



**House Military and Veterans' Affairs Reported
Substitute for HB307**

A BILL

TO BE ENTITLED

AN ACT

Relating to military spouse hiring preference; to amend Section 36-26-15, Code of Alabama 1975, to provide spouses of active duty service members with additional points on ratings for state employment; to authorize political subdivisions and private employers to give preference to veterans and the spouses of veterans and active duty service members when considering these individuals for employment; and to make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 36-26-15, Code of Alabama 1975, is amended to read as follows:

"§36-26-15

(a) For purposes of this section, the following terms have the following meanings:

(1) ACTIVE DUTY SERVICE MEMBER. An individual who is on active duty as a member of the National Guard or a reserve or active component of the Armed Forces of the United States.

(2) VETERAN. An individual who has ever served in the National Guard or a reserve or active component of the Armed Forces of the United States and been honorably discharged.



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(b) (1) The director shall conduct tests to establish employment registers for the various classes of positions in the classified service. The tests shall take into consideration elements of character, reputation, education, aptitude, experience, knowledge, skill, personality, physical fitness, and other pertinent matters and may be written or oral or any other demonstration of fitness as the director may determine. For a promotion test, the qualifications shall include the requirement that an applicant be employed in a position ~~in such~~ within a class and for ~~such a~~ length of time, as the director shall specify, subject to the rules.

(2) Public notice of the time, place, and general scope of every test shall be given. The director, with the approval of the board, shall determine the qualifications for admission to any test. Admission to tests shall be open to all ~~persons~~ individuals who appear to possess the required qualifications and may be lawfully appointed to a position in the class for which a list is to be established, ~~and no~~. No fee ~~shall~~ may be charged ~~therefor~~ for admission to a test. The director may, ~~however,~~ reject the application of any ~~person~~ individual for admission to a test ~~or may~~, strike the name of any ~~person~~ individual from a list, or refuse to certify the name of any ~~person~~ individual on a list for a position if he or she finds that ~~such person lacks~~ the individual:

a. Lacks any of the required qualifications or is physically unfit to perform effectively the duties of the position in which he or she seeks employment;

b. ~~or is~~ Is addicted to the habitual excessive use of



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drugs or intoxicating liquor ~~or has~~;

c. Has been convicted of a crime involving moral turpitude or is guilty of any notoriously disgraceful conduct ~~or~~;

d. ~~has~~ Has been dismissed from the public service for delinquency; or

e. ~~has~~ Has made a false statement of a material fact or practiced or attempted to practice any fraud or deception in his or her application or test or in attempting to secure appointment.

~~(b) (c) (1) All persons who have been honorably discharged from the Army, Navy, Air Force, Marine Corps or Coast Guard who have ever served in the armed forces of the United States at any time~~ A veteran, and the spouse of a veteran, shall have five points added to any earned ratings in examination for entrance to the classified service.

(2) The spouse of an active duty service member shall have five points added to any earned ratings.

~~(3) All persons who have ever served in the armed forces of the United States at any time who have been honorably discharged and~~ A veteran who ~~established~~ establishes by official records of the United States ~~the present existence of~~ that he or she has a service-connected disability and because of the disability ~~are~~ is entitled to pension, compensation, or disability allowance under existing laws ~~and widows of such persons who shall have died in line of duty during any such period and widows of such persons who shall have been honorably discharged from the Army, Navy, Air Force,~~



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~~Marine Corps or Coast Guard and wives of such persons who shall have been honorably discharged from the Army, Navy, Air Force, Marine Corps or Coast Guard who, because of service-connected disability are not themselves qualified but whose wives are qualified,~~ and the spouse of such a veteran, shall have 10 points added to any earned ratings.

(4) The surviving spouse of an active duty service member who died in the line of duty shall have 10 points added to any earned ratings.

(d) (1) In entering upon registers the ~~names of~~ name of an individual entitled to five additional points, ~~they will~~ the individual shall take the place to which ~~their ratings entitle them~~ his or her rating entitles him or her on the register with nonveterans ~~(, the earned ratings augmented by the five points to which they are~~ he or she is entitled), ~~and will~~ shall be certified when ~~their ratings are~~ his or her rating is reached.

(2) The name of a veteran an individual with military preference with ~~the an~~ augmented rating ~~is~~ shall be entered ahead of the name of a nonveteran an individual without military preference when their ratings are the same.

(3) The ~~names of persons~~ name of an individual entitled to a 10-point preference, ~~however, will~~ shall be placed ahead of all others on ~~the a~~ register with the same rating ~~(ahead of veterans, including individuals~~ entitled to a five-point preference and nonveterans), individuals without military preference, and shall ~~be~~ be then certified in the order of their augmented ratings.



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(e) An appointing officer who passes over ~~a~~ an eligible veteran ~~eligible~~ and selects a nonveteran with the same or lower rating shall file with the director the reasons for so doing, ~~which reasons will~~ which shall become a part of the veteran's record but ~~will~~ may not be made available to anyone other than the veteran ~~himself~~, except in the discretion of the appointing officer.

(f) When reductions are being made in any part of the classified service, ~~persons~~ individuals entitled to military preference in appointment shall be the last to be discharged ~~or~~ , dropped , or reduced in rank or salary if their record is good or if their efficiency rating is equal to that of any employee in competition with them who is retained in the service in their department.

~~(e)~~ (g) The board ~~shall~~, in establishing and administering standards of personnel qualifications, pay plans, , and tests both for current and future personnel ~~now in place as well as that later employed~~, shall cooperate with and avail itself fully of the advice and assistance of the appointing authorities involved and of the federal government in those departments administered in whole or in part with federal funds."

Section 2. (a) For purposes of this section, the following terms have the following meanings:

(1) ACTIVE DUTY SERVICE MEMBER. An individual that is on active duty as a member of the National Guard or a reserve or active component of the Armed Forces of the United States.

(2) ELIGIBLE VETERAN. An individual who has ever served



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in the National Guard or a reserve or active component of the Armed Forces of the United States and been honorably discharged.

(b) A county, municipality, or other political subdivision of the state may grant a preference in hiring and promotion to any of the following individuals:

- (1) An eligible veteran;
- (2) The spouse of an eligible veteran;
- (3) The spouse of an active duty service member; and
- (4) The surviving spouse of a deceased eligible veteran.

(c) A political subdivision that grants preference in hiring or promotion pursuant to subsection (b) may adopt an ordinance providing for the implementation of the preference.

Section 3. (a) For purposes of this section, the following terms have the following meanings:

(1) ACTIVE DUTY SERVICE MEMBER. An individual that is on active duty as a member of the National Guard or a reserve or active component of the Armed Forces of the United States.

(2) PRIVATE EMPLOYER. A sole proprietorship, corporation, partnership, association, limited liability corporation, or any other entity with one or more employees.

(3) VETERAN. An individual who has ever served in the National Guard or a reserve or active component of the Armed Forces of the United States and been honorably discharged.

(b) A private employer may adopt a voluntary veterans' preference employment policy. Such a policy shall be in writing and applied uniformly to the hiring and promotion



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decisions of the employer.

(c) A private employer may offer a voluntary veterans' preference employment policy to all of the following:

(1) A veteran who submits to the employer a copy of the veteran's Department of Defense Form 214 or its successor form or record.

(2) The spouse of a veteran who submits to the employer:

a. A copy of the veteran's Department of Defense Form 214 or its successor form or record; and

b. Proof of marriage to the veteran.

(3)a. A spouse of an active duty service member who submits to the employer proof of the service member's active status and proof of marriage to the service member.

b. Preference provided to a spouse of an active duty service member is limited to the time during which the service member remains on active duty and up to 180 days after the service member's discharge or separation from service.

(d) (1) A private employer that implements a voluntary veterans' preference employment policy shall notify the Alabama Department of Workforce of the policy. The department shall use the information to maintain a registry of the private employers that have a voluntary veterans' preference employment policy in the state, and shall make the registry available on the department's website.

(2) The department shall establish and maintain a page on the department's website through which this information may be submitted to the department.



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197 (e) A voluntary veterans' preference employment policy
198 shall not be considered a violation of any state or local law.
199 Section 4. This act shall become effective on January
200 1, 2027.