Reserve Organization of America

Law Review 26141

WISCONSIN: VETERANS' PREFERENCE

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RESERVE SERVICE LAW CENTER

EXECUTIVE SUMMARY

Wisconsin adds 10 to 20 points to passing scores for initial state jobs, depending on disability rating, for veterans and certain spouses and surviving spouses. Veterans rated 30% or more disabled may be appointed without competing.

Veterans' Preference:
Wisconsin

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).

Wisconsin State Employment Veterans Hiring Preference[1]:

§66.0509. Civil service system; veterans preference
(1) Any city or village may proceed under s. 61.34(1), 62.11(5) or 66.0101 to establish a civil service system of selection, tenure and status, and the system may be made applicable to all municipal personnel except the chief executive and members of the governing body, members of boards and commissions including election officials, employees subject to s. 62.13, members of the judiciary and supervisors. Any town may establish a civil service

[1] 2023-2024 Wisconsin Statutes Chapter 66 Subchapter V §66.0509, Civil service system; veterans preference.

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system under this subsection. For veterans there shall be no restrictions as to age, and veterans and their spouses shall be given preference points in accordance with s. 63.08(1) (fm). The system may also include uniform provisions in respect to attendance, leave regulations, compensation and payrolls for all personnel included in the system. The governing body of any city, village or town establishing a civil service system under this section may exempt from the system the librarians and assistants subject to s. 43.09(1).

(1m)

(a) A local governmental unit, as defined in s. 66.0131(1) (a), that does not have a civil service system on June 29, 2011, shall establish a grievance system not later than October 1, 2011.

(b) To comply with the grievance system that is required under par. (a), a local governmental unit may establish either a civil service system under any provision authorized by law, to the greatest extent practicable, if no specific provision for the creation of a civil service system applies to that local governmental unit, or establish a grievance procedure as described under par. (d).

(c) Any civil service system that is established under any provision of law, and any grievance procedure that is created under this subsection, shall contain at least all of the following provisions:

1. A grievance procedure that addresses employee terminations.

2. Employee discipline.

3. Workplace safety.

(d) If a local governmental unit creates a grievance procedure under this subsection, the procedure shall contain at least all of the following elements:

1. A written document specifying the process that a grievant and an employer must follow.

2. A hearing before an impartial hearing officer.

3. An appeal process in which the highest level of appeal is the governing body of the local governmental unit.

(e) If an employee of a local governmental unit is covered by a civil service system on June 29, 2011, and if that system contains provisions that address the provisions specified in par. (c), the provisions that apply to the employee under his or her existing civil service system continue to apply to that employee.

(2)

(a) Any town may establish a civil service system under sub. (1) and in the departments that the town board may determine. Any person who has been employed in a department for more than 5 years before the establishment of a civil service system applicable to that department is eligible to appointment without examination.

(b) Any town not having a civil service system and having exercised the option of placing assessors under civil service under s. 60.307(3) may establish a civil service system for assessors under sub. (1), unless the town has come within the jurisdiction of a county assessor under s. 70.99.

(3) When any town has established a system of civil service, the ordinance establishing the system may not be repealed for a period of 6 years after its enactment, and after the 6-year period it may be repealed only by proceedings under s. 9.20 by referendum vote. This subsection does not apply if a town comes, before the expiration of the 6 years, within the jurisdiction of a county assessor under s. 70.99.

(4) Any civil service system established under the provisions of this section shall provide for the appointment of a civil service board or commission and for the removal of the members of the board or commission for cause by the mayor with approval of the council, by the city manager and the council in a city organized under ss. 64.01 to 64.15 , and by the board in a village or town.
(5) All examinations given in a civil service system established under this section, including minimum training and experience requirements, for positions in the classified service shall be job-related in compliance with appropriate validation standards and shall be subject to the approval of the board or commission appointed under sub. (4). All relevant experience, whether paid or unpaid, shall satisfy experience requirements.

Wis. Stat. § 66.0509

Wisconsin offers a hiring preference to eligible Veterans and their spouses when applying for state employment. This preference applies only to initial employment.

For positions that use a competitive examination or rating, applicants' passing scores will be enhanced by points. The number of points added depends on the applicant's status:

- Veterans will receive 10 points.

- Disabled Veterans with a VA disability rating of less than 30% will receive 15 points.

- Disabled Veterans with a VA disability rating of 30% or higher will receive 20 points.

- Spouses of disabled Veterans with a VA disability rating of 70% or higher will receive 10 points.

- Unremarried surviving spouses of Veterans who were killed in action or who died from a service-connected disability will receive 10 points.

For positions that do not use a competitive examination, applicants' names will be added to a list of eligible applicants.

Wisconsin State Employment Non-Competitive Appointment for Veterans:

Eligible disabled Veterans who are not currently employed as permanent state employees in Wisconsin may be able to apply for state employment without having to compete or take a civil service assessment.

Who is eligible for a Wisconsin State Employment Non-Competitive Appointment?

Veterans with a 30% or higher service-connected disability rating from the VA and an honorable discharge are eligible for non-competitive appointments in Wisconsin state employment.

To be eligible, veterans must provide a copy of their DD214 and a VA Benefit Summary Letter dated within the last 12 months.

Once determined eligible, veterans can create an account at wisc.jobs and apply under the Veterans Non-Competitive Appointment, Job ID: 3375. For more information, contact the Wisconsin Division of Personnel Management at 608-266-1713 or email DOADPM@wisconsin.gov.

The Wisconsin Department of Administration, Division of Personnel Management, provides a Veteran Status Form. If not applying online, through www.Wisc.Jobs, submit this completed form with your paper application. **You need to complete this form only once, unless your veteran status changes or you wish to file a late application.** The link is included below:

https://dpm.wi.gov/Documents/DPM%20FORMS/DOA-15529%20Veteran%20Status.pdf

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).
[3] *See* https://crsreports.congress.gov/product/pdf/IF/IF10540/. These are the authorized figures as of 9/30/2022.

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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.

[4] Congress recently established the United States Space Force as the eighth uniformed service.
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