Reserve Organization of America

Law Review 26112

MICHIGAN: VETERANS' PREFERENCE

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RESERVE SERVICE LAW CENTER

EXECUTIVE SUMMARY

Michigan adds 5 points to passing civil service scores for veterans and surviving spouses and 10 points for disabled veterans and certain spouses. Where exams aren't used, agencies add 5% or 10% of the highest possible score instead.

Veterans' Preference:
Michigan

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).

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Michigan State Employment Veterans' Hiring Preference[1]:

2023 Michigan Compiled Laws. Preference in Employment (35.401 – 35.404)
https://law.justia.com/codes/michigan/chapter-35/statute-act-205-of-1897/

Michigan offers eligible Veterans and their spouses a preference in hiring for civil service positions. Applicants must meet the job's minimum qualifications and any specific selection criteria.

Civil Service Preference Points: If the selection process involves a numerical score or a written civil service examination, the following points are added to the final passing score:

- 5 points: Added to the score of a Veteran or surviving spouse.
- 10 points: Added to the scores of the following applicants:
    - Disabled Veteran
    - Spouse of a disabled Veteran with a 50% or higher service-connected disability rating
    - Surviving spouse with a child under 18 years of age
    - Surviving spouse with ongoing parental care for a disabled child

Agency Preference Points: If an examination score is not used, the following points are added to the applicant's screening score:

- 5% of the highest possible score: Added to the score of a Veteran or their surviving spouse.
- 10% of the highest possible score: Added to the scores of the following applicants:
    - Disabled Veteran
    - Spouse of a disabled Veteran with a 50% or higher service-connected disability rating
    - Surviving spouse with a child under 18 years of age
    - Surviving spouse with ongoing parental care for a disabled child

Preferential Consideration: If a mechanical or random screening process is used to reduce the number of applicants, eligible applicants for preference must be retained and

[1] 2023 Michigan Complied Laws Chapter 35 Act 205 of 1897 §35.401, Veteran; Preference for Appointment and Public Employment; Effect of Physical Impairment; Vacancy in Elective Office; Qualifications; Conflict With MCL 38.401 to 38.428; "Veteran" Defined. 2023 Michigan Complied Laws Chapter 35 Act 205 of 1897 §35.401a, Veterans; Military Experience Relevant Factor for Compensation; "Veteran" Defined. 2023 Michigan Complied Laws Chapter 35 Act 205 of 1897 §35.402, Veterans; Removal, Suspension or Transfer From Public Employment; Notice, Hearing; Protest, Waiver; Reinstatement, Compensation. 2023 Michigan Complied Laws Chapter 35 Act 205 of 1897 §35.402a, Veterans; Military Service Counted as Period of Employment. 2023 Michigan Complied Laws Chapter 35 Act 205 of 1897 §35.403, Violation of Act; Penalty. 2023 Michigan Complied Laws Chapter 35 Act 205 of 1897 §35.404, Veterans; Rejection of Application for Public Employment, Remedy.

included in the final candidate pool. All applicants will then be evaluated using the same merit appraisal system.

To be eligible as a Veteran, they must have served on active duty in the U.S. Armed Forces for 90 or more days, received an honorable discharge, and are not eligible for military retired pay. To qualify as a disabled Veteran, they must have a service-connected disability rating from the VA or their branch of service and are eligible for compensation.

To receive Veterans' preference, applicants must register on the Michigan Civil Service Commission, Veterans Preference Registration webpage. The link is included below:

https://www.governmentjobs.com/careers/michigan/jobs/1385017/veterans-preference

The State of Michigan Website provides a fact sheet highlighting some of the most important information regarding Veterans' Preference laws in the state of Michigan. How to qualify for Veterans' preference, standards for using Veterans' preference, and where to register are addressed on the Michigan State Employment Veterans' Hiring Preference Fact Sheet. The link is included below:

https://www.michigan.gov/-/media/Project/Websites/mdcs/vet/Veterans_Preference.pdf

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 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

[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.

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.

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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.

[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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