

HOUSE BILL NO. 2588
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on General Laws
on _____)
(Patron Prior to Substitute—Delegate Cordoza)

A BILL to amend and reenact §§ 2.2-2903, 15.2-1509, and 40.1-27.2 of the Code of Virginia, relating to military spouses; preference in employment.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2903, 15.2-1509, and 40.1-27.2 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2903. Grade or rating increase and other preferences for veterans and their surviving spouses and children, and members of the National Guard.

A. In a manner consistent with federal and state law, if any veteran, or surviving spouse, or child, *or spouse of an eligible service member*, or member of the National Guard applies for employment with the Commonwealth that is based on the passing of any written examination, the grade or rating of the veteran, surviving spouse, ~~or~~ child, *or the spouse of an eligible service member* on such examination shall be increased by five percent. However, if the veteran has a service-connected disability rating fixed by the U.S. Department of Veterans Affairs, his grade or rating shall be increased by 10 percent on such written examination. Such increases shall apply only if the veteran passes such examination.

B. In a manner consistent with federal and state law, if any veteran, surviving spouse, ~~or~~ child, *or spouse of an eligible service member*, applies for employment with the Commonwealth that is not based on the passing of any examination, the veteran, surviving spouse, ~~or~~ child, *or spouse of an eligible service member*, shall be given preference by the Commonwealth during the selection process, provided that the veteran, surviving spouse, ~~or~~ child, *or spouse of an eligible service member*, meets all of the knowledge, skill, and ability requirements for the available position. Additional consideration shall also be given to veterans who have a service-connected disability rating fixed by the U.S. Department of Veterans Affairs. The Department of Human Resource Management shall develop and distribute guidelines as an addendum to the Hiring Policy for Executive Branch agencies to provide guidance to agencies to comply with the preference of this section.

C. A member of the National Guard applying for a position or job classification under this chapter and possessing the necessary qualifications for such position or job classification shall be entitled to a separate

preference as provided in this subsection. When a member of the National Guard or a veteran has applied for a position or job classification that requires an assessment using numerical ratings, points equal to five percent of the total points available from the assessment device or devices shall be added to the passing score of the applicant member of the National Guard or veteran. In an assessment not using numerical ratings, consideration shall be afforded to a member of the National Guard provided that member meets all of the knowledge, skill, and ability requirements for the available position.

The preference under this subsection shall not be applied for a position that is limited to state employees. In addition, the preference provided by this subsection shall not be applied if any other applicant for the position or job classification is (i) a veteran or (ii) a former prisoner of war.

D. If any veteran, or surviving spouse, or child, *or spouse of an eligible service member*, or member of the National Guard is denied employment with the Commonwealth, he shall be entitled, to the extent permitted by law, to request and inspect information regarding the reasons for such denial.

E. As used in this section, unless the context requires a different meaning:

"Child" means any surviving child or children under the age of 27 years of a veteran as defined herein who was killed in the line of duty.

"Eligible service member" means a full-time active duty member of any branch of the uniformed services of the United States.

"Member of the National Guard" means a person who (i) is presently serving as a member of the Virginia National Guard and (ii) has satisfactorily completed required initial active-duty service.

"Surviving spouse" means the surviving spouse of a veteran as defined herein who was killed in the line of duty.

"Veteran" means any person who has received an honorable discharge and (i) has provided more than 180 consecutive days of full-time, active-duty service in the armed forces of the United States or reserve components thereof, including the National Guard, or (ii) has a service-connected disability rating fixed by the United States Department of Veterans Affairs.

§ 15.2-1509. Preferences for veterans, military spouses, and people with disabilities in local government employment.

Consistent with the requirements and obligations to protected classes under federal or state law, any locality shall take into consideration or give preference to an individual's status as (i) an honorably discharged

60 veteran of the Armed Forces of the United States ~~or status as~~, (ii) a person with a disability, *or (iii) the spouse*
61 *of a full-time active duty member of any branch of the uniformed services of the United States*, in its
62 employment hiring policies and practices, provided that such veteran, *spouse*, or person with a disability
63 meets all of the knowledge, skills and eligibility requirements for the available position. Additional
64 consideration shall also be given to veterans who have a service connected disability rating fixed by the U.S.
65 Department of Veterans Affairs. "Veterans" as used in this section refers to the same class as included in §
66 2.2-2903 with regard to the state service. "Person with a disability" as used in this section refers to the same
67 class as included in § 51.5-40.1.

68 **§ 40.1-27.2. Preference for veterans and spouses.**

69 A. As used in this section, unless the context requires a different meaning:

70 "Disabled veteran" means a veteran who has been found by the U.S. Department of Veterans Affairs or by
71 the retirement board of one of the several branches of the armed forces to have a compensable service-
72 connected permanent and total disability.

73 "*Eligible service member*" means *a full-time active duty member of any branch of the uniformed services*
74 *of the United States*.

75 "Veteran" has the same meaning ascribed to such term in § 2.2-2903.

76 B. An employer may grant preference in hiring and promotion to a veteran or the spouse of a disabled
77 *veteran or the spouse of an eligible service member*.

78 C. Granting preference under subsection B does not violate any local or state equal employment
79 opportunity law.