

## Veterans' Preference

### VFW's Concerns:

The National Defense Authorization Act (NDAA) for Fiscal Year 2016 required the Department of Defense (DOD) to develop a new Reduction in Force (RIF) policy wherein, should civilian employees be required to be let go from service, determination of who will be released from employment “shall be made primarily on the basis of performance.” In January 2017, DOD released its new policy, which it claims meets this requirement. However, the VFW believes the new policy not only fails to meet the NDAA requirement, but also disadvantages veterans by reducing the value of veterans' preference, particularly for transitioning service members who gave years of honorable service to our country but lack enough tenure in post-military federal service to have received a performance rating.

Under the new system, civilian employees are protected by two rounds of tenure before their performance is even considered, which is counter to the intent of the NDAA mandate and more tenure-centered than the previous policy. Not only does this new order unfairly weight the system toward tenure, as opposed to the NDAA-required performance, it also undervalues the service veterans performed for their country. Under the previous system, if two individuals were hired on the same day — one a civilian who had worked six months for another federal agency before transferring to DOD, and the other a veteran with ten years of honorable military service — and a RIF was then implemented, the veteran would be retained before the civilian. The previous policy recognized that veterans, while absent from the civilian workforce, have valuable experience worth considering. Therefore, in situations where individuals were in the same tenure group, the veteran's service was the deciding factor in who was retained.

According to the new policy, if DOD has not yet rated either employee, the transferred civilian will be retained before the veteran, simply because that individual would have a rating of record, whereas the veteran would not, despite the veteran's ten years of honorable military service. This is true even if the civilian's rating of record reflected below average performance.

DOD has repeatedly stated that it believes the new system will better benefit high performing veterans. However, it is clear that many veterans may never make it to the “high performing” category, as they will be eliminated before their performance can ever be evaluated. Meanwhile, underperforming civil servants will be retained at the expense of veterans who honorably served the very department that now casts them out. This is particularly concerning for veterans who received high performance marks during military service and are now on a RIF short list simply because they have less than 90 days of civilian work experience.

### VFW's Solution:

- Congress must reject DOD's new RIF policy and require it to develop a new policy, which will meet congressional intent and strengthen, rather than devalue, veterans' preference.