Reserve Organization of America

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MISSISSIPPI: VETERANS' PREFERENCE

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RESERVE SERVICE LAW CENTER

EXECUTIVE SUMMARY

Mississippi adds 5 points for eligible wartime veterans and 10 more for veterans rated 30% or more disabled or Purple Heart recipients, for initial and promotional state appointments. Veterans also get preference over non-veterans during layoffs.

Veterans' Preference:
Mississippi

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).

Federally, Veterans who are disabled or served on active duty in the U.S. Armed Forces during specific time periods or in military campaigns are entitled to preference over non-Veterans in hiring into the Federal civil service and during reductions in force. By Federal law, Veterans may be granted 5 or 10 points in any scoring process for examinations or interviews.

5-Point Hiring Preference:

- Five points are added to the examination score or rating of a Veteran who served during a war.
- Five points are added to the examination score or rating of a Veteran who served between April 28, 1952, and July 1, 1955.

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- Five points are added to the examination score or rating of a Veteran who served for more than 180 consecutive days, excluding training, after January 31, 1955, and before October 15, 1976.
- Five points are added to the examination score or rating of a Veteran who served during the Gulf War from August 2, 1990, to January 2, 1992.
- Five points are added to the examination score or rating of a Veteran who served for more than 180 consecutive days, excluding training, after September 11, 2001, and before August 31, 2010, the last day of Operation Iraqi Freedom.
- Five points are added to the examination score or rating of a Veteran who served in a campaign or expedition for which a campaign medal has been authorized. Any Armed Forces Expeditionary medal or campaign badge, including El Salvador, Lebanon, Grenada, Panama, Southwest Asia, Somalia, and Haiti, qualifies for preference.

10-Point Compensable Disability (CP) Preference:

- Ten points are added to the examination score or rating of a Veteran who served at any time and has a compensable service-connected disability rating of at least 10% but less than 30%.
- 10-Point Compensable Disability Preference (CPS): Ten points are added to the passing examination score or rating of a Veteran who served at any time and has a compensable service-connected disability rating of 30% or more.
- 10-Point Disability Preference (XP): Ten points are added to the passing examination score or rating of a Veteran who served at any time and has a present service-connected disability, is receiving compensation, disability retirement benefits, or pension from the military or the VA, but does not qualify as a CP or CPS. Alternatively, it is for a Veteran who received a Purple Heart.
- 10-Point Derived Preference (XP): Ten points are added to the passing examination score or rating of spouses, surviving spouses, or mothers of Veterans. Both a mother and a spouse (including a surviving spouse) may be entitled to preference based on the same Veteran's service if they both meet the requirements. However, neither may receive preference if the Veteran is living and is qualified for Federal employment.

Ten points are added to the passing examination score or rating of the spouse of a disabled Veteran who is disqualified for a federal position due to a service-connected disability that significantly impacts their usual occupation. This disqualification may be presumed when the Veteran is unemployed and meets one of the following criteria: (1) Is rated by appropriate military or VA authorities as 100% disabled and/or unemployable, or (2) Has retired, been separated, or resigned from a civil service position due to a service-connected disability, or (3) Has attempted to obtain a civil service position or a position similar to their usual occupation but failed to qualify due to a service-connected disability.

Preference may be granted in other circumstances, but any situation that falls short of these criteria warrants a more thorough analysis.

A campaign medal holder or Gulf War Veteran who initially enlisted after September 7, 1980, or began active duty on or after October 14, 1982, and has not completed 24 consecutive months of active duty, must serve for a minimum of 24 months or the entire duration of their active duty call or order. However, this requirement does not apply to 10-point preference eligible Veterans who were separated due to disability resulting from or aggravated in the line of duty, or to Veterans who were separated due to hardship or other reasons under Title 10 U.S.C. 1171 or 1173.

Mississippi State Employment Veterans Hiring Preference[1]:

§25-9-301. Definitions
The following terms shall have the meaning ascribed herein unless the context shall require otherwise:

(a) "Veteran" means a person who served in the active Armed Forces of the United States for a period of ninety (90) days during a period of war or armed conflict and was granted an honorable discharge therefrom; or was discharged therefrom for a service-connected injury in less than ninety (90) days.

(b) "Disabled veteran" means a veteran who the Veterans Administration has certified to have a service-connected disability rating of at least thirty percent (30%) within the last ninety (90) days, or a veteran who was awarded the Purple Heart for wounds received in combat.

§25-9-303. Preference for veterans in appointment, promotion and layoffs; additional preference for veterans with disabilities
(1) The State Personnel Board shall grant each veteran who is fully qualified preference over other applicants for an initial or promotional appointment. Disabled veterans shall be given additional preference.
(2) In establishing a layoff formula or procedure, the State Personnel Board shall grant preference to veterans and additional preference to disabled veterans.

§25-9-305. Rules and regulations
The State Personnel Board is authorized to establish a formula or formulas by rule and regulation to implement the provisions of sections 25-9-301 et seq.

The Mississippi State Personnel Board offers five preference points to eligible Veterans for initial or promotional appointments, while disabled Veterans receive an additional ten points. During layoffs, Veterans and disabled Veterans are given preference over non-Veteran employees.

Eligible Veterans include those who served on active duty in the U.S. Armed Forces for at least 90 days during a period of war or armed conflict and received an honorable discharge.

[1] Mississippi Code 1972 (2023) Title 25 Chapter 9 §25-9-301, Definitions. Mississippi Code 1972 (2023) Title 25 Chapter 9 §25-9-303, Preference for veterans in appointment, promotion and layoffs; additional preference for veterans with disabilities. Mississippi Code 1972 (2023) Title 25 Chapter 9 §25-9-305, Rules and regulations.

Alternatively, those who served less than 90 days and were discharged due to a service-connected injury are also eligible for five points.

Veterans with a service-connected disability rating of at least 30% or more from the VA, or those who received the Purple Heart, are eligible for ten points.

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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