Reserve Organization of America

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UTAH: VETERANS' PREFERENCE

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RESERVE SERVICE LAW CENTER

Veterans' Preference:
Utah

EXECUTIVE SUMMARY

Utah adds 5 points or 5%, whichever is higher, to passing scores for initial state jobs for veterans and currently serving members, and 10 points or 10% for disabled veterans and Purple Heart recipients. Eligible spouses receive the same credit.

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).

Utah State Employment Veterans Hiring Preference[1]:

§71A-2-102. Veterans preference

(1) Each government entity shall grant a veterans preference upon initial application to each preference eligible individual according to the procedures and requirements of this chapter.

[1] 2023 Utah Code Title 71A Chapter 2 §71A-2-102, Veterans preference. 2023 Utah Code Title 71A Chapter 2 §71A-2-103, Veterans preference – Willful failure to give preference a misdemeanor. 2023 Utah Code Title 34 Chapter 50 §34-50-103, Voluntary veterans preference employment policy – Private employment – Antidiscrimination requirements

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(2) The personnel or human resource officer of any government entity shall add to the score of a preference eligible who receives a passing score on an examination, or any rating or ranking mechanism used in selecting an individual for any career service position with the government entity:

(a) 5% of the total possible score, if the preference eligible is a veteran or service member;

(b) 10% of the total possible score, if the preference eligible is a veteran or service member with a disability or a purple heart recipient; or

(c) in the case of a preference eligible spouse or surviving spouse, the same percentage the qualifying veteran or service member is, or would have been, entitled to.

(3) A preference eligible who applies for a position that does not require an examination, or where examination results are other than a numeric score, shall be given preference in interviewing for the position.

(4) Preference eligibility shall be added to a minimum of one step in the process.

(5) The granting of a veterans preference by a government entity in accordance with this chapter is not a violation of:

(a)Title 34A, Chapter 5, Utah Antidiscrimination Act; or

(b) any other state or local equal employment opportunity law.

§71A-2-103. Veterans preference – Willful failure to give preference a misdemeanor

(1) An officer, agent, or representative of a government entity who is charged with employment of people may not willfully fail to give preference as provided in this chapter.

(2) Willful failure to extend veterans preference to an applicant is a class B misdemeanor.

§34-50-103. Voluntary veterans preference employment policy – Private employment – Antidiscrimination requirements

(1) A private sector employer may create a veterans employment preference policy.

(2) A veterans employment preference policy shall be:

(a) in writing; and

(b) applied uniformly to employment decisions regarding hiring, promotion, or retention including during a reduction in force.

(3) A private employer may require a preference eligible individual to submit a discharge document form or proof of current service in the armed forces to be eligible for the preference. If the applicant is the spouse of a veteran or service member, the employer may require that the spouse submit the veteran's discharge document or proof of current service in the armed forces.

(4) A private employer's veterans employment preference policy shall be publicly posted by the employer at the place of employment or on the Internet if the employer has a website or uses the Internet to advertise employment opportunities.

Utah offers a hiring preference for Veterans, their spouses, or surviving spouses when hiring for initial employment by the state government. This preference is achieved by adding points or percentage points (whichever is higher) to passing scores on an exam or rating/ranking system used for hiring.

- Veterans: 5 points or 5% of the total possible score.

- Veterans with a disability or a Purple Heart recipient: 10 points or 10% of the total possible score.

- Eligible spouses or surviving spouses: The same points or percentage as the qualifying veteran.

To be eligible, applicants must meet one of the following requirements:

- Veteran who served on active duty in the U.S. Armed Forces for 180 consecutive days or more (active duty training does not qualify) and received an honorable discharge.

- Service member currently serving in the U.S. Armed Forces.

- Veteran or service member who received a disability rating from the VA or a branch of the U.S. Armed Forces.

- Spouse or surviving spouse of an eligible veteran.

- Purple Heart recipient.

- Service member who retired from the U.S. Armed Forces.

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).

(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]

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1 Constitution Ave. NE
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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.
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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.