

Veteran's Employment

I. Purpose

This Directive establishes the Department of Homeland Security (DHS or Department) policy regarding the administration of the employment of veterans and reaffirms the Department's commitment to provide job opportunities and benefits to veterans. Veterans possess a wide variety of skills and training relevant to the DHS mission, as well as motivation for public service. Increasing veteran employment and supporting their transition from military to civilian service play important roles in helping DHS meet its staffing needs and supports mission objectives. This policy provides direction to DHS Components on the employment of veterans, consistent with the Merit System Principles and the principle of veterans' preference as prescribed by federal laws and regulations.

II. Scope

- A. This Directive applies throughout DHS, unless exempted by statutory or federal regulatory authority, or as otherwise indicated herein.
- B. DHS Management Directive 3011, DHS Veterans' Employment, is hereby superseded.

III. Authorities

- A. The Veterans' Preference Act of 1944, as amended
- B. Title 5 United States Code (U.S.C.) § 2108, Veteran; Disabled Veteran; Preference Eligible
- C. 5 U.S.C. § 2301, Merit System Principles
- D. 5 U.S.C. § 2302 (b)(11)(A) and (B), Prohibited Personnel Practices
- E. 5 U.S.C. § Chapter 33, Subchapter I, Examination, Certification, and Appointment
- F. 38 U.S.C. §§ 4301-4335, Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994, as amended

- G. 49 U.S.C. § 44935(f)(2), Veterans' Preference
- H. Title 5 Code of Federal Regulations (CFR) Part 302, Employment in the Excepted Service
- I. 5 CFR Part 316, Temporary and Term Employment
- J. 5 CFR Part 330, Recruitment, Selection, and Placement (General)
- K. 5 CFR Part 332, Recruitment and Selection through Competitive Examination
- L. Delegated Examining Interagency Agreement Number DHS-1 between the Office of Personnel Management (OPM) and the Department of Homeland Security

IV. Responsibilities

A. **DHS Chief Human Capital Officer (CHCO):**

1. Ensures DHS Components comply with this Directive, and any DHS, OPM, Department of Labor (DOL), and Office of Management and Budget (OMB) policies, procedures, and guidance, and all applicable federal laws and regulations.
2. Oversees the establishment of the Department's goals and objectives for the administration of veterans' employment.
3. Reviews and determines whether or not pass over/objection requests that require OPM approval are forwarded to OPM for consideration.
4. Periodically reviews Component policies, procedures, actions, and reports regarding the administration of veterans' employment to assure conformance with the above authorities and DHS policy (e.g., the DHS Accountability Audit cycle, quarterly delegated examining reporting, etc.)

B. **Component Heads:**

1. Comply with DHS, OPM, DOL, and OMB policies, procedures, guidance, and all applicable federal laws and regulations regarding veterans' preference, while protecting the mutual interests of the Department and the rights of veterans (applicants and employees) who will perform or have performed in the uniformed services.

2. Provide for an open, systemic, and equitable hiring process that ensures positions are filled according to Merit System Principles and gives appropriate consideration to equal employment opportunity and veterans' hiring objectives.
3. Approve and/or deny pass over/objection requests that do not require OPM approval. This authority may not be redelegated below the Component Human Resources (HR) Director or equivalent level.
4. Approve unused certificates and employment referral lists for competitive examining when veterans' preference eligibles are among the candidates referred for selection. This authority may not be redelegated below the Component HR Director or equivalent level.
5. Ensure all Component employees involved in hiring decisions receive training on:
 - a. Veterans' employment, including veterans' preference, special veteran hiring authorities, and the protections afforded to applicants and employees under the USERRA; and
 - b. Prohibited Personnel Practices with respect to the administration of veterans' preference laws and regulations.

C. **Executive Director, Headquarters Human Resources Management and Services (HRMS)** assumes the responsibilities listed under section IV.B. for all support Components with the exception of the National Protection and Programs Directorate (NPPD), the Office of Inspector General (OIG), and the Federal Law Enforcement Training Center (FLETC).

D. **Heads of NPPD, OIG, and FLETC** assume the responsibilities listed under section IV.B. for their respective support Component.

E. **Component HR Directors:**

1. Ensure selections are based on merit, comply with the policy set forth herein and any DHS, OPM, DOL, and OMB policies, procedures, guidance, and all applicable federal laws and regulations with respect to veterans (applicants and employees) who will perform or have performed in the uniformed services.
2. Approve and/or deny pass over/objection requests that do not require OPM approval when approval authority is delegated by the DHS Component Head.
3. Ensure pass over/objection requests that require OPM's approval

are forwarded to the Office of the Chief Human Capital Officer (OCHCO) for review and concurrence.

4. Approve unused certificates and employment referral lists for competitive examining when approval authority is delegated by the DHS Component Head and veterans' preference eligibles are among the candidates referred for selection.

5. Ensure the establishment of a 10-Point Preference Eligible File for applications from veterans entitled to submit a late application for a delegated examining job opportunity announcement (JOA) beyond the established closing date, and unsolicited applications.

6. Provide their staff with proper training in the administration of federal veterans' preference laws and regulations, special veteran hiring authorities, and the protections afforded to applicants and employees under USERRA.

V. Policy and Requirements

A. DHS strongly supports the principles of veterans' preference and is committed to upholding veterans' preference laws. Veterans' preference applies to certain competitive and excepted service positions within DHS Components, as set forth in applicable laws and regulations.

B. Pass over/objection requests that require OPM approval are forwarded to OPM through, and with the concurrence of, the DHS CHCO. These are requests based on suitability of employment and medical considerations, and objections that would result in the pass over of a compensably disabled veteran with a disability of 30% or more, for either competitive or excepted service positions. No correspondence is sent to the applicant until OCHCO concurrence is received.

C. All pass over/objection requests received, including those approved by the Component Head, are reported to OCHCO quarterly, by the 15th of the month following the end of each quarter.

D. Approval of unused certificates and employment referral lists for competitive examining are made in accordance with this Directive and DHS, OPM, and OMB policies, procedures, guidance, and all applicable federal laws and regulations. The following exceptions apply to certificates and employment referral lists:

1. Advertised through competitive examining and merit promotion and a selection was made from the merit promotion certificate or referral list;

2. Advertised through competitive examining at multiple grade levels and a preference eligible was selected from at least one of the resulting certificates or referral lists;
3. Filled through a priority placement or priority consideration programs;
4. Filled through a noncompetitive appointing authority for which a preference eligible or a veteran was selected (e.g., Veterans' Recruitment Appointment, 30% or More Disabled Veteran, etc.); or
5. Cancelled due to budgetary constraints (i.e., a hiring freeze, reprogramming of funds, etc.) or filled as a result of a settlement agreement between the Component and a complainant.

E. Components establish and maintain a 10-point Veteran Preference Eligible File for applications from individuals entitled to submit late application for a JOA beyond its established closing date, and unsolicited applications. Actions taken on the applications in this file are reported on a quarterly basis to OCHCO, by the 15th of the month following the end of each quarter.

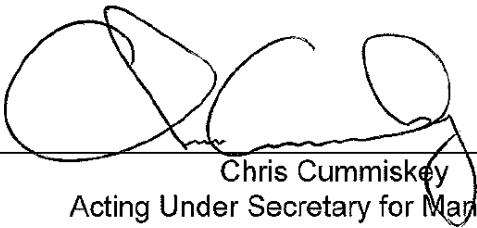
F. Only DHS Component HR staff members with appropriate training and expertise in the administration of veterans' preference laws and regulations evaluate candidates and pass over/objection requests, and make recommendations and/or assessment and selection determinations involving veterans' preference eligibility.

G. The requirements of this section also apply to DHS Components that obtain staffing/recruitment services from outside of their respective Component or the Department.

H. Components comply with USERRA requirements.

VI. Questions

Address any questions or concerns regarding this Directive to the Office of the Chief Human Capital Officer.



Chris Cummiskey
Acting Under Secretary for Management

8/13/14
Date