

Veteran's and National Guard Preference Policy

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§ 1. Statutory Authority

This policy outlines the priority preference given to veterans, certain members of the National Guard, and other eligible persons during initial employment, subsequent employment, promotions, reassignments, horizontal transfers, and reduction-in-force situations. The North Carolina Human Resources Act requires the State Human Resources Commission to provide employment preference for state positions subject to G.S. 126A to eligible veterans, National Guard members and other persons.¹

§ 2. Who is eligible?

1. "Eligible Persons" means:
 - a. a veteran;
 - b. the spouse of a disabled veteran;
 - c. the surviving spouse or dependent of a deceased veteran
 - d. an eligible member of the National Guard
 - e. The spouse of a service member who is serving in the Armed Forces of the United States on active duty.

¹ This policy applies only to positions subject to the State Human Resources Act. However, note that similar preferences are provided under G.S. 126A-5-14(d) and 128-15 for certain positions exempt from the State Human Resources Act.

2. “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.
3. Eligible member of the National Guard means:
 - a. A resident of North Carolina who is a current member in good standing of either the North Carolina Army National Guard or the North Carolina Air National Guard;
 - b. A resident of North Carolina who is a former member of either the North Carolina Army National Guard or the North Carolina Air National Guard, whose discharge is under honorable conditions with a minimum of six years of creditable service;
 - c. The surviving spouse and dependent of a member of the North Carolina Army National Guard or the North Carolina Air National Guard

§ 3. How to Claim Veteran’s Preference or National Guard Preference

To claim veteran’s preference:

- All eligible persons must submit a DD Form 214, Certificate of Release or Discharge from Active Duty.

To claim National Guard preference:

- Current members of the National Guard must submit a copy of the NGB 23A (RPAS). Former members of the National Guard, with honorable discharge and six years of creditable service, must submit a copy of the DD 256 or NGB 22.

The above documentation must be submitted during the application and recruitment process. The agency must receive and review the appropriate documentation prior to extending an offer.

§ 4. Minimum Qualifications

To claim veteran’s preference or National Guard preference, eligible veterans or National Guard members must meet the minimum training, education, and experience requirements for the position to which they applied and must be capable of performing the duties of the position.

When evaluating qualifications, the recruiter must give credit on a year-for-year and month-for-month basis, for all military service training or schooling and experience which bears a reasonable functional relationship to the position.

In determining minimum education and experience, the recruiter must evaluate related civilian and military experience.

§ 5. Determining and Applying Additional Credit Above the Minimum Qualifications

In initial employment, subsequent employment, promotion, reassignment, and horizontal transfer procedures Veteran’s or National Guard preference must be given to eligible persons by giving credit as follows:

§ 5.1. Credit for numerically scored examinations

When an agency uses numerically scored examinations to determine the relative ranking of candidates, the agency must give 10 preference points to the eligible person.² Note: Eligible spouses and dependents must also receive the 10 preference points.

§ 5.2. Credit for unrelated military service

When an agency uses a non-numerically scored evaluation process to assess candidates, the eligible veteran or National Guard member who has met the minimum qualification requirements and who has less than four years of related military experience beyond that necessary to minimally qualify must also receive additional experience credit for up to four years of unrelated military service. (Exception: Eligible spouses and dependents must 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 or National Guard member 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.
- If the total of such experience is **less than four years**, the veteran or National Guard member must receive direct experience credit for unrelated military service in an amount not to exceed the difference between the related military service and the four-year allowable maximum credit.

§ 5.3. Applying the credit throughout the selection process

After determining the appropriate amount of preference points and/or military service credit to award, the agency must assess the eligible person relative to other applicants using their score, ranking, or total experience that includes the preference points and/or military service credit.

Example A: An eligible veteran or National Guard member has:

- Two years of related military experience beyond the minimum.
- Six years of unrelated military service

Credit Received: Two years of unrelated military service.

Explanation: Since the related military service beyond the minimum is less than four years (they only have two) the eligible veteran or National Guard member can get credit for some of their unrelated experience. They receive the difference between the maximum possible credit for unrelated experience (four years) and their extra related experience (two years) for a total of two years credit for unrelated military service.

²The 10 preference points are applied only to the part of the scoring that is from “numerically scored examinations.” For example, if there were a three-part process where 25% of an applicant’s score was based on a numerically scored examination, 25% of an applicant’s score was based on review of sample work performed in an in-basket exercise, and 50% of the applicant’s score was based on a structured interview, the 10 preference points apply only to the portion of the applicant’s score that was based on a numerically scored examination, not to the final ranking of the candidates.

Example B: An eligible veteran or National Guard member has:

- Only enough related military service to qualify for the minimum,
- Has two years, three months experience credit.

Credit Received: Two years, three months experience credit for unrelated military service.

Explanation: Since the person has less than the maximum possible unrelated service credit, which is four years, the person can only claim two years, three months of experience, the actual amount of unrelated military service.

§ 5.4. Reduction in Force

In reduction-in-force situations, when calculating length of service, the agency must give the eligible veteran or National Guard member 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 is not counted as total state service.)

§ 6. Applying the Preference During Final Selection for Eligible Persons from Outside the State Government Structure

This preference is not for current State employees who are seeking promotion, reassignment, or horizontal transfer. For initial employment or subsequent employment, after applying the military service credit to eligible veterans or National Guard members, the eligible veteran or National Guard member must be hired when overall qualifications are substantially equal to the non-veterans or non-National Guard members 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. Veteran’s/National Guard preference, at the final selection stage, applies only to candidates from outside the State government structure with substantially equal qualifications who are among the most qualified candidates under G.S. 126A-5-5.

For promotion, reassignment, and horizontal transfer, after applying the credit in Section 6 of this policy to eligible persons, an eligible person who is a current State employee receives no further preferences and competes with all other applicants who have substantially equal qualifications.

§ 7. Relationship to Other Priorities

If the selection decision is between a qualified non-State employee applicant who is eligible for Veteran’s and National Guard preference and a substantially equivalent applicant with a priority described below, the applicant with the priority described below must 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.

§ 8. Appeals

Any claim or allegation that preference has not been given to an eligible person must follow the formal internal grievance process.

§ 9. Sources of Authority

This policy is issued under any and all of the following sources of authority:

N.C.G.S. § 126A-5-1(a)(3)

N.C.G.S. § 126A-5-13

N.C.G.S. § 128A-10-625

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Note: Policy History moved to a separate document.