Reserve Organization of America

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INDIANA: VETERANS' PREFERENCE

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RESERVE SERVICE LAW CENTER

Veterans' Preference:
Indiana

EXECUTIVE SUMMARY

Indiana adds a 10% bonus to veterans' scores in state civil service hiring. Private employers may also adopt a voluntary veterans' preference policy, which must be written and applied uniformly to hiring, promotion, and layoff decisions.

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.
- Five points are added to the examination score or rating of a Veteran who served between April 28, 1952, and July 1, 1955.

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- 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.

Indiana State Employment Veterans Hiring Preference[1]:

§10-17-15-1 - "DD 214"
As used in this chapter, "DD 214" means a Department of Defense Report of Separation form or its predecessor or successor form. *IC 10-17-15-1*
Added by P.L. 205-2015, SEC. 1, eff. 7/1/2015.

§10-17-15-2 - "Private employer"
As used in this chapter, "private employer" means a sole proprietor, corporation, partnership, limited liability company, or other entity with one (1) or more employees. The term does not include: **(1)** the state; **(2)** a political subdivision (as defined in IC 36-1-2-13); or **(3)** a state educational institution (as defined in IC 21-7-13-32). *IC 10-17-15-2*
Added by P.L. 205-2015, SEC. 1, eff. 7/1/2015.

§10-17-15-3 - "Veteran"
As used in this chapter, "veteran" means an individual who:
(1) has served in: **(A)** the United States armed forces or their reserves; **(B)** the Indiana Army National Guard; or **(C)** the Indiana Air National Guard; and
(2) was released from active duty under conditions other than dishonorable. *IC 10-17-15-3*
Added by P.L. 205-2015, SEC. 1, eff. 7/1/2015.

§10-17-15-4 - "Veterans' preference employment policy"
As used in this chapter, "veterans' preference employment policy" means a private employer's voluntary veterans' preference employment policy that gives preference for hiring, promoting, or retaining a veteran over another qualified applicant or employee. *IC 10-17-15-4*
Added by P.L. 205-2015, SEC. 1, eff. 7/1/2015.

§10-17-15-5 - Private employer authority
Except as provided in section 10 of this chapter, a private employer may have a veterans' preference employment policy. *IC 10-17-15-5*
Added by P.L. 205-2015, SEC. 1, eff. 7/1/2015.

[1] 2015 Indiana Code Article 17 Chapter 15 §10-17-15-(1-10), Voluntary Veterans' Preference Employment Policy

§10-17-15-6 - Policy requirements

A veterans' preference employment policy under this chapter must be in writing and applied uniformly to employment decisions regarding hiring, promotion, or retention during a reduction in force. *IC 10-17-15-6*
Added by P.L. 205-2015, SEC. 1, eff. 7/1/2015.

§10-17-15-7 - Eligibility

A private employer with a veterans' preference employment policy may require that a veteran submit a DD 214 to the private employer to be eligible for the preference. *IC 10-17-15-7*
Added by P.L. 205-2015, SEC. 1, eff. 7/1/2015.

§10-17-15-8 - Granting of preference

Granting preference under this chapter does not violate any local or state equal employment opportunity laws. *IC 10-17-15-8*
Added by P.L. 205-2015, SEC. 1, eff. 7/1/2015.

§10-17-15-9 - Duties of department

The Indiana department of veterans' affairs shall assist a private employer in determining if an applicant is a veteran in a manner that protects personal privacy consistent with applicable privacy laws and regulations. *IC 10-17-15-9*
Added by P.L. 205-2015, SEC. 1, eff. 7/1/2015.

§10-17-15-10 - Policy prohibitions

Any policy adopted under section 5 of this chapter may not:

(1) apply to or abrogate a collectively bargained agreement in effect before the adoption of the policy; and

(2) interfere with an employer's obligations under the federal National Labor Relations Act (29 U.S.C. 151 et seq.) or the federal Uniformed Services Employment and Reemployment Act (38 U.S.C. 4301 et seq.). *IC 10-17-15-10*
Added by P.L. 205-2015, SEC. 1, eff. 7/1/2015.

Indiana offers Veterans' preference in its civil service employment for Veterans. During the hiring process, Veterans receive a 10% bonus on their scores.

To be eligible, Veterans must meet the following requirements:

- Have served on active duty in the U.S. Armed Forces for at least 181 days.
- Have received an honorable discharge.

Additionally, private employers may have a written policy granting preference to Veterans in hiring, promotion, or retention (during a reduction in force). This policy must be applied uniformly to all employees.

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.
[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.

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.

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