Reserve Organization of America

Law Review 26101

HAWAII: VETERANS' PREFERENCE

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RESERVE SERVICE LAW CENTER

EXECUTIVE SUMMARY

Hawaii gives veterans' preference for open competitive public jobs to honorably discharged veterans who served in qualifying periods or campaigns, increased to 10 points for disabled veterans, Purple Heart recipients, and certain spouses and surviving spouses. A DD214 is required.

Veterans' Preference:
Hawaii

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).

Federally, Veterans who are disabled or served on active duty in the U.S. Armed Forces during specific time periods or in military campaigns are entitled to preference over non-Veterans in hiring into the Federal civil service and during reductions in force. By Federal law, Veterans may be granted 5 or 10 points in any scoring process for examinations or interviews.

5-Point Hiring Preference:

- Five points are added to the examination score or rating of a Veteran who served during a war.

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- Five points are added to the examination score or rating of a Veteran who served between April 28, 1952, and July 1, 1955.
- Five points are added to the examination score or rating of a Veteran who served for more than 180 consecutive days, excluding training, after January 31, 1955, and before October 15, 1976.
- Five points are added to the examination score or rating of a Veteran who served during the Gulf War from August 2, 1990, to January 2, 1992.
- Five points are added to the examination score or rating of a Veteran who served for more than 180 consecutive days, excluding training, after September 11, 2001, and before August 31, 2010, the last day of Operation Iraqi Freedom.
- Five points are added to the examination score or rating of a Veteran who served in a campaign or expedition for which a campaign medal has been authorized. Any Armed Forces Expeditionary medal or campaign badge, including El Salvador, Lebanon, Grenada, Panama, Southwest Asia, Somalia, and Haiti, qualifies for preference.

10-Point Compensable Disability (CP) Preference:

- Ten points are added to the examination score or rating of a Veteran who served at any time and has a compensable service-connected disability rating of at least 10% but less than 30%.
- 10-Point Compensable Disability Preference (CPS): Ten points are added to the passing examination score or rating of a Veteran who served at any time and has a compensable service-connected disability rating of 30% or more.
- 10-Point Disability Preference (XP): Ten points are added to the passing examination score or rating of a Veteran who served at any time and has a present service-connected disability, is receiving compensation, disability retirement benefits, or pension from the military or the VA, but does not qualify as a CP or CPS. Alternatively, it is for a Veteran who received a Purple Heart.
- 10-Point Derived Preference (XP): Ten points are added to the passing examination score or rating of spouses, surviving spouses, or mothers of Veterans. Both a mother and a spouse (including a surviving spouse) may be entitled to preference based on the same Veteran's service if they both meet the requirements. However, neither may receive preference if the Veteran is living and is qualified for Federal employment.

Ten points are added to the passing examination score or rating of the spouse of a disabled Veteran who is disqualified for a federal position due to a service-connected disability that significantly impacts their usual occupation. This disqualification may be presumed when the Veteran is unemployed and meets one of the following criteria: (1) Is rated by appropriate military or VA authorities as 100% disabled and/or unemployable, or (2) Has retired, been separated, or resigned from a civil service position due to a service-connected disability, or (3) Has attempted to obtain a civil service position or a position similar to their usual occupation but failed to qualify due to a service-connected disability.

Preference may be granted in other circumstances, but any situation that falls short of these criteria warrants a more thorough analysis.

A campaign medal holder or Gulf War Veteran who initially enlisted after September 7, 1980, or began active duty on or after October 14, 1982, and has not completed 24 consecutive months of active duty, must serve for a minimum of 24 months or the entire duration of their active duty call or order. However, this requirement does not apply to 10-point preference eligible Veterans who were separated due to disability resulting from or aggravated in the line of duty, or to Veterans who were separated due to hardship or other reasons under Title 10 U.S.C. 1171 or 1173.

Hawaii State Veterans' Preference for Public Employment[1]:

§76-103 – Veteran's Preference
The extent to which veteran's preference shall be given to veterans, to disabled veterans, to spouses of disabled veterans, and to surviving spouses of deceased servicemen who have not remarried shall be provided by rules and regulations. [L 1955, c 274, pt of §1; RL 1955, §3-81; am L 1967, c 279, §1; HRS §76-103; am L 1973, c 177, §1(3)]

Hawaii offers a hiring preference for eligible Veterans and their spouses when hiring for open competitive positions in public employment.

Veterans' preference is awarded to honorably discharged Veterans who served on active duty in the U.S. Armed Forces and meet one of the following service requirements:

- Served from December 7, 1941, to July 1, 1955, or
- Served for more than 180 consecutive days from January 31, 1955, to October 14, 1976 (excluding active duty for training), or
- In a campaign or expedition for which a campaign badge or service medal was authorized.

Veterans' preference is further enhanced to 10 points for the following individuals:

- Honorably discharged Veterans with a service-connected disability or who were awarded the Purple Heart
- Spouses of honorably discharged Veterans with a service-connected disability that prevents them from working in state employment or their usual occupation
- Unremarried surviving spouses of service members who died while serving on active duty
- Unremarried surviving spouses of honorably discharged Veterans who served during the specified time periods

[1] 2023 Hawaii Revised Statutes Title 7. Public Officers and Employees 76. Civil Service Law §76-103, Veteran's Preference.

All Veterans must submit a copy of their DD214 to verify their character of discharge and period of service. Disabled Veterans must also provide a copy of their VA disability award letter, dated within the past 12 months, as proof of their service-connected disability. Spouses or surviving spouses must also provide proof of marriage and, if applicable, the Veteran's death.

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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[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:

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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.

[4] Congress recently established the United States Space Force as the eighth uniformed service.
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