



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

The Director

Monday, February 25, 2013

MEMORANDUM FOR: Chief Human Capital Officers

FROM: John Berry Director

Subject: Changes to Veterans' Preference

This memorandum is intended to provide agencies with information about statutory changes to the rules governing veterans' preference.

On August 29, 2008, the Hubbard Act was enacted as Public Law 110-317. The Hubbard Act amended the eligibility categories for veterans' preference purposes by adding subparagraph (H) to 5 U.S.C. 2108(3). Subparagraph (H) establishes a new veterans' preference eligibility category for veterans released or discharged from a period of active duty from the armed forces, after August 29, 2008, by reason of a "sole survivorship discharge." The Hubbard Act defines a "sole survivorship discharge" as the separation of a member from the armed forces, at the request of the member, pursuant to Department of Defense policy permitting the early separation of a member who is the only surviving child in a family in which the father or mother or one or more siblings (1) served in the armed forces and (2) was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently 100 percent disabled or hospitalized on a continuing basis (and is not employed gainfully because of the disability or hospitalization) where (3) the death, status, or disability did not result from the intentional misconduct or willful neglect of the parent or sibling and was not incurred during a period of unauthorized absence.

Under the new sole survivorship preference, the individual (1) does not receive veterans' preference points as other preference eligibles do when the "rule of 3" is applied; (2) is entitled to be listed ahead of non-preference eligibles with the same score on an examination, or listed ahead of non-preference eligibles in the same quality category when agencies are using category rating; (3) is entitled to receive the same pass over rights as other preference eligibles; and (4) is entitled to credit experience in the armed forces to meet the qualification requirements for Federal jobs.

OPM will be implementing changes to its guides that list the various forms of veterans' preference to indicate that the sole survivorship designation should be "Sole Survivorship Preference" or "SSP."

On June 15, 2012, OPM issued a Memorandum for Chief Human Capital Officers on the VOW (Veterans Opportunity to Work) to Hire Heroes Act of 2011, available at:

<https://www.chcoc.gov/content/vow-veterans-opportunity-work-hire-heroes-act-2011>. Since issuing this memorandum, we have received inquiries as to what type of documentation is

needed to establish 10-point preference for disabled veterans who have yet to be released or discharged from the armed forces. For these purposes, agencies can accept any documentation described in sections B or C of page 2 of the Standard Form (SF) 15, *Application for 10-Point Veteran Preference*. This form contains the types of documentation needed to establish 10-point disability preference and is available at: http://www.opm.gov/forms/pdf_fill/sf15.pdf.

OPM plans to issue various guidance on the above topics through regulation, Delegated Examining Operations Handbook, a revised SF 15, and veterans' preference data elements codes changes. If you have any questions concerning these topics, please feel free to contact Michael J. Mahoney, Manager, Hiring Policy, at mike.mahoney@opm.gov or at 202-606-1142.

cc: Human Resource Directors