

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

HOUSE BILL 1519

By: Representative Hammer

For An Act To Be Entitled

AN ACT TO ENSURE THAT VETERANS WHO ARE COMPETENT TO PERFORM THE REQUIREMENTS OF A POSITION WITH A STATE AGENCY OR INSTITUTION OF HIGHER EDUCATION ARE PROVIDED A VETERANS PREFERENCE IN INTERVIEWING AND HIRING; TO CLARIFY THE VETERANS PREFERENCE LAW; AND FOR OTHER PURPOSES.

Subtitle

TO ENSURE THAT VETERANS WHO ARE COMPETENT TO PERFORM THE REQUIREMENTS OF A POSITION WITH A STATE AGENCY OR INSTITUTION OF HIGHER EDUCATION ARE PROVIDED A VETERANS PREFERENCE IN INTERVIEWING AND HIRING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 21-3-302(a) through (d), concerning veterans preference, are amended to read as follows:

(a) This section shall be ~~entitled~~ known as the "Veterans Preference Law".

(b) ~~For purposes of~~ As used in this section:

(1) "Competent" means a good faith determination by the selection authority that the veteran will likely meet the performance standards of the position that is based on the:

(A) Information provided in the veteran's application, interview, or both;

(B) The essential functions of the position;



(C) The required licensure or certification for the position; and

(D) The required education or training for the position; and

(2)(A) "veteran" "Veteran" means:

~~(1)(i)~~ (i) A person honorably discharged from a tour of active duty, ~~other than active duty for training only,~~ after serving more than ninety-one (91) days with the armed forces of the United States; or

~~(2)(ii)~~ (ii) ~~Any~~ A person who has served honorably in the National Guard or reserve forces of the United States for a period of at least six (6) years with a record of active duty service in a conflict or war overseas, whether the person has retired or been discharged or not.

(B) "Veteran" includes the surviving spouse of a deceased veteran if the surviving spouse is unmarried at the time of application for employment and remains unmarried until the decision to hire is made.

~~(c) In every department or A state agency of state government or institution of higher education with employee positions subject to the Uniform Classification and Compensation Act, § 21-5-201 et seq., shall provide a veterans preference in interviewing and hiring to an applicant if the applicant:~~

(1) Indicates on the employment application form that he or she is:

(A) a A veteran; who voluntarily submits official proof of his or her status as a veteran,

(B) A disabled veteran; or

(C) a The surviving spouse of a deceased veteran who remains is unmarried at the time the preference is sought of application for employment and remains unmarried until the decision to hire is made; and who is a citizen and resident of this state shall be entitled to employment preference in a position over other applicants after meeting substantially equal qualifications.

(2) Is a citizen and resident of this state; and

(3) Is competent to perform the duties and responsibilities required by the position.

~~(d)(1) If there is an examination, evaluation, or similar instrument is given for the purpose of establishing to establish an interview or~~

employment list for ~~such public sector jobs~~ a position at a state agency or institution of higher education subject to the Uniform Classification and Compensation Act, § 21-5-201 et seq., and ~~a person~~ an applicant entitled to a veterans preference under this section attains a passing grade ~~thereon, he or she~~ the applicant shall have five (5) points added to his or her final earned rating if the examination, evaluation, or similar instrument is subject to numerical scoring.

(2) If the examination, evaluation, or similar instrument is not subject to numerical scoring, the selection authority ~~must be able to~~ shall demonstrate how veterans preference was ~~arrived at~~ applied in ~~the selection process~~ selecting the successful candidate for the position.

(3) A veteran who established by the records of the federal Department of Veterans Affairs the existence of a service-connected disability, or a veteran who is over fifty-five (55) years of age, disabled, and entitled to a pension or compensation under existing laws, or the spouse of ~~such~~ a veteran with a service-connected disability, whose disability disqualifies him or her for ~~appointment~~ selection shall have ten (10) points instead of five (5) points added to his or her final earned rating on the examination, evaluation, or similar instrument.