

## 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 REPORTED FROM COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY  
PREPAREDNESS, HOUSE OF REPRESENTATIVES, AS AMENDED,  
SEPTEMBER 16, 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18 Consolidated Statutes is repealed: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,

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

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

13 § 7101.1. Purpose.

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

20 § 7101.2. Definitions.

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

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

28 "DD215." A United States Department of Defense Incomplete  
29 Awards, Decorations and Discharges Form 215 or similarly  
30 effective form issued by the Department of Defense to correct

1 errors or make additions to a DD214 in order to ensure that the  
2 veteran has accurate discharge documentation.

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

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

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

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

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

19 "Veteran." 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 IN ANY OF THE FOLLOWING: <--

23 (i) in the armed forces of the United States,  
24 including a reserve component ~~and~~ OR National Guard, HAS <--  
25 completed THEIR initial contractual military service <--  
26 obligation and their last discharge or release was under  
27 conditions other than dishonorable;

28 (ii) in the armed forces of the United States,  
29 including a reserve component ~~and~~ OR National Guard, HAS <--  
30 served during a period of war or armed conflict, AS <--

1 DETERMINED BY THE UNITED STATES DEPARTMENT OF DEFENSE,  
2 HAS completed a tour of active duty for purposes other  
3 than training, was released from that period of active  
4 duty under conditions other than dishonorable and  
5 continues to serve; or

6 (iii) in the armed forces of the United States,  
7 including a reserve component and National Guard,  
8 completed an initial contractual military service  
9 obligation and continues to serve.

10 (2) An active duty member of the armed forces of the  
11 United States who is completing a tour of active duty that is  
12 three years or more and is within 90 days of an approved  
13 discharge or release, as evidenced by documentation of the  
14 projected discharge or release from active duty under  
15 conditions other than dishonorable.

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

17 [§ 7102. Credits in civil service examinations.

18 (a) General rule.--When any soldier shall take any civil  
19 service appointment or promotional examination for a public  
20 position under the Commonwealth, or under any political  
21 subdivision thereof, he shall be given credit in the manner  
22 hereinafter provided; for the discipline and experience  
23 represented by his military training and for the loyalty and  
24 public spirit demonstrated by his service for the preservation  
25 of his country, as provided in this chapter.

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

30 Section 4. Sections 7103, 7104, 7105, 7106, 7107, 7108 and

1 7109 of Title 51 are amended to read:

2 § 7103. Additional points in grading civil service  
3 examinations.

4 (a) Commonwealth examinations.--Whenever [any soldier shall]  
5 a veteran successfully [pass] passes a civil service appointment  
6 [or promotional] examination for a public position [under this]  
7 with the Commonwealth, or any political subdivision thereof,  
8 [and shall thus establish that he possesses the qualifications  
9 required by law for appointment to or promotion in such public  
10 position, such soldier's examination shall be marked or graded  
11 an additional ten points above the mark or grade credited for  
12 the examination, and the total mark or grade thus obtained shall  
13 represent the final mark or grade of such soldier, and shall  
14 determine his standing on any eligible or promotional list,  
15 certified or furnished to the appointing or promoting power.] an  
16 additional 10 points shall be added to the veteran's final  
17 examination score and such score shall determine the veteran's  
18 standing on any eligible list certified or provided to the  
19 appointing authority. A VETERAN MAY NOT BEGIN OR HOLD THE PUBLIC <--  
20 POSITION UNTIL PROOF OF DISCHARGE PAPERS OR SEPARATION DOCUMENTS  
21 ARE PROVIDED TO THE APPOINTING AUTHORITY.

22 (b) Municipal examinations.--[When any such person shall  
23 take any examination for appointment or promotion in the civil  
24 service of any of the various municipal agencies within this  
25 Commonwealth, as required by any existing law or any law which  
26 may hereafter be enacted, such person's examination shall be  
27 marked or graded 15% perfect before the quality or contents of  
28 the examination shall be considered. When the examination of any  
29 such person is completed and graded, such grading or percentage  
30 as the examination merits shall be added to the aforesaid 15%,

1 and such total mark or grade shall represent the final grade or  
2 classification of such person and shall determine his or her  
3 order of standing on the eligible list.] Whenever a veteran  
4 successfully passes an examination for appointment in the civil  
5 service of any of the various municipal agencies within this  
6 Commonwealth, as required by any existing law or any law which  
7 may hereafter be enacted, an additional 10 points shall be added  
8 to the veteran's final examination score and such score shall  
9 determine the veteran's standing on any eligible list certified  
10 or provided to the municipal agency. A VETERAN MAY NOT BEGIN OR <--  
11 HOLD THE PUBLIC POSITION FOR A MUNICIPAL AGENCY UNTIL PROOF OF  
12 DISCHARGE PAPERS OR SEPARATION DOCUMENTS ARE PROVIDED TO THE  
13 MUNICIPAL AGENCY.

14 § 7104. Preference in appointment [or promotion].

15 (a) Non-civil service.--Whenever [any soldier] a veteran  
16 possesses the requisite qualifications [and is eligible to] for  
17 appointment to [or promotion in] a public position[, where no  
18 such] that is not subject to civil service appointment  
19 examination [is required,] and the veteran is otherwise eligible  
20 for appointment, the appointing [power] authority in making [an]  
21 the appointment [or promotion to a public position] shall give  
22 preference to [such soldier] ~~the veteran.~~ THE VETERAN. A <--  
23 VETERAN MAY NOT BEGIN OR HOLD THE PUBLIC POSITION UNTIL PROOF OF  
24 DISCHARGE PAPERS OR SEPARATION DOCUMENTS ARE PROVIDED TO THE  
25 APPOINTING AUTHORITY.

26 (b) Name on civil service list.--Whenever [any soldier  
27 possesses the requisite qualifications, and his] a veteran's  
28 name appears on [any] an eligible [or promotional list,  
29 certified or furnished] list certified or provided as the result  
30 of [any such] a civil service examination, the appointing [or

1 promoting power] authority in making an appointment [or  
2 promotion] to a public position shall give preference to [such  
3 soldier] the veteran, notwithstanding [that his name does not  
4 stand highest] the veteran's standing on the eligible [or  
5 promotional list.] list if the appointment is otherwise made in  
6 accordance with 71 Pa.C.S. § 2402 (relating to selection and  
7 appointment of eligibles). A VETERAN MAY NOT BEGIN OR HOLD THE <--  
8 PUBLIC POSITION UNTIL PROOF OF DISCHARGE PAPERS OR SEPARATION  
9 DOCUMENTS ARE PROVIDED TO THE APPOINTING AUTHORITY.

10 (c) Name not on civil service list.--In making an  
11 appointment [or promotion to public office] to a public position  
12 where a civil service examination is required, [the] an  
13 appointing [or promotional power] authority may give preference  
14 to [any soldier, who has passed the required examination for  
15 appointment or promotion to such position, and possesses the  
16 requisite qualifications, although his] a veteran who has passed  
17 the required examination for appointment to such position and  
18 otherwise possesses the requisite qualifications of the public  
19 position, notwithstanding that the veteran's name does not  
20 appear on the eligible [or promotional list certified or  
21 furnished to the appointing or promoting power.] list certified  
22 or provided to the appointing authority. A VETERAN MAY NOT BEGIN <--  
23 OR HOLD THE PUBLIC POSITION UNTIL PROOF OF DISCHARGE PAPERS OR  
24 SEPARATION DOCUMENTS ARE PROVIDED TO THE APPOINTING AUTHORITY.

25 § 7105. Lack of formal training and education, age or physical  
26 impairment.

27 [The lack of academic or scholastic training or experience,  
28 age, loss of limb or other physical impairment which does not in  
29 fact incapacitate any such soldier shall not be deemed to  
30 disqualify him, provided he possesses the other requisite

1 qualifications to satisfactorily perform all of the duties which  
2 the position requires.]

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

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

15 § 7106. Preferential rating provision in public works  
16 specifications.

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

24 § 7107. Computation of seniority for reduction in force.

25 Whenever a reduction in force is necessary in any public  
26 position, or on public works of the Commonwealth and its  
27 political subdivisions, and personnel are discharged according  
28 to seniority, the number of years of service of any [soldier]  
29 veteran shall be determined by adding [his] the veteran's total  
30 years of service in the civil service or on public works to



1 [his] the veteran's total years of service as a member of the  
2 armed forces of the United States, [or in any women's  
3 organization officially connected therewith] including a reserve  
4 component and OR National Guard, during any period of war or <--  
5 armed conflict in which the United States engaged other than for  
6 periods of active duty training.

7 § 7108. Preference of spouses.

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

13 § 7109. Law exclusive.

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

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

20 § 7110. Reporting requirement.

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

27 (b) Department report.--The department shall provide an  
28 annual report on this chapter to the chair and minority chair of  
29 the State Government Committee of the Senate, the chair and  
30 minority chair of the State Government Committee of the House of

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

6 § 7111. Guidelines.

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

13 Section 6. Sections 7202 and 7204 of Title 51 are amended to  
14 read:

15 § 7202. Definitions.

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

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

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

28 "Discharge papers or separation documents." A DD214, DD215  
29 or NGB-22.

30 "NGB-22." A National Guard Bureau Report of Separation and

1 Record of Service Form 22 or a similarly effective form issued  
2 by the National Guard Bureau relating to separation from  
3 military service, specifically in the National Guard.

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

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

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

25 "Surviving spouse." [A] An unmarried spouse of a deceased  
26 [soldier] service member.

27 "Veteran." [An individual who has served in the armed forces  
28 of the United States, including a reserve component and National  
29 Guard, and who has been discharged or released from the service  
30 under conditions other than dishonorable.]

1 The term includes:

2 (1) An individual who served, as evidenced by the  
3 veteran's discharge papers or separation documents, or  
4 hereafter serves IN ANY OF THE FOLLOWING: <--

5 (i) in the armed forces of the United States,  
6 including a reserve component and OR National Guard, HAS <--  
7 completed THEIR initial contractual military service <--  
8 obligation and their last discharge or release was under  
9 conditions other than dishonorable;

10 (ii) in the armed forces of the United States,  
11 including a reserve component and OR National Guard, HAS <--  
12 served during a period of war or armed conflict, AS <--  
13 DETERMINED BY THE UNITED STATES DEPARTMENT OF DEFENSE,  
14 HAS completed a tour of active duty for purposes other  
15 than training, was released from that period of active  
16 duty under conditions other than dishonorable and  
17 continues to serve; or

18 (iii) in the armed forces of the United States,  
19 including a reserve component and OR National Guard, HAS <--  
20 completed an initial contractual military service  
21 obligation and continues to serve.

22 (2) An active duty member of the armed forces of the  
23 United States who is completing a tour of active duty that is  
24 three years or more and is within 90 days of an approved  
25 discharge or release, as evidenced by documentation of the  
26 projected discharge or release from active duty under  
27 conditions other than dishonorable.

28 "Veterans' preference employment policy." A voluntary policy  
29 adopted by a private employer for hiring, promoting or retaining  
30 a veteran, a spouse of a disabled veteran or a surviving spouse

1 over another qualified applicant or employee.

2 § 7204. Eligibility for preference.

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

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