

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE DRH50443-SH-21 (03/28)

Short Title: Clarify Veterans Preference.

(Public)

Sponsors: Representative Martin.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CLARIFY VETERANS PREFERENCE WITH STATE DEPARTMENTS, AGENCIES, AND INSTITUTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 128-15 reads as rewritten:

"§ 128-15. Employment preference for veterans and their spouses or surviving spouses.

(a) It shall be the policy of the State of North Carolina that, in appreciation for their service to this State and this country during a period of war, and in recognition of the time and advantage lost toward the pursuit of a civilian career, veterans shall be granted preference in employment with every State department, agency, and institution.

(b) As used in this section:

(1) "A period of war" includes World War I (April 16, 1917, through November 11, 1918), World War II (December 7, 1941, through December 31, 1946), the Korean Conflict (June 27, 1950, through January 31, 1955), the period of time between January 31, 1955, and the end of the hostilities in Vietnam (May 7, 1975), or any other campaign, expedition, or engagement for which a campaign badge or medal is authorized by the United States Department of Defense.

(2) "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.

(3) "Eligible veteran" means:

a. A veteran who served during a period of war; or

b. The spouse of a disabled veteran; or

- 1 c. The surviving spouse or dependent of a veteran who dies on
2 active duty during a period of war either directly or indirectly as
3 the result of such service; or
4 d. A veteran who suffered a disabling injury for service-related
5 reasons during peacetime; or
6 e. The spouse of a veteran described in subdivision d. of this
7 subsection; or
8 f. The surviving spouse or dependent of a person who served in
9 the Armed Forces of the United States on active duty, for
10 reasons other than training, who dies for service-related reasons
11 during peacetime.

12 (c) Hereafter, in all evaluations of applicants for positions with this State or any
13 of its departments, institutions or agencies, a preference shall be awarded to all eligible
14 veterans who are citizens of the State and who served the State or the United States
15 honorably in either the army, navy, marine corps, nurses' corps, air corps, air force,
16 coast guard, or any of the armed services during a period of war. This preference applies
17 to initial employment with the State and extends to other employment events including
18 subsequent hirings, promotions, reassignments, and horizontal transfers.

19 (d) The provisions of this section shall be subject to the provisions of Article 1 of
20 Chapter 165 of the General Statutes, and Parts 13 and 19 of Article 9 of Chapter 143B
21 of the General Statutes."

22 **SECTION 2.** G.S. 126-82 reads as rewritten:

23 **"§ 126-82. State Personnel Commission to provide for preference.**

24 (a) The State Personnel Commission shall provide that in evaluating the
25 qualifications of an eligible veteran against the minimum requirements for obtaining a
26 position, credit shall be given for all military service training or schooling and
27 experience that bears a reasonable and functional relationship to the knowledge, skills,
28 and abilities required for the position. This preference applies to initial employment
29 with the State and extends to other employment events including subsequent hirings,
30 promotions, reassignments, and horizontal transfers.

31 (b) The State Personnel Commission shall provide that if an eligible veteran has
32 met the minimum requirements for the position, after receiving experience credit under
33 subsection (a) of this section, he shall receive experience credit as determined by the
34 Commission for additional related and unrelated military service. This preference
35 applies to initial employment with the State and extends to other employment events
36 including subsequent hirings, promotions, reassignments, and horizontal transfers.

37 (c) The State Personnel Commission may provide that in reduction in force
38 situations where seniority or years of service is one of the considerations for retention,
39 an eligible veteran shall be accorded credit for military service.

40 (d) Any eligible veteran who has reason to believe that he or she did not receive a
41 veteran's preference in accordance with the provisions of this Article or rules adopted
42 under it may appeal directly to the State Personnel Commission.

43 (e) The willful failure of any employee subject to the provisions of Article 8 of
44 this Chapter to comply with the provisions of this Article or rules adopted under it

1 constitutes personal misconduct in accordance with the provisions and promulgated
2 rules of this Chapter, including those for suspension, demotion, or dismissal."

3 **SECTION 3.** The State Personnel Commission and State agencies,
4 departments, and institutions shall adopt rules to implement this act.

5 **SECTION 4.** This act is effective when it becomes law.