Reserve Organization of America

Law Review 26098

DISTRICT OF COLUMBIA (D.C.): VETERANS' PREFERENCE

By Deng Majok

RESERVE SERVICE LAW CENTER

EXECUTIVE SUMMARY

D.C. adds points to the rating scores of eligible veterans for initial government jobs, generally within five years of discharge, with added credit for veterans rated 30% or more disabled. Certain spouses and unremarried surviving spouses may also qualify.

Veterans' Preference:
District of Columbia (D.C.)

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).

Washington D.C. Government Employment Veterans Hiring Preference[1]:

§1-607.03. Veterans preference in employment
(a) For appointment under the provisions of subchapters VIII and VIII-A of this chapter, persons who have served on active duty in the armed forces of the United States for more than 180 consecutive days, not including service under honorable conditions as provided under § 511(d) of Title 10 of the United States Code [transferred; see now 10 U.S.C. § 12103] and have separated from the armed forces under

[1] 2024 District of Columbia Code Title 1 Chapter 6 Subchapter VII §1-607.03, Veterans preference in employment.

honorable conditions may receive an additional 5 points on any register established under the authority of subchapters VIII and VIII-A of this chapter.

(b) A person entitled to preference points, as provided in subsection (a) of this section, shall receive an additional 5 points if he or she has separated from the armed forces under honorable conditions, and has established the presence at the time of appointment of a service-connected disability or is receiving compensation, disability retirement benefits, or pensions because of a public law administered by the Veterans Administration or a military department.

(c) Any employee of the District government who, on January 1, 1979, was entitled to veterans preference under federal law, shall continue to be entitled to such veterans preference under this chapter.

(d) The Mayor is authorized to develop procedures for the consideration of granting veterans preference, as provided in this section, to persons who served in the armed forces but were less than honorably discharged. Such persons may be entitled to the preference afforded by this section at the time of initial appointment if they show, to the satisfaction of the Mayor, that they have been discriminated against in violation of those rights guaranteed in § 1-601.01(2) and this subchapter. No appeal shall be available to any person not afforded a veterans preference under the provisions of this subsection.

(e) Except for the appointment preferences provided in subsections (h), (i), (j), and (k) of this section, no person shall receive any appointment preference after 5 years from the date of separation from the armed forces of the United States.

(f) No person entering the armed forces of the United States after October 14, 1976, shall receive any preference unless the person served in the armed forces of the United States during time of war.

(g) No person retiring from the armed forces of the United States shall receive any preference.

(h) The surviving spouse or surviving domestic partner who has not subsequently married or entered into a domestic partnership of a veteran shall be accorded the same preference in appointment as would be accorded to her or him in the federal service pursuant to 5 U.S.C. §§ 2108(3)(D) and 3309(1).

(i) The spouse or domestic partner of a service-connected veteran with a disability shall be accorded the same preference in appointment as would be accorded to her or him in the federal service pursuant to 5 U.S.C. §§ 2108(3)(E) and 3309(1).

(j) A person classified as 30 percent or more disabled under subsection (b) of this section shall receive an appointment preference as provided in that subsection.

(k) A person who served during the Vietnam conflict, who has a discharge of other than dishonorable, shall receive an appointment preference for a period not to exceed 10 years from May 19, 1982.

Washington, D.C. offers hiring preference to eligible Veterans and their spouses (domestic partners) for initial government employment. This preference is granted by adding points to an applicant's numerical rating scores.

To be eligible, Veterans must meet specific requirements:

5-Point Eligibility:

- Received an Honorable or General Discharge.
- Served on active duty (not for training) in the U.S. Armed Forces for 180 days or more. Preference is limited to five years after discharge.
- Veterans who entered the U.S. Armed Forces after October 14, 1976, must have served during a time of war.
- Veterans eligible for military retired pay are not eligible for preference.

10-Point Eligibility:

- Received an Honorable or General Discharge.
- Has a service-connected disability rating of 30% or more from the VA.
- Receives a disability pension, compensation, or retirement benefit from the VA.

Spouses and surviving spouses may also be eligible, depending on their circumstances:

- An unremarried surviving spouse of a deceased Veteran is eligible for the same preference as the deceased Veteran.
- A spouse of a disabled Veteran who is unqualified for Washington, D.C. government employment due to a service-connected disability may be eligible.

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]

Please join or support ROA

This article is one of 2,200-plus "Law Review" articles available at Law Center | ROA. The Reserve Officers Association, now doing business as the Reserve Organization of America (ROA), initiated this column in 1997. We add new articles each month.

[2] *See Personnel Administrator of Massachusetts v. Feeney*, 442 U.S. 256, 276 (1979). *See generally* Law Review 24055 (December 2024).

ROA is the nation's only national military organization that exclusively and solely supports the nation's reserve components, including the Coast Guard Reserve (6,179 members), the Marine Corps Reserve 32,599 members), the Navy Reserve (55,224 members), the Air Force Reserve (68,048 members), the Air National Guard (104,984 members), the Army Reserve (176,171 members), and the Army National Guard (329,705 members).[3]

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.

Through these articles, and by other means, including amicus curiae ("friend of the court") briefs that we file in the Supreme Court and other courts, we advocate for the rights and interests of service members and educate service members, military spouses, attorneys, judges, employers, Department of Labor (DOL) investigators, Employer Support of the Guard and Reserve (ESGR) 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.

If you are now serving or have ever served in any one of our nation's eight[4] uniformed services, you are eligible for membership in ROA,[5] and a one-year membership only costs $20 or $450 for a life membership. Enlisted personnel as well as officers are eligible for full membership, and eligibility applies to those who are serving or have served in the Active Component, the National Guard, or the Reserve. If you are eligible for ROA membership, please join. You can join on-line at Reserve Organization of America - ROA or call ROA at 800-809-9448.

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]

[3] *See* https://crsreports.congress.gov/product/pdf/IF/IF10540/. These are the authorized figures as of 9/30/2022.
[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.
[6] You can also contribute on-line at www.roa.org.

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.