

**HB307 INTRODUCED**



1 HB307

2 6YCPRZ3-1

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7 RFD: Military and Veterans' Affairs

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## 3 SYNOPSIS:

4 Under existing law, the spouses of certain  
5 military veterans are provided additional points on  
6 open competitive employment tests for positions in the  
7 classified state service.

8 This bill would require the spouses of active  
9 duty service members to have additional points added to  
10 their ratings for these positions.

11 This bill would authorize political subdivisions  
12 of the state and private employers to grant veterans  
13 and their spouses and spouses of active duty service  
14 members preference in hiring and promotion.

15 This bill would also make nonsubstantive,  
16 technical revisions to update the existing code  
17 language to current style.

18

19

20 A BILL

21 TO BE ENTITLED

22 AN ACT

23

24 Relating to military spouse hiring preference; to amend  
25 Section 36-26-15, Code of Alabama 1975, to provide spouses of  
26 active duty service members with additional points on ratings  
27 for state employment; to authorize political subdivisions and  
28 private employers to give preference to veterans and the

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29 spouses of veterans and active duty service members when  
30 considering these individuals for employment; and to make  
31 nonsubstantive, technical revisions to update the existing  
32 code language to current style.

33 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

36       "§36-26-15

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

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

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

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

56            (2) Public notice of the time, place, and general scope



57 of every test shall be given. The director, with the approval  
58 of the board, shall determine the qualifications for admission  
59 to any test. Admission to tests shall be open to all ~~persons~~  
60 individuals who appear to possess the required qualifications  
61 and may be lawfully appointed to a position in the class for  
62 which a list is to be established, ~~and no~~. No fee ~~shall~~ may be  
63 charged ~~therefor~~ for admission to a test. The director may,   
64 ~~however~~, reject the application of any ~~person~~ individual for  
65 admission to a test ~~or may~~, strike the name of any ~~person~~  
66 individual from a list, or refuse to certify the name of any  
67 ~~person~~ individual on a list for a position if he or she finds  
68 that ~~such person lacks~~ the individual:

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

72       b. ~~or is~~ Is addicted to the habitual excessive use of  
73 drugs or intoxicating liquor ~~or has~~;

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

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

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

83       ~~(b) (c) (1) All persons who have been honorably~~  
84 ~~discharged from the Army, Navy, Air Force, Marine Corps or~~



85 ~~Coast Guard who have ever served in the armed forces of the~~  
86 ~~United States at any time~~ A veteran, and the spouse of a  
87 veteran, shall have five points added to any earned ratings in  
88 examination for entrance to the classified service.

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

91       (3) All persons who have ever served in the armed  
92 ~~forces of the United States at any time who have been~~  
93 ~~honorably discharged and A veteran who established establishes~~  
94 by official records of the United States~~the present existence~~  
95 ~~of that he or she has~~ a service-connected disability and  
96 because of the disability~~are is~~ entitled to pension,  
97 compensation~~,~~ or disability allowance under existing laws~~and~~  
98 ~~widows of such persons who shall have died in line of duty~~  
99 ~~during any such period and widows of such persons who shall~~  
100 ~~have been honorably discharged from the Army, Navy, Air Force,~~  
101 ~~Marine Corps or Coast Guard and wives of such persons who~~  
102 ~~shall have been honorably discharged from the Army, Navy, Air~~  
103 ~~Force, Marine Corps or Coast Guard who, because of~~  
104 ~~service-connected disability are not themselves qualified but~~  
105 ~~whose wives are qualified, and the spouse of such a veteran,~~  
106 shall have 10 points added to any earned ratings.

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

110       (d) (1) In entering upon registers the names of  
111 ~~preference claimants~~ name of an individual entitled to five  
112 additional points, ~~they will~~ the individual shall take the



113 place to which ~~their ratings entitle them his or her rating~~  
114 entitles him or her on the register with nonveterans ~~-,~~ the  
115 earned ratings augmented by the five points to which ~~they are~~  
116 he or she is entitled ~~-,~~ and ~~will~~ shall be certified when ~~their~~  
117 ~~ratings are~~ his or her rating is reached.

118 (2) The name of a veteran with ~~the an~~ augmented rating  
119 is shall be entered ahead of the name of a nonveteran when  
120 their ratings are the same.

121 (3) The ~~names of persons~~ name of an individual entitled  
122 to a 10-point preference, ~~however,~~ will ~~shall~~ be placed ahead  
123 of all others on ~~the a~~ register with the same rating ~~-,~~ ahead  
124 ~~of~~ including veterans entitled to a five-point preference and  
125 nonveterans ~~-,~~ and shall ~~be~~ then be certified in the order of  
126 their augmented ratings.

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

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



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

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

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

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

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

161           (1) An eligible veteran;  
162           (2) The spouse of an eligible veteran;  
163           (3) The spouse of an active duty service member; and  
164           (4) The surviving spouse of a deceased eligible  
165 veteran.

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



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

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

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

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

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

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

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

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

191                   a. A copy of the veteran's Department of Defense Form  
192                   214 or its successor form or record; and

193                   b. Proof of marriage to the veteran.

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



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

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

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

211                   (e) A voluntary veterans' preference employment policy  
212 shall not be considered a violation of any state or local law.

213                   Section 4. This act shall become effective on October  
214 1, 2026.