

Veterans' Employment Redress Laws in the Federal Civil Service



The laws and policies to protect the rights of veterans in the Federal civil service are an important part of the merit systems. This report discusses in depth the two primary laws by which veterans, preference eligibles, and service members in the civil service can obtain redress for a violation of their employment rights: (1) the Veterans Employment Opportunities Act of 1998 (VEOA); and (2) the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA).

Selected Similarities

- MSPB lacks jurisdiction over certain Federal employers.
- Jurisdiction can be established through a non-frivolous assertion.
- A claim under these laws may be raised as an affirmative defense in an action that is otherwise appealable to MSPB.
- If a violation is found, the agency will be required to comply with the violated provisions and award compensation for any loss of wages or benefits suffered as a result of the violation.

Selected Differences

	VEOA	USERRA
Covered Actions	A Federal agency has denied an individual's right to veterans' preference or consideration for a vacancy under a law granting such consideration.	An agency has discriminated on the basis of military service or refused to allow the individual to return to his or her position following such service.
The Individual	The individual must be a veteran as described in 5 U.S.C. § 3304 (f)(1) or be a preference eligible.	The individual must be a person who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service.
Filing with Department of Labor (DOL)	An individual must (in the absence of equitable tolling) file a complaint with DOL within 60 days after the date of the alleged violation.	An individual has the option to file a complaint with DOL but can seek redress from the Board without first filing a complaint with DOL.
Deadlines to File with MSPB	In the absence of equitable tolling, the appellant cannot file: (1) before the 61st day after the date on which the complaint is filed; or (2) later than 15 days after the date on which the complainant receives written notification from the Secretary that the matter is closed.	USERRA does not contain a deadline to file, but laches may apply.
Hearing	No right to a hearing.	Right to a hearing.