

### 3.07 VETERANS' PREFERENCE

#### Statutory Provisions

State law requires that preference be awarded to qualified veterans seeking employment for certain vacant positions and promotions.

#### Who is Eligible?

**Veteran** means a person who:

1. Served in the Armed Forces of the United States:
  - (a) For at least one day in a combat zone and was discharged or released from active duty under honorable conditions;
  - (b) For 178 days or less and was discharged or released from active duty under honorable conditions and has a disability rating from the United States Department of Veterans Affairs;
  - (c) For 178 days or less and was discharged or released from active duty under honorable conditions because of a service-connected disability;
  - (d) For a period of more than 178 consecutive days beginning after January 31, 1955, and was discharged or released under honorable conditions; or
  - (e) For a period of more than 90 consecutive days beginning on or before January 31, 1955, and was discharged or released under honorable conditions.
2. Received a combat or campaign ribbon or an expeditionary medal for service in the Armed Forces of the United States and was discharged or released from active duty under honorable conditions; or
3. Is receiving a non-service connected pension from the United States Department of Veterans Affairs.

As used in this rule, "active duty" does 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.

#### How to Claim Veterans' Preference in Selection

An applicant may be eligible for a preference as a qualified veteran. To claim veterans' preference upon initial application, applicants must submit certification of qualifying veteran's status to the ~~Auditor's Office Bureau of Human Resources~~, no later than the closing date of the recruitment.

To receive veterans' preference, applicants must submit the following:

1. a copy of their DD214/DD215 form (proof of eligibility); or

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2. a copy of the letter from the US Department of Veterans Affairs indicating the applicant is receiving a non-service connected pension.

An applicant may be eligible for a preference as a qualified disabled veteran. To claim the disabled veterans' preference, applicants must submit certification of a service connected disability to the ~~Bureau of Human Resources, Auditor's Office~~ no later than the closing date of the recruitment.

To receive disabled veterans' preference, applicants must submit the following:

1. a copy of their DD214/DD215 form; and/or
2. a copy of the Veteran's Administration Letter stating their disability.

The ~~Bureau of Human Resources Auditor's Office~~ shall verify eligibility.

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### **Definition of Appropriate Veterans Preference Points**

When a competitive process that produces a scored result is used, veterans' preference will be in the form of points added to their regular score. When a competitive process that produces an unscored result is used, veterans' preference will consist of other advantages for the veteran since points will have no consequence in an unscored process.

Appropriate veterans' preference points are defined as awarding the following points where applicable:

For a qualified veteran, preference or five (5) points shall be awarded.

For a qualified disabled veteran, preference or ten (10) points shall be awarded.

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### **Positions Covered**

The requirement for veterans' preference applies to any position for which a hiring or promotion decision is made according to the results of a merit-based, competitive process that includes, but is not limited to, consideration of an applicant's or employee's relative ability, knowledge, experience, and other skills. Civil service exempt positions are exempt from the requirement to award veteran's preference only when the position is filled by direct appointment.

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### **How to Apply a Veterans Preference**

A veterans' preference shall be applied to any vacant position, or any promotion to a position with a higher maximum salary rate. If a veteran successfully completes the initial application screening or civil service test, and meets the minimum and any special qualifications, then a veteran's preference shall be given and identified on the referral list.

### **Recruitment process**

#### **Ranked eligible list**

1. If a ranked eligible list is used, then the preference given shall be the appropriate points as defined above.
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2. After the initial application screening, ~~if~~ a process is ~~utilized~~~~used~~ that results in a score, then the appropriate veterans' preference points shall be added to the total combined examination score.

### **Unranked or equally ranked eligible lists**

When an unranked or equally ranked eligible list is used and the veterans' preference is awarded, the hiring ~~bureau~~~~manager~~ must grant the qualified veteran an interview in the hiring process.

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### **Selection process**

**A form of veteran's preference shall be applied at each stage of the hiring process.** For example, a preference shall be applied at a first interview; and again at a second interview.

The hiring bureau is not required to select the eligible veteran for the position ~~due to~~~~because of~~ qualifying for a preference. However, when making the hiring decision, if after applying the veteran's preference, the veteran's results are equal to or greater than the results for a non-veteran, then the veteran shall be appointed to the position so long as the veteran is otherwise qualified.

If the hiring process consists of an interview, an evaluation of the veteran's performance, experience or training, a supervisor's rating or any other method of ranking an applicant that does not result in a score, then the veteran shall be given **special consideration** in the hiring decision.

The ~~Auditor's Office~~~~Bureau of Human Resources~~ will adopt implementation guidelines that shall be ~~used~~~~utilized~~ by hiring managers in conjunction with ~~Management Services~~~~their HR Business Partner~~.

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### **Veteran May Request Written Reason Regarding Decision**

If a veteran or disabled veteran is not appointed to a vacant position, upon written request by the veteran or disabled veteran, the employer shall provide written reasons for the decision not to appoint the veteran or disabled veteran to the position.

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### **Administrative Rule History**

~~Adopted by Council March 6, 2002, Ordinance No. 176302~~  
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~~Revised July 9, 2007~~  
~~Revised April 17, 2009~~  
~~Revised January 1, 2010~~  
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