Reserve Organization of America

Law Review 26137

VERMONT: VETERANS' PREFERENCE

By Deng Majok

RESERVE SERVICE LAW CENTER

EXECUTIVE SUMMARY

Vermont adds points to the scores of eligible veterans, disabled veterans, and certain spouses in state hiring. Veterans may also compete for jobs usually reserved for state employees, including "State Promotional Only" openings.

Veterans' Preference:
Vermont

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).

Vermont State Employment Veterans Hiring Preference[1]:

§1543. Preference in appointment to State positions
In certification for appointment, in appointment, in employing, in retention of employment position, whether in classified or unclassified civil service, whether for temporary or for extended time, wherever State funds furnish the payroll, preference shall be given to:

(1) ex-service personnel who served on active duty in any branch of the U.S. Armed Forces and have been separated from active duty under honorable conditions and who have established the present

[1] 2023 Vermont Statutes Title 20 Chapter 83 §1543, Preference in appointment to State positions.

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

existence of a service-connected disability or who are receiving compensation or disability retirement benefits by reason of public laws administered by the U.S. Department of Veterans Affairs, or the U.S. Department of Defense;

(2) spouses of service-connected disabled ex-service personnel who have themselves been unable to qualify for any civil service appointment by reason of their disability;

(3) unmarried widows or widowers of deceased ex-service personnel who served on active duty in the U.S. Armed Forces during any war, or in any campaign or expedition for which a campaign badge has been authorized, or during the period specified in subdivision (5) of this section and who were separated from active duty under honorable conditions;

(4) ex-service personnel who served on active duty in the U.S. Armed Forces, during any war, or in any campaign or expedition for which a campaign badge has been authorized, and have been separated from active duty under honorable conditions; and

(5) ex-service personnel who have served on active duty in the U.S. Armed Forces during the period beginning July 1, 1955, and have been separated from the U.S. Armed Forces under honorable conditions. (Amended 1967, No. 268 (Adj. Sess.), § 1, eff. March 7, 1968; 1987, No. 174 (Adj. Sess.), § 6; 2021, No. 20, § 146; 2021, No. 105 (Adj. Sess.), § 377, eff. July 1, 2022.)

Vermont offers Veterans preference in hiring for state employment. Eligible applicants receive additional points to their scores, which gives them an advantage in the selection process.

In addition to this preference, Veterans can apply for jobs that are typically reserved for current State employees. They can also apply and compete for vacant positions that are specifically advertised as "State Promotional Only."

The following individuals are eligible for Veterans preference:

- U.S. Armed Forces Veterans who served at least 90 days on active duty and received an honorable discharge.

- Veterans with a service-connected disability.

- Spouses of Veterans who have a total service-connected disability.

- Unmarried Surviving Spouses of Veterans.

The Vermont Department of Labor has trained staff at its Job Centers to assist Veterans in finding employment. They identify job training needs and provide funding for training. Some of the services offered include:

- Job search assistance.

- One-on-one career counseling.

- Resume writing, interview skills, and other career workshops.

- Connections to training and educational opportunities, including apprenticeships.

- Partner services specifically designed for Veterans.

Vermont Department of Labor Veterans Services Webpage

The Vermont Department of Labor also has Disabled Veterans Outreach Program Representatives who help disabled Veterans and Veterans with barriers to employment find suitable employment. For more information Veterans should contact their nearest Vermont Job Center.

Vermont Job Centers Directory

Applicants may view all job postings at the **Vermont Department of Human resources Careers webpage**.

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 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.

[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.

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.