

Veterans (Vietnam Era and Special Disabled Veterans) Policy

It is the policy of The State University of New York College at Cortland that no qualified special disabled veteran or Vietnam Era veteran shall be excluded from participation in employment or be subject to discrimination as a result of such employment. The College will employ, advance in employment, and otherwise treat special disabled veterans and Vietnam Era veterans without discrimination in all employment practices, including, but not limited to, advertising, recruitment, employment, promotion, demotion, or transfer, layoff or termination, rates of pay or other forms of compensation, and selection for training. Adoption of this policy is in compliance with Section 402 of the Vietnam Era Veteran's Readjustment Act of 1974 and the Veterans Employment Opportunities Act of 1998.

A "special disabled veteran" is defined by law as a person who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under the laws administered by the Veterans Administration for a disability rated at 30 percent or more; or rated at 10 or 20 percent in the case of a veteran who has been determined under Section 1506 of Title 38, U.S. Code, to have a serious employment disability; or a person who was discharged or released from active duty because of a service-connected disability.

The term "serious employment disability" means a significant impairment of a veteran's ability to prepare for, obtain, or retain employment consistent with such veteran's abilities, aptitudes, and interests.

A "Vietnam Era veteran" is a person who: 1) served more than 180 days of active military, naval, or air service, any part of which occurred during from the period August 5, 1964 through May 7, 1975 or any part of which was during the period from February 28, 1961 through May 7, 1975 if the person served in the Republic of Vietnam; or 2) who was discharged or released there from with other than a dishonorable discharge; or 3) was discharged or released from active duty because of a service-connected disability.

The Veterans Employment Opportunities Act (VEOA) public law 105-339 of 1998 extended affirmative action to an additional group of veterans: "Other Eligible Veterans." Employees or applicants who identify themselves as "Other Eligible Veterans" is defined as those veterans who: (1) served on active duty during a war, or (2) served in a campaign or expedition for which a campaign badge has been authorized.

Employees or applicants who believe themselves to be covered by Section 408 of the Vietnam Era Veteran's Readjustment Act of 1974 or the Veterans Employment Opportunity Act of 1998 and who wish to benefit under the Affirmative Action Program, are invited to identify themselves by completing the appropriate form which is available in the Human Resources Office. In order that they may qualify for positions which they presumably might be unable to

fill because of their disability, employees identifying themselves as special disabled veterans, Vietnam Era veterans, and/or other eligible veterans will be asked to describe any special methods, skills, and/or procedures that would qualify them for available positions. By doing so, this will alert the College to needs for changes in the physical layout of the job or modification of certain nonessential duties related to the job.

Reasonable physical accommodation for disabled individuals and special disabled veterans will be determined through consultation with management. Business necessity and financial costs will be considerations affecting the decisions.

According to the Americans with Disabilities Act of 1990, the College may request a pre-employment comprehensive medical examination at its expense only after an offer of employment has been made to an applicant and prior to commencement of the applicant's employment duties. The Act also specifies that an employer may make the offer of employment contingent on the results of the examination, provided certain conditions are met.