


Approved for Release
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Date

**DEPARTMENT OF COMMERCE
OFFICE OF HUMAN RESOURCES MANAGEMENT**

HUMAN RESOURCES (HR) BULLETIN # 048, FY06

SUBJECT: Ascertaining Eligibility for Veterans' Preference

EFFECTIVE DATE: Upon release of this HR Bulletin

EXPIRATION DATE: Effective until canceled or superseded

SUPERSEDES: N/A

BACKGROUND: The Office of Personnel Management (OPM) issued an interim rule revising its regulations by adding the new definition of a veteran consistent with Public Law 109-163, signed by the President on January 6, 2006.

Applicants normally apply for veterans' preference by claiming preference and submitting proof of eligibility at the time of applying for a position. The retroactive provision of the new Defense Act 2006 will allow applicants who have not previously claimed preference to contact their Servicing HR Offices where they submitted an application and now ask that preference be granted. Because some applicants will not be aware of the law, Servicing HR Offices must take the first step in ensuring that applicants receive the preference to which they are entitled.

PURPOSE: The purpose of this HR Bulletin is to ensure veterans' preference is granted to those applicants who previously did not claim preference to which they are entitled and implements guidance for ascertaining eligibility. This HR Bulletin should be used in conjunction with HR Bulletin #040, dated July 14, 2006, as a means of clarifying the definition of eligibility of veterans' preference.

PROCEDURES: Servicing HR Office's are directed to review its recruitment process and ascertain veterans' preference for those individuals who are eligible under this new revision. This applies to all recruitment processes from January 6, 2006, forward.

Servicing HR Office's are responsible for contacting all applicants who are currently eligible for preference by reviewing their applications in process to ascertain eligibility for veterans' preference under the new law.

The review must include eligibles on certificates, registers, and applications pending qualifications. To ensure consistency in how applicants will receive the appropriate preference for which they may be entitled, the information below has been prepared for your use.

For Pending Applications: In cases where a vacancy announcement is currently open, or where a vacancy announcement is closed and no certificate has been issued, you must send a letter of inquiry to each applicant to determine if he or she is eligible for veterans' preference. You cannot base your decision on the application that you received in-house because the law is new and still unknown to some applicants. Individuals may not have claimed preference and/or failed to write their military service dates on the application.

Eligibles on Certificates: In cases where the certificate was already issued and an offer has been made, eligible applicants who come forward to claim preference, who should have received preference based on the new law, and who would have been within reach for appointment on the certificate, must receive priority consideration for the next position. If improper certification occurred on a certificate (based on the new law), but a selection has not been made or the veteran affected was not within reach, there is no lost consideration.

Eligibles on Registers: The entire inventory of eligibles must be notified to determine eligibility for veterans' preference. The notification letter should inform applicants about the change in law and allow them the opportunity to date their application based on the law and to claim eligibility for other campaign badges.

REFERENCES: 5 U.S.C. 2108(1), 5 CFR 211.102(a), (b) and (g), and Public Law 109-163; OPM's Guidance to Federal Agencies on Ascertaining Veterans Preference

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