Reserve Organization of America

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RHODE ISLAND: VETERANS' PREFERENCE

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RESERVE SERVICE LAW CENTER

EXECUTIVE SUMMARY

Rhode Island adds 5 points to passing civil service entrance exam scores for veterans and 10 more for disabled wartime veterans. State career centers also give eligible veterans and spouses priority for employment and training services.

Veterans' Preference:
Rhode Island

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).

Rhode Island Civil Service Veterans Hiring Preference[1]:

§36-4-19. Placement of names on employment lists – Listing of veterans

(a) The names of all persons attaining the minimum final earned rating established by the personnel administrator shall be placed upon the employment list in the order of their ratings; provided, however, that there shall be added to the final earned ratings of examinees who are veterans in competitive tests for entrance into the classified service,

[1] 2023 Rhode Island General Laws Title 36 Chapter 36-4 §36-4-19, Placement of names on employment lists – Listing of veterans. 2023 Rhode Island General Laws Title 30 Chapter 30-21 §30-21-14, Preference in private employment.

but not for promotion in the service, who receive at least the minimum required final earned rating as stated in the public notice, service credits amounting to five (5) points for veterans or service credits amounting to ten (10) points for disabled veterans. On all employment lists, the letter "V" shall be placed opposite the name of each veteran as defined in chapter 3 of this title, who, by reason of his or her final earned rating, is entitled to have his or her name placed on an employment list, and the letters "DV" shall be placed opposite the name of each disabled veteran, as defined in chapter 3 of this title, who, by reason of his or her final earned rating is entitled to have his or her name placed on the list.

(b) For the purposes of this section:

(1) "War veteran" means any veteran of any conflict war, undeclared war or contingency operation who has earned a campaign ribbon or expeditionary medal for his or her service, in these operations, as noted on acceptable military documentation. The war veteran must have been honorably or generally discharged from the armed forces of this nation.

(2) "Veteran" means a person who served on active duty for other than training for a period of more than thirty (30) days and was discharged or released there from with other than a dishonorable discharge; or was discharged or released from active duty because of a service-connected disability; or served as a member of the national guard or reserve forces and served a minimum of twenty (20) years of honorable service in the national guard or reserve forces, has received a certificate of retirement and has been honorably or generally discharged from the national guard or reserve forces.

§30-21-14. Preference in private employment

(a) A private employer may adopt an employment policy that provides a preference in hiring or promotion, or both, to a veteran.

(b) A policy adopted under this section shall:

(1) Be in writing; and

(2) Be uniformly applied to employment decisions regarding hiring and promotion.

(c) A private employer may require that a veteran submit a Department of Defense DD Form 214 or similar documentation of separation from the U.S. Armed Forces to be eligible for a preference in hiring or promotion pursuant to this section.

(d) As used in this section, "veteran" means an individual who served on active duty in the U.S. Armed Forces and received an honorable or general discharge.

Rhode Island offers a Veteran hiring preference for competitive state employment. This preference is granted by adding points to passing civil service entrance exam scores.

Veterans are awarded a credit of 5 points. Disabled wartime Veterans receive an additional 10-point credit. To be eligible for Veteran's preference, Veterans must meet one of the following requirements:

1. They must have served 30 or more days on active duty in the U.S. Armed Forces and received a discharge other than dishonorable.
2. They must have served less than 30 days on active duty in the U.S. Armed Forces and been discharged due to a service-connected disability.
3. They must have retired from the National Guard or U.S. Armed Forces Reserves after 20 or more years of service.

Disabled Veterans must meet the following requirements:

1. They must have been awarded a campaign ribbon or expeditionary medal earned in a conflict, war, undeclared war, or contingency operation.
2. They must have received an Honorable or General discharge.
3. They must have been awarded a service-connected disability rating from the VA.

Rhode Island Department of Labor and Training (DLT) Career Centers, Veteran Services, provide specialized assistance and "Priority of Service" to eligible Veterans and their spouses.

Priority of service grants eligible individuals preference over others for Workforce Investment Act employment, training, and placement services. This includes providing first access to services when offered for a limited time and offering preferred registration in limited enrollment situations.

Some of the services offered include job search assistance and access to online job listings, career counseling, job search skills coaching, workshops on various job search strategies, access to resources (computers, reference materials, resume building software, and economic data), and networking groups.

Eligible Veterans include those who have served in an active or reserve component of the U.S. Armed Forces and were discharged or released under conditions other than dishonorable.

A spouse is eligible if their Veteran spouse meets one of the following conditions:

- Died due to a service-connected disability
- Are totally disabled due to a service-connected disability
- Service members listed as missing in action, captured, or forcibly detained for more than 90 days.

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]

[2] *See Personnel Administrator of Massachusetts v. Feeney*, 442 U.S. 256, 276 (1979). *See generally* Law Review 24055 (December 2024).

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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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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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[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.

Washington, DC 20002[6]

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.