



UNITED STATES
OFFICE OF PERSONNEL MANAGEMENT
WASHINGTON, DC 20415-1000

OFFICE OF THE DIRECTOR

November 8, 2005

The Honorable Richard J. Durbin
United States Senate
Washington, DC 20510

Dear Senator Durbin,

While well-intentioned, your "Dear Colleague" seeking support for legislation clarifying the applicability of veterans' preference rights for reservists contains incorrect information.

The policy position of the Office of Personnel Management (OPM) has always been and continues to be that reservists who have been separated or discharged from otherwise qualifying active duty service are preference eligible under 5 U.S.C. section 2108(1).

Should you wish to clarify the current statutory language, we believe that your proposed legislative language would address this issue consistent with our long standing policy and guidance to agencies. We would also recommend that your amendment make it clear that the clarification is retroactive so that those reservists who received veterans' preference and are currently working for the Federal Government do not have their preference eligibility called into question.

Given the importance of the veterans' community to OPM and the Administration, and the respect which they deserve, we would ask that you provide corrected information to your colleagues as soon as possible. Thank you for your attention to this matter.

Sincerely,

Linda M. Springer
Director

cc: Senate Committee on Homeland Security and Governmental Affairs
Senate Committee on Veterans' Affairs
Senate Committee on Armed Services