

CHAPTER 5

VETERANS AND DISABLED VETERANS PREFERENCE

Authority

N.J.S.A. 11A:2-6(d), 11A:4-1(e), 11A:4-8, 11A:4-9, 11A:5-1 through 11A:5-8, 11A:5-15, P.L. 2000, c.127 and P.L. 2005, c.64.

Source and Effective Date

R.2003 d.113, effective February 13, 2003.
See: 34 N.J.R. 3571(a), 35 N.J.R. 1407(c).

Chapter Expiration Date

Chapter 5, Veterans and Disabled Veterans Preference, expires on February 13, 2008.

Chapter Historical Note

Chapter 5, Veterans and Disabled Veterans Preference, was adopted as R.1987 d.404, effective October 5, 1987. See: 19 N.J.R. 1018(a), 19 N.J.R. 1827(a). See, also, Title Historical Note prior to N.J.A.C. 4A:1.

Pursuant to Executive Order No. 66(1978), Chapter 5, Veterans and Disabled Veterans Preference, was readopted as R.1992 d.415, effective September 22, 1992. See: 24 N.J.R. 2495(a), 24 N.J.R. 3719(a).

Pursuant to Executive Order No. 66(1978), Chapter 5, Veterans and Disabled Veterans Preference, was readopted as R.1997 d.436, effective September 22, 1997. See: 29 N.J.R. 3103(a), 29 N.J.R. 4456(a).

Chapter 5, Veterans and Disabled Veterans Preference, was readopted as R.2003 d.113, effective February 13, 2003. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. ELIGIBILITY

4A:5-1.1 Veterans preference

(a) The Adjutant General of the Department of Military and Veterans' Affairs is empowered by statute to make veterans preference eligibility determinations. See P.L. 2000, c.127. The provisions of this section are for informational purposes only.

(b) A person is entitled to veterans preference (abbreviated as "V") if he or she has been discharged or released from active United States military or naval service under conditions other than dishonorable; and:

1. Served at least 90 days in the active United States military or naval service and had been discharged under conditions other than dishonorable, during:

- i. World War I, between April 6, 1917 and November 11, 1918;
- ii. World War II, on or after September 16, 1940 and on or before December 31, 1946;
- iii. Korean Conflict, on or after June 23, 1950 and on or before January 31, 1955; or
- iv. Vietnam Conflict, on or after December 31, 1960 and on or before May 7, 1975;

v. The 90 day period must have begun on or before one of the ending dates above, and shall not include any period of education or training under the Army Specialized Training Program or the Navy College Training Program which was a continuation of a civilian course, nor any time spent as a cadet or midshipman at one of the service academies. During the period of the Vietnam conflict, the following are excluded: any service performed pursuant to the provisions of section 511(d) of Title 10, United States Code; or any service performed pursuant to enlistment in the National Guard or the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve or Coast Guard Reserve.

2. Served in the Lebanon crisis on or after July 1, 1958, in Lebanon or on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuous or in the aggregate, of at least 14 days commencing on or before November 1, 1958 or the date of termination of that conflict, as proclaimed by the President of the United States or Congress, whichever date of termination is the latest;

3. Served in the Lebanon peacekeeping mission or on board any ship actively engaged in patrolling the territorial waters of that nation, for a period, continuous or in the aggregate, of at least 14 days. The 14 days must have commenced on or after September 26, 1982 and on or before December 1, 1987;

4. Served in the Grenada peacekeeping mission or on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuous or in the aggregate, of at least 14 days. The 14 days must have commenced on or after October 23, 1983 and on or before November 21, 1983;

5. Served in the Panama peacekeeping mission or on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuous or in the aggregate, of at least 14 days. The 14 days must have commenced on or after December 20, 1989 and on or before January 31, 1990;

6. Served in the Arabian peninsula or on board any ship actively engaged in patrolling the Persian Gulf for the Operation Desert Shield/Desert Storm mission for a period, continuous or in the aggregate, of at least 14 days. The 14 days must have commenced on or after August 2, 1990;

7. Served in the Arabian peninsula and the Persian Gulf, and in direct support of Operation Northern Watch and Operation Southern Watch, for a period, continuously or in the aggregate, of at least 14 days, on or after August 27, 1992, but commencing on or before the date of inception of that operation, as proclaimed by the President of the United States, Congress or United States Secretary of Defense, whichever date of inception is earliest;

8. Served in Somalia or on board any ship actively engaged in patrolling the territorial waters of that nation for the Operation Restore Hope mission for a period, continuously or in the aggregate, of at least 14 days. The 14 days must have commenced on or after December 5, 1992, or on or after the date of inception of that operation as proclaimed by the President of the United States or the Congress, whichever date is earliest, and on or before March 31, 1994, or the date of termination as proclaimed by the President of the United States or the Congress, whichever date is latest;

9. Served in Operation Uphold Democracy in Haiti for a period of at least 14 days, continuously or in the aggregate, on or after September 19, 1994 and commencing on or before March 31, 1995, in Haiti or on board any ship actively engaged in patrolling the territorial waters of Haiti for that period, and received an Armed Forces Expeditionary Medal for such service;

10. Served in the Republic of Bosnia and Herzegovina for a period of 14 days, continuously or in the aggregate, on or after November 20, 1995, in direct support of Operation Joint Endeavor or Operation Joint Guard, commencing on or before June 20, 1998, and:

i. Was deployed in that nation or in another area in the region;

ii. Was on board a United States naval vessel operating in the Adriatic Sea; or

iii. Operated in airspace above the Republic of Bosnia and Herzegovina;

11. Served in Operation Enduring Freedom in a theater of operation and in direct support of that operation for a period, continuously or in the aggregate, of at least 14 days, on or after September 11, 2001 but commencing on or before the date the President of the United States or the United States Secretary of Defense designates as the termination date of that operation;

12. Served in Operation Iraqi Freedom in Iraq or in another area in the region in direct support of that operation for a period, continuously or in the aggregate, of at least 14 days, on or after the date the President of the United States

or the United States Secretary of Defense designates as the inception date of the operation, commencing on or before the date the President of the United States or the United States Secretary of Defense designates as the termination date of that operation;

13. Received a service-incurred injury or disability during a period in (b)1 above or while serving in a mission during a period and within the corresponding geographical area, as specified in (b)2 through 12 above, regardless of the length of service or, in the case of (b)9 above, regardless of receipt of an Armed Forces Expeditionary Medal;

14. Served in any army or navy of the United States allies in World War I between July 14, 1914 and November 11, 1918, or World War II between September 1, 1939 and September 2, 1945, provided he or she voluntarily enlisted in such service, was a United States citizen at the time of enlistment, did not renounce or lose United States citizenship, and was honorably discharged; or

15. Is the surviving spouse of a person entitled to veterans preference and has not remarried.

Amended by R.1992 d.415, effective October 19, 1992.

See: 24 N.J.R. 2495(a), 24 N.J.R. 3719(a).

Revised (a)1i through iv; added new (a)2.-5.; redesignated existing (a)2.-4. as (a)6.-8.

Amended by R.1997 d.436, effective October 20, 1997.

See: 29 N.J.R. 3103(a), 29 N.J.R. 4456(a).

In (a)2, extended the closing date of service in Lebanon from "February 26, 1984" to "December 1, 1987"; and in (a)3, changed the beginning date of service in Grenada from "October 25, 1983" to "October 23, 1983".

Amended by R.1999 d.55, effective February 16, 1999.

See: 30 N.J.R. 3880(a), 31 N.J.R. 533(a).

In (a), rewrote the introductory paragraph, inserted new 6 and 7, recodified former 6 through 8 as 8 through 10, and rewrote the new 8.

Amended by R.2002 d.89, effective March 18, 2002.

See: 33 N.J.R. 3725(a), 34 N.J.R. 1263(b).

Rewrote the section.

Amended by R.2005 d.18, effective January 3, 2005.

See: 36 N.J.R. 4198(a), 37 N.J.R. 45(a).

Rewrote the section.

Amended by R.2006 d.105, effective March 20, 2006.

See: 37 N.J.R. 4361(a), 38 N.J.R. 1429(a).

Added (b)7; recodified former (b)7 through (b)14 as (b)8 through (b)15.

Case Notes

Veteran's preference denied. *McHale v. Civil Service Comm'n.*, 178 N.J.Super. 371, 429 A.2d 373 (App.Div.1981) certification denied 87 N.J. 402, 434 A.2d 1081.

4A:5-1.2 Disabled veterans preference

(a) A person is entitled to disabled veterans preference (abbreviated as "DV") if he or she:

1. Receives or is entitled to receive, under United States Veterans Administration guidelines, compensation for service connected disability of 10 percent or more arising out of military or naval service as provided in N.J.A.C. 4A:5-1.1(b);