

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 84th General Assembly  
3 Regular Session, 2003

# A Bill

HOUSE BILL 1545

4  
5 By: Representatives Wood, Parks, Borhauer, Roebuck, Elliott, Clemons, Gillespie, Jacobs, L. Prater,  
6 Hutchinson, Bright, Pate, Scroggin, Boyd, Green, Biggs, Lamoureux, C. Taylor, Moore, J. Johnson, Fite,  
7 Walters, Martin, Harris, S. Prater, Mack, Penix, Cowling, Anderson  
8 By: Senators Altes, Capps, J. Bookout, Salmon, Horn, Trusty, J. Jeffress, G. Jeffress, Hendren, Faris,  
9 Whitaker, Glover, Womack, Higginbotham, Wilkinson

## For An Act To Be Entitled

10  
11  
12 AN ACT TO REVISE TITLE 21, CHAPTER 3, SUBCHAPTER  
13 3 CONCERNING VETERANS PREFERENCES; AND FOR OTHER  
14 PURPOSES.  
15

## Subtitle

16  
17  
18 AN ACT TO REVISE TITLE 21, CHAPTER 3,  
19 SUBCHAPTER 3 CONCERNING VETERANS  
20 PREFERENCES.  
21

22  
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

24  
25 SECTION 1. Arkansas Code Title 21, Chapter 3, Subchapter 3 is amended  
26 to read as follows:

27 21-3-301. ~~Civil service or merit system~~ Uniform Classification and  
28 Compensation Act regulations.

29 Any ~~civil service or merit system~~ requirement, rule, or regulation set  
30 up for the purpose of selecting employees paid in whole or in part with state  
31 funds for positions subject to the Uniform Classification and Compensation  
32 Act, shall include regulations ~~in accordance with~~ under §§ 21-3-302 ~~—21-3-~~  
33 ~~305~~ through 21-3-306.

34  
35 21-3-302. Preference in ~~appointment or~~ employment.

36 (a) This section shall be entitled "The Veterans Preference Law".



1 (b) For purposes of this section, "veteran" means:

2 (1) A person honorably discharged from a tour of active duty,  
 3 other than active duty for training only, with the armed forces of the United  
 4 States; or

5 (2) Any person who has served honorably in the National Guard or  
 6 Reserve Forces of the United States for a period of at least six (6) years,  
 7 whether the person has retired or been discharged or not.

8 ~~(b)(c)~~ In every department or agency of state government with employee  
 9 positions subject to the Uniform Classification and Compensation Act,  
 10 ~~honorably discharged men and women from the military or naval forces of the~~  
 11 ~~United States who~~ veterans who voluntarily submit official proof of his or  
 12 her status as a veteran, disabled veteran, or a surviving spouse of a  
 13 deceased veteran who remains unmarried at the time the preference is  
 14 sought, and served in any war, including military involved conflict in which  
 15 ~~the United States was, is, or may subsequently be engaged, or their widows or~~  
 16 ~~widowers,~~ who are citizens and residents of this state, shall be entitled to  
 17 employment preference in positions appointment and employment over other  
 18 applicants, after meeting substantially equal qualifications. If such  
 19 ~~military service does not include active duty for training only, but does~~  
 20 ~~include service during the Philippine Insurrection, China Relief Expedition,~~  
 21 ~~the Korean Conflict between June 27, 1950, and July 27, 1953, inclusive, the~~  
 22 ~~Vietnam Conflict between December 22, 1961, and May 7, 1975, inclusive,~~  
 23 ~~Lebanon between August 25, 1982, and February 26, 1984, inclusive, the~~  
 24 ~~Persian Gulf from August 2, 1990, through a date to be set by presidential~~  
 25 ~~proclamation, inclusive, or future conflicts as specified by presidential~~  
 26 ~~proclamation or federal law.~~

27 ~~(e)(d)(1)~~ If there is an examination, evaluation, or similar  
 28 instrument given for the purpose of establishing an interview or employment  
 29 list for such public sector jobs, and a preferred person entitled to  
 30 preference attains a passing grade thereon, he or she shall have five (5)  
 31 points added to his or her final earned rating if the examination,  
 32 evaluation, or similar instrument is subject to numerical scoring.

33 (2) If the examination, evaluation, or similar instrument is not  
 34 subject to numerical scoring, the selection authority must be able to  
 35 demonstrate how veterans preference was arrived at in the selection process.

36 ~~(2)(3)~~ A veteran who established by the records of the United

1 States Department of Veterans Affairs the existence of a service-connected  
 2 disability or a veteran who is over fifty-five (55) years old and is disabled  
 3 and is entitled to a pension or compensation under existing laws, or the  
 4 spouse of such veteran, whose disability disqualifies him or her for  
 5 appointment, shall have ten (10) points instead of five (5) points added to  
 6 his or her final earned rating on the examination, evaluation, or similar  
 7 instrument.

8 ~~(d)~~(e) The qualified veteran's status shall be considered on questions  
 9 of promotion and retention of employees according to § 21-3-304.

10 ~~(e)~~(f) The names of candidates who have qualified in an examination,  
 11 evaluation, or similar instrument given for the purpose of establishing an  
 12 interview or employment list shall be entered on an appropriate register or  
 13 list of eligibles in the following order:

14 (1) Names of ten-point-preference eligibles shall be placed at  
 15 the head of the register or applicant list of persons certified as having  
 16 equal eligibility points;

17 (2) Names of five-point-preference eligibles shall be placed at  
 18 the head of the register or applicant list of persons certified as having  
 19 equal eligibility points; and

20 (3) Names of all other eligibles who do not have preference as  
 21 provided in this section shall be placed on the register or applicant list in  
 22 accordance with their ranking of eligibility points.

23 ~~(f)~~(g) The persons ~~thus preferred~~ entitled to preference shall not be  
 24 disqualified from holding any position on account of age or by reason of any  
 25 physical disability, provided that such age or disability does not render the  
 26 person incapable to perform properly the duties of the position for which he  
 27 or she applied for.

28 ~~(g)~~(h) Nothing in this section shall be construed to apply to the  
 29 position of elective or political appointees in any department or agency or  
 30 to any person holding a strictly confidential administrative or secretarial  
 31 position in relation to the appointing officer.

32  
 33 21-3-303. Failure to ~~appoint~~ hire disabled veteran.

34 (a) ~~If, in the exercise of his choice provided under civil service or~~  
 35 ~~merit regulations, the appointing authority~~ a hiring official passes over the  
 36 name of any service-connected disabled veteran appearing ~~on a register in~~

1 ~~connection with an appointment, an interview or employment list, after having~~  
2 ~~been certified to the appointing authority, the appointing authority the~~  
3 ~~hiring official~~ must submit in writing the reason therefore and attach the  
4 reason to the employment application.

5 (b) The written reason shall become a part of the employment  
6 application records of the department or agency ~~and of the council or any~~  
7 ~~other personnel administration having supervision over employees coming~~  
8 ~~within the purpose of this subchapter~~ and retained for the same period of  
9 time as all other employment applications as established by law or agency  
10 policy.

11  
12 21-3-304. ~~Separation from service~~ Reduction in force.

13 (a) The ~~appointing authority~~ department or agency director may  
14 separate any employee without prejudice because of lack of funds, curtailment  
15 of work, or in order to permit reinstatement of employees upon their release  
16 from periods of military service from the armed forces of the United States.

17 (b) No ~~permanent~~ employee, as defined by § 21-5-203, however, shall be  
18 separated while there are emergency, intermittent, temporary, provisional, or  
19 probationary employees serving in the same class of position in the same  
20 department or agency.

21 (c)(1) The order of separation due to reduction in force shall be  
22 based upon service rating and seniority under a formula to be formally  
23 established by the ~~personnel~~ department or agency director ~~and approved by~~  
24 ~~the council~~, and all such separations shall be reported to the ~~personnel~~  
25 ~~director~~ Office of Personnel Management of the Department of Finance and  
26 Administration.

27 (2) For the purpose of establishing this layoff formula, the  
28 veteran's service in the armed forces shall be considered as service with the  
29 department or agency and computed as a part of his or her seniority.

30  
31 21-3-305. ~~Reinstatement~~ Reemployment.

32 (a) A An permanent employee, as defined in § 21-5-203, who has  
33 established veteran's preference eligibility and has resigned while in good  
34 standing or who has been separated without prejudice shall be eligible for  
35 ~~reinstatement~~ reemployment within a period of time ~~equivalent to~~ no less than  
36 the continuous period of his or her service in ~~an~~ a department or agency ~~or~~

1 ~~the council~~, provided that he or she has been certified by the ~~personnel~~  
 2 department or agency director as meeting the current minimum qualifications  
 3 as to training and experience of the class of position to which he or she is  
 4 being ~~appointed~~ reemployed.

5 (b) Prior to making the minimum qualifications certification, the  
 6 ~~personnel~~ department or agency director may require the employee to pass ~~the~~  
 7 a qualifying examination.

8 (c) For the purpose of ~~reinstatement~~ reemployment eligibility under  
 9 the provisions of this section, time spent in the armed forces ~~during time of~~  
 10 ~~war~~ shall not be counted.

11  
 12 21-3-306. Rights of reservists.

13 (a) It is declared to be the intent of the General Assembly that any  
 14 person who holds an other than temporary position in the employ of the State  
 15 of Arkansas shall not be denied retention in employment or any promotion or  
 16 other incident or advantage of employment or transferred involuntarily to  
 17 another position because the person is a member of a reserve component of the  
 18 armed forces of the United States.

19 (b) The provisions of the reemployment rights ~~section~~ protections of  
 20 ~~the Military Selective Service Act of 1967, as amended by Pub. L. No. 90-491,~~  
 21 ~~82 Stat. 790, effective August 17, 1968~~ § 12-62-413 and the Uniformed  
 22 Services Employment and Re-employment Rights Act of 1994 as in effect on  
 23 January 1, 2003, shall be applicable ~~in this state~~, and the refusal of any  
 24 state official to comply therewith shall subject him or her to removal from  
 25 office.

26 (c) This section shall be retroactive and shall take effect as of the  
 27 date of the entry of any state employee into one of the reserve components of  
 28 the armed forces of the United States.