Reserve Organization of America

Law Review 26139

WASHINGTON: VETERANS' PREFERENCE

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RESERVE SERVICE LAW CENTER

EXECUTIVE SUMMARY

Washington adds up to 10% to passing scores on initial public-employment exams for eligible veterans, with 5% for retirees and peacetime veterans. Reserve members called to active duty while employed receive 5% on promotional exams.

Veterans' Preference:
Washington

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).

Washington State Employment Veterans Hiring Preference[1]:

§357-16-110. Do veterans receive any preference in the hiring process

(1) If an employer is administering an examination prior to certification, the employer must grant preference to veterans in

[1] Washington Administrative Code Title 357 Chapter 357-16 Section 357-16-110, Do veterans receive any preference in. the hiring process? Revised Code of Washington Title 41 Chapter 41.04 §41.04.010, Veterans' scoring criteria status in examinations.

accordance with the veterans scoring criteria provisions of RCW 41.04.010. Veterans' scoring criteria is only added to passing scores.

(2) If no examination is administered prior to certification, the employer must refer the following individuals to the employing official under the provisions of RCW 73.16.010 as long as the individual meets the competencies and other position requirements:

(a) Eligible veterans with a qualifying discharge;

(b) Surviving spouses or registered domestic partners of eligible veterans with a qualifying discharge; or

(c) Spouses or registered domestic partners of veterans with a qualifying discharge who have a service-connected permanent and total disability.

§41.04.010. Veterans' scoring criteria status in examinations

In all competitive examinations, unless otherwise provided in this section, to determine the qualifications of applicants for public offices, positions, or employment, either the state, and all of its political subdivisions and all municipal corporations, or private companies or agencies contracted with by the state to give the competitive examinations shall give a scoring criteria status to all veterans as defined in RCW 41.04.007, by adding to the passing mark, grade or rating only, based upon a possible rating of one hundred points as perfect a percentage in accordance with the following:

(1) Ten percent to a veteran who served during a period of war or in an armed conflict as defined in RCW 41.04.005 and does not receive military retirement. The percentage shall be added to the passing mark, grade, or rating of competitive examinations until the veteran's first appointment. The percentage shall not be utilized in promotional examinations;

(2) Five percent to a veteran who did not serve during a period of war or in an armed conflict as defined in RCW 41.04.005 or is receiving military retirement. The percentage shall be added to the passing mark, grade, or rating of competitive examinations until the veteran's first appointment. The percentage shall not be utilized in promotional examinations;

(3) Five percent to a veteran who was called to active military service from employment with the state or any of its political subdivisions or municipal corporations. The percentage shall be added to promotional examinations until the first promotion only;

(4) All veterans' scoring criteria may be claimed:

(a) Upon release from active military service with a qualifying discharge as defined in RCW 73.04.005; or

(b) Upon receipt of a United States department of defense discharge document DD form 214, NGB form 22, or their equivalent or successor discharge paperwork, that characterizes his or her discharge as a qualifying discharge as defined in RCW 73.04.005.

Washington State offers a hiring preference for eligible Veterans and their spouses or surviving spouses. Applicants must meet the job requirements and possess the necessary skills to perform the duties.

For state employers that use a scored examination to determine hiring, passing scores for eligible Veterans will be enhanced by 10%. This preference is applicable only for initial employment.

- Veterans who served during wartime or when an expeditionary or campaign medal was authorized and are not eligible for military retired pay will receive an additional 10% boost to their scores.

- Veterans receiving military retired pay will receive an additional 5% boost to their scores.

- Veterans who did not serve during wartime will receive an additional 5% boost to their scores.

Additionally, a 5% boost will be applied to a promotional exam score of a reserve component service member who is called to active duty while employed in public service (only for the first promotion).

If an examination is not used, eligible applicants must be referred to the employing official for consideration.

To be eligible, Veterans must have received an honorable discharge from the U.S. Armed Forces. The surviving spouse of a deceased preference-eligible Veteran, or the spouse of an honorably discharged Veteran with a permanent and total service-connected disability rating, is eligible for the preference that the Veteran would have been entitled to.

Washington State WorkSource offices assist Veterans and their spouses in finding jobs. This includes priority access to WorkSource services and referrals to job listings available through WorkSource.

WorkSource centers also provide the following services to Veterans and their spouses:

- Job listings, job referrals, and hiring events

- Assistance with resumes, applications, and interviews

- Access to computers, copiers, and phones

- Skill assessments and referrals to training and other resources

The **WorkSource website** allows Veterans seeking employment to connect with Veteran-friendly employers and find employers that give Veteran's priority over other applicants.

Most WorkSource offices have Veteran Employment Specialists who can assist Veterans who have disabilities and other severe barriers to employment. For more information contact the nearest WorkSource office. **Washington State WorkSource Offices Directory**

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.

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.

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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.
[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.

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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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.