

§ 20134. Voluntary Veterans' Preference in Employment.

There shall be a permissive preference in private employment for certain veterans as set forth herein.

(a) In every private, nonpublic employment in this state, honorably discharged soldiers, sailors, and marines who are veterans of any war of the United States, or of any military campaign for which a campaign ribbon has been awarded, and their widows or widowers, may be preferred for employment. Spouses of honorably discharged veterans who have a service connected permanent and total disability may also be preferred for employment. These preferences are not considered violations of any state or local equal employment opportunity law.

(b) "Veteran" Defined. As used in this Act, veteran includes every person, who at the time he or she seeks the benefits of this Act has received an honorable discharge, is actively serving honorably, or received a discharge for physical reasons with an honorable record and who meets at least one of the following criteria:

(1) The person has served between World War I and World War II or during any period of war, as defined herein as either:

(i) A member in any branch of the armed forces of the United States;

(ii) A member of the women's air forces service pilots;

(iii) A U.S. documented merchant mariner with service aboard an oceangoing vessel operated by the war shipping administration, the office of defense transportation, or their agents, from December 7, 1941, through December 31, 1946; or

(iv) A United States documented merchant mariner with service aboard an oceangoing vessel operated by the department of defense, or its agents, from both June 25, 1950, through July 27, 1953, in Korean territorial waters, and from August 5, 1964, through May 7, 1975, in Vietnam territorial waters, and who received a military commendation.

(v) A civil service crewmember with service aboard a U.S. army transport service or U.S. naval transportation service vessel in oceangoing service from December 7, 1941, through December 31, 1946; or

(2) The person has received the armed forces expeditionary medal, or marine corps and navy expeditionary medal, for opposed action on foreign soil, for service:

(i) In any branch of the armed forces of the United States; or

(ii) As a member of the women's air forces service pilots.

(c) A "Period of War" Defined:

(1) World War I;

(2) World War II;

(3) The Korean conflict;

(4) The Vietnam era, which means:

(i) The period beginning on February 28, 1961, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during that period;

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(ii) The period beginning August 5, 1964, and ending on May 7, 1975;

(5) The Persian Gulf War, which was the period beginning August 2, 1990, and ending on the date prescribed by presidential proclamation or law;

(6) The period beginning on the date of any future declaration of war by the congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the congress; and

(7) The following armed conflicts, if the participant was awarded the respective campaign badge or medal: The crisis in Lebanon; the invasion of Grenada; Panama, Operation Just Cause; Somalia, Operation Restore Hope; Haiti, Operation Uphold Democracy; Bosnia, Operation Joint Endeavor; Operation Noble Eagle; southern or central Asia, Operation Enduring Freedom; and Persian Gulf, Operation Iraqi Freedom.

(d) “Veteran” also includes a every person who at the time he or she is seeking to assert permissive preference in private employment is a current member of the national guard or armed forces reserves who has been deployed to serve in an armed conflict or has received an honorable discharge or received a discharge for medical reasons with an honorable record, where applicable, and who has served in at least one of the following capacities:

(1) As a member in any branch of the armed forces of the United States, including the national guard and armed forces reserves, and has fulfilled his or her initial military service obligation;

(2) As a member of the women’s air forces service pilots;

(3) As a member of the armed forces reserves, national guard, or coast guard, and has been called into federal service by a presidential select reserve call up for at least one hundred eighty cumulative days;

(4) As a civil service crewmember with service aboard a U.S. army transport service or U.S. naval transportation service vessel in oceangoing service from December 7, 1941, through December 31, 1946;

(5) As a member of the Philippine armed forces/scouts during the period of armed conflict from December 7, 1941, through August 15, 1945; or

(6) A United States documented merchant mariner with service aboard an oceangoing vessel operated by the department of defense, or its agents, from both June 25, 1950, through July 27, 1953, in Korean territorial waters and from August 5, 1964, through May 7, 1975, in Vietnam territorial waters, and who received a military commendation.

Source: PL 22-30, § 2 (Jan. 31, 2023), modified.

Commission Comment: *Legislative Findings of 2023 Amendment.*— In addition to severability and savings clause provisions, PL 22-30 included the following Findings section:

Section 1. Findings.

It has been said that, “a veteran is someone who, at one point in his/her life, wrote a blank check made payable to ‘The United States of America,’ for an amount of ‘up to and including my life.’” The Legislature finds that

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members of the US Armed Forces, National Guard and other veterans have been doing the heavy lifting in Afghanistan and Iraq and other military efforts around the world and throughout history. Further, because the military is a major employer for CNMI residents, and many veterans return here once they are discharged, we find that the veteran population is growing larger while the economic opportunities continue to diminish. This bill is a reasonable way to honor those who have served their country by following both federal and state laws that provide preferences for honorably discharged veterans in employment in federal, state, and local government.

For example, with regard to some public employment positions, applicants must take a competitive examination. In those cases, preference is given to veterans by adding a percentage to the passing mark, grade, or rating of an examination.

Federal law allows states and US Commonwealths to provide some preferences to assist veterans. This legislation intends to mirror public employment preferences. There is no disparate impact against women with this preference under this law.

This Act provides an express shield against litigation for employers who want to provide a preference to veterans. There is an express safe harbor in Title VII to allow for these types of state laws. The Legislature finds that this is consistent with the wishes of many companies that would like to prefer veterans, but are concerned about litigation. This legislation will remove the fear factor, and allow more companies to reach out to veterans. This would help take down one barrier to hiring veterans and allow companies to work to transition military members into the larger workforce.

Consistent with the Legislature's intention to establish a permissive preference in private employment for certain veterans, this legislation also provides that in private, nonpublic employment veterans and their widows or widowers may be preferred for employment. Spouses of honorably discharged veterans who have a service connected permanent and total disability may also be preferred for employment. These preferences are not considered violations of any state or local equal employment opportunity law.

Modifications.— In codifying PL 22-30, the Commission redesignated 1st level subsections to lowercase letters and 2nd level subsections to Arabic numeral paragraphs, pursuant to 1 CMC § 3806(a), to ensure consistency in numbering hierarchy.