

## Veteran's Tenure Act

### Questions and Answers

What protection is provided under the Veteran's Tenure Act (VTA)?

Ans. Employees covered under the VTA may not be involuntarily separated from employment without just cause. The procedures for terminating a permanent civil service employee must be followed. (See G.L.c. 31, sections 41-45). Additionally, employees covered by the VTA may not be laid off for lack of work or money while employees in similar job grades exist, unless all positions are held by protected veterans, then layoff must be in inverse order of seniority.

What are the criteria used to determine if I am a veteran for the purposes of the VTA?

Ans. 1) Discharged under honorable conditions 2) Served full-time national guard duty for not less than 90 days of active service 3) Awarded a service connected disability (Purple Heart) notwithstanding the failure to complete 90 active days of service 4) Active duty for training in the army national guard or air national guard or as a reservist in the armed forces of the United States is not included.

I have never informed Human Resources that I am a veteran. What process should I follow? What documents need to be submitted?

Ans. If discharged submit a DD-214, if not discharged, submit military orders showing more than 90 days of active service.

If an employee's discharge from military service was something other than "honorable", does that influence whether the individual is considered a veteran for in relation to the VTA?

Ans. Yes. The veteran must be honorably discharged from the service.

What positions are covered under the VTA?

Ans. Chaplain, Counsel, License Practical Nurse, Physician, Physician Specialist, Registered Nurse and Teacher (DOC only).

The law protects against a veteran from being “involuntarily separated” from a position. In the process of layoffs:

- if I have options to bump into a lower grade within the same title, is my agency in compliance?
- **Ans. Yes, if no other non-veteran is retained in the position.**
- If my bumping options are in another Area/region, is my agency in compliance?
- **Ans. Yes.**

I am a veteran who was employed in a Covered Position for 5 years; I was promoted into a Non-Covered Position 18 months ago. My agency is undergoing layoffs. Am I covered by the VTA?

**Ans. No. You must be in a covered position for three consecutive years and serving in the position to be covered by the VTA.**

I am a veteran who was employed in a Covered Position for 2 years at one agency, before transferring to in a Covered Position at another agency, without a break in service, 3 years ago. My total state employment in a Covered Position is 5 years, without a break in service. If I receive a layoff notice now, will I be covered by the VTA?

**Ans. You must be in a covered position for 3 consecutive years.**

I am a veteran who has been in a Covered Position for 5 years. During this time I have been called to active duty. Does this impact my tenure?

**Ans. No.**

I am a veteran who has been in a Covered Position for 4 years, however for the last 18 months I have been on IA. Does this impact my tenure?

**Ans. No.**