



NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE

NSA/CSS POLICY MANUAL 4-13
PERSONNEL ADMINISTRATION



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CHAPTER 4
VETERANS' PREFERENCE

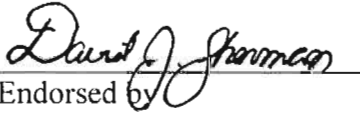
PURPOSE AND SCOPE

This chapter establishes guidelines for applying veterans' preference when filling civilian positions within the NSA/CSS (hereafter referred to as "Agency") through external recruitment sources (Reference 1). Veterans' preference gives preference to eligible veterans over other applicants in the hiring process, but does not guarantee a veteran a job.

Veterans' preference is not applicable to the NSA/CSS Competitive Selection Program. Preference is applied in retention standing during an Adjustment in Force (AIF) (Reference 2).

This chapter applies to external applicants and employees at the GG15 (general grade 15) level and below.


KATHLEEN A. HUTSON
Associate Director
Human Resources


Endorsed by
Associate Director for Policy

Encl:

Annex – Request for Passover of a Preference-Eligible Veteran With a Compensable Service-Connected Disability of 30% or More

DISTRIBUTION:

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This chapter supersedes Personnel Policy Manual Chapter 322, "Veterans' Preference," dated December 1992.

OPI: HR Policy, MA2, 992-5112 (secure) or 301-688-9930 (public).

TABLE OF CONTENTS

I. General Guidance 4

 A. Preference Eligibility 4

 B. Exclusions 4

 C. Veterans' Preference in External Recruitment..... 4

 D. Retention Standing During an Adjustment in Force (AIF)..... 5

 E. Furlough..... 6

II. Responsibilities..... 6

 A. Office of Recruitment 6

 B. Hiring Managers/Selection Officials 7

 C. HR Customer Gateway 7

III. References..... 7

IV. Definitions..... 8

**Annex: Request for Passover of a Preference-Eligible Veteran With a
Compensable Service-Connected Disability of 30% or More..... A-1**

I. General Guidance

A. Preference Eligibility

1. To receive preference, an individual must be a veteran, a *disabled veteran*, or otherwise meet the definition of *preference-eligible*.
2. Individuals who are preference-eligible with a Military-Service connected disability of 30% or more will be specifically identified.

B. Exclusions

Veterans' preference does not apply to:

- a. Defense Intelligence Senior Executive Service (DISES) or Defense Intelligence Senior Level (DISL) employees;
- b. Retired members of the Armed Forces, unless a disabled veteran or retired below the rank of major or its equivalent. (This does not apply to Reservists who will not begin drawing military retired pay until age 60 (Reference 3));
- c. Former employees of the Federal competitive or excepted service who have completed a probationary or trial period and were not separated for cause;
- d. Former Defense Civilian Intelligence Personnel System (DCIPS) employees who served on a permanent appointment, completed a trial period, and were not separated for cause;
- e. Promotion;
- f. Reassignment;
- g. Transfer; or
- h. Reinstatement.

C. Veterans' Preference in External Recruitment

1. When filling positions with external applicants, preference-eligible veterans shall be granted preference in selection over non-preference-eligible candidates with substantially equal qualifications.

- a. Applicants must provide a DD-214, Certificate of Release or Discharge from Active Duty, in order to claim preference.
 - b. Additionally, applicants who have a service-connected disability must submit an SF-15, Application for 10-Point Veteran Preference, along with a copy of their letter from the Department of Veterans Affairs issued in 1991 or later certifying that the veteran has a permanent service-connected disability.
2. When making final selections (e.g., at the point where those candidates under serious consideration for an offer have been identified), the selecting official, with the assistance from the Office of Recruitment, should ascertain whether any of the applicants under review are preference-eligible. If all relevant considerations for the position are deemed equal, the selecting official must offer the position to an equally qualified preference-eligible candidate as opposed to a non-preference-eligible candidate (Reference 1).
- a. If a non-preference eligible candidate is selected, the reasons for non-selection of any qualified preference-eligible veteran must be documented in writing and made part of the selection record. Reasons for non-selection shall be provided to the preference-eligible candidate.
 - b. Prior to extending a final job offer to a non-preference eligible candidate, the Chief, Office of Recruitment or designee must seek approval from the Under Secretary of Defense for Intelligence (USD(I)) if any of the preference-eligible candidates has a compensable service-connected disability of 30% or more before non-selecting them and offering the job to the non-preference eligible applicant. See the Annex for a sample request form.

D. Retention Standing During an Adjustment in Force (AIF) (References 2, 4, 5 and 6)

1. A preference-eligible employee who has a compensable service-connected disability of 30% or more and whose performance has not been rated Unacceptable is entitled to be retained over other preference-eligible employees and other competing employees.
2. In determining retention standing, positions will be divided into three subgroups based upon employees' entitlement to veterans' preference.
 - a. Subgroup AD – Includes veterans who are eligible for AIF preference and who have a compensable service-connected disability of 30% or more.

- b. Subgroup A – Includes veterans eligible for AIF preference who are not eligible for Subgroup AD (including eligible spouses, widows or widowers, and mothers of veterans).
 - c. Subgroup B – Includes non-veterans and others not eligible for RIF/AIF preference in Subgroups AD and A.
3. A retired member of the Armed Forces is a veteran for AIF purposes only if the employee meets one of these three conditions:
- a. The retirement (without regard to benefits from the Department of Veterans Affairs) is directly based upon a combat-incurred disability or injury;
 - b. The retirement is based upon less than 20 years of active duty; or
 - c. The employee has been employed by the Government since November 30, 1964 without a break in service of more than 30 calendar days.
4. A person who is reemployed following *uniformed service* cannot be discharged from employment, except for cause:
- a. Within 1 year after the date of reemployment if that person's service was 181 days or more; or
 - b. Within 180 days after the date of reemployment if such service was 31 days or more, but less than 181 days. (Reference 7)

E. Furlough (References 2 and 8)

- 1. Employees who are *furloughed* for more than 30 days may be subject to an AIF.
- 2. An employee with veterans' preference who has been furloughed and has 1 year of continuous service has the right to appeal the action to the Merit Systems Protection Board (MSPB) or the AIF Appeals Committee but may not appeal to both.

II. Responsibilities

A. Office of Recruitment shall:

- 1. Identify all qualified candidates who are eligible to receive veterans' preference;

2. Advise hiring managers of those applicants who are qualified preference-eligibles, as well as the requirement to provide justification for the non-selection of all preference-eligible applicants;
3. Compile documentation (completed passover form, position description, job opening information, and application of the applicant) for and submit to USD(I) for approval when non-selecting a 30% or more disabled veteran; and
4. Provide written notification to qualified preference-eligible applicants explaining or providing the reason for non-selection.

B. Hiring Managers/Selection Officials shall:

1. Select preference-eligible applicants over equally qualified non-preference-eligible applicants unless a waiver is approved by USD(I); and
2. Prepare an SPF (Staff Processing Form) and forward to Chief, Office of Recruitment providing a detailed justification for not selecting a qualified preference-eligible applicant.

C. HR Customer Gateway shall:

1. Review employee's paperwork of active-duty service to ensure veterans' preference is documented in the Human Resources Management System (HRMS) if applicable; and
2. Review employee records during an AIF to ensure preference eligible employees are correctly assigned to retention groups.

III. References

1. DoDI 1400.25 V2005, March 3, 2012, "Employment and Placement."
2. DoDI 1400.25 V2004, September 16, 2011, "Adjustment in Force."
3. 5 U.S.C. 2108, "Veteran; disabled veteran; preference-eligible."
4. 5 U.S.C. 3501, "Retention Preference."
5. 5 U.S.C. 3502 (b) and (c) "Order of Retention."
6. 38 U.S.C. 4316, "Rights, Benefits, and Obligations of Persons Absent From Employment for Service in a Uniform Service."

7. NSA/CSS Policy Manual 4-13, Chapter 2, “Uniformed Services Employment and Reemployment Rights Act,” dated 22 December 2010.
8. NSA/CSS Policy Manual 4-13, Chapter 3, “NSA/CSS Furlough Plan.”

IV. Definitions

1. **Adjustment in Force (AIF)** – Workforce reshaping or reduction mechanism for releasing employees from competitive areas in order of tenure, veterans’ preference, performance score, and length of service.
2. **Disabled Veteran** – An individual who has served on active duty in the armed forces and has been separated under honorable conditions and has established the present existence of a service-connected disability or is receiving compensation, disability retirement benefits, or pension because of a public statute administered by the Department of Veterans Affairs or a military department (Reference 3).
3. **External (non-Federal) Recruitment** – Recruitment of applicants not currently serving in permanent or DCIPS positions in the Federal service. Recruitment from external sources requires application of veterans’ preference. (Reference 1)
4. **Furlough** – The temporary release of an employee and placement in non-duty, non-pay status because of lack of work or shortage of funds. AIF procedures must be followed when the furlough is for more than 30 consecutive days or more than 22 workdays if done on a discontinuous basis, but not more than 1 year.
5. **Preference-Eligible** – An individual who is:
 - a. A veteran;
 - b. A disabled veteran;
 - c. The unmarried widow or widower of a veteran who served on active duty in the armed forces during a war, in a campaign or expedition for which a campaign badge has been authorized, or during a period beginning April 28, 1952 and ending July 1, 1955;
 - d. The wife or husband of a service-connected disabled veteran if the veteran has been unable to qualify for any appointment in the civil service or in the government of the District of Columbia;
 - e. The mother of an individual who lost his life under honorable conditions while serving in the armed forces during a period beginning

April 28, 1952 and ending July 1, 1955 if (i) her husband is totally and permanently disabled; (ii) she is widowed, divorced or separated from the father and has not remarried; or (iii) she has remarried but is widowed, divorced, or legally separated from her husband when preference is claimed;

- f. The mother of a service-connected permanently and totally disabled veteran, if (i) her husband is totally and permanently disabled; (ii) she is widowed, divorced or separated from the father and has not remarried; or (iii) she has remarried but is widowed, divorced or legally separated from her husband when preference is claimed; or
 - g. A veteran who was discharged or released from a period of active duty by reason of a sole survivorship discharge (Reference 3).
6. **Uniformed Service** – Performance of duty on a voluntary or involuntary basis in the Army, Navy, Air Force, Marine Corps, or Coast Guard, including their Reserve components, when the Service member is engaged in active duty.
7. **Veteran** – An individual who:
- a. Served on active duty in the armed forces during a war, in a campaign or expedition for which a campaign badge has been authorized, or during a period beginning April 28, 1952 and ending July 1, 1955; or
 - b. Served on active duty at any time in the armed forces for a period of more than 180 consecutive days any part of which occurred after January 31, 1955 and before October 15, 1976, not including certain types of service in the Army National Guard, Air National Guard or Reserves, as defined in Reference 3; or
 - c. Served in active duty in the armed forces during the period beginning on August 2, 1990 and ending January 2, 1992; or
 - d. Served on active duty in the armed forces for a period of more than 180 consecutive days, any part of which occurred during the period beginning September 11, 2001 and ending on the date prescribed by Presidential proclamation or by law as the last date of Operation Iraqi Freedom; and
 - e. Who has been discharged or released from active duty in the armed forces under honorable conditions. (Source: derived from Reference 3)

Annex:

Request for Passover of a Preference-Eligible Veteran With a Compensable Service-Connected Disability of 30% or More

In accordance with DoDI 1400.25, Volume 2005, "DCIPS Employment and Placement," request approval of the passover of a preference-eligible veteran with the service connected disability of 30% or more based on the justification below.

Component: _____

Organizational Unit: _____

Job Opening Number: _____

Position Title, Pay Plan, Series, Grade: _____

Duty Location: _____

Area of Consideration: _____

Number of Qualified External Candidates: _____

Number of Qualified 30% Preference-Eligible Applicants: _____

Name of the 30% Passover Applicant: _____

Specific reason(s) for the passover request. If the passover is due to selection of another 30% preference-eligible veteran, note that fact and include the name of the proposed selectee.

This document with USD(I) approval/disapproval of the request must be retained as part of the selection record. If the requested passover is approved, the reason(s) for non-selection must be provided to the passover candidate. Approval of this request must be received from USD(I) prior to extending the final offer of employment to another candidate.

USD(I) Action: _____ Approve _____ Disapprove

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