



## The Veterans Employment Opportunity Act, as applied by the Congressional Accountability Act

The Veterans Employment Opportunities Act of 1998 (VEOA) gives veterans improved access to Federal job opportunities and establishes a redress system for preference eligibles in the event that their veterans' preference rights are violated. Section 4(c) of this Act applies those rights and protections afforded to veterans in the executive branch to certain veterans covered by the Congressional Accountability Act (CAA).

Pursuant to the CAA, the rights described herein are effective upon Congressional approval of the VEOA regulations adopted by the Board of Directors of the Office of Compliance. The Board currently awaits Congressional approval.

Since the time of the Civil War, veterans of the Armed Forces have been given some degree of preference in appointments to Federal jobs. Recognizing their sacrifice, Congress enacted laws to prevent veterans seeking Federal employment from being penalized for their time in military service. Veterans' preference recognizes the economic loss suffered by citizens who have served their country in uniform, restores veterans to a favorable competitive position for Government employment, and acknowledges the larger obligation owed to disabled veterans.

Veterans' preference is not so much a reward for being in uniform as it is a way to help make up for the economic loss suffered by those who answered the nation's call to arms. Historically, preference has been reserved by Congress for those who were either disabled or who served in combat areas. Eligible veterans receive many advantages in Federal employment, including preference for initial employment and a higher retention standing in the event of layoffs. However, the veterans' preference laws do not guarantee the veteran a job, nor do they give veterans preference in internal agency actions such as promotion, transfer, reassignment, and reinstatement.

### WHO QUALIFIES AS A "PREFERENCE ELIGIBLE"

- Veterans who have served on active duty in the armed forces during a war or in a campaign or expedition for which a campaign badge has been authorized or during particular defined periods and have been separated from the armed forces under honorable conditions;
- Disabled veterans;
- The mother, spouse, or unmarried widow or widower of certain veterans;
- Retired members of the armed forces are generally excluded from the definition of "preference eligible" unless they qualify as disabled veterans or retired below the rank of major.

### WHO IS COVERED

Certain preference-eligible employees of :

- House of Representatives (limited)
- Senate (limited)
- Office of Congressional Accessibility Services
- Capitol Police
- Congressional Budget Office
- Architect of the Capitol
- Office of the Attending Physician
- Capitol Guide Services
- Office of Compliance



### WHO IS NOT COVERED

Employees:

- Appointed by the President and confirmed by the Senate;
- Appointed by a Member of Congress;
- Appointed by a committee of subcommittee of Congress or a joint committee of the House of Representatives and the Senate; and
- Who are appointed to positions that are equivalent to Senior Executive Service positions.

Employing Offices with no employees covered by the VEOA.



## WHERE VETERANS' PREFERENCE IS A FACTOR

### **Hiring:**

- Veterans' preference is an "affirmative factor" that must be considered if the applicant is otherwise qualified for the position;
- Where the Employing Office has not adopted a numerical rating system, consideration of veterans' preference will be part of a subjective evaluation of applicants.
- Where there are qualified preference-eligible applicants for custodian, elevator operator, guard, or messenger positions, competition for those jobs is limited to those applicants.

### **Reductions in Force:**

- Qualified veterans are given preference over all other employees in their "competitive area" who are impacted by a RIF.
- Reductions in Force do not apply to personnel actions based on performance or conduct, and do not apply to temporary employees.

In determining the qualifications of preference eligible employees for hiring or reductions in force, employing offices must waive age, height and weight requirements, unless these requirements are essential to the performance of the duties of the position.

## ADOPTION AND DISSEMINATION OF VETERANS' PREFERENCE POLICIES:

- Employing offices with one or more preference eligible employees or that seek preference eligible applicants for covered positions must adopt written policies specifying how they have integrated the veteran's preference requirements of VEOA and these regulations into their employment and retention processes.
- Employing offices are required to state in announcements and advertisements about vacancies in covered positions that staffing action is governed by VEOA.
- Upon written request by applicants for covered positions, employing offices must provide information on the VEOA definition of "Preference eligible" and the office's preference policy.

## PRESERVATION OF RECORDS:

Employing offices with one or more preference eligible employees or that seek preference applicants for covered positions must maintain records relating to the application of their veteran's preference policies for at least a year.

## BRINGING CLAIMS UNDER VEOA:

Applicants for appointment to covered positions and covered employees may contest adverse veterans' preference determinations under the Congressional Accountability Act.

