



## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 211

**RIN: 3206-AN47**

### Veterans' Preference

**AGENCY:** U.S. Office of Personnel Management.

**ACTION:** Interim rule with request for comments.

**SUMMARY:** This rule implements statutory changes pertaining to veterans' preference. We are making this change in response to the Gold Star Fathers Act of 2015, which broadened the category of individuals eligible for veterans' preference to provide that fathers of certain permanently disabled or deceased veterans shall be included with mothers of such veterans as preference eligibles for treatment in the civil service. This action will align OPM's regulations with the existing statute.

**DATES:** Effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

Comments must be received on or before [INSERT DATE 60 DAYS FROM PUBLICATION DATE].

**ADDRESSES:** You may submit comments through the Federal eRulemaking Portal at <http://www.regulations.gov>. All submissions received through the Portal must include the agency name and docket number or Regulation Identifier Number (RIN) for this proposed rulemaking.

You may also send, deliver, or fax comments to Kimberly A. Holden, Deputy Associate Director for Recruitment and Hiring, Employee Services, U. S. Office of Personnel Management, Room 6351D, 1900 E Street, NW., Washington, DC 20415-9700; e-mail at [employ@opm.gov](mailto:employ@opm.gov) or fax at (202) 606-2329.

**FOR FURTHER INFORMATION CONTACT:** Roseanna Ciarlante by telephone on (267) 932-8640, by fax at (202) 606-4430, by TTY at (202) 418-3134, or by email at Roseanna.Ciarlante@opm.gov.

**SUPPLEMENTARY INFORMATION:** On October 7, 2015, the Gold Star Fathers Act of 2015 (the “Act”) was enacted as Public Law 114-62. The Act provides an amendment to the eligibility criteria for veterans' preference purposes by amending subparagraphs (F) and (G) to 5 U.S.C. 2108(3). The amendment provides that fathers of certain permanently disabled or deceased veterans shall be included with mothers of such veterans as preference eligibles for treatment in the civil service. The Act also changes the requirements for parents of such veterans to qualify for this preference.

The Act replaces 5 U.S.C. 2108(3)(F) to state that the parent of an individual who lost his or her life under honorable conditions while serving in the armed forces during a war, in a campaign or expedition for which a campaign badge has been authorized, or during the period beginning April 28, 1952, and ending July 1, 1955, is eligible for preference if the spouse of that parent is totally and permanently disabled; or that parent, when preference is claimed, is unmarried or, if married, legally separated from his or her spouse.

The Act also replaces 5 U.S.C. 2108(3)(G) to state that the parent of a service-connected permanently and totally disabled veteran is eligible for preference if the spouse of that parent is totally and permanently disabled; or that parent, when preference is claimed, is unmarried or, if married, legally separated from his or her spouse.

OPM is amending 5 CFR 211.102(d) to state that a “preference eligible” is “a veteran, disabled veteran, sole survivor veteran, spouse, widow, widower, or parent who meets the definition of ‘preference eligible’ in 5 U.S.C. 2108.” This amendment replaces the word “mother” with the word “parent” to conform to the statutory definition.

## **Waiver of Notice of Proposed Rulemaking**

Pursuant to 5 U.S.C. 553(b)(B), I find that good cause exists for waiving the general notice of proposed rulemaking. Waiver of advance notice is necessary to ensure that the regulations become effective immediately, and that agencies understand their obligations under 5 U.S.C. 2108(3) and do not unwittingly deny veterans' preference based upon the outdated existing regulations. If OPM's regulations were permitted to remain as written while OPM solicited comments upon its proposed revisions, parents of certain deceased and disabled veterans may be inadvertently denied veterans' preference in Federal hiring based upon the current language in regulations. Accordingly, the notice otherwise required is impracticable because it would impede due and timely execution of agencies' functions. The revised language in this interim rule will ensure parents of certain deceased and disabled veterans receive their statutory entitlement to veterans' preference.

## **E.O. 12866, Regulatory Review**

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

## **Regulatory Flexibility Act**

I certify that this regulation would not have a significant economic impact on a substantial number of small entities because it affects only Federal employees.

## **List of Subjects in title 5 CFR Part 211**

Government employees, Veterans.

U.S. Office of Personnel Management

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Beth F. Cobert  
Acting Director

Accordingly, OPM is amending part 211 of title 5, Code of Federal Regulations, as follows:

**PART 211--VETERAN PREFERENCE**

1. Amend § 211.102 by revising paragraph (d) introductory text to read as follows:

**§ 211.102 Definitions.**

\* \* \* \* \*

(d) Preference eligible means a veteran, disabled veteran, sole survivor veteran, spouse, widow, widower, or parent who meets the definition of “preference eligible” in 5 U.S.C. 2108.

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