



RULES OF THE STATE PERSONNEL BOARD

478-1-.18 Veterans' Preference

(1) Introduction:

The State affords some degree of preference to veterans in certain employment decisions. Recognizing their sacrifice, the State seeks to prevent veterans pursuing State employment from being disadvantaged by time spent in military service. Veterans' preference recognizes the economic loss suffered by citizens who have served their country in uniform, restores veterans to a favorable competitive position for State employment, and acknowledges the larger obligation owed to disabled veterans.

- (a) Preference does not have as its goal the placement of a veteran in every vacant job; this would be incompatible with the merit principle of public employment. However, preference does provide a uniform method by which special consideration is given to qualified veterans seeking employment.
- (b) For purposes of this Rule, veterans' preferences are given to veterans defined as any individual who was honorably discharged and:
 - 1. Served on active duty as a member of the Armed Forces of the United States during a time of armed conflict;
 - 2. Served as a member of the National Guard or Armed Forces Reserve on active duty for any length of time during any portion of the time the Armed Forces of the United States were engaged in Operation Iraqi Freedom and Operation Enduring Freedom; or,
 - 3. Served as a member of the National Guard or Armed Forces Reserve on active duty for any length of time during any portion of the time the Armed Forces of the United States were engaged in Operation Desert Shield or Operation Desert Storm and whose service occurred in an area of imminent danger as defined below.
 - i. the Persian Gulf;
 - ii. the Red Sea;
 - iii. Gulf of Oman;
 - iv. the portion of the Arabian Sea that lies north of 10 degrees north latitude and west of 68 degrees east longitude;

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- v. the Gulf of Aden; and,
 - vi. the total land area of Saudi Arabia, Kuwait, Iraq, Yemen, Oman, Bahrain, Qatar, and the United Arab Emirates.
- (c) Documentation of honorable discharge and eligible service must be evidenced with the DD 214 Certificate of Release or Discharge from Active Duty.

(2) Veterans' Preference in Entrance Exams:

- (a) Veterans, as defined in Section (1)(b), will be given five (5) points in addition to their earned passing ratings on any numerically scored written entrance examination.
- (b) The following individuals will be given ten (10) points in addition to their earned passing ratings and in lieu of the five (5) points provided in subsection (2)(a):
 1. Veterans who establish by official records the present existence of a service-connected disability of at least 10%, as rated and certified by the U.S. Department of Veterans Affairs;
 2. Veterans over 55 years of age who because of disability, whether service-connected or not, are entitled to pension or compensation under existing laws;
 3. Spouses of disabled veterans (as described in the two preceding provisions) if the spouses are qualified and the disabled veterans themselves are disqualified for appointment because of the disability; or,
 4. Unmarried widows or widowers of deceased veterans of any period of armed conflict.
- (c) The point preference is in lieu of and not in addition to any other similar preference accorded under federal or state law.
- (d) In examinations where experience is an element of qualifications, time spent in the Armed Forces of the United States during a period of armed conflict will be credited in an applicant's ratings, where the applicant's actual employment in a similar vocation to that for which the applicant applies was temporarily interrupted by such service but was resumed after discharge.

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(3) Veterans' Preference in Hiring:

If the hiring agency does not use numerically scored written examination to fill positions, the hiring agency must give appropriate consideration to persons eligible for veterans' preferences as defined in this Rule.

- (a) Preference will be given to eligible veterans, as defined above, whose qualifications for a job they have applied for are equivalent to the most suitable non-veteran applicant for that job.
- (b) An agency is not required to hire a preference eligible veteran who is not the most suitable applicant for the position.

(4) Exceptions to Veterans' Preference in Exams and Hiring:

Preference does not apply in cases of promotion, demotion, or transfer to a different job.

- (a) Persons who served in a civilian capacity do not receive preference, even if they accompanied military forces.
- (b) Persons who were dishonorably discharged or discharged under conditions other than honorable are not eligible for veterans' preferences. NOTE: A general discharge does not disqualify a person for veterans' preferences.

(5) Veterans' Preference in Reduction of Personnel:

When reductions are being made in personnel, a veteran of any period of armed conflict entitled to military preference in appointment with an average summary performance evaluation rating of successful performer will not be discharged or dropped or reduced in rank or salary before a nonveteran in competition with the veteran.

Authority:

O.C.G.A. §§ 45-20-3, 45-20-3.1, and 45-20-4 (duties and functions of the State Personnel Board and Department of Administrative Services related to the Rules of the State Personnel Board), O.C.G.A. § 45-20-1 (authority to establish veterans' preference guidelines)

Other State Law References:

O.C.G.A. §§ 45-2-20, 45-2-21, and 45-2-22 (veterans' preference)
Ga. Const. Art. IV, § III, Para. II (veterans' preference)