

VEOA

As a 100 percent service-disabled veteran owned law firm, our attorneys understand the importance of your service to our country. As a result, we aggressively fight for the rights of our nation's veterans both in and out of the workplace, including the right to preference eligibility when being considered for a position within the civil service. When an agency accepts applications from outside its own workforce, the Veterans' Employment Opportunities Act of 1998 (VEOA) allows preference eligible veterans to compete for these vacancies under merit promotion procedures. This law makes an agency's willful violation of veterans' preference a prohibited personnel practice under law. Our attorneys, some of whom are veterans themselves and know what it means to have served, are available to assist you if you believe your rights under the VEOA have been violated. About the Veterans' Employment Opportunities Act

The Veterans Employment Opportunities Act of 1998 provides that agencies must allow eligible veterans to apply for positions announced under merit promotion procedures when the agency is recruiting from outside its own workforce. There are basically two types of Vacancy Announcements within the Federal Civil Service – Competitive and Merit Promotion. In a Competitive announcement, the announcement is open to all applicants that qualify, regardless of whether or not they currently work for the federal government or the federal agency posting the announcement. In a Merit Promotion process, the Agency generally only seeks qualified internal candidates for a particular position. However, in certain situations the Agency reaches outside its own workforce for applicants in a Merit Promotion process. When this happens, the Agency MUST

accept applications from preference eligible veterans outside the Agency's workforce. The VEOA does not guarantee selection, in fact, the VEOA does not guarantee anything other than the right to apply and the right to compete. In many situations, the Agency will post two announcements – a competitive and a merit promotion. The preference eligible veteran, under VEOA, must be given the opportunity to apply and be considered for both postings. The VEOA is not a selection guarantee for a preference eligible veteran. It is, however, a way for preference eligible vets to get their foot in the door of Agencies that are posting only Merit Promotion announcements. Who is Eligible?

Per the National Defense Authorization Act for Fiscal Year 2006, to receive preference, a veteran must have been discharged or released from active duty in the Armed Forces under honorable conditions (i.e., with an honorable or general discharge). As defined in 5 U.S.C. 2101(2), "Armed Forces" means the Army, Navy, Air Force, Marine Corps and Coast Guard. The veteran must also be eligible under one of the preference categories discussed in the below listed link. Military retirees at the rank of major, lieutenant commander, or higher are not

eligible for preference in appointment unless they are disabled veterans. (This does not apply to Reservists who will not begin drawing military retired pay until age 60). For non-disabled users, active duty for training by National Guard or Reserve soldiers does not qualify as "active duty" for preference. For disabled veterans, active duty includes training service in the Reserves or National Guard, per the Merit Systems Protection Board decision in Hesse v. Department of the Army

, 104 M.S.P.R.647(2007). For purposes of this chapter and 5 U.S.C. § 2108, "war" means only those armed conflicts declared by Congress as war and includes World War II, which covers the period from December 7, 1941, to April 28, 1952. When applying for Federal jobs, eligible veterans should claim preference on their application or resume. Applicants claiming 10-point preference must complete Standard Form (SF) 15, Application for 10-Point Veteran Preference, and submit the requested documentation. The following link provides preference categories and points definitions which are based on 5 U.S.C. §§ 2108 and 3309 as modified by a length of service requirement in 38 U.S.C. § 5303A(d). (The letters following each category, e.g., "TP," are a shorthand reference used by OPM in competitive examinations.) This link also provides helpful detailed explanation of the many definitions and protections available under the law.

 Office of Personnel Management "Vet Guide"

<http://www.opm.gov/veterans/html/vetguide.asp>

How to Apply

Agency announcements will indicate when veterans eligible under the VEOA may apply. The veterans will be rated and ranked with other merit promotion eligible candidates. Those who are among the best qualified may be selected by the appointing official, but veterans' preference is not a factor. If selected, the veteran will be given a career or career conditional appointment, as appropriate. Agency Violation of VEOA

There are various protections available under the law which address adverse actions, reduction in force, restoration after uniformed service, and other actions under 38 U.S.C. Chapter 43. The VEOA allows a preference eligible veteran who believes an agency has violated his or her rights under the veterans' preference laws or regulations, to file a formal complaint with the Department of Labor's Veterans' Employment and Training Service (VETS). If VETS is unable to resolve the complaint within 60 days, the veteran may appeal to the Merit Systems Protection Board (MSPB)

.The law makes the willful violation of veterans' preference a prohibited personnel practice under law. If you believe your veterans' preference rights have been violated, contact our offices to see how our team of federal employment attorneys can assist you. We can be reached 24 hours a day, 7 days a week at 202-787-1900 or via email at info@fedattorney.com