

06/15/2012



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT  
Washington, DC 20415

The Director

MEMORANDUM FOR CHIEF HUMAN CAPITAL OFFICERS

From: John Berry  
Director

Subject: VOW (Veterans Opportunity to Work) to Hire Heroes Act of 2011

On November 21, 2011, President Obama signed the VOW (Veterans Opportunity to Work) to Hire Heroes Act of 2011 (Public Law 112-56). The VOW Act amends chapter 21 of title 5, United States Code (U.S.C.) by adding section 2108a, "Treatment of certain individuals as veterans, disabled veterans, and preference eligibles." This new section requires Federal agencies to treat certain active duty service members as preference eligibles for purposes of an appointment in the competitive service, even though the service members have not been discharged or released from active duty.

Many members of the armed forces start their civilian job search prior to discharge or release from active duty and thus do not have a DD form 214 when applying for Federal jobs. The VOW Act was enacted to ensure these individuals do not lose the opportunity to be considered for Federal service (and awarded their veterans' preference entitlements if applicable) despite not having a DD form 214 to submit along with their résumés.

This new section requires Federal agencies to treat active duty service members as veterans and preference eligibles under section 2108 when they submit a "certification" when applying for a Federal job. The "certification" is any written document from the armed forces that certifies the service member is expected to be discharged or released from active duty service in the armed forces under honorable conditions **not later than 120 days** after the date the certification is signed. Therefore, agencies must accept applications and consider for appointment and veterans' preference any service member who submits a certification in lieu of a DD form 214. Prior to appointment, agencies must verify the service member is eligible for veterans' preference in accordance with 5 U.S.C. 2108, unless the service member is appointed under the provisions of 5 U.S.C. 5534a, "Dual employment and pay during terminal leave from uniformed services."

The Office of Personnel Management is reviewing its regulations, guidance, web sites, etc., to ensure that the provisions of 5 U.S.C. 2108a are incorporated into these policy vehicles. We are attaching a Fact Sheet (Attachment A) and Frequently Asked Questions (Attachment B) on VOW for your information. These attachments will be posted on OPM's website. If

you have any questions, please feel free to contact Michael J. Mahoney, Manager, Hiring Policy, at [mike.mahoney@opm.gov](mailto:mike.mahoney@opm.gov) or at 202-606-1142.

### **Attachment A-Fact Sheet on VOW (Veterans Opportunity to Work) To Hire Heroes Act of 2011**

- On November 21, 2011, President Obama signed the VOW (Veterans Opportunity to Work) To Hire Heroes Act of 2011.
- The VOW amends chapter 21 of title 5, United States Code (U.S.C.) by adding section 2108a, "Treatment of certain individuals as veterans, disabled veterans, and preference eligibles."
- Section 2108a requires Federal agencies to treat active duty service members as veterans, disabled veterans, or preference eligibles for purposes of appointment in the competitive service when these service members submit a certification of expected discharge or release from active duty under honorable conditions along with their applications for Federal employment.
- A certification is any written document from the armed forces that certifies the service member is expected to be discharged or released from active duty service in the armed forces under honorable conditions not later than 120 days from the date the certification is signed.
- Agencies must accept, process, and consider applications for appointment from any service member who submits a certification in the same manner as they would consider other preference eligibles.
- Prior to appointment, agencies must verify the veteran is eligible for veterans' preference in accordance with 5 U.S.C. 2108, unless the service member is appointed under the provisions of 5 U.S.C. 5534a, "Dual employment and pay during terminal leave from uniformed services."

### **Attachment B- Frequently Asked Questions on VOW (Veterans Opportunity to Work) To Hire Heroes Act of 2011**

#### **Q. What is the VOW to Hire Heroes Act of 2011?**

**A.** The VOW (Veterans Opportunity to Work) To Hire Heroes Act of 2011 was signed into law by President Obama on November 22, 2011. It requires Federal agencies to treat active duty service members as veterans, disabled veterans and preference eligibles for purposes of an appointment in the competitive service.

#### **Q. Why was VOW enacted?**

**A.** Many service members begin their civilian job search prior to being discharged or released from active duty service and thus do not have a DD form 214, *Certificate of Release or Discharge from Active Duty*, when applying for Federal jobs. The VOW Act was enacted to ensure these individuals do not lose the opportunity to be considered for Federal service (and awarded their veterans' preference entitlements if applicable) despite not having a DD form 214 to submit along with their résumés.

**Q. What type of documentation is an active duty service member required to furnish with a job application?**

**A.** The VOW requires the active duty service member to furnish a “certification.”

**Q. What is a “certification?”**

**A.** A “certification” is any written document from the armed forces that certifies the service member is expected to be discharged or released from active duty service in the armed forces under honorable conditions not later than 120 days after the date the certification is signed.

**Q. What affect does this new provision have on how agencies process applications of eligible veterans?**

**A.** Agencies are required to accept, process, and grant tentative veterans’ preference to those active duty service members who submit a certification along with their job application materials.

**Q. Should agencies automatically award veterans’ preference to individuals eligible under the VOW Act upon receiving the veteran’s job application?**

**A.** No, agencies must grant service members’ tentative veterans’ preference but verify the individual meets the definition of ‘preference eligible’ under 5 U.S.C. 2108 prior to appointment.

**Q. What should an agency do if the certification has expired, i.e., more than 120 days have lapsed since the date the certification was signed?**

**A.** If the certification has expired; an agency must request other documentation (e.g., a copy of the DD form 214) that demonstrates the service member is a preference eligible per 5 U.S.C. 2108, before veterans’ preference can be awarded.

**Q. Does this new section 2108a of title 5 United States Code (U.S.C.) apply to the Excepted Service?**

**A.** No. The provisions in title 5 U.S.C. 2108a apply only to applications for appointments in the competitive service.