

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

A Bill

HOUSE BILL 1519

5 By: Representative Hammer
6

For An Act To Be Entitled

8 AN ACT TO ENSURE THAT VETERANS WHO ARE COMPETENT TO
9 PERFORM THE REQUIREMENTS OF A POSITION WITH A STATE
10 AGENCY OR INSTITUTION OF HIGHER EDUCATION ARE
11 PROVIDED A VETERANS PREFERENCE IN INTERVIEWING AND
12 HIRING; TO CLARIFY THE VETERANS PREFERENCE LAW; AND
13 FOR OTHER PURPOSES.
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Subtitle

16 TO ENSURE THAT VETERANS WHO ARE COMPETENT
17 TO PERFORM THE REQUIREMENTS OF A POSITION
18 WITH A STATE AGENCY OR INSTITUTION OF
19 HIGHER EDUCATION ARE PROVIDED A VETERANS
20 PREFERENCE IN INTERVIEWING AND HIRING.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 21-3-302(a) through (d), concerning
27 veterans preference, are amended to read as follows:

28 (a) This section shall be ~~entitled~~ known as the “Veterans Preference
29 Law”.

30 (b) ~~For purposes of~~ As used in this section:

31 (1) “Competent” means a good faith determination by the
32 selection authority that the veteran will likely meet the performance
33 standards of the position that is based on the:

34 (A) Information provided in the veteran’s application,
35 interview, or both;

36 (B) The essential functions of the position;



1 (C) The required licensure or certification for the
 2 position; and

3 (D) The required education or training for the position;
 4 and

5 (2)(A) "veteran" "Veteran" means:

6 ~~(1)(i)~~ A person honorably discharged from a tour of
 7 active duty, other than active duty for training only, after serving more
 8 than ninety-one (91) days with the armed forces of the United States; or

9 ~~(2)(ii)~~ Any A person who has served honorably in the
 10 National Guard or reserve forces of the United States for a period of at
 11 least six (6) years with a record of active duty service in a conflict or war
 12 overseas, whether the person has retired or been discharged or not.

13 (B) "Veteran" includes the surviving spouse of a deceased
 14 veteran if the surviving spouse is unmarried at the time of application for
 15 employment and remains unmarried until the decision to hire is made.

16 ~~(c) In every department or A state agency of state government or~~
 17 ~~institution of higher education with employee positions subject to the~~
 18 ~~Uniform Classification and Compensation Act, § 21-5-201 et seq., shall~~
 19 ~~provide a veterans preference in interviewing and hiring to an applicant if~~
 20 ~~the applicant:~~

21 (1) Indicates on the employment application form that he or she
 22 is:

23 (A) a A veteran; who voluntarily submits official proof of
 24 his or her status as a veteran,

25 (B) A disabled veteran; or

26 (C) a The surviving spouse of a deceased veteran who
 27 remains is unmarried at the time the preference is sought of application for
 28 employment and remains unmarried until the decision to hire is made; and who
 29 is a citizen and resident of this state shall be entitled to employment
 30 preference in a position over other applicants after meeting substantially
 31 equal qualifications.

32 (2) Is a citizen and resident of this state; and

33 (3) Is competent to perform the duties and responsibilities
 34 required by the position.

35 ~~(d)(1) If there is an examination, evaluation, or similar instrument~~
 36 ~~is given for the purpose of establishing to establish an interview or~~

1 employment list for ~~such public sector jobs~~ a position at a state agency or
2 institution of higher education subject to the Uniform Classification and
3 Compensation Act, § 21-5-201 et seq., and a person an applicant entitled to a
4 veterans preference under this section attains a passing grade ~~thereon, he or~~
5 ~~she~~ the applicant shall have five (5) points added to his or her final earned
6 rating if the examination, evaluation, or similar instrument is subject to
7 numerical scoring.

8 (2) If the examination, evaluation, or similar instrument is not
9 subject to numerical scoring, the selection authority ~~must be able to~~ shall
10 demonstrate how veterans preference was ~~arrived at~~ applied in ~~the selection~~
11 ~~process~~ selecting the successful candidate for the position.

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

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