Reserve Organization of America

Law Review 26100

GEORGIA: VETERANS' PREFERENCE

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RESERVE SERVICE LAW CENTER

EXECUTIVE SUMMARY

Georgia adds 5 points to a veteran's passing state exam score and 10 points for veterans with a VA disability rating of 10% or more, surviving spouses, and spouses of 100% disabled veterans. Applicants must submit their DD214 and supporting documents first.

Veterans' Preference:
Georgia

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).

Georgia State Employment Veterans' Preference[1]:

§34-1-8 – Veterans' Preference Employment Policy; Use not a Violation

(a) As used in this Code section, the term:

(1) "Employer" means any person engaged in business and having one or more employees, but does not include the federal government, state, or any political subdivision of the state.

[1] 2017 Georgia Code Title 34 Chapter 1 §34-1-8, Veterans' Preference Employment Policy; Use not a Violation. Georgia Administrative Code Department 478 Chapter 478-1 §478-1-.18, Veterans' Preference.

(2) "Veteran" means an individual who served on active duty in the armed forces of the United States and was honorably discharged from such service.

(3) "Veterans' preference employment policy" means any employer's policy of preference in hiring, promoting, or retaining a veteran over any other qualified applicant or employee.

(b) Any employer may create and use a veterans' preference employment policy, which shall be in writing and applied uniformly to employment decisions regarding hiring, promotion, or retention during a reduction in force.

(c) An employer's use of a veterans' preference employment policy as provided for in this Code section shall not constitute a violation of any local or state equal employment opportunity law.

Rule 478-1-.18 – Veterans' Preference

(1) Introduction. The State affords some degree of preference to veterans in certain employment decisions. Recognizing their sacrifice, the State seeks to prevent veterans pursuing State employment from being disadvantaged by time spent in military service. Veterans' preference recognizes the economic loss suffered by citizens who have served their country in uniform, restores veterans to a favorable competitive position for State employment, and acknowledges the larger obligation owed to disabled veterans.

(a) Preference does not have as its goal the placement of a veteran in every vacant job; this would be incompatible with the merit principle of public employment. However, preference does provide a uniform method by which special consideration is given to qualified veterans seeking employment.

(b) For purposes of this Rule, veterans' preferences are given to veterans defined as any individual who was honorably discharged and:

1. Served on active duty as a member of the Armed Forces of the United States during a time of armed conflict;
2. Served as a member of the National Guard or Armed Forces Reserve on active duty for any length of time during any portion of the time the Armed Forces of the United States were engaged in Operation Iraqi Freedom and Operation Enduring Freedom; or,
3. Served as a member of the National Guard or Armed Forces Reserve on active duty for any length of time during any portion of the time the Armed Forces of the United States were engaged in Operation Desert Shield or Operation Desert Storm and whose service occurred in an area of imminent danger as defined below.

(i) the Persian Gulf;

(ii) the Red Sea;

(iii) Gulf of Oman;

(iv) the portion of the Arabian Sea that lies north of 10 degrees north latitude and west of 68 degrees east longitude;

(v) the Gulf of Aden; and,

(vi) the total land area of Saudi Arabia, Kuwait, Iraq, Yemen, Oman, Bahrain, Qatar, and the United Arab Emirates.

(c) Documentation of honorable discharge and eligible service must be evidenced with the DD 214 Certificate of Release or Discharge from Active Duty.

(2) Veterans' Preference in Entrance Exams.

(a) Veterans, as defined in Section (1)(b), will be given five (5) points in addition to their earned passing ratings on any numerically scored written entrance examination.

(b) The following individuals will be given ten (10) points in addition to their earned passing ratings and in lieu of the five (5) points provided in subsection (2)(a):

1. Veterans who establish by official records the present existence of a service-connected disability of at least 10%, as rated and certified by the U.S. Department of Veterans Affairs;
2. Veterans over 55 years of age who because of disability, whether service-connected or not, are entitled to pension or compensation under existing laws;
3. Spouses of disabled veterans (as described in the two preceding provisions) if the spouses are qualified and the disabled veterans themselves are disqualified for appointment because of the disability; or,
4. Unmarried widows or widowers of deceased veterans of any period of armed conflict.

(c) The point preference is in lieu of and not in addition to any other similar preference accorded under federal or state law.

(d) In examinations where experience is an element of qualifications, time spent in the Armed Forces of the United States during a period of armed conflict will be credited in an applicant's ratings, where the applicant's actual employment in a similar vocation to that for which the applicant applies was temporarily interrupted by such service but was resumed after discharge.

(3) Veterans' Preference in Hiring. If the hiring agency does not use numerically scored written examination to fill positions, the hiring agency must give appropriate consideration to persons eligible for veterans' preferences as defined in this Rule.

(a) Preference will be given to eligible veterans, as defined above, whose qualifications for a job they have applied for are equivalent to the most suitable non-veteran applicant for that job.

(b) An agency is not required to hire a preference eligible veteran who is not the most suitable applicant for the position.

(4) Exceptions to Veterans' Preference in Exams and Hiring. Preference does not apply in cases of promotion, demotion, or transfer to a different job.

(a) Persons who served in a civilian capacity do not receive preference, even if they accompanied military forces.

(b) Persons who were dishonorably discharged or discharged under conditions other than honorable are not eligible for veterans' preferences. NOTE: A general discharge does not disqualify a person for veterans' preferences.

(5) Veterans' Preference in Reduction of Personnel. When reductions are being made in personnel, a veteran of any period of armed conflict entitled to military preference in

appointment with an average summary performance evaluation rating of successful performer will not be discharged or dropped or reduced in rank or salary before a nonveteran in competition with the veteran.

Georgia provides employment preference to Veterans and their spouses when hiring for state jobs. This preference is achieved by adding points to the passing scores of pre-employment examinations.

- Five points are added to a Veteran's score.
- Ten points are added to a Veteran's surviving spouse's score.
- Ten points are added to the score of a Veteran with a 10% or more disability rating from the VA.
- Ten points are added to the score of a spouse of a disabled Veteran with a 100% service-connected disability rating from the VA.

Eligibility includes Veterans, Disabled Veterans, their spouses, and surviving spouses.

Applicants must submit the following documentation to the Georgia Department of Administrative Services, Human Resources Administration:

- Veteran's DD214
- Official documentation from the VA, dated within the last six months of the Veteran's service-connected disability (if applicable)
- Marriage certificate (for spouse or surviving spouse)
- Veteran's Death Certificate (for surviving spouse)

Veteran's Preference cannot be awarded until copies of the appropriate documentation have been received. For more information, please call 404-656-2705 or 877-318-2772, or email HRA@doas.ga.gov.

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]

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

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[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.

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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.

[6] You can also contribute on-line at www.roa.org.