

CHAPTER 188
FORMERLY
HOUSE BILL NO. 88
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE MERIT SYSTEM OF PERSONNEL ADMINISTRATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 5935, Title 29 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underlining as follows:

§ 5935 Veterans' and members' preference

(a) The rules shall provide for preference to be given to veterans of the armed forces of the United States ~~(Army, Navy, Air Force, Marine Corps, and Coast Guard) who served during wartime.~~ served as an active member of the armed forces of the United States and were terminated honorably. The rules shall also provide for preference to be given to active and honorably discharged members with at least 20 years of service in either the Delaware National Guard or a reserve unit located within Delaware.

(b) Such rules shall provide that:

(1) Preference shall be confined to original entrance and shall not be applied to promotion within the classified service or to retention in case of reduction in force;

(2) Preference shall be granted only in the form of credits to be added to earned ratings in examinations, with disabled veterans receiving no more than 10 points and other veterans or members who qualify under subsection (a) of this section no more than 5 points;

(3) A definition of a disabled veteran shall be set forth in the rules;

(4) All veterans or members who qualify under subsection (a) of this section shall be required to meet job requirements before receiving preference credits;

(5) Employees in the classified service who, while in good standing, leave or have left the state service to engage in military service shall be given credit for seniority purposes for the time served in the armed forces not to exceed 3 years; and

(6) Five preference points may be claimed by the spouse of any of the following, so long as the spouse achieves a passing examination grade:

a. Any veteran or member who qualifies under subsection (a) of this section who has died, so long as the widow or widower has not remarried;

b. Any member of the armed forces serving on active duty who, at the time of application for the priority, is listed in 1 or more of the following categories and has been so listed for a total of more than 90 days:

1. Missing in action;

2. Captured in line of duty by a hostile force; or

3. Forcibly detained or interned in line of duty by a foreign government or power; or

c. Any veteran or member who qualifies under subsection (a) of this section who has a disability resulting from a service connected disability.

Section 2. The provisions of this Act shall be effective January 1, 2016.

Approved September 25, 2015