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REG - 80.06.10 - VETERANS PREFERENCE POLICY

Authority: Chancellor

Responsible Office: Human Resources

Number: REG - 80.06.10 - VETERANS PREFERENCE POLICY

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Related Policies/Sources: [Office of State Human Resources Manual Section 2 Page 41, G.S. 150B Article 23,](#)

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1. Purpose - Statutory Authority

1.1 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.

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

2. Scope

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

2.2 "Eligible veteran" means:

2.2.1 A veteran who served during a period of war.

2.2.2 The spouse of a disabled veteran.

2.2.3 The surviving spouse or dependent of a veteran who dies on active duty during a period of war either directly or indirectly as a result of such service.

2.2.4 A veteran who suffered a disabling injury for service-related reasons during peacetime.

2.2.5 The spouse of a veteran who suffered a disabling injury for service-related reasons during peacetime.

2.2.6 The surviving spouse or dependent of a person who died for service-related reasons during peacetime.

3. What periods are included?

3.1 December 7, 1941 through May 15, 1975

3.2 June 6, 1983 through December 1, 1987

3.3 December 20, 1989 through January 31, 1990

3.4 August 2, 1990 through the date approved by Congress or the President as [Soft Break]the ending date for hostilities for the War on[Soft Break] Terrorism, or, any other campaign, expedition or[Soft Break] engagement for which a campaign badge or medal[Soft Break] is authorized by the United States Department of Defense.

4. What periods are not included?

4.1 The only veterans not to be provided veterans preference are those who served during the following period, if they have not established a service connected disability:

4.1.1 May 16, 1975 through May 31, 1983

4.1.2 December 2, 1987 through December 19, 1989

4.1.3 February 1, 1990 through August 1, 1990

5. How to Claim Veteran's Preference

To claim veteran's preference upon initial application, all eligible individuals must complete an online application for employment, and they shall attach the DD Form 214 - Certificate of Release or Discharge from Active Duty form that was provided to them upon discharge from military service. The Employment Department will verify eligibility.

6. Minimum Qualifications

6.1 In order to claim veteran's 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.

6.2 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.

6.3 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.

7. Determining Military Service Credit

7.1 Veterans' preference shall be accorded eligible veterans by giving credit as follows:

7.1.1 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.

7.1.2 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.)

7.1.3 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:

7.1.3.1 If the total of such experience equals or exceeds four years, the additional credit for unrelated military service does not apply, but

7.1.3.2 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.

7.1.4 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.

8. Applying Preference

8.1 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 non-veterans 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 hiring manager 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.

8.2 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.

9. Relationship to Other Priorities

9.1 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.

9.1.1 A qualified current State employee with career status who is seeking a promotional opportunity.

9.1.2 A qualified employee separated from exempt policy-making/confidential or exempt managerial position for reasons other than just cause.

9.1.3 A qualified State employee with career status who is notified of or separated by reduction in force.

9.1.4 An employee returning from workers' compensation leave.

10. Appeals

Any claim or allegation that preference has not been accorded to an eligible veteran shall be filed with either the State Human Resources Commission through the established contested case procedures of the Office of Administrative Hearings. Such claims shall be filed in a manner consistent with the requirements of G.S. 150B-23. Such claims shall be heard as contested cases pursuant to G.S. 150B, Article 23. The State Human Resources Commission may, upon a finding that veteran's preference was denied in violation of this policy, order the employment, subsequent employment, promotion, reassignment or horizontal transfer of any affected person, as well as any other remedy necessary to correct the violation.