

# Human Resources Policy

Commonwealth of Pennsylvania  
Office of Administration

## Veterans' Preference in Non-Civil Service Hiring

**Number**

HR-TM002

**Category**

Talent Management

**Contact**

717.787.8001

**Effective Date**

July 12, 2021

**Supersedes**

All Prior Versions

**Scheduled Review**

June 2022

### 1. Purpose

To establish a centralized hiring policy for the application of the Veterans' Preference Act (Act), 51 Pa.C.S. §§ 7101.1-7111, to non-civil service (NCS) appointments within the Commonwealth.

### 2. Scope

This Human Resources Policy (HRP) applies to all departments, offices, boards, commissions, and councils under the Governor's jurisdiction for human resources management (hereinafter referred to as "agencies").

### 3. Background

Pursuant to the Act, veterans possessing the requisite qualifications required for appointment to an NCS position are entitled to a hiring preference. This hiring preference applies to all NCS appointments but

does **not** apply to NCS promotions. In a continuing effort to enhance employment opportunities for veterans seeking appointments to NCS positions, the Commonwealth has developed a streamlined process for identifying whether an applicant meets the definition of veteran, as set forth in the Act, and for providing hiring agencies with information on qualified veteran-candidates.

#### 4. Policy

The Secretary of Administration hereby establishes, and Commonwealth agencies shall implement, the following hiring policy, which provides preferential treatment for qualified veteran-candidates for NCS appointments:

##### a. Identification of Requisite Qualifications

- (1) Before posting a job announcement for an NCS position, hiring managers, with the assistance of human resource (HR) staff supporting the agency, shall identify the requisite qualifications required for appointment to the NCS position.
- (2) "Requisite qualifications" are the experience, education, academic success, training, certifications, proficiencies, interpersonal and other skills necessary for a candidate to successfully perform in the specific NCS position.

**Note:** Generally, requisite qualifications are **not** the same as the minimum experience and training requirements (METs) needed for employment in the relevant job classification. Rather, they are **additional**, position-related requirements that a candidate must possess to successfully perform in the specific NCS position. For example, if an NCS position involves frequent contact with the public, the requisite qualifications for the position may include experience interacting with the public. Similarly, if an NCS position involves using particular technology, equipment or tools, the requisite qualifications for the position may include experience using such technology, equipment or tools.

- (3) All requisite qualifications **must** be clearly identified on the job posting under the "Additional Requirements" section. Additionally, hiring managers, with the assistance of HR staff supporting the agency, **must** develop, and include on

the job posting, supplemental questions that are relevant for determining whether a candidate possesses the requisite qualifications.

For purposes of the Act and this HRP, if a hiring manager does not identify specific requisite qualifications for an NCS position on the job posting, the METs of the relevant job classification will be deemed to be the requisite qualifications required for appointment to the NCS position.

**b. Interviews of Qualified Veteran-Candidates**

- (1) Veteran-candidates who apply for appointment to an NCS position **shall** receive an interview if they meet the METs of the relevant job classification and also appear to possess the requisite qualifications required for appointment to the NCS position.

**c. Selection of Qualified Veteran-Candidates**

- (1) If after interviewing a veteran-candidate, the hiring manager determines that the veteran-candidate does possess the requisite qualifications required for appointment to the NCS position, the veteran-candidate **must** be extended a conditional offer of employment, pursuant to *Management Directive 515.15 Amended, Employment-Related Verification and Background Checks*.
- (2) If two or more veteran-candidates possess the requisite qualifications required for appointment to the NCS position, the hiring manager may extend a conditional offer of employment to any of the qualified veteran-candidates, pursuant to *Management Directive 515.15 Amended, Employment-Related Verification and Background Checks*.

**d. Preference for Spouses of Deceased or Disabled Veterans**

- (1) The hiring preference provided to veteran-candidates under the Act and this HRP **shall** also be given to a candidate who is the surviving spouse of a deceased veteran or the spouse of a disabled veteran.

- (2) A candidate is "the surviving spouse of a deceased veteran" if they are the unmarried widow or widower of a veteran who passed away.
  - (3) A candidate is "the spouse of a disabled veteran" if they are the spouse of a veteran who has been classified by the United States Department of Veterans Affairs' Veterans Benefits Administration as having a permanent total disability.
- e. Although the law prohibits veteran-candidates from receiving preferential hiring treatment with respect to promotions, veteran-candidates may nevertheless be interviewed for, and be hired to, a promotional opportunity if they are qualified for the position. However, the decision to interview and/or hire a veteran-candidate for a promotional opportunity cannot be based on the hiring preference set forth in the Act or this HRP.

## **5. Procedure**

To ensure consistent application of the Act and this HRP, the following procedures shall be implemented:

- a. The Office of Administration (OA), Bureau of Talent Acquisition (BTA) shall, upon receipt of the required documentation, determine whether a candidate for a NCS position is a "veteran," "surviving spouse of a deceased veteran," or "spouse of a disabled veteran." If a candidate is a "veteran," "surviving spouse of a deceased veteran," or "spouse of a disabled veteran," BTA shall assign a veterans' preference indicator to the candidate's profile in NEOGOV.
- b. Hiring managers, with the assistance of HR staff supporting the agency, shall identify the requisite qualifications required for appointment to the NCS position and develop supplemental questions that are relevant for determining whether a candidate possesses the requisite qualifications.
- c. HR staff supporting the agency shall ensure that the requisite qualifications required for appointment to the NCS position are clearly identified on the Job Posting Form under the "Additional Requirements" section, and that the Job Posting Form includes supplemental questions that are relevant for

determining whether candidates possess the requisite qualifications.

- d. The BTA and/or HR staff supporting the agency shall determine, based on a review of the application and responses to supplemental questions, which candidates appear to meet the METs and the requisite qualifications required for appointment to the NCS position and place those candidates' names on a referred candidates list in NEOGOV. The referred candidates list **must** include a veterans' preference indicator for each candidate who is a "veteran," "surviving spouse of a deceased veteran," or "spouse of a disabled veteran."
- e. Hiring managers **must** interview each candidate on the referred candidates list who has been assigned a veterans' preference indicator, **unless the position represents a promotional opportunity for the candidate**. Where a vacancy represents a promotional opportunity for a candidate who has been assigned a veterans' preference indicator, the candidate shall receive equal consideration as all other candidates not eligible for the veterans' hiring preference.
- f. After interviewing a candidate on the referred candidates list who has been assigned a veterans' preference indicator, hiring managers shall determine whether the candidate possesses the requisite qualifications required for appointment to the NCS position.
  - (1) If it is determined that a candidate who has been assigned a veterans' preference indicator possesses the requisite qualifications required for appointment to the NCS position, the candidate **must** be recommended for a conditional offer of appointment to the NCS position.
  - (2) If two or more candidates who have been assigned veterans' preference indicators possess the requisite qualifications required for appointment to the NCS position, the hiring manager may extend a conditional offer of employment to any of the qualified veteran-candidates.
  - (3) If it is determined that a candidate who has been assigned a veterans' preference indicator does **not**

possess the requisite qualifications required for appointment to the NCS position, the hiring manager must document the **lack of requisite qualifications** by completing a Non-Civil Service Veteran Non-Selection Form (enclosed, see Section 7: Related References), **unless** another candidate who has been assigned a veterans' preference indicator has been recommended for a conditional offer of appointment to the NCS position.

- g. HR staff supporting the agency shall review each hiring recommendation, including any Non-Civil Service Veteran Non-Selection Form completed by the hiring manager, to ensure proper adherence to the Act and this HRP. **No conditional offers may be made to candidates who have not been assigned a veterans' preference indicator until this form has been reviewed and approved.**
  - (1) If after reviewing the hiring recommendation, including any Non-Civil Service Veteran Non-Selection Form completed by the hiring manager, HR staff supporting the agency determines that the hiring recommendation does not adhere to the Act or this HRP, HR staff supporting the agency shall disapprove the hiring recommendation and provide an explanation to the hiring manager.

Should you have any questions or require additional assistance related to the implementation of this policy, please contact the Talent Management Office at 717.787.8001.

## **6. Effective Date**

The Effective Date of this HR Policy is July 12, 2021.

## **7. Related References**

Commonwealth policies, including Executive Orders, Management Directives, IT Policies, and HR Policies are published on the Office of Administration's public portal:

<http://www.oa.pa.gov/Policies/Pages/default.aspx>

Non-Civil Service Veteran Non-Selection Form is available at:

<https://www.hrm.oa.pa.gov/hire-sep/filling/Documents/non-civil->

[service-veterans-non-selection-form.docx](#)

## 8. Publication Version Control

It is the user's responsibility to utilize the latest version of this publication, which appears on <http://hrm.oa.pa.gov> for Commonwealth personnel and on the Office of Administration public portal: <http://www.oa.pa.gov/Policies/Pages/default.aspx>. Questions regarding this publication are to be directed to 717.787.8001.

This chart contains a history of this publication's revisions:

Version	Date	Purpose of Revision
Original	5/24/2018	Base Document
Revision	6/21/2018	Corrected spelling of "soldier" in section 5c
Amendment	7/12/2021	Revised and updated the policies and procedures established by the HRP
Revision	9/20/2021	Updated to be accessible