

# House File 80

HOUSE FILE \_\_\_\_\_  
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Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act concerning veterans, including employment preference and  
2 other benefits.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 1755HH 82  
5 ec/gg/14

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1 1 Section 1. Section 8A.413, subsection 21, Code 2007, is  
1 2 amended to read as follows:

1 3 21. For veterans preference through a provision that  
1 4 veterans, as defined in section 35.1, shall ~~have five points~~  
~~1 5 added to the grade or score attained in qualifying~~  
~~1 6 examinations for appointment to jobs receive employment~~  
~~1 7 preference as provided in chapter 35C.~~

~~1 8 Veterans who have a service-connected disability or are~~  
~~1 9 receiving compensation, disability benefits, or pension under~~  
~~1 10 laws administered by the veterans administration shall have~~  
~~1 11 ten points added to the grades attained in qualifying~~  
~~1 12 examinations. A veteran who has been awarded the purple heart~~  
~~1 13 for disabilities incurred in action shall be considered to~~  
~~1 14 have a service-connected disability.~~

1 15 Sec. 2. Section 19B.2, Code 2007, is amended to read as  
1 16 follows:

1 17 19B.2 EQUAL OPPORTUNITY IN STATE EMPLOYMENT == AFFIRMATIVE  
1 18 ACTION.

1 19 It is the policy of this state to provide equal opportunity  
1 20 in state employment to all persons. An individual shall not  
1 21 be denied equal access to state employment opportunities  
1 22 because of race, creed, color, religion, national origin, sex,  
1 23 age, ~~or~~ physical or mental disability, ~~veterans' service=~~  
~~1 24 connected disability, or for opportunities forestalled due to~~  
~~1 25 service in the armed forces.~~ It also is the policy of this  
1 26 state to apply affirmative action measures to correct  
1 27 deficiencies in the state employment system where those  
1 28 remedies are appropriate. This policy shall be construed  
1 29 broadly to effectuate its purposes.

1 30 It is the policy of this state to permit special  
1 31 appointments by bypassing the usual testing procedures for any  
1 32 applicant for whom the division of vocational rehabilitation  
1 33 services of the department of education or the department for  
1 34 the blind, ~~or if the individual is a veteran, the department~~  
~~1 35 of veterans affairs and the United States department of~~

~~2 1 veterans affairs vocational rehabilitation and employment~~

~~2 2 service, has certified the applicant's disability and~~  
~~2 3 competence to perform the job. The department of~~  
~~2 4 administrative services, in cooperation with the department~~  
~~2 5 for the blind, and the division of vocational rehabilitation~~  
~~2 6 services, the department of veterans affairs, and the United~~  
~~2 7 States department of veterans affairs vocational~~

~~2 8 rehabilitation and employment service, shall develop~~  
~~2 9 appropriate certification procedures. In addition, the~~  
~~2 10 department of veterans affairs, in cooperation with the~~  
~~2 11 departments of administrative services and workforce~~  
~~2 12 development, shall institute a program coordinated with the~~  
~~2 13 United States department of veterans affairs to transition~~  
~~2 14 veterans with a service-connected disability into state~~  
~~2 15 employment as provided by this section.~~ This paragraph should

2 16 not be interpreted to bar promotional opportunities for  
2 17 persons who are blind or persons with physical or mental  
2 18 disabilities. If this paragraph conflicts with any other  
2 19 provisions of this chapter, the provisions of this paragraph

2 20 govern.

2 21 Sec. 3. Section 19B.5, Code 2007, is amended by adding the  
2 22 following new subsection:

2 23 NEW SUBSECTION. 4. Reports required to be submitted  
2 24 pursuant to this section shall include information on  
2 25 employment of women, minorities, persons with disabilities,  
2 26 veterans, and veterans with service-connected disabilities.

2 27 Sec. 4. Section 19B.7, subsection 1, paragraph a,  
2 28 subparagraph (2), Code 2007, is amended to read as follows:

2 29 (2) The utilization of minority, women's, veterans',  
2 30 disabled persons', service-connected disabled veterans', and  
2 31 disadvantaged business enterprises as sources of supplies,  
2 32 equipment, construction, and services.

2 33 Sec. 5. Section 19B.7, subsection 1, paragraph a, Code  
2 34 2007, is amended by adding the following new subparagraphs:

2 35 NEW SUBPARAGRAPH. (4) State contractors and  
3 1 subcontractors with contracts valued at one hundred thousand  
3 2 dollars or more shall extend and enforce veterans employment  
3 3 preference in the private sector in a manner that emulates the  
3 4 preference provided in chapter 35C.

3 5 NEW SUBPARAGRAPH. (5) State contractors and  
3 6 subcontractors with contracts valued at one hundred thousand  
3 7 dollars or more shall implement affirmative action programs  
3 8 for women, minorities, persons with disabilities, veterans,  
3 9 and veterans with service-connected disabilities by July 1,  
3 10 2008.

3 11 Sec. 6. Section 19B.7, subsection 1, paragraph d, Code  
3 12 2007, is amended to read as follows:

3 13 d. Report results under the contract compliance policy to  
3 14 the governor and the general assembly on an annual basis. The  
3 15 report shall detail specific efforts to promote equal  
3 16 opportunity through state contracts and services and efforts,  
3 17 including the efforts of state contractors and subcontractors,

3 18 to promote, develop, and stimulate the utilization of  
3 19 minority, women's, veterans', disabled persons',  
3 20 service-connected disabled veterans', and disadvantaged  
3 21 business enterprises in programs receiving or benefiting from  
3 22 state financial assistance.

3 23 Sec. 7. Section 35.1, subsection 2, paragraph a,  
3 24 unnumbered paragraph 1, Code 2007, is amended to read as  
3 25 follows:

3 26 "Veteran" means a resident of this state who served in the  
3 27 armed forces of the United States, active or reserves, in  
3 28 active federal service, or served as a member of the Iowa  
3 29 national guard, at any time during the following dates and who  
3 30 was discharged under honorable conditions:

3 31 Sec. 8. Section 35.1, subsection 2, paragraph a, Code  
3 32 2007, is amended by adding the following new subparagraphs:

3 33 NEW SUBPARAGRAPH. (14) Bosnia=Herzegovina Conflict from  
3 34 April 6, 1992, through the date the president or the Congress  
3 35 of the United States declares a cessation of hostilities. If  
4 1 the United States Congress enacts a date different from April  
4 2 6, 1992, as the beginning of the Bosnia=Herzegovina Conflict  
4 3 for purposes of determining whether a veteran is entitled to  
4 4 receive veteran benefits for service in the Bosnia=Herzegovina  
4 5 Conflict, that date shall be substituted for April 6, 1992.

4 6 NEW SUBPARAGRAPH. (15) Somalia Conflict from August 17,  
4 7 1992, through March 3, 1995.

4 8 NEW SUBPARAGRAPH. (16) Afghanistan War from October 7,  
4 9 2001, through the date the president or the Congress of the  
4 10 United States declares a cessation of hostilities. If the  
4 11 United States Congress enacts a date different from October 7,  
4 12 2001, as the beginning of the Afghanistan War for purposes of  
4 13 determining whether a veteran is entitled to receive veteran  
4 14 benefits for service in the Afghanistan War, that date shall  
4 15 be substituted for October 7, 2001.

4 16 NEW SUBPARAGRAPH. (17) Iraq War from March 20, 2003,  
4 17 through the date the president or the Congress of the United  
4 18 States declares a cessation of hostilities. If the United  
4 19 States Congress enacts a date different from March 20, 2003,  
4 20 as the beginning of the Iraq War for purposes of determining  
4 21 whether a veteran is entitled to receive veteran benefits for  
4 22 service in the Iraq War, that date shall be substituted for  
4 23 March 20, 2003.

4 24 Sec. 9. Section 35.1, subsection 2, paragraph b, Code  
4 25 2007, is amended by adding the following new subparagraph:

4 26 NEW SUBPARAGRAPH. (8) Any honorably discharged member of  
4 27 the armed forces or national guard with a service-connected  
4 28 disability rated at ten percent or more by the appropriate  
4 29 component of the United States department of defense or the  
4 30 United States department of veterans affairs or an honorably

4 31 discharged veteran who has been awarded the purple heart for  
4 32 injuries incurred while participating in military operations,  
4 33 regardless of service dates.

4 34 Sec. 10. NEW SECTION. 35C.1A POLICY.

4 35 It is the policy of this state to assist veterans of the  
5 1 armed forces in readjusting to civilian life since veterans,  
5 2 by virtue of their military service, have made personal and  
5 3 economic sacrifices and forestalled opportunities to pursue  
5 4 education, training, and networking oriented toward civilian  
5 5 careers. The state has a very special obligation to disabled  
5 6 veterans. In addition, Iowa is continually concerned with  
5 7 building an effective workforce and veterans constitute a  
5 8 major recruiting source. It is, therefore, the policy of Iowa  
5 9 to promote the maximum number of employment opportunities  
5 10 within Iowa for veterans and disabled veterans.

5 11 Sec. 11. NEW SECTION. 35C.1B SCOPE.

5 12 Public employers of this state, including the state and its  
5 13 political subdivisions, public utilities, state universities,  
5 14 and public school districts, shall accord preferences in  
5 15 employment appointment, unless provided otherwise by law, to  
5 16 veterans as defined in section 35.1.

5 17 Sec. 12. NEW SECTION. 35C.2A APPOINTMENTS AND EMPLOYMENT  
5 18 == APPLICATIONS.

5 19 1. Public employers shall give notice in all announcements  
5 20 and advertisements of employment vacancies that preference in  
5 21 appointment and employment will be given to eligible veterans  
5 22 as defined in section 35.1. The application deadline to fill  
5 23 a job must be posted at least ten days before the deadline in  
5 24 the same manner as notices of meetings are posted under  
5 25 section 21.4. The application form shall contain an inquiry  
5 26 as to whether the applicant is claiming veterans preference  
5 27 and the employer shall inform applicants of the requirements  
5 28 for documentation. The applicant claiming preferences shall  
5 29 provide required documentation at the time of application.

5 30 2. If the hiring authority of a public employer cancels or  
5 31 withdraws a job that has been publicly announced and then  
5 32 reannounces the position within one year of the cancellation  
5 33 or withdrawal date, all preference-eligible veterans that were  
5 34 on the original list of eligible applicants shall be included  
5 35 on the new list of eligible applicants. If the hiring  
6 1 authority does not fill a position and requests reannouncement  
6 2 of the position because it claims no qualified candidates  
6 3 applied under the first announcement, the department of  
6 4 administrative services shall investigate this claim and  
6 5 certify its accuracy before a reannouncement of the position  
6 6 is authorized.

6 7 Sec. 13. NEW SECTION. 35C.2B PREFERENCE CATEGORIES.

6 8 1. PREFERENCE CATEGORY 1. The following persons shall be  
6 9 included in preference category 1 for purposes of this  
6 10 chapter:

6 11 a. A disabled veteran with a service-connected disability  
6 12 rated ten percent or more by the United States department of  
6 13 veterans affairs or an honorably discharged veteran who has  
6 14 been awarded the purple heart for injuries incurred while  
6 15 participating in military operations.

6 16 b. The spouse of a veteran with a service-connected  
6 17 disability rated at one hundred percent by the United States  
6 18 department of veterans affairs.

6 19 2. PREFERENCE CATEGORY 2. A veteran of any war or  
6 20 conflict who has served on active duty for one day or more  
6 21 during a wartime period or other period of time as described  
6 22 in section 35.1, excluding active duty for training, and who  
6 23 was discharged under honorable conditions from the armed  
6 24 forces of the United States shall be included in preference  
6 25 category 2 for purposes of this chapter.

6 26 Sec. 14. NEW SECTION. 35C.3A PREFERENCE REQUIRED AT EACH  
6 27 STAGE.

6 28 1. An eligible veteran of good moral character is entitled  
6 29 to preference at every stage of the hiring process subject to  
6 30 the requirements of this chapter. A public employer's hiring  
6 31 authority may elect to pass over an eligible veteran for a  
6 32 lower ranked preference-eligible or nonpreference-eligible  
6 33 individual; however, this can be done only when sound reasons  
6 34 exist that relate directly to the eligible veteran's physical  
6 35 and mental fitness or personal suitability for employment and  
7 1 pursuant to the requirements of subsection 2, if applicable.

7 2 If the public employer's hiring authority exercises this  
7 3 option, it shall document its rationale in writing and retain  
7 4 the records for two years. An eligible veteran is entitled to  
7 5 copies of the written documentation upon written request to  
7 6 the public employer's hiring authority or the department of

7 7 administrative services within ten days of the request date.  
7 8 2. If a preference-eligible veteran is a thirty percent or  
7 9 more service-connected disabled veteran, the public employer's  
7 10 hiring authority shall notify the veteran, the director of the  
7 11 department of administrative services, and the executive  
7 12 director of the department of veterans affairs that the hiring  
7 13 entity intends to pass over the veteran as described in  
7 14 subsection 1. The veteran has fifteen days from the date of  
7 15 notification to seek review of the proposed pass over by the  
7 16 director of the department of administrative services and the  
7 17 executive director of the department of veterans affairs. The  
7 18 director of the department of administrative services and the  
7 19 executive director of the department of veterans affairs shall  
7 20 decide, based on the facts available, whether the pass over  
7 21 shall be approved or denied and shall notify the parties of  
7 22 the decision. The decision of the director and executive  
7 23 director shall be considered final agency action pursuant to  
7 24 chapter 17A.

7 25 Sec. 15. NEW SECTION. 35C.3B VETERANS PREFERENCE  
7 26 DETERMINATIONS.

7 27 1. NUMERICALLY BASED PROCESS. Employment preference, when  
7 28 numerically based examination results are used as the device  
7 29 for employment selection, consists of, once the applicant  
7 30 attains a passing score, adding ten points to the test score  
7 31 of each preference category 1 eligible applicant and five  
7 32 points to the test score of each preference category 2  
7 33 eligible applicant. Once the preference-eligible applicants'  
7 34 test scores have been augmented, the names of all the  
7 35 preference-eligible and nonpreference-eligible applicants must  
8 1 be placed on a register or employment list, beginning with  
8 2 disabled veterans with a service-connected disability rated at  
8 3 thirty percent or more, followed by all other  
8 4 preference-eligible applicants and nonpreference-eligible  
8 5 applicants in rank order. Appointments to positions shall be  
8 6 made from the appropriate register or employment list in  
8 7 descending order from top to bottom by the applicants' ranked  
8 8 position on the list.

8 9 2. NONNUMERICALLY BASED PROCESS. If a nonnumerically  
8 10 based process is used in hiring, the job qualifications for  
8 11 the position shall be included in the announcement of the  
8 12 position and employment preference shall be given to  
8 13 preference-eligible applicants in such a manner that  
8 14 appointments emulate the appointments that would occur if a  
8 15 numerically based process would have been used provided that  
8 16 the preference-eligible applicant possesses the qualifications  
8 17 necessary to carry out the duties of the job. For purposes of  
8 18 this subsection, "qualifications" means the requisite  
8 19 education, experience, special requirements, license, or  
8 20 certification that gives the candidate the ability to perform  
8 21 the duties of the job as specified by the public employer or  
8 22 the department of administrative services.

8 23 Sec. 16. NEW SECTION. 35C.3C COMPLAINT == MANDATORY  
8 24 MEDIATION.

8 25 If an applicant claiming veterans preference for a vacant  
8 26 position is not selected and believes that this action may be  
8 27 in violation of this chapter, the applicant shall file a  
8 28 complaint with the department of veterans affairs. The  
8 29 complaint must be filed within fifteen days of the applicant  
8 30 receiving notice of the hiring decision made by the employing  
8 31 entity or within three months of the date the application is  
8 32 filed with the employer if no notice is given. The executive  
8 33 director of the department of veterans affairs shall conduct  
8 34 an initial investigation of the complaint and mediate the  
8 35 dispute between the parties in an attempt to reach a mutually  
9 1 agreeable solution. If a solution is not attainable or if  
9 2 fifteen days has passed since the complaint was filed with the  
9 3 department, the executive director of the department of  
9 4 veterans affairs shall officially notify the parties in  
9 5 writing and inform the applicant of the applicant's rights  
9 6 under this chapter.

9 7 Sec. 17. Section 35C.5, Code 2007, is amended to read as  
9 8 follows:

9 9 35C.5 APPEALS.

9 10 ~~In addition to the remedy provided in section 35C.4, an An~~  
9 11 ~~appeal may be taken by any person belonging to any of the~~  
9 12 ~~classes of persons to whom a preference is hereby granted~~  
9 13 ~~pursuant to this chapter, from any refusal to allow said the~~  
9 14 ~~preference, as provided in this chapter, to the district court~~  
9 15 ~~of the county in which such refusal occurs. The appeal shall~~  
9 16 ~~be made by serving upon the appointing officer, board, or~~  
9 17 ~~person within twenty twenty-one days after the date of the~~

~~9 18 refusal of said appointing officer, board, or persons to allow  
9 19 said preference the parties have been notified as provided in  
9 20 section 35C.3A, subsection 2, or section 35C.3C, a written  
9 21 notice of such appeal stating the grounds of the appeal and a  
9 22 demand in writing for a certified transcript of the record,  
9 23 and all papers on file in the office affecting or relating to  
9 24 said the appointment. Thereupon, said the appointing officer,  
9 25 board, or person shall, within ten days, make, certify, and  
9 26 deliver to the appellant such a transcript and the appellant  
9 27 shall, within five days thereafter, file the same and a copy  
9 28 of the notice of appeal with the clerk of said court, and said  
9 29 the notice of appeal shall stand as the appellant's complaint  
9 30 and thereupon said cause shall be accorded such preference in  
9 31 its assignment for trial as to assure its prompt disposition.  
9 32 The court shall receive and consider any pertinent evidence,  
9 33 whether oral or documentary, concerning said the appointment  
9 34 from which the appeal is taken, and if the court shall find  
9 35 finds that the said applicant is qualified as defined in  
10 1 section 35C.1, to hold the position for which the applicant  
10 2 has applied did not receive the employment preference as  
10 3 provided in this chapter, said the court shall, by its  
10 4 mandate, specifically direct the said appointing officer,  
10 5 board, or persons as to their further action in the matter.  
10 6 Remedies the court may order include but are not limited to  
10 7 hire orders, hire orders with retroactive hire dates, punitive  
10 8 monetary awards if circumstances warrant, and reasonable and  
10 9 customary attorney fees if in the interest of justice. An  
10 10 appeal may be taken from the judgment of the said district  
10 11 court on any such appeal on the same terms as an appeal is  
10 12 taken in civil actions. At their election parties entitled to  
10 13 appeal under this section may, in the alternative, maintain an  
10 14 action for judicial review in accordance with the terms of the  
10 15 Iowa administrative procedure Act, chapter 17A, if that is  
10 16 otherwise applicable to their case.~~

10 17 Sec. 18. Section 35C.5A, Code 2007, is amended to read as  
10 18 follows:

10 19 35C.5A ARBITRATION.

10 20 In addition to the remedies otherwise provided in sections  
~~10 21 35C.4 and 35C.5 this chapter,~~ a person belonging to a class of  
10 22 persons qualifying for a preference may submit any refusal to  
10 23 allow a preference, or any reduction of the person's salary as  
10 24 described in section 35C.4, to arbitration within sixty days  
10 25 after written notification of the refusal or reduction.  
10 26 Within ten days after any submission, an arbitrator shall be  
10 27 selected by a committee that includes one member chosen by the  
10 28 person refused preference, one member chosen by the appointing  
10 29 officer, board, or person, and one member who shall be a  
10 30 disinterested party selected by the other two members of the  
10 31 committee. A list of qualified arbitrators may be obtained  
10 32 from the American arbitration association or other recognized  
10 33 arbitration organization or association. The decision of the  
10 34 arbitrator shall be final and binding on the parties.

10 35 Sec. 19. Section 400.10, Code 2007, is amended to read as  
11 1 follows:

11 2 400.10 PREFERENCES.

11 3 In all examinations and appointments under this chapter,  
11 4 other than promotions and appointments of chief of the police  
11 5 department and chief of the fire department, veterans as  
11 6 defined in section 35.1, ~~who are citizens and residents of  
11 7 this state, shall have five points added to the veteran's  
11 8 grade or score attained in qualifying examinations for  
11 9 appointment to positions and five additional points added to  
11 10 the grade or score if the veteran has a service-connected  
11 11 disability or is receiving compensation, disability benefits  
11 12 or pension under laws administered by the veterans  
11 13 administration shall receive preference as provided in chapter  
11 14 35C.~~ An honorably discharged veteran who has been awarded the  
11 15 Purple Heart for disabilities incurred in action shall be  
11 16 considered to have a service-connected disability. However,  
11 17 the points shall be given only upon passing the exam and shall  
11 18 not be the determining factor in passing.

11 19 Sec. 20. Sections 35C.1, 35C.2, and 35C.3, Code 2007, are  
11 20 repealed.

11 21 EXPLANATION

11 22 This bill provides for veterans preference in public  
11 23 contracts and employment.

11 24 Code section 8A.413, concerning rules on awarding a  
11 25 veterans preference, is amended to provide that veterans shall  
11 26 be awarded a preference pursuant to Code chapter 35C as  
11 27 modified by this bill. Under current law, veterans get an  
11 28 additional five points in any qualifying examination and

11 29 disabled veterans get 10 points.

11 30 Code chapter 19B, concerning equal opportunity and  
11 31 affirmative action, is amended to include veterans and  
11 32 disabled veterans as a protected class. The bill provides  
11 33 that current affirmative action reports shall include  
11 34 statistics concerning veterans and disabled veterans. In  
11 35 addition, Code section 19B.7, concerning state contracts, is  
12 1 amended to provide that in awarding state contracts and  
12 2 subcontracts valued at over \$100,000, affirmative action  
12 3 programs and veterans preference in a manner similar to Code  
12 4 chapter 35C shall be implemented.

12 5 Code section 35.1, concerning the definition of "veteran",  
12 6 is amended by the bill. Under current law, a person can be  
12 7 considered a veteran if the person's military service was  
12 8 during several specified periods of time, usually coinciding  
12 9 with a military war or conflict. In addition, current law  
12 10 includes several categories of individuals as a veteran  
12 11 regardless of when the service occurred. Both provisions are  
12 12 amended in the bill. As to the time-specific definition, the  
12 13 bill provides that a veteran can be a person who served in the  
12 14 reserves or in active federal service or in the Iowa national  
12 15 guard during the specified periods of time. The bill also  
12 16 adds additional periods of time coinciding with the  
12 17 Bosnia=Herzegovina Conflict, the Somalia Conflict, the  
12 18 Afghanistan War, and the Iraq War. As to the portion of the  
12 19 definition of veteran that is not dependent on service during  
12 20 specified periods, the bill adds any honorably discharged  
12 21 member of the military with a 10 percent service-connected  
12 22 disability or who was awarded the purple heart.

12 23 Code chapter 35C, governing veterans preference in public  
12 24 employment, is amended by the bill.

12 25 New Code section 35C.1A provides that the policy of the  
12 26 state should be to assist veterans and maximize their  
12 27 employment opportunities.

12 28 New Code section 35C.1B provides that the provisions of  
12 29 Code chapter 35C concerning veterans preference apply to the  
12 30 state, political subdivisions of the state, public utilities,  
12 31 state universities, and public school districts.

12 32 New Code section 35C.2A requires job announcements by  
12 33 public employers to provide notice that preference will be  
12 34 given to eligible veterans. The new Code section further  
12 35 provides that if the hiring authority cancels a job  
13 1 announcement and then announces the job again within one year,  
13 2 all preference-eligible veterans who were on the list for the  
13 3 initial announcement will be on the list for the new  
13 4 announcement. If the basis for a proposed reannouncement of  
13 5 the position was that no qualified persons applied the first  
13 6 time, the department of administrative services shall  
13 7 investigate the claim and certify its accuracy before the new  
13 8 announcement can be made.

13 9 New Code section 35C.2B establishes two preference  
13 10 categories. Preference category 1 includes disabled veterans  
13 11 or the spouse of a 100 percent disabled veteran. Preference  
13 12 category 2 includes any veteran of any war or conflict who  
13 13 served on active duty during any period of time specified in  
13 14 Code section 35.1 and who was honorably discharged.

13 15 New Code section 35C.3A provides that an eligible veteran  
13 16 shall be entitled to preference in hiring by a public  
13 17 employer. The new Code section provides that an eligible  
13 18 veteran can be passed over in favor of a lower-ranked person  
13 19 in hiring only when sound reasons exist that directly relate  
13 20 to the veteran's fitness for employment. The reasons for  
13 21 being passed over shall be documented and the veteran shall be  
13 22 able to access the records. In addition, if the passed over  
13 23 veteran has a 30 percent service-connected disability, the  
13 24 veteran can seek review of the decision by the directors of  
13 25 the department of administrative services and department of  
13 26 veterans affairs. The directors' decision to approve or  
13 27 disapprove the decision not to hire the veteran is final  
13 28 agency action.

13 29 New Code section 35C.3B provides for the process of  
13 30 providing preference for veterans in hiring. The Code section  
13 31 provides that if a numerically based process is used in  
13 32 hiring, veterans in preference category 1 shall have 10  
13 33 additional points added to their test scores while veterans in  
13 34 preference category 2 shall have five additional points. In  
13 35 addition, disabled veterans with a 30 percent or more service=  
14 1 connected disability shall be placed first on the hiring list.  
14 2 The new Code section provides that if a nonnumerically based  
14 3 process of hiring is used, a process shall be implemented that  
14 4 emulates that used under a numerically based process.

14 5 New Code section 35C.3C provides that an eligible veteran  
14 6 claiming a preference and who believes their nonselection for  
14 7 a position was in violation of Code chapter 35C may file a  
14 8 complaint with the department of veterans affairs. The  
14 9 director of the department shall investigate the complaint and  
14 10 attempt to mediate the dispute. If mediation is unsuccessful  
14 11 or if 15 days have passed since the veteran filed the  
14 12 complaint, the veteran can seek redress under the provisions  
14 13 of Code chapter 35C.

14 14 Code section 35C.5 is amended to provide that the time for  
14 15 filing an appeal to district court claiming a violation of  
14 16 Code chapter 35C is 21 days after the date the department  
14 17 sends the notice as provided by Code section 35C.3A,  
14 18 subsection 2, or section 35C.3C.

14 19 Code section 400.10, concerning preferences granted in  
14 20 examinations and appointment under civil service, is amended  
14 21 to provide that the preference granted veterans shall be as  
14 22 provided in Code chapter 35C.

14 23 LSB 1755HH 82

14 24 ec:nh/gg/14