

SECTION .1100 – VETERANS' PREFERENCE

25 NCAC 01H .1101 VETERANS' PREFERENCE POLICY STATEMENT

Eligible veterans shall be granted preference in employment with every state agency in accordance with Article 13 of G.S. 126.

*History Note: Authority G.S. 126-4(4); 128-15;
Eff. September 1, 1987;
Recodified from 25 NCAC 01H .0610 Eff. October 5, 2004;
Amended Eff. February 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 20, 2016.*

25 NCAC 01H .1102 CLAIMING VETERANS' PREFERENCE

In order to claim veterans' preference, all eligible persons shall submit a DD Form 214, Certificate of Release or Discharge from Active Duty, along with a State Application for Employment (PD-107 or its equivalent) to the appointing authority. Appointing authorities are responsible for verifying eligibility and may request additional documentation as is necessary to ascertain eligibility. Eligible veterans shall meet the minimum qualifications, as defined in 25 NCAC 01H .0635, for the position.

*History Note: Authority G.S. 126-4(4); 126-4(10); 128-15;
Eff. September 1, 1987;
Recodified from 25 NCAC 01H .0612 Eff. October 5, 2004;
Amended Eff. June 1, 2008; February 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 20, 2016.*

25 NCAC 01H .1103 DENIAL OF VETERANS' PREFERENCE

*History Note: Authority G.S. 126-4(10); 126-4(11); 128-15; 150B, Article 3; S.L. 2013-382, s. 6.1;
Eff. September 1, 1987;
Recodified from 25 NCAC 01H .0613 Eff. October 5, 2004;
Amended Eff. June 1, 2008; February 1, 2007; February 17, 2014;
Temporary Amendment Eff. February 28, 2014;
Repealed Eff. May 1, 2015.*

25 NCAC 01H .1104 APPLICATION OF THE VETERANS' PREFERENCE

(a) Veterans' preference shall be accorded eligible veterans, as defined in 25 NCAC 01H .1105, by giving additional credit as follows:

- (1) In initial employment, subsequent employment, promotion, reassignment, and horizontal transfer procedures, where numerically scored examinations are used in determining the relative ranking of candidates, 10 points shall be awarded to eligible veterans.
- (2) In initial employment, subsequent employment, promotion, reassignment, and horizontal transfer procedures where structured interview, assessment center, in-basket, or any other procedure, not numerically scored, is used to qualitatively assess the relative ranking of candidates, the veteran who has met the minimum qualification requirements for the vacancy, and who has less than four years of related military experience beyond that necessary to minimally qualify, shall also receive additional experience credit for up to four years of unrelated military service. The spouse or dependent shall not receive additional experience credit for the veteran's unrelated military service. To determine the amount of additional experience credit to be granted for unrelated military service, first determine the amount of related military service possessed by the eligible veteran beyond that required to meet the minimum qualifications, then apply the following:
 - (A) If the total of such experience equals or exceeds four years, the additional credit for unrelated military service does not apply.
 - (B) If the total of such experience is less than four years, the veteran shall receive direct experience credit for unrelated military service in an amount not to exceed the difference

between the eligible veteran's related military service and the four-year maximum credit that may be granted.

- (3) In reduction-in-force situations, when calculating length of service, the eligible veteran shall be accorded one year of State service for each year or fraction thereof of military service, up to a maximum of five years credit. This additional credit does not count as total state service.
- (b) After applying the preference to candidates from outside the State government structure, upon initial employment or subsequent employment as outlined in Subparagraph (a)(1) or (2) of this Rule, the eligible veteran shall be hired when the veteran's overall qualifications are substantially equal to the non-veterans in the applicant pool as provided in 25 NCAC 01H .0701(b). Substantially equal qualifications occur when the employing agency cannot make a reasonable determination that the qualifications held by one or more applicants are significantly better suited for the position than the qualifications held by another applicant.
- (c) The spouse, surviving spouse or surviving dependent of that veteran may claim veterans' preference without regard to whether such preference has been claimed previously by the veteran.
- (d) For promotion, reassignment and horizontal transfer, after applying the preference to veterans who are current State employees as explained under Subparagraph (a)(1) or (2) of this Rule, the eligible veteran receives no further preference and competes with all other applicants who have substantially equal qualifications.

*History Note: Authority G.S. 126-4(4); 126-4(10); 128-15;
ARRC Objection July 16, 1987;
Eff. December 1, 1987;
ARRC Objection Removed Eff. March 16, 1989;
Recodified from 25 NCAC 01H .0614 Eff. October 5, 2004;
Amended Eff. June 1, 2008; February 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 20, 2016.*

25 NCAC 01H .1105 ELIGIBILITY

Persons eligible for veteran's preference shall have served in the Armed Forces of the United States on active duty, for reasons other than training, during periods of war, and shall have been discharged under other than dishonorable conditions. This particularly includes disabled veterans. Also eligible are spouses of disabled veterans, and the surviving spouse or dependent of a veteran who died on active duty during periods of war either directly or indirectly as a result of such service. Eligibility for veteran's preference shall further extend to veterans who suffer disabling injuries through service-related reasons during peacetime, to the spouses of such veterans, and to the surviving spouse or dependent of a veteran who died through service-related reasons during peacetime.

*History Note: Authority G.S. 126-4(10); 128-15;
ARRC Objection July 16, 1987;
Eff. December 1, 1987;
ARRC Objection Removed Eff. March 16, 1989;
Recodified from 25 NCAC 01H .0615 Eff. October 5, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 20, 2016.*