

RULE PROPOSALS

INTERESTED PERSONS

Interested persons may submit comments, information or arguments concerning any of the rule proposals in this issue until the date indicated in the proposal. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal.

The required minimum period for comment concerning a proposal is 30 days. A proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. Most notices of proposal include a 60-day comment period, in order to qualify the notice for an exception to the rulemaking calendar requirements of N.J.S.A. 52:14B-3. An extended comment deadline will be noted in the heading of a proposal or appear in subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-6.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

MILITARY AND VETERANS' AFFAIRS

(a)

OFFICE OF THE ADJUTANT GENERAL DIVISION OF VETERANS' PROGRAMS

Veterans' and Disabled Veterans' Preference and Designation of Veterans' Status for Pension Purposes

Proposed Readoption with Amendments: N.J.A.C. 5A:9

Authorized By: Brigadier General Michael L. Cunniff, Adjutant General, Commissioner, Department of Military and Veterans' Affairs.

Authority: N.J.S.A. 11A:5-1.1, 18A:66-2.2, and 43:15A-6.1; and P.L. 2000, c. 127, P.L. 2000, c. 146, P.L. 2001, c. 127, P.L. 2003, c.197, and P.L. 2007, c. 115.

Calendar Reference: See Summary below for explanation of exception to calendar requirements.

Proposal Number: PRN 2013-140.

Submit written comments by December 6, 2013 to:

Mr. Albert Bucchi, Director
Division of Veterans' Services
New Jersey Department of Military and Veterans' Affairs
P.O. Box 340
Trenton, NJ 08625-0340

The agency proposal follows:

Summary

State, local, and municipal administrators' understanding of veteran's preference is within the context of selection and placement of candidates for employment. However, veterans' preference impacts local property taxes along with the State-administered pensions and educational benefits.

Veterans' preference in the areas of selection and placement under the State and local civil service system is the most familiar. Eligible veterans who pass open competitive examinations are placed at the top of the rosters in the order of disabled veterans and veterans. This is known as the absolute preference. This benefit is also available to surviving spouses or spouses whose eligible veteran is unable to work. With regard to promotional examinations (for those who are already employees of State, county, or municipality) there is no distinction between disabled veterans and other veterans; names appear in order of score, with ties going to veterans. When a veteran is the highest ranking, first-interested eligible, a non-veteran may not be appointed unless there is cause to remove the veteran. In layoff situations, veterans' preference acts as the first tie-breaker when State seniority is equal.

Veterans' preference in New Jersey's State-administered retirement system allows a veteran to purchase an additional five years of qualifying military service. In addition, veteran members of the Public Employee's Retirement System (PERS) and the Teachers' Pension and Annuity Fund (TPAF) can retire with an annual pension benefit equal to one-half the salary on which pension contributions were made in any consecutive 12-month period that provides the largest benefit to the member. In TPAF, qualifying veterans who are 55 or older, with more than 25 years of service, may retire at the one-half salary provision. Also, TPAF-qualifying veterans may retire at age 60 or older with 20 years of service. In PERS, eligible veterans who are 62 or older with 20 years or more service may retire at the one-half salary provision. Under both systems eligible veterans may retire at age 60 or older with 35 or more years of service computed on the last year's salary.

The rules proposed for readoption with amendments are set to expire on September 18, 2013 pursuant to N.J.S.A. 52:14B-5.1. As the Department has filed this notice of readoption with the Office of Administrative Law prior to September 18th, the expiration date is extended 180 days to March 17, 2014, pursuant to N.J.S.A. 52:14B-5.1.c(2).

Following is a summary of the rules proposed for readoption:

N.J.A.C. 5A:9-1.1 sets forth the purpose and scope of the chapter.

N.J.A.C. 5A:9-1.2 sets forth the service requirements for veterans' preference and veterans' status for pension purposes.

N.J.A.C. 5A:9-1.3 sets forth the requirements for disabled veterans' preference.

N.J.A.C. 5A:9-1.4 sets forth the application requirements for determination as a veteran or disabled veteran under N.J.S.A. 11A:5-1 et seq., for Civil Service Commission purposes and for designation of veterans' status for pension purposes under the various pension funds.

N.J.A.C. 5A:9-1.5 and 1.6 set forth procedures for notification of public entities of the decision of the Adjutant General regarding granting of veterans' preference, disabled veterans' preference, or veteran status for pension purposes.

N.J.A.C. 5A:9-1.7 sets forth appeal procedures for individuals disputing the findings of the Adjutant General.

The proposed amendments represent a refinement of those initially effective September 18, 2006. In large part, the minor amendments contained herein simply clarify policies and procedures that have been in place and have met the test of time and practical application. The substantive amendments proposed by the Department follow:

At N.J.A.C. 5A:9-1.1, the Department has changed the term "Department of Personnel" to "Civil Service Commission," pursuant to P.L. 2008, c. 29.

At N.J.A.C. 5A:9-1.2(a), the Department has deleted the words "at least 90-consecutive days" as being redundant and confusing. Paragraphs (a)1 through 15 state the minimum time requirement for each conflict necessary for veterans' status and veterans' preference. At N.J.A.C. 5A:9-1.2(a)1, the Department has added the words "who shall have served at least 90 consecutive days" to clarify the period for World War I.

At N.J.A.C. 5A:9-1.2(a)6, the Department has proposed a grammatical amendment. At N.J.A.C. 5A:9-1.2(a)7, the Department has clarified the period for the Panama peacekeeping mission by added the words "in Panama or." At N.J.A.C. 5A:9-1.2(a)10, the Department has amended the period for the Operation "Enduring Freedom" by adding the requirement of "and was in receipt of the Global War on Terrorism Expeditionary Medal, Afghanistan Campaign Medal or can provide supportive documentation reflecting service in the area of operation." At N.J.A.C. 5A:9-1.2(a)11, the Department has clarified the period for the Operation "Iraqi Freedom and New Dawn" by recognizing that Operation "New Dawn" was the follow-on phase of Operation "Iraqi Freedom." The Department has also added the clause of "and was in receipt of the Global War on Terrorism Expeditionary Medal, Iraqi Campaign Medal or can provide supportive documentation reflecting service in the area of operation." The Department has deleted N.J.A.C. 5A:9-1.2(b) and recodified the paragraphs of subsection (b) into subsection (a). At recodified N.J.A.C. 5A:9-1.2(a)15, the Department has added "at least 90 days" to clarify the period allies of the United States during World War I and World War II.

The Department has recodified N.J.A.C. 5A:9-1.2(c) as (b). It deleted the clause at the end of the subsection, "has completed the 14 days of such active service or 90 days service pursuant to (a) or (b) above" and has added the following three paragraphs:

1. Whether or not the person has completed the required length of service in (a) above;
2. In the case of (a)10 and 11 above, regardless of receipt of the Global War on Terrorism Expeditionary Medal; or
3. In the case of (a)14 above, regardless of receipt of the Armed Forces Expeditionary Medal.

At N.J.A.C. 5A:9-1.3, the Department has added at the beginning of the paragraph, the sentence "[t]o be eligible for disabled veterans' preference under New Jersey law, one must have served on active duty during the recognized dates listed in N.J.A.C. 5A:9-1.2(a) and meet the veterans' preference guidelines, or incurred a service-connected injury, irrespective of the length of service pursuant to N.J.A.C. 5A:9-1.2(b)." This statement clarifies the requirements for a disabled veteran.

At N.J.A.C. 5A:9-1.4, the Department changed the term "Department of Personnel" to "Civil Service Commission." Additionally, the Department has added the Division of Veterans' Program's fax number, "or fax: 609-530-6970" throughout. At N.J.A.C. 5A:9-1.4(a) and (b), the Department has added the words "indicating the type of military discharge." At N.J.A.C. 5A:9-1.4(f), the Department has clarified that DD Form 214 and Separation Papers are two separate documents and both are needed.

At N.J.A.C. 5A:9-1.5 and 1.7(c), the Department changed the term "Department of Personnel" to "Civil Service Commission."

The Department has amended chapter Appendix A, NJDMAVA Form 05A-1 (front), by changing the term "Form DD 214" to "DD Form 214" and adding the words "indicating the type of military discharge." The Department's fax number has been added, as well as the mailing address for the National Personnel Records Center. Additionally, the sections have been added for the applicant's email address and work and home telephone numbers. The phrase "or entitled to receive" has been deleted from Block 11. In the section for the Spouse of a Disabled Veteran, the phrase "a marriage certificate is submitted" has been added and the term "Department of Personnel" has been changed to "Civil Service Commission." In the section for a Spouse of a Disabled Veteran, the phrase "or surviving spouse of a veteran who died in service" has been removed, because this is covered later in the form, and the term "Department of Personnel" has been changed to "Civil Service Commission." In the section for a Surviving Spouse of a Veteran Who Died in the Service, the phrase "did not die" has been deleted, because this is not covered by the existing statutes. Additionally, the sentence, "If both a parent and spouse survive, the use of such preference by either shall suspend the right of the other" has been added, and the phrase "or Report of Casualty" has been added. In the section for Gold Star Parent, the phrase "Copy of Death Certificate or" has been added. Finally, the applicant's phone number has been deleted from the bottom of the form.

The Department has amended chapter Appendix A, NJDMAVA Form 05A-1 (back), has added the clauses "Under Other Than Dishonorable

Conditions," and "theaters of operation, or on board any ship actively engaged in patrolling the territorial waters of that nation for a period of at least 14 days beginning on or before the date of termination of that mission or operation." The paragraph between section 3 (Vietnam Conflict) and 4 (Lebanon Crisis) has been deleted. The Department has added the phase "New Dawn" and a termination date of December 15, 2012 to Section 13 (Operation Iraqi Freedom). The Department has added a termination date of March 17, 2003 to Section 14 (Operation Southern and Northern Watch). In the second Note, the Department has added the words "Form" and "or similar documentation." The Department added the following three notes:

NOTE: Dates listed above coincide with the dates that the Department of Defense have established for periods of war, combat and peacekeeping operations and are subject to change according to President of the United States and the Secretary of Defense.

NOTE: If both a parent and spouse survive of an individual who died in while in service, the use of Veteran's preference by either shall suspend the right of the other.

NOTE: If you have previously been denied for Veteran's status that was not originally listed as a New Jersey recognized theater of operation and is currently an approved war, combat or peacekeeping period, please reapply, as Veteran's status will not be retroactive.

The Department has amended chapter Appendix B, NJDMAVA Form 05A-2, adding "or fax," "indicating the type of military discharge," and the Department's fax number. It also corrected the National Personnel Records Center address. In Section 4, it deleted the words "Discharge of," added "indicating the type of military discharge," and deleted subsections "a" and "b." In Section 5, grammatical changes were made.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking requirement calendar pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

There is no negative social impact anticipated with the rules proposed for readoption with amendments. The primary impacts of the rules and the proposed amendments to the rules are that they will create uniformity of decisions for veterans' preference and veterans' status, and that applicants seeking preference, or designation as a veteran for pension purposes, shall be required to file the specified applications with the Department of Military and Veterans' Affairs.

A non-veteran applicant who scores the highest on an open competitive, or promotional examination would not be the top ranked applicant for the position, as the disabled veteran and non-disabled veteran would be ranked first. However, most employees generally agree that employees with military experience make better employees.

Economic Impact

The rules proposed for readoption with amendments will have no economic impact on the State; they will enable the Department of Military and Veterans' Affairs to effectively monitor the application of the rules to the veteran population, as well as enabling the Department to acquire and maintain the data required to provide the Civil Service Commission and the Division of Pensions and Benefits with the necessary data and information, with which to efficiently manage veterans' preference for public employment, and veterans' status for the public retirement system. The rules will have a positive effect on veterans' lives, as veterans who pass open competitive examinations are placed at the top of the hiring lists in the following order, disabled veterans and then non-disabled veterans.

Federal Standards Statement

A Federal standards analysis is not required. There are no Federal requirements or standards that affect the rules proposed for readoption with amendments.

Jobs Impact

The rules proposed for readoption with amendments will neither increase or decrease jobs in the private or governmental sectors of the economy.

Agricultural Industry Impact

The rules proposed for readoption with amendments will have no impact upon the agricultural industry in the State.

Regulatory Flexibility Statement

The rules proposed for readoption with amendments do not impose reporting, recordkeeping, or other compliance requirements on small businesses, as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. They apply to public entities composed of the Department of Military and Veterans' Affairs, the New Jersey Civil Service Commission, and the Division of Pensions and Benefits.

Housing Affordability Impact Analysis

The rules proposed for readoption with amendments will have an insignificant impact on affordable housing in New Jersey and there is an extreme unlikelihood that the rules would evoke a change in the average costs associated with housing because the rules pertain to veterans' preference for public employment.

Smart Growth Development Impact Analysis

The rules proposed for readoption with amendments will have an insignificant impact on smart growth and there is an extreme unlikelihood that the rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the rules pertain to veterans' preference for public employment.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 5A:9.

Full text of the proposed amendments follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. VETERANS' AND DISABLED VETERANS' PREFERENCE AND DESIGNATION OF VETERANS' STATUS FOR PENSION PURPOSES

5A:9-1.1 Purpose and scope

(a) This subchapter sets forth the filing requirements by individual applicants to the Department of Military and Veterans' Affairs for veterans' and disabled veterans' preference and designation of veterans' status for pension purposes, to be used by the [Department of Personnel] **New Jersey Civil Service Commission** and/or the Division of Pensions and Benefits.

(b) (No change.)

5A:9-1.2 Veterans' preference and veterans' status for pension purposes

(a) A person is entitled to veterans' preference or veterans' status for pension purposes, if he or she has been discharged or released from active United States military or naval service under conditions other than dishonorable, and has served [at least 90-consecutive days] in the active United States military or naval service during:

1. World War I, between April 6, 1917 and November 11, 1918, **who shall have served at least 90 consecutive days;**

2. World War II, on or after September 16, 1940, who shall have served at least 90 days beginning on or before December 31, 1946 in such active service, exclusive of any period of assignment for a course of education or training under the Army Specialized Training Program or the Navy College Training Program, which course was a continuation of a civilian course and was pursued to completion; or as a cadet or midshipman at one of the service academies;

3.-5. (No change.)

6. Grenada peacekeeping mission, commencing on or after October 23, 1983, who has served in Grenada 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 terminating on or before November 21, 1983, in such active service;

7. Panama peacekeeping mission, commencing on or after December 20, 1989, who has served **in Panama 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 terminating on or before January 31, 1990, in such active service;

8.-9. (No change.)

10. Operation "Enduring Freedom" commencing on or after September 11, 2001, who served for a period, continuous or in the aggregate, of at least 14 days in areas designated by the U.S. Department of Defense, and ending on or before the date of termination of that mission as proclaimed by the President of the United States or Congress, whichever date of termination is later, **and was in receipt of the Global War on Terrorism Expeditionary Medal, Afghanistan Campaign Medal, or can provide supportive documentation reflecting service in the area of operation;** [or]

11. Operation "Iraqi Freedom/New Dawn" commencing on or after March 19, 2003, **and terminating on December 15, 2012**, who served for a period, continuous or in the aggregate, of at least 14 days in areas designated by the U.S. Department of Defense, ending on or before the date of termination of that mission as proclaimed by the President of the United States or Congress, whichever date of termination is later[.], **and was in receipt of the Global War on Terrorism Expeditionary Medal, Iraqi Campaign Medal, or can provide supportive documentation reflecting service in the area of operation;**

[(b) A person is entitled to veterans' preference for Civil Service purposes, if he or she has been discharged or released from active United States military or naval service under conditions other than dishonorable, and has served at least 90-consecutive days in the active United States military or naval service during:]

Recodify existing 1.-3. as **12.-14.** (No change in text.)

[4.] **15.** Served **at least 90 days** in any army or navy of the United States allies in World War I between April 6, 1917 and November 11, 1918, or World War II between September 16, 1940 and December 31, 1946, 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.

[(c)] (b) Any person receiving an actual service-connected injury or disability shall be classed as a veteran [whether or not that person has completed the 14 days of such active service or 90 days service pursuant to (a) or (b) above.]:

1. Whether or not that person has completed the required length of service in (a) above;

2. In the case of (a)10 and 11 above, regardless of receipt of the Global War on Terrorism Expeditionary Medal; or

3. In the case of (a)14 above, regardless of receipt of the Armed Forces Expeditionary Medal.

5A:9-1.3 Disabled veterans' preference

(a) **To be eligible for disabled veterans' preference under New Jersey law, one must have served on active duty during the recognized dates listed in N.J.A.C. 5A:9-1.2(a) and meet the veteran's preference guidelines, or incurred a service-connected injury irrespective of length of service pursuant to N.J.A.C. 5A:9-1.2(b).** A person is entitled to disabled veterans' preference if he or she:

1.-4. (No change.)

5A:9-1.4 Filing for veterans' or disabled veterans' preference for [Department of Personnel] **New Jersey Civil Service Commission** purposes and designation of veterans' status for pension purposes

(a) To establish a veterans' preference under N.J.S.A. 11A:5-1 et seq., an individual shall submit a completed "Civil Service Veterans Preference Claim Form" ([NJDMA VA] **NJDMAVA Form 05A-1**), provided at chapter Appendix A, incorporated herein by reference, and a copy of Veterans Separation Papers (DD Form 214), **indicating the type of military discharge**, to the New Jersey Department of Military and Veterans' Affairs, ATTN: DVS-VBB-Preference, P.O. Box 340, Trenton, New Jersey 08625-0340 **or fax: 609-530-6970.**

(b) To establish a disabled veterans' preference under N.J.S.A. 11A:5-1, an individual shall submit a completed "Civil Service Veterans Preference Claim Form" ([NJDMA VA] **NJDMAVA Form 05A-1**), provided at chapter Appendix A, along with a copy of Veterans Separation Papers (DD Form 214), **indicating the type of military discharge**, and proof of service-connected disability to the New Jersey

Department of Military and Veterans' Affairs, ATTN: DVS-VBB-Prefence, P.O. Box 340, Trenton, New Jersey 08625-0340 **or fax: 609-530-6970.**

(c) To establish eligibility to be considered a veteran in the Teachers' Pension and Annuity Fund under N.J.S.A. 18A:66-2 for the purpose of eligibility for a veterans' retirement allowance, an individual shall submit a completed "Application For Veteran Designation For Pension," ([NJDMA VA] **NJDMAVA** Form 05A-2), provided at [Chapter] **chapter** Appendix B, incorporated herein by reference, to the New Jersey Department of Military and Veterans' Affairs, ATTN: DVS-VBB-Pension, P.O. Box 340, Trenton, New Jersey 08625-0340 **or fax: 609-530-6970.**

(d) To establish eligibility to be considered a veteran in the Public Employees' Retirement System under section 6 of P.L. 1954, c. 84 (N.J.S.A. 43:15A-6) for the purpose of eligibility for a veterans' retirement allowance, an individual shall submit a completed "Application For Veteran Designation For Pension," ([NJDMA VA] **NJDMAVA** Form 05A-2), provided at [Chapter] **chapter** Appendix B, to the New Jersey Department of Military and Veterans' Affairs, ATTN: DVS-VBB-Pension, P.O. Box 340, Trenton, New Jersey 08625-0340 **or fax: 609-530-6970.**

(e) To establish eligibility to be considered a veteran in the Police and Firemen's Retirement System under section 1 of P.L. 1983, c. 391 (N.J.S.A. 43:16A-11.7) for the purpose of purchasing military service credit, an individual shall submit a completed "Application For Veteran Designation For Pension" ([NJDMA VA] **NJDMAVA** Form 05A-2), provided at [Chapter] **chapter** Appendix B, to the New Jersey Department of Military and Veterans' Affairs, ATTN: DVS-VBB-Pension, P.O. Box 340, Trenton, New Jersey 08625-0340 **or fax: 609-530-6970.**

(f) When an individual does not possess a DD Form 214[,] **and** Separation Papers and the Veterans Administration or National Personnel Records Center copy has been destroyed, the applicant may submit a letter from the appropriate agency attesting to the destruction of such records and a notarized statement by the applicant attesting to the dates of active service, branch of service, rank, and type of discharge.

5A:9-1.5 Notification of public entity of the Adjutant General's granting of veterans' [and] **or** disabled veterans' preference

The Adjutant General shall cause the appropriate coding for approved veterans' or disabled veterans' preference to be entered into the [Department of Personnel] **New Jersey Civil Service Commission** database, thereby constituting notification of the public entity.

5A:9-1.7 Appeal rights of individuals applying for veterans' [and] **or** disabled veterans' preference or veterans' status for pension purposes

(a)-(b) (No change.)

(c) The Adjutant General shall appoint an appeals board to consider an appeal submitted by any person disputing the determination of veterans' preference for civil service veterans' preference or veterans' status for pension purposes. The appeals board shall review documentation submitted, including the initial application and all documents submitted with the appeal request and make an appropriate recommendation to the Adjutant General. The Adjutant General's determination is binding upon the [Department of Personnel] **Civil Service Commission** and the Division of Pensions and Benefits.

(Agency Note: The text of N.J.A.C. 5A:9 Appendix A and B is reproduced below, without proposed change symbolization, the amendments are described in the Summary above.)

APPENDIX A

**NEW JERSEY DEPARTMENT OF MILITARY & VETERANS AFFAIRS
CIVIL SERVICE VETERANS PREFERENCE CLAIM FORM
INSTRUCTIONS**

• Please print or type all answers • Complete the first section and any other section(s) that apply to you • Sign your name at the bottom • Please mail or fax this form and a copy of your Veterans Separation Papers (DD Form 214 indicating the type of military discharge) to NJ Dept of Military & Veterans Affairs, ATTN: DVS-VBB, P.O. Box 340, Trenton, NJ 08625-0340, FAX: 609-530-6970 • If you do not have DD Form 214, a copy can be obtained from the National Personnel Records Center, 1 Archives Drive, St. Louis, MO 63138. If your records have been destroyed, a letter from the National Personnel Records Center attesting to the destruction of your records and a notarized statement indicating the dates of active service, branch, rank, and type of discharge must be submitted.

1. Your Name (Last, first, middle initial – Please Print or Type)	2. Your Social Security Number	4. Veteran's Name (If you are not the Veteran)	
3. Your address Street		5. Veteran's Social Security Number (If you are not the Veteran)	
City State Zip Code		6. Date Starting Active Duty	7. Date Ending Active Duty
8. E-mail address	9. Work Telephone	10. Home Telephone	

DISABLED VETERAN CLAIMANTS – If the Veteran is eligible for or receiving 10% or more disability compensation or pension for a service connected disability incurred during one of the covered periods of service. CURRENT PROOF OF DISABILITY IS REQUIRED.	11. Give percent disability receiving [or entitled to receive] _____ %
--	--

SPOUSE OF A DISABLED VETERAN - The spouse of Veteran who is eligible for or receiving 10% or more disability compensation or pension for a service connected disability incurred during one of the covered periods is entitled to the same preference as the Veteran provided a marriage certificate is submitted, the Veteran is not in the employment of the State, or of any County, Municipality, or School District covered by the NJ Civil Service Commission and further provided that the Veteran waives all preference as long as the spouse is employed by any of the aforementioned jurisdictions.

12. Are you presently married to the Veteran named in Item 4 above? <input type="checkbox"/> YES <input type="checkbox"/> NO	13. Will the Veteran waive the right to use of the D.V. Status in your favor? <input type="checkbox"/> YES <input type="checkbox"/> NO (If Yes, Veteran must sign here)
14. Is the Veteran now employed by the State or any other Jurisdiction covered by the Department of Personnel? <input type="checkbox"/> YES <input type="checkbox"/> NO	⇒ Veteran's Signature

SURVIVING SPOUSE OF A DISABLED VETERAN
Until s/he remarries, is entitled to the same preference as a Disabled Veteran. **Copy of Death Certificate or Report of Casualty required.**

15. Date of Death	16. Has a parent of the Veteran named in Item 4 above used the parent's preference with the New Jersey Civil Service Commission? <input type="checkbox"/> YES <input type="checkbox"/> NO
17. Were you married to the Veteran named in Item 4 above at the time of the Veteran's death? <input type="checkbox"/> YES <input type="checkbox"/> NO	18. Have you remarried since the death of this Veteran? YES <input type="checkbox"/> NO <input type="checkbox"/>

SURVIVING SPOUSE OF A VETERAN WHO DIED IN THE SERVICE – is entitled, until the surviving spouse remarries, to the same preference to which the Veteran, if living, would be entitled. If both a parent and spouse survive, the use of such preference by either shall suspend the right of the other. **Copy of Death Certificate or Report of Casualty required.**

19. Were you married to the Veteran named in Item 4 above at the time of the Veteran's death? <input type="checkbox"/> YES <input type="checkbox"/> NO	20. Date of Death
21. Have you remarried since the death of this Veteran? <input type="checkbox"/> YES <input type="checkbox"/> NO	

GOLD STAR PARENT - The parent of a Veteran who died while in service is entitled to Disabled Veteran's Preference. If both a parent and spouse survive, the use of such preference by either shall suspend the right of the other. **Copy of Death Certificate or Report of Casualty required.**

22. Date of Death	24. Name and Address of surviving spouse	25. Has surviving spouse ever used the spouse's Veterans Preference in securing public Employment in New Jersey? <input type="checkbox"/> YES <input type="checkbox"/> NO
23. Was deceased Veteran married? <input type="checkbox"/> YES <input type="checkbox"/> NO (If Yes, complete items 27 and 28)		

CERTIFICATION: I certify that the statements made by me to the foregoing questions are true to the best of my knowledge and belief. If any of the statements in this application are false, I am aware that I am subject to criminal proceedings.

YOUR SIGNATURE DATE [TELEPHONE]

NJDMAVA FORM 05A-1, 1 October 2013

CIVIL SERVICE VETERAN'S PREFERENCE CLAIM FORM

To be eligible for Veteran's preference/status under New Jersey Law, one must have served Under Other Than Dishonorable Conditions on active duty during one of the following periods, theaters of operation, or on board any ship actively engaged in patrolling the territorial waters of that nation for a period of at least 14 days beginning on or before the date of termination of that mission or operation. Proper documentation is required (WD Form 53-55, DD Form 214 - Honorable Discharge Certificate, and/or VA Disability Award Letter).

1. **World War II:** 90 days active duty on or after September 16, 1940 and must have begun on or before December 31, 1946.
2. **Korean Conflict:** 90 days active duty on or after June 23, 1950 and must have begun on or before January 31, 1955.
3. **Vietnam Conflict:** 90 days active duty on or after December 31, 1960 and must have begun on or before May 7, 1975.
4. **Lebanon Crisis:** 14 days on or after July 1, 1958, commencing on or before November 1, 1958.
5. **Lebanon:** 14 days on or after September 26, 1982 and must have begun on or before December 1, 1987.
6. **Grenada:** 14 days on or after October 23, 1983 and must have begun on or before November 21, 1983.
7. **Panama:** 14 days on or after December 20, 1989 and must have begun on or before January 31, 1990.
8. **Operation Desert Shield/Desert Storm:** 14 days on or after August 2, 1990 to February 28, 1991.
9. **Somalia:** 14 days on or after December 5, 1992 and must have begun on or before March 31, 1994.
10. **Bosnia and Herzegovina (Operation Joint Endeavor/Operation Joint Guard):** 14 days on or after November 20, 1995 and on or before June 20, 1998.
11. **Haiti (Operation Uphold Democracy):** 14 days on or after September 19, 1994 and on or before March 31, 1995.
12. **Operation Enduring Freedom:** 14 days on or after September 11, 2001.
13. **Operation Iraqi Freedom/New Dawn:** 14 days on or after March 19, 2003 and on or before December 15, 2012.
14. **Operations Southern and Northern Watch:** 14 days on or after August 27, 1992, and on or before on March 17, 2003.

To be eligible for Disabled Veteran's preference, one must be a "Veteran" as described above and must have incurred a disability for which the Veteran is receiving 10% or greater disability compensation from the US Department of Veterans Affairs. Spouses of Disabled Veterans, surviving spouses of Disabled Veterans or Veterans and parents of Veterans who died in service are eligible for preference, if the Veteran would have been eligible for Veteran's preference. Proper documentation is required (DD Form 214, Honorable Discharge Certificate, and VA Disability Award Letter).

NOTE: Individuals whose only active service was for training (basic training, advanced training, officer candidate school, weekend drills, and annual training) in connection with a Reserve or National Guard obligation are not eligible for Veteran's Preference/Status.

NOTE: Merchant Marine Personnel who served in World War II, and who present a DD Form 214 or similar documentation which establishes 90 days of active service during the period noted above, are entitled to Veteran's Preference.

NOTE: Dates listed above coincide with the dates that the Department of Defense have established for periods of war, combat and peacekeeping operations and are subject to change according to President of the United States and the Secretary of Defense.

NOTE: If both a parent and spouse survive of an individual who died in while in service, the use of Veteran's preference by either shall suspend the right of the other.

NOTE: If you have previously been denied for Veteran's status that was not originally listed as a New Jersey recognized theater of operation and is currently an approved war, combat or peacekeeping period, please reapply, as Veteran's status will not be retroactive.

NJDMAVA FORM 05A-1, 1 October 2013

APPENDIX B

NEW JERSEY DEPARTMENT OF MILITARY & VETERANS AFFAIRS
APPLICATION FOR VETERAN DESIGNATION FOR PENSION

INSTRUCTIONS

* Please print or type all answers. * Sign your name at the bottom of the application. * Please mail or fax this form and a copy of your Veteran's Separation Papers (DD Form 214 indicating the type of military discharge) to NJ Dept of Military & Veterans Affairs, ATTN: DVS-VBB, P.O. Box 340, Trenton, NJ 08625-0340, FAX: 609-530-6970 * If you do not have DD Form 214, a copy may be obtained from the National Personnel Records Center, 1 Archives Drive, St. Louis, MO 63138. If your records have been destroyed, a letter from the National Personnel Records Center attesting to the destruction of your records and a notarized statement indicating the dates of active serve, branch, rank, and type of discharge, must be submitted.

1. Name (Last, first, middle initial - Please Print)	2. Social Security Number
3. Address Street _____ City _____ State _____ Zip Code _____	4. Daytime Phone Number

4. Veteran Status: (Attach Copy of DD Form 214 indicating the type of military discharge)

YES NO

5. Retirement System: (Check the block that applies to the retirement system that you are enrolled in)

Teachers' Pension and Annuity Fund (TPAF)

Public Employees' Retirement System (PERS)

Police and Firemen's Retirement System (PFRS)

REMARKS (Optional)

CERTIFICATION: I certify that the statements made by me to the foregoing questions are true to the best of my knowledge and belief. If any of the statements in this application are false, I am aware that I am subject to criminal proceedings.

SIGNATURE _____ DATE _____

NJDMAVA FORM 05A-2, 1 October 2013