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Date

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

HUMAN RESOURCES (HR) BULLETIN # 040, FY06

SUBJECT: Changes in 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EXPIRATION DATE: Effective until canceled or superseded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 that was signed by the President on January 6, 2006. These changes expand the definition of a veteran, and clarify veterans' preference eligibility for individuals discharged or released from active duty. The intended effect of these changes is to provide conformity between veterans' preference laws and OPM regulations, and to further ensure that job seeking veterans receive the preference to which they are entitled.

PURPOSE: The purpose of this HR Bulletin is to notify HR Offices of the veteran definition expansion and veterans' preference eligibility. HR Offices should be aware of the impact this regulation will have as more eligible veterans who served on active duty during the designated period will be entitled to veterans' preference.

PROCEDURES: These changes in veterans' preference provide clarification and guidance for determining preference for Federal hiring purposes.

1. The definition of a "veteran" has been expanded to include:
 - a. Individuals who served on active duty for more than 180 consecutive days, regardless of location, other than for training, and part of which occurred during the period beginning September 11, 2001, and ending on the date prescribed by Presidential proclamation or by law as the last day of Operation Iraqi Freedom.
 - b. Anyone who served on active duty during the period beginning August 2, 1990, and ending January 2, 1992, as previously established by the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85).

2. Individuals who are “released or discharged from active duty in the armed forces,” as opposed to being “separated from the armed forces,” may receive veterans’ preference provided these individuals meet other applicable veterans’ preference eligibility requirements.

This amendment replaces the term “separated under honorable conditions” with “discharged or released from active duty.”

This new definition does not alter the requirement that a discharge or release from active duty must be under honorable conditions (i.e., an honorable or general discharge).

REFERENCES: 5 U.S.C. 2108(1), 5 CFR 211.102(a), (b) and (g), and Public Law 109-163.

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