

JAN 19 2005  
STATE GOVERNMENT

HOUSE FILE 87  
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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1 Section 1. Section 8A.413, subsection 21, Code 2005, is  
2 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 2005, is amended to read as  
16 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 2005, is amended by adding the  
22 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 2005, 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 2005, 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 2006.

11 Sec. 6. Section 19B.7, subsection 1, paragraph d, Code  
12 2005, 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 2005, is amended to read as  
25 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 2005, is amended by adding the following new subparagraphs:

33 NEW SUBPARAGRAPH. (14) Bosnia Herzegovina conflict from  
34 April 6, 1992, through the date the president or the Congress  
35 of the United States declares a cessation of hostilities. If

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

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

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

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

24 Sec. 9. Section 35.1, subsection 2, paragraph b, Code  
25 2005, is amended by adding the following new subparagraphs:

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

32 NEW SUBPARAGRAPH. (7) The spouse of a veteran, member of  
33 the armed forces, or national guard member with a service-  
34 connected disability rated at one hundred percent by the  
35 United States department of veterans affairs.

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

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

13 Sec. 10. Section 35A.2, subsection 2, Code 2005, is  
14 amended to read as follows:

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

1 in the general field of veterans affairs, to serve on the  
2 commission.

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

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

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

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

21 Sec. 13. NEW SECTION. 35C.2A APPOINTMENTS AND EMPLOYMENT  
22 -- APPLICATIONS.

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

34 2. If the hiring authority of a public employer cancels or  
35 withdraws a job that has been publicly announced and then

1 reannounces the position within one year of the cancellation  
2 or withdrawal date, all preference-eligible veterans that were  
3 on the original list of eligible applicants shall be included  
4 on the new list of eligible applicants. If the hiring  
5 authority does not fill a position and requests reannouncement  
6 of the position because it claims no qualified candidates  
7 applied under the first announcement, the department of  
8 administrative services shall investigate this claim and  
9 certify its accuracy before a reannouncement of the position  
10 is authorized.

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

12 1. PREFERENCE CATEGORY 1. The following persons shall be  
13 included in preference category 1 for purposes of this  
14 chapter:

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

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

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

26 d. A surviving spouse of a veteran, member of the armed  
27 forces, or national guard member who has not remarried, or an  
28 orphan of a veteran, member of the armed forces, or national  
29 guard member if the veteran, member of the armed forces, or  
30 national guard member was killed while on active duty.

31 2. PREFERENCE CATEGORY 2. A veteran of any war or  
32 conflict who has served on active duty for one day or more  
33 during a wartime period or other period of time as described  
34 in section 35.1, excluding active duty for training, and who  
35 was discharged under honorable conditions from the armed

1 forces of the United States shall be included in preference  
2 category 2 for purposes of this chapter.

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

5 1. An eligible veteran of good moral character is entitled  
6 to preference at every stage of the hiring process subject to  
7 the requirements of this chapter. A public employer's hiring  
8 authority may elect to pass over an eligible veteran for a  
9 lower ranked preference-eligible or non-preference-eligible  
10 individual; however, this can be done only when sound reasons  
11 exist that relate directly to the eligible veteran's physical  
12 and mental fitness or personal suitability for employment and  
13 pursuant to the requirements of subsection 2, if applicable.  
14 If the public employer's hiring authority exercises this  
15 option, it shall document its rationale in writing and retain  
16 the records for two years. An eligible veteran is entitled to  
17 copies of the written documentation upon written request to  
18 the public employer's hiring authority or the department of  
19 administrative services within ten days of the request date.

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

1 chapter 17A.

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

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

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

35 Sec. 17. NEW SECTION. 35C.3C COMPLAINT -- MANDATORY

1 MEDIATION.

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

19 Sec. 18. Section 35C.5, Code 2005, is amended to read as  
20 follows:

21 35C.5 APPEALS.

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

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

29 Sec. 19. Section 35C.5A, Code 2005, is amended to read as  
30 follows:

31 35C.5A ARBITRATION.

32 In addition to the remedies otherwise provided in sections  
33 ~~35C.4-and-35C.5~~ this chapter, a person belonging to a class of  
34 persons qualifying for a preference may submit any refusal to  
35 allow a preference, or any reduction of the person's salary as

1 described in section 35C.4, to arbitration within sixty days  
2 after written notification of the refusal or reduction.  
3 Within ten days after any submission, an arbitrator shall be  
4 selected by a committee that includes one member chosen by the  
5 person refused preference, one member chosen by the appointing  
6 officer, board, or person, and one member who shall be a  
7 disinterested party selected by the other two members of the  
8 committee. A list of qualified arbitrators may be obtained  
9 from the American arbitration association or other recognized  
10 arbitration organization or association. The decision of the  
11 arbitrator shall be final and binding on the parties.

12 Sec. 20. Section 400.10, Code 2005, is amended to read as  
13 follows:

14 400.10 PREFERENCES.

15 In all examinations and appointments under this chapter,  
16 other than promotions and appointments of chief of the police  
17 department and chief of the fire department, veterans as  
18 defined in section 35.17-who-are-citizens-and-residents-of  
19 this-state, shall have five points added to the veteran's  
20 grade or score attained in qualifying examinations for  
21 appointment to positions and five additional points added to  
22 the grade or score if the veteran has a service-connected  
23 disability or is receiving compensation, disability benefits  
24 or pension under laws administered by the veterans  
25 administration shall receive preference as provided in chapter  
26 35C. An honorably discharged veteran who has been awarded the  
27 Purple Heart for disabilities incurred in action shall be  
28 considered to have a service-connected disability. However,  
29 the points shall be given only upon passing the exam and shall  
30 not be the determining factor in passing.

31 Sec. 21. Sections 35C.1, 35C.2, and 35C.3, Code 2005, are  
32 repealed.

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EXPLANATION

34 This bill provides for veterans preference in public  
35 contracts and employment.

1 Code section 8A.413, concerning rules on awarding a  
2 veterans preference, is amended to provide that veterans shall  
3 be awarded a preference pursuant to Code chapter 35C as  
4 modified by this bill. Under current law, veterans get an  
5 additional five points in any qualifying examination and  
6 disabled veterans get 10 points.

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

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

1 detained by a foreign power or terrorist group, or any  
2 honorably discharged member of the military with a 10 percent  
3 service-connected disability or who was awarded the purple  
4 heart.

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

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

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

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

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

30 New Code section 35C.2B establishes two preference  
31 categories. Preference category 1 includes disabled veterans,  
32 the spouse of a 100 percent disabled veteran, the spouse of a  
33 member of the military missing in action or detained by a  
34 foreign power or terrorist group, or a surviving spouse or  
35 orphan of a member of the military killed while on active

1 duty. Preference category 2 includes any veteran of any war  
2 or conflict who served on active duty during any period of  
3 time specified in Code section 35.1 and who was honorably  
4 discharged.

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

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

30 New Code section 35C.3C provides that an eligible veteran  
31 claiming a preference and who believes their nonselection for  
32 a position was in violation of Code chapter 35C may file a  
33 complaint with the commission of veterans affairs. The  
34 director of the commission shall investigate the complaint and  
35 attempt to mediate the dispute. If mediation is unsuccessful

1 or if 15 days have passed since the veteran filed the  
2 complaint, the veteran can seek redress under the provisions  
3 of Code chapter 35C.

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

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

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