

SB 296 – AS AMENDED BY THE SENATE

01/30/14 0180s

2014 SESSION

14-2830
06/04

SENATE BILL **296**

AN ACT relative to preferences for veterans and disabled veterans in public employment.

SPONSORS: Sen. Carson, Dist 14; Sen. D'Allesandro, Dist 20; Sen. Cataldo, Dist 6; Rep. Lauer, Graf 15; Rep. Ladd, Graf 4; Rep. Marston, Hills 19

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill requires the state to give a preference in hiring to veterans and disabled veterans.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT relative to preferences for veterans and disabled veterans in public employment.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Chapter; Veterans' Preference in Public Employment. Amend RSA by inserting after
2 chapter 273-C the following new chapter:

3 CHAPTER 273-D

4 VETERANS' AND DISABLED VETERANS' PREFERENCE IN PUBLIC EMPLOYMENT

5 273-D:1 Veterans' Preference in Public Employment. The state of New Hampshire shall grant a
6 preference in hiring to veterans and disabled veterans.

7 273-D:2 Definitions. In this chapter:

8 I. "Active duty" means full-time duty under Title 10 of the United States Code as an enlisted
9 member, or as a commissioned or warrant officer, in any branch of the armed forces of the United
10 States. Active duty shall not include attendance at a school under military orders, except schooling
11 incident to an active enlistment or a regular tour of duty, or normal military training as a reserve
12 officer or member of an organized reserve or a national guard unit.

13 II. "Armed forces" means the United States Army, Navy, Marine Corps, Air Force, and Coast
14 Guard, including:

- 15 (a) The Army Reserve.
16 (b) The Navy Reserve.
17 (c) The Marine Corps Reserve.
18 (d) The Air Force Reserve.
19 (e) The Coast Guard Reserve.
20 (f) The Army National Guard of the United States.
21 (g) The Air National Guard of the United States.

22 III. "Civil service position" means a position that requires merit-based selection and
23 promotion to be ascertained by competitive examination. Such positions need not be denominated
24 "civil service" positions.

25 IV. "Combat zone" means an area designated by the President of the United States by
26 executive order in which, on the dates designated by executive order, the armed forces of the
27 United States are or have engaged in combat.

28 V. "Disabled veteran" means:

- 29 (a) A person entitled to disability compensation under the laws administered by the

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1 United States Department of Veterans Affairs;

2 (b) A person whose discharge or release from active duty was for a disability incurred or
3 aggravated in the line of duty; or

4 (c) A person who was awarded the Purple Heart for wounds received in combat.

5 VI. “Public employer” means the state or any agency or political subdivision of the state and
6 any person authorized to act on behalf of the state or any agency or political subdivision of the state
7 with respect to control, management, or supervision of any employee.

8 VII. “Spouse of a disabled veteran” means:

9 (a) The current legal spouse of a veteran who has been determined to be permanently
10 and totally disabled by the United States Department of Veterans Affairs; or

11 (b) The unremarried legal spouse of a veteran who died while, and as a result of, serving
12 in the armed forces.

13 VIII. “Veteran” means a person who:

14 (a) Served on active duty with the armed forces of the United States:

15 (1) For more than 178 consecutive days and was honorably discharged or released
16 from active duty;

17 (2) For 178 days or less and was honorably discharged or released from active duty;

18 or

19 (3) For at least one day in a combat zone and was honorably discharged or released
20 from active duty; or

21 (b) Received a combat or campaign ribbon for service in the armed forces of the
22 United States.

23 273-D:3 Eligibility for Employment Preference.

24 I. A veteran or disabled veteran may use the preference for a civil service position at any
25 time after discharge or release from service in the armed forces of the United States.

26 II. A veteran or disabled veteran may claim the preference an unlimited number of times.

27 273-D:4 Application Process.

28 I. At each stage of the application process, a public employer shall grant a preference to an
29 otherwise qualified veteran or disabled veteran who successfully completes an initial application
30 screening and an application examination, or a civil service test administered by the public employer
31 to establish eligibility for a vacant civil service position.

32 II. For an initial application screening used to develop a list of persons for interviews, the
33 public employer shall add 5 preference points to a veteran’s score and 10 preference points to a
34 disabled veteran’s score.

35 III. For an application examination, administered after the initial application screening that
36 results in a score, the public employer shall add 5 preference points to a veteran’s and 10 preference
37 points to a disabled veteran’s total combined examination score without allocating the points to any

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1 single feature or part of the examination. The veteran or disabled veteran shall pass the
2 examination with a qualifying score to be eligible to receive the veterans preference.

3 IV. If a public employer uses an application examination that does not result in a score, the
4 public employer shall devise and apply methods by which it gives special consideration in the hiring
5 decision to veterans and disabled veterans.

6 273-D:5 Appointment to a Position.

7 I. A public employer shall appoint an otherwise qualified veteran or disabled veteran to a
8 vacant civil service position if the results of a veteran's or disabled veteran's application
9 examination, when combined with the veteran's or disabled veteran's preference, are equal to or
10 higher than the results of an application examination for an applicant who is not a veteran or
11 disabled veteran.

12 II. A public employer may base a decision not to appoint the veteran or disabled veteran
13 solely on the veteran's or disabled veteran's merits or qualifications with respect to the vacant civil
14 service position.

15 III. A public employer that does not appoint a veteran or disabled veteran to a vacant civil
16 service position, shall upon written request of the veteran or disabled veteran, provide an
17 explanation of its decision.

18 273-D:6 Proof of Eligibility.

19 I. A public employer shall require an applicant, at the time of application, to provide proof
20 that the applicant is an eligible veteran or disabled veteran in order to be eligible for the veterans or
21 disabled veterans preference.

22 II. An applicant for a position with a public employer who claims a veteran's or disabled
23 veteran's preference shall submit as proof of eligibility:

24 (a) A copy of a qualifying document as outlined in RSA 21:50, I(b) with the application
25 for employment; and

26 (b) Disabled veterans shall submit a copy of their veteran's summary of benefits letter
27 from the United States Department of Veterans Affairs, unless the information is included in the
28 appropriate federal discharge documents.

29 III. If an applicant's record appears to show service qualifying for the preference, the public
30 employer may provisionally designate an applicant as an eligible veteran or disabled veteran.
31 However, before the applicant can be appointed, he or she shall submit proof of entitlement to the
32 preference.

33 273-D:7 Rulemaking. The department of labor shall adopt rules pursuant to RSA 541-A to
34 implement the provisions of this chapter.

35 2 Effective Date. This act shall take effect upon its passage.