

Frequently Asked Questions

Question:

What are the most common mistakes made when adjudicating preference?

Answer: There's often difficulty in the distinction between a Global War on Terrorism Service Medal (GWOTSM) and a Global War on Terrorism Expeditionary Medal (GWOTEM). A GWOTSM qualifies for VRA, but does not confer Veterans' Preference, whereas a GWOTEM confers Veterans' Preference. In a Merit Systems Protection Board final decision in *Robert P. Isabella v. Department of State and Office of Personnel Management*, qualified preference eligibles may apply and be considered for Federal positions having a maximum entry-age restriction, regardless of whether they meet the maximum age requirements identified under 5 U.S.C. 3307. Before determining whether a maximum entry-age requirement can be waived under 5 U.S.C. 3312, the agency must first analyze the affected position to determine whether age is essential to the performance of the position. If age is not essential to the position, then the agency must waive the maximum entry-age requirement for Veterans' Preference eligible applicants. Failure to waive the maximum entry-age requirement (if it is determined not essential) is in violation of the preference eligible veteran's rights. The same principles would apply to appointments to other types of positions with a maximum entry age authorized under 5 U.S.C. § 3307.

Question:

I need to fill a job immediately. I selected a preference eligible that can't start for another 2 months. Can I rescind the job offer in order to select someone who can start immediately?

Answer: The determining factor here should be whether the person will be available when the agency needs to have the job filled. This should be considered before extending job offers and should be made clear to candidates. Rescinding a job offer due to a person's military service may be a USERRA violation.

Question:

I am filling a position with one vacancy. The position was announced under both DE (delegated examining) and MP (merit promotion) procedures. I have a veteran at the top of my DEU certificate, but I would like to select a non-veteran candidate off my MP certificate. Am I violating Veterans' Preference?

Answer: Veterans' Preference is not a factor in appointments made under merit promotion procedures. However, indicating that your preference is the non-veteran may be considered discriminatory. The hiring manager should make a selection based on merit, not a desire to hire a non-veteran. The HR specialist may want to ascertain why the veterans listed on the DE certificate were not adequate.

Question:

Can a current career Federal employee applying under a DEU announcement still be entitled to receive Veterans' Preference?

Answer: Yes. There is no limit to the amount of times an individual may use their Veterans' Preference. Under the delegated examining process, Veterans' Preference applies.

Question:

What boxes on the DD214 do I look at for when adjudicating Veterans' Preference?

Answer: On the DD-214, look for boxes 12, 13, 18, and 24.

- Box 12: Record of Service
- Box 13: Medals and Campaigns
- Box 18: Remarks
(may contain additional information about campaigns and expeditions)
- Box 24: Character of Service

Question:

What document does a veteran provide to be appointed under the VRA authority?

Answer: A veteran must provide acceptable documentation of their appointment eligibility. The member 4 copy of the DD 214, "Certificate of Release or Discharge from Active Duty," is preferable. If eligibility is based on a service-connected disability, the veteran may need to submit a Standard Form 15, "Application for 10-point Veterans' Preference," along with the appropriate documentation.

Question:

Of the preference eligibles, which veteran can submit a late package after the announcement closes?

Answer: A 10-point preference eligible may file an application under certain circumstances, after the closing date of an announcement. Additional information can be found in the Vet Guide (<https://www.opm.gov/policy-data-oversight/veterans-services/vet-guide-for-hr-professionals/>) and the Delegated Examining Handbook.

Question:

Can an agency hire a veteran to work for the Federal Government while on terminal leave?

Answer: Yes. A service member who is on terminal leave pending separation from active duty under honorable conditions may accept a civilian position in the Federal Government.

Question:

Does a veteran have to be disabled in order to be eligible for Veterans' Preference?

Answer: No. Veterans' Preference eligibility is based on dates of active duty service, receipt of a campaign badge, Purple Heart, or a service-connected disability. Only veterans discharged or released from active duty in the Armed Forces under honorable conditions are eligible for Veterans' Preference.

Question:

Is the DD-214, member 4 copy, the only acceptable documentation to adjudicate Veterans' Preference eligibility?

Answer: No. While the DD-214, member copy 4, may be the preferred documentation, any official document from the Armed Forces showing separation, discharge, or release from active duty under honorable conditions (Honorable or General Discharge) should receive consideration.

Question:

Should agencies hire veterans based solely on their military occupational specialty?

Answer: No, veterans may have obtained other knowledge, skills, and abilities different from their primary training from the military. HR should consider all relevant knowledge, skills, and abilities reflected in the application.

Question:

Can veterans come into the Federal Government as a GS-14 or higher?

Answer: Yes. Qualified preference eligible veterans can be appointed at any GS grade. If using the 30% or More Disabled Veterans Appointing Authority, there is no grade-level limitation. Veterans appointed using the VRA appointing authority can be appointed under this authority at any grade level up to and including a GS-11 or equivalent. Promotional potential is not a factor. The appointee must meet all qualification requirements, including any written test requirement. (<https://www.opm.gov/policy-data-oversight/veterans-employment-initiative/vet-guide/>)

Question:

Do agencies have a quota for hiring veterans?

Answer: No. In FY 2010, the Council on Veterans Employment adopted a Hiring Percentage Model for veteran hiring among Federal agencies. This model was revised in FY 2014 to introduce an emphasis on veteran retention. It sets a baseline to assess agencies based on four veteran employment elements:

- Veteran New Hires
- Disabled Veteran New Hires
- Veterans Onboard
- Veteran Retention Rates

Agencies covered under the E.O. should contact their Veteran Employment Manager for additional information.

Question:

Does an agency have to hire unqualified veterans?

Answer: No. HR should review the qualifications of the veteran against the knowledge, skills, and abilities stated in the position description and determine their ability to perform the position before placing them on the certificate.

Question:

It's costly to hire disabled veterans because they need expensive reasonable accommodations, yes?

Answer: The majority of workers with disabilities do not need accommodations to perform their jobs; and for those who do, the cost is usually minimal. According to the Job Accommodation Network (JAN), a service from the U.S. Department of Labor's Office of Disability Employment Policy, 57 percent of accommodations cost absolutely nothing to make, while the rest typically cost only \$500.

Question:

Do HR practitioners and hiring managers have avenues to find veteran talent?

Answer: HR practitioners and hiring managers have multiple avenues to find veteran talent. If applicable, they should consult with their Veterans Employment Program Managers. These individuals are responsible for promoting veterans' recruitment, employment, training and development, and retention within their respective agencies. Veterans often contact them for employment assistance. Additional avenues are: DOL's Veterans' Employment and Training Services (VETS), Local Veterans Employment Representations (LVER), or the Department of Veterans Affairs, VA for Vets.

Question:

Is a Federal agency required to have a Veterans Employment Program Manager?

Answer: Executive Order 13518 established Veteran Employment Program Offices in the 24 CHCO agencies. However, not every agency is required to have a VEPM. For a list of program offices, visit: <https://www.fedshirevets.gov/AgencyDirectory/index.aspx>.

Question:

Who is considered a preference eligible veteran?

Answer: A preference eligible veteran is an individual who:

- Served on active duty in the Armed Forces during a war, in a campaign or expedition for which a campaign badge has been authorized, or during the period beginning April 28, 1952, and ending July 1, 1955;
- Served on active duty as defined by section 101 (21) of title 38 at any time in the Armed Forces for a period of more than 180 consecutive days, any part of which occurred after January 31, 1955, and before October 15, 1976, not including service under section 12103 (d) of title 10 pursuant to an enlistment in the Army National Guard or the Air National Guard or as a Reserve for service in the Army Reserve, Navy Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve;
- Served on active duty as defined by section 101 (21) of title 38 in the Armed Forces during the period beginning on August 2, 1990, and ending on January 2, 1992; OR
- Served on active duty as defined by section 101 (21) of title 38 at any time in the Armed Forces for a period of more than 180 consecutive days, any part of which occurred during the period beginning on September 11, 2001, and ending on August, 31, 2010, the last day of Operation Iraqi Freedom.
- Is a disabled veteran who has served on active duty in the Armed Forces (except as provided under section 2108a), has been separated therefrom under honorable conditions, and has established the present existence of a service-connected disability, or is receiving compensation, disability retirement benefits, or pension because of a public statute administered by the Department of Veterans Affairs or a military department.
- Was discharged or released from a period of active duty after August 29, 2008, by reason of a sole survivorship discharge [as that term is defined in 10 U.S.C. 1174(i)], and who meets the definition of a “veteran” in paragraph (a) of 10 U.S.C. 1174(i), with the exception that he or she is not required to meet any of the length of service requirements prescribed by paragraph (a).

NOTE: Military retirees at the rank of major, lieutenant commander, or higher are not eligible for preference in appointment unless they are disabled veterans.

Question:

What is the definition of a “veteran” for the purpose of Veterans’ Preference eligibility?

Answer: For the purpose of Veterans' Preference eligibility, a “veteran” is defined by his/her dates of active duty service, receipt of a campaign badge or Purple Heart, or a service-connected disability.

Question:

Where can HR Practitioners find information on Expeditionary Medals and Campaign Badges not covered in the Vet Guide?

Answer: The Office of the Under Secretary for Personnel and Readiness website maintains a comprehensive list of campaigns and expeditions. Visit: <http://prhome.defense.gov/M-RA/MPP/OEPM/Functions/>.

Question:

Where can I find information on the Uniformed Services Employment and Reemployment Rights Act (USERRA) regulations?

Answer: OPM USERRA Regulations are found in title 5, Code of Federal Regulations (CFR), Part 353. Additional information related to USERRA can be also be found on the Department of Labor’s website at <https://www.dol.gov/vets/programs/userra/>.

Question:

Does a veteran have a limit to the number of times they can use their Veterans’ Preference?

Answer: No. There is no limit to the number of times a veteran can use their Veterans’ Preference. This also includes their use of special appointing authorities.