

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 SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
SEPTEMBER 30, 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18 Consolidated Statutes is repealed: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 "STATEMENT OF SERVICE." A STATEMENT OF SERVICE FOR VETERANS <--
18 ON ACTIVE DUTY OR INDIVIDUALS WHO ARE STILL MEMBERS OF A RESERVE
19 COMPONENT OR NATIONAL GUARD WHO MUST PROVIDE A STATEMENT SIGNED
20 BY, OR AT THE DIRECTION OF THE ADJUTANT, PERSONNEL OFFICE OR
21 COMMANDER OF THE UNIT OR HIGHER HEADQUARTERS TO WHICH THE
22 APPLICANT HAS COMPLETED THEIR INITIAL CONTRACTUAL SERVICE
23 OBLIGATIONS OR IS TRANSITIONING FROM ACTIVE DUTY OF THE UNITED
24 STATES ARMED FORCES ON TERMINAL OR TRANSITIONAL LEAVE.

25 "Surviving spouse." An unmarried spouse of a deceased
26 service member.

27 "Veteran." The term includes:

28 (1) An individual who served, as evidenced by the
29 veteran's discharge papers ~~or~~, separation documents OR <--
30 STATEMENT OF SERVICE, or hereafter serves IN ANY OF THE <--

1 FOLLOWING:

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

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

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

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

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 Section 7102 of Title 51 is repealed:

26 [§ 7102. Credits in civil service examinations.

27 (a) General rule.--When any soldier shall take any civil
28 service appointment or promotional examination for a public
29 position under the Commonwealth, or under any political
30 subdivision thereof, he shall be given credit in the manner

1 hereinafter provided; for the discipline and experience
2 represented by his military training and for the loyalty and
3 public spirit demonstrated by his service for the preservation
4 of his country, as provided in this chapter.

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

9 Section 4. Sections 7103, 7104, 7105, 7106, 7107, 7108 and
10 7109 of Title 51 are amended to read:

11 § 7103. Additional points in grading civil service
12 examinations.

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

1 AUTHORITY.

2 (b) Municipal examinations.--[When any such person shall
3 take any examination for appointment or promotion in the civil
4 service of any of the various municipal agencies within this
5 Commonwealth, as required by any existing law or any law which
6 may hereafter be enacted, such person's examination shall be
7 marked or graded 15% perfect before the quality or contents of
8 the examination shall be considered. When the examination of any
9 such person is completed and graded, such grading or percentage
10 as the examination merits shall be added to the aforesaid 15%,
11 and such total mark or grade shall represent the final grade or
12 classification of such person and shall determine his or her
13 order of standing on the eligible list.] Whenever a veteran
14 successfully passes an examination for appointment in the civil
15 service of any of the various municipal agencies within this
16 Commonwealth, as required by any existing law or any law which
17 may hereafter be enacted, an additional 10 points shall be added
18 to the veteran's final examination score and such score shall
19 determine the veteran's standing on any eligible list certified
20 or provided to the municipal agency. A VETERAN MAY NOT BEGIN OR <--
21 HOLD THE PUBLIC POSITION FOR A MUNICIPAL AGENCY UNTIL PROOF OF
22 DISCHARGE PAPERS OR, SEPARATION DOCUMENTS OR STATEMENT OF <--
23 SERVICE ARE PROVIDED TO THE MUNICIPAL AGENCY.

24 § 7104. Preference in appointment [or promotion].

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

1 the appointment [or promotion to a public position] shall give
2 preference to [~~such soldier~~ the veteran.] THE VETERAN. A <--
3 VETERAN MAY NOT BEGIN OR HOLD THE PUBLIC POSITION UNTIL PROOF OF
4 DISCHARGE PAPERS OR, SEPARATION DOCUMENTS OR STATEMENT OF <--
5 SERVICE ARE PROVIDED TO THE APPOINTING AUTHORITY.

6 (b) Name on civil service list.--Whenever [any soldier
7 possesses the requisite qualifications, and his] a veteran's
8 name appears on [any] an eligible [or promotional list,
9 certified or furnished] list certified or provided as the result
10 of [any such] a civil service examination, the appointing [or
11 promoting power] authority in making an appointment [or
12 promotion] to a public position shall give preference to [~~such~~
13 ~~soldier~~] the veteran, notwithstanding [that his name does not
14 stand highest] the veteran's standing on the eligible [or
15 promotional list.] list if the appointment is otherwise made in
16 accordance with 71 Pa.C.S. § 2402 (relating to selection and
17 appointment of eligibles). A VETERAN MAY NOT BEGIN OR HOLD THE <--
18 PUBLIC POSITION UNTIL PROOF OF DISCHARGE PAPERS OR, SEPARATION <--
19 DOCUMENTS OR STATEMENT OF SERVICE ARE PROVIDED TO THE APPOINTING <--
20 AUTHORITY.

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

1 appear on the eligible [or promotional list certified or
2 furnished to the appointing or promoting power.] list certified
3 or provided to the appointing authority. A VETERAN MAY NOT BEGIN <--
4 OR HOLD THE PUBLIC POSITION UNTIL PROOF OF DISCHARGE PAPERS OR, <--
5 SEPARATION DOCUMENTS OR STATEMENTS OF SERVICE ARE PROVIDED TO <--
6 THE APPOINTING AUTHORITY.

7 § 7105. Lack of formal training and education, age or physical
8 impairment.

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

15 (a) Training and education.--In determining whether a
16 veteran possesses the requisite qualifications for an
17 appointment, appointing authorities shall consider relevant
18 training and OR education received by a veteran during the <--
19 veteran's service in the armed forces of the United States,
20 including a reserve component and OR National Guard, in lieu of <--
21 formal training and education.

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

27 § 7106. Preferential rating provision in public works
28 specifications.

29 Whenever the Commonwealth issues specifications for the
30 construction, alteration or repair of any public works, such

1 specifications shall include a provision under which the
2 contractors and subcontractors shall agree to give a
3 [preferential rating] hiring preference similar to that given by
4 the Commonwealth to any [soldier] veteran making application for
5 employment upon such public works.

6 § 7107. Computation of seniority for reduction in force.

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

19 § 7108. Preference of spouses.

20 The same [preferential rating] preference given to [soldiers]
21 veterans under the provisions of this chapter shall be [extended
22 to include the spouses of deceased or disabled soldiers.]
23 extended to the surviving spouse or spouse of a disabled
24 veteran.

25 § 7109. Law exclusive.

26 This chapter shall be construed as being the exclusive law
27 applying to the Commonwealth, and its political subdivisions and
28 municipal agencies, in giving preference to [soldiers] veterans
29 in appointment [or promotion] to, or retention in, public
30 position or on public works.

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

2 § 7110. Reporting requirement.

3 (a) Office of Administration report.--The Office of
4 Administration shall provide a consolidated report to the
5 Adjutant General depicting the previous fiscal year's statistics
6 for veterans appointed by the Commonwealth into non-civil
7 service and civil service positions, including aggregate totals
8 by agency.

9 (b) Department report.--The department shall provide an
10 annual report on this chapter to the chair and minority chair of
11 the State Government Committee of the Senate, the chair and
12 minority chair of the State Government Committee of the House of
13 Representatives, the chair and minority chair of the Veterans
14 Affairs and Emergency Preparedness Committee of the Senate and
15 the chair and minority chair of the Veterans Affairs and
16 Emergency Preparedness Committee of the House of
17 Representatives.

18 § 7111. Guidelines.

19 The department shall annually establish veterans' preference
20 guidelines and verify the Federal qualifying periods of service
21 during a war or armed conflict to ensure understanding of the
22 required documents and compliance with this chapter and Chapter
23 72 (relating to voluntary veterans' preference in private
24 employment).

25 Section 6. Sections 7202 and 7204 of Title 51 are amended to
26 read:

27 § 7202. Definitions.

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

1 ["DD-214."] "DD214." A United States Department of Defense
2 Report of Separation Form 214 or a similarly effective form
3 issued by the Department of Defense relating to separation from
4 military service.

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

10 "Discharge papers or separation documents." A DD214, DD215
11 or NGB-22.

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

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

19 ["Soldier." A person who served or hereafter serves in the
20 armed forces of the United States, or in any women's
21 organization officially connected therewith, during any war or
22 armed conflict in which the United States engaged and who was
23 released from active duty under honorable conditions, other than
24 from periods of active duty for training, or with an honorable
25 discharge from such service, or a person who so served or
26 hereafter serves in the armed forces of the United States, or in
27 any women's organization officially connected therewith, since
28 July 27, 1953, including service in Vietnam, and who has an
29 honorable discharge from such service. Qualifying periods of
30 service during a war or armed conflict, for purposes of this

1 definition, will be designated by the Department of Military and
2 Veterans Affairs.]

3 "Spouse of a disabled veteran." The spouse of a veteran who
4 has been classified by the United States Department of Veterans
5 Affairs' Veterans Benefits Administration as having a permanent
6 total disability and is a United States citizen.

7 "Surviving spouse." [A] An unmarried spouse of a deceased
8 [soldier] service member.

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

13 The term includes:

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

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

22 (ii) in the armed forces of the United States,
23 including a reserve component and OR National Guard, HAS <--
24 served during a period of war or armed conflict, AS <--
25 DETERMINED BY THE UNITED STATES DEPARTMENT OF DEFENSE,
26 HAS completed a tour of active duty for purposes other
27 than training, was released from that period of active
28 duty under conditions other than dishonorable and
29 continues to serve; or

30 (iii) in the armed forces of the United States,

1 including a reserve component and OR National Guard, HAS <--
2 completed an initial contractual military service
3 obligation and continues to serve.

4 (2) An active duty member of the armed forces of the
5 United States who is completing a tour of active duty that is
6 three years or more and is within 90 days of an approved
7 discharge or release, as evidenced by documentation of the
8 projected discharge or release from active duty under
9 conditions other than dishonorable.

10 "Veterans' preference employment policy." A voluntary policy
11 adopted by a private employer for hiring, promoting or retaining
12 a veteran, a spouse of a disabled veteran or a surviving spouse
13 over another qualified applicant or employee.

14 § 7204. Eligibility for preference.

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

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