

## Veterans' "Preference" or "Scoring Criteria" Status in Civil Service

The 2000 legislature, in SSB 5366 (Chapter 140, Laws of 2000), significantly expanded the veterans' preference relating to civil service hiring and even renamed it as a "scoring criteria" status. The legislature apparently felt it important, in light of Initiative 200, to eliminate any reference to "preferences," even though this is not the type of preference that the initiative addresses. This *MRSC Focus* will explain the changes in the law, found in RCW 41.04.010, while providing a general overview of how this "scoring criteria" status applies to civil service hiring. The changes in the law go into effect on June 8, 2000.

### **What is a scoring criteria status (formerly a preference status)?**

A scoring criteria status is the addition of a certain percentage to the "passing mark, grade or rating" received in a competitive examination by a veteran as defined in RCW 41.04.005 and RCW 41.04.010. The percentage, which varies with the category of veteran, is based "upon a possible rating of one hundred points as perfect." RCW 41.04.010. Under this scheme, for example, a veteran entitled to a 10 percent scoring criteria who scores a passing grade of 80 out of a possible 100 would receive an additional 8 points for a total score of 88. When the scoring criteria status can be applied also varies with the category of veteran.

### **What veterans qualify for what scoring criteria status?**

SSB 5366 greatly expands the pool of veterans covered by RCW 41.04.010. It adds an entirely new category of veteran, whose service was not during a time of war or in an armed conflict. There are now three categories of veterans to which the scoring criteria status applies. A base requirement of each category is that the person has received from any branch of the armed forces an honorable discharge or a discharge for physical reasons with an honorable record. The three categories are:

“ . . .anybody who has served in the armed forces since August 2, 1990 and does not receive military retirement will qualify for this ten percent scoring criteria status. . . ”

- ***Veterans who served during a period of war or in an armed conflict and do not receive military retirement.*** Veterans who served during a “period of war,” as that is defined in RCW 41.04.005, need not have served in a combat zone or hostile environment to qualify; simply being in the armed forces during a such a period, in addition to not receiving military retirement, is sufficient. Veterans who served in an “armed conflict,” as defined by RCW 41.04.005, and received a campaign badge or medal, and who do not receive military retirement, also qualify in this category.

A “period of war” is defined by RCW 41.04.005 to include, in addition to the two world wars, the following:

- the Korean conflict;
- the Vietnam era, which was the period beginning August 5, 1964, and ending on May 7, 1975;
- the Persian Gulf War, which was the period beginning August 2, 1990, and ending on the date prescribed by presidential proclamation or law; and
- the period beginning on the date of any future declaration of war by Congress and ending on the date prescribed by presidential proclamation or concurrent resolution of Congress.

*However, since there has never been a presidential proclamation or law officially ending the Persian Gulf War, anybody who has served in the armed forces since August 2, 1990 and does not receive military retirement will qualify for this ten percent scoring criteria status, in addition to those who qualify because of earlier service.*

The statute also designates the following “armed conflicts,” if the veteran was awarded the respective campaign badge or medal:

- the crisis in Lebanon;
- the invasion of Grenada;
- Panama, Operation Just Cause;
- Somalia, Operation Restore Hope;
- Haiti, Operation Uphold Democracy; and
- Bosnia, Operation Joint Endeavor.

Since the latter three “armed conflicts” occurred during the Gulf War period, a person who served in either of those conflicts also qualifies as having served during a “period of war,” so a campaign badge would not be necessary to qualify in this category.

Veterans in this category receive a *10 percent scoring criteria* added to passing mark, grade, or rating of competitive exams until their first appointment. This “first appointment” limitation means that, if a veteran has gotten a job with the 10 percent scoring criteria status, he or she may not use it to obtain another job, even with another agency. See AGO 1974 No. 22. Also, it may not be used in a promotional exam.

- ***Veterans who did not serve during a period of war or who are receiving military retirement.*** This category of veterans, which includes any veteran not covered by the first category, is entitled to a *five percent scoring criteria* status. Like the first category, it may be used only until a veteran’s first appointment and may not be used in any promotional exam.
- ***Veterans who were called to active military service for one or more years from employment with a city or county.*** This category receives a *five percent scoring criteria* status that applies to *first promotional* examinations only. (Note that this category of veterans is protected when returning to employment from military duty by the federal Uniformed Services Employment and Reemployment Rights Act.) Of course, veterans in this category could also qualify in any of the above two categories when seeking initial employment with another agency covered by RCW 41.04.010.

## **What time limitations apply to a veteran’s ability to claim a scoring criteria status?**

All veterans’ scoring criteria must be claimed within *15 years* of the date of the veteran’s release from active military service. The 2000 legislature increased this from the prior eight-year limitation. Also, the new legislation provides for an extension of the 15-year period for “valid and extenuating reasons,” which include, but are not limited to:

- documented medical reasons beyond control of the veteran;
- any Veterans’ Administration documented disabled veteran; or

*“All veterans’ scoring criteria must be claimed within 15 years of the date of the veteran’s release from active military service.”*

- any veteran who loses his or her job, without being at fault, and whose livelihood is adversely affected may seek scoring criteria employment consideration.

## **How does a city or county implement the requirements RCW 41.04.010?**

The statute does not impose any specific procedural requirements. However, we recommend that your jurisdiction provide the necessary questions on employment applications for a veteran to claim the appropriate scoring criteria. Eligible veterans are entitled to the scoring criteria status regardless of whether your jurisdiction provides for it in its civil service rules. If your jurisdiction's civil service rules currently address the pre-SSB 5366 veterans' preference, those rules should be amended to reflect the changes imposed by the new legislation. You may also want to consider including a procedure for evaluating the "valid and extenuating reasons" for extending the 15-year time period.