

Issue Date: 01/31/2005

DEPARTMENT OF HOMELAND SECURITY VETERANS' EMPLOYMENT

I. Purpose

This Management Directive (MD) reaffirms the Department of Homeland Security's (DHS) commitment to providing employment opportunities and benefits to veterans seeking federal jobs and employees returning from active military duty. DHS believes that the expertise and experience that veterans offer DHS and its organizational elements is of significant value to the DHS mission, and fully supports the laws and regulations providing for veterans' preference in federal employment.

II. Scope

This directive applies to all DHS organizational elements.

III. Authorities

This directive is governed by numerous Public Laws, regulations and DHS policies, such as:

- A. The Homeland Security Act of 2002, codified in Title 6, U.S. Code, as amended
- B. Title 5 U.S.C. Sections, 2302 (b)(11) (A) and (B), 3304-3330
- C. Title 5 CFR Parts 302, 316, 330 Subpart G and 332
- D. Veterans' Preference Act of 1944, as amended
- E. Title 49, U.S.C. Section 44935(f)(2)
- F. Interagency Agreement Number DHS-1 between the Office of Personnel Management (OPM) and the Department of Homeland Security

IV. Definitions

A. **Veteran** is defined as set forth in 5 U.S.C. § 2108 and implementing regulations. In addition, for Transportation Security Administration (TSA) screener positions, veteran is defined as set forth in 49 U.S.C. 44935(f)(2) and implementing regulations.

B. **Veterans' Preference** refers to the preference in hiring accorded to preference eligible veterans as defined in 5 U.S.C. § 2108 and implementing regulations. In addition, for TSA screener positions, preference in hiring is accorded to eligible veterans as defined in 49 U.S.C. 44935(f)(2) and implementing regulations.

V. Responsibilities

All employees involved in the selection and placement processes are responsible for complying with veterans' preference laws and regulations.

A. **The Secretary** is responsible for the direction, authority, and control of the functions of all officers, organizational units and employees of the Department, including the administration by the Department of veterans' preference laws, regulations and programs and veteran preference determinations.

B. **Heads of DHS Organizational Elements** are responsible for: complying with laws and DHS directives regarding veterans' preference; protecting the mutual interests of the Department, DHS organizational elements, and the rights of veterans; and ensuring that employees involved in hiring decisions receive appropriate training regarding prohibited personnel practices with respect to the administration of veterans' preference laws and regulations.

C. **The Chief Human Capital Officer** is responsible for: developing, issuing, and maintaining policies for the employment of veterans within DHS; providing leadership and guidance to DHS organizational elements regarding veterans' preference laws and regulations; periodically reviewing the DHS organizational elements' compliance with such laws and regulations; and evaluating DHS-wide employment practices and statistics and implementing necessary changes.

D. **DHS Organizational Element Human Capital Officers** are responsible for: reinforcing the principles behind veterans' preference laws; ensuring that their organizational element's human resources procedures and practices comport with applicable laws and regulations with respect to veterans' preference; and providing their staff with proper training in the administration of veteran preference laws and regulations.

E. **DHS Organizational Element Human Resources Staff** are responsible for applying veteran preference in federal employment situations in accordance with law and regulation and providing technical advice and guidance to selecting officials involved in the recruitment and selection process.

F. **DHS Selecting Officials** are responsible for adhering to laws, rules and regulations related to veterans' preference and, ultimately, for ensuring that qualified veterans' preference eligible applicants receive appropriate consideration for covered positions.

VI. Policy & Procedures

A. **Policy.**

Providing preference to veterans in Federal employment is a long-standing national public policy. DHS strongly supports the principles of veterans' preference and is committed to upholding veterans' preference laws.

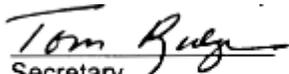
1. Selecting officials and DHS organizational element human resources staff will partner to ensure that recruitment is reflective of the qualifications, duties, and responsibilities of the positions to be filled. This includes active participation in the processes of job analysis and the development of job announcements.
2. Selecting officials shall consult with appropriate DHS organizational element human resources staff prior to initiating a passing over or objection request of a veterans' preference eligible applicant for employment, as set forth in applicable law, rules and regulations. Passover/objection requests must be made in writing by the selecting official and under the procedures described in section VI. B.
3. To achieve the Department's goal of becoming a model for all federal agencies to follow in veterans' employment, the DHS Management Council through the DHS Human Capital Council will convene a working group to evaluate DHS hiring practices with respect to veterans, make recommendations for improvements, and implement appropriate changes to include reporting requirements.

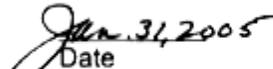
B. **Procedures.**

1. Veterans' preference applies to competitive service and excepted service positions within DHS organizational elements as set forth in applicable laws and regulations.
2. Under the Department's Interagency Agreement with OPM and the DHS Management Directive on Delegated Examining, certain passover/objection requests may be approved within the Department. In such cases, passovers/objections must be approved by the relevant DHS Organizational Element Head.

- a. Passover/objection requests that require OPM approval also require prior approval of the relevant DHS Organizational Element Head before submission to OPM.
- b. Passover/objection requests that require OPM approval must be forwarded to the relevant DHS Organizational Element Head through the DHS Organizational Element Human Capital Officer. The DHS Organizational Element Human Capital Officer, or his or her designee, must make a written recommendation to the DHS Organizational Element Head regarding approval or disapproval of the request.
- c. The requirements of this section apply to DHS Organizational Elements that obtain delegated examining services from outside of the Department.
- d. The requirements of this section apply to positions in DHS Organizational Elements covered by an Interchange Agreement with OPM.
- e. The requirement for DHS Organizational Element Head approval as described in this section also applies to unused certificates and employment referral lists when veteran preference eligibles are among the top three candidates referred for selection.

C. **Questions or Concerns Regarding the Process:** Any questions or concerns regarding this directive should be addressed to the Chief Human Capital Officer.


Secretary


Date