Reserve Organization of America

Law Review 26105

IOWA: VETERANS' PREFERENCE

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RESERVE SERVICE LAW CENTER

EXECUTIVE SUMMARY

Iowa adds 5 percentage points to veterans' passing exam scores for state, county, city, and school district jobs, plus 5 more for veterans with a service-connected disability. Private employers may also give preference to veterans and certain surviving spouses.

Veterans' Preference:
Iowa

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).

Iowa State Employment Veteran Employment Preference[1]:

§35.1 – Definitions

As used in this chapter and chapters 35A through 35D:
1. *"Department"* means the Iowa department of veterans affairs created in section 35A.4.
2. *"Veteran"* means any of the following:
a. A resident of this state who served in the armed forces of the United States at any time during the following dates and who was discharged under honorable conditions:

[1] 2024 Iowa Code Title 1 Chapter 35 §35.1, Definitions. 2016 Iowa Code Title 1 Chapter 35 §35.3, Veterans preference in private employment permitted.

(1) World War I from April 6, 1917, through November 11, 1918.
(2) Occupation of Germany from November 12, 1918, through July 11, 1923.
(3) American expeditionary forces in Siberia from November 12, 1918, through April 30, 1920.
(4) Second Haitian suppression of insurrections from 1919 through 1920.
(5) Second Nicaragua campaign with marines or navy in Nicaragua or on combatant ships from 1926 through 1933.
(6) Yangtze service with navy and marines in Shanghai or in the Yangtze valley from 1926 through 1927 and 1930 through 1932.
(7) China service with navy and marines from 1937 through 1939.
(8) World War II from December 7, 1941, through December 31, 1946.
(9) Korean Conflict from June 25, 1950, through January 31, 1955.
(10) Vietnam Conflict from February 28, 1961, through May 7, 1975.
(11) Lebanon or Grenada service from August 24, 1982, through July 31, 1984.
(12) Panama service from December 20, 1989, through January 31, 1990.
(13) Persian Gulf Conflict from August 2, 1990, through the date the president or the Congress of the United States declares a cessation of hostilities. However, if the United States Congress enacts a date different from August 2, 1990, as the beginning of the Persian Gulf Conflict for purposes of determining whether a veteran is entitled to receive military benefits as a veteran of the Persian Gulf Conflict, that date shall be substituted for August 2, 1990.

b.

(1) Former members of the reserve forces of the United States who served at least twenty years in the reserve forces and who were discharged under honorable conditions. However, a member of the reserve forces of the United States who completed a minimum aggregate of ninety days of federal active duty, other than training, and was discharged under honorable conditions, or was retired under Tit. 10 of the United States Code shall be included as a veteran.
(2) Former members of the Iowa national guard who served at least twenty years in the Iowa national guard and who were discharged under honorable conditions. However, a member of the Iowa national guard who was activated for federal duty, other than training, for a minimum aggregate of ninety days, and was discharged under honorable conditions or was retired under Tit. 10 of the United States Code shall be included as a veteran.
(3) Former members of the active, oceangoing merchant marines who served during World War II at any time between December 7, 1941, and December 31, 1946, both dates inclusive, who were discharged under honorable conditions.
(4) Former members of the women's air force service pilots and other persons who have been conferred veterans status based on their civilian duties during World War II in accordance with federal Pub. L. No. 95-202, 38 U.S.C. § 106.
(5) Former members of the armed forces of the United States if any portion of their term of enlistment would have occurred during the time period of the Korean Conflict from June 25, 1950, through January 31, 1955, but who instead opted to serve five years in the reserve forces of the United States, as allowed by federal law, and who were discharged under honorable conditions.
(6) Members of the reserve forces of the United States who have served at least twenty years in the reserve forces and who continue to serve in the reserve forces.

(7) Members of the Iowa national guard who have served at least twenty years in the Iowa national guard and who continue to serve in the Iowa national guard.
c. A resident of this state who served on federal active duty, other than training, in the armed forces of the United States and who was discharged under honorable conditions.
d. A resident of this state who served in any component of the armed forces of the United States, who is in receipt of service-connected disability from the United States department of veterans affairs, and who was discharged under honorable conditions.

§35.3 – Veterans preference in private employment permitted
1. A private employer may grant preference in hiring and promotion to an individual who is a veteran.
2. a. A private employer may grant preference in hiring and promotion to the spouse of a veteran who has sustained a permanent, compensable service-connected disability as* adjudicated by the United States veterans administration or by the retirement board of one of the armed forces of the United States.
b. A private employer may grant preference in hiring and promotion to the surviving spouse of a deceased member of the United States armed forces who died while serving on active duty during a time of military conflict or who died as a result of such service.
3. Granting a hiring or promotion preference under this section does not violate any state law or local ordinance regarding equal employment opportunity, including but not limited to chapter 216.
4. The hiring and promotion preferences allowable under this section shall only be granted if consistent with applicable federal laws and regulations.

Iowa offers Veteran hiring preference when hiring for state employment, including state departments, county governments, city governments, and school districts. Veterans receive five percentage points added to passing examinations for hiring. If a Veteran has a service-connected disability, receives compensation, disability benefits, or a pension from the VA, they receive an additional five percentage points. These Veteran Preference points are added to the final scores and used to rank applicants for interview selection. However, this preference is not available for promotions or appointments of chiefs of police departments or fire departments.

To be eligible, service members or Veterans must meet one of the following requirements:

- Served on active duty in the U.S. Armed Forces and received an honorable discharge.
- Service member or honorably discharged Veteran who served in the National Guard or the U.S. Armed Forces Reserves on federal active duty for 90 or more days (excluding training).
- Service member or honorably discharged Veteran who served in the National Guard or the U.S. Armed Forces Reserves for at least 20 years.
- To be eligible for the additional five points, Veterans must have a service-connected disability or be receiving compensation, disability benefits, or a pension from the VA. Veterans who received the Purple Heart are also considered eligible. For more information, please contact the Iowa Department of Employment Services, Veterans Employment Representative at 515-725-5452.

Additionally, Iowa private employers are authorized by law to implement a hiring and promotion preference for Veterans and their spouses. To be eligible, service members or Veterans must meet one of the following requirements:

- Served on active duty in the U.S. Armed Forces and received an honorable discharge.
- Served in the National Guard or the U.S. Armed Forces Reserves on federal active duty for 90 or more days (excluding training).
- Served in the National Guard or the U.S. Armed Forces Reserves for at least 20 years.

For spouses to be eligible, they must meet one of the following requirements:

- Spouse of a Veteran with a compensable, permanent, service-connected disability rating from the VA or a military retirement board.
- Surviving spouse of a service member who died while serving on active duty during wartime or as a result of that service.

The Iowa Department of Administrative Services Website highlights some of the most critical information regarding Veterans' Preference laws in the state of Iowa. What qualifies as proof of service, whether spouses and parents of Veterans qualify for preference, and whether a general discharge or uncharacterized discharge qualify for preference are just some of the questions addressed on the Iowa Department of Administrative Services Website.

https://das.iowa.gov/state-employment/veterans-resource-page

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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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

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

(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.