

# U.S. Office of Special Counsel (OSC) Information Sheet



## *Violating Veterans' Preference – 5 U.S.C. § 2302(b)(11)*

### **PURPOSE**

This information sheet provides general guidance and background information on **5 U.S.C. § 2302(b)(11)**. This document does not serve as legal advice and should not be cited as legal authority. Rather, the statute and current case law control with respect to matters discussed here.

### **WHAT IS (b)(11)?**

Section 2302(b)(11) prohibits an official with the authority to take or influence a personnel action from taking or failing to take, recommend, or approve a personnel action if the official knows that doing so would violate a veterans' preference requirement. For corrective action, employees should file with the U.S. Department of Labor [Veterans' Employment and Training Service](#).

### **WHAT IS PROHIBITED?**

Examples of section 2302(b)(11) violations include:

- A hiring manager deliberately ignores a qualified veteran's eligibility for veterans' preference during the selection process.
- A supervisor informs a qualified veteran applicant that veterans' preference does not apply to a position that is open under competitive procedures.
- A hiring official intentionally disregards required documentation, such as a DD-214 form or disability documentation, from a veteran to avoid applying the preference.
- A hiring manager intentionally removes a veteran's name from a referral list or disqualifies a veteran candidate from consideration because they do not want to give them the preference they are legally entitled to.

### **TIPS AND RECOMMENDATIONS**

1. Provide ongoing training for all hiring managers, human resources personnel, and relevant decision-makers on veterans' preference laws, including how to properly assess veterans' eligibility and apply the preference.
2. Establish clear, documented procedures for how veterans' preference should be implemented and ensure compliance in all hiring and promotion decisions.
3. Encourage veterans to self-identify during the application process to ensure that their eligibility for veterans' preference is recognized early.
4. Advertise positions broadly and ensure that veterans have equal access to job opportunities. Encourage veteran participation in recruitment events and outreach programs.
5. Conduct periodic audits and reviews of hiring and promotion decisions to ensure that veterans' preference is being applied correctly.

For more information on filing a complaint or making a disclosure: 202-804-7000, 800-872-9855 or submit a question at [info@osc.gov](mailto:info@osc.gov). Please note that OSC may not provide advice regarding the merits of a complaint or whether the allegation meets the statutory definitions.

Updated and detailed information on OSC and its procedures can be found on OSC's website at <https://osc.gov>.

For information about training and the 2302c Certification Program please contact OSC's Outreach Unit via email at [certification@osc.gov](mailto:certification@osc.gov).