

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 372

Introduced by Assembly Member Eggman

February 14, 2013

An act to amend ~~Section 18973.5~~ *Sections 18973.5, 18974.5, 18975, 18976, and 18977 of, to repeal Sections 18971, 18972, 18974, 18978, and 18979 of, and to repeal and add Sections 18973 and 18973.1 of, the Government Code, relating to civil service.*

LEGISLATIVE COUNSEL'S DIGEST

AB 372, as amended, Eggman. Civil service: veterans' preference in hiring.

The State Civil Service Act contains various provisions providing for veterans' credits in relation to any open competitive entrance examination.

Existing law requires that veterans, widows or widowers of veterans, and spouses of 100% disabled veterans, who become eligible for certification from eligible lists by attaining a passing mark, be allowed specified additional credits. Existing law provides that veterans who become eligible by attaining a passing mark are required to be classified ahead of all nonveterans with respect to entrance examinations to establish eligible lists for policemen and watchmen. Existing law also authorizes general or individual preference in ratings to veterans who have suffered permanent disability in the line of duty subject to certain requirements. Existing law requires credit to be added to the percentage attained in the examination by the veteran, widow or widower, requires the name of each to be placed on the eligible list after the credit has been added, and requires ties to be decided in favor of veterans and

widows or widowers of veterans. Under existing law, for any entrance examination held to fill a vacancy, a veteran who becomes eligible for certification from eligible lists by attaining the passing mark is required to receive certain credits.

This bill would delete the credit provisions and would revise and recast the provisions governing veterans' preference. The bill would instead provide that whenever any veteran, widow or widower of a veteran, or spouse of a 100% disabled veteran achieves a passing score on an entrance examination, he or she is required to be ranked in the top rank of the resulting eligibility list, except if the veteran was dishonorably discharged or released.

~~Existing civil service law requires that veterans be allowed preference points for civil service entrance examinations, as specified. For purposes of allowing preference points to veterans for civil service entrance examinations, existing law defines an entrance examination to include any open competitive examination other than one for a class having a requirement of both college graduation and 2 or more years of experience.~~

This bill would delete the provision that excludes those examinations for a class having a requirement of both college graduation and 2 or more years of experience from the definition of an entrance examination for purposes of allowing preference points for veterans, as specified. ~~The bill would make findings and declarations in this regard.~~

~~Existing law requires the request for and proof of eligibility for veterans' preference credits to be submitted by the veteran to the department conducting the employment examination.~~

~~This bill would authorize such eligibility to be submitted to the designated appointing authority conducting the employment examination.~~

~~The bill would make other technical and conforming changes.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 18971 of the Government Code is
- 2 repealed.
- 3 ~~18971. In the case of entrance examinations to establish eligible~~
- 4 ~~lists for policemen and watchmen, veterans who become eligible~~
- 5 ~~for appointment by attaining the passing mark established for the~~

1 ~~examination and whose service as veterans exceeds three months~~
2 ~~shall be classified on such eligible lists in the relative order of the~~
3 ~~individual ratings attained and ahead of all nonveterans passing~~
4 ~~such examinations, and are eligible for appointment on the basis~~
5 ~~of such order of standing on such eligible lists.~~

6 *SEC. 2. Section 18972 of the Government Code is repealed.*

7 ~~18972. For specific State services or employments as~~
8 ~~determined by the board, it may in examination allow general or~~
9 ~~individual preference in ratings to veterans who have suffered~~
10 ~~permanent disability in line of duty, if such disability will not~~
11 ~~prevent the proper performance of the duties required under such~~
12 ~~service or employment, and if such disability is of record in the~~
13 ~~files of the United States Veterans' Administration.~~

14 *SEC. 3. Section 18973 of the Government Code is repealed.*

15 ~~18973. Except as provided in Section 18978, in the case of all~~
16 ~~other entrance examinations, veterans and widows or widowers~~
17 ~~of veterans who become eligible for certification from eligible lists~~
18 ~~by attaining the passing mark established for the examination, shall~~
19 ~~be allowed one of the following additional credits:~~

20 ~~(a) Disabled veterans, 15 points.~~

21 ~~(b) All other veterans, widows or widowers of veterans, and~~
22 ~~spouses of 100 percent disabled veterans, 10 points.~~

23 ~~For the purpose of this section, "veteran" means any person who~~
24 ~~has served full time for 30 days or more in the armed forces in~~
25 ~~time of war or in time of peace in a campaign or expedition for~~
26 ~~service in which a medal has been authorized by the government~~
27 ~~of the United States, or during the period September 16, 1940, to~~
28 ~~January 31, 1955, or who has served at least 181 consecutive days~~
29 ~~since January 31, 1955, and who has been discharged or released~~
30 ~~under conditions other than dishonorable, but does not include any~~
31 ~~person who served only in auxiliary or reserve components of the~~
32 ~~armed forces whose service therein did not exempt him or her from~~
33 ~~the operation of the Selective Training and Service Act of 1940.~~

34 ~~For the purpose of this section: "disabled veteran" means any~~
35 ~~veteran as defined herein who is currently declared by the United~~
36 ~~States Veterans Administration to be 10 percent or more disabled~~
37 ~~as a result of his or her service; and "100 percent disabled veteran"~~
38 ~~means any veteran as defined herein who is currently declared by~~
39 ~~the United States Veterans Administration to be 100 percent~~
40 ~~disabled as a result of his or her service. Proof of disability shall~~

1 be deemed conclusive if it is of record in the United States Veterans
2 Administration.

3 *SEC. 4. Section 18973 is added to the Government Code, to*
4 *read:*

5 *18973. For purposes of this article, the following definitions*
6 *shall apply:*

7 (a) "Veteran" has the same meaning as defined in Section
8 18540.4.

9 (b) "Disabled veteran" has the same meaning as defined in
10 Section 18541.

11 (c) "100 percent disabled veteran" means any veteran as
12 defined in this section who is currently declared by the United
13 States Veterans Administration to be 100 percent disabled as a
14 result of his or her service.

15 *SEC. 5. Section 18973.1 of the Government Code is repealed.*

16 ~~18973.1. (a) Except as provided in Section 18978, and in~~
17 ~~addition to the veterans' credits set forth in Section 18973, in the~~
18 ~~case of all other entrance examinations, there shall be allowed a~~
19 ~~credit for veterans, widows or widowers of veterans, and spouses~~
20 ~~of 100 percent disabled veterans, who become eligible for~~
21 ~~certification from eligible lists by attaining the passing mark~~
22 ~~established for the examination, as set forth below:~~

23 ~~(1) Disabled veterans, 15 points.~~

24 ~~(2) Veterans, 10 points.~~

25 ~~(3) Widows or widowers of veterans, and spouses of 100 percent~~
26 ~~disabled veterans, five points.~~

27 ~~(b) For purposes of this section:~~

28 ~~(1) "Veteran" means any member of the California National~~
29 ~~Guard who meets the following requirements:~~

30 ~~(A) Served in federal active duty for 90 days or more.~~

31 ~~(B) Not more than two years have passed since the member was~~
32 ~~released from federal active duty.~~

33 ~~(2) "Disabled veteran" means any member of the California~~
34 ~~National Guard who is currently declared by the United States~~
35 ~~Veterans Administration to be 10 percent or more disabled as a~~
36 ~~result of his or her service.~~

37 ~~(3) "100 percent disabled veteran" means any member of the~~
38 ~~California National Guard who is currently declared by the United~~
39 ~~States Veterans Administration to be 100 percent disabled as a~~
40 ~~result of his or her service.~~

1 ~~(e) No veteran who has been dishonorably discharged or released~~
2 ~~shall be allowed a credit under this section.~~

3 ~~(d) Proof of disability shall be deemed conclusive if it is of~~
4 ~~record in the United States Veterans Administration.~~

5 *SEC. 6. Section 18973.1 is added to the Government Code, to*
6 *read:*

7 *18973.1. Whenever any veteran, widow or widower of a*
8 *veteran, or spouse of a 100 percent disabled veteran achieves a*
9 *passing score on an entrance examination, he or she shall be*
10 *ranked in the top rank of the resulting eligibility list. This section*
11 *shall not apply to any veteran who has been dishonorably*
12 *discharged or released.*

13 *SEC. 7. Section 18973.5 of the Government Code is amended*
14 *to read:*

15 *18973.5. (a) For purposes of Sections 18973, 18973.1, and*
16 *18978, this article, an entrance examination is any open*
17 *competitive examination other than one for a class having a*
18 *requirement of both college graduation and two or more years of*
19 *experience.*

20 *(b) For purposes of Sections 18973, 18973.1, and 18978,*
21 *veterans' credits shall be awarded in all qualifying examinations*
22 *in which the veteran competes. No veterans' credits preference*
23 *under this article shall be awarded once a veteran achieves to*
24 *permanent civil service status. employees.*

25 *SEC. 8. Section 18974 of the Government Code is repealed.*

26 ~~18974. Such credit shall be added to the percentage attained~~
27 ~~in the examination by the veteran, widow or widower. The name~~
28 ~~of each shall be placed on the eligible list and he or she is eligible~~
29 ~~for appointment in the order and on the basis of the percentage~~
30 ~~attained in examination after the appropriate credit has been added.~~
31 ~~All ties shall be decided in favor of veterans and widows or~~
32 ~~widowers of veterans.~~

33 *SEC. 9. Section 18974.5 of the Government Code is amended*
34 *to read:*

35 *18974.5. Any member of the Armed Forces who successfully*
36 *passes any state civil service examination and whose name as a*
37 *result is placed on an employment list and who within 12 months*
38 *after the establishment of the employment list for which the*
39 *examination was given qualifies for veterans' preference as*
40 *provided for in Sections 18973 and 18973.1 this article shall be*

1 allowed the appropriate veterans' credit to the same effect as
2 though he or she were entitled to that credit at the time of the
3 establishing of the employment list. ~~When and if that person is~~
4 ~~allowed veterans' credit under this section his or her name shall~~
5 ~~be placed on the employment list in accordance with Section 18937~~
6 ~~as the employment list stands at the time of qualifying for veterans'~~
7 ~~credit.~~

8 *SEC. 10. Section 18975 of the Government Code is amended*
9 *to read:*

10 18975. ~~In any examinations to establish employment lists in~~
11 ~~which credits are allowed for experience, periods~~ *Periods* of service
12 in the recognized military service shall be counted by the ~~board~~
13 *department* as *qualifying* experience upon a showing by the veteran
14 that such service involved duties and responsibilities of the kind
15 for which credit for experience is being allowed.

16 *SEC. 11. Section 18976 of the Government Code is amended*
17 *to read:*

18 18976. Request for and proof of eligibility for veterans'
19 preference ~~credits~~ shall be submitted by the veteran to the
20 department *or designated appointing authority* conducting the
21 employment examination. The procedures and time of filing the
22 request shall be subject to rules promulgated by the ~~State Personnel~~
23 ~~Board,~~ *department*, in consultation with the Department of Veterans
24 Affairs.

25 *SEC. 12. Section 18977 of the Government Code is amended*
26 *to read:*

27 18977. Where experience is required as a minimum
28 qualification for any civil service examination, a person, who is
29 or has been on military leave from a state civil service or exempt
30 position or from a position in any federal or other public agency
31 the functions of which as they relate to such position have been
32 transferred to the ~~State~~ *state* shall be granted full credit for time
33 spent on such military leave, as if he *or she* had remained in the
34 position he held at the time he *or she* entered the military service.

35 *SEC. 13. Section 18978 of the Government Code is repealed.*

36 ~~18978. (a) For any entrance examination held on an open,~~
37 ~~nonpromotional basis pursuant to Section 18950, a veteran who~~
38 ~~becomes eligible for certification from eligible lists by attaining~~
39 ~~the passing mark established for the examination, shall be allowed~~
40 ~~the following additional credits:~~

- 1 ~~(1) Disabled veterans, 15 points.~~
2 ~~(2) Veterans who have completed acceptable training in the~~
3 ~~United States Armed Forces as military law enforcement officers,~~
4 ~~15 points, for an entrance examination for a peace officer position.~~
5 ~~The Commission on Peace Officer Standards and Training shall~~
6 ~~establish, by regulation, what constitutes “acceptable training” for~~
7 ~~purposes of this paragraph.~~
8 ~~(3) Other veterans, 10 points.~~
9 ~~(b) For purposes of this section, “veteran” and “disabled veteran”~~
10 ~~have the same meaning as those terms are used in Sections 18973~~
11 ~~and 18973.1.~~
12 ~~(c) Individuals who received veterans points under this section~~
13 ~~are not eligible for career credits pursuant to Sections 18950.1,~~
14 ~~18951, and 18951.5.~~
15 *SEC. 14. Section 18979 of the Government Code is repealed.*
16 ~~18979. (a) In making appointments to positions performing~~
17 ~~the duties of disabled veterans’ outreach program representatives~~
18 ~~in the disabled veterans’ outreach program or successor program~~
19 ~~of the Employment Development Department, appointments shall~~
20 ~~be made in the following order of preference:~~
21 ~~(1) Any disabled veteran.~~
22 ~~(2) Any veteran.~~
23 ~~(b) For the purposes of this section, “disabled veteran” and~~
24 ~~“veteran” have the same meaning as those terms are defined in~~
25 ~~Section 4211 of Title 38 of the United States Code.~~
26 ~~(c) A person who does not meet the criteria specified in~~
27 ~~subdivision (a) shall not be appointed to the position of disabled~~
28 ~~veterans’ outreach program representative.~~
29 *SECTION 1. The Legislature finds and declares the following:*
30 ~~(a) Though unemployment has fallen among veterans~~
31 ~~nationwide, the unemployment rate of veterans of post-9/11~~
32 ~~conflicts is 11.1 percent, exceeding that of the general population~~
33 ~~7 percent.~~
34 ~~(b) Educational attainment of veterans continues to rise, and~~
35 ~~there has been a significant increase in the post-9/11 era in the~~
36 ~~proportion of veterans who have completed bachelor’s degrees.~~
37 ~~(c) The percentage of veterans in California with bachelor’s~~
38 ~~degrees exceeds the national average.~~

1 ~~(d) Veterans tend to be enrolled in college at older ages than~~
2 ~~nonveterans, and are thus older than nonveterans when they enter~~
3 ~~the educated workforce.~~

4 ~~(e) It is the intent of the Legislature in enacting this act to expand~~
5 ~~employment opportunities for veterans and to improve the~~
6 ~~application of veterans' preferences in state hiring.~~

7 ~~SEC. 2. Section 18973.5 of the Government Code is amended~~
8 ~~to read:~~

9 ~~18973.5. (a) For purposes of Sections 18973, 18973.1, and~~
10 ~~18978, an entrance examination is any open competitive~~
11 ~~examination.~~

12 ~~(b) For purposes of Sections 18973, 18973.1, and 18978,~~
13 ~~veterans' credits shall be awarded in all qualifying examinations~~
14 ~~in which the veteran competes. No veterans' credits shall be~~
15 ~~awarded once a veteran achieves permanent civil service status.~~