

AMENDED IN ASSEMBLY APRIL 8, 2013
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 Sections 18973.5, 18974.5, 18975, 18976, and 18977 of, to repeal Sections 18971, 18972, 18974, ~~18978~~, and ~~18979~~ 18978 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.

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.

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~~ *that* eligibility to be submitted to the designated appointing authority conducting the employment examination.

The bill would make findings and declarations in this regard.

The bill would *also* 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. The Legislature finds and declares the following:*
- 2 *(a) Though unemployment has fallen among veterans*
- 3 *nationwide, the unemployment rate of veterans of post-9/11*
- 4 *conflicts is 11.1 percent, exceeding the 7 percent unemployment*
- 5 *rate of the general population.*

1 (b) Educational attainment of veterans continues to rise, and
2 there has been a significant increase in the post-9/11 era in the
3 proportion of veterans who have completed bachelor's degrees.

4 (c) The percentage of veterans in California with bachelor's
5 degrees exceeds the national average.

6 (d) Veterans tend to be enrolled in college at older ages than
7 nonveterans, and are thus older than nonveterans when they enter
8 the educated workforce.

9 (e) It is the intent of the Legislature in enacting this act to
10 expand employment opportunities for veterans and to improve the
11 application of veterans' preferences in state hiring.

12 ~~SECTION 1.~~

13 ~~SEC. 2.~~ Section 18971 of the Government Code is repealed.

14 ~~SEC. 2.~~

15 ~~SEC. 3.~~ Section 18972 of the Government Code is repealed.

16 ~~SEC. 3.~~

17 ~~SEC. 4.~~ Section 18973 of the Government Code is repealed.

18 ~~SEC. 4.~~

19 ~~SEC. 5.~~ Section 18973 is added to the Government Code, to
20 read:

21 18973. For purposes of this article, the following definitions
22 shall apply:

23 (a) "Veteran" has the same meaning as defined in Section
24 18540.4.

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

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

31 ~~SEC. 5.~~

32 ~~SEC. 6.~~ Section 18973.1 of the Government Code is repealed.

33 ~~SEC. 6.~~

34 ~~SEC. 7.~~ Section 18973.1 is added to the Government Code, to
35 read:

36 18973.1. Whenever any veteran, widow or widower of a
37 veteran, or spouse of a 100 percent disabled veteran achieves a
38 passing score on an entrance examination, he or she shall be ranked
39 in the top rank of the resulting eligibility list. This section shall

1 not apply to any veteran who has been dishonorably discharged
2 or released.

3 ~~SEC. 7.~~

4 *SEC. 8.* Section 18973.5 of the Government Code is amended
5 to read:

6 18973.5. (a) For purposes of this article, an entrance
7 examination is any open competitive examination.

8 (b) No veterans' preference under this article shall be awarded
9 to permanent civil service employees.

10 ~~SEC. 8.~~

11 *SEC. 9.* Section 18974 of the Government Code is repealed.

12 ~~SEC. 9.~~

13 *SEC. 10.* Section 18974.5 of the Government Code is amended
14 to read:

15 18974.5. Any member of the Armed Forces who successfully
16 passes any state civil service examination and whose name as a
17 result is placed on an employment list and who within 12 months
18 after the establishment of the employment list for which the
19 examination was given qualifies for veterans' preference as
20 provided for in this article shall be allowed the appropriate
21 veterans' credit to the same effect as though he or she were entitled
22 to that credit at the time of the establishing of the employment list.

23 ~~SEC. 10.~~

24 *SEC. 11.* Section 18975 of the Government Code is amended
25 to read:

26 18975. Periods of service in the recognized military service
27 shall be counted by the department as qualifying experience upon
28 a showing by the veteran that ~~such~~ *the veteran's* service involved
29 duties and responsibilities of the kind for which credit for
30 experience is being allowed.

31 ~~SEC. 11.~~

32 *SEC. 12.* Section 18976 of the Government Code is amended
33 to read:

34 18976. Request for and proof of eligibility for veterans'
35 preference shall be submitted by the veteran to the department or
36 designated appointing authority conducting the employment
37 examination. The procedures and time of filing the request shall
38 be subject to rules promulgated by the department, in consultation
39 with the Department of Veterans Affairs.

1 ~~SEC. 12.~~

2 *SEC. 13.* Section 18977 of the Government Code is amended
3 to read:

4 18977. Where experience is required as a minimum
5 qualification for any civil service examination, a person, who is
6 or has been on military leave from a state civil service or exempt
7 position or from a position in any federal or other public agency
8 the functions of which as they relate to ~~such~~ *the* position have been
9 transferred to the state shall be granted full credit for time spent
10 on ~~such~~ *that* military leave, as if he or she had remained in the
11 position he held at the time he or she entered the military service.

12 ~~SEC. 13.~~

13 *SEC. 14.* Section 18978 of the Government Code is repealed.

14 ~~SEC. 14.~~ Section 18979 of the Government Code is repealed.