
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 952 Session of
2019

INTRODUCED BY REGAN, AUMENT, BAKER, BREWSTER, BROWNE, MASTRIANO,
MENSCH, PITTMAN, J. WARD, K. WARD AND YUDICHAK,
NOVEMBER 12, 2019

REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,
NOVEMBER 12, 2019

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania
2 Consolidated Statutes, in veterans' preference, repealing
3 provisions relating to soldier defined, providing for purpose
4 and for definitions, repealing provisions relating to credits
5 in civil service examinations, further providing for
6 additional points in grading civil service examinations, for
7 preference in appointment or promotion, for lack of training,
8 age or physical impairment, for preferential rating provision
9 in public works specifications, for computation of seniority
10 for reduction in force, for preference of spouses and for law
11 exclusive and providing for reporting requirement and for
12 guidelines; and, in voluntary veterans' preference in private
13 employment, further providing for definitions and for
14 eligibility for preference.

15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

17 Section 1. Section 7101 of Title 51 of the Pennsylvania
18 Consolidated Statutes is repealed:

19 [§ 7101. Soldier defined.]

20 As used in this chapter, "soldier" means a person who served
21 or hereafter serves in the armed forces of the United States, or
22 in any women's organization officially connected therewith,
23 during any war or armed conflict in which the United States

1 engaged and who was released from active duty under honorable
2 conditions, other than from periods of active duty for training,
3 or with an honorable discharge from such service, or a person
4 who so served or hereafter serves in the armed forces of the
5 United States, or in any women's organization officially
6 connected therewith, since July 27, 1953, including service in
7 Vietnam, and who has an honorable discharge from such service.
8 Qualifying periods of service during a war or armed conflict,
9 for purposes of this provision, will be designated by the
10 Department of Military and Veterans Affairs.]

11 Section 2. Title 51 is amended by adding sections to read:

12 § 7101.1. Purpose.

13 The purpose of this chapter is to provide a hiring preference
14 to qualified veterans seeking public employment in classified
15 and unclassified services for the discipline and experience
16 represented by the veteran's military training and by the
17 loyalty and public spirit demonstrated by the veteran's service
18 for the preservation of this nation and this Commonwealth.

19 § 7101.2. Definitions.

20 The following words and phrases when used in this chapter
21 shall have the meanings given to them in this section unless the
22 context clearly indicates otherwise:

23 "DD214." A United States Department of Defense Report of
24 Separation Form 214 or a similarly effective form issued by the
25 Department of Defense relating to separation from military
26 service.

27 "DD215." A United States Department of Defense Incomplete
28 Awards, Decorations and Discharges Form 215 or similarly
29 effective form issued by the Department of Defense to correct
30 errors or make additions to a DD214 in order to ensure that the

1 veteran has accurate discharge documentation.

2 "Discharge papers or separation documents." A DD214, DD215
3 or NGB-22 form.

4 "NGB-22." A National Guard Bureau Report of Separation and
5 Record of Service Form 22 or a similarly effective form issued
6 by the National Guard Bureau relating to separation from
7 military service, specifically in the National Guard.

8 "Requisite qualifications." The experience, education,
9 academic success, training, certifications, proficiencies,
10 interpersonal skills and intangibles required for an applicant
11 to successfully perform in a public position.

12 "Spouse of a disabled veteran." The spouse of a veteran who
13 has been classified by the United States Department of Veterans
14 Affairs' Veterans Benefits Administration as having a permanent
15 total disability.

16 "Surviving spouse." An unmarried spouse of a deceased
17 service member.

18 "Veteran." An individual who served, as evidenced by the
19 veteran's discharge papers or separation documents, or hereafter
20 serves:

21 (1) in the armed forces of the United States, including
22 a reserve component and National Guard, completed initial
23 contractual military service obligation and was discharged or
24 released under conditions other than dishonorable;

25 (2) in the armed forces of the United States, including
26 a reserve component and National Guard, served during a
27 period of war or armed conflict, completed a tour of active
28 duty for purposes other than training, was released from that
29 period of active duty under conditions other than
30 dishonorable and continues to serve; or

1 (3) in the armed forces of the United States, including
2 a reserve component and National Guard, completed an initial
3 contractual military service obligation and continues to
4 serve.

5 Section 3. Section 7102 of Title 51 is repealed:

6 [§ 7102. Credits in civil service examinations.

7 (a) General rule.--When any soldier shall take any civil
8 service appointment or promotional examination for a public
9 position under the Commonwealth, or under any political
10 subdivision thereof, he shall be given credit in the manner
11 hereinafter provided; for the discipline and experience
12 represented by his military training and for the loyalty and
13 public spirit demonstrated by his service for the preservation
14 of his country, as provided in this chapter.

15 (b) Disclosure of rank or serial number.--No soldier taking
16 any civil service appointment or promotional examination shall
17 be required to furnish, nor shall he furnish in connection
18 therewith, his former rank or service serial number.]

19 Section 4. Sections 7103, 7104, 7105, 7106, 7107, 7108 and
20 7109 of Title 51 are amended to read:

21 § 7103. Additional points in grading civil service
22 examinations.

23 (a) Commonwealth examinations.--Whenever [any soldier shall]
24 a veteran successfully [pass] passes a civil service appointment
25 [or promotional] examination for a public position [under this]
26 with the Commonwealth, or any political subdivision thereof,
27 [and shall thus establish that he possesses the qualifications
28 required by law for appointment to or promotion in such public
29 position, such soldier's examination shall be marked or graded
30 an additional ten points above the mark or grade credited for

1 the examination, and the total mark or grade thus obtained shall
2 represent the final mark or grade of such soldier, and shall
3 determine his standing on any eligible or promotional list,
4 certified or furnished to the appointing or promoting power.] an
5 additional 10 points shall be added to the veteran's final
6 examination score and such score shall determine the veteran's
7 standing on any eligible list certified or provided to the
8 appointing authority.

9 (b) Municipal examinations.--[When any such person shall
10 take any examination for appointment or promotion in the civil
11 service of any of the various municipal agencies within this
12 Commonwealth, as required by any existing law or any law which
13 may hereafter be enacted, such person's examination shall be
14 marked or graded 15% perfect before the quality or contents of
15 the examination shall be considered. When the examination of any
16 such person is completed and graded, such grading or percentage
17 as the examination merits shall be added to the aforesaid 15%,
18 and such total mark or grade shall represent the final grade or
19 classification of such person and shall determine his or her
20 order of standing on the eligible list.] Whenever a veteran
21 successfully passes an examination for appointment in the civil
22 service of any of the various municipal agencies within this
23 Commonwealth, as required by any existing law or any law which
24 may hereafter be enacted, an additional 10 points shall be added
25 to the veteran's final examination score and such score shall
26 determine the veteran's standing on any eligible list certified
27 or provided to the municipal agency.

28 § 7104. Preference in appointment [or promotion].

29 (a) Non-civil service.--Whenever [any soldier] a veteran
30 possesses the requisite qualifications [and is eligible to] for

1 appointment to [or promotion in] a public position[, where no
2 such] that is not subject to civil service appointment
3 examination [is required,] and the veteran is otherwise eligible
4 for appointment, the appointing [power] authority in making [an]
5 the appointment [or promotion to a public position] shall give
6 preference to [such soldier] the veteran.

7 (b) Name on civil service list.--Whenever [any soldier
8 possesses the requisite qualifications, and his] a veteran's
9 name appears on [any] an eligible [or promotional list,
10 certified or furnished] list certified or provided as the result
11 of [any such] a civil service examination, the appointing [or
12 promoting power] authority in making an appointment [or
13 promotion] to a public position shall give preference to [such
14 soldier] the veteran, notwithstanding [that his name does not
15 stand highest] the veteran's standing on the eligible [or
16 promotional list.] list if the appointment is otherwise made in
17 accordance with 71 Pa.C.S. § 2402 (relating to selection and
18 appointment of eligibles).

19 (c) Name not on civil service list.--In making an
20 appointment [or promotion to public office] to a public position
21 where a civil service examination is required, [the] an
22 appointing [or promotional power] authority may give preference
23 to [any soldier, who has passed the required examination for
24 appointment or promotion to such position, and possesses the
25 requisite qualifications, although his] a veteran who has passed
26 the required examination for appointment to such position and
27 otherwise possesses the requisite qualifications of the public
28 position, notwithstanding that the veteran's name does not
29 appear on the eligible [or promotional list certified or
30 furnished to the appointing or promoting power.] list certified

1 or provided to the appointing authority.

2 § 7105. Lack of formal training and education, age or physical
3 impairment.

4 [The lack of academic or scholastic training or experience,
5 age, loss of limb or other physical impairment which does not in
6 fact incapacitate any such soldier shall not be deemed to
7 disqualify him, provided he possesses the other requisite
8 qualifications to satisfactorily perform all of the duties which
9 the position requires.]

10 (a) Training and education.--In determining whether a
11 veteran possesses the requisite qualifications for an
12 appointment, appointing authorities shall, where appropriate,
13 consider relevant training and education received by a veteran
14 during the veteran's service in the armed forces of the United
15 States, including a reserve component and National Guard, in
16 lieu of formal training and education.

17 (b) Age or physical impairment.--The age or loss of limb or
18 other physical impairment that does not incapacitate a veteran
19 shall not be used to disqualify the veteran, provided the
20 veteran possesses the requisite qualifications to satisfactorily
21 perform in the appointment.

22 § 7106. Preferential rating provision in public works
23 specifications.

24 Whenever the Commonwealth issues specifications for the
25 construction, alteration or repair of any public works, such
26 specifications shall include a provision under which the
27 contractors and subcontractors shall agree to give a
28 [preferential rating] hiring preference similar to that given by
29 the Commonwealth to any [soldier] veteran making application for
30 employment upon such public works.

1 § 7107. Computation of seniority for reduction in force.

2 Whenever a reduction in force is necessary in any public
3 position, or on public works of the Commonwealth and its
4 political subdivisions, and personnel are discharged according
5 to seniority, the number of years of service of any [soldier]
6 veteran shall be determined by adding [his] the veteran's total
7 years of service in the civil service or on public works to
8 [his] the veteran's total years of service as a member of the
9 armed forces of the United States, [or in any women's
10 organization officially connected therewith] including a reserve
11 component and National Guard, during any period of war or armed
12 conflict in which the United States engaged other than for
13 periods of active duty training.

14 § 7108. Preference of spouses.

15 The same [preferential rating] preference given to [soldiers]
16 veterans under the provisions of this chapter shall be [extended
17 to include the spouses of deceased or disabled soldiers.]
18 extended to the surviving spouse or spouse of a disabled
19 veteran.

20 § 7109. Law exclusive.

21 This chapter shall be construed as being the exclusive law
22 applying to the Commonwealth, and its political subdivisions and
23 municipal agencies, in giving preference to [soldiers] veterans
24 in appointment [or promotion] to, or retention in, public
25 position or on public works.

26 Section 5. Title 51 is amended by adding sections to read:

27 § 7110. Reporting requirement.

28 (a) Office of Administration report.--The Office of
29 Administration shall provide a consolidated report to the
30 Adjutant General depicting the previous fiscal year's statistics

1 for veterans appointed by the Commonwealth into non-civil
2 service and civil service positions, including aggregate totals
3 by agency.

4 (b) Department report.--The department shall provide an
5 annual report on this chapter to the chair and minority chair of
6 the State Government Committee of the Senate, the chair and
7 minority chair of the State Government Committee of the House of
8 Representatives, the chair and minority chair of the Veterans
9 Affairs and Emergency Preparedness Committee of the Senate and
10 the chair and minority chair of the Veterans Affairs and
11 Emergency Preparedness Committee of the House of
12 Representatives.

13 § 7111. Guidelines.

14 The department shall annually establish veterans' preference
15 guidelines and verify the Federal qualifying periods of service
16 during a war or armed conflict to ensure understanding of the
17 required documents and compliance with this chapter and Chapter
18 72 (relating to voluntary veterans' preference in private
19 employment).

20 Section 6. Sections 7202 and 7204 of Title 51 are amended to
21 read:

22 § 7202. Definitions.

23 The following words and phrases when used in this chapter
24 shall have the meanings given to them in this section unless the
25 context clearly indicates otherwise:

26 ["DD-214."] "DD214." A United States Department of Defense
27 Report of Separation Form 214 or a similarly effective form
28 issued by the Department of Defense relating to separation from
29 military service.

30 "DD215." A United States Department of Defense Incomplete

1 Awards, Decorations and Discharges Form 215 or a similarly
2 effective form issued by the Department of Defense to correct
3 errors or make additions to a DD214 in order to ensure that the
4 veteran has accurate discharge documentation.

5 "Discharge papers or separation documents." A DD214, DD215
6 or NGB-22.

7 "NGB-22." A National Guard Bureau Report of Separation and
8 Record of Service Form 22 or a similarly effective form issued
9 by the National Guard Bureau relating to separation from
10 military service, specifically in the National Guard.

11 "Private employer." A sole proprietor, corporation,
12 partnership, limited liability company or any other legal
13 entity, including nonprofits, with more than one employee.

14 ["Soldier." A person who served or hereafter serves in the
15 armed forces of the United States, or in any women's
16 organization officially connected therewith, during any war or
17 armed conflict in which the United States engaged and who was
18 released from active duty under honorable conditions, other than
19 from periods of active duty for training, or with an honorable
20 discharge from such service, or a person who so served or
21 hereafter serves in the armed forces of the United States, or in
22 any women's organization officially connected therewith, since
23 July 27, 1953, including service in Vietnam, and who has an
24 honorable discharge from such service. Qualifying periods of
25 service during a war or armed conflict, for purposes of this
26 definition, will be designated by the Department of Military and
27 Veterans Affairs.]

28 "Spouse of a disabled veteran." The spouse of a veteran who
29 has been classified by the United States Department of Veterans
30 Affairs' Veterans Benefits Administration as having a permanent

1 total disability and is a United States citizen.

2 "Surviving spouse." [A] An unmarried spouse of a deceased
3 [soldier] service member.

4 "Veteran." An individual who [has] served [in the armed
5 forces of the United States, including a reserve component and
6 National Guard, and who has been discharged or released from the
7 service under conditions other than dishonorable.], as evidenced
8 by the veteran's discharge papers or separation documents, or
9 hereafter serves:

10 (1) in the armed forces of the United States, including
11 a reserve component and National Guard, completed initial
12 contractual military service obligation and was discharged or
13 released under conditions other than dishonorable;

14 (2) in the armed forces of the United States, including
15 a reserve component and National Guard, served during a
16 period of war or armed conflict, completed a tour of active
17 duty for purposes other than training, was released from that
18 period of active duty under conditions other than
19 dishonorable and continues to serve; or

20 (3) in the armed forces of the United States, including
21 a reserve component and National Guard, completed initial
22 contractual military service obligation and continues to
23 serve.

24 "Veterans' preference employment policy." A voluntary policy
25 adopted by a private employer for hiring, promoting or retaining
26 a veteran, a spouse of a disabled veteran or a surviving spouse
27 over another qualified applicant or employee.

28 § 7204. Eligibility for preference.

29 A veteran, spouse of a disabled veteran or surviving spouse
30 shall submit [the DD-214] the discharge papers or separation

1 documents of the veteran to a private employer with a veterans'
2 preference employment policy for consideration by the employer.
3 Section 7. This act shall take effect in 60 days.