Reserve Organization of America

Law Review 26110

MARYLAND: VETERANS' PREFERENCE

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RESERVE SERVICE LAW CENTER

EXECUTIVE SUMMARY

Maryland lets certified disabled veterans with an honorable discharge and a 30% or higher service-connected disability rating be hired into state jobs without a competitive selection process. They register through the Maryland State Online Employment Center.

Veterans' Preference:
Maryland

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).

Maryland State Employment Certified Disabled Veteran Hiring Preference[1]:

[1] 2024 Maryland Statutes State Labor and Employment Title 3 Subtitle 7 §3-714, Hiring and Promotion Preferences – Veterans and Veterans' Spouses. 2024 Maryland Statutes State Personnel and Pensions Division I Title 7 Subtitle 2 §7-203, Selection of Candidates.

§3-714. Hiring and Promotion Preferences – Veterans and Veterans' Spouses
(a) In this section, "eligible veteran" means a veteran of any branch of the armed forces of the United States who has received an honorable discharge or a certificate of satisfactory completion of military service, including:

(1) the National Guard;

(2) the military reserves;

(3) the Commissioned Corps of the Public Health Service; and

(4) the Commissioned Corps of the National Oceanic and Atmospheric Administration.

(b) An employer may grant a preference in hiring and promotion to:

(1) an eligible veteran;

(2) the spouse of an eligible veteran who has a service–connected disability; or

(3) the surviving spouse of a deceased eligible veteran.

(c) Granting a preference under subsection (b) of this section does not violate any State or local equal employment opportunity law.

§7-203. Selection of Candidates
(a) An appointing authority may select candidates for a position:

(1) from an existing list of eligible candidates;

(2) if the appointing authority decides to recruit for the position, by recruitment;

(3) from a special list of eligible candidates whom the Division of Rehabilitation Services of the Department of Education certifies as being physically capable and adequately trained to qualify for the position;

(4) from a list of contractual employees performing the same or similar duties of the position; or

(5) as provided in subsection (b) of this section.

(b) (1) An appointing authority may select a disabled veteran for a position if:

(i) the disabled veteran:

1. served in any branch of the armed forces of the United States; and

2. A. is included on a United States armed forces permanent disability list with a disability rating of at least 30%; or

B. has been rated by the United States Department of Veterans Affairs as having a compensable service–connected disability of at least 30%;

(ii) the disabled veteran presents to the appointing authority written documentation:

1. issued by an appropriate department of the federal government within the year preceding selection; and

2. certifying the existence and extent of the veteran's disability;

(iii) the appointing authority determines that the disabled veteran is qualified to perform the duties and responsibilities of the position;

(iv) the appointing authority notifies the Secretary in writing that the position is to be filled by a disabled veteran on a noncompetitive basis in accordance with this subsection; and

(v) the disabled veteran does not hold a permanent appointment or have mandatory reinstatement rights to a permanent appointment.

(2) The requirements of § 7–209 of this subtitle do not apply to a disabled veteran selected for a vacant position under paragraph (1) of this subsection.

(3) If an appointing authority elects to select a disabled veteran for a vacant position under paragraph (1) of this subsection, the appointing authority may interview any disabled veteran who:

(i) has expressed an interest to the appointing authority in applying for the position; and

(ii) satisfies the requirements under paragraph (1) of this subsection.

(4) Except as provided in paragraph (3) of this subsection, if an appointing authority elects to select a disabled veteran for a vacant position under paragraph (1) of this subsection, the appointing authority is not required to interview any other qualified applicants for appointment to the position.

(5) This subsection does not require an appointing authority to select a disabled veteran for a vacant position or prohibit an appointing authority from filling a vacant position in accordance with the requirements of this subtitle.

Maryland State Employment Certified Disabled Veteran Hiring Preference: Certain disabled Veterans may be eligible for state employment without a competitive selection process. These Veterans must meet specific criteria, including having received an honorable

discharge and a 30% or higher service-connected disability rating from their branch of service or the VA.

Eligible Veterans must complete the Free Application at the Maryland State Online Employment Center to register as a certified disabled Veteran. Once registered, they will be considered for state employment opportunities.

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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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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