Reserve Organization of America

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OKLAHOMA: VETERANS' PREFERENCE

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RESERVE SERVICE LAW CENTER

EXECUTIVE SUMMARY

Oklahoma adds 5 points to state exam scores for honorably discharged veterans and 10 for disabled wartime veterans. Veterans rated 30% or more disabled receive absolute preference at the top of the list and may be hired without entrance exams as special disabled veterans.

Veterans' Preference:
Oklahoma

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).

Oklahoma State Employee Veterans' Hiring Preference[1]:

§72-402. Definitions
As used in the Special Disabled Veterans Employment Act:
1. "Special disabled veterans" means those honorably discharged persons who:

[1] 2023 Oklahoma Statutes Title 72 §72-402, Definitions. 2023 Oklahoma Statutes Title 72 §72-403, Exemption from entrance examinations and hiring procedures – Probationary period – Permanent status. 2023 Oklahoma Statutes Title 72 §72-404, Reporting names of employed special disabled veterans. 2023 Oklahoma Statutes Title 40 §40-801, Voluntary Veterans' Preference Employment Policy Act.

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a. meet the criteria for war veterans as set out in Section 67.13a of this title,
b. have a service-connected disability rated at thirty percent (30%) or more by the Veterans Administration or the Armed Forces of the United States,
c. have been a resident of Oklahoma for at least one (1) year prior to the date of the examination, and
d. are registered with the veterans registry created by the Oklahoma Department of Veterans Affairs; and
2. "Agency" means any office, department, board, commission or institution of the state government.

§72-403. Exemption from entrance examinations and hiring procedures – Probationary period – Permanent status

A. Oklahoma state agencies are hereby authorized to employ special disabled veterans who are legal residents of the state in competitive and noncompetitive jobs. Such veterans shall be exempt from entrance examinations and hiring procedures administered by the Office of Management and Enterprise Services pursuant to Sections 840-4.12 and 840-4.13 of Title 74 of the Oklahoma Statutes.

B. Special disabled veterans hired pursuant to subsection A of this section shall be appointed for a probationary period of one (1) year, except that the appointing authority may waive in writing the remainder of the probationary period at any time after a probationary employee has served six (6) months; provided, however, that the disabled veteran and the Director of the Office of Management and Enterprise Services shall be notified in writing as to such action and the reason therefor. At the end of the probationary period and if the work of said veterans is satisfactorily performed, the veterans shall acquire permanent status.

C. Upon acquiring permanent status, special disabled veterans shall be subject to the rules and regulations of the Office of Management and Enterprise Services.

§72-404. Reporting names of employed special disabled veterans

Names of special disabled veterans employed by state agencies pursuant to this act shall be reported to the Office of Management and Enterprise Services who shall record the names and report the total number of such veterans so employed in the annual report for the Office of Management and Enterprise Services required by Section 840-1.6A of Title 74 of the Oklahoma Statutes.

§40-801. Voluntary Veterans' Preference Employment Policy Act

A. This section shall be known and may be cited as the "Voluntary Veterans' Preference Employment Policy Act".
B. As used in this section:
1. "DD 214" means United States Department of Defense Form 214 or a similarly effective form issued by the Department relating to separation from military service;
2. "Private employer" means a business entity in the private sector of this state with one or more employees;

3. "Veteran" means a person who served on active duty in the Armed Forces of the United States who was discharged or released with an honorable discharge and registered with the veterans registry created by the Oklahoma Department of Veterans Affairs; and

4. "Veterans' preference employment policy" means a private employer's voluntary preference for hiring, promoting or retaining a veteran over another qualified applicant or employee.

C. A private employer may have a voluntary veterans' preference employment policy. The policy:

1. Shall be in writing; and

2. Shall be applied uniformly to employment decisions regarding hiring, promotion or retention during a reduction in force.

D. An employer may require that a veteran submit a DD 214 to a private employer with a veterans' preference employment policy to be eligible for the preference.

E. The granting of a veterans' preference pursuant to the provisions of this section shall not be deemed to violate any local or state equal employment opportunity law or regulation.

F. The Department of Veterans Affairs shall assist any private employer in determining if an applicant is a veteran to the extent permitted by law.

Veterans, Disabled Veterans, and their spouses may be eligible for Veterans' hiring preference in Oklahoma state employment. This preference is granted by adding points to an applicant's passing scores on competitive and non-competitive examinations.

- Five points are added to the final score of a veteran who received an honorable discharge from the U.S. Armed Forces.

- Ten points are added to the final grade of a wartime veteran who has a service-connected disability rating from the VA (certification letter must be dated within six months).

- Veterans with a service-connected disability rating of 30% or higher are considered Absolute Preference Veterans. Their names are placed at the top of the list, ranked based on their examination scores. Absolute Preference Veterans cannot be denied employment without showing cause.

Special Disabled Veterans: Veterans with a 30% or more service-connected disability rating from the VA are exempted from entrance exams and other hiring procedures. A one-year probationary period applies.

Oklahoma Private Sector Voluntary Veterans Hiring Preference: Private-sector employers in Oklahoma are authorized to implement a Veterans employment preference policy for honorably discharged veterans. This preference policy must adhere to the following requirements:

- It must be in writing.

- It must be applied uniformly to employment decisions regarding hiring, promotion, or retention during a reduction in force.

- The veteran must be registered in the Oklahoma Department of Veterans Affairs, Oklahoma Veterans Registry.

- Employers may require applicants to provide their discharge documents to verify their eligibility for the preference.

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.

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