

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, YUDICHAK AND SABATINA, NOVEMBER 12, 2019

AS AMENDED ON THIRD CONSIDERATION, JUNE 8, 2020

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18 Consolidated Statutes is repealed: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 "VETERAN." THE TERM INCLUDES: <--

6 (1) AN INDIVIDUAL WHO SERVED, AS EVIDENCED BY THE
7 VETERAN'S DISCHARGE PAPERS OR SEPARATION DOCUMENTS, OR
8 HEREAFTER SERVES:

9 (I) IN THE ARMED FORCES OF THE UNITED STATES,
10 INCLUDING A RESERVE COMPONENT AND NATIONAL GUARD,
11 COMPLETED INITIAL CONTRACTUAL MILITARY SERVICE OBLIGATION
12 AND THEIR LAST DISCHARGE OR RELEASE WAS UNDER CONDITIONS
13 OTHER THAN DISHONORABLE;

14 (II) IN THE ARMED FORCES OF THE UNITED STATES,
15 INCLUDING A RESERVE COMPONENT AND NATIONAL GUARD, SERVED
16 DURING A PERIOD OF WAR OR ARMED CONFLICT, COMPLETED A
17 TOUR OF ACTIVE DUTY FOR PURPOSES OTHER THAN TRAINING, WAS
18 RELEASED FROM THAT PERIOD OF ACTIVE DUTY UNDER CONDITIONS
19 OTHER THAN DISHONORABLE AND CONTINUES TO SERVE; OR

20 (III) IN THE ARMED FORCES OF THE UNITED STATES,
21 INCLUDING A RESERVE COMPONENT AND NATIONAL GUARD,
22 COMPLETED AN INITIAL CONTRACTUAL MILITARY SERVICE
23 OBLIGATION AND CONTINUES TO SERVE.

24 (2) AN ACTIVE DUTY MEMBER OF THE ARMED FORCES OF THE
25 UNITED STATES WHO IS COMPLETING A TOUR OF ACTIVE DUTY THAT IS
26 THREE YEARS OR MORE AND IS WITHIN 90 DAYS OF AN APPROVED
27 DISCHARGE OR RELEASE, AS EVIDENCED BY DOCUMENTATION OF THE
28 PROJECTED DISCHARGE OR RELEASE FROM ACTIVE DUTY UNDER
29 CONDITIONS OTHER THAN DISHONORABLE.

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 Section 7102 of Title 51 is repealed:

1 [§ 7102. Credits in civil service examinations.

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

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

14 Section 4. Sections 7103, 7104, 7105, 7106, 7107, 7108 and
15 7109 of Title 51 are amended to read:

16 § 7103. Additional points in grading civil service
17 examinations.

18 (a) Commonwealth examinations.--Whenever [any soldier shall]
19 a veteran successfully [pass] passes a civil service appointment
20 [or promotional] examination for a public position [under this]
21 with the Commonwealth, or any political subdivision thereof,
22 [and shall thus establish that he possesses the qualifications
23 required by law for appointment to or promotion in such public
24 position, such soldier's examination shall be marked or graded
25 an additional ten points above the mark or grade credited for
26 the examination, and the total mark or grade thus obtained shall
27 represent the final mark or grade of such soldier, and shall
28 determine his standing on any eligible or promotional list,
29 certified or furnished to the appointing or promoting power.] an
30 additional 10 points shall be added to the veteran's final

1 examination score and such score shall determine the veteran's
2 standing on any eligible list certified or provided to the
3 appointing authority.

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

23 § 7104. Preference in appointment [or promotion].

24 (a) Non-civil service.--Whenever [any soldier] a veteran
25 possesses the requisite qualifications [and is eligible to] for
26 appointment to [or promotion in] a public position[, where no
27 such] that is not subject to civil service appointment
28 examination [is required,] and the veteran is otherwise eligible
29 for appointment, the appointing [power] authority in making [an]
30 the appointment [or promotion to a public position] shall give

1 preference to [such soldier] the veteran.

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

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

27 § 7105. Lack of formal training and education, age or physical
28 impairment.

29 [The lack of academic or scholastic training or experience,
30 age, loss of limb or other physical impairment which does not in

1 fact incapacitate any such soldier shall not be deemed to
2 disqualify him, provided he possesses the other requisite
3 qualifications to satisfactorily perform all of the duties which
4 the position requires.]

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

12 (b) Age or physical impairment.--The age or loss of limb or
13 other physical impairment that does not incapacitate a veteran
14 shall not be used to disqualify the veteran, provided the
15 veteran possesses the requisite qualifications to satisfactorily
16 perform in the appointment.

17 § 7106. Preferential rating provision in public works
18 specifications.

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

26 § 7107. Computation of seniority for reduction in force.

27 Whenever a reduction in force is necessary in any public
28 position, or on public works of the Commonwealth and its
29 political subdivisions, and personnel are discharged according
30 to seniority, the number of years of service of any [soldier]

1 veteran shall be determined by adding [his] the veteran's total
2 years of service in the civil service or on public works to
3 [his] the veteran's total years of service as a member of the
4 armed forces of the United States, [or in any women's
5 organization officially connected therewith] including a reserve
6 component and National Guard, during any period of war or armed
7 conflict in which the United States engaged other than for
8 periods of active duty training.

9 § 7108. Preference of spouses.

10 The same [preferential rating] preference given to [soldiers]
11 veterans under the provisions of this chapter shall be [extended
12 to include the spouses of deceased or disabled soldiers.]
13 extended to the surviving spouse or spouse of a disabled
14 veteran.

15 § 7109. Law exclusive.

16 This chapter shall be construed as being the exclusive law
17 applying to the Commonwealth, and its political subdivisions and
18 municipal agencies, in giving preference to [soldiers] veterans
19 in appointment [or promotion] to, or retention in, public
20 position or on public works.

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

22 § 7110. Reporting requirement.

23 (a) Office of Administration report.--The Office of
24 Administration shall provide a consolidated report to the
25 Adjutant General depicting the previous fiscal year's statistics
26 for veterans appointed by the Commonwealth into non-civil
27 service and civil service positions, including aggregate totals
28 by agency.

29 (b) Department report.--The department shall provide an
30 annual report on this chapter to the chair and minority chair of

1 the State Government Committee of the Senate, the chair and
2 minority chair of the State Government Committee of the House of
3 Representatives, the chair and minority chair of the Veterans
4 Affairs and Emergency Preparedness Committee of the Senate and
5 the chair and minority chair of the Veterans Affairs and
6 Emergency Preparedness Committee of the House of
7 Representatives.

8 § 7111. Guidelines.

9 The department shall annually establish veterans' preference
10 guidelines and verify the Federal qualifying periods of service
11 during a war or armed conflict to ensure understanding of the
12 required documents and compliance with this chapter and Chapter
13 72 (relating to voluntary veterans' preference in private
14 employment).

15 Section 6. Sections 7202 and 7204 of Title 51 are amended to
16 read:

17 § 7202. Definitions.

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

21 ["DD-214."] "DD214." A United States Department of Defense
22 Report of Separation Form 214 or a similarly effective form
23 issued by the Department of Defense relating to separation from
24 military service.

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

30 "Discharge papers or separation documents." A DD214, DD215

1 or NGB-22.

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

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

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

23 "Spouse of a disabled veteran." The spouse of a veteran who
24 has been classified by the United States Department of Veterans
25 Affairs' Veterans Benefits Administration as having a permanent
26 total disability and is a United States citizen.

27 "Surviving spouse." [A] An unmarried spouse of a deceased
28 [soldier] service member.

29 "Veteran." [An individual who ~~has~~ served ~~in the~~ armed
30 forces of the United States, including a reserve component and

<--

1 National Guard, and who has been discharged or released from the
2 service under conditions other than dishonorable.], ~~as evidenced <--~~
3 ~~by the veteran's discharge papers or separation documents, or~~
4 ~~hereafter serves:~~

5 ~~(1) in the armed forces of the United States, including~~
6 ~~a reserve component and National Guard, completed initial~~
7 ~~contractual military service obligation and was discharged or~~
8 ~~released under conditions other than dishonorable;~~

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

15 ~~(3) in the armed forces of the United States, including~~
16 ~~a reserve component and National Guard, completed initial~~
17 ~~contractual military service obligation and continues to~~
18 ~~serve.~~

19 THE TERM INCLUDES: <--

20 (1) AN INDIVIDUAL WHO SERVED, AS EVIDENCED BY THE
21 VETERAN'S DISCHARGE PAPERS OR SEPARATION DOCUMENTS, OR
22 HEREAFTER SERVES:

23 (I) IN THE ARMED FORCES OF THE UNITED STATES,
24 INCLUDING A RESERVE COMPONENT AND NATIONAL GUARD,
25 COMPLETED INITIAL CONTRACTUAL MILITARY SERVICE OBLIGATION
26 AND THEIR LAST DISCHARGE OR RELEASE WAS UNDER CONDITIONS
27 OTHER THAN DISHONORABLE;

28 (II) IN THE ARMED FORCES OF THE UNITED STATES,
29 INCLUDING A RESERVE COMPONENT AND NATIONAL GUARD, SERVED
30 DURING A PERIOD OF WAR OR ARMED CONFLICT, COMPLETED A

1 TOUR OF ACTIVE DUTY FOR PURPOSES OTHER THAN TRAINING, WAS
2 RELEASED FROM THAT PERIOD OF ACTIVE DUTY UNDER CONDITIONS
3 OTHER THAN DISHONORABLE AND CONTINUES TO SERVE; OR
4 (III) IN THE ARMED FORCES OF THE UNITED STATES,
5 INCLUDING A RESERVE COMPONENT AND NATIONAL GUARD,
6 COMPLETED AN INITIAL CONTRACTUAL MILITARY SERVICE
7 OBLIGATION AND CONTINUES TO SERVE.

8 (2) AN ACTIVE DUTY MEMBER OF THE ARMED FORCES OF THE
9 UNITED STATES WHO IS COMPLETING A TOUR OF ACTIVE DUTY THAT IS
10 THREE YEARS OR MORE AND IS WITHIN 90 DAYS OF AN APPROVED
11 DISCHARGE OR RELEASE, AS EVIDENCED BY DOCUMENTATION OF THE
12 PROJECTED DISCHARGE OR RELEASE FROM ACTIVE DUTY UNDER
13 CONDITIONS OTHER THAN DISHONORABLE.

14 "Veterans' preference employment policy." A voluntary policy
15 adopted by a private employer for hiring, promoting or retaining
16 a veteran, a spouse of a disabled veteran or a surviving spouse
17 over another qualified applicant or employee.

18 § 7204. Eligibility for preference.

19 A veteran, spouse of a disabled veteran or surviving spouse
20 shall submit [the DD-214] the discharge papers or separation
21 documents of the veteran to a private employer with a veterans'
22 preference employment policy for consideration by the employer.

23 Section 7. This act shall take effect in 60 days.