

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: S3/14/13
A Bill

HOUSE BILL 1518

5 By: Representative Hammer
6 By: Senator J. English
7

8 **For An Act To Be Entitled**

9 AN ACT TO ENSURE THAT VETERANS ARE PROVIDED DOCUMENTS
10 UNDER THE VETERANS PREFERENCE LAW; TO CLARIFY THE
11 VETERANS PREFERENCE LAW TO ENSURE COMPLIANCE; AND FOR
12 OTHER PURPOSES.
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15 **Subtitle**

16 TO ENSURE THAT VETERANS ARE PROVIDED
17 DOCUMENTS UNDER THE VETERANS PREFERENCE
18 LAW AND CLARIFY THE VETERANS PREFERENCE
19 LAW TO ENSURE COMPLIANCE.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 21-3-302(d), regarding the Veterans
25 Preference Law, is amended to read as follows:

26 (d)(1)(A) If ~~there is~~ an examination, evaluation, or similar
27 instrument is given for the purpose of establishing an interview or
28 employment list for such public sector jobs to establish a list of qualified
29 candidates to be interviewed for a position at a state agency or institution
30 of higher education subject to the Uniform Classification and Compensation
31 Act, § 21-5-201 et seq., and a person an applicant entitled to a veterans
32 preference under this section attains a passing grade ~~thereon, he or she the~~
33 applicant shall have five (5) points added to his or her final earned rating
34 if the examination, evaluation, or similar instrument is subject to numerical
35 scoring.

36 (B) If a veteran is not selected for a position for which



1 the successful candidate was selected based on a numerical score, at the
2 veteran's request the selection authority shall provide the veteran with his
3 or her base score, adjusted score, and the successful candidate's score.

4 (2)(A) If the examination, evaluation, or similar instrument is
5 not subject to numerical scoring, the selection authority ~~must be able to~~
6 shall demonstrate how veterans preference was arrived at applied in
7 developing a list of qualified candidates to be interviewed and in the
8 selection process selecting the successful candidate for the position.

9 (B) If the selection authority used a scoring method other
10 than numerical scoring, at the veteran's request the selection authority
11 shall provide all documentation to the veteran to demonstrate to the veteran
12 how the veterans preference was used to:

13 (i) Develop a list of qualified candidates to be
14 interviewed; and

15 (ii) Select the successful candidate for the
16 position.

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

25 (B) If a veteran is not selected for a position for which
26 the successful candidate was selected based on a numerical score, at the
27 veteran's request the selection authority shall provide the veteran with his
28 or her base score, adjusted score, and the successful candidate's score.

29 (4) This subsection (d) does not require the selection authority
30 to provide the veteran with testing materials or any other information
31 concerning the successful candidate or other applicants that is not
32 authorized for release under this subsection or authorized for release to the
33 public under the Freedom of Information Act of 1967, § 25-19-101 et seq.

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35 SECTION 2. Arkansas Code § 21-3-303 is amended to read as follows:

36 21-3-303. Failure to hire ~~disabled~~ a veteran.

1 (a) If requested by the veteran applicant and in addition to the
2 requirements under § 21-3-302(d), a hiring official or selection authority
3 ~~passes over the name of any service-connected disabled veteran appearing on~~
4 ~~an interview or employment list, the hiring official must~~ for a state agency
5 or institution of higher education subject to the Uniform Classification and
6 Compensation Act, § 21-5-201 et seq., shall submit in writing to the veteran
7 the reason the veteran was not:

8 (1) ~~therefor~~ Included on a list of qualified candidates to be
9 interviewed and attach the reason to the employment application; and

10 (2) Selected for the position.

11 (b) The written reason provided under this section shall become a part
12 of the employment application records of the ~~department, agency, or~~
13 ~~institution of higher education~~ state agency or institution of higher
14 education subject to the Uniform Classification and Compensation Act, § 21-5-
15 201 et seq., and be retained for the same period of time as all other
16 employment applications as established by law or agency policy.

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18 /s/Hammer

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21 **APPROVED: 03/21/2013**
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