points that will be added to the earned rating & shall be placed on the register in accordance with their augmented rating. Widows or widowers of any disabled Veteran or Purple Heart recipient honorably discharged may also claim the 10 points if he or she remains unmarried. Spouses of disabled Veterans may claim preference if the Veteran is unable to qualify for any public employment because of a service-connected disability.

10 points with offer of interview: Disabled Veterans discharged under honorable conditions who served on active duty in the armed forces at any time & who have a service connected disability of 30% or more shall be offered an interview if they are one (1) of the top ten (10) qualified applicants. Widows or widowers of any disabled Veteran may also claim the 10 points if he or she remains unmarried -- however they will not be guaranteed an interview if he or she is one (1) of the top ten (10) qualified applicants.

PREFERENCE ELIGIBLE VETERANS

- Served on active duty in the armed forces at any time, & separated under honorable conditions & has established the existence of a service-connected disability of 10% or more; OR
- are Purple Heart recipients; OR
- Served on active duty at any time from December 7, 1941 & ending July 1, 1955; OR
- Served on active duty for 180 consecutive days, any part of which occurred after January 31, 1955, & before October 15, 1976; OR
- Served on active duty at any time from August 2, 1990, & ending on January 2, 1992; OR
- Served on active duty for a period of more than 180 consecutive days, any part of which occurred during the period beginning on September 11, 2001, & ending when prescribed by Presidential proclamation or by law as the last date of Operation Iraqi Freedom; OR
- Have been awarded an Armed Forces Expeditionary Medal (AFEM), whether listed here or not**, is qualified for Veterans preference. Examples of some of the most common campaign medals are: Vietnam (Service Medal), El Salvador, Lebanon, Granada, Panama, Bosnia, Kosovo, Afghanistan, Southwest Asia (Persian Gulf), Somalia, & Haiti; OR if you are the spouse of a disabled Veteran who is physically unable to perform any work; or the widow(er) of a preference eligible or disabled Veteran; please refer to our Veterans preference form in your online application for more information.

The Veteran must have been separated from the Armed Forces under honorable conditions & your DD214 may be requested to verify your Veteran status at time of appointment

Reference Idaho Code, Title 65, Chapter 5, Section 502 (6) U.S.C. Section 2108.

For a complete list of wars, campaigns, & expeditions of the Armed Forces which qualify for Veterans preference, go to [OPM VetGuide](#)

Veterans Requesting to Open a Register:

Disabled Veterans: May be eligible to open a closed announcement for which there is an existing register.

Other Veterans: Within 120 days of discharge may also be eligible to open a closed announcement for which there is an existing register

ILLINOIS

Information maintained by the Legislative Reference Bureau

Updating the database of the Illinois Compiled Statutes (ILCS) is an ongoing process. Recent laws may not yet be included in the ILCS database, but they are found on this site as [Public Acts](#) soon after they become law. For information concerning the relationship between statutes and Public Acts, refer to the [Guide](#).

Because the statute database is maintained primarily for legislative drafting purposes, statutory changes are sometimes included in the statute database before they take effect. If the source note at the end of a Section of the statutes includes a Public Act that has not yet taken effect, the version of the law that is currently in effect may have already been removed from the database and you should refer to that Public Act to see the changes made to the current law.

VETERANS AND SERVICE MEMBERS

(330 ILCS 55/) Veterans Preference Act.

(330 ILCS 55/0.01) (from Ch. 126 1/2, par. 22.9)

Sec. 0.01. Short title. This Act may be cited as the Veterans Preference Act.

(Source: P.A. 86-1324.)

(330 ILCS 55/1) (from Ch. 126 1/2, par. 23)

Sec. 1. In the employment and appointment to fill positions in the construction, addition to, or alteration of all public works undertaken or contracted for by the State, or by any political subdivision thereof, preference shall be given to persons who have been members of the armed forces of the United States or who, while citizens of the United States, were members of the armed forces of allies of the United States in time of hostilities with a foreign country, and have served under one or more of the following conditions:

(1) The veteran served a total of at least 6 months,

or

(2) The veteran served for the duration of hostilities regardless of the length of engagement, or

(3) The veteran served in the theater of operations but was discharged on the basis of a hardship, or

(4) The veteran was released from active duty because of a service connected disability and was honorably discharged. But such preference shall be given only to those persons who are found to possess the business capacity necessary for the proper

discharge of the duties of such employment. No political subdivision or person contracting for such public works is required to give preference to veterans, not residents of such district, over residents thereof, who are not veterans.

As used in this Section:

"Time of hostilities with a foreign country" means any period of time in the past, present, or future during which a declaration of war by the United States Congress has been or is in effect or during which an emergency condition has been or is in effect that is recognized by the issuance of a Presidential proclamation or a Presidential executive order and in which the armed forces expeditionary medal or other campaign service medals are awarded according to Presidential executive order.

"Armed forces of the United States" means the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, United States Reserve Forces, or Illinois National Guard. Service in the Merchant Marine that constitutes active duty under Section 401 of federal Public Law 95-202 shall also be considered service in the Armed Forces of the United States for purposes of this Section.

(Source: P.A. 95-566, eff. 8-31-07.)

(330 ILCS 55/2) (from Ch. 126 1/2, par. 24)

Sec. 2. Every contract for such work shall contain a term providing for the preference given in Section 1.

(Source: Laws 1935, p. 1411.)

(330 ILCS 55/3) (from Ch. 126 1/2, par. 25)

Sec. 3. Any person who knowingly and wilfully violates the provisions of this Act, is guilty of a petty offense and shall be fined not less than \$75, nor more than \$300 for each offense.

(Source: P.A. 95-566, eff. 8-31-07.)

Public Act 096-0083	
HB0849 Enrolled	LRB096 03137 RLJ 13153 b
AN ACT concerning local government.	

Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Municipal Code is amended by changing Sections 10-1-16 and 10-2.1-8 as follows:
(65 ILCS 5/10-1-16) (from Ch. 24, par. 10-1-16)
Sec. 10-1-16. <u>Veteran's preference.</u> Persons who were engaged in the active military or naval service of the United States for a period of at least one year and who were honorably discharged therefrom and all persons who were engaged in such military or naval service who are now or may hereafter be on inactive or reserve duty in such military or naval service, not including, however, persons who were convicted by court-martial of disobedience of orders, where such disobedience consisted in the refusal to perform military service on the ground of alleged religious or conscientious objections against war, shall be preferred for appointments to civil offices, positions, and places of employment in the classified service of any municipality coming under the provisions of this Division 1, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such office, position, or place of employment as determined by examination. <u>For purposes of this</u> <u>Section, if a person has been deployed, then "active duty</u> <u>military or naval service of the United States" includes</u> <u>training and service school attendance, as defined in 10 U.S.C.</u> <u>101(d), which is ordered pursuant to 10 U.S.C. 12301(d).</u>
The civil service commission shall give preference points for original appointment to qualified veterans whose names appear on any register of eligibles resulting from an examination for original entrance in the classified service of any municipality coming under the provisions of this Division 1 by adding to the final grade average that they receive or will receive as the result of any examination held for original entrance, 5 points. The numerical result thus attained shall be

applied by the civil service commission in determining the
position of those persons on any eligibility list that has been
created as the result of any examination for original entrance
for purposes of preference in certification and appointment
from that eligibility list. Persons who were engaged in the
active military or naval service of the United States for a
period of at least one year and who were honorably discharged
therefrom or who are now or who may hereafter be on inactive or
reserve duty in such military or naval service, not including,
however, persons who were convicted by court martial of
disobedience of orders where such disobedience consisted in the
refusal to perform military service on the ground of alleged
religious or conscientious objections against war, and whose
names appear on existing promotional eligible registers or any
promotional eligible register that may hereafter be created, as
provided for by this Division 1, shall be preferred for
promotional appointment to civil offices, positions and places
of employment in the classified civil service of any
municipality coming under the provisions of this Division 1.
The civil service commission shall give preference for
promotional appointment to persons as hereinabove designated
whose names appear on existing promotional eligible registers
or promotional eligible registers that may hereafter be created
by adding to the final grade average which they received or
will receive as the result of any promotional examination
seven-tenths of one point for each 6 months or fraction thereof
of active military or naval service not exceeding 30 months.
The numerical result thus attained shall be applied by the
civil service commission in determining the position of such
persons on any eligible list which has been created or will be
created as the result of any promotional examination held
hereunder for purposes of preference in certification and
appointment from such eligible list.
No person shall receive the preference for a promotional
appointment granted by this Section after he <u>or she</u> has
received one promotion from an eligible list on which he <u>or she</u>

was allowed such preference.
No person entitled to preference or credit for military or
naval service hereunder shall be required to furnish evidence
or record of honorable discharge from the armed forces before
the publication or posting of any eligible register or list
resulting from the examination. Such preference shall be given
after the posting or publication of any eligible list or
register resulting from such examination and before any
certifications or appointments are made from such list or
register.
(Source: P.A. 94-483, eff. 8-8-05.)
(65 ILCS 5/10-2.1-8) (from Ch. 24, par. 10-2.1-8)
Sec. 10-2.1-8. Veteran's and educational preference.
Persons who have successfully obtained an associate's degree in
the field of law enforcement, criminal justice, fire service,
or emergency medical services, or a bachelor's degree from an
accredited college or university; persons who have been awarded
a certificate attesting to the successful completion of the
Minimum Standards Basic Law Enforcement Training Course as
provided in the Illinois Police Training Act and are currently
serving as a law enforcement officer on a part-time or
full-time basis within the State of Illinois; and persons who
were engaged in the <u>active</u> military or naval service of the
United States for a period of at least one year and who were
honorably discharged therefrom, or who are now or may hereafter
be on inactive or reserve duty in such military or naval
service (not including, however, in the case of offices,
positions and places of employment in the police department,
persons who were convicted by court-martial of disobedience of
orders, where such disobedience consisted in the refusal to
perform military service on the ground of religious or
conscientious objections against war) shall be preferred for
appointments to offices, positions, and places of employment in
the fire and police departments of the municipality coming
under the provisions of this Division 2.1. <u>For purposes of this</u>

<u>Section, if a person has been deployed, then "active duty</u>
<u>military or naval service of the United States" includes</u>
<u>training and service school attendance, as defined in 10 U.S.C.</u>
<u>101(d), which is ordered pursuant to 10 U.S.C. 12301(d). The</u>
preference points awarded under this Section shall not be
cumulative.
This amendatory Act of 1973 does not apply to any
municipality which is a home rule unit.
(Source: P.A. 90-445, eff. 8-16-97.)

INDIANA

Ind. Code § 4-15-2-18 : Indiana Code - Section 4-15-2-18: Examination scoring; ratings; preferences

(a) The rating of each test shall be completed and the resulting list established not later than thirty (30) days after the date on which the test was held, unless such time is extended by the director for reasons which the director shall record in the official records of the department. The final earned rating of each person competing in any test shall be determined by the weighted average of the earned ratings of the test, according to weights for each phase established by the director in advance of the giving of the test. The names of all persons attaining the minimum final earned ratings established by the director in advance of the giving of the tests shall be placed upon the eligible list in order of their ratings. The names of persons who have indicated in writing that they are unwilling to accept appointment may be dropped from the list. All persons competing in any test shall be given written notice of their final earned ratings. Statements of former employers of the applicants shall be confidential. A manifest error in rating a test shall be corrected if called to the attention of the director, but such correction shall not invalidate any appointment previously made from such a list.

(b) In certification for appointment, in appointment, in reinstatement, and in reemployment in any state service, preference shall be given to former members of the military services of the United States who served on active duty in any branch of the armed forces and who at no time received a discharge or separation under other than honorable conditions, except corrected separation or discharge to read "honorable" as evidenced by appropriate records presented from the United States Department of Defense or appropriate branch of the military service.

(c) Preference shall be given in the following priorities:

(1) Former members of the military service who have established the present existence of a service connected disability of ten percent (10%) or more, as evidenced by records of the United States Department of Veterans Affairs or disability retirement benefits as evidenced by laws administered by the United States Department of Defense.

(2) The spouse of a veteran with a service connected disability and the unremarried spouse of a deceased veteran.

(3) Those former members of the military service who are wartime veterans.

(4) Veterans of the military service who served more than one hundred eighty-one (181) days on active duty, regardless of when served.

(d) In all written examinations to determine the qualifications of applicants for entrance into state service:

(1) ten (10) points shall be added to the earned rating of persons taking the competitive examination under subsection (c)(1) or (c)(2);

(2) five (5) points shall be added to the earned ratings of persons taking the competitive examination under subsection (c)(3); and

(3) two (2) points shall be added to the earned rating of persons taking the competitive examination under subsection (c)(4).

(e) All points specified in subsection (d) shall be added to the total combined test scores of the person and shall not be allocated to any single feature or part of the competitive examination. Rating shall be based on a scale of one hundred (100) points as the maximum attainable.

(f) When veterans preference in state service employment is limited to wartime veterans, this subsection applies for the purpose of defining "war":

(1) World War II - December 7, 1941, to December 31, 1946.

(2) Korean Conflict - June 27, 1950, to January 31, 1955.

(3) Viet Nam Conflict - August 5, 1964, to May 7, 1975.

(4) Actual combat or duty equally hazardous, regardless of time, or service in any foreign war, insurrection, or expedition, which service is recognized by the award of a service or campaign medal of the United States.

(5) Participation as a regularly assigned crew member of any military craft in a mission in support of a military operation,

regardless of time, as designated by the armed forces of the United States.

(g) Active duty consists of:

(1) ninety (90) days or more wartime service;

(2) ninety (90) days or more consecutive service which began or ended during wartime period;

(3) ninety (90) days or more combined service in two (2) or more wartime periods;

(4) service of less than ninety (90) days, if discharged for a disability in the line of duty; or

(5) service qualifying under subsection (f)(4) or (f)(5), which must be documented by appropriate records of the United States Department of Defense.

(h) In examinations where experience is an element of qualification, time spent in the armed forces of the United States shall be credited in a veteran's rating where the veteran's actual employment in a similar vocation to that for which the veteran is examined was interrupted by such service. In all examinations to determine the qualifications of a veteran applicant, credit shall be given for all valuable experience, including experience gained in religious, civic, welfare, service, and organizational activities, regardless of whether any compensation was received for the experience.

(i) In determining qualifications for examination, appointment, promotion, retention, transfer, or reinstatement, with respect to preference eligibles, the department shall waive requirements as to age, height, and weight, if the requirement is not essential to the performance of the duties of the position for which examination is given. The department, after giving due consideration to the recommendation of any accredited physician, shall waive the physical requirements in the case of any veteran, if the veteran is, in the opinion

of the director, physically able to discharge efficiently the duties of the position for which the examination is given. No minimum educational requirement may be prescribed in any civil service examination except for such scientific, technical, or professional positions, the duties of which the department decides cannot be performed by a person who does not have such education. The director shall make a part of the department's public records the director's reasons for such decision.

(j) The names of preference eligibles shall be entered on the appropriate registers or lists of eligibles in accordance with their respective augmented ratings. The name of a preference eligible shall be entered ahead of all others having the same rating.

(k) The director shall adopt appropriate rules under IC 4-22-2 for the administration and enforcement of this section.

(l) In any reduction in personnel in any state service, competing employees shall be released in accordance with board regulations which shall give due effect to tenure of employment, military preference, length of service, and efficiency ratings. The length of time spent in active service in the armed forces of the United States of each such employee shall be credited in computing length of total service. Veteran's preference points shall be added to the retention score of a preference eligible. When any of the functions of any state agency are transferred to, or when any state agency is replaced by, some other state agency or agencies, all preference employees in the function or functions transferred or in the agency replaced shall first be transferred to the replacing agency or agencies for employment in positions for which they are qualified, before the agency or agencies appoint additional employees from any other sources for such positions.

(m) Any preference eligible who has resigned may, at the request of any appointing officer, be certified for and appointed to any position for which the preference eligible has been a regular employee in the state service.

(n) Any preference eligible who has been furloughed or separated without delinquency or misconduct, upon request, shall have the preference eligible's name placed on all appropriate registers and employment lists, for every position for which the preference eligible's qualifications have been established.

(o) Applicants claiming preference of their own service must submit either:

(1) original discharge or separation or certified copies or photostat copies of the originals;

(2) an official statement from the United States Department of Defense showing record of service; or

(3) an official statement from the United States Department of Veterans Affairs supporting the claim for disability.

(Formerly: Acts 1941, c.139, s.19; Acts 1945, c.153, s.1; Acts 1971, P.L.35, SEC.11; Acts 1973, P.L.20, SEC.4; Acts 1974, P.L.9, SEC.1.) As amended by Acts 1978, P.L.2, SEC.410; Acts 1982, P.L.23, SEC.21; P.L.1-1990, SEC.32; P.L.99-2007, SEC.8; P.L.3-2008, SEC.7.

IOWA

CHAPTER 35C VETERANS PREFERENCE

This chapter not enacted as a part of this title; transferred from chapter 70 in Code 1993

35C.1 APPOINTMENTS AND EMPLOYMENT -- APPLICATIONS.

35C.2 PHYSICAL DISABILITY.

35C.3 DUTY TO INVESTIGATE AND APPOINT.

35C.4 MANDAMUS -- JUDICIAL REVIEW.

35C.5 APPEALS.

35C.5A ARBITRATION.

35C.6 REMOVAL -- CERTIORARI -- JUDICIAL REVIEW.

35C.7 BURDEN OF PROOF.

35C.8 EXCEPTIONS.

35C.1 APPOINTMENTS AND EMPLOYMENT -- APPLICATIONS.

1. In every public department and upon all public works in the state, and of the counties, cities, and school corporations of the state, veterans who are citizens and residents of the United States are entitled to preference in appointment and employment over other applicants of no greater qualifications. The preference in appointment and employment for employees of cities under a municipal civil service is the same as provided in section 400.10. For purposes of this section, "veteran" means as defined in section 35.1 except that the requirement that the person be a resident of this state shall not apply.

2. a. In all jobs of the state and its political subdivisions, an application form shall be completed. The application form shall contain an inquiry into the applicant's military service during the wars or armed conflicts as specified in subsection 1.

b. The department of administrative services shall inform the agency to which the person is seeking employment of the person's military service as specified in subsection 1.

3. In all jobs of political subdivisions of the state which are to be filled by competitive examination or by appointment, public notice of the application deadline to fill a job shall be posted at least ten days before the deadline in the same manner as notices of meetings are posted under section 21.4.

4. For jobs in political subdivisions of the state that are

filled through a point-rated qualifying examination, the preference afforded to veterans shall be equivalent to that provided for municipal civil service systems in section 400.10.

Section History: Early Form

[S13, § 1056-a15; C24, 27, 31, 35, 39, § **1159**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 70.1]

Section History: Recent Form

85 Acts, ch 50, §1; 92 Acts, ch 1238, § 17
C93, § 35C.1

94 Acts, ch 1189, §16; 2000 Acts, ch 1154, §6; 2003 Acts, ch 145, §286; 2008 Acts, ch 1032, § 201; 2009 Acts, ch 150, §1; 2009 Acts, ch 179, §108

Referred to in § 35C.5

35C.2 PHYSICAL DISABILITY.

The persons thus preferred shall not be disqualified from holding any position hereinbefore mentioned on account of age or by reason of any physical disability, provided such age or disability does not render such person incompetent to perform properly the duties of the position applied for.

Section History: Early Form

[S13, § 1056-a15; C24, 27, 31, 35, 39, § **1160**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 70.2]

Section History: Recent Form C93, § 35C.2

35C.3 DUTY TO INVESTIGATE AND APPOINT.

When any preferred person applies for appointment or employment under this chapter, the officer, board, or person whose duty it is or may be to appoint or employ a person to fill the position or place shall, before appointing or employing a person to fill the position or place, make an investigation as to the qualifications of the applicant for the place or position, and if the applicant is of good

moral character and can perform the duties of the position applied for, the officer, board, or person shall appoint the applicant to the position, place, or employment. The appointing officer, board, or person shall set forth in writing and file for public inspection the specific grounds upon which it appointed or refused to appoint the person. At the time of application or at an interview for the position, an applicant may request notification of refusal only or notification of refusal and the specific grounds for refusal. The notification shall be sent within ten days after the successful applicant is selected.

Section History: Early Form

[S13, § 1056-a15; C24, 27, 31, 35, 39, § **1161**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 70.3]

Section History: Recent Form

C93, § 35C.3
99 Acts, ch 180, §11; 2000 Acts, ch 1106, §1

35C.4 MANDAMUS -- JUDICIAL REVIEW.

A refusal to allow said preference, or a reduction of the salary for said position with intent to bring about the resignation or discharge of the incumbent, shall entitle the applicant or incumbent, as the case may be, to maintain an action of mandamus to right the wrong. At their election such parties may, in the alternative, maintain an action for judicial review in accordance with the terms of the Iowa administrative procedure Act, chapter 17A, if that is otherwise applicable to their case.

Section History: Early Form

[S13, § 1056-a15, -a16; C24, 27, 31, 35, 39, § **1162**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 70.4]

Section History: Recent Form

C93, § 35C.4
2003 Acts, ch 44, §114

Referred to in § 35C.5, 35C.5A

35C.5 APPEALS.

In addition to the remedy provided in section 35C.4, an appeal may be taken by any person belonging to any of the classes of persons to whom a preference is hereby granted, from any refusal to allow said preference, as provided in this chapter, to the district court of the county in which such refusal occurs. The appeal shall be made by serving upon the appointing board within twenty days after the date of the refusal of said appointing officer, board, or persons to allow said preference, a written notice of such appeal stating the grounds of the appeal; a demand in writing for a certified transcript of the record, and all papers on file in the office affecting or relating to said appointment. Thereupon, said appointing officer, board, or person shall, within ten days, make, certify, and deliver to appellant such a transcript; and the appellant shall, within five days thereafter, file the same and a copy of the notice of appeal with the clerk of said court, and said notice of appeal shall stand as appellant's complaint and thereupon said cause shall be accorded such preference in its assignment for trial as to assure its prompt disposition. The court shall receive and consider any pertinent evidence, whether oral or documentary, concerning said appointment from which the appeal is taken, and if the court shall find that the said applicant is qualified as defined in section 35C.1, to hold the position for which the applicant has applied, said court shall, by its mandate, specifically direct the said appointing officer, board or persons as to their further action in the matter. An appeal may be taken from judgment of the said district court on any such appeal on the same terms as an appeal is taken in civil actions. At their election parties entitled to appeal under this section may, in the alternative, maintain an action for judicial review in accordance with the terms of the Iowa administrative procedure Act, chapter 17A, if that is otherwise applicable to their case.

Section History: Early Form

[C35, § 1162-g1; C39, § **1162.1**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 70.5]

Section History: Recent Form

C93, § 35C.5
2003 Acts, ch 44, §114
Referred to in § 35C.5A
Appeals, R.App.P. 6.101, 6.102, 6.701

35C.5A ARBITRATION.

In addition to the remedies provided in sections 35C.4 and 35C.5, a person belonging to a class of persons qualifying for a preference may submit any refusal to allow a preference, or any reduction of the person's salary as described in section 35C.4, to arbitration within sixty days after written notification of the refusal or reduction. Within ten days after any submission, an arbitrator shall be selected by a committee that includes one member chosen by the person refused preference, one member chosen by the appointing officer, board, or person, and one member who shall be a disinterested party selected by the other two members of the committee. A list of qualified arbitrators may be obtained from the American arbitration association or other recognized arbitration organization or association. The decision of the arbitrator shall be final and binding on the parties.

Section History: Recent Form

99 Acts, ch 180, §12

35C.6 REMOVAL -- CERTIORARI -- JUDICIAL REVIEW.

No person holding a public position by appointment or employment, and belonging to any of the classes of persons to whom a preference is herein granted, shall be removed from such position or employment except for incompetency or misconduct shown after a hearing, upon due notice, upon stated charges, and with the right of such employee or appointee to a review by a writ of certiorari or at such person's election, to judicial review in accordance with the terms of the Iowa administrative procedure Act, chapter 17A, if that is otherwise applicable to their case.

Section History: Early Form

[S13, § 1056-a16; C24, 27, 31, 35, 39, § **1163**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 70.6]

Section History: Recent Form C93, § 35C.6

2003 Acts, ch 44, §114

35C.7 BURDEN OF PROOF.

The burden of proving incompetency or misconduct shall rest upon the party alleging the same.

Section History: Early Form

[S13, § 1056-a16; C24, 27, 31, 35, 39, § **1164**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 70.7]

Section History: Recent Form C93, § 35C.7

35C.8 EXCEPTIONS.

Nothing in this chapter shall be construed to apply to the position of private secretary or deputy of any official or department, or to any person holding a strictly confidential relation to the appointing officer.

Section History: Early Form

[S13, § 1056-a16; C24, 27, 31, 35, 39, § **1165**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 70.8]

Section History: Recent Form C93, § 35C.8

EMPLOYMENT LAW BLOG: PREFERENTIAL HIRING BEYOND THE OFCCP - GOODBYE EMPLOYMENT-AT-WILL - OCTOBER 16, 2013

Jo Ellen Whitney

When the Office of Federal Contract Compliance Programs (OFCCP) announced its rules on the hiring of veterans and those with disabilities this generated significant discussion on preferential hiring programs as well as the issues relating to veteran employment. Concerns were expressed by various organizations and groups relating to

everything from how this would impact upon other preferential hiring goals expressed by OFCCP, such as for women and other minorities and the interaction of the OFCCP guidelines with the ADA/ADAAA. However, separate from these requirements for federal contractors, public employers in Iowa face various state law concerns, specifically those under Chapter 35C, the Iowa Veteran's Preference Act. The Act provides for several very specific requirements in the hiring of veterans for public employers and that veterans are entitled to "preference in appointment in employment over other applicants of no greater qualifications." In addition to the statutory language there have also been several specific court cases which relate to the Act, which provide additional guidance in how the Act is to be implemented. In summary, it requires the following:

1. A veteran as defined by Iowa Code Section 35.1 is to be provided preferential treatment in hiring. This section, 35.1, provides very specific definitions as to who is a qualified Veteran. Listing specific wars, specific times and noting that members of the reserve forces and members of the Iowa National Guard are considered veterans for the purposes of this statute if they had served at least 20 years and were discharged under honorable conditions.
2. As a public employer, the entity is required to have a section on its application which allows a veteran to list his or her military service. Given that honorable discharge is typically required pursuant to the statute an inquiry as to whether or not the veteran was honorably discharged is appropriate.
3. If the veteran has the same qualifications as other applicants the veteran receives preference for hiring.
4. Typically, employers are required to make an investigation of the "preferred person." This includes an investigation into the qualifications of the applicant for the position, determination if the applicant has "good moral character" and is able to perform the duties of the position. Presumably, if you are a public employer who is required by statute to provide for specific background checks, such as the SING process or debarred providers, this standard background process must also be accomplished.
5. The person in charge of hiring or the decision maker must reduce his/her decision regarding the hiring to writing and "file for public inspection" the grounds upon which the person was hired or refused. However, at the time of application, or during an interview "an applicant may request notification of refusal only or notification of refusal on the specific grounds for refusal. That notification must be sent within ten days after the successful applicant is selected."
6. In the event that the public employer provides testing for any portion of competency to determine hiring, the veteran receives a 5% bump on his/her score, increasing the total average of the score. The Veteran must meet any minimum requirements to pass the test without this 5% bump in order to qualify for the score increase.

7. Once a veteran is hired, the preference set forth in Iowa Code Chapter 35C applies to employment status, negating the basic requirement of employment at will in the state of Iowa.
8. In the event a veteran is going to be terminated, the employer must provide the veteran with a written statement showing or listing that the veteran has demonstrated incompetence or misconduct.
9. The veteran is entitled to a pre-termination hearing, although the statute does not define the nature of quality of a hearing. The employer must show by a preponderance of evidence that the veteran is incompetent or has engaged in misconduct.
10. The hearing must afford the veteran a reasonable opportunity to present information to challenge the termination. There is no indication that counsel is required or must be allowed as part of the "hearing" process. The burden of proof rests with the employer to show cause for termination of the veteran.

In the event that a public employer fails to act in accordance with these requirements, the covered person may seek mandamus (Court Order requiring specific action) to right the wrong or in the alternative seek judicial review under Iowa Code Chapter 17A. Additionally, the person may bring suit in the district court in the County where refusal occurred and seek a declaration as to whether or not that person fills the requirements of the section. A potential remedy under the Section would be the requirement that the person be hired by the public employer. Note that there are no attorney fees provisions contained in this statute and no indication that attorney's fees would be awarded. There are also statutory requirements for arbitration if the employers fail to apply the preference, such arbitration to be done in conformance with the American Arbitration Association requirements.

KANSAS

August 17, 2006

ATTORNEY GENERAL OPINION NO. **2006-21**

George S. Webb, Executive Director
Kansas Commission on Veterans' Affairs
700 S.W. Jackson, Suite 701
Topeka, Kansas 66603-3758

Re:

Soldiers, Sailors and Patriotic Emblems--Veterans' Preference; Public Service--Preferences in Appointments and Employments

State Departments; Public Officers and Employees--Civil Service--Veterans' Preference

Synopsis:

K.S.A. 73-201, the veterans' preference law, applies to all Kansas counties and cities when filling positions in public departments or upon public works. Given the way in which the Court has interpreted K.S.A. 73-201 and the actions of the Legislature, there is not a conflict between the veterans' preference law and the provision giving veterans' preference effect in the State Civil Service Act; under the administrative regulation implementing the veterans' preference provision of the State Civil Service Act, veterans' preference is conferred by interviewing any and all deserving veterans among the certified pool of eligible candidates for a position. Status as a veteran is not a "nonmerit" factor, as statutorily defined, and therefore the specific provisions requiring veterans' preference be granted in the State's civil service system are not superceded by the general provisions of the Civil Service Act requiring that personnel administration actions be based on merit principles and fitness to perform the work required. Cited herein: K.S.A. 73-201; 75-2925; 75-2926; 75-2955; K.A.R. 1-6-21.

* * *

Dear Mr. Webb:

You pose three questions for our response. First, you inquire whether K.S.A. 73-201, commonly referred to as the veterans' preference law, applies to all cities and counties

within the State of Kansas or if there is any instance in which it might not apply to cities or counties. Second, you ask whether K.S.A. 73-201 and K.S.A. 75-2955 are in conflict, particularly taking into consideration the administrative regulation implementing K.S.A. 75-2955. Finally, you query whether K.S.A. 75-2925 supercedes K.S.A. 73-201 and K.S.A. 75-2955 by regarding veterans' preference as a nonmerit factor that should not be considered in civil service hiring decisions.

K.S.A. 73-201 provides, in pertinent part, as follows:

"In grateful recognition of the services, sacrifices and sufferings of persons who served in the army, navy, air force or marine corps of the United States in world war I and world war II, and of persons who have served with the armed forces of the United States during the military, naval and air operations in Korea, Viet Nam or other places under the flags of the United States and the United Nations or under the flag of the United States alone, and have been honorably discharged therefrom, they shall be preferred for appointments and employed to fill positions in every public department and upon all public works of the state of Kansas, and of the counties and cities of this state, if competent to perform such services; and the person thus preferred shall not be disqualified from holding any position in said service on account of his age or by reason of any physical or mental disability, provided such age or disability does not render him incompetent to perform the duties of the position applied for; and when any such ex-soldier, sailor, airman or marine shall apply for appointment to any such position, place, or employment, the officer, board or person whose duty it is or may be to appoint a person to fill such place shall, if the applicant be a man or woman of good reputation, and can perform the duties of the position applied for by him, or her, appoint said ex-soldier, sailor, airman or marine to such position, place, or employment."

In answer to your first question, by its own terms the veterans' preference law applies to "positions in every public department and upon all public works of the state of Kansas, and of the counties and cities of this state." We are unaware of any exceptions, instances or bases in which the law would not apply to employment opportunities within the public departments or works of Kansas counties and cities. We have found no case law to the contrary and in fact, the law's application to cities recently was confirmed in dicta by the Kansas Court of Appeals.⁽¹⁾

As you know, we touched upon the issue addressed in your second question, regarding whether there is a conflict between K.S.A. 73-201 and 75-2955, in another recent opinion. That opinion, however, went only so far as to lay out the general rule that "K.S.A. 75-2955 would supercede K.S.A. 73-201 with regard to Kansas Civil Service Act hiring in a situation where both statutes could not be given full sway, because K.S.A. 75-2955 is the newer legislative pronouncement."⁽²⁾ Your present inquiry on whether the administrative regulation

implementing K.S.A. 75-2955 specifically conflicts with K.S.A. 73-201 requires review of the history of these two statutes and the rules of statutory construction.

The concept of a veterans' preference was first conferred by the Kansas Legislature in 1886 through enactment of a precursor to K.S.A. 73-201.⁽³⁾ Prior to its amendment in 1907, K.S.A. 73-201 required a veteran applying for a public position to be at least equally qualified to other applicants in order to enjoy the veterans' preference. In 1907, the "equal qualifications" portion was deleted; henceforth, veterans applying for public positions instead had to be "competent to perform such services" in order to trigger the preference.⁽⁴⁾

The Kansas Supreme Court opined in a case decided soon after the 1907 amendment to the veterans' preference law regarding what the term "competent" meant within the context of K.S.A. 73-201:

"Competent,' when used to indicate the qualifications which a public officer should possess, must necessarily include *every qualification essential to the prompt, efficient and honest performance of the duties pertaining to the office to be filled*. A law which means less than this cannot stand. The maintenance of an efficient public service in all the departments of the government is a matter of paramount importance. Desirable as it may be to confer special favors upon the rapidly disappearing patriots of this state, it cannot be done at a sacrifice of the public welfare. Many old veterans remain who are abundantly qualified to meet all the requirements which the best public service may demand, and to such the provisions of the veterans' preference law were intended to apply."⁽⁵⁾

This case law remains applicable and is essential to any discussion of what the veterans' preference law actually requires. Read literally, we agree that K.S.A. 73-201 requires almost carte blanche hiring of a veteran over a non-veteran for jobs in every division of State and local government. The Kansas Supreme Court, however, repeatedly has construed the law as giving hiring authorities significant discretion to determine the competency of candidates for public positions, thereby rendering the statute more subjective than objective. Furthermore, the Court repeatedly has declined to second guess or substitute its judgment for that of a hiring authority, as long as the hiring authority has acted in good faith.⁽⁶⁾ Essentially, case law unfortunately has rendered the veterans' preference statute as having very limited enforceability.

As interpreted by the Kansas Supreme Court, the veterans' preference law has never provided absolute preference. Meeting the minimum qualifications for a position does not necessarily render one "competent," and therefore entitled to the job based on veterans' preference, within the meaning of the law as interpreted by the Court.

Nonetheless, while according to the Court being "competent" requires more than merely meeting the minimum qualifications for a position, it apparently does not require a veteran seeking preference to be the "best qualified" candidate. If that were the case, the veterans' preference law effectively would be meaningless; all hiring and promotional decisions would be made strictly on the basis of merit, notwithstanding a veteran's eligibility for the preference. Accordingly, the standard of competence must be somewhere between these two ends of the spectrum. The challenge, then, in enforcing the law is that the Court has established a subjective standard in hiring authorities' determinations of whether candidates are competent; absent evidence of bad faith, hiring authorities' decisions will be given great deference by the Court.

Several rules of statutory construction are key to our review of whether K.S.A. 73-201 and 75-2955 are in conflict. "The fundamental rule of statutory construction is that the intent of the legislature governs if that intent can be ascertained."⁽⁷⁾ Also, it is well-settled that "[w]hen two statutes conflict . . . then the more specific, more recent statute controls."⁽⁸⁾ Finally, "[t]he legislature is presumed to know the law"⁽⁹⁾ and "there is a presumption that the legislature does not intend to enact useless or meaningless legislation."⁽¹⁰⁾

We presume the Legislature was aware of the provisions of K.S.A. 73-201 at the time it enacted K.S.A. 75-2955 - the more specific, more recent statute - and that it intended the provisions of K.S.A. 75-2955 to be given effect. This presumption seems particularly reasonable given that, on two occasions, K.S.A. 73-201 and 75-2955 have even been amended in the same legislative act.⁽¹¹⁾

K.S.A. 73-201, which most recently was amended in 1970,⁽¹²⁾ expressed the general policy of the State in granting veterans' preference in public employment. The Legislature, however, also recognized the need to establish a system of employment that would meet the needs of State agencies and be based on merit principles and fitness to perform the work required.⁽¹³⁾ Since the time of its original enactment in 1941, the Kansas Civil Service Act⁽¹⁴⁾ has included a section devoted to the issue of veterans' preference specifically within the State's civil service system; that section of the Act is codified at K.S.A. 75-2955. At the time of its original enactment, K.S.A. 75-2955 read as follows:

"In all examinations under this act a veteran's preference shall be given to soldiers, sailors, nurses, and marines honorably discharged from the army, navy or marine corps of the United States, who served in the civil war, Spanish-American war, Philippine insurrection, China relief expedition, or World War; and who are citizens of the United States and have been residents of the state of Kansas two years immediately preceding their application. To the final earned rating of all war veterans, as defined herein, who shall have attained a passing rating on any open competitive examination, there shall be added a credit of five points and in the case of a disabled war veteran there shall be added a total credit of ten

points: *Provided, however,* That no disabled veterans shall be entitled to the additional benefits herein provided unless such disability is at the time of such examination rated by the United States veterans administration as being service connected and not less than fifteen percent. The name of a veteran shall be entered ahead of a nonveteran when their ratings are the same."⁽¹⁵⁾

Numerous amendments have been made to K.S.A. 75-2955 over the years, but immediately prior to the most recent amendments - in 1995 - the law read as follows:

"(a) In all examinations under this act, veterans' preference shall be given to [those hereafter described].

. . . .

"(c) To the final earned rating of each person who is described in subsection (a) and who has attained a passing rating on any open competitive examination, there shall be added a credit of five points, except that, in the case of a person described in subsection (a)(3), there shall be added a total credit of 10 points."⁽¹⁶⁾

The 1995 amendment to K.S.A. 75-2955⁽¹⁷⁾ was the result of Senate Bill No. 175. The veterans' preference provision was discussed when Senate Bill No.175 was heard before the House Committee on Business, Commerce and Labor. Bobbi Mariani, then Assistant Director of the Division of Personnel Services - which supported passage of Senate Bill No. 175 - testified that "veterans' preference will be given when certifying the names of veterans to pools of eligible candidates. Currently, veterans' preference points are given on applicant examinations. Because there will normally not be any examinations as we currently know them under the new system, administrative rules and regulations will define what type of preference veterans will receive within the eligible pools."⁽¹⁸⁾ Mariani responded to the committee's questions on how the veterans' preference would be decided, indicating that because the then-existing system only added veterans' preference points to test scores, only about 27% of the applicants were affected. Mariani explained that under the new procedure, the Division of Personnel Services expected that points would be added to a larger number of veterans' applications.⁽¹⁹⁾

Kansas American Legion (AL) Adjutant Charles Yunker, on the other hand, testified against the legislation. Yunker indicated the AL was "very leery of having veterans preference administered by rules and regulations, because they would be much easier to change than would a statute, and the AL did not believe Senate Bill No. 175 guaranteed that veterans preference rules and regulations would not be changed to the detriment [*sic*] of veterans."⁽²⁰⁾ John Hill, on behalf of the Disabled American Veterans (DAV), Department of

Kansas, also testified in opposition to the bill. Hill indicated the DAV's concerns included that the bill would "likely eliminate preference for veterans" and that the pool concept would "make it very easy for agencies to hire based on criteria that is not part of a merit system."⁽²¹⁾

When the bill came up for vote in the House Committee on Business, Commerce & Labor on March 17, 1995, Representative Carol Beggs offered an amendment, apparently in response to the concerns veterans' organizations had voiced about maintaining the sanctity of the veterans' preference. The Committee approved the amendment and advanced the bill with the following language added to subparagraph (b): "However, in no case shall any rules and regulations adopted pursuant to this act give veterans any less preference in employment than existed prior to July 1, 1995."⁽²²⁾ Minutes from the Senate Ways & Means Committee do not reflect whether that committee had similar discussions regarding Senate Bill No. 175; however, the bill was sent to a conference committee and ultimately, when it was enacted, it included language similar to that proposed by Representative Beggs: "However, under no circumstances shall veterans be accorded any less preference than existed prior to July 1, 1995."⁽²³⁾

What, exactly, the Legislature intended by this language is unclear. Prior to the amendment, veterans were given preference by having points added to their scores on employment tests. According to the testimony of Bobbi Mariani, however, that practice resulted in only about 27% of applicants being affected by the preference, whereas doing away with the examination process and instead utilizing a system where applicants meeting the minimum qualifications were entered into a pool of candidates certified to be eligible was expected to affect a larger percentage of veterans. As currently implemented by K.A.R. 1-6-21, all qualified veterans among the pool of certified eligible candidates are afforded an interview opportunity.

We cannot say with certainty this practice is what the Legislature envisioned; nor can we determine conclusively whether it results in veterans being "accorded . . . less preference than existed prior to July 1, 1995."⁽²⁴⁾ What is clear, however, is that the Legislature chose not to specify in the statute exactly how the veterans' preference was to apply, leaving the issue subject to interpretation through rules and regulations.⁽²⁵⁾

Furthermore, the Kansas Supreme Court previously has approved the general practice of imposing threshold requirements on veterans before they may enjoy any preference. In a case concerning a precursor to K.S.A. 75-2955, the Court found that establishing competency by requiring certain appointments be made from a list certifying the two highest in rank at a civil service examination was not in conflict with the veteran's preference law enacted in 1907.⁽²⁶⁾

Based on the foregoing, we believe the practice employed by K.A.R. 1-6-21 - of applying veterans' preference to those veterans certified as eligible for the position being sought, by ensuring they are offered an interview - passes muster and effectively implements K.S.A. 75-2955 without compromising or conflicting with K.S.A. 73-201. We are cognizant that "[t]he power of an administrative agency to adopt rules and regulations is administrative in nature, not legislative, and to be valid administrative regulations must be within the authority conferred. An administrative regulation which goes beyond or conflicts with legislative authorization is void."⁽²⁷⁾ Furthermore, whenever a "conflict exists between the provisions of [an] administrative regulation and [a] statute, the provisions of the statute prevail."⁽²⁸⁾ Finally, "[r]ules must be within the authority conferred by statute and an administrative regulation which goes beyond or conflicts with legislative authorization is void."⁽²⁹⁾ Accordingly, when our office last reviewed and approved the legality of K.A.R. 1-6-21 in conjunction with a 2003 revision of the regulation, we determined it was "within the statutory authority of the Kansas Department of Administration" based on "our understanding that, in accordance with K.S.A. 75-2955(b), this regulation provides more preference to veterans than was the practice prior to July 1, 1995, and that it is more beneficial to veterans than was the 'rule of five.'"⁽³⁰⁾ If the facts in a specific case prove otherwise, the regulation would be deemed void as in conflict with the Act.

Finally, we turn to your question about whether K.S.A. 75-2925 supercedes K.S.A. 73-201 and/or K.S.A. 75-2955 by allowing veterans' preference to be abolished. Specifically, you ask our opinion on whether or not status as a veteran falls under the definition of "nonmerit reason" in this regard.

K.S.A. 75-2925 provides that "[p]ersonnel administration actions regarding employees in the state classified service shall be made without regard to race, national origin or ancestry, religion, political affiliation, or other *nonmerit factors* [and instead] . . . shall be based on *merit principles* and fitness to perform the work required. . . ."⁽³¹⁾ "Nonmerit reason" is defined as "any reason specifically based on: (1) Race, national origin or ancestry, religion or political affiliation; (2) sex or age where sex or age does not constitute a bona fide occupational qualification necessary to proper and efficient administration; or (3) disabilities which are qualified disabilities under the Americans with Disabilities Act of 1990, Pub.L. 101-36, and amendments thereto, and which do not prevent the individual from performing the position's essential functions, with or without reasonable accommodation."⁽³²⁾ "Merit principles" is defined to mean "relative knowledge, skill and ability."⁽³³⁾

Pursuant to these definitions, status as a veteran clearly is not a "nonmerit reason." Accordingly, K.S.A. 75-2925 does not supercede or conflict with either K.S.A. 73-201 or K.S.A. 75-2955. This conclusion is further buttressed by again applying rules of statutory construction. "General and special statutes should be read together and harmonized whenever possible, but to the extent a conflict between them exists, the special statute will

prevail unless it appears the legislature intended to make the general statute controlling."⁽³⁴⁾ Furthermore, "[i]n construing statutes, the legislative intention is to be determined from a general consideration of the entire act. Effect must be given, if possible, to the entire act and every part thereof. To this end, it is the duty of the court, as far as practicable, to reconcile the different provisions so as to make them consistent, harmonious, and sensible."⁽³⁵⁾

Given that K.S.A. 75-2925 and 75-2955 most recently were amended in 1995, pursuant to the same act,⁽³⁶⁾ construing K.S.A. 75-2925 to somehow negate or supercede K.S.A. 75-2955 would result in the latter statute having no meaning. This would contravene the rules of statutory construction.

In summary, we believe the veterans' preference law, K.S.A. 73-201, clearly applies to positions in public departments and upon public works not only of the State of Kansas, but also of Kansas counties and cities. We also believe K.S.A. 75-2955, as implemented by K.A.R. 1-6-21, effectively accords veterans' preference by guaranteeing veterans an interview for any position they apply for within the State civil service as long as they meet the minimum requirements for the given position and therefore are within the certified pool of eligible candidates. This practice does not appear to conflict with K.S.A. 73-201 as it has been interpreted by the Courts. And finally, we believe K.S.A. 75-2925 establishes only the general parameters of the State civil service system; it does not supercede the specific provisions of K.S.A. 75-2955, which set forth the policy of still granting veterans' preference within the State civil service system.

Sincerely,
Phill Kline
Attorney General
Laura M. Graham
Assistant Attorney General

Kansas

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73-201. Preference in governmental employment and promotion; notice when veteran not hired; notice of job openings, information regarding preference; remedy when preference not provided. (a) As used in this act: (1) "Veteran" means:

(A) Any person who entered the armed forces before October 15, 1976, and separated from the armed forces under honorable conditions, if such person served: (i) On active duty during any war (the official dates for war service are April 6, 1917 through July 2, 1921, and December 7, 1941 through April 28, 1952); (ii) during the period April 28, 1952 through July 1, 1955; (iii) in any campaign or expedition for which a campaign badge or service medal has been authorized; or (iv) for more than 180 consecutive days since January 31, 1955, but before October 15, 1976, excluding an initial period of active duty for training under the "six-month" reserve or national guard program;

(B) any person who entered the armed forces on or after October 15, 1976, and separated from the armed forces under honorable conditions, if such person was awarded a service medal or campaign badge;

(C) any person who separated from the armed forces under honorable conditions and has a disability certified by the United States department of veterans affairs as being service connected, has been issued the purple heart by the United States government or has been released from active service with a service-connected disability;

(D) the spouse of a veteran who has a 100% service connected disability as determined by the United States department of veteran affairs;

(E) the unremarried spouse of a veteran who died while, and as a result of, serving in armed forces; and

(F) the spouse of a prisoner of war, as defined by K.S.A. [75-4364](#), and amendments thereto.

Notwithstanding the foregoing, the term "veteran" shall not apply to any person who retired from the active military with the pay grade of 04 or above unless the person retired due to wounds received in combat or is a disabled veteran.

(2) "Competent" means a good faith determination that the person is likely to successfully meet the performance standards of the position based on what a reasonable person knowledgeable in the operation of the position would conclude from all information available at the time the decision is made. The basis for such determination shall include experience, training, education, licensure, certification and/or other factors determined by the decision making authority as appropriate to determine the applicant's overall qualification and ability to successfully meet the performance standards of the position. The decision making authority shall document such factors prior to the initiation of the selection process.

(3) "Disabled veteran" means a person who has served on active duty in the armed forces, has been separated therefrom under honorable conditions, and has established the present existence of a service-connected disability or is receiving compensation, disability retirement benefits, or pension because of a public statute administered by the department of veterans affairs or a military department.

(b) In grateful recognition of the services, sacrifices and sufferings of veterans who served in the army, navy, air force, coast guard or marine corps of the United States in world war I and world war II, and of persons who have served with the armed forces of the United States during the military, naval and air operations in Korea, Viet Nam, Iraq, Afghanistan or other places under the flags of the United States and the United Nations or under the flag of the United States alone, and have been honorably discharged therefrom, the provisions of this section are enacted.

(c) Veterans shall be preferred for initial employment and first promotion in the state government of Kansas, and in the counties and cities of this state, if competent to perform such services. Any veteran thus preferred shall not be disqualified from holding any position in such service on account of the veteran's age or by reason of any physical or mental disability as long as such age or disability does not render the veteran incompetent to perform the duties of the position applied for. When any veteran shall apply for appointment to any such position, place, or employment, the officer, board or person whose duty it is or may be to appoint a person to fill such place shall, if the applicant be a veteran of good reputation, and can competently perform the duties of the position applied for by the veteran, consider the veteran for appointment to such position, place, or employment. Within 30 days of filling a position, eligible veterans who have applied and are not hired shall be notified by certified mail or personal service that they are not being hired. Such notice also shall advise the veteran of any administrative appeal available.

(d) The provisions of this act shall not be applicable to any persons classed as conscientious objectors. The provisions of this act shall not be controlling over the provisions of any statute, county resolution or city ordinance relating to retirement, or termination on the basis of age, of employees of the state or any county or city. Whenever under any statute, county resolution or city ordinance retirement, or termination on the basis of age, of any employee is required at a certain age, or is optional with the employer at a certain age, such provisions of such statute, resolution or ordinance shall be controlling and shall not be limited by this section.

(e) All notices of job openings, if any, and all applications for employment, if any, by the state and any city or county in this state shall state that the job is subject to a veteran's preference, how the preference works and how veterans may take advantage of the preference and post a written statement of: (1) The qualifications for such position; (2) any preferred qualifications of such position; (3) performance standards for the position; and (4) the process that will be used for selection. A veteran, or a spouse who qualifies for the veteran's preference, desiring to use a veteran's preference shall provide the hiring authority with a copy of the veteran's DD214 form or the DD214 form of the veteran under which the spouse qualifies for the preference.

(f) Every employment center of the state and any city or county human resources department, if any, shall openly display documents that indicate that veterans are eligible for a preference in their initial employment and any first promotion within the employment of the governmental entity.

(g) Any veteran who alleges that a state agency, city or county has not provided the veterans preference as required by this act, after exhausting any available administrative remedy, may bring an action in the district court.

KENTUCKY

18A.150 Preference points for active or honorably or generally discharged members of the active military, military reserves, or National Guard -- Conditions under which spouses, surviving spouses, and dependent parents may receive preference points - Identification on register certificate -- Required interviews.

(1) Any person who has served in the active military, military reserves, or National Guard and was discharged or released therefrom with an honorable discharge, discharge under honorable conditions, or a general discharge shall have five (5) points added to the veteran's entrance examination score for classified positions. Any current member of the active military, military reserves, or National Guard shall be entitled to the same number of points.

(2) Any person who has served in the active military, military reserves, or National Guard and was discharged or released therefrom with an honorable discharge, discharge under honorable conditions, or a general discharge, whom the Veterans Administration or any branch of the Armed Forces of the United States determines has service-connected disabilities, shall have ten (10) points added to the veteran's entrance examination score for a classified position.

(3) The spouse of a person who has served in the active military, military reserves, or National Guard, was discharged or released therefrom with an honorable discharge, discharge under honorable conditions, or a general discharge, would be eligible for a ten (10) point preference, and whose service-connected disability disqualifies the veteran for positions along the general line of the veteran's usual occupation shall have ten (10) preference points added to the spouse's entrance examination score for a classified position. In such a case, the spouse loses the right to preference if the disabled veteran recovers.

(4) Until remarriage, the surviving spouse of a person who has served in the active military, military reserves, or National Guard and was discharged or released therefrom with an honorable discharge, discharge under honorable conditions, or a general discharge shall have ten (10) preference points added to the spouse's entrance examination score for a classified position. This includes the surviving spouse of any military personnel who died while in the Armed Forces, unless circumstances surrounding the death would have been cause for other than honorable or general discharge separation.

(5) A parent totally or partially dependent on a person who has served in the active military, military reserves, or National Guard and lost his or her life under honorable conditions while on active duty or active duty for training purposes or became permanently and totally disabled as a result of a service-connected disability shall have ten (10) preference points added to the parent's examination score for a classified position.

(6) The preference points granted by subsections (1) to (5) of this section shall be added to entrance examination scores for classified positions only if the score is determined by the

secretary to be a passing score and after verification of the required service. The total of the entrance examination score and the preference points may exceed one hundred (100).

(7) (a) When a register certificate is transmitted to a state agency for employment consideration, that certificate shall clearly identify all individuals entitled to preference points under subsections (1) to (6) of this section, whether or not an examination is actually a part of the selection method. Regardless of the selection method used to fill a vacancy, these individuals shall be clearly identified.

(b) 1. If the number of individuals identified in paragraph (a) of this subsection is less than five (5), the employing agency shall offer an interview to all individuals identified in paragraph (a) of this subsection, including individuals presently employed by the Commonwealth of Kentucky and applying for another classified position within state government.

2. If the number of individuals identified in paragraph (a) of this subsection equals or exceeds five (5), the employing agency shall offer an interview to no fewer than five (5).

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 4, sec. 1, effective July 15, 2010. -- Amended 1998 Ky. Acts ch. 154, sec. 37, effective July 15, 1998. -- Amended 1994 Ky. Acts ch. 180, sec. 2, effective July 15, 1994. -- Amended 1988 Ky. Acts ch. 129, sec. 2, effective July 15, 1988. -- Amended 1984 Ky. Acts ch. 109, sec. 1, effective July 13, 1984. -- Repealed, reenacted, and amended as KRS 18A.150, 1982 Ky. Acts ch. 448, sec. 30, effective July 15, 1982. -- Amended 1980 Ky. Acts ch. 132, sec. 4, effective July 15, 1980. -- Amended 1976 Ky. Acts ch. 86, sec. 6, effective March 29, 1976. -- Amended 1974 Ky. Acts ch. 162, sec. 6; and ch. 386, sec. 1. -- Created 1970 Ky. Acts ch. 28, sec. 1.

2014-2016 Budget Reference. See State/Executive Branch Budget, 2014 Ky. Acts ch. 117, Pt. I, C, 2, (2) at 628.

2014-2016 Budget Reference. See State/Executive Branch Budget, 2014 Ky. Acts ch. 117, Pt. I, D, 10, (1) at 636.

Formerly codified as KRS 18.212.

Veterans' Preference Eligibility Requirements

Individuals may qualify for Veterans' Preference Status provided the veteran's Character of Service was listed as Honorable or General (Under Honorable Conditions). Veterans are not required to have served during time of war or conflict, and Reservists and Guardsman need not have been called to active duty or mobilized to receive the preference.

Service members whose Character of Service is listed as Uncharacterized, Entry Level Separation (ELS), Under Other Than Honorable Conditions, or received a Dishonorable Discharge or Bad Conduct Discharge cannot be granted the preference status.

The following individuals may be eligible for Veterans' Preference once the required documents are submitted to the Personnel Cabinet:

- Veterans who served on active duty in the Air Force, Army, Coast Guard, Marine Corps, or Navy
- Members currently serving on active duty in the Air Force, Army, Coast Guard, Marine Corps, or Navy
- Current members of the National Guard or Reserve
- Veterans of the National Guard or Reserve
- Disabled Veterans
- Spouse of a Disabled Veteran whose husband or wife has been declared by the U.S Department of Veterans Affairs (VA) as unemployable due to a service-connected disability
- Un-remarried Spouse of Deceased Veteran
- Dependent Parent of a Disabled Veteran
- Dependent Parent of a Deceased Veteran

LOUISIANA

<http://vetaffairs.la.gov/Employment/EmploymentInformation.aspx> (Info listed on Louisiana Department of Veterans Affairs website under “State and Federal Civil Service Preference” in dropdown titled “State Civil Service”...I couldn’t find in State Statutes)

State Civil Service

Article X of the Louisiana Constitution provides a five-point hiring preference to honorably discharged wartime veterans who served in the United States Armed forces between the following dates:

- Apr 6, 1917, through Nov 11, 1918
- Sep 27, 1940, through Jul 25, 1947
- Jun 25 1950, through Jan 31, 1955
- Jul 1, 1958, through May 7, 1975
- Aug 2, 1990, through date to be determined
- Service requires appropriate campaign medals

A ten point hiring preference is accorded to each honorably discharged veteran (peacetime or wartime) who has one or more service connected disabilities, as established by the U.S. Department of Veterans Affairs. In certain circumstances, the ten point hiring preference can be utilized by the disabled veteran’s spouse, widow, or parent. See a parish service officer for details.

The veterans preference also extends to layoffs over other non-veteran employees with equal lengths of service and efficiency ratings.

RS 42:401

PART II. REINSTATEMENT

§401. Reinstatement after military service

All officers and employees of the state, entering the military service of the United States since September 16, 1940, shall be restored, upon proper application, to the former position or employment or office held with the state at the time of entering military service, or reinstated to a position of like seniority, status and pay when the officer or employee is relieved from the military service, upon honorable discharge or discharge upon honorable conditions.

MAINE

5.1 VETERANS PREFERENCE

Maine law (reference 5 MRSA, §7054) provides that an additional five or ten points be added to the passing civil service (that is, in the classified service) examination score of veterans meeting certain eligibility requirements for open competitive selection processes¹. In certain situations, the spouse, widow, widower, or parent of an eligible veteran may also be eligible for a five-point or ten-point veterans preference. Please carefully review the criteria listed below. Applicants who have questions about veterans preference should contact the Bureau of Human Resources at (207) 624-7761.

It is important to note that the veterans preference provided in Maine law applies to both competitive jobs (centralized registers, with applicants certified by the Bureau of Human Resources for specific vacancies) and direct hire jobs (recruitment and selection delegated to an agency). In the case of open competitive direct hire jobs, agencies must apply the veterans preference to the passing scores of direct hire candidates unless all of the candidates are being interviewed. (When all candidates are interviewed, the "preference" has no meaningful effect.)

¹ It is important to note that the veterans preference law applies only to open competitive scores for jobs in the classified service. Veterans preference is not applied in cases when a position is filled on an "agency promotional" (current agency employees only) or a "statewide promotional" (current state employees only) basis, nor does veterans preference law apply to jobs in the unclassified service.

PREFERENCE FOR A VETERAN

ELIGIBILITY FOR THE FIVE-POINT VETERANS PREFERENCE:

- The veteran must have served on full-time active duty for at least 90 consecutive days in the Armed Forces. (Active duty for training, such as that required by National Guard or Reserve components, is not counted as part of the 90-day service requirement for the five-point preference.)
- The veteran must have been separated (discharged or released from continuous active duty) under honorable conditions. Veterans preference will not be applied while an applicant is on active duty.
- The veteran has not already used a five-point preference to secure a position in Maine State Government.
- Documentation required for the 5-point veterans preference with each application:
 - DD Form 214. (If a DD Form 214 is not available, other official documents may be substituted for review on a case-by-case basis. Substitution may delay processing of the preference.)

ELIGIBILITY FOR THE TEN-POINT VETERANS PREFERENCE:

- The veteran must have served on full-time active duty for at least 90 consecutive days in the Armed Forces. (Active duty for training, such as that required by National Guard or Reserve components, is not counted as part of the 90-day service requirement for the ten-point preference.)

- The veteran must have a service-connected disability of 10% or more.
- The veteran must currently be receiving compensation, a pension, or disability retirement for this disability. (The veteran may receive both a military service retirement pension and compensation for disability and still qualify for the ten-point preference.)
- The veteran must have been separated under honorable conditions.
- The ten-point preference may be used more than once for open competitive selection processes .
- Documentation required for the 10-point veterans preference with each application:
 - DD Form 214. (If a DD Form 214 is not available, other official documents may be substituted for review on a case-by-case basis. Substitution may delay processing of the preference.)
 - A statement of disability from the Veterans Administration or service branch. (Depending on individual circumstances, other forms of certification of a service-connected disability will be considered on a case-by-case basis. Substitution may delay processing of the preference.)

PREFERENCE FOR WIDOWS, WIDOWERS, SPOUSES, AND PARENTS OF VETERANS

Under certain circumstances, the widow, widower, spouse, or parent of a veteran may be entitled to veterans preference. Applicants in one of the categories listed below are strongly encouraged to contact the Bureau of Human Resources at (207) 624-7761 when claiming veterans preference as a widow, widower, spouse, or parent of a veteran. Prior notification will facilitate the proper application of veterans preference provided by law.

The information needed to determine if a widow or widower of a veteran is entitled to a five-point veterans preference includes:

- The military service record of the veteran for whom the claim is based meets the requirements given for five-point preference, generally DD Form 214. (If a DD Form 214 is not available, other official documents may be substituted for review on a case-by-case basis. Substitution may delay processing of the preference.)
- Declaration that the widow or widower has never remarried.

The widow or widower of an eligible veteran is entitled to the 5-point preference even if the veteran on whom the claim is based has previously used a five-point preference to secure a position in Maine State Government.

The information needed to determine if a widow or widower of a veteran is entitled to a ten-point veterans preference includes:

- The military service record of the veteran for whom the claim is based meets the requirements given for a ten-point preference, generally DD Form 214. (If a DD Form 214 is not available, other official documents may be substituted for review on a case-by-case basis. Substitution may delay processing of the preference.)

- Documentation that the veteran for whom the claim is based lost his or her life under honorable conditions while serving on active duty (without regard to length-of-service) or that the veteran on whom the claim is based died as a result of a service-connected disability incurred at any time.
- Declaration that the widow or widower has never remarried.

The information needed to determine if the spouse of a disabled veteran is entitled to the ten-point preference in lieu of the veteran includes:

- The military service record of the disabled veteran for whom the claim is based meets requirements for ten-point preference by reason of disability, generally DD Form 214. (If a DD Form 214 is not available, other official documents may be substituted for review on a case-by-case basis. Substitution may delay processing of the preference.)
- Documentation that the disability prevents the disabled veteran from gaining employment along the general lines of his or her usual occupation.
- A statement of disability from the Veterans Administration or service branch. (Depending on individual circumstances, other forms of certification of a service-connected disability will be considered on a case-by-case basis. Substitution may delay processing of the preference.)

The spouse may claim these extra points in place of a claim by the disabled veteran. Both cannot be eligible for a ten-point preference at the same time.

The law does not limit the number of times the ten-point preference can be used by the spouse .

A determination that the parent of a veteran is entitled to a veterans preference is complex and must be determined on a case-by-case basis. For more information, please contact the Bureau of Human Resources: (207) 624-7761.

RIGHT TO REOPEN OPEN COMPETITIVE EXAMINATIONS

Maine law also provides that certain veterans and family members may apply for, and reopen, an open competitive examination during the life of an eligible register resulting from a published announcement. (Reference 5 MRSA, § 7055) This benefit may be exercised by:

- Veterans with a compensable service-connected disability;
- spouses of disabled veterans who qualify for 10-point preference described herein;
- unmarried widows or widowers of deceased veterans who qualify for the 10-point preference described herein;
- mothers and fathers, who are widowed, divorced, separated, or whose wives or husbands are permanently and totally disabled, of veterans who died while in the active service of the Armed Forces during any war, or who died as a result of service-connected disabilities.

In addition, if no eligible register resulted from a published announcement, applicants described above may file an application for and reopen an open competitive

examination within 3 years of the closing date of the published announcement, provided that the applicant had not previously made application for the examination under conditions of the published announcement. Applicants who wish to exercise the right to open a competitive examination should contact the Bureau of Human Resources at (207) 624-7761. Prior notification will facilitate the correct application of the law concerning the rights of veterans, and certain family members, to reopen a competitive examination.

MARYLAND:

Determine your Eligibility for Veteran's Credit

Article - State Personnel and Pensions §7-207.

(2) (i) An appointing authority shall apply a credit of ten points on any selection test for:

1. an eligible veteran;
2. the spouse of an eligible veteran who has a service connected disability; or
3. the surviving spouse of a deceased eligible veteran.

(ii) An appointing authority shall apply a credit of two additional points on any selection test for:

1. an eligible veteran who has a service connected disability; or
2. a former prisoner of war.

MASSACHUSETTS

Veterans' Preference and Retirement Benefits

If you are a Massachusetts veteran, as defined in the Introduction above, you are entitled to veterans' preference in civil service exams. If you attain a score of 70% or higher, you are entitled to go to the top of the exam list, with disabled veterans having top priority. If you apply for a promotional exam, you get two points added to your score. If you apply for a civil service job for which there is no exam, you are entitled to veterans' preference in a "provisional appointment." If you apply for a position in the labor force, you are not required to take an exam and you go to the top of the list.

What if the civil service exam is held when I'm on military duty?

If you plan to take a civil service exam and you have been called up for active duty, you can either take the exam at your mobilization site or take a make-up promotional exam within six months of your return by contacting the Massachusetts Human Resources Division (HRD) before deployment.

- For more information, see M.G.L. c. 31, s. 12 and s. 26 by visiting www.mass.gov/legis/laws/mgl. Also, see c. 708 of the Acts of 1941.

- For more information, contact HRD at (617) 727-2293.

What happens if I'm at the top of the list but a position opens while I'm serving?

If you are at the top of the exam list, and an appointment opens while you are away, you can request that the appointing authority hire a "military substitute" and appoint you to the position within three months of your return. If the appointing authority chooses to bypass you by hiring someone else, and they tell you that you have to wait until the next opening for an appointment, you can file a discrimination complaint under USERRA at DOL/VETS, and they will investigate and file a formal complaint if you wish. You can also challenge the bypass through an appeal at the Civil Service Commission, or by means of a complaint at the MCAD, the lengthiest of the three remedies.

- To file a discrimination complaint with DOL/VETS, call the Boston regional office at (617) 626-6699. The DOL/VETS website is full of information about USERRA www.dol.gov/vets.

- For more information, contact the Massachusetts Civil Service Commission at (617) 727-2293.

- To file at the MCAD call (617) 994-6000.

I'm in the Guard in a neighboring state and am employed as a public servant in Massachusetts. Am I eligible for the military retirement buy back program?

Yes. Members of the National Guard or Reserves in neighboring states who work in a public service capacity within the Commonwealth of Massachusetts can have their military service counted as creditable service time and may be applied toward retirement on a ratio of five years of Guard or Reserves time for each one year of active service.

- For more information, see c. 130 of the Acts of 2005.

I'm in the Massachusetts National Guard and I live in a neighboring state. Am I eligible for benefits from the state of Massachusetts?

It depends on the benefit-any benefit that has residency requirement would be unavailable to you. For additional benefits, you should check with the state you reside in to find out about benefits you may receive.

- For more information, contact your state's Department of Veterans' Services.

- The SAVE Team may also be able to assist you. Email save@massmail.state.ma.us or call (888) 844-2838.

Is there veterans' preference for public works jobs?

Yes. M.G.L. ch. 149, s. 26 ensures that preference is given to qualified veterans in public works construction by the state, a county, town, authority or district, or by a person contracting with or subcontracting for such work. Each county, town, district, contractor, or subcontractor gives preference to veterans and service-connected disabled veterans who live in their jurisdiction.

- For more information, contact HRD at your town/city hall.

What if I applied for a federal job and didn't receive veterans' preference?

Under the Veterans' Employment Opportunities Act of 1998 (known as Public Law 105-339) a new redress process allows eligible veterans who believe that a federal agency has violated their rights under any law or regulation related to veterans' preference to file a formal complaint with DOL/VETS.

MICHIGAN

QUALIFYING FOR VETERANS' PREFERENCE

Civil Service Commission Rule 3-8, Veterans' Preference, states that preference will be given to an eligible veteran or spouse of an eligible veteran if any of the following, specific criteria are met and documented:

1. A veteran who has been released from active military duty.
2. A disabled veteran who has been released from active military duty and who has been determined to be eligible for disability compensation by the U.S. Department of Veterans Affairs (DVA), U.S. Department of Defense (DOD), or a branch of the Armed Forces of the United States as the result of a service-connected disability.
3. A surviving spouse of a veteran who was released from active military.
4. A spouse of a disabled veteran with greater than 50 percent service-connected disability who was released from active military duty.
5. A surviving spouse of a veteran who was released from active military duty who has a child less than 18 years of age.
6. A surviving spouse of a veteran who was released from active military duty who has continuing parental care for a disabled child.

For purposes of this preference, an eligible veteran is a person who (1) has 90 or more calendar days of active duty service in the Armed Forces of the United States and (2) was honorably discharged from active duty, in the Armed Forces of the United States.

STANDARDS FOR USING VETERANS' PREFERENCE

1. Veterans' preference can only be used for the initial (first) appointment to a position in the Michigan state classified service.
2. A qualifying veteran and/or spouse must possess the minimum qualifications for the job classification and any position-specific selection criteria.
3. The qualifying veteran and/or spouse must fulfill all other conditions for appointment as described in the Civil Service rules and regulations; i.e., drug testing.

REGISTRATION

A qualifying veteran and/or spouse must register with Michigan Civil Service Commission using the Registration for Veterans' Preference (CS-1791) form when applying for state classified jobs. All required documents listed on the form must be

submitted with the CS-1791. The completed forms and required documents can be mailed to the following address.

Michigan Civil Service Commission

Veterans' Preference Processing

Applicant Assessment Section

P. O. Box 30002

Lansing, MI 48909

The forms can be faxed to (517) 241-5051 or scanned and e-mailed to mcsc-appassessmentteam1@michigan.gov.

MORE INFORMATION:

Questions may be directed to Kim Ngo, at (517) 335-0308 or ngok@michigan.gov.

MINNESOTA

43A.11 VETERAN'S PREFERENCE.

Subdivision 1. Creation.

Recognizing that training and experience in the military services of the government and loyalty and sacrifice for the government are qualifications of merit which cannot be readily assessed by examination, a veteran's preference shall be available pursuant to this section to a veteran as defined in section [197.447](#).

Subd. 2.

[Repealed, [2005 c 95 s 1](#); [2005 c 156 art 4 s 12](#)]

Subd. 3.

[Repealed, [2004 c 207 s 31](#)]

Subd. 4.

[Repealed, [2004 c 207 s 31](#)]

Subd. 5. Disabled veteran; definitions.

For the purpose of the preference to be used in securing appointment from an applicant pool, "disabled veteran" means a person who has a compensable service connected disability as adjudicated by the United States Veterans Administration, or by the retirement board of one of the several branches of the armed forces, which disability is existing at the time preference is claimed.

Subd. 6. Preference for spouses.

A preference available pursuant to this section may be used by the surviving spouse of a deceased veteran and by the spouse of a disabled veteran who because of the disability is unable to qualify.

Subd. 7. Ranking of veterans.

Applicants who meet the minimum qualifications for a vacant position and claim disabled veteran's preference shall be listed in the applicant pool ahead of all other applicants. Applicants who meet the minimum qualifications for a vacant position and claim nondisabled veteran's preference shall be listed in the applicant pool after those claiming disabled veteran's preference and ahead of nonveterans. Each recently separated veteran who meets minimum qualifications for a vacant position and has claimed a veterans or disabled veterans preference must be considered for the position.

The top five recently separated veterans must be granted an interview for the position by the hiring authority.

The term "recently separated veteran" means a veteran, as defined in section [197.447](#), who has served in active military service, at any time on or after September 11, 2001, and who has been honorably discharged from active service, as shown by the person's form DD-214.

Subd. 8. Notification.

The commissioner or an appointing authority, when notifying applicants that they have been accepted into the state's selection process, shall notify applicants that they may elect to use veteran's preference.

Subd. 9. Rejection; explanation.

If the appointing authority rejects a member of the finalist pool who has claimed veteran's preference, the appointing authority shall notify the finalist in writing of the reasons for the rejection.

43A.111 NONCOMPETITIVE APPOINTMENT OF CERTAIN DISABLED VETERANS.

(a) Whenever a vacancy occurs in a position in the classified service, the appointing authority may appoint a disabled veteran, on a noncompetitive basis, if all of the following occur:

(1) the disabled veteran has served in the United States armed forces and is included on a United States armed forces permanent disability list with a disability rating of at least 30 percent or the disabled veteran has been rated by the United States Department of Veterans Affairs as having a compensable service-connected disability of at least 30 percent;

(2) the disabled veteran presents to the appointing authority written documentation from an appropriate department of the federal government certifying the existence and extent of disability. The certification must have been issued by the appropriate department of the federal government within the year preceding appointment; and

(3) the appointing authority determines that the disabled veteran meets the minimum qualifications for the vacant position.

(b) If an appointing authority elects to appoint a disabled veteran to a vacant position on a noncompetitive basis under paragraph (a), an appointing authority is not required to interview any other person.

History:

[2012 c 231 s 1](#)

197.455 VETERAN'S PREFERENCE APPLIED.

Subdivision 1. Application.

(a) This section shall govern preference of a veteran under the civil service laws, charter provisions, ordinances, rules or regulations of a county, city, town, school district, or other municipality or political subdivision of this state. Any provision in a law, charter, ordinance, rule or regulation contrary to the applicable provisions of this section is void to the extent of such inconsistency.

(b) Sections [197.46](#) to [197.481](#) also apply to a veteran who is an incumbent in a classified appointment in the state civil service and has completed the probationary period for that position, as defined under section [43A.16](#). In matters of dismissal from such a position, a qualified veteran has the irrevocable option of using the procedures described in sections [197.46](#) to [197.481](#), or the procedures provided in the collective bargaining agreement applicable to the person, but not both. For a qualified veteran electing to use the procedures of sections [197.46](#) to [197.481](#), the matters governed by those sections must not be considered grievances under a collective bargaining agreement, and if a veteran elects to appeal the dispute through those sections, the veteran is precluded from making an appeal under the grievance procedure of the collective bargaining agreement.

Subd. 2. Creation.

Recognizing that training and experience in the military services of the government and loyalty and sacrifice for the government are qualifications of merit which cannot be readily assessed by examination, a veteran's preference shall be available to a veteran as defined in section [197.447](#).

Subd. 3.

[Repealed, [2005 c 95 s 1](#); [2005 c 156 art 4 s 12](#)]

Subd. 4. Nondisabled veteran's credit.

There shall be added to the competitive open examination rating of a nondisabled veteran, who so elects, a credit of ten points provided that the veteran obtained a passing rating on the examination without the addition of the credit points.

Subd. 5. Disabled veteran's credit.

There shall be added to the competitive open examination rating of a disabled veteran, who so elects, a credit of 15 points provided that the veteran obtained a passing rating on the examination without the addition of the credit points. There shall be added to the competitive promotional examination rating of a disabled veteran, who so elects, a credit of five points provided that (1) the veteran obtained a passing rating

on the examination without the addition of the credit points; and (2) the veteran is applying for a first promotion after securing public employment.

Subd. 5a. Teacher hiring.

(a) Any public school under the state's Education Code that chooses at any time to use a 100-point hiring method to evaluate applicants for teaching positions is subject to the requirements of subdivisions 4 and 5 for determining veterans preference points.

(b) Any public school under the state's Education Code opting at any time not to use a 100-point hiring method to evaluate applicants for teaching positions is exempt from the requirements of subdivisions 4 and 5 for determining veterans preference points, but must instead grant to any veteran who applies for a teaching position and who has proper licensure for that position an interview for that position.

Subd. 6. Disabled veteran; definitions.

For the purpose of the preference to be used in securing appointment from a competitive open examination, "disabled veteran" means a person who has a compensable service-connected disability as adjudicated by the United States Veterans Administration, or by the retirement board of one of the several branches of the armed forces, which disability is existing at the time preference is claimed. For purposes of the preference to be used in securing appointment from a competitive promotional examination, "disabled veteran" means a person who, at the time of election to use a promotional preference, is entitled to disability compensation under laws administered by the Veterans Administration for a permanent service-connected disability rated at 50 percent or more.

Subd. 7. Preference for spouses.

A preference available pursuant to this section may be used by the surviving spouse of a deceased veteran and by the spouse of a disabled veteran who because of the disability is unable to qualify.

Subd. 8. Ranking of veterans.

An eligible with a rating augmented by veteran's preference shall be entered on an eligible list ahead of a nonveteran with the same rating.

Subd. 9. Notification.

A governmental agency, when notifying eligibles that they have passed examinations, shall show the final examination ratings and preference credits and shall notify eligibles that they may elect to use veteran's preference to augment passing ratings.

Subd. 10.Rejection; explanation.

If the appointing authority rejects a certified eligible who has received veteran's preference, the appointing authority shall notify the eligible in writing of the reasons for the rejection and file the notice with the appropriate local personnel officer.

197.4551 PERMISSIVE PREFERENCE FOR VETERANS IN PRIVATE EMPLOYMENT.

Subdivision 1.Preference permitted.

A private, nonpublic employer may grant preference to a veteran in hiring and promotion.

Subd. 2.Preference for spouse of disabled or deceased veteran; definition.

A private, nonpublic employer may grant preference in hiring and promotion to a spouse of a disabled veteran who has a service-connected permanent and total disability and to a surviving spouse of a deceased veteran. "Disabled veteran" in this subdivision means a person who has had a compensable service-connected disability as adjudicated by the United States Veterans Administration, or by the retirement board of one of the several branches of the armed forces.

Subd. 3.Equal employment opportunity law.

Granting preference under subdivision 1 or 2 does not violate any local or state equal employment opportunity law, including, but not limited to, chapter 363A.

197.4552 EXPEDITED AND TEMPORARY LICENSING FOR FORMER AND CURRENT MEMBERS OF THE MILITARY.

Subdivision 1.Expedited licensing processing.

Notwithstanding any other law to the contrary, each professional licensing board defined in section [214.01, subdivisions 2](#) and 3, shall establish a procedure to expedite the issuance of a license or certification to perform professional services regulated by each board to a qualified individual who is:

(1) an active duty military member;

(2) the spouse of an active duty military member; or

(3) a veteran who has left service in the two years preceding the date of license or certification application, and has confirmation of an honorable or general discharge status.

Subd. 2.Temporary licenses.

(a) Notwithstanding any other law to the contrary, each professional licensing board defined in section [214.01, subdivisions 2](#) and 3, shall establish a procedure to issue a temporary license or certification to perform professional services regulated by each board to a qualified individual who is:

(1) an active duty military member;

(2) the spouse of an active duty military member; or

(3) a veteran who has left service in the two years preceding the date of license or certification application, and has confirmation of an honorable or general discharge status.

(b) A qualified individual under paragraph (a) must provide evidence of:

(1) a current, valid license, certificate, or permit in another state without history of disciplinary action by a regulatory authority in the other state; and

(2) a current criminal background study without a criminal conviction that is determined by the board to adversely affect the applicant's ability to become licensed.

(c) A temporary license or certificate issued under this subdivision shall allow a qualified individual to perform regulated professional services for a limited length of time as determined by the licensing board. During the temporary license period, the individual shall complete the full application procedure as required by applicable law.

Subd. 3. Rulemaking.

Each licensing board may adopt rules to carry out the provisions of this section.

197.481 ENFORCEMENT.

Subdivision 1. Petition.

A veteran, as defined by section [197.447](#), who has been denied rights by the state or any political subdivision, municipality, or other public agency of the state as authorized by the Veterans Preference Act under section [43A.11](#), [197.46](#), [197.48](#), or [197.455](#) may petition the commissioner of veterans affairs for an order directing the agency to grant the veteran such relief the commissioner finds justified by said statutes.

The petition shall be submitted via United States mail and contain:

(1) the name, address, telephone number, and notarized original signature of the veteran;

(2) the names, telephone numbers, and addresses of all agencies and persons that will be directly affected if the petition is granted;

(3) a concise statement of the facts giving rise to the veteran's rights and a concise statement showing the manner in which rights were denied;

(4) a statement of the relief requested; and

(5) a copy of the veteran's Form DD214 (Separation or Discharge from Active Duty).

Subd. 2. Service.

Upon receipt and authorization verification of a complete petition herein, the commissioner shall serve a copy of same, by certified mail, on all agencies and persons named therein and on such other agencies or persons as in the judgment of the commissioner should in justice be parties to the proceeding. The veteran and all agencies and persons served shall be parties to the proceeding.

Subd. 3. Subpoenas.

The commissioner shall have free access to relevant records of all parties and may issue subpoenas for and compel the attendance of witnesses and the giving of testimony and the production of books, records, accounts, documents and papers; and may administer oaths to witnesses. If any person shall fail or refuse to appear or testify regarding that upon which the person may be lawfully interrogated, or produce any books, records, accounts, documents or papers relevant in the matter under consideration, after having been lawfully required by subpoena, any judge of the district court in any county of the state where the subpoena was made returnable, on application of the commissioner, shall compel obedience or punish disobedience as for contempt as in the case of disobedience of a similar subpoena issued by such court.

Subd. 4. Hearing.

The commissioner shall schedule a hearing on the petition of any party to be held or conducted within 120 days of serving, or being served with the authorized and complete petition. At the hearing, all parties shall have the right to be heard. A hearing hereunder shall be conducted and orders issued in accord with sections [14.57](#) to [14.60](#) and [14.62](#), at the office of the commissioner or at a place the commissioner designates. The commissioner shall notify all parties, by certified mail, of the date, time, and place of the hearing.

Subd. 5. Personnel.

The commissioner may appoint a hearing officer to act in the commissioner's place and to employ such other personnel as are necessary to investigate facts in cases brought under this section. The affected political subdivision must bear all costs incurred by the commissioner under this section.

Subd. 6. Appeals.

Appeals of orders issued under this section shall be in accordance with chapter 14.

Subd. 7. Representation.

If a veteran receives a favorable decision hereunder and (a) a party to the proceeding appeals such decision to the district court or (b) if an action attacking the decision is begun, the commissioner shall become a party in such appeal or action and with the aid of the attorney general represent the veteran therein.

Subd. 8. Enforcement.

When a party fails or refuses to comply with a final decision of the commissioner, the commissioner may commence an action in Ramsey County District Court requesting the court to order the party to comply with the order of the commissioner. If the commissioner has ordered an award of damages and if the court sustains or modifies the award, it shall enter judgment on the order or modified order in the same manner as in the case of an order of the district court, as provided in section [546.27](#).

MISSISSIPPI

*** Current through the 2015 Regular Session ***

TITLE 25. PUBLIC OFFICERS AND EMPLOYEES; PUBLIC RECORDS

CHAPTER 9. STATEWIDE PERSONNEL SYSTEM

VETERAN'S PREFERENCE

Miss. Code Ann. § 25-9-303 (2015)

§ 25-9-303. Preference for veterans in appointment, promotion and layoffs; additional preference for veterans with disabilities

(1) The State Personnel Board shall grant each veteran who is fully qualified preference over other applicants for an initial or promotional appointment. Disabled veterans shall be given additional preference.

(2) In establishing a layoff formula or procedure, the State Personnel Board shall grant preference to veterans and additional preference to disabled veterans.

HISTORY: SOURCES: Laws, 1980, ch. 346, § 2, eff from and after February 1, 1981.

MISSOURI

Preference ratings for veterans.

36.220. 1. In any competitive examination given for the purpose of establishing a register of eligibles, veterans, disabled veterans, surviving spouses and spouses of disabled veterans shall be given preference in appointment and examination in the following manner:

(1) A veteran, or the surviving spouse of any veteran whose name appears on a register of eligibles who made a passing grade, shall have five points added to his or her final grade, and his or her rank on the register shall be determined on the basis of this augmented grade.

(2) The spouse of a disabled veteran, whose name appears on a register of eligibles and who made a passing grade, shall have five points added to his or her final grade, and his or her rank on the register shall be determined on the basis of this augmented grade. This preference shall be given only if the veteran is not employed in the state service and the disability renders him or her unqualified for entrance into the state service.

(3) A disabled veteran, whose name appears on a register of eligibles and who made a passing grade, shall have ten points added to his or her final grade, and his or her rank on the register shall be determined on the basis of this augmented grade.

2. Any person who has been honorably discharged from the Armed Forces of the United States shall receive appropriate credit for any training or experience gained therein in any examination if the training or experience is related to the duties of the class of positions for which the examination is given.

(L. 1945 p. 1157 § 24, A.L. 1957 p. 494, A.L. 1959 H.B. 111, A.L. 1979 H.B. 673)

Certain job openings and training, priorities for veterans--annual report by state agencies--duties of certain state agencies.

285.237. 1. Any federally funded employment and training program administered by any state agency, including, but not limited to, the Job Training Partnership Act, U.S.C. Title 29, Section 1501, shall include a veteran priority system to provide maximum employment and training opportunities to veterans and other eligible persons within each targeted group as established by federal law and state and federal policy in the service area. Disabled veterans, target-specific veterans groups, other veterans and other eligible persons shall receive preference over nonveterans within each targeted group in the provision of employment and training services available through these programs as required by this section.

2. Each state agency shall refer qualified applicants to job openings and training opportunities in programs described in subsection 1 of this section in the following order of priority:

- (1) Special disabled veterans;
- (2) Target-specific veterans;
- (3) All other veterans;
- (4) Other eligible persons;
- (5) Nonveterans.

3. Each state agency providing employment and training services to veterans and other eligible persons under programs described in subsection 1 of this section shall submit an annual report to the speaker of the house of representatives, the president pro tem of the senate, and the chairman of the Missouri veterans commission, on the services that it provides to veterans and other eligible persons. Each such agency shall report separately on all entitlement programs and employment or training programs that it provides to each class of persons described in subdivisions (1) to (5) of subsection 2 of this section, with the addition of veterans as a separate reporting module.

4. All state agencies that administer federally funded employment and training programs described in subsection 1 of this section for veterans and other eligible persons shall do all of the following:

- (1) Ensure that veterans are treated with courtesy and respect at all state governmental facilities;
- (2) Give priority in referral to jobs to qualified veterans and other eligible persons;
- (3) Give priority to and enrollment in training programs to qualified veterans and other eligible persons;
- (4) Give preferential treatment to special disabled veterans in the provision of all needed state services;
- (5) Provide information and effective referral assistance to veterans and other eligible persons regarding needed benefits and services that may be obtained through other agencies.

(L. 1991 S.B. 385 § 2)

NEBRASKA

48-225. Veterans preference; terms, defined.

For purposes of sections 48-225 to 48-231:

(1) Veteran means:

(a) A person who served full-time duty with military pay and allowances in the armed forces of the United States, except for training or for determining physical fitness, and was discharged or otherwise separated with a characterization of honorable or general (under honorable conditions); or

(b) The spouse of a veteran who has a one hundred percent permanent disability as determined by the United States Department of Veterans Affairs;

(2) Full-time duty means duty during time of war or during a period recognized by the United States Department of Veterans Affairs as qualifying for veterans benefits administered by the department and that such duty from January 31, 1955, to February 28, 1961, exceeded one hundred eighty days unless lesser duty was the result of a service-connected or service-aggravated disability;

(3) Disabled veteran means an individual who has served on active duty in the armed forces of the United States, has been discharged or otherwise separated with a characterization of honorable or general (under honorable conditions) therefrom, and has established the present existence of a service-connected disability or is receiving compensation, disability retirement benefits, or pension because of a public statute administered by the United States Department of Veterans Affairs or a military department; and

(4) Preference eligible means any veteran as defined in this section.

Source: Laws 1969, c. 751, § 1, p. 2826; Laws 1991, LB 2, § 6; Laws 2001, LB 368, § 1; Laws 2005, LB 54, § 7; Laws 2014, LB588, § 2.

Operative Date: January 1, 2015

48-226. Veterans preference; required, when.

A preference shall be given to preference eligibles seeking employment with the State of Nebraska or its governmental subdivisions.

Source: Laws 1969, c. 751, § 2, p. 2827; Laws 1997, LB 5, § 1.

48-227. Veterans preference; examination or numerical scoring; notice and application; statement; veteran; duty; notice; contents.

(1) Veterans who obtain passing scores on all parts or phases of an examination or numerical scoring shall have five percent added to their passing score if a claim for such preference is made on the application. An additional five percent shall be added to the passing score or numerical scoring of any disabled veteran.

(2) When no examination or numerical scoring is used, the preference shall be given to the qualifying veteran if two or more equally qualified candidates are being considered for the position.

(3) All notices of positions of employment available for veterans preference and all applications for such positions by the state or its governmental subdivisions shall state that the position is subject to a veterans preference.

(4) A veteran desiring to use a veterans preference shall provide the hiring authority with a copy of the veteran's Department of Defense Form 214, also known as the DD Form 214. A spouse of a veteran desiring to use a veterans preference shall provide the hiring authority with a copy of the veteran's Department of Defense Form 214, a copy of the veteran's disability verification from the United States Department of Veterans Affairs demonstrating a one hundred percent permanent disability rating, and proof of marriage to the veteran. Any marriage claimed for veteran preference must be valid under Nebraska law.

(5) Within thirty days after filling a position, veterans who have applied and are not hired shall be notified by regular mail, electronic mail, telephone call, or personal service that they have not been hired. Such notice also shall advise the veteran of any administrative appeal available.

Source: Laws 1969, c. 751, § 3, p. 2827; Laws 1997, LB 5, § 2; Laws 2005, LB 54, § 8; Laws 2014, LB588, § 3.

Operative Date: January 1, 2015

48-228. Repealed. Laws 1997, LB 5, § 5.

48-229. Veterans preference; Commissioner of Labor; duties.

It shall be the duty of the Commissioner of Labor to enforce the provisions of sections 48-225 to 48-231. The commissioner shall act on preference claims as follows:

(1) When the employing agency and the claimant are in disagreement or when there is doubt as to any preference claim, the commissioner shall adjudicate the claim based on information given in the claim, the documents supporting the claim, and information which may be received from the armed forces of the United States, the United States Department of Veterans Affairs, or the National Archives and Records Administration;

(2) The commissioner shall allow a tentative five-percent preference, pending receipt of additional information, to any person who claims either a five-percent or a ten-percent preference but who furnishes insufficient information to establish entitlement thereto at the time of examination; and

(3) The commissioner shall decide appeals from preference determinations made by any employing agency.

Source: Laws 1969, c. 751, § 5, p. 2827; Laws 1991, LB 2, § 7; Laws 2005, LB 54, § 9.

48-230. Veterans preference; violations; penalty.

Any person who violates sections 48-225 to 48-231 shall be guilty of a Class IV misdemeanor. Such person shall be prohibited from receiving any compensation from public funds until he or she complies with sections 48-225 to 48-231.

Source: Laws 1969, c. 751, § 6, p. 2827; Laws 1977, LB 40, § 279; Laws 2002, LB 722, § 1.

48-231. Veterans preference; county attorney; duties.

The county attorneys, in their respective counties, shall prosecute, before any court of appropriate jurisdiction, all persons charged with violating sections 48-225 to 48-231.

Source: Laws 1969, c. 751, § 7, p. 2827; Laws 2002, LB 722, § 2.

NEVADA

VETERANS PREFERENCE

NRS 284.260 Preferences for veterans and members of Nevada National Guard: Additional credits on examination.

1. In establishing the lists of eligible persons, certain preferences must be allowed for:

(a) Veterans not dishonorably discharged from the Armed Forces of the United States. For veterans with disabilities, 10 points must be added to the passing grade achieved on the examination. For ex-servicemen and women who have not suffered disabilities, and for the widows and widowers of veterans, 5 points must be added to the passing grade achieved on the examination.

(b) Members of the Nevada National Guard. For a member of the Nevada National Guard who submits a letter of recommendation from the commanding officer of the member's unit, 5 points must be added to the passing grade achieved on the examination.

2. Any person qualifying for preference points pursuant to subsection 1 is entitled to have the points applied to any open competitive examination in the classified service, but only to one promotional examination.

3. For the purposes of this section, "veteran" has the meaning ascribed to "eligible veteran" in 38 U.S.C. § 4211.

[32:351:1953]—(NRS A 1975, 1166; 1995, 160; 2011, 692)

NEW HAMPSHIRE

TITLE VI

PUBLIC OFFICERS AND EMPLOYEES

CHAPTER 99-F

VETERANS' AND DISABLED VETERANS' PREFERENCE IN PUBLIC EMPLOYMENT

Section 99-F:1

99-F:1 Veterans' Preference in Public Employment. – The state of New Hampshire shall grant a preference in hiring to veterans and disabled veterans.

Source. 2014, 264:2, eff. July 28, 2014.

Section 99-F:2

99-F:2 Definitions. – In this chapter:

I. "Active duty" means full-time duty under Title 10 of the United States Code as an enlisted member, or as a commissioned or warrant officer, in any branch of the armed forces of the United States. Active duty shall not include attendance at a school under military orders, except schooling incident to an active enlistment or a regular tour of duty, or normal military training as a reserve officer or member of an organized reserve or a national guard unit.

II. "Armed forces" means the United States Army, Navy, Marine Corps, Air Force, and Coast Guard, including:

- (a) The Army Reserve.
- (b) The Navy Reserve.
- (c) The Marine Corps Reserve.
- (d) The Air Force Reserve.
- (e) The Coast Guard Reserve.
- (f) The Army National Guard of the United States.
- (g) The Air National Guard of the United States.

III. "Combat zone" means an area designated by the President of the United States by executive order in which, on the dates designated by executive order, the armed forces of the United States are or have engaged in combat.

IV. "Disabled veteran" means:

(a) A person entitled to disability compensation under the laws administered by the United States Department of Veterans Affairs;

(b) A person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty; or

(c) A person who was awarded the Purple Heart for wounds received in combat.

V. "Public employer" means the state or any department of the state and any person authorized to act on behalf of the state or any department of the state with respect to control, management, or supervision of any employee.

VI. "Veteran" means a person who:

(a) Served on active duty with the armed forces of the United States:

(1) For more than 178 consecutive days and was honorably discharged or released from active duty;

(2) For 178 days or less and was honorably discharged or released from active duty; or

(3) For at least one day in a combat zone and was honorably discharged or released from active duty; or

(b) Received a combat or campaign ribbon for service in the armed forces of the United States.

Source. 2014, 264:2, eff. July 28, 2014.

Section 99-F:3

99-F:3 Eligibility for Employment Preference. –

I. A veteran or disabled veteran may use the preference for a position for state employment at any time after discharge or release from service in the armed forces of the United States.

II. A veteran or disabled veteran may claim the preference an unlimited number of times.

Source. 2014, 264:2, eff. July 28, 2014.

Section 99-F:4

99-F:4 Application Process. –

I. At each stage of the application process, a public employer shall grant a preference to an otherwise qualified veteran or disabled veteran who successfully completes an initial application screening and an application examination, or a state employment test administered by the public employer to establish eligibility for a vacant position for state employment.

II. For an initial application screening used to develop a list of persons for interviews, the public employer shall add 5 preference points to a veteran's score and 10 preference points to a disabled veteran's score.

III. For an application examination, administered after the initial application screening that results in a score, the public employer shall add 5 preference points to a veteran's and 10 preference points to a disabled veteran's total combined examination score without allocating the points to any single feature or part of the examination. The veteran or disabled veteran shall pass the examination with a qualifying score to be eligible to receive the veterans' preference.

IV. If a public employer uses an application examination that does not result in a score, the public employer shall devise and apply methods by which it gives special consideration in the hiring decision to veterans and disabled veterans.

Source. 2014, 264:2, eff. July 28, 2014.

Section 99-F:5

99-F:5 Appointment to a Position. –

I. A public employer shall appoint an otherwise qualified veteran or disabled veteran to a vacant position for state employment if the results of a veteran's or disabled veteran's application examination, when combined with the veteran's or disabled veteran's preference, are equal to or higher than the results of an application examination for an applicant who is not a veteran or disabled veteran.

II. A public employer may base a decision not to appoint the veteran or disabled veteran solely on the veteran's or disabled veteran's merits or qualifications with respect to the vacant position for state employment.

III. A public employer that does not appoint a veteran or disabled veteran to a vacant position for state employment, shall upon written request of the veteran or disabled veteran, provide an explanation of its decision.

Source. 2014, 264:2, eff. July 28, 2014.

Section 99-F:6

99-F:6 Proof of Eligibility. –

I. A public employer shall require an applicant, at the time of application, to provide proof that the applicant is an eligible veteran or disabled veteran in order to be eligible for the veterans' or disabled veterans' preference.

II. An applicant for a position with a public employer who claims a veteran's or disabled veteran's preference shall submit as proof of eligibility:

(a) A copy of a qualifying document as outlined in RSA 21:50, I(b) with the application for employment; and

(b) Disabled veterans shall submit a copy of their veteran's summary of benefits letter from the United States Department of Veterans Affairs, unless the information is included in the appropriate federal discharge documents.

III. If an applicant's record appears to show service qualifying for the preference, the public employer may provisionally designate an applicant as an eligible veteran or disabled veteran. However, before the applicant can be appointed, he or she shall submit proof of entitlement to the preference.

Source. 2014, 264:2, eff. July 28, 2014.

Section 99-F:7

99-F:7 Rulemaking. – The department of administrative services shall adopt rules pursuant to RSA 541-A to implement the provisions of this chapter.

Source. 2014, 264:2, eff. July 28, 2014.

NEW JERSEY:

11A:5-1.1 Veteran status determined for civil service preference.

3.The Adjutant General of the Department of Military and Veterans' Affairs shall be responsible for determining whether any person seeking to be considered a "veteran" or a "disabled veteran" under N.J.S.11A:5-1, for the purpose of receiving civil service preference, meets the criteria set forth therein and adjudicating an appeal from any person disputing this determination. The determination of the Adjutant General shall apply only prospectively from the date of initial determination or date of determination from an appeal, as appropriate, and shall be binding upon the commission.

L.2000, c.127, s.3; amended 2008, c.29, s.43.

11A:5-2. Spouse of disabled veteran or deceased veteran

11A:5-2. Spouse of disabled veteran or deceased veteran. The spouse of any disabled veteran is eligible to receive disabled veterans' preference under this chapter, if that veteran is not in the service of the State or any political subdivision which operates under this title and the veteran officially waives, if able to do so, any right to preference for the duration of the spouse's employment.

The surviving spouse of any disabled veteran or veteran shall be entitled to receive the same preference under this chapter to which the disabled veteran or deceased veteran would have been entitled to if still living. The preference shall terminate upon the remarriage of the surviving spouse.

L. 1986, c. 112, s. 11A:5-2, eff. Sept. 25, 1986.

11A:5-3. Parent and spouse of veteran who has died in service

11A:5-3. Parent and spouse of veteran who has died in service. A parent and spouse of any veteran who died while in service and who would have qualified under this chapter as a veteran, shall be entitled to a disabled veterans' preference. Where both a parent and spouse survive, the exercise of the preference by one shall suspend the right of any other so long as the first individual who exercises preference remains in the employ of the State or any political subdivision operating under the provisions of this title.

L. 1986, c. 112, s. 11A:5-3, eff. Sept. 25, 1986.

11A:5-4. Disabled veterans' preference

11A:5-4. Disabled veterans' preference. The names of disabled veterans who receive passing scores on open competitive examinations shall be placed at the top of the employment list in the order of their respective final scores.

L. 1986, c. 112, s. 11A:5-4, eff. Sept. 25, 1986.

11A:5-5. Veterans' preference

11A:5-5. Veterans' preference. The names of veterans who receive passing scores on open competitive examinations shall be placed on the employment list in order of their respective scores immediately after disabled veterans.

L. 1986, c. 112, s. 11A:5-5, eff. Sept. 25, 1986.

11A:5-6. Appointment of veterans

11A:5-6. Appointment of veterans. Whenever a disabled veteran or veteran shall be certified to an appointing authority from an open competitive employment list under the provisions of N.J.S. 11A:4-8, the appointing authority shall appoint the disabled veteran or veteran in the order of ranking.

11A:5-9. Preference to veterans in layoffs

11A:5-9. Preference to veterans in layoffs. When a layoff occurs, preference shall be given first to a disabled veteran and then to a veteran; but the preference shall apply only where the disabled veteran or veteran has seniority in title equal to that of a nonveteran also affected by the layoff.

L. 1986, c. 112, s. 11A:5-9, eff. Sept. 25, 1986.

11A:5-10 Hearing on dismissal of veteran.

11A:5-10. Hearing on dismissal of veteran. Before any department head shall dismiss any veteran, as provided in N.J.S. 11A:5-9, such department head shall show cause before the Civil Service Commission why such veteran should not be retained, at which time such veteran or veterans may be privileged to attend. The Civil Service Commission shall be the sole judge of the facts constituting such qualification.

Amended 2008, c.29, s.45.

11A:5-11 Veterans not to be discriminated against because of physical defects.

11A:5-11. Veterans not to be discriminated against because of physical defects. Veterans suffering from any physical defect caused by wounds or injuries received in

the line of duty in the military or naval forces of the United States during war service set forth in N.J.S.11A:5-1 shall not be discriminated against in an examination, classification or appointment because of the defect, unless this defect, in the opinion of the Civil Service Commission, would incapacitate the veteran from properly performing the duties of the office, position or employment for which applied.

Amended 2008, c.29, s.46.

NEW MEXICO

10-9-13.2. Veteran's preference .

A. In establishing the list of eligibles for appointment, the board shall provide preference points for veterans honorably discharged from the armed forces of the United States. Veterans with a service-connected disability shall be awarded ten points over and above their regular test scores. Veterans without a service-connected disability shall be awarded five points over and above their regular test scores.

B. The board shall determine the rank on any employment list by adding the points to the veteran's final passing grade on the examination after the veteran has submitted proof of having status as a veteran at the time of application for employment with a state agency. In the case of a veteran having a service-connected disability, the veteran shall provide proof of a service-connected disability in the form of a certification by the federal veterans' administration. A veteran with or without a service-connected disability shall have his name placed on the list in accordance with the numerical rating of other veterans and nonveterans.

20-4-9. Members of the national guard, state hiring preference .

While serving in the national guard, applicants for state employment shall be awarded veterans' preference status and points to the same extent as discharged veterans of federal military service.

History: 1978 Comp., § 20-4-9, enacted by Laws 1987, ch. 318, § 26.

History: Laws 1989, ch. 43, § 1 and Laws 1989, ch. 284, § 1.

NEW YORK

ARTICLE 17-A VETERANS EMPLOYMENT ACT

Section 369. Short title.

369-a. Legislative findings.

369-b. Definitions.

369-c. Temporary hiring.

369-d. Department of civil service responsibilities.

369-e. Regulations.

§ 369. Short title. This article shall be known and may be cited as the "veterans employment act".

§ 369-a. Legislative findings. The legislature hereby finds that it is estimated that over the next five years, forty-four thousand veterans are expected to return to this state from their military posts, making the Empire State home to one of the largest veteran populations in the country. Shockingly, the unemployment rate for Post-9/11 veterans in New York was 10.7% in two thousand twelve, which is nearly one percent higher than the national average and higher than the state's overall 8.2% unemployment rate. The legislature has found previously that it is in the interest of the state to ensure that returning veterans have employment opportunities available upon their separation from military service.

The state already encourages private businesses to hire military veterans through tax credits and other economic incentives. In addition, the legislature has previously found that state agencies spend millions of dollars annually on temporary staff hired from temporary employment service companies to cover temporary staffing needs. These temporary state jobs could serve as a bridge for recently discharged military veterans who have yet to find full-time permanent work. In addition, these temporary assignments could serve to develop the next generation of the state workforce and help with succession planning for the current workforce.

The legislature declares it to be the policy of this state to use honorably discharged veterans for temporary appointments in state agencies rather than utilizing temporary employment service companies in order to provide employment opportunities for returning military veterans.

§ 369-b. Definitions. As used in this article:

1. "State agency" shall mean any department, board, bureau, division, commission, council or committee within the executive branch, the state university of New York, the city University of New York, and all public authorities under the control of the executive branch.

2. "Temporary appointment" shall have the same meaning as provided in section sixty-four of the civil service law.

3. "Veteran" shall mean an individual who served on active duty in the United States army, navy, marine corps, air force, coast guard or the reserves component, or who served in active military service of the

United States as a member of the army national guard, air national guard, New York guard or New York naval militia, who was released from such service otherwise than by dishonorable discharge after September eleventh, two thousand one.

4. "Veteran temporary hiring list" shall mean a hiring list maintained by the department of civil service.

§ 369-c. Temporary hiring. Notwithstanding any provision of law to the contrary, a state agency shall select a veteran from the veteran temporary hiring list when making a temporary appointment provided such veteran possesses the applicable skills needed for the temporary assignment.

§ 369-d. Department of civil services responsibilities. The department of civil service shall:

1. establish and maintain a veteran temporary hiring list, for use by state agencies in the implementation of this article;

2. assist state agencies by making available services of the department of civil service to facilitate the provisions of this article; and

3. establish and maintain, together with the director of the division of veterans' affairs, a program to educate separating service members as to the benefits available to veterans under this article.

§ 369-e. Regulations. The president of the state civil service commission shall promulgate such rules and regulations as shall be necessary to implement the provisions of this article.

NORTH CAROLINA

§ 126-80. Declaration of policy.

Article 13. Veteran's Preference.

It shall be the policy of the State of North Carolina that, in appreciation for their service to

this State and this country during a period of war, and in recognition of the time and advantage

lost toward the pursuit of a civilian career, veterans shall be granted preference in employment

for positions subject to the provisions of this Chapter with every State department, agency, and

institution. (1987 (Reg. Sess., 1988), c. 1064, s. 1.)

§ 126-81. Definitions.

As used in this Article:

(1) "A period of war" includes World War I (April 16, 1917, through November 11, 1918), World War II (December 7, 1941, through December 31, 1946), the Korean Conflict (June

27, 1950, through January 31, 1955), the period of time between January 31, 1955, and the end of

the hostilities in Vietnam (May 7, 1975), or any other campaign, expedition, or engagement for

which a campaign badge or medal is authorized by the United States Department of Defense.

(2) "Veteran" means a person who served in the Armed Forces of the United States on active

duty, for reasons other than training, and has been discharged under other than dishonorable conditions.

(3) "Eligible veteran" means:

a. A veteran who served during a period of war; or

b. The spouse of a disabled

veteran; or

c. The surviving spouse or dependent of a veteran who dies on active duty during a period

of war either directly or indirectly as a result of such service; or

d. A veteran who suffered a service-connected disability during peacetime;

or

e. The spouse of a veteran described in subdivision d. of this subsection; or

f. The surviving spouse or dependent of a person who served in the Armed Forces

of the

United States on active duty, for reasons other than training, who died for service-related reasons

during peacetime. (1987 (Reg. Sess., 1988), c. 1064, s. 1.)

§ 126-82. State Human Resources Commission to provide for preference.

(a) The State Human Resources Commission shall provide that in evaluating the qualifications of an eligible veteran against the minimum requirements for obtaining a position, credit shall be given for all military service training or schooling and experience that bears a reasonable and functional relationship to the knowledge, skills, and abilities required for the position. This preference applies to initial employment with the State and extends to other employment events including subsequent hirings, promotions, reassignments, and horizontal transfers.

(b) The State Human Resources Commission shall provide that if an eligible veteran has met the minimum requirements for the position, after receiving experience credit under subsection (a) of this section, he shall receive experience credit as determined by the Commission for additional related and unrelated military service. This preference applies to initial employment with the State and extends to other employment events including subsequent hirings, promotions, reassignments, and horizontal transfers.

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(c) The State Human Resources Commission may provide that in reduction in force situations where seniority or years of service is one of the considerations for retention, an eligible veteran shall be accorded credit for military service.

(d) Any eligible veteran who has reason to believe that he or she did not receive a veteran's preference in accordance with the provisions of this Article or rules adopted under it may appeal that denial as provided by G.S. 126-34.01 and G.S. 126-34.02.

(e) The willful failure of any employee subject to the provisions of Article 8 of this Chapter to comply with the provisions of this Article or rules adopted under it constitutes personal misconduct in accordance with the provisions and promulgated rules of this Chapter, including those for suspension, demotion, or dismissal. (1987 (Reg. Sess., 1988), c. 1064, s. 1; 2007-286, s. 2; 2013-382, s. 9.1(c); 2014-115, s. 55.3(e).)

§ 126-83. Exceptions.

Notwithstanding G.S. 126-5, and notwithstanding provisions in that section that only certain Articles of this Chapter apply to some employees, this Article applies to all persons covered by this Chapter except those exempted by G.S. 126-5(c)(2), G.S. 126-5(c)(3), G.S. 126-5(c)(4), G.S. 126-5(c1), G.S. 126-5(c2), or G.S. 126-5(c3), but this Article does not apply to those persons covered by G.S. 126-5(a)(2). G.S. 128-15 shall apply to those persons exempted from coverage of this Article, but shall not apply to any person covered by this Article. (1987 (Reg. Sess., 1988), c. 1064, s. 1; 1991, c. 65, s. 9.)

NORTH DAKOTA

CHAPTER 37-19.1 VETERANS' PREFERENCES

37-19.1-01. Definitions.

As used in this chapter:

1. "Agency" or "governmental agency" means all political subdivisions and the state, including any state agency, board, bureau, commission, department, officer, and any state institution or enterprise authorized to employ individuals either temporarily or permanently.
2. "Chief deputy" means the individual who is appointed by an elected or appointed official under express statutory authority to hire a chief deputy and who is authorized to act on behalf of that official. The term does not include an individual appointed to a position that must be filled under a competitive personnel system.
3. "Competitive personnel system" means a system that rates applicants for a position using an objective set of skills, knowledge, abilities, behaviors, or other characteristics required for the position.
4. "Disabled veteran" means a veteran who is found to be entitled to a service-connected disability rating as determined by the United States veterans' administration.
5. "Justifiable cause" means grounds for action that are in accord with sufficient reason that can be justified or defended as correct. Justifiable cause not to hire a veteran must be something specific to that individual which renders the individual unsuitable for the position.
6. "Political subdivision" means counties, cities, townships, and any other governmental entity created by state law which employs individuals either temporarily or permanently.
7. "Private secretary" means the individual who is appointed by an elected or appointed official under express legal authority to hire a private secretary or administrative assistant and who is authorized to handle correspondence, keep files, schedule appointments, and do other clerical work of a more personal and confidential nature for that official, but does not include an individual appointed to a position that must be filled under a competitive personnel system.
8. "Veteran" means a North Dakota resident who is a wartime veteran as defined in subsection 2 of section 37-01-40.

37-19.1-02. Public employment preference to veterans - Residency requirements.

1. Veterans are entitled to preference, over all other applicants, in recruitment and selection processes by governmental agencies, provided that such veteran is a United States citizen at the time of application for employment. Veterans qualified for preference may not be disqualified from holding any position with an agency because of physical or mental disability, unless the disability renders them unable to properly perform the duties of the position applied for. To receive veterans' preference, an applicant must submit the following documentation:
 - a. An applicant claiming veterans' preference shall provide a copy of report of separation DD-214.

- b. An applicant claiming disabled veterans' preference shall provide a copy of report of separation DD-214 and a letter less than one year old from the veterans' administration indicating the veteran's disability status.
 - c. An applicant claiming veterans' preference as an eligible spouse of a deceased veteran shall provide a copy of the marriage certificate, the veteran's report of separation DD-214, and the veteran's death certificate.
 - d. An applicant claiming disabled veterans' preference as an eligible spouse of a disabled veteran shall provide a copy of the marriage certificate, the veteran's report of separation DD-214, and a letter less than one year old from the veterans' administration indicating the veteran's disability status.
2. When a veteran applies for employment to a position that is not being filled through a competitive personnel system, the officer, board, or person whose duty it is to employ an individual to fill the available position shall investigate the qualifications of the veteran. If the veteran is found to possess the qualifications required for the position applied for, whether educational or by way of prior experience, and is physically and mentally able to perform the duties of the position applied for, the officer, board, or person shall employ the veteran. A disabled veteran is entitled to a preference superior to that given other veterans under this section, which preference must be accorded in the manner provided in this section. If the group of eligible individuals includes either veterans or disabled veterans, the employing authority of that particular agency or governmental agency shall make a selection for the available position as follows:
- a. A disabled veteran is first entitled to the position and, in the absence of justifiable cause, documented in writing, for not making that selection, must be so employed. If the list includes two or more disabled veterans, then the employing authority shall fill the position from the group of eligible individuals to be considered. The employing authority may further inquire into the qualifications of each eligible individual from within that group through means including interviews, background checks, and skills testing. A disabled veteran from the group of eligible individuals is first entitled to the position and, in the absence of justifiable cause, documented in writing, for not making that selection, must be so employed.
 - b. If the group of eligible individuals does not include one or more disabled veterans and consists only of veterans, then the employing authority shall fill the position from the group of eligible individuals to be considered. The employing authority may further inquire into the qualifications of each eligible individual from within that group through means including interviews, background checks, and skills testing. A veteran from the group of eligible individuals is first entitled to the position and, in the absence of justifiable cause, documented in writing, for not making that selection, must be so employed.
 - c. If the group of eligible individuals includes nonveterans and veterans, but not disabled veterans, then the employing authority shall fill the position from the group of eligible individuals to be considered. The employing authority may further inquire into the qualifications of each eligible individual from within that group through means including interviews, background checks, and skills testing. A veteran from the group of eligible individuals is first entitled to the position and

must be employed unless there is justifiable cause that is documented in writing for not employing that veteran.

3. When a veteran applies for employment to a position that is being filled through a competitive personnel system, the officer, board, or person whose duty it is to employ an individual to fill the available position shall investigate the qualifications of the veteran. If the veteran is found to possess the qualifications required for the position applied for, whether educational or by way of prior experience, and is physically and mentally able to perform the duties of the position applied for, the officer, board, or person shall employ the following:
 - a. No distinction or discrimination may be made in the administration of the competitive personnel system examination because the applicant may be a veteran.
 - b. Upon receipt of proof required in subsection 1, on a one hundred point scale, the examiner shall add five points for a veteran and ten points for a disabled veteran to the examination grade of the applicant. The total is the veteran's examination score. If a scale other than a one hundred point scale is used, the examiner shall add five percent of the scale used for a veteran and ten percent of the scale used for a disabled veteran to the examination grade of the applicant. The total is the veteran's examination score.
 - c. The employing authority shall designate a prescribed number of eligible individuals to be considered from the top number of the group of eligible candidates in rank order, from highest to lowest, based on the applicant's final score.
 - d. The employing authority shall fill the position from the group of eligible individuals to be considered. The employing authority may further inquire into the qualifications of each eligible individual from within that group through means including interviews, background checks, and skills testing.
4. This section does not apply when the position to be filled is that of an administrative head of a department required by law or the chief deputy or private secretary of an elected or appointed official. Temporary committees and individual or group appointments made by the governor or legislative assembly are also excepted from the provisions of this section. If an exempt position is advertised, the advertisement must state that veterans' preference does not apply to the position being advertised.
5. An employee of a state agency is not eligible for preference when applying for a different job within the same state agency or other state agencies. An employee of a political subdivision is not eligible for preference when applying for a different job within the same political subdivision.

37-19.1-03. Preferences to be granted veterans' spouses.

1. The unremarried spouse of a veteran who died while in service, or later died from a service-connected cause or causes, is entitled, if the person is otherwise qualified, to the employment preference given to a veteran under section 37-19.1-02 in the manner provided therein.
2. The spouse of a disabled veteran, who has a one hundred percent service-connected disability as determined by the department of veterans' affairs, or who

has an extra-schedular rating to include individual unemployability that brings the veteran's total disability rating to one hundred percent as determined by the department of veterans' affairs, is, if the disabled veteran is unable to exercise the veteran's right to a veteran's employment preference due to the veteran's disability, entitled, if the person is otherwise qualified, to the employment preference given to a veteran under section 37-19.1-02 in the manner provided therein.

37-19.1-04. Refusal to give preference - Retaliatory action or removal - Remedies - Procedures.

1. If a veteran, or a qualified veteran's spouse, hereafter known as the applicant, is not given the preference provided in section 37-19.1-02 or 37-19.1-03, the applicant, within fifteen calendar days after notification by certified mail that employment has been refused, may request a hearing as provided in subsection 3. The notification from the employer must include the reasons for nonselection, inform the applicant of the right to an appeal hearing, inform the applicant of the requirement that the request for a hearing must be filed by certified mail within fifteen calendar days after the notification, inform the applicant that a request for an appeal hearing must be made to the commissioner of veterans' affairs at the included commissioner's mailing address, and inform the applicant that if the applicant requests an appeal, the applicant must mail a copy of the request for an appeal hearing to the employer or employing agency. The applicant's request for a hearing must be in writing, must include a copy of the employer's notification that employment has been refused, and must be mailed to the commissioner of veterans' affairs by certified mail. A copy of the written request must be mailed to the employer or employing agency by certified mail. The applicant is entitled to immediate employment in the position for which application was originally made, or an equivalent position, together with backpay and benefits from the date the appointment should have been made less amounts otherwise earnable through due diligence, if the hearing officer finds in favor of the applicant.

2. Any person who has exercised the right to an employment preference under this chapter, and who, within one year after exercise of that right:

- a. Is discharged;
- b. Has had compensation reduced; or
- c. Is otherwise subject to action by the employing agency designed to cause the veteran or qualified veteran's spouse to resign or quit employment, is entitled to a hearing if the person believes that the employing agency took any of the above-described action due to the exercise of employment preference. The hearing must be held before a hearing officer as provided in subsection 3. If the hearing officer finds that the employing agency took any of the actions described in subdivision a, b, or c due to the person's exercise of the right to an employment preference, the hearing officer shall order the employing agency to cease and desist from such action or to reinstate the veteran or qualified veteran's spouse. The request for a hearing under this subsection must be in writing addressed to the commissioner of veterans' affairs. The request for a hearing must identify the employer or employing agency that took any action described in subdivision a, b, or c and describe

the action taken. A copy of the written request must be mailed to the employer or employing agency. The request, addressed to the commissioner of veterans' affairs and the copy to the employer or employing agency, must be made by certified mail within fifteen calendar days after action described in subdivision a, b, or c is taken by the employing agency.

3. Within fifteen calendar days after receiving a request from an applicant or person under subsection 1 or 2, the commissioner of veterans' affairs may request the director of the office of administrative hearings to designate a hearing officer to hear the grievance arising under subsection 1 or 2. The commissioner shall notify the employer or employing agency that a request for a hearing has been made. The office of administrative hearings is entitled to be reimbursed by the employer or employing agency for all hearing officer services rendered and expenses incurred in performing these duties. The hearing officer shall hold the hearing within thirty calendar days after the hearing officer request is received by the director of the office of administrative hearings. Notwithstanding the time limitation, the hearing officer may postpone or continue the hearing for good cause, at the request of a party. At the hearing, both parties may be represented by counsel. If the hearing is requested pursuant to subsection 1, the employing agency has the burden of proving that the veteran or the qualified veteran's spouse did not possess the qualifications required for the position. If the hearing is requested pursuant to subsection 2, the employing agency has the burden of proving that any action which was taken was not taken because of exercise of the right to an employment preference. The hearing officer shall issue findings of fact, conclusions of law, and an order within fifteen calendar days after the hearing is concluded, briefs filed, and arguments closed. The order is binding on both parties, subject to appeal.

4. Any party aggrieved by the findings of fact, conclusions of law, and order of the hearing officer may appeal in the manner provided for in chapter 28-32, except that the appellant need not execute an undertaking.

37-19.1-05. Private employment veterans' preference. A private, nonpublic employer in this state may provide a preference to a veteran for employment. Spouses of honorably discharged veterans who have a service-connected permanent and total disability also may be preferred for employment. This preference is not considered a violation of any state or local equal employment opportunity law.

OHIO

5903.15 Preferential hiring policies.

(A) As used in this section "employer" means any person who has one or more employees. "Employer" includes an agent of an employer but does not include the state or any agency of the state, and any municipal corporation, county, township, school district, or other political subdivision or any agency or instrumentality thereof.

(B) An employer may adopt a policy to provide a preference for employment decisions, including hiring, promotion, or retention during a reduction in force, to a service member, veteran, or the spouse or a surviving spouse of a service member or veteran.

(C) A preference provided under division (B) of this section is not a violation of any state or local equal employment opportunity law. The unlawful discriminatory practices as defined in section 4112.02 of the Revised Code do not make it unlawful for an employer implementing a policy under this section to obtain information about an applicant's military status for the purpose of determining if the applicant is eligible for the preference provided under this policy.

(D) If an employer elects to adopt a policy described in division (B) of this section, the employer may notify the Ohio department of job and family services. The department of job and family services shall maintain a registry of employers that have a voluntary veterans' preference employment policy as described in this section, which shall be available to the public on the web site maintained by the department. The department of veterans services shall make available on the department's web site a link to the registry.

Added by 130th General Assembly File No. TBD, HB 488, §1, eff. 9/16/2014.

Veterans Preference: Ohio does offer veterans preference in State Government employment for veterans also the surviving spouses and the spouses of disabled veterans. Employment preferences, where numerically based examinations are used as a device for selections, consists of adding ten points to the score of veterans, disabled veterans, spouses of disabled or missing veterans, and widows of veterans who lost their life during a period of war. Military leave with reemployment rights is also granted to state employees. For any job within the state government, you will receive payment for up to 15 days of military leave.

OKLAHOMA

In establishing employment lists of eligible persons for competitive and noncompetitive appointment, certain preferences shall be allowed for veterans honorably discharged from the Armed Forces of the United State[74:840-4.14(A)].

1. Five points shall be added to the final grade of any person who has passed the examination and has submitted proof of having status as a:
 - A. veteran [74:840-4.14(A)(1)]; or
 - B. unremarried surviving spouse of a veteran [74:840-4.14(A)(1)]; or
 - C. spouse of a veteran who is unemployable due to a service-connected disability as certified by the Veterans Administration or agency of the Defense Department within six (6) months of the date of application [74:840-4.14(A)(2)].
2. Ten points shall be added to the final grade of any war veteran as defined in Section 67.13a of Title 72 of the Oklahoma Statutes who has passed the examination and has submitted proof of having a service-connected disability as certified by the Veterans Administration or Agency of the Defense Department within six (6) months of date of application [74:840-4.14(A)(3)].
3. 3. In addition to the 10 points preference provided in (2) of this subsection, such eligible war veterans who are in receipt of benefits payable at the rate of 30% or more because of the service-connected disability, shall be considered Absolute Preference Veterans. Their names shall be placed at the top of the register, ranked in order of their examination scores. Absolute Preference Veterans shall not be denied employment and passed over for others without showing cause. [74:840-4.14(A)(3)]

Direct Hire Authority 530:10-9-111 and 10-9-112 [74:840-4.13(C)]. Applicants for LPN, RN, and Nurse Manager positions may apply directly to the veterans centers.

Special Disabled Veterans 530:10-9-100 Veterans with 30% or more service-connected disability may be hired directly at this agency, in accordance with the "Persons with Severe Disabilities Program", [74:840-1.15] and Senate Bill 200. This program provides exemption from entrance exams and other hiring procedures. A one-year probationary period applies.

Noncompetitive Appointments 530:10-9-95 Appointing Authorities who have classes of positions of unskilled or semi-skilled labor, or similar classes designated by the Administrator as noncompetitive, may appoint qualified veterans or non-veterans in accordance with 530:10-9-71 and 530:10-9-92.

OREGON

Veteran Preference Points

Since the time of the Civil War, Veterans of the Armed Forces have been given some degree of preference in appointments to government jobs. In recognizing the sacrifices made by those serving in the Armed Forces, Congress enacted laws to prevent veterans seeking employment from being penalized because of the time spent in military service.

Veterans and disabled veterans may obtain preference for state employment by submitting with their application, a DD214 or 215 or letter from the U.S. Department of Veteran's Affairs (VA) indicating service-connected disability rating.

Veterans who provide this information will receive a 5-point veteran preference. Disabled veterans receive a 10-point preference for employment.

Oregon state government, along with cities, counties and local service districts, provide qualifying veterans and disabled veterans with preference in employment in accordance with Oregon Revised Statutes (ORS) 408.225, 408.230, and 408.235; Oregon Administrative Rules (OAR) 105-040-0010 and 105-040-0015. To read the Veteran Preference OAR's [click here](#).

Veteran Employment Representatives

The Secretary of Labor, through the Veterans Employment and Training Services (VETS), funds programs to meet the employment and training needs of veterans of the U.S. Armed Forces, including service-connected disabled veterans, veterans of the Vietnam era, veterans who are recently separated from military service and other eligible persons. These funds pay for Veteran Representatives who are dedicated to serving eligible veterans and other eligible persons.

There are two types of Veteran Representatives to assist you - Local Veterans Employment Representatives (LVER), who are available in nearly all Employment Department field offices, and Disabled Veterans Outreach Program Specialists (DVOP) who focus on veteran outreach and work with harder-to-serve veterans to assist with developing job training opportunities.

DVOP's can be found in many field offices around the state.

[Employment Veteran Representative](#)

[More information on veteran employment opportunities](#)

Employment at Oregon Department of Veterans' Affairs

There's something very satisfying about working for an organization that helps our country's veteran's and their families - where everything you do, in whatever capacity, is contributing to serving those who have served. At ODVA, we are always looking for talented, motivated and caring individuals who will help lead Oregon in their advocacy for veterans.

ODVA Job Opportunities: [Check job announcements and apply now.](#)

State Jobs

Oregon has transitioned to an online recruiting system for all branches of state government. To apply, all applicants need to have a valid email address. Follow the link below to search the latest state job listings including opportunities at ODVA. [Search state jobs](#)

Federal Jobs

If you are considering employment with the Federal Government, thousands of opportunities are located on the [USA Jobs website](#).

PENNSYLVANIA

WHAT IS VETERANS' PREFERENCE?

Applicants who pass civil service examinations required for appointment to positions covered by the State's Merit System receive additional benefits in recognition of their military service. These benefits commonly are referred to as veterans' preference. The authority for veterans' preference in Pennsylvania government employment is contained in The Act of August 1, 1975 (P.L. 233, No. 92), as amended, in Title 51 of the Pennsylvania Consolidated Statutes, "Military and Veterans Code."

HOW DO I APPLY FOR VETERANS' PREFERENCE?

Applicants claiming veterans' preference must submit the following documents with their application:

- a. A photocopy of service discharge, DD Form 214 or other military document(s) showing date of entry, successful completion of basic training, character of service and completion of the military service commitment.
- b. Widows and Widowers. A photocopy of spouse's service discharge DD Form 214 or other military document(s) showing date of entry, successful completion of basic training, completion of the military service commitment, character of service and a certified copy (not a photocopy) of the death certificate of spouse.
- c. Spouses of Disabled Veterans. A photocopy of spouse's service discharge, DD Form 214 or other military document(s) showing date of entry, successful completion of basic training, completion of the military service commitment, character of service, a Department of Veterans Affairs letter dated within the past six months verifying that the veteran is receiving compensation for a service connected disability and a signed statement from the disabled veteran showing social security number and agreeing to transfer credit to spouse.

These documents need to be submitted to establish your claim and create your record. Originals should NOT be submitted as documents cannot be returned. You may be required to present originals if copies are unreadable or if needed to prove authenticity.

IS VETERANS' PREFERENCE TRANSFERABLE?

Yes. A disabled veteran may assign his or her preference to a spouse by submitting the documentation listed in C under "HOW DO I APPLY FOR VETERANS' PREFERENCE". The preference may be recovered by the disabled veteran if the spouse is not on a current civil service list with veterans' preference or is not currently employed in a civil service position achieved as a result of veterans' preference.

HOW IS VETERANS' PREFERENCE APPLIED TO CIVIL SERVICE TESTS?

- a. Veterans, qualified widows and widowers of veterans and spouses of disabled veterans who pass civil service appointment tests, receive ten points added to their final score. They must pass the test before points are awarded.
- b. Applicants who take a civil service examination BEFORE being honorably discharged from their military service commitment will never be entitled to receive an additional ten points added to that test score. However, upon completing their commitment and being honorably discharged, they will immediately become eligible for preference as a veteran. If such applicants thereafter retest or take other examinations successfully, they will receive both the ten additional points and preference.
- c. Applicants entitled to veterans' preference who are among the top three available candidates on certifications have mandatory preference in appointment over non-veterans.
- d. Applicants entitled to veterans' preference on a civil service list may be appointed regardless of their rank on the list.

IS VETERANS' PREFERENCE USED FOR PROMOTIONS?

Veterans' preference does NOT apply to promotions. However, current civil service employees holding less than full-time or permanent employment in intermittent, seasonal, wage, part-time, emergency and temporary positions continue to receive veterans' preference. In addition, applicants appointed to emergency, temporary, provisional or qualifier status will also continue to receive veterans' preference.

IS VETERANS' PREFERENCE USED FOR FURLOUGH PURPOSES?

Certain periods of military service are counted in computing seniority used for furlough purposes if a reduction in the work force becomes necessary.

RHODE ISLAND

For those transitioning from the military or who once served in the armed forces, designated veteran employment counselors are prepared to assist veterans and eligible spouses in finding a new career.



Through Veterans' Preference, the netWORKri one-stop career center system offers priority of service to veterans and eligible spouses of veterans under the Jobs for Veterans Act. Priority of service gives covered individuals preference over non-covered individuals in receiving any Workforce Investment Act employment, training and placement services. This includes providing first access to services when a time element is involved, and giving veterans preferred registration in a limited enrollment situation.

RESOURCES

Veterans' Unemployment Benefits

VOW to Hire Heroes /VRAP program

Veteran's Benefits Admin

Disabled American Vets

Dept. of Vets Affairs

Vetjobs.com

Transition Assistant Online

Military Service Record Request (DD Form 214)

Guide - RivetCorps

List of Federal Contractors

SOUTH CAROLINA

South Carolina Employment Benefits

Veterans Preference

Preference will be granted to eligible members for employment and/or an appointment in public departments or public works operating on a merit system.

Eligible members:

- Must be Honorably discharged from the Armed Forces of the U.S.
- Must possess the skills and knowledge required for the position involved.

Veterans Preference: South Carolina does offer veterans preference in State Government employment for veterans also the surviving spouses and the spouses of disabled veterans. Employment preferences, where numerically based examinations are used as a device for selections, consists of adding ten points to the score of veterans, disabled veterans, spouses of disabled or missing veterans, and widows of veterans who lost their life during a period of war. Military leave with reemployment rights is also granted to state employees. For any job within the state government, you will receive payment for up to 15 days of military leave.

State Employment Benefits

Preference for veterans in hiring for state positions is available for veterans with an honorable discharge who meet the skill requirements for the available position. [Federal hiring preferences](#) are also available.

Veterans may be entitled to receive preference over non-veterans when being considered for federal jobs, which are coveted because of the good pay, health insurance, job security, and retirement benefits. The veteran preference system doesn't guarantee you a federal job, but it does ensure that your application will be given special consideration.

Eligibility for Federal Job Preference

Veterans must generally have served during a period of war to qualify for preference for federal jobs, and must have been discharged under honorable conditions. This means you must have either a general or an honorable discharge. Military retirees with a rank of major or above are ineligible unless they are disabled and eligible to receive VA disability compensation or pension.

Preference Categories

One of two preference categories will be available to you depending upon your eligibility, a 5-point preference or a 10-point preference. Criteria for each category are described below.

5-Point Preference for Service During War

You served during a period of war if you served in World War I, World War II, the Korean War, the Vietnam War, or:

- in a campaign for which campaign badges were issued
- completed 24 months of uninterrupted service or the full period for which called
- between April 28, 1952 and July 1, 1955

- more than 180 days in a row on active duty (not for training) and some part of your period of service was between February 1, 1955 and October 14, 1976 (but if you are eligible for VA disability compensation or pension or are receiving disability retirement pay, active duty for training only will suffice)
- between August 2, 1990 and January 2, 1992, or
- served more than 180 days in a row (not for training) and some part of your period of service was during Operation Iraqi Freedom, which began September 11, 2001 (but if you are eligible for VA disability compensation or pension or are receiving disability retirement pay, active duty for training only will suffice).

10-Point Preference for Disabled Veterans and Purple Heart Recipients

A 10-point preference is awarded for veterans who served at any time who have:

- service-connected disabilities rated at 10% or more
- disability retirement benefits, or
- a purple heart.

Preference Groups

After you have determined your preference category, the next step is to understand which preference group you are in.

There are four preference groups, as follows:

- Three 10-point groups
 - Disability rating of 30% or higher
 - Disability rating of 10% or more but below 30%
 - Disability rating less than 10%
- One 5-point group
 - Eligible veterans who are not disabled

You can use the online [Veterans Preference Advisor](#) to figure out which preference group you belong to.

How Preference Works

The preference group you are in determines how much priority you will be given as a candidate for a federal job or appointment. Some agencies using a ranking system to determine which candidate to hire; they assign points based on how qualified they find an applicant to be and then hire the candidate who has the highest number of points. When you apply for a job with these agencies, they add the applicable number of veterans' preference points (5 or 10) to your candidacy after ranking you based on your qualifications for the position.

Other agencies don't use a ranking system. When you apply for positions with these agencies, you will be given highest priority if you have a service-connected disability rated at 10% or higher. This will be true unless you are applying for a job at the GS-9 level or higher. Veterans with a disability rating of less than 10%, as well as non-disabled veterans, are placed in the next highest preference group.

How to Find and Apply for a Federal Job

Start by reading on the FedHireVets website on [how federal jobs are filled](#). You can then search for federal jobs and apply for them using USAJOBS. USAJOBS provides [resources for veterans on their website](#). You can either submit a resume or use the application process available online at [USAJOBS](#). There used to be a federal employment application you could print and complete, but it has been discontinued.

Preference for Your Family

A wife or husband, surviving spouse, or mother of a veteran is also entitled to preference in federal hiring, based on the veteran's level of preference, and must follow the same application procedures as the veteran, described below.

How to Apply for Preference

Make sure to claim your right to preference on your job application. If you are claiming a 10-point preference, you must complete an [Application for 10-Point Veteran Preference](#) and submit it to the U.S. Office of Personnel Management at:

1900 E St NW, Washington, DC 20240

Phone: (202) 606-1800

Whether you are claiming 5 or 10 points, you will need to have your discharge papers, typically a DD-214, to prove your time of service (when applicable) and that you have a qualifying discharge. Submit your DD-214 with your job application, or if you are claiming 10 points, attach it to your [Application for 10-Point Veteran Preference](#).

If You Were Denied Preference

If you believe you were entitled to be given preference for a federal job and did not receive it, you have the right to file a complaint. The Veterans Employment Opportunities Act of 1998 provides that you may file a complaint with the Veterans' Employment and Training Service of the Department of Labor. You may file a complaint [online](#).

Preference applies to initial job applications or appointments only. Decisions about promotions and other personnel matters after hiring are based on merit, not veteran status.

State Preference

Many states also give veterans preference for state jobs. Check to see if your state provides preference by selecting your state on the [Military.com state benefits website](#).

South Carolina General Assembly

120th Session, 2013-2014

Download This Bill in Microsoft Word format

A210, R264, H4922

STATUS INFORMATION

General Bill

Sponsors: Reps. G.M. Smith, Rutherford, Cobb-Hunter, Sandifer, Weeks, Delleney, White, Gilliard, Anderson and Hosey

Document Path: I:\council\bills\bh\26109dg14.docx

Introduced in the House on March 12, 2014

Introduced in the Senate on March 19, 2014

Passed by the General Assembly on May 22, 2014

Governor's Action: June 2, 2014, Signed

Summary: Veterans

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
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3/12/2014	House	Introduced, read first time, placed on calendar without reference (House Journal-page 13)
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3/18/2014	House	Member(s) request name added as sponsor: Gilliard, Anderson, Hosey
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3/18/2014 House Read second time (House Journal-page 15)
3/18/2014 House Roll call Yeas-104 Nays-0 (House Journal-page 16)
3/19/2014 House Read third time and sent to Senate
(House Journal-page 15)
3/19/2014 Senate Introduced and read first time (Senate Journal-page 8)
3/19/2014 Senate Referred to Committee on **Judiciary**
(Senate Journal-page 8)
4/4/2014 Senate Referred to Subcommittee: Scott (ch), Bennett, McElveen
4/30/2014 Senate Committee report: Favorable **Judiciary**
(Senate Journal-page 24)
5/21/2014 Senate Read second time (Senate Journal-page 39)
5/21/2014 Senate Roll call Ayes-41 Nays-0 (Senate Journal-page 39)
5/22/2014 Senate Read third time and enrolled (Senate Journal-page 15)
5/29/2014 Ratified R 264
6/2/2014 Signed By Governor
6/6/2014 Effective date 06/02/14
6/10/2014 Act No. 210

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VERSIONS OF THIS BILL

3/12/2014
3/12/2014-A
4/30/2014

(Text matches printed bills. Document has been reformatted to meet World Wide Web specifications.)

(A210, R264, H4922)

AN ACT TO AMEND SECTION 1-13-80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO UNLAWFUL EMPLOYMENT PRACTICES AND EXCEPTIONS, SO AS TO PROVIDE THAT IT IS NOT AN UNLAWFUL EMPLOYMENT PRACTICE FOR A PRIVATE EMPLOYER TO GIVE HIRING PREFERENCES TO A VETERAN, AND TO EXTEND THE PREFERENCE TO THE VETERAN'S SPOUSE IF THE VETERAN HAS A SERVICE-CONNECTED PERMANENT AND TOTAL DISABILITY.

Be it enacted by the General Assembly of the State of South Carolina:

Employment preference for veterans allowed

SECTION 1. Section 1-13-80(l) of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

"() It is not an unlawful employment practice for a private employer to give preference in employment to a veteran. This preference is also extended to the veteran's spouse if the veteran has a service-connected permanent and total disability. A private employer who gives a preference in employment provided by this item does not violate any other provision of this chapter by virtue of giving the preference. For purposes of this item, 'veteran' has the same meaning as provided in Section 25-11-40."

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 29th day of May, 2014.

Approved the 2nd day of June, 2014.

SOUTH DAKOTA

CHAPTER 3-3

VETERANS' PREFERENCE IN EMPLOYMENT

3-3-1 Veterans preferred in public employment--Age or physical impairment not disqualifying--Veterans with service-connected disabilities preferred.

3-3-2 Investigation and employment of veteran applicants.

3-3-3 Mandamus available to enforce veterans' preference.

3-3-4 Restrictions on removal of veteran from employment--Hearing and review--Burden of proof.

3-3-5 Noncompliance as misdemeanor.

3-3-6 Confidential and policy-making positions exempt from chapter.

3-3-7 Unmarried spouse of deceased veteran--Entitlement to preference under certain conditions.

3-3-8 Spouse of disabled veteran--Entitlement to preference under certain conditions.

3-3-1. Veterans preferred in public employment--Age or physical impairment not disqualifying--Veterans with service-connected disabilities preferred. In all public departments and subdivisions and upon all public works of this state and of the counties, municipalities, and school districts of this state, any veteran, as defined in § 33A-2-1, who is a citizen of the United States, shall receive preference for appointment, employment, and promotion. Age, loss of limb, or other physical impairment which does not in fact incapacitate does not disqualify the veteran if the veteran possesses the qualifications and business capacity necessary to discharge the duties of the position involved. A veteran who has a service-connected disability shall be given a preference over a nondisabled veteran.

Source: SL 1935, ch 188, §§ 1, 2; SL 1937, ch 227, § 1; SDC 1939, §§ 41.0501, 41.0502; SL 1939, ch 159, § 1; SL 1943, ch 147, § 1; SL 1951, ch 214, § 1; SDC Supp 1960, § 41.0508; SL 1980, ch 27, § 1; SL 1992, ch 60, § 2; SL 2010, ch 19, § 8; SL 2011, ch 1 (Ex. Ord. 11-1), § 20, eff. Apr. 12, 2011; SL 2015, ch 20, § 1; SL 2015, ch 21, § 1.

3-3-2. Investigation and employment of veteran applicants. If a veteran as defined in § 33A-2-1 applies for appointment for employment under this chapter, the officer, board, or person whose duty it is to appoint or employ some person to fill the position shall, before appointing or employing anyone to fill the position, investigate the qualifications of the applicant. If the applicant is of good moral character and can

perform the duties of the position, the officer, board, or person shall appoint the applicant to the position.

Source: SL 1935, ch 188, § 3; SDC 1939, § 41.0503; SL 2010, ch 19, § 9; SL 2011, ch 1 (Ex. Ord. 11-1), § 20, eff. Apr. 12, 2011.

3-3-3. Mandamus available to enforce veterans' preference. A refusal to allow the preference provided for in this chapter, or a reduction of the salary for the position with intent to bring about the resignation or discharge of the incumbent, entitles the applicant or incumbent to maintain an action of mandamus to right the wrong.

Source: SL 1935, ch 188, § 4; SDC 1939, § 41.0504; SL 2010, ch 19, § 10.

3-3-4. Restrictions on removal of veteran from employment--Hearing and review--Burden of proof. No person holding a public position by appointment or employment, and belonging to any of the classes of persons to whom a preference is granted pursuant to this chapter, may be removed from the position or employment unless replaced by another person of a class to whom such preference is granted. However, the person may be removed for incompetency or misconduct shown after a hearing, upon due notice, upon stated charges, and with the right of the employee or appointee to a review by writ of certiorari. The burden of proving incompetency or misconduct rests upon the party alleging the incompetency or misconduct.

Source: SL 1935, ch 188, §§ 5, 6; SL 1937, ch 227, § 2; SDC 1939, §§ 41.0505, 41.0506; SL 2010, ch 19, § 11.

3-3-5. Noncompliance as misdemeanor. Any person in the public service who neglects or refuses to comply with the provisions of this chapter is guilty of a Class 1 misdemeanor.

Source: SL 1935, ch 188, § 8; SDC 1939, § 41.9903; SL 1980, ch 24, § 33; SL 2010, ch 19, § 12.

3-3-6. Confidential and policy-making positions exempt from chapter. Nothing in this chapter applies to department heads, to policy-forming officials, to the position of private secretary of any official or department, or to any person holding a strictly confidential relation to the appointing officer.

Source: SL 1935, ch 188, § 7; SDC 1939, § 41.0507; SL 1939, ch 159, § 2; SL 1943, ch 147, § 2; SL 1951, ch 214, § 2; SDC Supp 1960, § 41.0508; SL 2010, ch 19, § 13.

3-3-7. Unmarried spouse of deceased veteran--Entitlement to preference under certain conditions. The unmarried spouse of a veteran who died while in service, or later died from a service connected cause, is entitled to the preferences given to the veteran in § 3-3-1 if the spouse possesses the qualifications and business capacity necessary to discharge the duties of the position involved.

Source: SL 1980, ch 27, § 2; SL 2010, ch 19, § 14.

3-3-8. Spouse of disabled veteran--Entitlement to preference under certain conditions. If a veteran disabled due to a service connected cause is unable to exercise the right to a veteran employment preference due to the disability, the veteran's spouse is entitled to the preferences given in § 3-3-1 if the spouse possesses the qualifications and business capacity necessary to discharge the duties of the position involved.

Source: SL 1980, ch 27, § 3; SL 2010, ch 19, § 15.

disabled as a result of his or her service; and "100 percent disabled veteran" means any veteran as defined herein who is currently declared by the United States Veterans Administration to be 100 percent disabled as a result of his or her service. Proof of disability shall be deemed conclusive if it is of record in the United States Veterans Administration.

18973.1. (a) Except as provided in Section 18978, and in addition to the veterans' credits set forth in Section 18973, in the case of all other entrance examinations, there shall be allowed a credit for veterans, widows or widowers of veterans, and spouses of 100 percent disabled veterans, who become eligible for certification from eligible lists by attaining the passing mark established for the examination, as set forth below:

- (1) Disabled veterans, 15 points.
 - (2) Veterans, 10 points.
 - (3) Widows or widowers of veterans, and spouses of 100 percent disabled veterans, five points.
- (b) For purposes of this section:
- (1) "Veteran" means any member of the California National Guard who meets the following requirements:
 - (A) Served in federal active duty for 90 days or more.
 - (B) Not more than two years have passed since the member was released from federal active duty.
 - (2) "Disabled veteran" means any member of the California National Guard who is currently declared by the United States Veterans Administration to be 10 percent or more disabled as a result of his or her service.
 - (3) "100 percent disabled veteran" means any member of the California National Guard who is currently declared by the United States Veterans Administration to be 100 percent disabled as a result of his or her service.
- (c) No veteran who has been dishonorably discharged or released shall be allowed a credit under this section.
- (d) Proof of disability shall be deemed conclusive if it is of record in the United States Veterans Administration.

18973.5.

- (a) For purposes of Sections 18973, 18973.1, and 18978, an entrance examination is any open competitive examination other than one for a class having a requirement of both college graduation and two or more years of experience.
- (b) For purposes of Sections 18973, 18973.1, and 18978, veterans' credits shall be awarded in all qualifying examinations in which the veteran competes. No veterans' credits shall be awarded once a veteran achieves permanent civil service status.

18974. Such credit shall be added to the percentage attained in the examination by the veteran, widow or widower. The name of each shall be placed on the eligible list and he or she is eligible

for appointment in the order and on the basis of the percentage attained in examination after the appropriate credit has been added. All ties shall be decided in favor of veterans and widows or widowers of veterans.

18974.5. Any member of the Armed Forces who successfully passes any state civil service examination and whose name as a result is placed on an employment list and who within six months after the establishment of the employment list for which the examination was given qualifies for veteran's preference as provided for in Sections 18973 and 18973.1 shall be allowed the appropriate veterans' credit to the same effect as though he or she were entitled to that credit at the time of the establishing of the employment list. When and if that person is allowed veterans' credit under this section his or her name shall be placed on the employment list in accordance with Section 18937 as the employment list stands at the time of qualifying for veterans' credit.

18975. In any examinations to establish employment lists in which credits are allowed for experience, periods of service in the recognized military service shall be counted by the board as experience upon a showing by the veteran that such service involved duties and responsibilities of the kind for which credit for experience is being allowed.

18976. Request for and proof of eligibility for veterans' preference credits shall be submitted by the veteran to the department conducting the employment examination. The procedures and time of filing the request shall be subject to rules promulgated by the State Personnel Board, in consultation with the Department of Veterans Affairs.

18977. Where experience is required as a minimum qualification for any civil service examination, a person, who is or has been on military leave from a state civil service or exempt position or from a position in any federal or other public agency the functions of which as they relate to such position have been transferred to the State shall be granted full credit for time spent on such military leave, as if he had remained in the position he held at the time he entered the military service.

18978.

(a) For any entrance examination held on an open, nonpromotional basis pursuant to Section 18950, a veteran who becomes eligible for certification from eligible lists by attaining the passing mark established for the examination, shall be allowed the following additional credits:

- (1) Disabled veterans, 15 points.
- (2) Other veterans, 10 points.

(b) For purposes of this section, "veteran" and "disabled veteran" have the same meaning as those terms are used in Sections 18973 and 18973.1.

(c) Individuals who received veterans points under this section are not eligible for career credits pursuant to Sections 18950.1, 18951, and 18951.5.

18979.

(a) In making appointments to positions performing the duties of disabled veterans' outreach program representatives in the disabled veterans' outreach program or successor program of the Employment Development Department, appointments shall be made in the following order of preference:

(1) Any disabled veteran.

(2) Any veteran.

(b) For the purposes of this section, "disabled veteran" and "veteran" have the same meaning as those terms are defined in Section 4211 of Title 38 of the United States Code.

(c) A person who does not meet the criteria specified in subdivision (a) shall not be appointed to the position of disabled veterans' outreach program representative.

TENNESSEE

TEAM Act-Veterans

On April 24, 2012, Governor Bill Haslam signed the Tennessee Excellence, Accountability and Management (TEAM) Act into law. The TEAM Act calls for two divisions of state service: preferred service and executive service. Executive service employees remain "at-will" as they currently serve. Preferred service replaces the traditional "career service" designation and preserves as a streamlined appeals process along with other considerations.

- Veterans will receive interview preferences for both appointments and promotions, and if there are two candidates with equal qualifications, knowledge, skills, etc., hiring preference will be given to the Veteran.
- Eligible spouses of Veterans will also be guaranteed an interview for positions that meet their qualifications if the spouse or surviving spouse is a qualified voter in Tennessee or has been a Tennessee resident for more than 2 years preceding such person's application and one of the two following circumstances exist;
- As a result of such military service, the Veteran suffered a one hundred percent (100%) service-connected disability or is permanently and to-tally disabled; or
- The Veteran died in the line of duty during such military service; and
- The surviving spouse has not remarried since the death of the Veteran.
- Additionally, if a supervisor passes over an eligible veteran and selects a non-veteran for a position, they must record their reasons in writing. The record will be made available for the veteran to view.
- In the event of layoffs, veterans will continue to receive 60 months of credit toward their time of service to be factored into the process.
- Amends TCA 8 relative to state employees: [Full Article Here](#)
- See more at: <https://www.tn.gov/veteran/article/veterans-team-act-veterans-preference#sthash.EhHikuUz.dpuf>

TEXAS

Veterans Preference

State Law

Wartime veterans have preference in employment with State agencies or offices, as do widows and orphans of those killed on active duty. State law requires State agencies must practice veterans' preference until they have reached 40% veteran employment.

Non-retired veterans who are employed by the State of Texas are entitled to claim their active duty military time toward retirement, provided they present a proper request and pay to the Retirement System the specified amount of retirement contribution for up to 60 months military credit. Such contribution is paid at the rate which was applicable at the time the employed veteran first was covered by the state Retirement System, plus any accrued interest. The State Law, Texas Government Code Chapter 657.001-657.009, is posted below.

Texas Government Code

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GOVERNMENT CODE

TITLE 6. PUBLIC OFFICERS AND EMPLOYEES

SUBTITLE B. STATE OFFICERS AND EMPLOYEES

CHAPTER 657. VETERAN'S EMPLOYMENT PREFERENCES

This section was amended by the 84th Legislature. Pending publication of the current statutes, see S.B. 805, 84th Legislature, Regular Session, for amendments affecting this section.

Sec. 657.001. DEFINITIONS. In this chapter:

(1) "Established service-connected disability" means a disability that has been or may be established by official records.

(2) "Public entity" means a public department, commission, board, or agency.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

This section was amended by the 84th Legislature. Pending publication of the current statutes, see S.B. 805, 84th Legislature, Regular Session, for amendments affecting this section.

Sec. 657.002. INDIVIDUALS ENTITLED TO VETERAN'S EMPLOYMENT PREFERENCE. (a) A veteran qualifies for a veteran's employment preference if the veteran:

(1) served in the military for not less than 90 consecutive days during a national emergency declared in accordance with federal law or was discharged from military service for an established service-connected disability;

(2) was honorably discharged from military service; and

(3) is competent.

(b) A veteran's surviving spouse who has not remarried or an orphan of a veteran qualifies for a veteran's employment preference if:

(1) the veteran was killed while on active duty;

(2) the veteran served in the military for not less than 90 consecutive days during a national emergency declared in accordance with federal law; and

(3) the spouse or orphan is competent.

(c) In this section, "veteran" means an individual who served in the army, navy, air force, marine corps, or coast guard of the United States or in an auxiliary service of one of those branches of the armed forces.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993. Amended by Acts 1995, 74th Leg., ch. 854, Sec. 1, eff. Sept. 1, 1995.

This section was amended by the 84th Legislature. Pending publication of the current statutes, see S.B. 805, 84th Legislature, Regular Session, for amendments affecting this section.

Sec. 657.003. VETERAN'S EMPLOYMENT PREFERENCE. (a) An individual who qualifies for a veteran's employment preference is entitled to a preference in employment with or appointment to a public entity or for a public work of this state over other applicants for the same position who do not have a greater qualification.

(b) An individual who has an established service-connected disability and is entitled to a veteran's employment preference is entitled to preference for employment or appointment in a position for which a competitive examination is not held over all other applicants for the same position without a service-connected disability and who do not have a greater qualification.

(c) If a public entity or public work of this state requires a competitive examination under a merit system or civil service plan for selecting or promoting employees, an individual entitled to a veteran's employment preference who otherwise is qualified for that position and who has received at least the minimum required score for the test is entitled to have a service credit of 10 points added to the test score. An individual who has an established service-connected disability is entitled to have a service credit of five additional points added to the individual's test score.

(d) An individual entitled to a veteran's employment preference is not disqualified from holding a position with a public entity or public work of this state because of age or an established service-connected disability if the age or disability does not make the individual incompetent to perform the duties of the position.

- (e) This chapter does not apply to:
- (1) the position of private secretary or deputy of an official or department; or
 - (2) a person holding a strictly confidential relation to the appointing or employing officer.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

This section was amended by the 84th Legislature. Pending publication of the current statutes, see S.B. 805, 84th Legislature, Regular Session, for amendments affecting this section.

Sec. 657.004. PREFERENCE REQUIRED FOR PUBLIC ENTITIES AND PUBLIC WORKS. (a) An individual whose duty is to appoint or employ individuals for a public entity or public work of this state shall give preference in hiring to individuals entitled to a veteran's employment preference so that at least 40 percent of the employees of the public entity or public work are selected from individuals given that preference. A public entity or public work that does not have 40 percent of its employees who are entitled to the preference shall, in filling vacancies, give preferences to individuals entitled to a veteran's employment preference until it does have at least 40 percent of its employees who are entitled to the preference.

(b) A public entity or public work shall, when possible, give 10 percent of the preferences granted under this chapter to qualified veterans discharged from the armed services of the United States within the preceding 18 months.

(c) A public entity or public work that has at least 40 percent of its employees who are entitled to the preference is exempt from the requirements of Section 657.005.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993. Amended by Acts 1995, 74th Leg., ch. 854, Sec. 2, eff. Sept. 1, 1995.

This section was amended by the 84th Legislature. Pending publication of the current statutes, see S.B. 805, 84th Legislature, Regular Session, for amendments affecting this section.

Sec. 657.005. EMPLOYMENT INVESTIGATION. (a) The individual whose duty is to appoint or employ an applicant for a position with a public entity or public work of this state or an officer or the chief administrator of the entity or work who receives an application for appointment or employment by an individual entitled to a veteran's employment preference, before appointing or employing any individual, shall investigate the qualifications of the applicant for the position. If the applicant is of good moral character and can perform the duties of the position, the officer, chief executive, or individual whose duty is to appoint or employ shall appoint or employ the applicant for the position.

(b) An applicant with an established service-connected disability shall furnish the official records to the individual whose duty is to fill the position.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

This section was amended by the 84th Legislature. Pending publication of the current statutes, see S.B. 805, 84th Legislature, Regular Session, for amendments affecting this section.

Sec. 657.006. FEDERAL LAW AND GRANTS. To the extent that this chapter conflicts with federal law or a limitation provided by a federal grant to a public entity, this chapter shall be construed to operate in harmony with the federal law or limitation of the federal grant.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

This section was amended by the 84th Legislature. Pending publication of the current statutes, see S.B. 805, 84th Legislature, Regular Session, for amendments affecting this section.

Sec. 657.007. PREFERENCE APPLICABLE TO REDUCTION IN WORKFORCE. (a) An individual entitled to a hiring preference under this chapter is also entitled to a preference in retaining employment if the public entity that employs the individual reduces its workforce.

(b) The preference granted under this section applies only to the extent that a reduction in workforce by an employing public entity involves other employees of a similar type or classification.

Added by Acts 1995, 74th Leg., ch. 854, Sec. 3, eff. Sept. 1, 1995.

This section was amended by the 84th Legislature. Pending publication of the current statutes, see S.B. 805, 84th Legislature, Regular Session, for amendments affecting this section.

Sec. 657.008. REPORTING REQUIREMENTS. (a) A public entity shall file quarterly with the comptroller a report that states:

- (1) the percentage of the total number of employees hired by the entity during the reporting period who are persons entitled to a preference under this chapter;
- (2) the percentage of the total number of the entity's employees who are persons entitled to a preference under this chapter; and
- (3) the number of complaints filed with the governing body of the entity under Section 657.010 during that quarter and the number of those complaints resolved by the governing body.

(b) The comptroller shall file annually with the legislature a report that compiles and analyzes information that the comptroller receives from public entities under Subsection (a).

Added by Acts 1995, 74th Leg., ch. 854, Sec. 3, eff. Sept. 1, 1995.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1016 (H.B. 1275), Sec. 2, eff. September 1, 2007.

This section was amended by the 84th Legislature. Pending publication of the current statutes, see S.B. 805, 84th Legislature, Regular Session, for amendments affecting this section.

Sec. 657.009. PUBLIC ENTITIES TO LIST POSITIONS WITH TEXAS WORKFORCE COMMISSION. (a) A public entity shall provide to the Texas Workforce Commission, under rules adopted under this section by the commission, information regarding an open position that is subject to the hiring preference required by this chapter.

(b) The Texas Workforce Commission shall make available to the public the information provided by a public entity under Subsection (a).

(c) To promote the purposes of this chapter, the Texas Workforce Commission shall adopt rules under this section that facilitate the exchange of employment information between public entities and individuals entitled to a preference under this chapter.

(d) The Texas Workforce Commission shall adopt forms and procedures necessary to administer this section.

Added by Acts 1995, 74th Leg., ch. 854, Sec. 3. Amended by Acts 2003, 78th Leg., ch. 817, Sec. 10.07, eff. Sept. 1, 2003.

This section was amended by the 84th Legislature. Pending publication of the current statutes, see S.B. 805, 84th Legislature, Regular Session, for amendments affecting this section.

Sec. 657.010. COMPLAINT REGARDING EMPLOYMENT DECISION OF PUBLIC ENTITY OR PUBLIC WORK. (a) An individual entitled to a veteran's employment preference under this chapter who is aggrieved by a decision of a public entity or public work of this state to which this chapter applies relating to hiring the individual, or relating to retaining the individual if the entity or work reduces its workforce, may appeal the decision by filing a written complaint with the governing body of the public entity or public work under this section.

(b) The governing body of a public entity or public work that receives a written complaint under Subsection (a) shall respond to the complaint not later than the 15th business day after the date the governing body receives the complaint. The governing

body may render a different hiring decision than the decision that is the subject of the complaint if the governing body determines that the veteran's preference was not applied.

Added by Acts 2007, 80th Leg., R.S., Ch. 1016 (H.B. 1275), Sec. 1, eff. September 1, 2007.

HONORING VETERANS

Utah's Patriot Partnership

MAKE THE PLEDGE

Across America employers are discovering the value of hiring Veterans of the United States military who possess the **training, leadership skills and a strong work ethic** they require.

WHY MAKE THE PLEDGE OF SUPPORT?

As Abraham Lincoln stated in his second inaugural address, it is our duty "to care for him who shall have borne the battle, and for his widow, and his orphan ..." Each of our Veterans made **profound sacrifices** to protect freedom and democracy and to keep us safe. Pledging support to Veterans is one way to express heartfelt gratitude.

BUSINESS BENEFITS

Martha J. Evans, retired Admiral and former President and CEO of the American Red Cross sums up the benefits of hiring Veterans: "We need people who are flexible and very mission-oriented, don't stop until the job is done, and put **service to others above self**. Those values are exactly what the military instills in people, literally from the moment they arrive at boot camp."

Veterans make exceptional employees. Many have had extensive, specialized training and recent studies show:

- According to the Department of Defense (DOD), some 45 percent of the 200,000 plus people coming out of the military each year are under 25 and have technical skills.
- What's more, 92 percent of active-duty personnel use computers, 51 percent use LAN systems, 98 percent are high school graduates and over 36 percent have college degrees.

They also bring other key job skills:

- **Discipline**
- **Teamwork**
- **Dedication**
- **Strong work ethic**
- **Leadership skills**

Click [here](#) for more benefits of hiring a Veteran.

In addition, physical fitness requirements of military service mean that Veterans tend to be healthy employees—this can translate to reduced health care costs and fewer sick days.

You can recruit Veterans without spending extra money. Programs sponsored by federal and state agencies as well as Veteran's organizations help you find Veterans.



MAKE THE PLEDGE NOW

To make your pledge, go to your [Department of Workforce Services Employer Account page](#) now!



UTAH

Utah Patriot Partnership

Governor Herbert and the Utah Department of Workforce Services invite you to join other businesses in supporting the 'Utah Patriot Partnership' program ... a program that encourages Utah businesses to hire Veterans as a first choice.

All across Utah, Veterans of our armed services have returned home after serving courageously on the world's battlefields. Utah businesses can give these veterans the ultimate 'thank you' by allowing them the opportunity for employment.

As true patriots, we all acknowledge the great burdens and sacrifices the members of our Armed Forces have made in order to preserve our national security. Moreover, many businesses have come to recognize how Veterans and members of our National Guard and Reserve possess the degree of training, education, motivation, and character that will prove vital to Utah's economic future. We encourage you to consider what our Veterans have endured for each of us as well as the benefits to your business when you look first to Veterans when hiring.

Accordingly, Governor Herbert is calling on employers to pledge their support to our returning heroes and consider hiring a Utah Veteran whenever a job opening arises – do it for them and for your business.

The Utah Patriot Partnership recognizes those employers that are willing to make the Pledge of Support to hire Veterans returning from the world's battlefields. A certificate from the Governor and other means of recognition will be forwarded to Patriotic employers making their pledge of support.

You can find Veterans by accessing Utah's online Job Connection service. Veterans are identified by a U.S. Flag at the top of their resume. Also, your local Veterans' Representative employment counselor from the Department of Workforce Services is available to discuss how we can assist you in finding qualified Veterans.

Veterans' Preference

The State of Utah recognizes the sacrifices and contributions of men and women who have served in the United States armed forces and provides veterans' preference points to qualified veterans. On November 8, 2013, Governor Gary Herbert proclaimed:

"Our veterans have freely given their time, sweat and blood to serve this great state and nation. Each and every veteran deserves an opportunity to continue that service through employment opportunities here at home. The State of Utah will serve as a model employer for our veterans."

The State of Utah provides employment preference to U.S. armed forces veterans in two ways: 1) Through the traditional Veterans' Preference point system; and 2) through the new Veteran Employment Opportunity Program. Each of these programs is described below.

Who can claim Veterans' Preference?

As a veteran of the armed services, you may be entitled to preference when seeking initial employment with Utah state government (Utah Code 71-10-1). For state jobs open to the public veterans' preference is provided to applicants who meet any of the following criteria:

- Any individual who has served on active duty in the armed forces for more than 180 consecutive days, except active duty for training purposes such as initial basic and advanced individual training or active duty to attend a military course, and who was separated under honorable conditions.
- A member or former member of a reserve component who served in a campaign or expedition for which a campaign medal has been authorized and who was separated from active service under honorable conditions.
- A veteran with a disability, regardless of the percentage of disability.
- The spouse or unmarried widow or widower of a veteran.
- A Purple Heart recipient.
- A retired member of the armed forces.

How do I claim Veterans' Preference?

To receive veterans' preference points, click "yes" on the Veteran status indicator when creating your job seeker profile and when applying for specific positions. Then you will select the basis upon which you should be awarded veteran preference points.

In your job seeker profile please upload a copy of your DD 214, or your spouse's DD 214 in the event you are requesting veterans' preference on the basis of your spouse's service. If you do not have the ability to upload a scanned copy of your DD214, you should contact the position's recruiter to ask how you can get a copy of your DD 214 to them so that it can be added to your profile.

How is Veterans' Preference Awarded?

Preference will be awarded as follows (Utah Code 71-10-2):

- Five points or five percent of the total possible score (whichever is greater), if the preference eligible applicant is a veteran;
- Ten points or ten percent of the total possible score (whichever is greater), if the preference eligible applicant is a veteran with a disability or a Purple Heart recipient;
or

- In the case of a preference eligible spouse, widow, or widower, the same percentage the qualifying veteran is, or would have been, entitled to.

Veteran Employment Opportunity Program (VEOP)

The Veterans' Employment Opportunity Amendments (HB327) became law effective May 13, 2014. This law found in Utah Code 67-19-15(2)(b)(ii) allows for veterans of the U.S. armed forces to be hired into designated career-service positions with a 6-month on-the-job examination period in lieu of a competitive hiring process. Recruitments eligible for the VEOP will be determined at the time the recruitment is initiated. To opt in, veterans must meet the veterans' preference criteria specified above, upload their DD214 to the Job Seeker website, and indicate that they would like to be considered for hire under this program. Hiring officials may choose to interview and hire a qualified veteran who has opted into this program separately from other candidates. Ultimately, a qualified veteran or another candidate may be selected for the position depending on candidate qualifications and the hiring manager's specific needs.

If you are a disabled veteran you may also qualify for the Alternative State Application Program (ASAP), which is designed to appoint qualified persons with disabilities through an on-the-job examination period rather than through a traditional competitive process. Click on the Alternative State Application Program tab above to find out more about this program.

If you have any questions about veterans' preference points or the new Veteran Employment Opportunity Program, please feel free to contact the position's recruiter. We are grateful for the service our veterans have provided to our nation and wish you well in the hiring process.

Number 4.3 - VETERANS' PREFERENCE

Effective Date: March 1, 1996

Revised Date: October 1, 1999

Applicable To: Applicants for classified service employment with the Executive Branch of the State of Vermont.

Issued By: Department of Personnel

Approved By: Kathleen C. Hoyt, Secretary of Administration

PURPOSE AND POLICY STATEMENT

Veterans' preference is the special consideration given to veterans, ex-servicemen or ex-servicewomen, or to certain members of their family in accordance with 3 VSA §310(f) and 20 VSA §1543.

This policy applies only to non-state employee applicants who are applying through the open, competitive process for classified positions.

ELIGIBILITY

The military service upon which the preference is based must have been active duty of at least ninety (90) days duration rendered in any branch of the Armed Forces of the United States and terminated under honorable conditions. This period does not count service under an probationary initial period. Included as eligible are individuals who served in the Coast Guard, Merchant Marine, WAVES, and WACS.

Points are awarded based on the following provisions:

- Ex-servicemen or ex-servicewomen shall receive five (5) points.
- Ex-servicemen or ex-servicewomen who are totally or partially disabled as a result of a service-connected disability at the time of application shall receive ten (10) points.
- Spouses of totally disabled ex-servicemen or ex-servicewomen whose disability is service-connected shall receive ten (10) points.
- Unmarried widows or widowers of deceased veterans shall receive ten (10) points.

To receive the additional points for a total or partial service-connected disability, the applicant must submit a copy of a letter of certification from the Veterans' Administration

PROCEDURE

Veterans' points can be used only for initial employment with the State of Vermont. Veterans' preference points are added only to passing scores: that is, individuals who are placed on an employment register. Veterans' preference helps applicants who might not otherwise be certified; it does not disadvantage other applicants. Open competitive applicants are certified from a register based on the "3 and 10" certification rule (See Number 4.10, Certification Rule). Any other applicants whose exam score plus applicable veterans' preference points brings their total score equal to or greater than the lowest score certified are added to the hiring certificate.

Veterans' status does not confer the right to a mandatory interview.

Signed By Kathleen C. Hoyt, October 25, 1999

Approved, Secretary of Administration

VERMONT

Veterans Preference

Preference points will be added to the scores of eligible applicants who are veterans of the United States Armed Forces, as provided in 20 V.S.A. Section 1543 and 3 V.S.A. Section 310(f). In general, an eligible veteran is any person who served in the United States Armed Forces for at least 90 days and was separated under Honorable or other acceptable conditions. Additional preference points may be claimed if you meet any of the following requirements:

- a veteran with a service connected disability.
- the spouse of a totally disabled veteran with a service connected disability.
- the unmarried widow or widower of a veteran

In addition, the Vermont legislature has expanded the veteran's preference law by providing eligible veterans the opportunity to apply for jobs that normally are available only to current State employees. Individuals who are eligible for veteran's preference may also apply and compete for vacant positions that are recruited as "State promotional only".

Any interested veteran may view all job postings at <http://humanresources.vermont.gov/careers>.

If you have any questions about this process, please call the Recruitment Services Division at 1-800-640-1657.

Published by DHRM on April 30, 2009

Revised January 17, 2012

Revised July 1, 2012

POLICY GUIDE

Policy 2.10 – Hiring

Veteran's Preference

In accordance with the Code of Virginia, which requires that state agencies give preference in the hiring process to veterans, and in support of Executive Order 29 (2010), *Serving Virginia's Veterans*, the following is provided to guide agencies' application of the Veterans Preference provision of the Commonwealth's Hiring Policy.

If an agency uses a scored test by which to evaluate applicants, veterans must receive a credit of an additional 5% of his or her score or, if the applicant is a veteran having a service-connected disability rating fixed by the United States Department of Veterans Affairs, he or she must receive a credit of an additional 10% of his or her score. To be eligible for such an increase in score, the applicant must first achieve a passing score on the test or examination. However, because most state recruitments do not use scored tests, the challenge for agencies is to apply a preference that is equivalent to the 5% increase veterans receive on test scores (10% for veterans with a disability rating from the United States Department of Veterans Affairs). The following guidelines are designed to help agencies achieve this required level of preference.

Initial screening: Applicants are screened to identify those who meet the minimum requirements for the position – the equivalent of achieving a passing score on a test. No preference is given. Applicants must meet the required criteria at a minimum or better level on their own.

Preference applied after initial screening phase: After the initial screening, veteran status is noted for the candidates. The state application provides preliminary notice of veteran status; the agency may need to follow up to identify the exact status of veteran applicants. At this stage, preference shall be given by treating veteran status as a preferred qualification. Further preference shall be given if the veteran applicant also has a service-connected disability rating by treating the veteran's disabled status as a second preferred qualification. Adding a preferred qualification criterion for veteran status and, if applicable, a second preferred criterion for disabled veteran status will therefore result in the veteran applicant and the disabled veteran applicant receiving the additional preference required by Code.

The additional credit for veteran, or disabled veteran status, remains with the applicant throughout the hiring process, and ultimately becomes a part of the hiring manager's final decision. This process is comparable to how preference or credit is applied in situations where scored examinations are used. For example, applicants take a scored examination *one time*, and applicants who are veterans receive the additional points *one time*. Those points, like our credit for having a preferred qualification, remain with the applicants throughout the process.

NOTE: DHRM advises that job postings and/or advertisement *not state* veteran and disabled veteran as preferred qualifications unless required by law.

POLICY GUIDE

Policy 2.10 – Hiring

Preference for the Surviving Spouse or Child of a Veteran Killed in the Line of Duty

In accordance with the Code of Virginia, which requires that state agencies give preference in the hiring process to the surviving spouse, or child under the age of 27, of a veteran who was killed in the line of duty, and in support of Executive Order 29 (2010), *Serving Virginia's Veterans*, the following is provided to guide agencies' application of the Surviving Spouse or Child provision of the Commonwealth's Hiring Policy.

If an agency uses a scored test by which to evaluate applicants, the surviving spouse, or child, must receive a credit of an additional 5% of his or her score. To be eligible for such an increase in score, the applicant must first achieve a passing score on the test or examination. However, because most state recruitments do not use scored tests, the challenge for agencies is to apply a preference that is equivalent to the 5% increase. The following guidelines are designed to help agencies achieve this required level of preference.

Initial screening: Applicants are screened to identify those who meet the minimum requirements for the position – the equivalent of achieving a passing score on a test. No preference is given. Applicants must meet the required criteria at a minimum or better level on their own.

Preference applied after initial screening phase: After the initial screening, surviving spouse, or child, status is noted for the candidates. The state application provides preliminary notice of surviving spouse, or child, status. At this stage, preference shall be given by treating surviving spouse, or child, status as a preferred qualification. Adding a preferred qualification criterion for surviving spouse, or child, status will therefore result in the applicant receiving the additional preference required by Code.

The additional credit for surviving spouse, or child, remains with the applicant throughout the hiring process, and ultimately becomes a part of the hiring manager's final decision. This process is comparable to how preference or credit is applied in situations where scored examinations are used. For example, applicants take a scored examination *one time*, and applicants who are veterans receive the additional points *one time*. Those points, like our credit for having a preferred qualification, remain with the applicants throughout the process.

NOTE: DHRM advises that job postings and/or advertisements *not state surviving spouse, or child, of a veteran killed in the line of duty status as a preferred qualification unless required by law.*

WASHINGTON

Recognizing that sacrifices are made by those serving in the Armed Forces, Washington State has enacted laws to assist veterans seeking State employment. Veterans of the Armed Forces as defined in [RCW 41.04.005](#) have been given some degree of preference in appointments to state jobs. ([WAC 357-16-110](#))

Preference - Competitive Service

If an employer administers an examination prior to certification, the employer must grant preference to veterans as defined in [RCW 41.04.007](#), by adding veterans' scoring criteria status in accordance with [RCW 41.04.010](#).

For purposes of complying with RCW 41.04.010, examination is defined as eligible candidate's final examination score, plus any veterans' scoring criteria or other applicable results. Veterans' scoring criteria is only added to passing score. (See [WAC 357.01.170](#))

Veterans' preference is a percentage added to the passing examination score for honorably discharged¹ veterans and disabled veterans. The percent preferences, from RCW 41.04.010 are added as follows:

10 percent (Veteran):

Ten percent to a veteran who served during a period of war or in an armed conflict as defined in RCW 41.04.005 and does not receive military retirement. The percentage shall be added to the passing mark, grade, or rating of competitive examinations until the veteran's first appointment. The percentage shall not be utilized in promotional examinations.

5 percent (Veteran):

Five percent to a veteran who did not serve during a period of war or in an armed conflict as defined in RCW 41.04.005 or is receiving military retirement. The percentage shall be added to the passing mark, grade, or rating of competitive examinations until the veteran's first appointment. The percentage shall not be utilized in promotional examinations.

5 percent (Veteran):

Five percent to a veteran who was called to active duty while employed with the state or any of its political subdivisions, or municipal corporations. This percentage shall be added to promotional examinations until the first promotion only.

All veterans' scoring criteria may be claimed upon release from active military service, or upon receipt of separation orders indicating an honorable discharge, issued by the respective military department.

Preference - Non-Competitive Service

If no examination is administered prior to certification, the employer must refer eligible veterans² eligible veterans' surviving spouses or surviving registered domestic partners, or the spouse or registered domestic partner of an honorably discharged¹ veteran who has a service connected permanent disability or total disability to the employing official under the provisions of [RCW 73.16.010](#) as long as the veteran or veteran's spouse or registered domestic partner meets the competencies and other position requirements.

Important Information

Be sure to answer the questions related to time serving in the Armed Forces when completing your profile and submitting applications.

Still have questions or unsure of what percentage you are eligible for?
Contact us for assistance.

Email: CareersHelp@des.wa.gov

Phone: 360-664-1960 or 1-877-664-1960

Washington Relay Service (for hearing impaired): 7-1-1 or
1-800-833-6388

1 Discharge must be Honorable. General discharge under honorable conditions does not qualify.

2 Qualifying veterans of any war of the United States, or of any military campaign for which a campaign ribbon shall have been awarded, or any surviving spouses or registered domestic partners of eligible veterans, or spouses or registered domestic partners of honorably discharged veterans who have a service connected permanent and total disability, may obtain preference when applying in the state's online recruiting system at careers.wa.gov.

RCW 41.04.005

"Veteran" defined for certain purposes.

(1) As used in RCW [41.04.005](#), [41.16.220](#), [41.20.050](#), [41.40.170](#), and [*28B.15.380](#) "veteran" includes every person, who at the time he or she seeks the benefits of RCW [41.04.005](#), [41.16.220](#), [41.20.050](#), [41.40.170](#), or [*28B.15.380](#) has received an honorable discharge, is actively serving honorably, or received a discharge for physical reasons with an honorable record and who meets at least one of the following criteria:

(a) The person has served between World War I and World War II or during any period of war, as defined in subsection (2) of this section, as either:

(i) A member in any branch of the armed forces of the United States;

(ii) A member of the women's air forces service pilots;

(iii) A U.S. documented merchant mariner with service aboard an oceangoing vessel operated by the war shipping administration, the office of defense transportation, or their agents, from December 7, 1941, through December 31, 1946; or

(iv) A civil service crewmember with service aboard a U.S. army transport service or U.S. naval transportation service vessel in oceangoing service from December 7, 1941, through December 31, 1946; or

(b) The person has received the armed forces expeditionary medal, or marine corps and navy expeditionary medal, for opposed action on foreign soil, for service:

(i) In any branch of the armed forces of the United States; or

(ii) As a member of the women's air forces service pilots.

(2) A "period of war" includes:

(a) World War I;

(b) World War II;

(c) The Korean conflict;

(d) The Vietnam era, which means:

(i) The period beginning on February 28, 1961, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during that period;

(ii) The period beginning August 5, 1964, and ending on May 7, 1975;

(e) The Persian Gulf War, which was the period beginning August 2, 1990, and ending on the date prescribed by presidential proclamation or law;

(f) The period beginning on the date of any future declaration of war by the congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the congress; and

(g) The following armed conflicts, if the participant was awarded the respective campaign badge or medal: The crisis in Lebanon; the invasion of Grenada; Panama, Operation Just Cause; Somalia, Operation Restore Hope; Haiti, Operation Uphold Democracy; Bosnia, Operation Joint Endeavor; Operation Noble Eagle; southern or central Asia, Operation Enduring Freedom; and Persian Gulf, Operation Iraqi Freedom. [2005 c 255 § 1; 2005 c 247 § 1. Prior: 2002 c 292 § 1; 2002 c 27 § 1; 1999 c 65 § 1; 1996 c 300 § 1; 1991 c 240 § 1; 1984 c 36 § 1; 1983 c 230 § 1; 1982 1st ex.s. c 37 § 20; 1969 ex.s. c 269 § 1.]

RCW 41.04.007

"Veteran" defined for certain purposes.

"Veteran" includes every person, who at the time he or she seeks the benefits of RCW [46.18.212](#), [46.18.235](#), [72.36.030](#), [41.04.010](#), [73.04.090](#), or [43.180.250](#) has received an honorable discharge or received a discharge for medical reasons with an honorable record, where applicable, and who has served in at least one of the following capacities:

(1) As a member in any branch of the armed forces of the United States, including the national guard and armed forces reserves, and has fulfilled his or her initial military service obligation;

(2) As a member of the women's air forces service pilots;

(3) As a member of the armed forces reserves, national guard, or coast guard, and has been called into federal service by a presidential select reserve call up for at least one hundred eighty cumulative days;

(4) As a civil service crewmember with service aboard a U.S. army transport service or U.S. naval transportation service vessel in oceangoing service from December 7, 1941, through December 31, 1946;

(5) As a member of the Philippine armed forces/scouts during the period of armed conflict from December 7, 1941, through August 15, 1945; or

(6) A United States documented merchant mariner with service aboard an oceangoing vessel operated by the department of defense, or its agents, from both June 25, 1950, through July 27, 1953, in Korean territorial waters and from August 5, 1964, through May 7, 1975, in Vietnam territorial waters, and who received a military commendation.

[2013 c 42 § 1; 2010 c 161 § 1105; 2007 c 448 § 1; 2006 c 252 § 2. Prior: 2005 c 251 § 1; 2005 c 216 § 7; 2002 c 292 § 2.]

WAC 357-16-110

Do veterans receive any preference in the hiring process?

(1) If an employer is administering an examination prior to certification, the employer must grant preference to veterans in accordance with the veterans scoring criteria provisions of RCW [41.04.010](#).

(2) If no examination is administered prior to certification, the employer must refer the following individuals to the employing official under the provisions of RCW [73.16.010](#) as long as the individual meets the competencies and other position requirements:

(a) Eligible veterans;

(b) Surviving spouses or registered domestic partners of eligible veterans; or

(c) Spouses or registered domestic partners of honorably discharged veterans who have a service connected permanent and total disability.

[Statutory Authority: Chapter [41.06](#) RCW. WSR 09-17-057 and 09-18-112, § 357-16-110, filed 8/13/09 and 9/2/09, effective 12/3/09; WSR 05-12-077, § 357-16-110, filed 5/27/05, effective 7/1/05; WSR 05-01-200, § 357-16-110, filed 12/21/04, effective 7/1/05.]

RCW 41.04.010

Veterans' scoring criteria status in examinations.

In all competitive examinations, unless otherwise provided in this section, to determine the qualifications of applicants for public offices, positions, or employment, either the state, and all of its political subdivisions and all municipal corporations, or private companies or agencies contracted with by the state to give the competitive examinations shall give a scoring criteria status to all veterans as defined in RCW [41.04.007](#), by adding to the passing mark, grade or rating only, based upon a possible rating of one hundred points as perfect a percentage in accordance with the following:

(1) Ten percent to a veteran who served during a period of war or in an armed conflict as defined in RCW [41.04.005](#) and does not receive military retirement. The percentage shall be added to the passing mark, grade, or rating of competitive examinations until the veteran's first appointment. The percentage shall not be utilized in promotional

examinations;

(2) Five percent to a veteran who did not serve during a period of war or in an armed conflict as defined in RCW [41.04.005](#) or is receiving military retirement. The percentage shall be added to the passing mark, grade, or rating of competitive examinations until the veteran's first appointment. The percentage shall not be utilized in promotional examinations;

(3) Five percent to a veteran who was called to active military service from employment with the state or any of its political subdivisions or municipal corporations. The percentage shall be added to promotional examinations until the first promotion only;

(4) All veterans' scoring criteria may be claimed upon release from active military service or upon receipt of separation orders indicating an honorable discharge, issued by the respective military department.

[2013 c 83 § 1; 2009 c 248 § 1; 2007 c 449 § 1; 2003 c 45 § 1; 2002 c 292 § 4; 2000 c 140 § 1; 1974 ex.s. c 170 § 1; 1969 ex.s. c 269 § 2; 1953 ex.s. c 9 § 1; 1949 c 134 § 1; 1947 c 119 § 1; 1945 c 189 § 1; Rem. Supp. 1949 § 9963-5.]

WAC 357-01-170

Examination results.

An eligible candidate's final score on an examination, plus any veterans scoring criteria or other applicable credits. Veterans scoring criteria is only added to passing scores.

RCW 73.16.010

Preference in public employment.

In every public department, and upon all public works of the state, and of any county thereof, honorably discharged soldiers, sailors, and marines who are veterans of any war of the United States, or of any military campaign for which a campaign ribbon shall have been awarded, and their widows or widowers, shall be preferred for appointment and employment. Age, loss of limb, or other physical impairment, which does not in fact incapacitate, shall not be deemed to disqualify them, provided they possess the capacity necessary to discharge the duties of the position involved: PROVIDED, That spouses of honorably discharged veterans who have a service connected permanent and total disability shall also be preferred for appointment and employment.

WEST VIRGINIA

VETERANS PREFERENCE: Under the West Virginia Civil Service System, all veterans who have served under honorable conditions in the armed forces of the United States during World War II, Korean Conflicts, and Vietnam Era or during hostile conflict shall have five (5) points added to a final passing score. An additional five (5) points are added to a veteran's score if in receipt of the Purple Heart or has a compensable service-connected disability.

To estimate your eligibility for Veterans Preference simply answer a few Yes/No questions.

Begin the questions by clicking [Start].

To read about VP requirements click [Information].

This is not an official determination of Veterans Preference.

Claims for preference must be verified by copy of DD214.

If not sure, send DD214. We will check your eligibility. Questions? Please call.

Veterans Preference –

Under State law eligible veterans who are disabled or who served on active duty in the Armed Forces during certain specified time periods or in military campaigns may claim preference (bonus points) in state competitive hiring procedures.

Preference does not guarantee that a veteran will be hired or even interviewed. It merely provides a competitive advantage in the employment process. Veterans preference **does not apply to promotion** or other in-service actions.

What are Veterans' Preference Points?

There is a space on the Application for claiming veterans' preference.

Any eligible veteran who claims preference shall have five (5) points added to his or her final passing Examination score or Training and Experience rating score.

A Veteran may receive an additional five (5) points, (total of 10), if he or she received a Purple Heart Award (verified by the DD214 Form), or has a current compensable, service-connected disability. The disability must be verified by a letter from the Department of Veteran's Affairs (VA), dated within the last 6 months. The veteran must be currently receiving compensation.

Veterans Preference Eligibility Requirements.

- An honorable or general discharge is necessary.
- Guard and Reserve active duty for training purposes does not qualify for preference.

Do not be concerned if you find the eligibility requirements (shown below)" hard to understand. Use the **online Yes/No questions form** to estimate your eligibility. If you think you might be eligible, claim preference on the application and send us a copy of your DD214 for review.

Five (5) points shall be added to a final passing score or

rating of any person who meets any ONE of the following:

1. Served on active duty anytime between December 7, 1941 and September 7, 1980; **OR**
2. A Reservist called to active duty between February 1, 1955 and October 14, 1976 **AND** who served for more than 180 days; **OR**
3. A Reservist who entered active duty between October 15, 1976 and October 13, 1982, **AND** received a campaign badge or expeditionary medal (*See Note).
4. Enlisted in the Armed Forces after September 7, 1980 or entered active duty other than by enlistment on or after October 14, 1982, **AND**;

completed 24 months of continuous active duty or the full period called or ordered to active duty, or was discharged under 10 U.S.C. 1171 or for hardship under 10 U.S.C. 1173 **AND** received or was entitled to receive a campaign badge or expeditionary medal.

A Veteran may receive ten (5+5) points if he or she received the Purple Heart Award, or has a current, compensable, service-connected disability.

* Example Campaigns: Lebanon, Grenada, Panama, (Desert Storm/Shield), Somalia, Haiti, Persian Gulf, Afghanistan, Bosnia/Herzegovina, Kosovo, Iraq. Note: The National Defense Service Medal, Armed Forces Service Medal, and Global War on Terrorism Service Medal are not qualifying for VP. The Global War on Terrorism Expeditionary Medal IS qualifying for VP.

[[List of Campaigns \(External site. Use Back to return here\)](#)]

The information on this Web site provides general information. It is not intended to provide official determination of any individual's eligibility for Veterans' Preference. Final determination of eligibility requires the review of verification documents by the Division of Personnel.

If you have questions call.

VETERANS PREFERENCE SUPPLEMENT
TO THE APPLICATION FOR STATE EMPLOYMENT

To claim veterans preference points or to qualify to submit a late application as a recently discharged veteran, you must submit this completed form. Please carefully read the information below and complete the required sections on the reverse side. You may submit this completed form with your *Application for State Employment* form (OSER-DMRS-38) or you may submit it separately. **You need to complete this form only once, unless your status or active service period changes or you wish to file a late application.**

- **PREFERENCE POINTS:** Qualifying veterans and certain spouses of veterans can be granted preference points on civil service exam scores. These points will be added to your exam score if your civil service score is 70 or higher. The top-scoring veterans may be considered for future positions. "Qualifying" means that you, or your spouse, served during one of the periods or in a qualifying campaign listed in Section C (on the reverse side of this form), AND you are not a current permanent state employee in classified civil service.

If you wish to claim veterans preference, complete Sections A, B, and C on the reverse side of this form. Provide personal information in Section A; identify the number of veterans preference points for which you are eligible in Section B; and mark the appropriate box for your (or your spouse's) period of active service in Section C. **Note:** You must complete all three sections to be eligible for veterans preference. After completing the form, submit it with your *Application for State Employment* form (OSER-MRS-38). **If your name is referred to a state agency for an interview, the agency will ask you to verify your eligibility with your DD 214 form or other federal documents.**

- **DISABLED VETERANS WITH A 70% OR MORE DISABILITY:** If you are currently a permanent classified state employee, and you are a veteran with a service-connected disability of 70% or greater, your name may be included with the list of names sent to the hiring agency for interviews from promotional exams. If you qualify, you must complete Sections A, B (Item B4), and C on the reverse side of this form to receive this benefit.
- **LATE APPLICATIONS (For Multiple-Choice Exams Only):** Positions that are announced typically have a deadline date by which applicants must apply. Under certain circumstances, veterans may submit applications after the application deadline date and still be tested and considered for job vacancies. If you are a recently discharged veteran who wants to file a late job application, you must meet the definition of veteran below, submit your application no more than 45 days after separating from the U.S. Armed Forces, and meet other criteria listed below.

The following definition of "veteran" applies only for accepting late applications. IT IS NOT THE SAME DEFINITION USED FOR VETERANS PREFERENCE POINTS. You are a veteran, for late application purposes only, if you meet at least one of the following:

1. Served on active duty in the U.S. Armed Forces for at least 180 days, not including training; or
2. Were discharged from the U.S. Armed Forces because of a disability incurred during active duty or because of a disability that is later determined by the U.S. Department of Veterans Affairs to have been incurred during active duty; or
3. Were honorably discharged from the U.S. Armed Forces; or
4. Are eligible to receive federal veterans' benefits.

To file a late application, complete Sections A and D on the reverse side of this form and submit the form with your *Application for State Employment* (OSER-DMRS-38). **Note:** To file a late application, other criteria must be met. For example, the civil service employment register must have been established not more than 60 days before you separated from the U.S. Armed Forces; the civil service employment register has not expired; and the examination was a machine-scored (multiple-choice) exam. Call the contact shown in the job announcement or the Office of State Employment Relations, Employment Services Center at (608) 266-1731 to obtain this information and to determine your eligibility to file a late application.

101 East Wilson Street 4th Floor • P.O. Box 7855 • Madison, WI 53707-7855
An Equal Opportunity Employer Functioning Under An Affirmative Action Plan

VETERANS PREFERENCE SUPPLEMENT to the *Application for State Employment*

Please read the information on the reverse side of this form before completing this page. Please print all requested information.

A. PERSONAL INFORMATION:

1. Last Four Digits of Social Security Number		2. Mother's Maiden Name *		
3. Last Name		4. First Name		5. Middle Initial
6. Mailing Address		7. City	8. State	9. Zip Code
10. Day Phone ()		11. Evening Phone ()		

*Enter your mother's maiden name or another name or word that will serve as an additional identifier to make your applicant record unique.

B. PREFERENCE POINTS: (CHECK ALL BOXES THAT APPLY)

Mark (X) the correct box below to tell us your status and the number of preference points you are eligible for.

- 1. I am a non-disabled veteran. (10 points)
- 2. I am a disabled veteran whose disability is LESS THAN 30% and is service-connected. (15 points)
- 3. I am a disabled veteran whose disability is 30% OR MORE and is service-connected. (20 points)
- 4. I am a disabled veteran whose disability is 70% OR MORE and is service-connected. (You must be a permanent state employee in classified service to be given preference on promotional exams.)
- 5. I am a spouse of a disabled veteran whose disability is 70% OR MORE and is service-connected. (10 points)
- 6. I am an un-remarried spouse of a veteran who was killed in action OR died from a service-connected disability. (10 points)

C. ACTIVE SERVICE INFORMATION:

Mark (X) the correct box below to tell us the period in which you (or your spouse) served. (You must mark at least one box in order to receive the preference points indicated in Section B.)

- 99 - Served for at least two continuous years on active duty under honorable conditions; or the full period of initial service obligation; or was discharged or released after less than two years due to hardship; a service connected disability or a reduction in the armed forces. (Service did not have to occur during a war period or campaign.)

Active service for at least one day during one of the following wartime periods:

- 01 - August 27, 1940, to July 25, 1947
- 02 - June 27, 1950, to January 31, 1955
- 03 - August 5, 1964, to January 1, 1977
- 04 - Served on active duty as a member of the Reserve or National Guard who was ordered to active duty because of the 1961 Berlin Crisis under Section I of Executive Order 10957.
- 05 - Persian Gulf War/Desert Shield/Desert Storm (August 1, 1990, to date to be determined)
- 06 - Afghanistan War (September 11, 2001, to date to be determined)
- 07 - Iraq War (March 19, 2003, to date to be determined)

Entitlement to the Armed Forces, Navy, or Marine Corps Expeditionary Medal or the Vietnam Service Medal for participation in the following campaigns that occurred within the inclusive dates indicated.

- 10 - Berlin August 14, 1961, to June 1, 1963
- 11 - Congo July 14, 1960, to September 1, 1962
- 12 - Cuba October 24, 1962, to June 1, 1963
- 13 - Grenada October 23, 1983, to November 21, 1983
- 14 - Laos April 19, 1961, to October 7, 1962
- 15 - Lebanon July 1, 1958, to November 1, 1958
- 16 - Lebanon August 1, 1982, to August 1, 1984
- 17 - Quemoy and Matsu August 23, 1958, to June 1, 1963
- 18 - Taiwan Straits August 23, 1958, to January 1, 1959
- 19 - Vietnam July 1 1958, to August 4, 1964
- 20 - Middle East Crisis See s. 45.01 (11)(b), Wis. Stats.
- 21 - Operation Just Cause – Panama December 20, 1989, to January 31, 1990
- 22 - Operation Restore Hope-Somalia December 9, 1992, to date to be determined
- 23 - Bosnia December 1, 1995, to date to be determined
- 24 - Operation Enduring Freedom September 11, 2001, to date to be determined

D. LATE APPLICATIONS:

- Mark (X) this box only if you meet the definition of a veteran under the "Late Applications" section on the reverse side, and you want to be scheduled for the civil service test(s) as a late applicant. Indicate the job announcement code(s) of the exam(s) for which you would like to submit a late application _____. See reverse side for late application information.

WISCONSIN

Veterans Preference

Civil Service Preferences (State) --- Eligible veterans are entitled to an extra 10 points added to a passing score on a state civil service examination. Veterans with a VA approved SCD of less than 30 percent are entitled to 15 points and those with a rating of 30 percent or more are entitled to 20 points added to their passing score. Spouses of certain disabled or deceased eligible veterans may also have points added to a passing score. (Preference points are available only when you initially apply for permanent state employment.)

Veterans with a 30 percent or greater SCD may be hired for a permanent, entry-level position with the State of Wisconsin on a noncompetitive basis. Check with the hiring agency for more information

Do you offer Veterans Preference?

Yes, veterans applying for jobs with the State of Wisconsin, who are not current State of Wisconsin employees, can complete the Veterans Preference Supplement form along with their application for employment. Veteran's Preference points will be applied to any civil service exam where eligible veterans have attained a civil service score of 70 or greater.

DISABLED VETERANS WITH A 70% OR MORE DISABILITY: If you are currently a permanent classified state employee, and you are a veteran with a service-connected disability of 70% or greater, your name may be included with the list of names sent to the hiring agency for interviews from promotional exams.

The [Veterans Preference Supplement form](#) only needs to be submitted once to the State of Wisconsin unless the information you originally submitted changes. The information you provide in this form is maintained by the Bureau of Merit Recruitment and Selection and applied toward all positions for which you submit an application. You may be required to present your DD214 form or other documents verifying your military service before an agency or campus makes an offer of hire final. If you have questions regarding the Veterans Preference Supplement form or the Veterans Preference policy, please first see the [Veterans Resource link](#) on Wisc.Jobs or [contact us](#).

CLARIFICATION OF VETERANS PREFERENCE POINTS

FREQUENTLY ASKED QUESTIONS

Q. Is it true that I can receive veterans preference points only once?

A. No. As long as an applicant does not hold a permanent appointment or have mandatory restoration rights to a permanent appointment, he/she is eligible for veterans preference points. For example, if an employee terminates from state service, and does not have restoration rights, they are eligible for preference points on subsequent applications. Current state employees in a permanent position are not eligible for preference points.

Please note the following exceptions:

- If an applicant is currently a permanent classified state employee, and is a veteran with a service-connected disability of 70% or greater, their name may be certified on a promotional register if they are the highest-ranking disabled veteran with a 70% disability.
- Applicants who receive preference points because they are the spouse or widow/widower of a veteran are covered by the following restriction: if they are certified for a position after receiving preference points and are appointed to that position, they may not receive points on any subsequent application—even if they terminate from state service.

Q. Do the preference points guarantee that I'll receive an interview?

A. No. Veterans preference points are added only for applicants who pass the exam; i.e., to scores at or above 70. Veterans are not automatically added to the certification; a veteran may be added to the certification only if their combined score (points plus basic score) exceeds the lowest score of those certified on the basic certification. The number of veterans added to the certification is limited to the number of applicants included on the basic certification.

Q. Can I receive veterans preference points on random rank recruitments?

A. Yes. The first group of applicants certified are the individuals qualifying under the Basic category. After that, the next three veterans available are certified. Random rank recruitments are limited to three veterans, regardless of the number of people certified under the Basic category.

VETERANS PREFERENCE SUPPLEMENT

See the veterans preference supplement for the number of points, qualifying campaigns and other provisions: <http://oser.state.wi.us/docview.asp?docid=1240> (OSER-MRS-38L [R1/03]).

STATUTORY REFERENCES

- Definition of veteran: s. 230.03 (14), with cross references to s. 45.001 (5).
- Number of points: s. 230.16 (7).
- Adding veterans to the certification: s. 230.25 (1m).
- Adding veteran with a 70% disability to promotional certifications: s. 230.25 (1g).

- Late applications from veterans for multiple choice exams: s. 230.16 (7m).
- Noncompetitive Appointment of certain disabled veterans: s. 230.275.
-

WISCONSIN HUMAN RESOURCES HANDBOOK

Chapter 204—Examination Scoring and Register Establishment, Sec. 204.070 Veterans Preference: Qualifying veterans and certain spouses of veterans can be granted preference points on civil service examinations. Veterans preference points are added only to scores at or above 70 *and* only for persons who do not hold a permanent appointment or have mandatory restoration rights to a permanent appointment to any position in state classified civil service. Either 10, 15, or 20 points may be added to the civil service score for those individuals who are eligible. See ss. 230.16(7) and (7m), Wis. Stats., and form OSER-MRS-38L (R1/03) at <http://oser.state.wi.us/docview.asp?docid=1240>.

For positions being filled by promotion, certify the name of the highest-ranked disabled veteran whose disability is at least 70 percent. See s. 230.25(1g), Wis. Stats.

WYOMING

Veterans' Preference

If you are a war veteran as defined in Section 101, Title 38, United States Code or a widow of a war veteran and wish to claim any veterans' preference, please attach the appropriate documentation (DD214 Form) to your application substantiating your claim.

EMPLOYMENT

Military Service Relief Act W.S. 19-11-101 through 124

- Provides similar protections as the federal USERRA law
- Provides for 15 days paid military leave of absence

W.S. 19-11-101 Purpose

(b) The provisions of this article shall be liberally construed for the benefit of those called to serve in the federal service of the United States or in active state service. The purpose of this article is to prevent members from being disadvantaged and to prohibit discrimination against persons because of their uniformed service when they return to civilian life. It is the sense of the legislature that the state of Wyoming should be a model employer in carrying out the provisions of this article.

Employment; preference in public departments or public works; qualifications and residence W.S. 19-14-102

- Veterans, Disabled Veterans and Surviving Spouse hiring preference

19-14-102. Employment; preference in public departments or public works; qualifications and residence.

(a) In every public department and upon all public works in Wyoming, members of the United States military establishment in any war or conflict as defined in section 101, title 38, United States Code, honorably discharged from service, and the widows of members during widowhood, shall be preferred for appointment or employment. Age or other physical impairment which does not in fact materially incapacitate shall not disqualify them from receiving preference if they possess the business capacity, competency, education or other qualifications for discharge of the duties required. If the disabilities do not materially interfere with performance of the duties, the disabled veterans or widows shall be given preference over employment of able-bodied veterans and widows. A veteran or widow who has not been a resident of the state of Wyoming for a period of one (1) year or more immediately preceding date for appointment or employment is not entitled to preference under this section and for municipal or county employment, no preference shall be granted unless the applicant under this section is a resident of the municipality or county in which employment is sought.

(b) Each official or person having power of appointment in the public service is charged with the faithful compliance with the duties herein prescribed.

(c) Whenever a veteran of any war or conflict as defined in section 101, title 38, United States Code, takes any examination under the merit system of Wyoming, the veteran shall be allowed a five (5) point advantage over any nonveteran competitor for the same position or proposed employment, and if the veteran has a service connected disability of ten percent (10%) or more the advantage given shall be ten (10) points. This section applies only to bona fide residents of Wyoming at the time of their entry into the armed service of the United States and who are at the time of taking the examination bona fide residents of Wyoming.

Number of State Employees by State

	A	B
1	State	Number of State Employees
2		
3	Alabama	78,957
4	Alaska	24,058
5	Arizona	59,991
6	Arkansas	55,435
7	California	326,705
8	Colorado	58,867
9	Connecticut	53,731
10	Delaware	23,413
11	Florida	161,839
12	Georgia	114,938
13	Hawaii	51,713
14	Idaho	19,308
15	Illinois	101,136
16	Indiana	73,048
17	Iowa	40,460
18	Kansas	44,256
19	Kentucky	71,702
20	Louisiana	70,166
21	Maine	18,737
22	Maryland	77,741
23	Massachusetts	88,761
24	Michigan	111,832
25	Minnesota	66,608
26	Mississippi	52,701
27	Missouri	76,716
28	Montana	16,260
29	Nebraska	26,607
30	Nevada	24,379
31	New Hampshire	14,804
32	New Jersey	131,542
33	New Mexico	39,628
34	New York	222,871
35	North Carolina	127,360
36	North Dakota	15,769
37	Ohio	100,337
38	Oklahoma	58,222
39	Oregon	56,923
40	Pennsylvania	140,793
41	Rhode Island	17,100
42	South Carolina	70,878
43	South Dakota	12,536

Number of State Employees by State

	A	B
44	Tennessee	71,209
45	Texas	277,801
46	Utah	45,162
47	Vermont	13,366
48	Virginia	106,250
49	Washington	84,663
50	West Virginia	37,234
51	Wisconsin	56,460
52	Wyoming	12,311

Number of Veterans by State

	A	B
1	State	Number of Veterans
2		
3	Alabama	413,618
4	Alaska	73,397
5	Arizona	532,206
6	Arkansas	249,274
7	California	1,851,470
8	Colorado	413,271
9	Connecticut	213,420
10	Delaware	78,099
11	Florida	1,583,697
12	Georgia	752,882
13	Hawaii	121,007
14	Idaho	132,395
15	Illinois	721,575
16	Indiana	476,283
17	Iowa	231,655
18	Kansas	221,206
19	Kentucky	330,599
20	Louisiana	330,145
21	Maine	127,234
22	Maryland	437,762
23	Massachusetts	379,772
24	Michigan	658,469
25	Minnesota	369,149
26	Mississippi	220,389
27	Missouri	494,346
28	Montana	99,646
29	Nebraska	143,375
30	Nevada	228,027
31	New Hampshire	113,660
32	New Jersey	428,396
33	New Mexico	171,528
34	New York	892,221
35	North Carolina	775,020
36	North Dakota	57,395
37	Ohio	866,481
38	Oklahoma	337,571
39	Oregon	331,632
40	Pennsylvania	939,069
41	Rhode Island	91,161
42	South Carolina	417,554
43	South Dakota	70,030

Number of Veterans by State

	A	B
44	Tennessee	506,340
45	Texas	1,680,418
46	Utah	151,719
47	Vermont	48,602
48	Virginia	781,388
49	Washington	603,623
50	West Virginia	167,355
51	Wisconsin	413,723
52	Wyoming	49,708

RECRUITMENT PRACTICES for

Most states have Local Veteran Employment Representatives (LVERs) and Disabled Veterans Outreach Programs (DVOPs). Through these contacts they provide a full range of employment services to assist veterans in their search for work. These services include referral services, job development, referral to training, and referral to government and community veteran service agencies. These representatives help veterans match their job skills to employer job openings and contact employers on behalf of the veteran for consideration in hiring.

Also common in most states are the apprenticeship and the on-the-job training programs.

Many of the states note use of the following programs some of which are still funded, some of which are not.

Veterans Opportunity to Work

Veterans Opportunity to Work (VOW) program and other VA training and career assistance programs. Make your move from military to civilian life a success and get the training you need to thrive in your next career. If you're an employer, consider hiring our Veterans—they've got the strength, character, and skills that you're looking for.

Transition Assistance Program

TAP provides service members who are about to be discharged with job seeking skills such as resume writing to help their transition to the civilian world.

Vow to Hire Heroes Act

Tax credit of up to \$5,600 for hiring veterans who have been looking for a job for more than six months, as well as a \$2,400 credit for veterans who are unemployed for more than 4 weeks, but less than 6 months.

Hire Heroes

Empower transitioning service members, veterans and their spouses by building the confidence and skills necessary to seek civilian employment through free, individualized career coaching and workshops. Collaborate with military leaders and transition coordinators to spread awareness of and increase access to services. Partner with more than 200 veteran friendly companies to offer relevant and up-to-date job postings on the Hire Heroes USA Job

Work Opportunity Tax Credit

WOTC is a Federal tax credit available to employers who hire and retain veterans and individuals from other target groups with significant barriers to employment. Employers claim about \$1 billion in tax credits each year under the WOTC program. There is no

limit on the number of individuals an employer can hire to qualify to claim the tax credit, and there are a few simple steps to follow to apply for WOTC.

Troops to Teachers

The purpose of TTT is to assist eligible military personnel to transition to a new career as public school teachers in “high-need” schools. A network of state offices has been established to provide participants with counseling and assistance regarding certification requirements, routes to state certification, and employment leads. The TTT homepage provides information and resource links, including a job referral system to allow participants to search for job vacancies as well as links to state Departments of Education, state certification offices, model resumes, and other job listing sites in public education. Troops to Teachers is not a teacher certification program. Troops to Teachers Candidates must meet all state teacher certification requirements for the state where they desire to teach.

Hiring Our Heroes

Hiring Our Heroes, a program of the U.S. Chamber of Commerce Foundation, launched in March 2011 as a nationwide initiative to help veterans, transitioning service members, and military spouses find meaningful employment opportunities. Working with the U.S. Chamber of Commerce’s vast network of state and local chambers and strategic partners from the public, private, and non-profit sectors, our goal is to create a movement across America in hundreds of communities where veterans and military families return every day.

VetJobs

VetJobs is an easy-to-use portal where veterans of all military branches and their families can search jobs and publish resumes.

Hero 2 Hired

Hero 2 Hired is a program of the U.S. Army Transition Strategic Outreach Office which provides a direct link between career openings and prospective veteran employees. Employers can promote their businesses, publish job postings and get in touch with skilled army talent, while army vets publish resumes and customize job searches to suit specific skills and interests.

Troops to Trucks

Under "Troops to Trucks" programs, states waive the road skills test for commercial driver's licenses for veterans who drove certain vehicles in the military. Virginia pioneered the program but California, Georgia, Tennessee have emulated it.

Helmets to Hardhats

Helmets to Hardhats" is a nationwide program created in 2002 that connects transitioning military members with construction jobs, but states can tailor their own programs.

Nurses and EMTs

Some states allow military medics to be licensed as certified nursing aides or first responders without additional training, as long as they pass a written test.

Tax Credits

Some states offer a tax credit of up to a \$5,000 a year for businesses that hire veterans.

Unique State Programs

How do I Hire a Veteran in Oklahoma?

Employers can register in OKJobMatch.com. They can then search resumes for qualified applicants based on the type of work a job seeker is trying to find and their location. The Oklahoma Air and Army National Guard has launched an Employment Coordination Program, designed to get Oklahoma employers to hire members of the Guard.

Show me Heroes

Show-Me Heroes is a cooperative effort between the Missouri Army National Guard and the Missouri Division of Workforce Development. We are able to accomplish this mission by creating strong relationships with Missouri's employers, coordinating efforts with Veterans Service Organizations and private and public agencies; and through close cooperation and integration with the Missouri National Guard and Department of Economic Development. Missourians acknowledge the great burdens and sacrifice our Armed Forces and their families have made in order to preserve our national security. We also recognize how Veterans and members of our National Guard and Reserve possess the degree of training, education, motivation, and character that will prove vital to Missouri's economic future. They feature the names of all of Missouri businesses who have taken the Show-Me Heroes Pledge and highlight those who have earned the Flag of Freedom award. Additionally, they have resources for employers to maximize the benefits of their affiliation with our program and tools for Veteran and Service Member job seekers to aid in the job search. By registering an account with Missouri's #1 career portal, employers can post open positions and connect with job seekers with military experience. Businesses are not required to have current job vacancies to participate in Show-Me Heroes. But, if and when positions do become available, Show-Me Heroes employers can use all Show-Me Heroes resources to connect with and recruit great military candidates. Governor Nixon is calling on all Missouri employers to ***Take the Pledge!*** And consider the benefits that hiring a Veteran or Service Member can bring to your organization! Become a hero by hiring a hero!

Operation Hire Maryland

The mission of Operation Hire Maryland is to create an ongoing program which supports employers as they develop or expand upon their veteran hiring and retention initiatives. Through the collaboration and efforts of Operation Hire Maryland participants, a veteran friendly business network was established to share best practices and proven methods for veteran recruitment, hiring, on boarding, and retention in the civilian work place.

Maine's Hire a Vet Campaign

The goal of the statewide campaign is to commit at least 100 employers to recruit veterans and with the result of at least 100 veterans hired. "We want Maine's employers to fully appreciate the value a veteran can bring to their workforce," said Governor Paul R. LePage. "Ann and I fully support the Maine Hire-A-Vet campaign. We want our veterans who have given so much to our nation to return home to good-paying careers that take advantage of the skills developed by service in the Armed Forces. Whether you are a veteran or an employer, we urge you to connect with this campaign to reduce veterans' unemployment." The campaign will provide support for employers to expand the hiring of veterans, to include a network of state and federal agencies, resources and nonprofits; education on military language and culture; assistance with recruiting, hiring, assimilation and retention; a Veteran Hiring Toolkit and recognition for the hiring and advancement of veterans. Veterans' employment representatives are available throughout the state and can visit employers to assist them in finding qualified veterans and provide information on the benefits of hiring veterans.

Pension Buy-Back

Veterans who are employed by state government and certain other governmental units for more than 10 years are eligible to buy back up to four years of active service (accrued at the rate of one year for every one year of active duty service) or 4 years of active reserve service (accrued at the rate of one year for every five years of active reserve service) so long as they are not already retired, have not already received credit pursuant to the law, and are not already receiving a federal pension.

Hire Veterans First

The Connecticut DOL's Office for Veterans Workforce Development administers programs as part of its "Hire Veterans First" initiative that provides grants to businesses hiring veterans to defray the cost of training and wages. The initiative also assists veterans in obtaining an apprenticeship (and helps businesses find suitable candidates), reaches out to businesses to assist them in recruiting veterans, and includes job fairs around the state, among other things.

Michigan Talent Connect --- Hire a Vet

When you employ veterans, you are employing a unique pool of employees who have demonstrated integrity, a commitment to excellence, a desire to do the best job possible and give you a clear edge on the competition. Veterans typically possess a level of training, maturity and discipline rare in the civilian workforce. Find out more about the great qualities and benefits that veterans can bring to your organization. If you are looking to hire a veteran please contact a Business Solutions Representative at your local Michigan Works!

Recruit and Hire Veterans

The Illinois Department of Employment Security has a solution for reducing cost and risk at the front end of your recruitment efforts: Hire a Veteran First. By hiring a U.S. Veteran not only are you receiving a highly trained employee with a solid work ethic and proven skills, you qualify your business for tax credits to incentivize hiring a veteran.

Virginia Values Veterans

Republican Gov. Robert McDonnell has vowed to make Virginia the "most veteran- and military-friendly state in America." The state has ramped up efforts to reach out to employers who may not be familiar with the military to consider hiring veterans. Only about one half of 1 percent of the U.S. population has been on active military duty at any given time during the past decade. He has been promoting the state's "Virginia Values Veterans" program, which teams employers with veterans. The program provided jobs to 3,000 veterans in the first year and employers have promised to hire another 1,800.

Credit for Military Service

Maryland, Gov. Martin O'Malley, has set a goal to have all veterans in his state employed by the end of 2015. Last spring, O'Malley signed legislation that aims to make it easier for veterans to use their military skills to get civilian jobs. Among other things, the law allows military training and experience to be used toward licensing requirements for more than 70 state licenses and certifications, and requires public universities to award academic credit for military experience.

State	Who Qualifies for Veterans Preference
Alabama	Veterans/Service Connected Veterans/Spouse/Widow
Alaska	Veterans/Disabled Veterans
Arizona	Veterans/Disabled Veterans/Spouse of Veteran who was MIA, POW, has permanent disability
Arkansas	Veterans/National Guard/
California	Veterans/Disabled Veterans/Widow or Widower/Spouse of 100 Percent Disabled Veteran
Colorado	Veterans/Disabled Veterans/Widow or Widower/Spouse of 100 Percent Disabled Veteran
Connecticut	Veterans
Delaware	Veterans/Disabled Veterans/Spouse of Veteran who was MIA, POW, has permanent disability
Florida	Veterans/Disabled Veterans/Spouse of a Disabled Veteran/Widow or Widower/Spouse of 100 Percent Disabled Veteran/National Guard
Georgia	Veterans/Disabled Veterans/Spouse of a Disabled Veteran/Widow or Widower/Spouse of 100 Percent Disabled Veteran/National Guard
Hawaii	Veterans/Disabled Veterans and their Widows
Idaho	Veterans/Disabled Veterans/Spouse of a Disabled Veteran/Widow or Widower/Spouse of 100 Percent Disabled Veteran/National Guard
Illinois	Veterans
Indiana	Veterans/Disabled Veterans/Spouse of Disabled Veteran
Iowa	Veterans/National Guard/
Kansas	Veterans/Disabled Veterans/Spouse of a Disabled Veteran/Widow or Widower/Spouse of 100 Percent Disabled Veteran
Kentucky	Veterans/Disabled Veterans/Spouse of a Disabled Veteran/Widow or Widower/Spouse of 100 Percent Disabled Veteran
Louisiana	Veteran/Disabled Veteran/Disabled Veterans Spouse/Widow/Parent
Maine	Veteran/Widower/Spouse/In Some Cases Parents of Veterans
Maryland	Veteran/Spouse of a Disabled Veteran/Veteran with Service Connected Disability
Massachusetts	Veterans/Disabled Veterans/Spouses/Single Parents of Veterans
Michigan	Veterans/Disabled Veterans/Spouses/Surviving Spouse
Minnesota	Veterans/Disabled Veterans/Surviving Spouse/Spouse of Disabled Veteran
Mississippi	Veterans/Disabled Veterans
Missouri	Veterans/Disabled Veterans/Surviving Spouse/ Disabled Veterans Spouse
Montana	Veterans/Disabled Veterans/Eligible Relatives
Nebraska	Veterans/Disabled Veterans/Spouse of a Disabled Veteran
Nevada	Veterans/Disabled Veterans/Widow(er)/ Members of the National Guard
New Hampshire	Veterans/Disabled Veterans
New Jersey	Veterans/Disabled Veterans/Spouse of Disabled Veteran or Deceased Veterans/ Parent and Spouse of Veteran Who Died in Service
New Mexico	Veterans/Disabled Veterans/Members of the National Guard
New York	Veterans (including those who served in National Guard)
North Carolina	Veterans/Disabled Veterans/Spouse of Disabled Veterans/Surviving Spouse or Dependent of Deceased Veteran who died During War
North Dakota	Veterans/Disabled Veterans/Eligible Spouse or a Deceased Veteran/Eligible Spouse of a Disabled Veteran
Ohio	Veterans/Surviving Spouse/Spouse of Disabled Veteran
Oklahoma	Veterans/Surviving Spouse of Veterans/Disabled Veterans
Oregon	Veterans/Disabled Veterans

Pennsylvania	Veterans/Disabled Veterans/Spouse of Disabled Veteran/Widow and Wido
Rhode Island	Veterans/Disabled Veterans
South Carolina	Veterans/Disabled Veterans/Surviving Spouse/Veterans Widows and " Veterans
South Dakota	Veterans/Disabled Veterans/Unmarried Spouse of Deceased Veteran/Spouse of Disabled Veterans
Tennessee	Veterans/Disabled Veterans/Unmarried Spouse of Deceased Veteran/Spouse of Disabled Veterans
Texas	Veterans/Surviving Spouse
Utah	Veteran/Disabled Veteran/Widow or Widower of Veteran/Purple Heart Recipient
Vermont	Veteran/Service Connected Veteran/Spouse of Totally Disabled Veteran with a Service Connected Disability/Widow or Widower of Veteran
Virginia	Veterans/Surviving Spouse or Child Under the age of 27 of a Veteran who was Killed in line of duty
Washington	Veterans/Surviving Spouse or Surviving Domestiv Partners/Veteran who has Service Connected Disability
West Virginia	Veterans
Wisconsin	Veterans/Disabled Veterans
Wyoming	War Vetean/Widow of War Veteran