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FOR IMMEDIATE RELEASE
November 6, 2014

MSPB’s Newest Report Explains Veterans’ Hiring Redress Processes

A new report issued by the U.S. Merit Systems Protection Board (“MSPB”), *Veterans’ Employment Redress Laws in the Federal Civil Service*, describes the statutes and pertinent case decisions for two laws designed to protect the employment rights of veterans in the Federal civil service: (1) the Veterans Employment Opportunities Act of 1998 (VEOA); and (2) the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA).

“The laws and policies to protect the rights of veterans in the civil service are an important part of the merit systems,” according to Chairman Susan Tsui Grundmann. However, as MSPB explained in its August 2014 report, *Veteran Hiring in the Civil Service: Practices and Perceptions*, the employment rights of veterans and preference eligibles can be complicated. MSPB’s new report explains the procedures a veteran or service member must follow to obtain relief if a Federal agency has violated those employment rights.

The two laws for veterans redress serve slightly different purposes. VEOA provides redress for violations of preference and hiring rights, which can include the right to consideration for some positions and the right of certain individuals to preference in selection or retention. USERRA provides redress for discrimination because of military service or a failure to reemploy after the completion of military service. The report’s discussion of USERRA is limited to redress in the Federal sector.

The report walks the reader through the process for each of these laws and provides a useful table highlighting the similarities and differences between them. It also contains a discussion of a number of cases that highlight how important these redress laws are and the broad effect that a Board decision under these laws can have. For example, the report discusses two cases brought under VEOA in which the Board

declared invalid Governmentwide hiring authorities because the authorities infringed on veterans' preference rights. It also includes a discussion of a USERRA case that required agencies across the Government to restore to Federal employees leave that the agencies had erroneously taken for periods in which the employees provided military service.

The report recognizes that the statutes have resulted in an extensive body of case law that may be confusing for the average veteran or preference eligible and seeks to provide some clarity to help veterans and agencies alike. "Everyone benefits when veterans, preference eligibles, and service members understand their rights and when agencies comply with the rules and promptly correct any erroneous personnel actions," says Chairman Grundmann.

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: Merit Systems Protection Board, Office of Policy and Evaluation, 1615 M Street NW, Washington, DC 20419.