

T E N N E S S E E   V A L L E Y   A U T H O R I T Y



# *Veteran's* **Hand**book

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# *Veteran's* **Handbook**

## **INTRODUCTION**

This handbook provides TVA employees and supervisors, external candidates, and external constituents with information regarding application of veterans' preference in TVA, restoration after military duty, military leave, and roles and responsibilities of managers, employees, and applicants for employment.

This handbook is intended as a general explanation and guide to veterans' matters in TVA. Specific questions should be addressed by reviewing the Veterans' Preference Act and other applicable laws, regulations, TVA policies, and collective bargaining agreements.

## **THOSE AFFECTED BY THIS INFORMATION**

The rights and benefits described below apply to current TVA employees and, as it relates to preference in hiring, to external candidates for TVA positions.

## **THE VETERANS' PREFERENCE ACT OF 1944**

### **General**

The Veterans' Preference Act of 1944 (VPA), as amended, provides the statutory basis for providing preference in selection for appointment, and for retention in reduction-in-force, to eligible veterans and, in certain cases, to the spouses, widows or widowers, or mothers of veterans. In addition, this law, as amended, provides certain procedural rights to veterans in adverse actions and reductions-in-force. (See Appendix for a summary of the application of the VPA in TVA)

TVA's procedures for giving preference to veterans in selection for appointment and for retention in reduction-in-force are in accord with the Veterans' Preference Act, as amended, and applicable Office of Personnel Management regulations issued pursuant to that act. Because TVA positions are not in the competitive civil service, but rather in the excepted service, and because TVA established a separate personnel system pursuant to Section 3 of the TVA Act, the Civil Service Commission (the predecessor to Office of Personnel) and TVA in 1945 worked out special arrangements in which the intent of the Veterans' Preference Act was met while maintaining the personnel system and appointment procedures that TVA had developed to meet its employment needs.

## Who is Eligible

All individuals entitled to some preference under the Veterans' Preference Act are called "preference eligibles."

Not all veterans are entitled to veterans preference, not all preference eligibles are themselves veterans', and not all preference eligibles receive the same level of preference under the Veterans' Preference Act.

*Preference eligibles fall into three groups: veterans, disabled veterans, and derived preference eligibles.*

### 1. Veterans

This group includes any United States citizen who was separated with an honorable discharge or under honorable conditions from active duty in the armed forces and performed

- during a war, or
- in a campaign or expedition for which a campaign badge has been authorized, or
- for more than 180 consecutive days, other than for training, any part of which occurred during the period beginning February 1, 1955 and ending October 14, 1976.

A person who entered on active duty in the armed forces after October 14, 1976 and before September 8, 1980 does not qualify for preference unless he or she

- served during a war or campaign or expedition for which a campaign badge has been authorized, or
- is a disabled veteran.

A person who enlisted in the armed forces after September 7, 1980 or who entered on active duty (through means other than enlistment) on or after October 14, 1982 does not qualify for preference unless he or she

- served during a war or in a campaign or expedition for which a campaign badge has been authorized, and has completed 24 months of continuous service or the full period called or ordered to active duty, or
- served during a war or in a campaign or expedition for which a campaign badge has been authorized and was dis-

charged early under 10 U.S.C. § 1171 or for hardship under 10 U.S.C. § 1173,

- is a disabled veteran, or
- an individual who served on active duty (other than for training), at any location and for any length of time between August 2, 1990 and June 2, 1992 (Desert Shield/Desert Storm time frame) is now eligible for veterans' preference if otherwise eligible (separated from the service under honorable conditions and served a minimum of 24 months of continuous service or the full period of time called to active duty).

## 2. Disabled Veterans

This group includes any individuals who served on active duty in the armed forces and was separated under honorable conditions and who has established the present existence of a service-connected disability (a noncompensable disability or one of less than 10 percent) or is receiving compensation (i.e., 10 percent or more disability), disability retirement benefits, or pension because of a public statute administered by the Veterans' Administration or the Army, Navy, Air Force, Coast Guard, or Marine Corps. A veteran who has been awarded the Purple Heart for wounds received in action is considered as having a service-connected disability.

Disabled veterans are generally entitled to a greater preference than nondisabled veterans; among disabled veterans, the amount of preference is generally related to the extent of disability, as reflected in the following three preference categories:

- a) Disability preference—the additional preference every disabled veteran receives even if no compensation is received for the disability.
- b) Compensable disability preference—a disabled veteran with a compensable service-connected disability of 10 percent or more receives even greater preference in consideration for appointment to certain positions.
- c) 30 percent compensable disability preference—a disabled veteran with a compensable service-connected disability of 30 percent or more receives the preferences given to individuals in categories (a) and (b) above, and in addition receives retention preference over other veterans in reductions-in-force.

### 3. Derivative Preference

This group includes individuals who are entitled to veterans' preference based on the military service of another person. There are three categories of derivative preference:

- a) Spouse of a Disabled Veteran—The spouse of a disabled veteran who, because of a service-connected disability, has been unable to qualify for a federal position, or other position, along the general lines of his or her usual occupation. If the disabled veteran uses his/her preference, the spouse is not entitled to preference.
- b) Widow or Widower of a Veteran—The unmarried widow or widower of a veteran who served on active duty during any war, or during the period April 28, 1952 through July 1, 1955, or in any campaign or expedition for which a campaign badge or service medal was authorized. This preference applies to only the widow or widower of a veteran meeting any of these service requirements or who died while in the armed forces, unless the circumstances surrounding the death would have been cause for other than honorable separation from the service.
- c) Mother of a Veteran—The mother of a veteran who
  - died under honorable conditions while on active duty in a war or in a campaign or expedition for which a campaign badge or service medal has been authorized, or during the period April 28, 1952 through July 1, 1955 or
  - became permanently and totally disabled because of a service-connected disability.

She is entitled to preference provided that she

- is widowed, divorced, or separated from the father of the veteran and has not remarried, or
- the father is permanently and totally disabled.

An otherwise eligible mother who has remarried may be granted preference only if, with reference to the subsequent marriage, her husband is permanently and totally disabled, or she is divorced or legally separated, or she has been widowed.

If the disabled veteran uses his/her preference, then the mother of the veteran is not entitled to a preference.

Both a mother and a spouse (including widow or widower) may be entitled to preference on the basis of one veteran's service if both meet the requirements. However, no derivative preference is available if the veteran is living and is qualified for federal employment or is currently using his/her preference.

The term "preference eligible" does not include a retired member of the armed forces, unless the member

- is a disabled veteran, or
- retired below the rank of major or equivalent and otherwise satisfies the definition of veteran as described above.

A retired member who satisfies these requirements will receive a preference in selection for appointment as a veteran or disabled veteran (as appropriate), but generally not for reduction-in-force purposes (with certain exceptions as noted below). Any retired armed forces member who otherwise meets the definition of "veteran" or "disabled veteran" is entitled to the procedure protections and appeal rights if an adverse action is proposed or taken (see Page 9 and Appendix 2 of this handbook).

### **Preference in Appointments**

TVA gives preference to preference eligibles in selection for appointment to a TVA position. However, the Veterans' Preference Act does not provide preference to such eligibles in selection for internal promotion, transfer, or reassignment actions.

When filling a vacant position from outside TVA external candidates, if qualified, are considered in the following order:

1. Veterans with a compensable military service-connected disability of 10 percent or greater,
2. The remaining candidates, according to qualification category.

Qualification categories are

1. Outstanding
2. Well qualified
3. Qualified

Candidates in group 1 are considered first. If there are no candidates in group 1, candidates in group 2 are considered. If there are no candidates in group 2, candidates in group 3 are considered.

Within each of these groups, noncompensable disabled veterans (below 10 percent disability) and candidates with derivative preference are considered before other candidates. Nondisabled veterans are considered next before nonveterans.

The order of preference is

- a) Veterans who are qualified, or better, and who have a compensable service-connected disability, in order of their qualifications.
- b) Veterans with a noncompensable disability and candidates with derivative preference who qualifications are outstanding.
- c) Nondisabled veterans whose qualifications are outstanding.
- d) Nonveterans whose qualifications are outstanding.
- e) Veterans with a noncompensable disability or persons with derivative preference who are well-qualified.
- f) Nondisabled veterans who are well-qualified.
- g) Nonveterans who are well-qualified.
- h) Veterans with a noncompensable disability and persons with derivative preference who are qualified.
- i) Nondisabled veterans who are qualified.
- j) Nonveterans who are qualified.

When making selections for positions on the professional schedule at the second level or above (SA-2); the second level or above for positions in the engineer (Schedule CE), information technology (Schedule CI), scientist (Schedule CS), program and planning (Schedule CP), and operations support (Schedule CO) job families; and all manager and specialist positions, there is an exception to the above procedure as it applies to a compensable disabled



veteran (10 percent or greater). For those positions, such qualified veterans are treated like other noncompensable disabled veterans (less than 10 percent disability) and those with derivative preferences. Such veterans are placed in one of the three qualification groups and receive preference only within these groups. Therefore, within each group, the order of preference is (1) the disabled veterans and candidates with derivative preference, (2) the nondisabled veteran, and (3) the nonveteran.

When making selections for positions on the trades and labor schedules, candidates are requested from the appropriate union office. Qualified preference eligibles who (1) are available, (2) complied with applicable procedures in applying for a TVA position and have provided evidence of preference eligible status, and (3) live in the commuting area of the job (i.e., residence within 60 miles) are considered before similarly qualified nonpreference eligibles as described above. Organizations have developed procedures for accepting and considering applications for such positions.

Certain positions are reserved for preference eligibles. In selecting among external candidates, a nonpreference eligible is not considered unless TVA has not been able to recruit preference eligibles in time to fill the vacant position(s). These positions include (a) custodian, SF-1, and (b) courier, SB-1 or SB-2.

The transfer or promotion of current employees to these positions from inside TVA is not affected by the Veterans' Preference Act, although such transfer or promotion may not be used to defeat the intent of the act.

## **Preference in Reductions-in-Force (RIFs)**

In a reduction-in-force, employees within the competitive area and competitive level affected by the reduction are listed on a retention register in the following order:

### **Retention Group I (permanent tenure)**

- AD** (*Last released*) Employees with veterans' preference in RIF who have compensable service-connected disabilities of 30 percent or more and with permanent tenure
- A** Employees with veterans' preference in RIF not included in subgroup AD and with permanent tenure
- B** Other employees with permanent tenure

### **Retention Group II (prepermanent tenure)**

- AD** Employees with veterans' preference in RIF who have compensable service-connected disabilities of 30 percent or more and with prepermanent tenure
- A** Employees with veterans' preference in RIF not included in subgroup AD and with prepermanent tenure
- B** Other employees with prepermanent tenure

**Retention Group III (Indefinite tenure; employees with temporary appointments who completed one year of current service are considered to have indefinite tenure for RIFs.)**

- AD** Employees with veterans' preference in RIF who have compensable, service-connected disabilities of 30 percent or more and with indefinite tenure
- A** Employees with veterans' preference in RIF not included in subgroup AD and with indefinite tenure
- B** (*First released*) Other employees with indefinite tenure

Within any subgroup (AD, A, or B), the employee with the least creditable service (calculated using Office of Personnel Management regulations) is released first.

Employees on temporary appointments whose current period of employment has been for less than one year and who are preference eligibles are not entitled to veterans' preference in RIFs. All less-than-one-year temporary employees in a competitive level are released without regard to veteran status before a RIF is held among employees in Retention Groups I, II, and III.

Most military retirees are not given preference eligible status during RIFs. As stated above, a military retiree who retired at the grade of major or above (or its equivalent) generally is not considered a preference eligible for appointment or retention preference in a RIF unless the individual is a disabled veteran.

Further, individuals who retired below the grade of major after 20 or more years of full-time active service are generally not given preference unless the retirement was based on disability resulting from an injury or disease received in the line of duty as a direct result of armed conflict, or caused by an instrumentality of war and incurred in the line of duty during a period of war.

A military retiree who is not a preference eligible for reduction-in-force purposes will receive creditable service during a RIF for only that time in active military service during a war, or in a campaign or expedition for which a campaign badge has been authorized.

## **Procedural Protections and Appeals to the Merit System Protection Board\***

A preference eligible who has completed one year of current, continuous service in the same or similar positions has certain procedural rights in the event of an adverse action (removal, suspension for more than 14 days, reduction in grade or pay, or furlough for 30 days or less).

In an adverse action, such preference eligibles are entitled to

1. at least 30 days advance notice (notice of proposed action),
2. a reasonable time (not less than 7 days) to answer orally and in writing to the proposed action,
3. be represented by an attorney or other representative,
4. a written decision and the reasons for the decision, and
5. the right to appeal to the Merit System Protection Board (which will review whether TVA followed these procedural requirements and whether the action promotes the efficiency of the service).

Preference eligibles may also appeal reduction-in-force actions to the Merit System Protection Board.

In any appeal, a represented employee may instead elect to appeal the action through the appropriate negotiated internal grievance procedure; however, the employee cannot appeal under both procedures.

*\*Note: Preference eligibles also have the same right to file administrative (Equal Employment Opportunity) complaints alleging discrimination (based on age [over 40], race, color, national origin, religion, sex, or handicap) as do other TVA employees or external candidates. However, if a preference eligible challenges an adverse action by filing an Equal Employment Opportunity complaint before filing a Merit System Protection Board appeal, the Merit System Protection Board will not consider the matter until after a final TVA decision is rendered on the Equal Employment Opportunity complaint or 120 days have passed since the Equal Employment Opportunity complaint was filed.*

## **Other Provisions Affecting Employment**

- When a position requires certain experience as an element of qualification, a preference eligible is entitled to credit for service in the armed forces when that individual's employment in a vocation similar to that for which the individual is being considered was interrupted by military service, and for all experience material to the position gained in religious, civic, welfare, service, and organizational activities, regardless of whether the preference eligible received pay for that work.
- In determining qualifications for a preference eligible, age, height, and weight requirements are waived unless the requirement is essential to the performance of the duties of the position. Other physical requirements shall be waived if, in TVA's opinion and after considering the recommendations of an accredited physician, the preference eligible is physically able to perform the position's duties efficiently.
- A preference eligible who has been separated or furloughed without delinquency, misconduct, on request is entitled to have his or her name placed on appropriate employment lists for every position for which they are qualified.

## **VETERANS' EMPLOYMENT OPPORTUNITIES ACT OF 1998**

The Veterans' Employment Opportunities Act of 1998 provides veterans an opportunity to file a written complaint with the Secretary of Labor if they believe their veterans' preference rights have been violated. Such complaints must be filed within 60 days after the date of the alleged violation. If the Department of Labor determines that such rights have been violated, it will attempt to ensure that the agency complies with the applicable statute.

If not resolved at that level, the complainant may then appeal to the Merit Systems Protection Board and eventually sue in Federal district court.

## **HOW TO CLAIM VETERANS' PREFERENCE**

### **External Candidates**

To ensure consideration of veterans' preference in hiring decisions, external candidates should submit a copy of their latest Form DD 214 along with their resume. When applying for a vacant TVA position, in some cases, additional documentation will be required to determine preference eligible status—i.e., disabled veterans status, proof of campaign badge or expeditionary medal, etc. Resumes and Forms DD 214 are submitted to the Employee Service Center, 400 West Summit Hill Drive, WT CP, Knoxville, Tennessee, 37901. Trades and Labor candidates may submit an application if they do not have a resume. These forms should not be submitted to any other location or employee.

### **Derived Preference Eligibles**

Individuals who qualify for derived preference eligible status must complete TVA Form 3595 upon employment by TVA and update that form if changes in status occur. Copies of Form 3595 are available through the Employee Service Center (888-275-8094), human resource offices, and TVA Forms online (via the TVA InsideNet).

### **Current TVA Employees**

Current employees who are eligible for veterans' preference status, but have not been determined as preference eligible should complete TVA Form 3595 and submit the form to their human resource representative. Copies of Form 3595 are available through the Employee Service Center (888-275-8094), human resource offices, and TVA Forms online (via the TVA InsideNet).

## **UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT**

The Uniformed Services Employment and Reemployment Rights Act (USERRA) provides employees (except for certain temporary employees) with reemployment rights following military duty, including duty in a reserve component of the Armed Forces. The provisions of the Act are detailed, but the following summarizes a few principal provisions.

To be eligible for reemployment rights, the employee must provide advance notice of the military duty to his/her supervisor, unless military necessity or other circumstances precluded such notice; and the employee must report back to work following military duty within the following time frames:

- If military service was 30 days or less, the employee must report for work no later than the start of the first full regularly scheduled work period on the first full calendar day following completion of military service, giving at least an eight hour rest period from the time the member returned to his/her residence.
- If the military service was between 31 and 180 days, the employee must submit an application for reemployment not later than 14 days after completion of the period of service. If over 180 days, that application must be submitted within 90 days after completion of the military service.

A returning service member whose military service was for 90 days or less would generally be reemployed in the position he/she would have been in had that member not left for military service. If the military service was for 91 or more days, the employer can instead offer the employee a position of like seniority, status, and pay. USERRA also generally protects seniority-based benefits upon the member's return to employment. Your Human Resources Representative can assist you with questions on such benefits.

If an employee is reemployed under USERRA following service of between 31 and 180 days, the employee may not be discharged within 180 days of their reemployment date (except for cause); if the period of service was more than 180 days, the termination protection is for one year.

USERRA also contains a section prohibiting discrimination on the basis of membership in the uniformed services or performance of such service; and enforcement provisions, which permit federal employees to file USERRA complaints with the Secretary of Labor; or to file an appeal directly with the Merit Systems Protection Board (if the member chose not to file first with the Secretary of Labor).

An employee who has questions about the notification and reporting obligations under USERRA or the provisions dealing with reemployment or return to work following military duty, should first contact the Human Resources Representative for their organization.

### **Military Leave**

Military leave is a leave of absence from duty during regular hours of employment without loss of pay for active duty, engaging in field or defense training under Sections 502-505 of Title 32 United States Code as a Reserve of the Armed Forces or member of the National Guard, or inactive duty training (IDT) (weekend and monthly drills and training during the work week) under Section 6323(a) of United States Code 5.

Pay includes regularly scheduled overtime in addition to holiday pay and shift differential, when applicable.

Military leave accrues at a rate of 15 days per fiscal year. Up to 15 days of military leave which is unused by the end of the fiscal year is carried forward for use during the subsequent fiscal year. Thus, a full-time employee may have a maximum of 30 days of military leave available for use during a fiscal year.

### **Employees Eligible for Military Leave**

Full-time and part-time annual employees who have permanent, prepermanent, or indefinite appointments and who are members of any reserve component of the armed forces are entitled to military leave. Certain exceptions apply to part-time employees and are defined in specific in the Employee Relations Manual, Benefits Policy 1, Leave, Section 6.3.

Military leave is granted to an eligible employee who is on active duty (full-time duty in the active military service of the United States).



Members of the Army National Guard or the Air National Guard are entitled to military leave only while in service of the United States. Generally, this is service for which they are paid by the United States government such as regular 14-day summer camps. The Tennessee Defense Force (TDF) is separate and distinct from the National Guard and is not a federally recognized force. TDF members are accordingly not entitled to military or law enforcement leave.

A leave of absence may be granted to annual employees who

- perform active duty for training,
- perform inactive duty training in armed forces (generally referred to as “weekend drills”),
- are reporting for induction, or
- are determining by pre-induction or other examination their physical fitness to enter the armed forces.

Leave of absence means military leave, annual leave, leave without pay, or any combination of these.

An employee entitled to military leave for an absence may elect to use annual leave or leave without pay for that period of active duty. However, once an employee elects to use military leave, all such leave must be used before the employee may be placed in another leave status for that same period of active duty. An employee is not permitted to take annual leave to avoid charges to military leave for intervening nonwork days.

1. Exception—An employee may take the full 15 days of military leave immediately at the beginning of a fiscal year even if up to 30 days of military leave had been taken during the prior fiscal year for that same period of active duty, and the military leave was interrupted by annual leave or leave without pay.
2. Employees not Eligible for Military Leave—Temporary, part-time annual employees hired on a temporary or intermittent basis and hourly employees are not eligible for military leave. If the employee’s status changes from non-temporary to temporary, he or she is not eligible for military leave. However, if they are transferred to or reemployed in a non-temporary appointment during the same or the next fiscal year,

up to 15 days of their unused military leave will be recredited to their account.

3. Granting Military Leave—Application for military leave is made on Form TVA 6 with a copy of the military orders attached. Military leave is not granted until both documents are sent to the time-reporting office (unless the orders are not available to the reservist). Upon return from military leave, the employee completes Form TVA 6 and attaches a certificate of attendance signed by the military officer in charge. When an employee enters active military service during a war or national emergency, the certificate of attendance is not required for leave purposes.
4. Accounting for Military Leave—Nonwork days or holidays occurring at the beginning or at the end of a period of absence for military duty are not charged against military leave except when they are regularly scheduled overtime days for which the employee is paid. Those falling nonwork days wholly within the period of absence are charged against military leave. Except as noted above, it is not appropriate for an employee to take annual leave in the middle of military leave.
5. Types of Military Service Not Covered—Employees are not eligible for military leave for types of service listed below:
  - a. Temporary Coast Guard Reserve.
  - b. Participation in parades by members of the State National Guard, except the District of Columbia National Guard.
  - c. Civil Air Patrol.
  - d. Time taken on a workday to travel to the place where training is to begin unless military orders include travel time. Training within a state guard or other state military organization which is not part of the National Guard or which was created to take place of the National Guard during an emergency.
  - e. Members of the Reserve Officers Training Corps, who have not been commissioned in one of the armed forces reserve units. These employees may be granted annual leave or LWOP when they attend field training.

- f. Active duty as a commissioned officer in the Reserve Corps of the U.S. Public Health Service. Such employees are placed on military furlough.

## **Roles**

### **External Candidates**

- Responsible for ensuring TVA is aware of their claim for veterans' preference by including a copy of their Form DD 214 and other relevant documents establishing their preference when submitting a resume in response to a positions announced via the TVA employment hotline (888-WRK-4TVA). Trades and labor candidates may submit on TVA application if they do not have a resume. If the candidate is a derived preference eligible candidate, they are responsible for completing TVA Form 3595.

### **Employees**

- Responsible for keeping TVA apprised of the current status of their veterans' preference by providing a copy of their relevant documentation to their human resources representative.

### **Human Resource Information–Employee Service Center**

- Responsible for processing and maintaining applicant data including veteran's preference information.

### **Line Human Resources Representatives**

- Provide guidance and assistance to employees, line managers, and supervisors relative to veteran's preference issues.
- Ensure consistent application of veterans' preference regulations and policies within their organization.

### **Line Manager and Supervisors**

- Consult with their line human resources representatives relative to veterans' preference issues.

### General Manager, Corporate Human Resources

- Responsible for corporate-wide administration of federal regulations and TVA veteran's preference policies.
- Provide guidance and assistance to the Department of Labor, TVA employees, and managers relative to veterans' preference issues.

### Shared Resources Staffing and Recruiting

- Ensure consistent application of federal regulations and TVA veterans' preference policies when recruiting and hiring from external candidates.

### Education, Training and Development, Diversity Development, Equal Opportunity Compliance

- Responsible for annual reporting of TVA's commitment to and progress of employment of disabled veterans.

## **RESOURCES**

Employee Relations Manual, General Policy 3, Veterans' Preference

Employee Relations Manual, Benefits Policy 1, Leave

ERM, Employment Policy 9

Employment Selection of Outside Candidates

For Salary Policy Positions

Veterans' Administration Website, [www.va.gov](http://www.va.gov)

US Department of Defense Military Rankings Website,  
[www.defenselink.mil/pubs/insignia/insignia2.html](http://www.defenselink.mil/pubs/insignia/insignia2.html)

## APPENDIX 1

### *Summary of the Application of the Veterans' Preference Act in TVA*

Personnel Action	Veterans' Applies	Preference Act Does Not Apply
Filling a job with a current TVA employee		X2
Filling a job from applicants outside the agency (initial appointment)	X1	X2
Promotion		
Reduction in force	X3	
Adverse action against a veteran discharge, suspension of more than 14 days, furlough, reduction in grade or pay (not related to the termination of a temporary promotion)	X4	
Assignment of overtime		X
Transfer		X

- For most jobs, veterans with a 10 percent or greater “compensable military service-connected disability” who are qualified for the job are selected, if available. Then, among similarly qualified applicants, noncompensable disabled veterans (less than 10 percent) and those with derivative preference are chosen first followed by nondisabled veterans and finally nonveterans.
  - Appointments to some entry-level jobs (custodian, courier) are reserved for preference eligibles.
  - For selections for professional and scientific positions at or above SA-2, engineer (Schedule CE), information technology (Schedule CI), scientist (Schedule CS), program and

planning (Schedule CP), operations support (Schedule CO), and for all manager and specialist schedule positions, veterans with a 10 percent or greater “compensable military service-connected disability” are treated like other noncompensable disabled veterans (less than 10 percent disability) and those with derivative preference.

2. Some disabled veterans may be eligible for affirmative action
3. 3. consideration if covered under the agency’s plans for affirmative 3. action for individuals with disabilities or for disabled veterans, but the Veterans’ Preference Act does not apply to promotions.
3. In reductions-in-force, employees competing with each other for work are listed on a retention register in the following order: Group I—those with permanent tenure; Group II—those with prepermanent tenure; and Group III—those with indefinite tenure plus those with temporary appointments who have completed one year of current, continuous service. In a reduction, those in Group III are released first, then Group II, and those in Group I are the last to be released. Within each of these tenure groups, nonveterans are released first, preference eligibles are released second, and veterans with a 30 percent or greater “compensable military service-connected disability” are released last.
4. A preference eligible with more than one year of current, continuous service in the same or similar position is entitled to have an adverse action processed under applicable federal regulations and to appeal that action to the Merit Systems Protection Board. Unlike the provisions for appointment and reductions in force, military retirees at all grades are entitled to the benefits of these adverse action provisions if they otherwise are preference eligibles.

*Note: Certain retired members of the armed forces may not be preference eligibles entitled to preference in appointment, and retired members who are preference eligibles for appointment purposes usually do not have preference for reduction in force.*

## APPENDIX 2

### Application of Veterans' Preference to Military Retirees

