Reserve Organization of America

Law Review 26103

ILLINOIS: VETERANS' PREFERENCE

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RESERVE SERVICE LAW CENTER

EXECUTIVE SUMMARY

Illinois gives veterans preference in state employment, with 10 points for veterans holding a VA service-connected disability or a Purple Heart, and Illinois Guard members ranked ahead of other states' Guard members. Separate laws cover public works and private employers.

Veterans' Preference:
Illinois

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).

Illinois Veteran Preference for State Employment[1]:

(20 ILCS 415/8b.7) Sec. 8b.7 Veteran Preference
(c) A veteran is qualified for a preference of 10 points if the veteran currently holds proof of a service connected disability from the United States Department of Veterans Affairs or an allied country or if the veteran is a recipient of the Purple Heart.

(330 ILCS 55/1) Sec. 1. Veterans Preference.
(a) In the employment and appointment to fill positions in the construction, addition to, or alteration of all public works undertaken or

[1] Illinois Compiled Statutes Chapter 20 (20 ILCS 415/8.b7), Veteran Preference, 2016 Illinois Compiled Statutes Chapter 30 (30 ILCS 55/1, 55/1.5, 55/2, 55/3), (30 ILCS 56/1, 56/5, 56/10, 56/15, 56/20), Veteran Preference.

contracted for by the State, or by any political subdivision thereof, preference shall be given to persons who have been members of the armed forces of the United States or who, while citizens of the United States, were members of the armed forces of allies of the United States in time of hostilities with a foreign country, and have served under one or more of the following conditions:

(1) The veteran served a total of at least 6 months, or
(2) The veteran served for the duration of hostilities regardless of length of engagement, or
(3) The veteran served in theater of operations but was discharged on the basis of hardship, or
(4) The veteran was released from active duty because of a service connected disability and was honorably discharged. But such preference shall be given only to those persons who are found to possess the business capacity necessary for the proper discharge of the duties of such employment. No political subdivision or person contracting for such public works is required to give preference to veterans, not residents of such district, over residents thereof

For the purposes of this Section, a person who has been a member of the Illinois National Guard shall be given priority over a person who has been a member of the National Guard of any other state.

"Time of hostilities with a foreign country" means any period of time in the past, present, or future during which a declaration of war by the United States Congress has been or is in effect or during which an emergency condition has been or is in effect that is recognized by the issuance of a Presidential proclamation or a Presidential executive order and in which the armed forces expeditionary medal or other campaign service medals are awarded according to Presidential executive order.

"Armed forces of the United States" means the United States Army, Navy, Air Force, Space Force, Marine Corps, or Coast Guard, United States Reserve Forces, or the National Guard of any state. Service in the Merchant Marine that constitutes active duty under Section 401 of federal Public Law 95-202 shall also be considered service in the Armed Forces of the United States for purposes of this Section.
(Source: P.A. 102-498, eff. 1-1-22; 103-746, eff. 1-1-25.)

(330 ILCS 55/1.5) Sec. 1.5. Seasonal employment with Department of Transportation.
Persons who have been members of the armed forces of the United States or who, while citizens of the United States, were members of the armed forces of allies of the United States in time of hostilities with a foreign country, and have served under one or more of the conditions listed under subsection (a) of Section 1 shall be preferred for appointment to and employment with the Illinois Department of Transportation for the positions of snow removal operator and winter salaried highway maintainer under the Department's Winter Seasonal Employment Program.
(Source: P.A. 102-498, eff. 1-1-22.)

(330 ILCS 55/2) Sec. 2.
Every contract for such work shall contain a term providing for the preference given in Section 1.
(Source: Laws 1935, p. 1411.)

(330 ILCS 55/3) Sec. 3.
Any person who knowingly and willfully violates the provisions of this Act, is guilty of a petty offense and shall be fined not less than $75, nor more than $300 for each offense.
(Source: P.A. 95-566, eff. 8-31-07.)

(330 ILCS 56/1) Sec. 1. Short title.

This Act may be cited as the Veterans Preference in Private Employment Act.
(Source: P.A. 99-152, eff. 1-1-16.)

(330 ILCS 56/5) Sec. 5. Purpose.
The General Assembly intends to establish a permissive preference in private employment for certain veterans.
(Source: P.A. 99-152, eff. 1-1-16.)

(330 ILCS 56/10) Sec. 10. Definitions.
As used in this Act:

"Armed forces of the United States" means the United States Army, Marine Corps, Navy, Air Force, and Coast Guard, or the reserve component of any of those, and includes the Illinois National Guard.

"Private employer" means any non-public sole proprietor, corporation, partnership, limited liability company, or other private, non-public entity employing one or more employees within Illinois.

"Veteran" means an individual who meets one or more of the following:

(1) has served on active duty with the armed forces of the United States for a period of more than 180 days and was discharged or released from active duty under conditions other than dishonorable;
(2) was discharged or released from active duty with the armed forces of the United States because of a service-connected disability; or
(3) is a member of the Illinois National Guard who has never been deployed but separated under conditions other than dishonorable as noted on the individual's NGB-22 discharge form.

"Veterans' preference employment policy" means a private employer's voluntary preference for hiring, promoting, or retaining a veteran over another equally qualified applicant or employee.
(Source: P.A. 99-152, eff. 1-1-16.)

(330 ILCS 56/15) Sec. 15. Veterans' preference employment policy.
A private employer may adopt and apply a voluntary veterans' preference employment policy if:

(1) the veterans' preference employment policy is in writing;
(2) the veterans' preference employment policy is publicly posted by the private employer at the place of employment or on any website maintained by the private employer;
(3) the private employer's job application informs all applicants of the veterans' preference employment policy and where the policy may be obtained; and
(4) the private employer applies the veterans'

preference employment policy uniformly for all employment decisions regarding the hiring or promotion of veterans or the retention of veterans during a reduction in force.
(Source: P.A. 99-152, eff. 1-1-16.)

(330 ILCS 56/20) Sec. 20. Verification of eligibility.
A private employer who maintains a veterans' preference employment policy pursuant to Section 15 of this Act may require and rely on an applicant's or employee's Department of Defense DD214/DD215 forms or their predecessor or successor forms, an applicant's or employee's NGB-22 discharge form or its predecessor or successor forms (if a member of the National Guard), and a U.S. Department of Veterans Affairs award letter (if the applicant or employee is claiming a service-connected disability) to establish eligibility for such policy.
(Source: P.A. 99-152, eff. 1-1-16.)

In Illinois, all veterans participating in the Illinois veteran preference for State employment must submit a certified copy of their DD214 or DD215 as proof of service when applying. Illinois National Guard/Reserves non-activated members only receive points added to a passing grade. Qualified veterans seeking employment with the State are eligible for points added to a passing grade and receive absolute appointment preference within a given grade.

Under state law, qualified veterans are considered for interviews and employment before non-veterans in the same grade category. For more information on application essentials, employment counseling, CMS testing, and veterans' preference guidelines, refer to the State Employment Tip Sheet for Veterans.

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.

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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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