Reserve Organization of America

Law Review 26134

TERRITORY OF THE VIRGIN ISLANDS: VETERANS' PREFERENCE

By Deng Majok

RESERVE SERVICE LAW CENTER

EXECUTIVE SUMMARY

The U.S. Virgin Islands adds 10 points to passing civil service exam scores for veterans, spouses, and unmarried surviving spouses, and 15 points for veterans rated 10% or more disabled and their spouses and surviving spouses.

Veterans' Preference:
Territory of the Virgin Islands

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).

U.S. Virgin Islands Government Employment Veterans' Hiring Preference[1]:

§525. Ratings of veterans of armed forces

(a) For the purposes of this section "Veteran" means a person who served in the active military service of the United States, and who was discharged or released therefrom under conditions other than dishonorable

[1] Virgin Islands Code Annotated Title 3 Chapter 25 Subchapter IV §525, Rating of veterans of armed forces.

1 Constitution Avenue N.E., Washington, D.C. 20002
(202) 479-2200 • roainfo@roa.org • roa.org

(b) For the purposes of this section "disabled veteran" means a veteran with a service-connected disability and currently rated 10 percent or more disabled by a Veterans' Administration disability board

(c) Every veteran shall be entitled to have added to his final earned rating 10 points of his total score on any test for an initial appointment, which new score shall then become the new final rating and be listed accordingly. Every disabled veteran capable of physically performing the functions of the position which he is seeking shall be entitled to have added to his final earned rating 15 points of his total score on any test for any initial appointment, which new score shall then become the final rating and be listed accordingly. The widow or spouse of a disabled veteran shall be entitled to the same benefit granted to disabled veterans under this subsection.

Veterans, their spouses, or surviving spouses can qualify for Veterans' Preference Credit when applying for government employment in the U.S. Virgin Islands (USVI). This credit is awarded by adding points to passing civil service examinations.

Eligible individuals for 10 points of Veterans' Preference Credit include:

- Veterans who served on active duty in the U.S. Armed Forces and received a discharge other than dishonorable
- Spouses of eligible veterans
- Unmarried surviving spouses of eligible veterans

Eligible individuals for 15 points of Veterans' Preference Credit include:

- Disabled veterans who served on active duty in the U.S. Armed Forces, received a discharge other than dishonorable, and have been awarded a 10% or more service-connected disability rating from the VA
- Spouses of eligible disabled veterans
- Unmarried surviving spouses of eligible disabled veterans

Veterans Services are provided by Disabled Veterans Outreach Program (DVOP) Specialists. These specialists are trained to assist eligible veterans and their spouses with employment and training needs, ensuring they receive priority of service or preference as prescribed by federal, state, and local laws.

DVOP Specialists also work directly with veterans and their spouses who face significant barriers to employment, providing intensive services to help them find jobs. These services include career and employment counseling, job referrals, labor market information, and job search workshops.

- Résumé, application, and cover letter assistance
- Eligibility assessment for special programs
- Referral to training and supportive services
- Information on veterans' employment benefits, rights, and preferences
- Career change resources

Eligible individuals for intensive services include:

- Veterans aged 18 to 24
- Homeless Veterans (or at risk of becoming homeless)
- Recently separated Service members who have been unemployed for 27 or more weeks in the previous 12 months
- Incarcerated or recently released offenders
- Individuals without a high school diploma or equivalent
- Individuals with low income
- Transitioning Service members in need of intensive services
- Wounded, ill, or injured Service members receiving treatment at military treatment facilities or Warrior Transition Units
- Spouses of Veterans who meet specific criteria, such as having a total service-connected disability, being declared missing in action, captured in the line of duty by a hostile force, declared a prisoner of war, or dying from a service-connected disability
- Family caregivers of wounded, ill, or injured Service members receiving treatment in a military treatment facility or Warrior Transition Unit

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]

Please join or support ROA

This article is one of 2,200-plus "Law Review" articles available at Law Center | ROA. The Reserve Officers Association, now doing business as the Reserve Organization of America (ROA), initiated this column in 1997. We add new articles each month.

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

[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.

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.

If you are now serving or have ever served in any one of our nation's eight[4] uniformed services, you are eligible for membership in ROA,[5] and a one-year membership only costs $20 or $450 for a life membership. Enlisted personnel as well as officers are eligible for full membership, and eligibility applies to those who are serving or have served in the Active Component, the National Guard, or the Reserve. If you are eligible for ROA membership, please join. You can join on-line at Reserve Organization of America - ROA or call ROA at 800-809-9448.

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:

Reserve Organization of America
1 Constitution Ave. NE
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.

[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.
[6] You can also contribute on-line at www.roa.org.