



STATE OF ARKANSAS
EMPLOYMENT SECURITY DEPARTMENT
Post Office Box 2981
Little Rock, Arkansas 72203-2981
www.accessarkansas.org/esd

Mike Huckabee
Governor
Ed Rolle
Director

EMPLOYMENT ASSISTANCE
ISSUANCE PY 02-07

Ed Rolle, Director

May 20, 2003

TO: Local Workforce Investment Boards, Local Area Workforce Investment Areas, Arkansas Workforce Career Centers, All ESD Area Operations Chiefs, Local Office Managers and Satellite Office Supervisors

SUBJECT: Veterans' Preference in Hiring Workforce Center and Local Board Staff

1. **Purpose:** To provide clarification/guidance to all employees regarding Veterans' Preference in hiring personnel staff in the Workforce Centers.
2. **General Information:** "Any contract in the amount of \$100,000 or more entered into by department or agency of the United States for the procurement of personal property and non-personal services for the United States, shall contain a provision requiring that the party contracting with the United States take affirmative action to employ and advance in employment qualified covered veterans. This also applies to any subcontract in the amount of \$100,000 or more entered into by a prime contractor in carrying out any such contract."

Federal Law requires that Veterans' Preference (Ref. A) must be considered when making staffing decisions because Federal dollars are used to administer Workforce programs. Although Workforce Centers are not paid directly as a Federal contractor, the funding flows from the Department of Labor to the state, via ESD. When making employment decisions, Federal Law must be adhered to. The only exception is found in Section 4215(b)(a)(2)(A) which states:

"except that the contractor may exclude openings for the executive and senior management positions and positions which are to be filled from within the contractor's organization..."

Eligible vacancies must be posted with the Employment Service Office/System (Ref. B) so that veterans can actively compete for these positions. The Law does not require an agency to hire an unqualified veteran; however, if applicants are equally qualified, the veteran must be selected to fill the opening unless there is compelling reason not to do so (Ref. C).

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3. **Action Required:** Please ensure that all appropriate staff are aware of this Issuance.
4. **Inquiries:** Inquiries should be directed to your Workforce Development Specialist.
5. **References:**
 - A. United States Code, Title 38, as amended by Public Law 107-288, Part III, Chapters 41 and 42, Sections 4102 and 4215(b).
 - B. Arkansas State Unified Plan Part II-I, Workforce Investment Act of 1998, Part II-I-14, "Veterans including Veterans' Preference under 38 U.S.C., Chapters 41 and 42."
 - C. Arkansas Code, Title 21, Chapter 3, Subchapter 3, "Veterans' Preference."
6. **Expiration Date:** Continuing.