

## Veteran's Preference

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### Statutory Authority

State law requires that employment preference be given for having served in the Armed Forces of the United States on active duty (for reasons other than training) during periods of war or any other campaign, expedition, or engagement for which a campaign badge or medal is authorized by the United States Department of Defense.

The preference to be accorded eligible veterans shall apply in initial employment, subsequent employment, promotions, reassignments, horizontal transfers and reduction-in-force situations.

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### Who is eligible?

"Veteran" means a person who served in the Armed Forces of the United States on active duty, for reasons other than training, and was discharged under other than dishonorable conditions.

"Eligible veteran" means:

- a veteran who served during a period of war; or
- the spouse of a disabled veteran; or
- the surviving spouse or dependent of a veteran who died on active duty during a period of war either directly or indirectly as a result of such service; or
- a veteran who suffered a disabling injury for service-related reasons during peacetime; or
- the spouse of a veteran who suffered a disabling injury for service-related reasons during peacetime; or

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- the surviving spouse or dependent of a person who died for service-related reasons during peacetime.
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### What periods are included?

- December 7, 1941 through May 15, 1975
- June 6, 1983 through December 1, 1987
- December 20, 1989 through January 31, 1990
- August 2, 1990 through The date approved by Congress or the President as the ending date for hostilities for the War on Terrorism.

Or, any other campaign, expedition or engagement for which a campaign badge or medal is authorized by the United States Department of Defense.

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### How to Claim Veterans' Preference

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 (Form PD-107 or equivalent) to the appointing authority. The agency shall verify eligibility.

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### Minimum Qualifications

In order to claim veterans' preference, eligible veterans must meet the minimum training and experience requirements for the position and must be capable of performing the duties assigned to the position.

In evaluating qualifications, credit shall be given on a year for year, and month for month, basis, for all military service training and experience which bears a reasonable functional relationship to the knowledge, skills, and abilities required in the position applied for.

Advisory Note: In determining minimum education and experience, related civilian experience should be used prior to using related military experience, in order to give the veteran the maximum credit for unrelated military service.

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### Determining Military Service Credit

Veterans' preference shall be accorded eligible veterans by giving 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, ten (10) preference 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 eligible veteran who has met the minimum qualification requirements 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. (Exception: Eligible spouses and dependents 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 and:

- if the total of such experience equals or exceeds four years, the additional credit for unrelated military service does not apply, but
- 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 related military service and the 4-year maximum credit that may be granted.

Example A: An eligible veteran has 2 years of related military experience beyond the minimum. The veteran also has 6 years of unrelated military service. Since the related military service beyond the minimum is less than 4 years, the eligible veteran shall

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receive 2 years credit for unrelated military service. [4 yrs. (maximum possible unrelated service credit) less 2 yrs. (related military service held by the applicant beyond that necessary for minimum qualification) = 2 yrs. (amount of the six years unrelated service which can be credited)].

Example B: An eligible veteran has only enough related military service to qualify for the minimum, but has 2 years, 3 months of unrelated military service. This person will receive 2-years, 3 months experience credit. [4 yrs. (maximum possible unrelated service credit) less 0 (related military service beyond that necessary for minimum qualification) = 4 yrs. (4 yrs. could be credited for unrelated military service, however, the person in this instance can only claim 2 yrs., 3 mos., the actual amount of unrelated military service)].

- (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 (5) years credit. (This additional credit is not counted as total state service.)

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### Applying Preference

For initial employment or subsequent employment, after applying the preference to candidates from outside the State government structure, the eligible veteran shall be hired when overall qualifications are substantially equal to the nonveterans in the most qualified applicant pool unless there are State employees with a priority as described under "Relationship to Other Priorities" below. 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.

For promotion, reassignment and horizontal transfer, after applying the preference to veterans who are current State employees as explained under "Determining Military Service Credit," the eligible veteran competes with all other applicants who have substantially equal qualifications.

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### Relationship to Other Priorities

If the selection decision is between a qualified non-State employee veteran and a substantially equivalent applicant with a priority described below, the applicant with the priority described below shall be selected.

- a qualified current State employee with career status who is seeking a promotional opportunity,
- a qualified employee separated from an exempt policy-making or exempt managerial position for reasons other than just cause,
- a qualified State employee with career status who is notified of or separated by reduction in force, or
- an employee returning from workers' compensation leave.

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### Appeals

Any claim or allegation that preference has not been accorded to an eligible veteran shall first follow the agency grievance procedure.

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**VETERANS' PREFERENCE  
SUMMARY OF REVISIONS**

3-1-2007	Clarified that eligible spouses and dependents shall not receive additional experience credit for the veteran's unrelated military service. The preference to be given is that the qualified spouse or dependent shall be hired when the spouse or dependent's overall qualifications are substantially equal to the non-veterans in the applicant pool. Such preference may be claimed without regard to whether such preference has been claimed previously by the veteran
7-27-2007	House Bill 1412 was enacted by the 2007 General Assembly to enhance the preference accorded veterans. The current rule grants such preference in initial employment. The new legislations extends this preference to other employment events including subsequent employment, promotions, reassignments and horizontal transfers
8-1-2009	In the first paragraph, replaces commas with parentheses around "for reasons other than training" in order to clarify the situations for which preference is granted.
12-1-2013	HB834 was ratified to change the appeal rights of State employees; therefore, the appeals section is being changed to reflect that claims of the denial of veterans' preference must go through the agency grievance procedures.