

Veterans and National Guard Preference

Revision Date: October 1, 2026

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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 provide employment preference for state positions subject to G.S. 126 A to eligible veterans, national guard members and other persons. ~~to veterans who served in the Armed Forces of the United States as defined in G.S. 126-81(1-3) and to eligible members of the National Guard as defined in G.S. 126-81(4) and other eligible persons as defined in G.S. 126-57.3(b)(2).~~¹ ~~The preference to be accorded e~~Eligible veterans, and National Guard members and other eligible persons shall be given the preference during shall apply in initial employment, subsequent employment, promotions, reassignments, horizontal transfers, and reduction-in-force situatio

§ 2. Who is eligible?

~~1. "Veteran" means a person who served in the Armed Forces of the United States on active~~

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) ~~126-83~~ and 128-15 for certain positions exempt from the State Human Resources Act.

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

1. “Eligible ~~veteran~~ Persons” means:

- a. a veteran ~~who served during a period of war~~;
- 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.

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.

a) —

3. ~~the surviving spouse or dependent of a veteran who dies on active duty during a period of war either directly or indirectly because of such service;~~

4. ~~a veteran who suffered a connected disability during peacetime;~~

5. —

6. ~~the spouse of a veteran described in sub-division d. of this subsection;~~

7. ~~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.~~

8.3. 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, who discharge is under honorable conditions with a minimum of six years of creditable service;
- e. ~~The surviving spouse and dependent of a member of the North Carolina Army National Guard or the North Carolina Air National Guard who dies on State active duty either directly or indirectly as a result of that service;~~
- a) ~~the surviving spouse or dependent of a member of the North Carolina National Guard who died for service related reasons during peacetime.~~

c. —

§ 3. — What periods of war are included for Veterans Preference?

• 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.~~

§ 43. How to Claim Veteran's Preference or National Guard Preference

To claim veteran's preference:

- ~~• All eligible persons shall must submit a DD Form 214, Certificate of Release or Discharge from Active Duty, along with a State Application for Employment (in the Applicant Tracking System or by paper Form PD-107-2022) to the appointing authority during the application process at any point before starting in the role. The agency shall must verify eligibility.~~

To claim National Guard preference:

- ~~• Current members of the National Guard who are in good standing of either the NC Army National Guard or NC Air National Guard shall must submit a copy of the NGB 23A (RPAS), along with a State Application for Employment during the application process at any point before starting in the role (in the Applicant Tracking System or by paper form, PD-107-2022).~~
- ~~• Former members of either the NC Army National Guard or the NC Air the National Guard, with honorable discharge and six years of creditable service, shall 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, along with a State Application for Employment during the application process at any point before starting in the role. (in the Applicant Tracking System or paper form, PD-107-2022). The agency shall verify eligibility.~~

§ 45. 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 ~~for which to which they~~ applied and must be capable of performing the duties ~~assigned to of~~ the position.

~~When~~In evaluating qualifications, ~~the recruiter credit shall must give credit be given~~ 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 knowledge, skills, and abilities required for~~ the position.

In determining minimum education and experience, the recruiter must evaluate related civilian and military experience. ~~should be evaluated prior to evaluating related military experience to give the veteran or National Guard member maximum credit for unrelated military service.~~

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

In initial employment, subsequent employment, promotion, reassignment, and horizontal transfer procedures ~~Veteran's preference or National Guard preference shall be~~ must be accorded given to eligible veterans and National Guard memberspersons by giving credit as follows:

§ 5.1. Credit for numerically scored examinations:

~~In initial employment, subsequent employment, promotion, reassignment, and horizontal transfer procedures, where~~ When an agency uses numerically scored examinations are used in determining to determine the relative ranking of candidates, the agency must give ten (10) preference points shall be awarded to the eligible veteransperson.² Note: Eligible spouses and dependents must also receive the ten preference points.

§ 5.2. Credit for unrelated military service:

~~In initial employment, subsequent employment, promotion, reassignment and horizontal transfer procedures~~ When an agency uses where structured interview, assessment center, in-basket, or any other procedure, not a non- numerically scored evaluation process, is used to qualitatively to assess ~~the relative ranking of~~ 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, shall must also receive additional experience credit for up to four years of unrelated military service. (Exception: Eligible spouses and dependents shall 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:

- ~~i~~ If the total of such experience **equals or exceeds four years**, the additional credit for unrelated military service does not apply. ~~but~~
- ~~i~~ If the total of such experience is **less than four years**, the veteran or National Guard member shall must receive direct experience credit for unrelated military service in an amount not to exceed the difference between the related military service and the 4--

² ~~If an agency uses numerically scored tests or exams during the selection process to rank applicants to determine who is referred or interviewed, 10 additional points shall be added to the final score of the numerically scored test or exam for eligible veterans and National Guard members.~~ The 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.

year allowable maximum credit ~~that may be granted.~~

§ 56.3. Applying the credit throughout the selection process

After determining the appropriate amount of preference points and/or military service credit to ~~be awarded~~ award to the veteran or National Guard member, when assessing the applicants, the ~~veteran or National Guard member, the agency must assess the eligible person -should be-~~ assessed relative to other applicants ~~but always~~ using their score, ranking, or total experience that includes ~~that the preference points and/or~~ military service credit.

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

- 2 years of related military experience beyond the minimum. ~~The veteran or National Guard member also has~~
- 6 years of unrelated military service.

Credit Received: 2 years of unrelated military service

Explanation: Since the related military service beyond the minimum is less than 4 years (they only have 2), the eligible veteran or National Guard member can get partial credit for some of their unrelated experience. They receives the difference between the maximum possible credit for unrelated experience (4 years) and their extra related experience (2 years) for a total of 2 years credit for unrelated military service. ~~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 of unrelated service which can be credited)].~~

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

- ~~Only~~ Only enough related military service to qualify for the minimum, ~~but~~
- ~~Has~~ Has 2-years, 3 months experience credit.

Credit Received: ~~The person will receive~~ 2-years, 3 months experience credit for unrelated military service.

Explanation: Since the person has less than the maximum possible unrelated service credit, which is 4 years. ~~(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 years, 3 months of experiences, the actual amount of unrelated military service)].~~

§ 65.4. Reduction in Force

In reduction-in-force situations, when calculating length of service, the agency must give the eligible veteran or National Guard member ~~shall must be accorded given~~ 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.)

§ 76. Applying the Preference During Final Selection for Eligible ~~Veterans or~~

National Guard Members 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 shall 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. Veterans’/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-5-5-14.2(2).

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

§ 78. Relationship to Other Priorities

If the selection decision is between a qualified non-State employee applicant ~~veteran or National Guard member~~ who is eligible for Veterans and National Guard preference and a substantially equivalent applicant with a priority described below, the applicant with the priority described below shall 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.

§ 89. Appeals

Any claim or allegation that preference has not been ~~accorded~~ given to an eligible ~~veteran or National Guard member~~ person shall must follow the formal internal-agency grievance procedure process.

§ 910. Sources of Authority

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

N.C.G.S. § ~~126-4(4)~~ 126A-5-1(a)(3) ~~which authorizes the State Human Resources Commission to establish “[r]ecruitment programs designed to promote public employment, communicate current hiring activities within State government, and attract a sufficient flow of internal and external~~

~~applicants; and determine the relative fitness of applicants for the respective positions.”~~

N.C.G.S. § 126-~~80 to 83~~A-5-13

N.C.G.S. § 128A-10-615

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Note: Policy History moved to a separate document.