



# Briefing Sheet

**Lead Department:** Human Resources      **Action Officer:** Mary Beth Jackson  
**Subject:** Veteran's Preference  
**Action Requested:** Adopt Resolution to Amend Personnel Policy Article IV, Section 3: Recruitment, Selection, and Appointment to include Veteran's Preference

**Briefing:** 12/10/07      **Public Hearing:** None      **Action:** 12/18/07

Item Schedule	Mark w/ X
Schedule 1: Brief twice – vote once (six weeks)	
Schedule 2: Brief once – vote once (two weeks)	X
Schedule 3: No briefing required (one week)	

**Town Board Discussion and Action:**

*To be inserted by Town Clerk after minutes are approved by the Board.*

**Executive Summary:** In appreciation for their service to this country during a period of war, and in recognition of the time and advantage lost toward the pursuit of a civilian career, the Town would like to amend Article IV, Section 3: Recruitment, Selection, and Appointment to include:

**Veteran's Preference:** Departments must give preference in initial employment decisions to qualified applicants eligible to be considered for Veteran's Preference. Policy requires the selection of an applicant who is eligible for Veteran's Preference when he/she is "substantially equal" in qualifications to the best qualified applicant not eligible for Veteran's Preference. To qualify for Veteran's Preference, applicants must submit the "Veteran's Worksheet" with their application.

**Background:** Chapter 128-15 of the North Carolina General Statutes requires State Agencies to give employment preference to veterans. The Town would also like to offer a veteran preference in our recruitment process.

**Staff Recommendation:** Staff recommends approval

**Board/Committee Review:** NONE

**Meeting Date:**                      **Public Comment:**                      **Action:**

**Minutes:**

**Recommendation:**

**History of Briefing:** *This section should only address past briefings, hearings, actions, etc.*

Date:                      Discussion/Board Direction:

- List Attachments:**
- 2007-177 RES Veteran's Preference
  - Revised Recruitment Policy
  - Veteran's Worksheet
  - General Statue 128-15
  - Office of State Personnel Manual – Veteran's Preference

**Resource Impact:** time/funds/equipment

Staff time required if item is approved:    Low

Funding Source:            None

Resources Utilized:    Human Resources Listserv

**Staff Coordination:** Mark agree, disagree, comment or reviewed. (2<sup>nd</sup> Briefing is used when information has significantly changed from one briefing to the next.)

<b>Required</b>	<b>Staff Member</b>	<b>1<sup>st</sup> Briefing</b>	<b>2<sup>nd</sup> Briefing</b>
X	Town Manager	Agree/Comment	
X	Town Clerk	Agree	
X	Senior Director Resources Management	Agree	
	Budget and Analysis Manager		
	Information Technology Director		
	Contracting and Purchasing Manager		
X	Senior Director Development Services	Reviewed/Comment	
	Planning Director		
	Town Engineer		
	Building Codes Administrator		
	Economic Development		
X	Senior Director Community Services	Agree	
	Risk Manager/Safety Officer		
	Police Chief		
	Fire Chief		
	Parks & Recreation Director		
	Public Works Director		
X	Public Information Officer	Reviewed	
X	Town Attorney		
X	Human Resources Manager	Agree	

If disagreeing, explain:

Tim Gauss: I am not in disagreement with a policy giving credit to applicants for time of service to our country. However, I notice that where applicants are *substantially equal in qualifications*, the policy would require *mandatory* preference to applicants with verified military experience. I would prefer wording to *allow preference for qualifying military service to outstanding candidates as determined through the recruitment process* be given in such cases. My reasons: 1) While there may often be two or three candidates that stand out from a field of those interviewed for a job, they may be outstanding for different reasons (e.g., one may have strength of experience; one may have a particular depth in an area; one may have particularly strong interpersonal skills; etc.), and they might not therefore meet the *substantially equal in qualifications* criterion. 2) Because of that, it may be more difficult to apply the preference for military service (i.e., most applicants won't be substantially equal). 3) Because in most

cases job applicants are not substantially equal in qualifications, Town staff may, when evaluating applicants, be tempted to place more emphasis on fulfilling the *mandatory* preference to applicants rather than evaluating the primary job qualifications for the position ( i.e., military service might be considered in lieu of job qualifications).

John Whitson: The point of Veteran's Preference in hiring is to give preference, which is meant to separate veterans from non-veterans at a point in the recruitment and hiring process. The proposed policy places the point of giving preference at the last step of the recruitment and hiring process. When the selecting official makes the decision to notify the HR Department to make a conditional offer of employment to a candidate the candidate chosen will be a veteran whenever veterans and non-veterans are both available to be offered conditional employment by the HR Department. By placing the decision at the final step selecting officials are given the maximum opportunity to select the "best qualified" candidates for final consideration. Should one of more of the finalists be veterans then the veterans will be given preferential consideration whenever the finalists are substantially equally qualified.

**Public Information Plan:** Answer the following questions and notate the level of PI Plan needed

<b>Question</b>	<b>YES or NO</b>
Does the item's subject matter affect the majority of our population?	NO
<b>(Note: specify the target audience within the Executive Summary section above.)</b>	
Would action have a direct effect, positive or negative, on community services?	NO
Does the item propose an internal policy change?	YES
Does the item propose an external policy change that would result in an amendment to our town codes, ordinances, Land Use Plan, or Zoning Map?	NO
Does the item require an appropriation of funds equal to or over \$90,000?	NO
Will/does the item relate to a Capital Improvements Project?	NO
Are there any ordinance or general statute requirements for public notification?	NO
<b>(Note: If so, cite the ordinance or general statute language within the Executive Summary section above.)</b>	
Does the item require a Public Hearing?	NO
Will there be a public forum session held on the subject to gather input?	NO
<b>Public Information Plan</b>	<b>Mark w/ X</b>
"Get Noticed" - five or more YES answers	
"Legal Ease" - three or four YES answers	
"Standard Issue" - two or less YES answers	X



**RESOLUTION (2007-177) OF THE MORRISVILLE TOWN BOARD OF COMMISSIONERS PERTAINING TO AMENDING ARTICLE IV SECTION 3: RECRUITMENT, SELECTION, AND APPOINTMENT TO INCLUDE VETERANS PREFERENCE**

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**WHEREAS**, in regards to employment, the Town of Morrisville currently does not give preference to Veterans; and

**WHEREAS**, chapter 128-15 of the North Carolina General Statutes requires State Agencies to give employment preference to veterans; and

**WHEREAS**, municipalities are not required to give employment preference to veterans; and

**WHEREAS**, in appreciation for their service to this state and this country during a period of war, and in recognition of the time and advantage lost toward the pursuit of a civilian career, the Town desires to grant preference in employment to veterans; and

**NOW, THEREFORE, BE IT RESOLVED THAT THE MORRISVILLE TOWN BOARD OF COMMISSIONERS** amends Article IV Section 3 of the Town of Morrisville Personnel Policies to include a section on Veteran's Preference for employment.

Adopted this 18<sup>th</sup> day of December 2007.

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Jan Faulkner, Mayor

ATTEST:

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Diana R. Davis, Town Clerk

**§ 128-15. Employment preference for veterans and their spouses or surviving spouses.**

(a) It shall be the policy of the State of North Carolina that, in appreciation for their service to this State and this country during a period of war, and in recognition of the time and advantage lost toward the pursuit of a civilian career, veterans shall be granted preference in employment with every State department, agency, and institution.

(b) As used in this section:

(1) "A period of war" includes World War I (April 16, 1917, through November 11, 1918), World War II (December 7, 1941, through December 31, 1946), the Korean Conflict (June 27, 1950, through January 31, 1955), the period of time between January 31, 1955, and the end of the hostilities in Vietnam (May 7, 1975), or any other campaign, expedition, or engagement for which a campaign badge or medal is authorized by the United States Department of Defense.

(2) "Veteran" means a person who served in the Armed Forces of the United States on active duty, for reasons other than training, and has been discharged under other than dishonorable conditions.

(3) "Eligible veteran" means:

a. A veteran who served during a period of war; or

b. The spouse of a disabled veteran ; or

c. The surviving spouse or dependent of a veteran who dies on active duty during a period of war either directly or indirectly as the result of such service; or

d. A veteran who suffered a disabling injury for service-related reasons during peacetime; or

e. The spouse of a veteran described in subdivision d. of this subsection; or

f. The surviving spouse or dependent of a person who served in the Armed Forces of the United States on active duty, for reasons other than training, who dies for service-related reasons during peacetime.

(c) Hereafter, in all evaluations of applicants for positions with this State or any of its departments, institutions or agencies, a preference shall be awarded to all eligible veterans who are citizens of the State and who served the State or the United States honorably in either the army, navy, marine corps, nurses' corps, air corps, air force, coast guard, or any of the armed services during a period of war.

(d) The provisions of this section shall be subject to the provisions of Article 1 of Chapter 165 of the General Statutes, and Parts 13 and 19 of Article 9 of Chapter 143B of the General Statutes. (1939, c. 8; 1953, c. 1332; 1967, c. 536; 1987 (Reg. Sess., 1988), c. 1064, s. 2.)



### Veteran's Worksheet

Name: \_\_\_\_\_

**INSTRUCTIONS**

The Town of Morrisville seeks to give special consideration to certain veterans whose service was not dishonorable and to their spouses and dependents when otherwise qualified for the classification of the opening sought. This consideration is given in recognition of any veteran with a service-connected disabling injury or of any veteran with wartime\* service. If you are a veteran, please complete Section 1. If you are the spouse or dependent of a veteran, complete Section 2.

\*NOTE: "Periods of war shall include World War I (4/16/17-11/11/18), World War II (12/7/41-12/31/46), the Korean Conflict (6/27/50-1/31/55), the period of time between January 31, 1955 and the end of the hostilities in Vietnam (5/7/75), Panama invasion, Persian Gulf War and any other campaign, expedition, or engagement for which a campaign badge or medal is authorized by the United States Department of Defense." (GS 128-15)

**1. Your Military Service Experience**

Did you receive an honorable discharge? Yes No

If No, was it dishonorable? Yes No

Do you have a service-connected disability or did you serve in the policy-defined wartime\*\*period? Yes No

Active Duty Dates (mm/yyyy): From: \_\_\_\_\_ To: \_\_\_\_\_  
From: \_\_\_\_\_ To: \_\_\_\_\_

Total Length of Service: \_\_\_\_\_ Years \_\_\_\_\_ Months

**2. Spouse or Dependent of Deceased or Disabled Veteran**

Are you the spouse of a veteran who:

(a) Died from service-connected circumstances? Yes No

(b) Was disabled while in the military? Yes No

Are you a dependent of a veteran who died from service-connected circumstances? Yes No

If Yes is indicated in either 2a or 2b, give the name of the related veteran and the active duty of the related veteran: \_\_\_\_\_

Active Duty Dates (mm/yyyy): From: \_\_\_\_\_ To: \_\_\_\_\_  
From: \_\_\_\_\_ To: \_\_\_\_\_

Total Length of Service: \_\_\_\_\_ Years \_\_\_\_\_ Months

**3. Applicant's Certification:**

By checking this box I hereby certify that all information on this supplement is true and complete to the best of my knowledge and belief. I understand that false or misleading information or documentation, or an omission or failure to include all relevant information may result in rejection of my application, action up to and including termination if hired, and/or criminal prosecution. If hired, I further understand the Town will terminate my employment if false or misleading information is given in order to meet the requirements for the position involved.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## **Article IV. RECRUITMENT AND EMPLOYMENT**

### **Section 3. Recruitment, Selection and Appointment**

**Recruitment Sources.** When position vacancies occur, Department Heads shall notify Human Resources concerning the number and classification of positions that are to be filled. Human Resources shall publicize these opportunities for employment, including applicable salary information and employment qualifications. It is the general practice that information concerning job openings and hiring practices shall be provided to recruitment sources, including organizations and news media available to minority applicants. In addition, notices of vacancies shall be posted on the Town website. Individuals shall be recruited from a geographic area as wide as necessary to ensure that well-qualified applicants are obtained for Town service. The local Employment Security Commission Office may be notified of job vacancies and may be used as a referral source. A vacancy may be filled using only internal recruitment to provide opportunities for qualified Town employees.

**Job Advertisements.** Employment advertisements shall contain assurance of equal employment opportunity and shall comply with Federal and State statutes regarding non-discrimination in employment matters.

**Application for Employment.** All persons expressing interest in employment with the Town shall be given the opportunity to file an application for employment for positions that are vacant.

**Application Reserve File.** Applications shall be kept in an inactive reserve file for a period of two years, in accordance with Equal Employment Opportunity Commission guidelines and the records retention schedule issued by the N.C Division of Archives and History.

**Selection.** Department heads shall make such investigations and perform processes and procedures as necessary to assess accurately the knowledge, skills, and experience qualifications required for the position and approved in the Position Classification Plan.

**Veteran's Preference:** Departments must give preference in initial employment decisions to qualified applicants eligible to be considered for Veteran's Preference. Policy requires the selection of an applicant who is eligible for Veteran's Preference when he/she is "substantially equal" in qualifications to the best qualified applicant not eligible for Veteran's Preference. To qualify for Veteran's Preference, applicants must submit the "Veteran's Worksheet" with their application.

**Appointment.** Before any commitment is made to an applicant for a full-time position, either internal or external, the Department Head shall make recommendations to Human Resources who shall review and approve the position to be filled, the salary to be paid, and the reasons for selecting the candidate over other candidates. The Town Manager or designee shall approve appointments and the starting salary for all applicants. A

conditional offer of employment will be made to the top candidate contingent upon satisfactory results of pre-employment drug screening and a criminal background check. Additional pre-employment requirements specific to Police and Fire personnel are administered at the department level.



# Veteran's Preference

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*Recruitment and Selection  
Section 2, Page 29  
September 17, 1997*

**Statutory Provision**      [State law requires](#) that employment preference be given for having served in the Armed Forces of the United States on active duty, for reasons other than training, during periods of war or any other campaign, expedition, or engagement for which a campaign badge or medal is authorized by the United States Department of Defense.  
The preference to be accorded eligible veterans shall apply in initial selection and reduction-in-force situations only.

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**Who is Eligible?**      "Veteran means a person who served in the Armed Forces of the United States on active duty, for reasons other than training, and has been discharged under other than dishonorable conditions.

"Eligible veteran" means:

- a veteran who served during a period of war; or
  - the spouse of a disabled veteran; or
  - the surviving spouse or dependent of a veteran who dies on active duty during a period of war either directly or indirectly as a result of such service; or
  - a veteran who suffered a disabling injury for service-related reasons during peacetime; or
  - the spouse of a veteran who suffered a disabling injury for service-related reasons during peacetime; or
  - the surviving spouse or dependent of a person who served in the Armed Forces of the United States on active duty, for reasons other than training, who died for service-related reasons during peacetime.
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**What periods are included?**

December 7, 1941	through	May 15, 1975
June 6, 1983	through	December 1, 1987
December 20, 1989	through	January 31, 1990
August 2, 1990	through	The date approved by Congress or the President as the ending date for hostilities for the Persian Gulf War

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*Recruitment and Selection  
Section 2, Page 30  
September 17, 1997*

**What periods are not included?**      The only veterans not to be provided veterans preference are those who served during the following period, if they have not established a service connected disability:

- May 16, 1975 through May 31, 1983

- December 2, 1987 through December 19, 1989
- February 1, 1990 through August 1, 1990

How to claim veteran's preference in initial selection

To claim veteran's preference upon initial application, all eligible persons must complete and sign a State Application for Employment (Form PD-107 or equivalent) and submit it to the appointing authority. The agency shall verify eligibility.

Minimum Qualifications

In order to claim veteran's preference, eligible veterans must meet the minimum training and experience requirements for the position and must be capable of performing the duties assigned to the position.

In evaluating qualifications, credit shall be given on a year for year, and month for month, basis, for all military service training and experience which bears a reasonable functional relationship to the knowledge, skills, and abilities required in the position applied for.

*Advisory Note: In determining minimum education and experience, related civilian experience should be used prior to using related military experience, in order to give the veteran the maximum credit for unrelated military service.*

Determining Military Service Credit

In initial selection procedures, where numerically scored examinations are used in determining the relative ranking of candidates, ten (10) preference points shall be awarded to eligible veterans.

*Recruitment and Selection  
Section 2, Page 31  
September 17, 1997*

In initial selection, where structured interview, assessment center, in-basket, or any other procedure, not numerically scored, is used to qualitatively assess the relative ranking of candidates, the veteran who has met the minimum qualification requirements and who has less than four years of related military experience beyond that necessary to minimally qualify, shall also receive additional experience credit for up to four years of unrelated military service.

The amount of additional experience credit to be granted for unrelated military service in individual cases shall be determined as follows:

Determine the amount of related military service possessed by the eligible veteran beyond that required to meet the minimum qualifications and:

\* if the total of such experience equals or exceeds four years, the additional credit for unrelated military service does not apply, but

\* if the total of such experience is less than four years, the veteran shall receive direct experience credit for unrelated military service in an amount not to exceed the difference between the related military service and the 4-year maximum credit which may be granted.

*Example A: An eligible veteran with 2 years of related military experience beyond that necessary to qualify and with 6 years of unrelated service, will receive 2 years of experience credit. For selection consideration, this person will be considered to have a total of 4 years of related experience. [4 yrs. (maximum possible unrelated service credit) less 2 yrs. (related military service held by the applicant beyond that necessary for minimum qualification) = 2 yrs. (amount of the six years unrelated service which can be credited)].*

*Example B: An eligible veteran has only enough related military service to qualify for the minimum, but has 2 years, 3 months of unrelated military service. This person will receive a 2-year, 3 month experience credit. [4 yrs. (maximum possible unrelated service credit) less 0 (related military service beyond that necessary for minimum qualification) = 4 yrs. (4 yrs. could be credited for unrelated service time, however, the person in this instance can only claim 2 yrs., 3 mos., the actual amount of unrelated time service)].*

*Recruitment and Selection  
Section 2, Page 32  
September 17, 1997*

Applying  
Preference

After applying the preference, the qualified eligible veteran shall be hired when overall qualifications are substantially equal to one or more non-veterans or non-eligible veterans in the most qualified applicant pool. Substantially equal qualifications occur when the employer cannot make a reasonable determination that the qualifications held by one or more persons are significantly better suited for the position than the qualifications held by another person.

In reduction-in-force situations where seniority or years of service is one of the considerations in retention, the eligible veteran shall be accorded one year of state service for each year or fraction thereof of military service, up to a maximum of five (5) years credit. (Refer to policy on Reduction in Force for related information.)

Relationship  
to Other  
Priorities

If the selection decision is between a qualified non-State employee veteran and a substantially equivalent applicant with a priority described below, the applicant with the priority described below shall be selected.

- \* a qualified current State employee with career status who is seeking a promotional opportunity,
- \* a qualified employee separated from exempt policy-making/confidential or exempt managerial position for reasons other than just cause,
- \* a qualified State employee notified of or separated by reduction in force, or
- \* an employee returning from workers' compensation leave.

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Appeals

Any claim or allegation that preference has not been accorded to an eligible veteran must be filed with either the Office of State Personnel or the Office of Administrative Hearings. Such claims must be filed in a manner consistent with the requirements of G.S. 150B-23 and G.S. 126-38. Such claims shall be heard as contested cases pursuant to G.S. 150-2(2) and G.S. 150B, Article 3. The State Personnel Commission may, upon a finding that veteran's preference was denied in violation of this policy, order the hiring or reinstatement of any affected person, as well as any other remedy necessary to correct the violation.

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