Reserve Organization of America

Law Review 26140

WEST VIRGINIA: VETERANS' PREFERENCE

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RESERVE SERVICE LAW CENTER

EXECUTIVE SUMMARY

West Virginia adds 5 points to passing state entrance exam scores for eligible veterans and another 5 for veterans with a service-connected disability or a Purple Heart. Applicants must submit their DD214 and, if applicable, a recent VA benefit letter.

Veterans' Preference:
West Virginia

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).

West Virginia Veterans Hiring Preference for State Employment[1]:

§6-13-2. Preference rating categories for veterans; benefits to be granted on written examinations for positions in state departments filed under nonpartisan merit system; other benefits

(a) For positions in any agency as defined in §5F-1-4 of this code or any other political subdivision of this state in which positions are filled under civil service or any job classification system, a 5-Point Preference category or a 10-Point Compensable Disability Preference

[1] West Virginia Code Chapter 6 Article 13 §6-13-2, Preference rating categories for veterans; benefits to be granted on written examinations for positions in state departments filed under nonpartisan merit system; other benefits.

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category shall be applied to qualifying veterans. A veteran who qualifies for either the 5-Point Preference category or the 10-Point Compensable Disability Preference category shall have the corresponding preference points added to his or her regular numerical score on employment examinations or category ratings: *Provided, however*; That the preference points may only be added to a passing score.

(b) If a veteran who qualifies for either the 5-Point Preference category or the 10-Point Compensable Disability Preference category also qualifies for another preference category, the veteran shall only be qualified to receive the benefits that correspond with the highest numerical preference category.

(c) To receive preference under this article, the veteran's separation from active duty must have been under honorable conditions.

(d) The benefits conferred pursuant to this article shall be made for the benefit and preference in appointment of all veterans who have heretofore, or who shall hereafter, take examinations, but shall not operate to the detriment of any person previously appointed to a position in any agency defined in §5F-1-4 of this code or any other political subdivision of this state.

(e) 5-Point Preference category applicability. — A 5-Point Preference shall be used for veterans who participated in active duty service as set forth in §6-13-1(a) and §6-13-1(b) of this code.

(f) 5-Point Preference benefits. — Under the 5-Point Preference, a qualifying veteran:

(1) Shall receive an additional five points that shall be added to the regular numerical score or rating of an employment examination: *Provided, however*; These preference points may only be added to a passing score or rating prior;

(2) Shall receive preference points as other eligibles do when the Rule of 3 is applied;

(3) Shall be entitled to be listed ahead of non-preference eligibles with the same score on an examination, or listed ahead of non-preference eligibles in the same quality category when agencies are using category rating;

(4) Shall be entitled to receive the same pass-over rights as other preference eligibles; and

(5) Shall be entitled to credit experience in the armed forces to meet the qualification requirements for employment.

(g) 10-Point Compensable Disability Preference category applicability. — A 10-Point Compensable Disability Preference shall be used for veterans who:

(1) Served on active duty for any period of time and meet the definitional requirement of "disabled veteran" as set forth in §6-13-1(e) of this code; or

(2) Received a Purple Heart medal.

(h) 10-Point Compensable Disability Preference benefits. — Under the 10-Point Compensable Disability Preference, a qualifying veteran:

(1) Shall receive an additional 10 points that shall be added to the regular numerical score or rating of an employment examination: *Provided, however*; These preference points may only be added to a passing score or rating;

(2) Shall receive preference points as other eligibles do when the Rule of 3 is applied;

(3) Shall be entitled to be listed ahead of non-preference eligibles with the same score on an examination, or listed ahead of non-preference eligibles in the same quality category when agencies are using category rating;

(4) Shall be entitled to receive the same pass-over rights as other preference eligibles; and

(5) Shall be entitled to credit experience in the armed forces to meet the qualification requirements for employment.

Eligible Veterans can enhance their passing entrance exam scores for state employment by up to 10 preference points. Applicants who meet specific criteria will receive five additional points to their final passing examination score. These criteria include:

1. Active duty service at any time.

2. Reserve component service member called to active duty service and serving for more than 90 days.

3. Reserve component service member who entered active duty and received a campaign or expeditionary medal, is a disabled Veteran, or completed 24 months of continuous active duty or the full term ordered unless discharged under 10 U.S.C. 1171 or for hardship under 10 U.S.C. 1173 and received or was eligible to receive a campaign or expeditionary medal.

An additional five points will be added to the final score of a Veteran who received a Purple Heart or has a service-connected disability. The Purple Heart must be listed on the Veteran's DD214.

Applicants claiming Veteran's Preference points must submit a copy of their DD214 and, if applicable, a VA Benefit Summary Letter dated within the last six months. This letter must indicate that they are receiving compensation for a service-connected disability.

The West Virginia Division of Personnel Website provides a Veterans Preference Points Calculator. To estimate your eligibility for Veterans Preference simply answer a few Yes/No questions. For more information or assistance please call the West Virginia Division of Personnel at 304-558-3950. The link to the Calculator is included below:

https://personnel.wv.gov/Pages/VeteransPreference.aspx

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).

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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.
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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.