Reserve Organization of America

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COLORADO: VETERANS' PREFERENCE

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RESERVE SERVICE LAW CENTER

Veterans' Preference:
Colorado

EXECUTIVE SUMMARY

Colorado gives 5 preference points to eligible veterans and 10 points to disabled veterans in state hiring, but not for promotions. Private employers may also adopt a uniform veterans' preference policy for recently discharged veterans, Guard and Reserve members, and certain spouses.

The Federal Veterans' Preference Act (VPA)

The Federal Veterans' Preference Act (VPA), as explained in Law Review 0721 (May 2007), gives certain veterans an advantage in securing federal civil service jobs. The VPA does not apply to state and local government employment, but most states have their own veterans' preference laws that apply to the state and its political subdivisions (counties, cities, school districts, and other units of local government).

Colorado State Employee Veterans' Hiring Preference[1]:

§8-1-153 – Private Employers – Veterans' Preference Hiring Policy – Definitions

1. As used in this section:
    a. "Eligible individual" means:

[1] 2022 Colorado Code §8-1-153, Title 8 – Division of Labor – Industrial Claims Appeals Office. Article 1 – Division of Labor – Industrial Claims Appeal Office. Section 25-1-52 – Private Employers – Veterans' Preference Hiring Policy – Definitions.

I. A veteran with a disability who has a one hundred percent permanent and total disability rating if the date of hiring is within ten years after the veteran's date of discharge;
II. A veteran, a veteran with a less than one hundred percent permanent and total disability rating, a member of the military reserves, or a member of the National Guard who received discharge document DD214 if the date of hiring is within five years after the date of discharge; or
III. The spouse of a service member killed in the line of duty if the date of hiring is within five years after the date of the death of the service member.

b. "Private employer" means a private, nonpublic person that employs one or more employees within the state.
c. "Veteran" has the same meaning as set forth in section 8-14.3-202 (8).
d. "Veterans' preference hiring policy" means a private employer's preference for hiring an eligible individual if the eligible individual is at least as qualified as the other applicants.
e. "Veteran with a disability" means a veteran who has a compensable, service-connected disability as adjudicated by the United States department of veterans' affairs or the appropriate branch of the armed forces.

2. A private employer may adopt and apply a veterans' preference hiring policy if:
   a. The private employer applies the veterans' preference hiring policy uniformly to all hiring decisions;
   b. The private employer requires a veteran to provide proof of service by furnishing a copy of the veteran's discharge document DD214;
   c. The private employer requires the spouse of a service member killed in the line of duty to furnish proof of marriage to the service member killed in the line of duty and a copy of the service member's discharge document DD214 and the death certificate; and
   d. The veterans' preference hiring policy is in writing, public, and implemented at least fourteen days before it is applied to any new job posting or new hiring decision.
3. The adoption and application of a veterans' preference hiring policy by a private employer in accordance with this section creates a rebuttable presumption that such policy is not a discriminatory or unfair employment practice in violation of part 4 of article 34 of title 24.
4.
   a. On or before September 1, 2021, the Colorado office of economic development shall begin the development of production materials to educate and encourage employers to hire veterans.
   b. The general assembly shall appropriate twenty-five thousand dollars from the general fund to the Colorado office of economic development, created in section 24-48.5-101, for allocation to the Colorado office of film, television, and media, created in section 24-48.5-115, for the purposes of this subsection (4).

5. A private employer may advertise for and actively recruit veterans to apply for employment with the private employer regardless of whether the private employer adopts a veterans' preference hiring policy.

Colorado offers Veterans' hiring preference to eligible Veterans and some Spouses. However, this preference doesn't apply to promotions. If an unscored hiring process is employed, eligible Veterans must be added to the interview-eligible list alongside the six highest-ranking applicants. Conversely, if a scored process is used, points will be added to the applicants' final passing score. If the Veterans' preference points boost their score to the top six candidates, they will be referred for an interview.

Here are the five preference points awarded to individuals who meet the following criteria:

- Veterans who received an honorable discharge from the U.S. Armed Forces and served on active duty (excluding training) during the following time periods:
- Any war declared by Congress, or
- From April 28, 1952, to July 1, 1955, or
- For more than 180 consecutive days, any part of which occurred between January 31, 1955, and before October 15, 1976, or
- The Gulf War period, which began on August 2, 1990, and ended on January 2, 1992, or
- For more than 180 consecutive days, any part of which occurred between September 11, 2001, and the date specified by a Presidential proclamation or law, or
- In a campaign or expedition for which a campaign medal has been authorized
- Spouse of a Veteran who is unable to work due to a service-connected disability
- Surviving Spouse of a deceased Veteran who was or would have been eligible for Veterans' preference

Additionally, campaign medal recipients and Gulf War Veterans who enlisted after September 7, 1980, or entered active duty on or after October 14, 1982, without having previously completed 24 months of continuous active duty, must have served continuously for 24 months or the entire period called or ordered to active duty.

10 preference points are awarded to honorably discharged Veterans who served on active duty in the U.S. Armed Forces at any time and have a service-connected disability or are receiving compensation, disability retirement benefits, or a pension from the U.S. Armed Forces or the VA.

Applicants for Veterans' Preference should be prepared to provide documents that prove their eligibility, such as:

- DD214, a member copy 4 that characterizes their service.

- A disability letter from the VA verifying that the Veteran is currently receiving benefits or has a disability retirement.
- A marriage license (for the Spouse or Surviving Spouse).
- A death certificate, accompanied by a signed statement stating that the Surviving Spouse has not remarried.

Q: The great majority of veterans are men. Does a veterans' preference law discriminate against women and violate the Equal Protection Clause of the Constitution's Fourteenth Amendment?

A: In 1979, the Supreme Court considered and rejected that argument, by a 7-2 vote. Even if the effect of a veterans' preference law is to benefit many more men than women, the purpose of the law is to benefit veterans, not to discriminate against women.[2]

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ROA is more than a century old—on 10/2/1922 a group of veterans of "The Great War," as World War I was then known, founded our organization at a meeting in Washington's historic Willard Hotel. The meeting was called by General of the Armies John J. Pershing, who had commanded American troops in the recently concluded "Great War." One of those veterans was Captain Harry S. Truman. As President, in 1950, he signed our congressional charter. Under that charter, our mission is to advocate for the implementation of policies that provide for adequate national security. For more than a century, we have argued that the Reserve Components, including the National Guard, are a cost-effective way to meet our nation's defense needs.

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[2] *See Personnel Administrator of Massachusetts v. Feeney*, 442 U.S. 256, 276 (1979). *See generally* Law Review 24055 (December 2024).
[3] *See* https://crsreports.congress.gov/product/pdf/IF/IF10540/. These are the authorized figures as of 9/30/2022.

volunteers, federal and state legislators and staffers, and others about the legal rights of service members and about how to exercise and enforce those rights. We provide information to service members, without regard to whether they are members of ROA, but please understand that ROA members, through their dues and contributions, pay the costs of providing this service and all the other great services that ROA provides.

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If you are not eligible to join, please contribute financially, to help us keep up and expand this effort on behalf of those who serve. Please mail us a contribution to:

Reserve Organization of America
1 Constitution Ave. NE
Washington, DC 20002[6]

About the Author

Deng received his Juris Doctor from Baylor University School of Law and received his Bachelor of Science in Sociology, his Bachelor of Science in Criminal Justice, and his minor in Political Science, from Abilene Christian University. As a division-1 student-athlete, Deng played cornerback for the Abilene Christian University Football Team from 2015-19, and Pole Vaulted with the Abilene Christian University Track and Field Team in 2015.

[4] Congress recently established the United States Space Force as the eighth uniformed service.
[5] Spouses, widows, and widowers of past or present members of the uniformed services are also eligible to join.
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