Reserve Organization of America

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KENTUCKY: VETERANS' PREFERENCE

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RESERVE SERVICE LAW CENTER

Veterans' Preference:
Kentucky

EXECUTIVE SUMMARY

Kentucky gives interview preference for competitive state and local government jobs to veterans, currently serving Guard and Reserve members, and certain family members. Wartime service and mobilization aren't required, but documents must be submitted before the posting closes.

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).

Kentucky State Employment Veterans' Preference[1]:

§18A.150. Interview preference for current service members, honorably or generally discharged former service members, and members' spouses, surviving spouses, and dependent parents -- Required interviews.

[1] 2023 Kentucky Revised Statutes Chapter 18A §18A.150, Interview preference for current service members, honorably or generally discharged former members, and members' spouses, surviving spouses, and dependent parents – Required interviews. 2023 Kentucky Revised Statutes Chapter 40 §40.345, Private employer may have voluntary veterans' preference employment policy – Registry of employers – Administrative regulations.

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(1) Interview preference to a competitive classified position for which he or she meets the minimum qualifications established for the job classification shall apply to:

(a) Any person who has served in the Armed Forces of the United States, Reserves, or National Guard who was discharged or released therefrom with an honorable discharge, discharge under honorable conditions, or a general discharge, or his or her spouse or unmarried widow or widower;

(b) The unmarried widow or widower of any military personnel who died while in the Armed Forces of the United States, Reserves, or National Guard, unless circumstances surrounding the death was cause for other than honorable or general discharge separation; and

(c) Any current member of the Armed Forces of the United States, Reserves, or National Guard or his or her spouse.

(2) A parent totally or partially dependent on a person who has served in the Armed Forces of the United States, Reserves, or National Guard and lost his or her life under honorable conditions while on active duty or active duty for training purposes or became permanently and totally disabled as a result of a service-connected disability shall have interview preference to a competitive classified position for which he or she meets the minimum qualifications established for the job classification.

(3) (a) Applicants entitled to interview preference as set forth in this section shall be clearly identified.

(b) 1. If the number of individuals identified in paragraph (a) of this subsection is less than five (5), the employing agency shall offer an interview to all individuals identified in paragraph (a) of this subsection.

2. If the number of individuals identified in paragraph (a) of this subsection equals or exceeds five (5), the employing agency shall offer an interview to no fewer than five (5).

(4) Interview preference shall only apply to candidates seeking initial appointment to the classified service.

§40.345. Private employer may have voluntary veterans' preference employment policy -- Registry of employers -- Administrative regulations.

(1) The following definitions apply in this section unless context otherwise requires:

(a) "Private employer" means a sole proprietor, corporation, partnership, limited liability company, or other entity with one (1) or more employees and excludes the state, a municipality, county, school district, or public institution of higher education; and

(b)"Veterans' preference employment policy" means a private employer's voluntary preference for hiring, promoting, or retaining a veteran over another qualified applicant or employee.

(2) A private employer may have a voluntary veterans' preference employment policy. The veterans' preference employment policy shall be in writing and applied uniformly to employment decisions regarding hiring, promotion, or retention during a reduction in workforce. The private employer may require the veteran to submit a Department of Defense form DD 214 as proof of eligibility for the veterans' preference employment policy. Granting preference under this section does not violate any local or state equal employment opportunity law, including but not limited to KRS Chapter 344.

(3) The Department of Veterans' Affairs and the Education and Labor Cabinet may assist a private employer in determining the veteran's status as an applicant. The Education and Labor

Cabinet may maintain an online registry of employers that have a voluntary veterans' preference employment policy as described in this section and may promulgate administrative regulations to assist in the creation of this policy.

Kentucky offers Veterans' Preference, which grants interview preference to Veterans and their eligible family members applying for competitive classified positions in state and local government. To receive this preference, applicants must meet the minimum requirements for the position and submit the necessary documentation before the advertisement closes for the job vacancy. This preference applies only to candidates seeking initial appointments.

Eligible applicants include:

- Veterans who served in an active or reserve component of the U.S. Armed Forces and received an Honorable or General (Under Honorable Conditions) Discharge.
- Service members currently serving in an active or reserve component of the U.S. Armed Forces.
- Spouses of eligible Veterans or current Service members.
- Unmarried surviving spouses of deceased Veterans.
- Dependent parents of disabled or deceased Veterans.

It's important to note that Veterans are not required to have served during a time of war or conflict to be eligible. Additionally, U.S. Armed Forces Reserve and National Guard Service members are not required to have been called to active duty or mobilized to qualify for preference.

The Team Kentucky Personnel Cabinet Website provides Veterans' Preference eligibility requirements, the required documentation to be eligible for Veterans' Preference, and other additional information regarding Veterans' Preference laws in the state of Kentucky. When and where documents must be submitted, how to obtain copies of documents, and whether Veterans' Preference guarantees an interview are just some of the frequently asked questions addressed on the Team Kentucky Personnel Cabinet Website.

Veterans Preference Eligibility Requirements:

https://kypersonnelcabinet.csod.com/ats/careersite/search.aspx?site=22&c=kypersonnelcabinet

Required Documentation to Be Eligible for Veterans Preference:

https://kypersonnelcabinet.csod.com/ats/careersite/search.aspx?site=23&c=kypersonnelcabinet

Veterans Preference Frequently Asked Questions:

https://kypersonnelcabinet.csod.com/ats/careersite/search.aspx?site=24&c=kypersonnelcabinet

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.

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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.