Reserve Organization of America

Law Review 26108

LOUISIANA: VETERANS' PREFERENCE

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RESERVE SERVICE LAW CENTER

EXECUTIVE SUMMARY

Louisiana adds 5 points to passing civil service exam scores for veterans who served in qualifying periods and 10 points for disabled veterans and certain spouses, surviving spouses, and surviving parents. The points apply only to new hires, not promotions.

Veterans' Preference:
Louisiana

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).

Louisiana Civil Service Veterans' Hiring Preference[1]:

§10(A)(2). Rules; Investigations; Wages and Hours. Veterans.
(10)(A)(2) Veterans. The state and city civil service departments shall accord a five-point preference in original appointment to each person who served honorably in the armed forces of the United States during a war declared by the United States Congress; or in a peacetime campaign or expedition for which campaign badges are authorized; or for at least ninety days after September 11, 2001, for reasons other

[1] Louisiana Civil Service System, Article X, §10(A)(2), Rules; Investigations; Wages and Hours. Veterans. 2023 Louisiana Laws Revised Statutes Title 23 §23:1001, Preference in hiring veterans for private employers.

than training; or during war period dates or dates of armed conflicts as provided by state law enacted by two-thirds of the elected members of each house of the legislature. The state and city civil service departments shall accord a ten-point preference in original appointment to each honorably discharged veteran who served either in peace or in war and who has one or more disabilities recognized as service-connected by the Veterans Administration; to the spouse of each veteran whose physical condition precludes his or her appointment to a civil service job in his or her usual line of work; to the unremarried widow of each deceased veteran who served in a war period, as defined above, or in a peacetime campaign or expedition; or to the unremarried widowed parent of any person who died in active wartime or peacetime service or who suffered total and permanent disability in active wartime or peacetime service; or the divorced or separated parents of any person who died in wartime or peacetime service or who became totally and permanently disabled in wartime or peacetime service. However, only one ten-point preference shall be allowed in the original appointment to any person enumerated above. If the ten-point preference is not used by the veteran, either because of the veteran's physical or mental incapacity which precludes his appointment to a civil service job in his usual line of work or because of his death, the preference shall be available to his spouse, unremarried widow, or eligible parents as defined above, in the order specified. However, any such preference may be given only to a person who has attained at least the minimum score required on each test and who has received at least the minimum rating required for eligibility.

§23:1001. Preference in hiring veterans for private employers

A. (1) The intent of the legislature is to authorize private employers to establish a preference in employment for certain veterans which shall be analogous to the system by which the state and city governments give preferences in employment to veterans pursuant to Article X, Section 10 of the Constitution of Louisiana.

(2) It is the intent of the legislature that the provisions of this Section are permissive and not mandatory as it relates to private employers.

B. A private employer may adopt an employment policy that gives preference in hiring to all of the following:

(1) An honorably discharged veteran.
(2) The spouse of a veteran with a service-connected disability.
(3) The unremarried widow or widower of a veteran who died of a service-connected disability.
(4) The unremarried widow or widower of a member of the United States Armed Forces who died in the line of duty under combat-related conditions.

C. An employer may voluntarily establish a policy which grants preference in hiring to a veteran or a certain family member of a veteran pursuant to the provisions of this Part.

D. The preferences for the employment of veterans provided for in this Part shall not be considered a violation of any state or local equal employment opportunity law.

Acts 2016, No. 190, §1.

Louisiana offers a Veterans' Hiring Preference for state employment to Veterans, their spouses, surviving spouses, and surviving parents. Eligible candidates can receive five or ten additional points to their final passing scores on civil service examinations. These points are only granted in new hiring situations and do not apply for promotions.

Veterans who were honorably discharged or discharged under honorable conditions and served in the U.S. Armed Forces during specific periods are eligible for five preference points. These periods include:

- June 27, 1950, through January 31, 1955 (Korean Conflict)
- July 1, 1958, through August 4, 1964 (Vietnam Theater)
- August 5, 1964, through May 7, 1975 (Vietnam Era)
- August 2, 1990, through an indeterminate date (must have received the Southwest Asia Service Medal)
- When a campaign medal was awarded (must be clearly stated on DD214)
- At least 90 days of active duty service (excluding training) after September 11, 2001

Veterans who served in the U.S. Armed Forces and have a service-connected disability rating from the VA, or one of their family members, are eligible for ten preference points. These family members include:

- Spouse of a Veteran whose disability prevents them from working
- Unmarried surviving spouse of a deceased Veteran who served during any of the listed periods.

Unmarried surviving parents of service members who died while serving on active duty in the U.S. Armed Forces, or Veterans with service-connected total and permanent disabilities, are eligible for benefits.

Required documentation for Veterans includes a DD214 and a VA Benefit Summary Letter documenting a service-connected disability, dated within the last six months if claiming a 10-point preference.

Applicants who are not eligible Veterans must submit the Louisiana Claim Form for Veterans Preference for Spouse/Parent, a death certificate (if applicable), and a marriage certificate (if applicable).

Louisiana Professional Licensing Military and Veteran Benefits allow service members, Veterans, and military spouses to receive various benefits. These benefits include accepting military education and experience to meet licensing requirements, recognizing military-trained applicants with current licenses issued by other states or jurisdictions whose regulations meet or exceed Louisiana licensing requirements, issuing professional licenses to military spouses with current licenses from other states or jurisdictions that meet or exceed Louisiana licensing requirements, and providing temporary licenses with accelerated processing while a full license application is pending.

For more information, applicants should contact the Louisiana licensing board that regulates their profession. Louisiana Professional License Governing Authorities Directory

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:

Reserve Organization of America
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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.