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MSPB REPORT EXPLAINS VETERANS' HIRING LAWS

A new report issued by the U.S. Merit Systems Protection Board (MSPB), [*Veteran Hiring in the Civil Service: Practices and Perceptions*](#), discusses Federal laws and regulations regarding the preferences in hiring that Federal agencies can or must give to veterans and certain family members. It also uses survey data to discuss Federal employees' perceptions surrounding the use of these hiring authorities.

“Between their training, experience, and commitment to public service, veterans have much to offer potential employers, especially the Federal Government,” said MSPB Chairman Susan Tsui Grundmann. “But the laws and regulations that the Government uses to bring veterans into the civil service are varied and complicated.” The report explains how the hiring authorities may invite misunderstandings, confusion, perceptions of wrongdoing, and possibly actual wrongdoing—whether intentional or inadvertent.

In a 2010 MSPB survey of Federal employees, 6.5 percent of respondents indicated that they had observed inappropriate favoritism towards veterans while 4.5 percent reported observing a knowing violation of veterans' preference rights. Perceptions of both types of actions were higher in the Department of Defense (DoD) than in other agencies. According to the report, the complexity of the rules for hiring veterans may be one cause of these perceptions, especially as DoD hires a large percentage of veterans in the civil service.

The report also discusses a law (5 U.S.C. § 3326), which applies only to DoD, that requires certain measures be taken before hiring a service member within 180 days after his or her military retirement. The law does not preclude the hiring of such veterans in this period, but it instructs the U.S. Office of Personnel Management to ensure that the hiring is based on merit, and specifies the means by which to achieve

that goal. “The review system was designed to protect retired military personnel from allegations that they obtained their civilian positions through influence based upon prior military service,” explained Chairman Grundmann.

According to the report, this oversight has not been in place since the declaration of a national emergency in 2001 and there is no record of oversight prior to that event. The report uses a variety of sources, including responses to three different surveys and DoD’s own hiring data, to explain why the lack of this review may be causing issues within DoD, including perceptions that the hiring system is being inappropriately manipulated and that advancement based on merit is not available to career employees. The report discusses the extent and basis for those perceptions and recommends reinstatement of the review process.

The U.S. Merit Systems Protection Board (MSPB) is an independent, quasi-judicial agency whose mission is to protect the Merit System Principles and promote an effective Federal workforce free of Prohibited Personnel Practices. To request a printed copy of this report, e-mail: studies@mspb.gov, call (202) 254-4496, or write to U.S. Merit Systems Protection Board, Office of Policy and Evaluation, 1615 M Street, NW, Washington, DC 20419.