

State of California

MEMORANDUM

Date: October 15, 1991

Reference Code: 91-67

To: PERSONNEL MANAGEMENT LIAISONS

THIS MEMORANDUM SHOULD BE DISTRIBUTED TO:

Personnel Officers
Labor Relations Officers

From: Department of Personnel Administration
Classification and Compensation Division

Subject: Counting Prior Military Service for Seniority.

Government Code Section 19997.6 provides that a veteran may qualify for up to one year of seniority credit provided the veteran served full-time in the armed forces in time of national emergency, State military emergency, or during specific expeditions, and the veteran entered State service within one year after date of discharge. The one year time limit can be extended by five years provided the veteran has been in attendance at regular sessions at a college or vocational school.

The layoff manual describes how the provisions of Government Code 19997.6 are applied. This memo provides further guidance in interpreting the Government Code and layoff manual.

Qualifying Military Service

A veteran is a person who has served full-time in the armed forces during a specified "campaign" and has been discharged under conditions other than dishonorable. The specified campaigns are listed in the layoff manual. Department of Defense Form DD214 is to be used by the department to verify the veteran's discharge status and campaigns.

Seniority for military service is credited at one point per month for each month of full-time military service up to a maximum of 12 months. The service credit is based on the amount of time in the military, not the amount of time served in a campaign. The campaign must have occurred during the time that the veteran was in the military.

Examples:

- a. A veteran who served three years in the armed forces and during that time received an Expeditionary Medal for Grenada (the Grenada expedition occurred October 23, 1983 through November 21, 1983) would be eligible for 12 seniority credits.
- b. A veteran who served six months in the armed forces during the Vietnam Era (August 5, 1964 through May 1, 1975) would be eligible for six seniority points. Even though the veteran may have entered military service prior to the beginning of the Vietnam Era, as long as the veteran served during the campaign period, the veteran is eligible for six service credits.

Time Limit on Entering State Service

The Government Code provides a 12-month grace period for entering State service to be eligible for seniority credit. The veteran must enter State service within one year of leaving the military, or one year following the end of the specified campaign, whichever is the earliest. The one-year time period can be extended by up to an additional five years provide the veteran is in attendance at regular sessions at a college or vocational school.

Attendance at regular sessions at a college or vocational school is defined as continuous full-time attendance. Full time is defined by the college or vocational program that the veteran is attending. For example, a student in a semester program at a California State University may qualify as a full-time student by taking a specific number of units a semester. A student in a vocational program may qualify as a full-time student based upon so many hours of classroom and home study per week. It is the responsibility of the employing department to verify that a veteran meets the education program's test of a full-time student and has been in continuous attendance.

To be eligible for service credits, the veteran who has extended the one-year grace period by attending school, must either enter State service within 60 days following termination of school, or have been offered and accepted a State position within 60 days following termination of school, even though the actual start date may extend beyond the 60 day period.

Qualifying State Service

State service, for purpose of computing seniority, includes both the civil service and all service which is exempt from the State civil service. This includes a TAU or limited-term appointment. Therefore, a veteran who entered State service via an exempt, civil service, TAU or limited-term appointment, and is otherwise eligible, qualifies for the military seniority credit.

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State employees who have been blanketed into State service are also eligible for the seniority credit.

The Department of Personnel Administration recognizes that most State agencies have had limited experience in administering the provisions of Government Code Section 19997.6. As such, we encourage departments to discuss with the DPA circumstances, that in the department's opinion, appear to meet the intent of the statute but may not be covered in the criteria described in this memorandum.

If you have any questions regarding military seniority credit, you may call Leslie K. Ferguson, Supervisor, Service and Seniority Unit, Department of Personnel Administration, at 324-0447 or ATSS 454-0447.

References: Layoff Manual
Government Code Sections 18540 - 18540.4, 19997.4, 19997.6.
DPA Rules 599.841, 599.843



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