

AMENDED IN ASSEMBLY APRIL 19, 2017

AMENDED IN ASSEMBLY MARCH 22, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

**ASSEMBLY BILL**

**No. 349**

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**Introduced by Assembly Members McCarty, Gonzalez Fletcher,  
and Nazarian**

February 8, 2017

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An act to ~~amend Section 18973 of~~ *add Article 4.5 (commencing with Section 18980) to Chapter 4 of Part 2 of Division 5 of Title 2 to the Government Code, relating to civil service.*

LEGISLATIVE COUNSEL'S DIGEST

AB 349, as amended, McCarty. Civil service: ~~veterans' preferences: preference: special immigrant visas: visa holder.~~

~~Existing law defines the term "veteran" for purposes of provisions of the State Civil Service Act that require that, whenever any veteran, widow or widower of a veteran, or spouse of a 100% disabled veteran achieves a passing score on an entrance examination, he or she be ranked in the top rank of the resulting civil service eligibility list, unless the veteran was dishonorably discharged or released, as any person who has served full time in the Armed Forces in time of national emergency or state military emergency or during any expedition of the Armed Forces and who has been discharged or released under conditions other than dishonorable. list.~~

~~This bill would expand the definition of "veteran" for these purposes to include authorize any person who assisted the United States military and was issued a specified special immigrant visa. also to be ranked in~~

*the top of the resulting eligibility list if he or she achieves a passing score on an entrance examination.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Article 4.5 (commencing with Section 18980) is*  
 2     *added to Chapter 4 of Part 2 of Division 5 of Title 2 of the*  
 3     *Government Code, to read:*

4  
 5             *Article 4.5. Special Immigrant Visa Holder’s Preference*  
 6

7     18980. *For purposes of this article, “SIV holder” means any*  
 8     *person who assisted the United States military and was issued a*  
 9     *special immigrant visa pursuant to Section 1059 of the National*  
 10    *Defense Authorization Act for Fiscal Year 2006 (Public Law*  
 11    *109-163) or Section 1244 of the National Defense Authorization*  
 12    *Act for Fiscal Year 2008 (Public Law 110-181).*

13    18981. *Whenever a SIV holder achieves a passing score on an*  
 14    *entrance examination, he or she shall be ranked in the top rank*  
 15    *of the resulting eligibility list.*

16    18982. (a) *For purposes of this article, an entrance*  
 17    *examination is any open competitive examination.*

18    (b) *No SIV preference under this article shall be awarded to*  
 19    *permanent civil service employees.*

20    18983. *A SIV holder who successfully passes any state civil*  
 21    *service examination and whose name, as a result, is placed on an*  
 22    *employment list and who within 12 months after the establishment*  
 23    *of the employment list for which the examination was given*  
 24    *qualified for SIV preference as provided for in this article shall*  
 25    *be allowed the appropriate SIV credit to the same effect as though*  
 26    *he or she were entitled to that credit at the time of the establishment*  
 27    *of the employment list.*

28    18984. *Request for and proof of eligibility for SIV holder*  
 29    *preference shall be submitted by the SIV holder to the department*  
 30    *or to the designated appointing authority conducting the*  
 31    *employment examination. The procedures and time of filing the*  
 32    *request shall be subject to rules promulgated by the department.*

1 SECTION 1. ~~Section 18973 of the Government Code is~~  
2 ~~amended to read:~~

3 ~~18973. For purposes of this article, the following definitions~~  
4 ~~shall apply:~~

5 (a) ~~“Veteran” means any person who has served full time in the~~  
6 ~~Armed Forces in time of national emergency or state military~~  
7 ~~emergency or during any expedition of the Armed Forces and who~~  
8 ~~has been discharged or released under conditions other than~~  
9 ~~dishonorable or any person who assisted the United States military~~  
10 ~~and was issued a special immigrant visa pursuant to Section 1059~~  
11 ~~of the National Defense Authorization Act for Fiscal Year 2006~~  
12 ~~(Public Law 109-163) or Section 1244 of the National Defense~~  
13 ~~Authorization Act for Fiscal Year 2008 (Public Law 110-181).~~

14 (b) ~~“Disabled veteran” means any veteran as defined in~~  
15 ~~subdivision (a) who is currently declared by the United States~~  
16 ~~Veterans Administration to be 10 percent or more disabled as a~~  
17 ~~result of service in the Armed Forces. Proof of disability shall be~~  
18 ~~deemed conclusive if it is of record in the United States Veterans~~  
19 ~~Administration.~~

20 (c) ~~“100 percent disabled veteran” means any veteran as defined~~  
21 ~~in this section who is currently declared by the United States~~  
22 ~~Veterans Administration to be 100 percent disabled as a result of~~  
23 ~~his or her service.~~