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## SENATE BILL NO. 527

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws and Technology)

(Patron Prior to Substitute—Senator Garrett)

Senate Amendments in [ ] - February 6, 2012

A *BILL to amend and reenact § 2.2-2903 of the Code of Virginia, relating to the Virginia Personnel Act; hiring preference in state government for members of the Virginia National Guard.*

**Be it enacted by the General Assembly of Virginia:****1. That § 2.2-2903 of the Code of Virginia is amended and reenacted as follows:**

§ 2.2-2903. Grade or rating increase and other preferences for veterans and members of the National Guard.

A. In a manner consistent with federal and state law, if any veteran [ *or member of the National Guard* ] applies for employment with the Commonwealth that is based on the passing of any written examination, the veteran's grade or rating on such examination shall be increased by five percent. However, if the veteran has a service-connected disability rating fixed by the ~~United States~~ *U.S. Department of Veterans Administration 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 applies for employment with the Commonwealth that is not based on the passing of any examination, such veteran shall be given preference by the Commonwealth during the selection process, provided that such veteran 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 ~~United States~~ *U.S. Department of Veterans Administration 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 veterans' preference requirement.

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 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.

~~D. E.~~ For purposes of this section, "~~veteran~~":

"*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.

"*Veteran*" means any person who has received an honorable discharge and has (i) 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~~ *U.S. Department of Veterans Affairs*.

**2. That the Department of Human Resource Management shall develop guidelines as an addendum to the Hiring Policy for Executive Branch agencies to provide guidance to such agencies for complying with the preference requirement for members of the Virginia National Guard.**

ENGROSSED

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