

MAR 2 2004
STATE GOVERNMENT

HOUSE FILE 2416
BY HUNTER

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to veterans, concerning employment preference and
2 other related benefits.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2416

1 Section 1. Section 8A.413, subsection 21, Code Supplement
2 2003, is amended to read as follows:

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

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

15 Sec. 2. Section 19B.2, Code Supplement 2003, is amended to
16 read as follows:

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

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

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

1 veterans affairs vocational, rehabilitation and employment
2 service, has certified the applicant's disability and
3 competence to perform the job. The department of
4 administrative services, in cooperation with the department
5 for the blind, and the division of vocational rehabilitation
6 services, the commission of veterans affairs, and the United
7 States department of veterans affairs vocational,
8 rehabilitation and employment service, shall develop
9 appropriate certification procedures. In addition, the
10 commission of veterans affairs, in cooperation with the
11 departments of administrative services and workforce
12 development, shall institute a program coordinated with the
13 United States department of veterans affairs to transition
14 veterans with a service-connected disability into state
15 employment as provided by this section. This paragraph should
16 not be interpreted to bar promotional opportunities for
17 persons who are blind or persons with physical or mental
18 disabilities. If this paragraph conflicts with any other
19 provisions of this chapter, the provisions of this paragraph
20 govern.

21 Sec. 3. Section 19B.5, Code Supplement 2003, is amended by
22 adding the following new subsection:

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

27 Sec. 4. Section 19B.7, subsection 1, paragraph a,
28 subparagraph (2), Code 2003, is amended to read as follows:

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

33 Sec. 5. Section 19B.7, subsection 1, paragraph a, Code
34 2003, is amended by adding the following new subparagraphs:

35 NEW SUBPARAGRAPH. (4) State contractors and

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

5 NEW SUBPARAGRAPH. (5) State contractors and
6 subcontractors with contracts valued at one hundred thousand
7 dollars or more shall implement affirmative action programs
8 for women, minorities, persons with disabilities, veterans,
9 and veterans with service-connected disabilities by July 1,
10 2005.

11 Sec. 6. Section 19B.7, subsection 1, paragraph d, Code
12 2003, is amended to read as follows:

13 d. Report results under the contract compliance policy to
14 the governor and the general assembly on an annual basis. The
15 report shall detail specific efforts to promote equal
16 opportunity through state contracts and services and efforts,
17 including the efforts of state contractors and subcontractors,
18 to promote, develop, and stimulate the utilization of
19 minority, women's, veterans', disabled persons', service-
20 connected disabled veterans', and disadvantaged business
21 enterprises in programs receiving or benefiting from state
22 financial assistance.

23 Sec. 7. Section 35.1, subsection 2, paragraph a,
24 unnumbered paragraph 1, Code Supplement 2003, is amended to
25 read as follows:

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

31 Sec. 8. Section 35.1, subsection 2, paragraph a, Code
32 Supplement 2003, is amended by adding the following new
33 subparagraphs:

34 NEW SUBPARAGRAPH. (14) Bosnia Herzegovina conflict from
35 April 6, 1992, through the date the president or the Congress

1 of the United States declares a cessation of hostilities. If
2 the United States Congress enacts a date different from April
3 6, 1992, as the beginning of the Bosnia Herzegovina conflict
4 for purposes of determining whether a veteran is entitled to
5 receive veteran benefits for service in the Bosnia Herzegovina
6 conflict, that date shall be substituted for April 6, 1992.

7 NEW SUBPARAGRAPH. (15) Somalia conflict from August 17,
8 1992, through March 3, 1995.

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

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

25 Sec. 9. Section 35.1, subsection 2, paragraph b, Code
26 Supplement 2003, is amended by adding the following new
27 subparagraphs:

28 NEW SUBPARAGRAPH. (6) A surviving spouse of a veteran,
29 member of the armed forces, or national guard member who has
30 not remarried or an orphan of a veteran, member of the armed
31 forces, or national guard member if the veteran, member of the
32 armed forces, or national guard member was killed while on
33 active duty.

34 NEW SUBPARAGRAPH. (7) The spouse of a veteran, member of
35 the armed forces, or national guard member with a service-

1 connected disability rated at one hundred percent by the
2 United States department of veterans affairs.

3 NEW SUBPARAGRAPH. (8) The spouse of a veteran, member of
4 the armed forces, or national guard member missing in action,
5 captured, or forcibly detained by a foreign power or terrorist
6 group.

7 NEW SUBPARAGRAPH. (9) Any honorably discharged member of
8 the armed forces or national guard with a service-connected
9 disability rated at ten percent or more by the appropriate
10 component of the United States department of defense or the
11 United States department of veterans affairs or an honorably
12 discharged veteran who has been awarded the purple heart for
13 injuries incurred while participating in military operations,
14 regardless of service dates.

15 Sec. 10. Section 35A.2, subsection 2, Code 2003, is
16 amended to read as follows:

17 2. Six commissioners shall be honorably discharged members
18 of the armed forces of the United States. The American legion
19 of Iowa, disabled American veterans department of Iowa,
20 veterans of foreign wars department of Iowa, American veterans
21 of World War II, Korea, and Vietnam, the Vietnam veterans of
22 America, and the military order of the purple heart, through
23 their department commanders, shall submit two names in
24 nomination respectively from their organizations to the
25 governor. The governor shall appoint from each of the
26 ~~organizations~~ organizations' nominees one representative to
27 serve as a member of the commission, ~~unless the appointments~~
28 ~~would conflict with the.~~ The bipartisan and gender balance
29 provisions of sections 69.16 and 69.16A do not apply to
30 appointments pursuant to this subsection. In addition, the
31 governor shall appoint one member of the public, knowledgeable
32 in the general field of veterans affairs, to serve on the
33 commission.

34 Sec. 11. NEW SECTION. 35C.1A POLICY.

35 It is the policy of this state to assist veterans of the

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

11 Sec. 12. NEW SECTION. 35C.1B SCOPE.

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

17 Sec. 13. NEW SECTION. 35C.2A APPOINTMENTS AND EMPLOYMENT
18 -- APPLICATIONS.

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

30 2. If the hiring authority of a public employer cancels or
31 withdraws a job that has been publicly announced and then
32 reannounces the position within one year of the cancellation
33 or withdrawal date, all preference-eligible veterans that were
34 on the original list of eligible applicants shall be included
35 on the new list of eligible applicants. If the hiring

1 authority does not fill a position and requests reannouncement
2 of the position because it claims no qualified candidates
3 applied under the first announcement, the department of
4 administrative services shall investigate this claim and
5 certify its accuracy before a reannouncement of the position
6 is authorized.

7 Sec. 14. NEW SECTION. 35C.2B PREFERENCE CATEGORIES.

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

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

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

19 c. The spouse of a veteran, member of the armed forces, or
20 national guard member missing in action, captured, or forcibly
21 detained by a foreign power or terrorist group.

22 d. A surviving spouse of a veteran, member of the armed
23 forces, or national guard member who has not remarried, or an
24 orphan of a veteran, member of the armed forces, or national
25 guard member if the veteran, member of the armed forces, or
26 national guard member was killed while on active duty.

27 2. PREFERENCE CATEGORY 2. A veteran of any war or
28 conflict who has served on active duty for one day or more
29 during a wartime period or other period of time as described
30 in section 35.1, excluding active duty for training, and who
31 was discharged under honorable conditions from the armed
32 forces of the United States shall be included in preference
33 category 2 for purposes of this chapter.

34 Sec. 15. NEW SECTION. 35C.3A PREFERENCE REQUIRED AT EACH
35 STAGE.

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

10 If the public employer's hiring authority exercises this
11 option, it shall document its rationale in writing and retain
12 the records for two years. An eligible veteran is entitled to
13 copies of the written documentation upon written request to
14 the public employer's hiring authority or the department of
15 administrative services within ten days of the request date.

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

33 Sec. 16. NEW SECTION. 35C.3B VETERANS PREFERENCE
34 DETERMINATIONS.

35 1. NUMERICALLY BASED PROCESS. Employment preference, when

1 numerically based examination results are used as the device
2 for employment selection, consists of, once the applicant
3 attains a passing score, adding ten points to the test score
4 of each preference category 1 eligible applicant and five
5 points to the test score of each preference category 2
6 eligible applicant. Once the preference-eligible applicants'
7 test scores have been augmented, the names of all the
8 preference-eligible and non-preference-eligible applicants
9 must be placed on a register or employment list, beginning
10 with disabled veterans with a service-connected disability
11 rated at thirty percent or more, followed by all other
12 preference-eligible applicants and non-preference-eligible
13 applicants in rank order. Appointments to positions shall be
14 made from the appropriate register or employment list in
15 descending order from top to bottom by the applicants' ranked
16 position on the list.

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

31 Sec. 17. NEW SECTION. 35C.3C COMPLAINT -- MANDATORY
32 MEDIATION.

33 If an applicant claiming veterans preference for a vacant
34 position is not selected and believes that this action may be
35 in violation of this chapter, the applicant shall file a

1 complaint with the commission of veterans affairs. The
2 complaint must be filed within fifteen days of the applicant
3 receiving notice of the hiring decision made by the employing
4 entity or within three months of the date the application is
5 filed with the employer if no notice is given. The executive
6 director of the commission of veterans affairs shall conduct
7 an initial investigation of the complaint and mediate the
8 dispute between the parties in an attempt to reach a mutually
9 agreeable solution. If a solution is not attainable or if
10 fifteen days has passed since the complaint was filed with the
11 commission, the executive director of the commission of
12 veterans affairs shall officially notify the parties in
13 writing and inform the applicant of the applicant's rights
14 under this chapter.

15 Sec. 18. Section 35C.5, Code 2003, is amended to read as
16 follows:

17 35C.5 APPEALS.

18 ~~In-addition-to-the-remedy-provided-in-section-35C.4, an~~ An
19 appeal may be taken by any person belonging to any of the
20 classes of persons to whom a preference is hereby granted
21 pursuant to this chapter, from any refusal to allow ~~said the~~
22 preference, as provided in this chapter, to the district court
23 of the county in which such refusal occurs. The appeal shall
24 be made by serving upon the appointing officer, board, or
25 person within twenty twenty-one days after the date ~~of the~~
26 ~~refusal-of-said-appointing-officer, board, or persons to allow~~
27 ~~said-preference~~ the parties have been notified as provided in
28 section 35C.3A, subsection 2, or section 35C.3C, a written
29 notice of such appeal stating the grounds of the appeal, and a
30 demand in writing for a certified transcript of the record,
31 and all papers on file in the office affecting or relating to
32 ~~said the~~ appointment. Thereupon, ~~said the~~ appointing officer,
33 board, or person shall, within ten days, make, certify, and
34 deliver to the appellant such a transcript, and the appellant
35 shall, within five days thereafter, file the same and a copy

1 of the notice of appeal with the clerk of ~~said~~ court, and ~~said~~
2 the notice of appeal shall stand as the appellant's complaint
3 and thereupon said cause shall be accorded such preference in
4 its assignment for trial as to assure its prompt disposition.
5 The court shall receive and consider any pertinent evidence,
6 whether oral or documentary, concerning ~~said~~ the appointment
7 from which the appeal is taken, and if the court ~~shall find~~
8 finds that the ~~said~~ applicant ~~is-qualified-as-defined-in~~
9 ~~section-35C.17-to-hold-the-position-for-which-the-applicant~~
10 ~~has-applied~~ did not receive the employment preference as
11 provided in this chapter, said the court shall, by its
12 mandate, specifically direct the ~~said~~ appointing officer,
13 board, or persons as to their further action in the matter.
14 Remedies the court may order include but are not limited to
15 hire orders, hire orders with retroactive hire dates, punitive
16 monetary awards if circumstances warrant, and reasonable and
17 customary attorney fees if in the interest of justice. An
18 appeal may be taken from the judgment of the ~~said~~ district
19 court on any such appeal on the same terms as an appeal is
20 taken in civil actions. At their election parties entitled to
21 appeal under this section may, in the alternative, maintain an
22 action for judicial review in accordance with the terms of the
23 Iowa administrative procedure Act if that is otherwise
24 applicable to their case.

25 Sec. 19. Section 35C.5A, Code 2003, is amended to read as
26 follows:

27 35C.5A ARBITRATION.

28 In addition to the remedies otherwise provided in ~~sections~~
29 ~~35C.4-and-35C.5~~ this chapter, a person belonging to a class of
30 persons qualifying for a preference may submit any refusal to
31 allow a preference, or any reduction of the person's salary as
32 described in section 35C.4, to arbitration within sixty days
33 after written notification of the refusal or reduction.
34 Within ten days after any submission, an arbitrator shall be
35 selected by a committee that includes one member chosen by the

1 person refused preference, one member chosen by the appointing
2 officer, board, or person, and one member who shall be a
3 disinterested party selected by the other two members of the
4 committee. A list of qualified arbitrators may be obtained
5 from the American arbitration association or other recognized
6 arbitration organization or association. The decision of the
7 arbitrator shall be final and binding on the parties.

8 Sec. 20. Section 400.10, Code 2003, is amended to read as
9 follows:

10 400.10 PREFERENCES.

11 In all examinations and appointments under this chapter,
12 other than promotions and appointments of chief of the police
13 department and chief of the fire department, veterans as
14 defined in section 35.1, ~~who are citizens and residents of~~
15 ~~this state, shall have five points added to the veteran's~~
16 ~~grade or score attained in qualifying examinations for~~
17 ~~appointment to positions and five additional points added to~~
18 ~~the grade or score if the veteran has a service connected~~
19 ~~disability or is receiving compensation, disability benefits~~
20 ~~or pension under laws administered by the veterans~~
21 administration shall receive preference as provided in chapter
22 35C. An honorably discharged veteran who has been awarded the
23 Purple Heart for disabilities incurred in action shall be
24 considered to have a service connected disability. -- However,
25 the points shall be given only upon passing the exam and shall
26 not be the determining factor in passing.

27 Sec. 21.

- 28 1. Section 35C.1, Code Supplement 2003, is repealed.
- 29 2. Sections 35C.2 and 35C.3, Code 2003, are repealed.

30 EXPLANATION

31 This bill provides for veterans preference in public
32 contracts and employment.

33 Code section 8A.413, concerning rules on awarding a
34 veterans preference, is amended to provide that veterans shall
35 be awarded a preference pursuant to Code chapter 35C as

1 modified by this bill. Under current law, veterans get an
2 additional five points in any qualifying examination and
3 disabled veterans get 10 points.

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

14 Code section 35.1, concerning the definition of "veteran",
15 is amended by the bill. Under current law, a person can be
16 considered a veteran if the person's military service was
17 during several specified periods of time, usually coinciding
18 with a military war or conflict. In addition, current law
19 includes several categories of individuals as a veteran
20 regardless of when the service occurred. Both provisions are
21 amended in the bill. As to the time-specific definition, the
22 bill provides that a veteran can be a person who served in the
23 reserves or in active federal service or in the Iowa national
24 guard during the specified periods of time. The bill also
25 adds additional periods of time coinciding with the Bosnia
26 Herzegovina conflict, the Somalia conflict, the Afghanistan
27 war, and the Iraq war. As to the portion of the definition of
28 veteran that is not dependent on service during specified
29 periods, the bill adds the surviving spouse or orphan of a
30 member of the military who was killed on active duty, the
31 spouse of a military member who has a 100 percent service-
32 connected disability, the spouse of a member of the military
33 detained by a foreign power or terrorist group, or any
34 honorably discharged member of the military with a 10 percent
35 service-connected disability or who was awarded the purple

1 heart.

2 Code section 35A.2, concerning membership on the veterans
3 affairs commission, is amended to exempt the appointment of
4 members to the commission from partisan and gender balance
5 requirements.

6 Code chapter 35C, governing veterans preference in public
7 employment, is amended by the bill.

8 New Code section 35C.1A provides that the policy of the
9 state should be to assist veterans and maximize their
10 employment opportunities.

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

15 New Code section 35C.2A requires job announcements by
16 public employers to provide notice that preference will be
17 given to eligible veterans. The new Code section further
18 provides that if the hiring authority cancels a job
19 announcement, and then announces the job again within one
20 year, all preference-eligible veterans who were on the list
21 for the initial announcement will be on the list for the new
22 announcement. If the basis for a proposed reannouncement of
23 the position was that no qualified persons applied the first
24 time, the department of administrative services shall
25 investigate the claim and certify its accuracy before the new
26 announcement can be made.

27 New Code section 35C.2B establishes two preference
28 categories. Preference category 1 includes disabled veterans,
29 the spouse of a 100 percent disabled veteran, the spouse of a
30 member of the military missing in action or detained by a
31 foreign power or terrorist group, or a surviving spouse or
32 orphan of a member of the military killed while on active
33 duty. Preference category 2 includes any veteran of any war
34 or conflict who served on active duty during any period of
35 time specified in Code section 35.1 and who was honorably

1 discharged.

2 New Code section 35C.3A provides that an eligible veteran
3 shall be entitled to preference in hiring by a public
4 employer. The new Code section provides that an eligible
5 veteran can be passed over in favor of a lower ranked person
6 in hiring only when sound reasons exist that directly relate
7 to the veteran's fitness for employment. The reasons for
8 being passed over shall be documented and the veteran shall be
9 able to access the records. In addition, if the passed over
10 veteran has a 30 percent service-connected disability, the
11 veteran can seek review of the decision by the directors of
12 the department of administrative services and commission on
13 veterans affairs. The directors' decision to approve or
14 disapprove the decision not to hire the veteran is final
15 agency action.

16 New Code section 35C.3B provides for the process of
17 providing preference for veterans in hiring. The Code section
18 provides that if a numerically based process is used in
19 hiring, veterans in preference category 1 shall have 10
20 additional points added to their test scores while veterans in
21 preference category 2 shall have five additional points. In
22 addition, disabled veterans with a 30 percent or more service-
23 connected disability shall be placed first on the hiring list.
24 The new Code section provides that if a nonnumerically based
25 process of hiring is used, a process shall be implemented that
26 emulates that used under a numerically based process.

27 New Code section 35C.3C provides that an eligible veteran
28 claiming a preference and who believes their nonselection for
29 a position was in violation of Code chapter 35C may file a
30 complaint with the commission of veterans affairs. The
31 director of the commission shall investigate the complaint and
32 attempt to mediate the dispute. If mediation is unsuccessful
33 or if 15 days have passed since the veteran filed the
34 complaint, the veteran can seek redress under the provisions
35 of Code chapter 35C.

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

6 Code section 400.10, concerning preferences granted in
7 examinations and appointment under civil service, is amended
8 to provide that the preference granted veterans shall be as
9 provided in Code chapter 35C.

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