

Washington State's Veteran's Preference

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Presented by:

Susan Sackett DanPullo, Senior Counsel,
Washington State Attorney General's Office

Veterans Preference Rights

- 2 types of veterans' preference for public employment
- General Preference - RCW 73.16.010
- Percentage Point Preference –RCW 41.04.010



Veterans Preference Rights

- Can a Veteran get both preferences?



NO!

Veterans Preference Rights

Which Preference Applies?



Veterans Preference

- Use of competitive examination = Percentage Point Preference under RCW 41.04.010
 - Scoring criteria preference
- No competitive examination = General Preference under RCW 73.16.010

Veterans Preference

- General Preference:

Veterans' preferred
in appointment
and employment



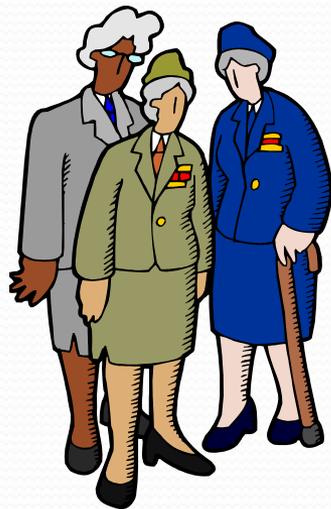
Veterans Preference

- Who qualifies for general preference?
 - An honorably discharged soldier, sailor, or marine who is a veteran of any war of the U.S., or
 - A veteran of any military campaign for which a campaign ribbon was awarded, or
 - A widow or widower of the above, or
 - A spouse of an honorably discharge veteran who has a service connected permanent and total disability

Veterans Preference

Is a veteran automatically entitled to the position under the general preference?

- No, a veteran does not have an absolute preference over any non-veteran seeking the same job.



Veterans Preference

- **Percentage Points Preference:**
 - (Scoring criteria preference)

In all **competitive examinations** shall give a scoring criteria status to **all veterans as defined in RCW [41.04.007](#)**, by adding to the **passing mark, grade or rating only**, based upon a possible rating of one hundred points as perfect a percentage

Veterans Preference

- added percentage points

- RCW 41.04.007 defines Veteran as: A person who is honorably discharged, received a discharge for medical reasons with an honorable record, where applicable, or is in receipt of a United States department of defense discharge document DD form 214, NGB form 22, or their equivalent or successor discharge paperwork, that characterizes his or her service as honorable

- AND

Veterans Preference

- added percentage points

- and who has served in at least one of the following capacities:
 - (1) As a member in any branch of the armed forces of the United States, *including the national guard and armed forces reserves*, and has fulfilled his or her initial military service obligation;
 - (2) As a member of the women's air forces service pilots;
 - (3) As a member of the armed forces reserves, national guard, or coast guard, and has been called into federal service by a presidential select reserve call up for at least one hundred eighty cumulative days;
 - (4) As a civil service crewmember with service aboard a U.S. army transport service or U.S. naval transportation service vessel in oceangoing service from December 7, 1941, through December 31, 1946;
 - (5) As a member of the Philippine armed forces/scouts during the period of armed conflict from December 7, 1941, through August 15, 1945; or
 - (6) A United States documented merchant mariner with service aboard an oceangoing vessel operated by the department of defense, or its agents, from both June 25, 1950, through July 27, 1953, in Korean territorial waters and from August 5, 1964, through May 7, 1975, in Vietnam territorial waters, and who received a military commendation.

Veterans Preference Points - **Hiring**

- **Ten Percent if served during:**
 - Period of War, or Armed Conflict;**AND**
 - Does **not** receive military retirement

FIRST APPOINTMENT
ONLY

- **Five Percent if did not serve during:**
 - Period of War, or Armed Conflict;**OR**
 - Does receive military retirement

FIRST APPOINTMENT
ONLY

Veterans Preference Points - Promotions

- **Five percent if veteran employee:**
 - **called to active military service from public employment**
 - **promotional examinations**

For First Promotion Only

(Note: no required period of active military service)



Veterans Preference Points - Promotions

- What does “*called to active military service*” mean?



Questions?

**Susan Sackett DanPullo
Senior Counsel
Labor and Personnel Division
Washington State Attorney
General's Office
(360) 664-4173**

susan.danpullo@atg.wa.gov



Significant dates related to Veteran’s Scoring Criteria (Veterans’ Preference in Competitive Exams – STATUTORY CHANGES:

1945: Veterans’ Preference Points statute originally enacted. The statute allowed for a preference to veterans in “all competitive examinations.”

1947: The statute was amended to limit the use of the preference points to entrance examinations, except in certain situations, and also provided that the preference could only be used after the veteran had obtained a passing score.

1969: The statute was amended to limit the preference points to the “first” competitive examination and did not distinguish between whether or not the veteran had obtained public employment. Additionally, for the first time there was a time limit added for when the preference could be used – five (5) years following the release from active duty.

1974: RCW 41.04.010(1)& (2) were changed to allow the five or ten percent to a veteran for a competitive examination until the veteran’s *first appointment*.

However, Subsection three (3) was not changed in 1974 and continued to state that the five person for veterans who were called to active duty *for one year or more, during a period of war* would have 5% added to the first promotional examination only.

Finally, subsection four (4) was amended to increase the amount of time from five (5) years to eight (8) that the veteran had to claim any rights under RCW 41.04.010 (1),(2), or (3).

Oct. 31, 1974 AGO Opinion: This opinion provided an interpretation of the newly amended RCW 41.04.010(1), stating:

The statute now clearly provides that the preference can continue to be utilized until the veteran receives his “first” appointment. There is no modifying or other descriptive language qualifying the term “first appointment” from which to infer that it is a first appointment to a position in a particular governmental entity which is involved - as opposed to an appointment to any public employment.

Noting the history of the changes to the statute, the AGO Opinion states:

Thus, with the exception of the 1974 amendments, the legislative trend, since the original enactment of the statute in 1945, has been to limit the scope of the preference. Fairly construed, the 1974 amendments represent limited adjustments in the severity of the limitations imposed on the use of the preferences in 1969. Specifically, the statute, as most recently amended, does not deprive a veteran of the use of the preference if he has not thereby obtained a “first appointment.” In addition, the veteran now is given eight years instead of five in which to exercise the preference.

The opinion ends with a statement that the preference may be used until the first appointment:

Accordingly, we conclude that [RCW 41.04.010](#), as amended, does not permit the use of the veterans' preference in connection with an application by a veteran for covered public employment once the veteran has received the offer of a first appointment *because of prior use of the preference*.

June 8, 2000: RCW 41.04.010(1): added requirement that it must be “a passing mark, grade, or rating” and deleted language until “one of such examination results in said” appointment, replaced with “until the first appointment only.” (Without regard to whether or not the first appointment was obtained with a competitive exam.) Also added that the 10% is added only if served during a period of war “*or in an armed conflict*” and not receiving retirement benefits.

RCW 41.04.010 (2) Same changes as in subsection one, plus added that the 5% is added to a veteran who did not serve during a period of war *or in an armed conflict, or is* receiving retirement benefits.

RCW 41.04.010 (3) Changed language to “The percentage shall be added to *the first promotional examination only*.”

RCW 41.04.010 (4) Changed the time requirement from stated that veterans' scoring criteria must be claimed within *eight (8) years* or release from active duty to *fifteen (15) years* and allowed for an extension of the 15 years for “valid and extenuating reasons.”

June 13, 2002: RCW 41.04.007 was created and replaced RCW 41.04.005 as the definition of veteran in the opening paragraph of RCW 41.04.010. RCW 41.04.005 remains the definition for determining if the veteran served in a “period of war or armed conflict.”

July 27, 2003: RCW 41.04.010(4) – deleted the time required to claim veterans' scoring criteria (preference); “All veterans' scoring criteria may be claimed upon release from active military service.”

July 22, 2007: RCW 41.04.010(3) amended to clarify that five (5) percent should be “added to the promotional examination *until the first promotion only*.” The previous statute read “The percentage shall be added to the first promotional examination only.”

July 26, 2009: RCW 41.04.010(3) is amended to remove the requirement that a veteran must be called to active military duty *for one or more years*.

July 23, 2017: RCW 41.04.007 amended to add “where applicable, or is in receipt of a United States department of defense discharge document DD form 214, NGB form 22, or their equivalent or successor discharge paperwork, that characterizes his or her service as honorable” to the veteran definition.

Subsection (1) added: service in the national guard and reserves. “As a member in any branch of the armed forces of the United States, *including the national guard and armed forces reserves*, and has fulfilled his or her initial military service obligation.”

RCW 41.04.010(4) amended to read:

(4) All veterans' scoring criteria may be claimed:

(a) Upon release from active military service with an honorable discharge or a discharge for medical reasons with an honorable record, where applicable; or

(b) Upon receipt of a *United States department of defense discharge document DD form 214, NGB form 22, or their equivalent or successor discharge paperwork, that characterizes his or her service as honorable.*

Susan Sackett DanPullo graduated from University of Puget Sound, School of Law, (currently known as Seattle University Law School) in 1994 *cum laude*. She worked for the Thurston County Prosecutors Office for approximately eight years. During her time at the prosecutor's office, she prosecuted misdemeanor, juvenile, and felony crimes. She also developed the Thurston County Youth Court program. Ms. DanPullo then worked as a public defender in King County for a year before joining the Washington State Attorney General's Office. As an assistant attorney general, Ms. DanPullo has worked in several divisions including the Criminal Justice Division, where she developed the criminal program for prosecution of fraud cases arising from the Department of Labor and Industries. She currently works in the Labor and Personnel Division where she handles labor and personnel matters for state agencies. She is one of the Section Chiefs and leads the DSHS team. She was elevated to Senior Counsel in 2016. Ms. DanPullo is also the Diversity Advisory Committee Co-Chair and has a strong interest in creating a diverse and inclusive work environment and community.