Reserve Organization of America

Law Review 26115

MISSOURI: VETERANS' PREFERENCE

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RESERVE SERVICE LAW CENTER

EXECUTIVE SUMMARY

Missouri adds 5 points for qualifying veterans, six-year Reserve Component members, and certain spouses, and 10 points for disabled resident veterans and permanently disabled Missouri Guard members, on state exams. Private employers may adopt a preference policy too.

Veterans' Preference:
Missouri

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).

Missouri Employment Veterans Hiring Preference[1]:

§36.220. Preference for veterans – exceptions

1. In any competitive examination for the purpose of establishing a register of eligibles, veterans, disabled veterans, surviving spouses and spouses of disabled veterans shall be given preference. A veteran, or the surviving spouse of a veteran, a disabled veteran, or the spouse of a disabled veteran shall be given preference in appointment to a position subject to this chapter pursuant to

[1] 2024 Missouri Revised Statutes Title IV Chapter 36 §36.220, Preference for veterans – exceptions.

subsection 1 of section 36.030 over other eligibles if all other relevant job-related factors are equal.

2. Any person who has been honorably discharged from the Armed Forces of the United States shall receive appropriate credit for any training or experience gained therein in any examination if the training or experience is related to the duties of the class of positions for which the examination is given.

Missouri offers Veterans preference in hiring for state employment. When an examination determines eligible applicants, such as Veterans, Surviving Spouses of Veterans, disabled Veterans, or the Spouse of a disabled Veteran, they receive preference in the hiring process.

Eligible Missouri residents include those who meet the following criteria:

5 Point Eligibility:

- Served on active duty for at least six consecutive months (unless released early due to a service-connected disability or a reduction in force) and received an honorable discharge.
- Called to active duty and participated in a campaign or expedition for which a campaign badge or service medal has been authorized and received an honorable discharge.
- Served for at least six years in a reserve component of the U.S. Armed Forces.
- Spouse of an honorably discharged disabled Veteran who is unqualified for state employment due to their service-connected disability.
- Unremarried Surviving Spouse of an honorably discharged disabled Veteran.
- Unremarried Surviving Spouse of a Service member who was killed while serving on active duty in the U.S. Armed Forces.
- Unremarried Surviving Spouse of a Missouri National Guard Service member who was killed while serving on state active duty.

10 Point Eligibility:

- Resident Veterans who receive compensation from the VA for a service-connected disability.
- Former Missouri National Guard Service members who were permanently disabled while serving on state active duty.

Additionally, Missouri private employers are authorized to implement a Veterans' preference policy for hiring and promotion of Veterans, Spouses of disabled Veterans with a service-connected total and permanent disability, or Surviving Spouses of deceased Veterans.

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 the nation's only national military organization that exclusively and solely supports the nation's reserve components, including the Coast Guard Reserve (6,179 members), the Marine Corps Reserve 32,599 members), the Navy Reserve (55,224 members), the Air Force Reserve (68,048 members), the Air National Guard (104,984 members), the Army Reserve (176,171 members), and the Army National Guard (329,705 members).[3]

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 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.

Through these articles, and by other means, including amicus curiae ("friend of the court") briefs that we file in the Supreme Court and other courts, we advocate for the rights and interests of service members and educate service members, military spouses, attorneys, judges, employers, Department of Labor (DOL) investigators, Employer Support of the Guard and Reserve (ESGR) volunteers, federal and state legislators and staffers, and others about the legal rights of service members and about how to exercise and enforce those rights. We provide information to service members, without regard to whether they are members of ROA, but please understand that ROA members, through their dues and contributions, pay the costs of providing this service and all the other great services that ROA provides.

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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:

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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.