Reserve Organization of America

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NEW HAMPSHIRE: VETERANS' PREFERENCE

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RESERVE SERVICE LAW CENTER

EXECUTIVE SUMMARY

New Hampshire gives state hiring preference to a veteran who is equally qualified with other candidates, extending it to certain surviving spouses and spouses of totally disabled veterans. Specific positions carry their own preferences, and private employers may adopt a policy.

Veterans' Preference:
New Hampshire

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).

New Hampshire State Employment Veterans Hiring Preference[1]:

283:4. Employment of Veterans

I. In public employment of clerks, office help, mechanics, laborers, inspectors, supervisors, foremen, janitors, peace officers, and

[1] 2024 New Hampshire Revised Statutes Title XXIII Chapter 283 §283:4, Employment of Veterans. 2024 New Hampshire Revised Statutes Title XXIII Chapter 283 §283:5, Widows of Veterans; Wives of Disabled Veterans. 2024 New Hampshire Revised Statutes Title XXIII Chapter 277-G §275-G:2, Veterans' Preference Employment Policy. 2024 New Hampshire Revised Statutes Title XIII Chapter 176 §176:10, Preference Given. 2024 New Hampshire Revised Statutes Title VIII Chapter 119 §119:6, Commandant and Employees.

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relief employees in the construction of public works, public projects and in the conduct of city, town or district departments by a county, city, town, or district, or by persons contracting therewith for such construction, carrying out of relief projects and in the conduct of city, town, or district departments, preference shall be given to citizens of the state who have served in the armed forces of the United States, for not less than 90 days, in times of war, and have been discharged honorably therefrom or released from active duty therein, if equally qualified for said employment and if registered in accordance with the provisions of RSA 283:7. Where such employment is obtained from relief rolls or for persons in need, in cases of equal or greater need preference shall be given to such veterans.

II. When the state is the employer, preference in hiring shall be given to a veteran, as defined in RSA 21:50, if a veteran is one of multiple candidates who are otherwise equally qualified.

283:5. Widows of Veterans; Wives of Disabled Veterans
The employment preferences provided for veterans under the provisions of RSA 283:4 are extended to include any unremarried widow whose husband at the time of his death was a citizen of this state and who served in the armed forces of the United States during any war in which the United States has been engaged, and also to any wife of a totally disabled veteran who is a citizen of the state and who served in the armed forces of the United States during any war in which the United States has been engaged.

275-G:2. Veterans' Preference Employment Policy
Notwithstanding any law to the contrary, a private employer may establish a veterans' preference employment policy. Such policy:

I. Shall be in writing.

II. Shall be applied uniformly to employment decisions regarding hiring and promotion.

176:10. Preference Given
Any person who served for not less than 90 days in the armed forces of the United States during "any war in which the United States was engaged, and received an honorable discharge from such service," shall be given preference in appointment under the provisions of RSA 176:7, RSA 176:9, RSA 177:4, and RSA 179:59, if qualified for such positions.

119:6. Commandant and Employees
The board shall appoint, or may remove, for just cause, a commandant of the home. Honorably discharged veterans as defined in RSA 119:1 shall have preference for employment in the home if qualified by the New Hampshire division of personnel.

New Hampshire offers state employment hiring preferences to Veterans, disabled Veterans, and their unremarried surviving spouses when hiring for specific positions.

State Liquor Commission Employees: Veterans who received an honorable discharge from active duty in the U.S. Armed Forces after serving at least 90 days are eligible. (NH RS 176:10)

New Hampshire Veterans Home Commandant and Employees: Veterans who received an honorable discharge from service in the U.S. Armed Forces are eligible. (NH RS 119:6)

State and Local Government Employees: Veterans who received an honorable discharge from active duty service in the U.S. Armed Forces after serving at least 90 days during a time of war, or unremarried surviving spouses of wartime Veterans, or spouses of totally disabled, resident wartime Veterans, are eligible. (NH RS 283:4, RS 283.5)

Additionally, privately owned companies in New Hampshire may establish a Veterans preference employment policy. These policies must be in writing and applied uniformly to all hiring and promotions.

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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