Reserve Organization of America

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WYOMING: VETERANS' PREFERENCE

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RESERVE SERVICE LAW CENTER

Veterans' Preference:
Wyoming

EXECUTIVE SUMMARY

Wyoming adds 5% to the scores of veterans and surviving spouses, plus another 10% for disabled veterans, when new state hires are scored. Where scoring isn't used, they must receive a comparable advantage over non-veteran candidates.

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).

Wyoming Veterans Hiring Preference in State Employment[1]:

§19-14-102. Interview preference in public departments; qualifications
(a) In every public department veterans or surviving spouses shall have a preference prior to the interview process. Age or other impairment which does not in fact materially incapacitate shall not disqualify them from receiving preference if they possess the business capacity, competency, education or other qualifications for discharge of the

[1] 2023 Wyoming Statutes Title 19 Chapter 14 §19-14-102, Interview preference in public departments; qualifications. 2023 Wyoming Statutes Title 19 Chapter 14 §19-14-111, Employment; permissive preference in private employment.

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duties required. If the disabilities do not materially interfere with performance of the duties, the disabled veterans shall be given preference over able-bodied veterans.

(b) Each official or person having power of appointment in the public service is charged with the faithful compliance with the duties herein prescribed.

(c) Whenever a veteran or surviving spouse applies for initial employment with a public department that uses a numerical scoring system prior to its interview process, the veteran or surviving spouse shall be allowed a five percent (5%) advantage over any nonveteran. A veteran that has a service connected disability of ten percent (10%) or more shall be given a ten percent (10%) advantage. Whenever a veteran or surviving spouse applies for initial employment with a public department and no numerical scoring system is used prior to the interview process, the veteran or surviving spouse shall be given an advantage over nonveteran candidates that reasonably approximates the advantage given to veterans or surviving spouses applying for initial employment with a public department that uses a numerical scoring system in the interview process pursuant to this subsection. No preference under this section shall be given to a veteran currently employed by a public department.

(d) As used in this section:

(i) "Public department" includes the state of Wyoming or any of its branches, agencies, municipalities, counties, school districts, political subdivisions, special districts, community college districts and the University of Wyoming;

(ii) "Veteran" means a member of the United States military establishment honorably discharged from service who has been a resident of the state of Wyoming for one (1) year or more at any time prior to the date when the veteran applies for employment;

(iii) "Surviving spouse" means a person who was married to a veteran at the time of the veteran's death and who receives survivor benefits from the federal government based on the veteran's military service.

§19-14-111. Employment; permissive preference in private employment
(a) A private employer may grant preference to a veteran in hiring and promotion.
(b) A private employer may grant preference in hiring and promotion to a spouse of a disabled veteran and to a surviving spouse of a deceased veteran.
(c) The granting of a preference based on a person's status under subsection (a) or (b) of this section shall not be considered a discriminatory or unfair employment practice under local or state equal employment opportunity law, provided the granting of the preference is not based in any manner on consideration of a characteristic, attribute or category enumerated in state law as constituting a discriminatory or unfair employment practice.
(d) As used in this section:
(i) "Disabled veteran" means a veteran who has a compensable service connected permanent and total disability certified by the United States veterans administration or by the retirement board of one (1) of the several branches of the armed forces;

(ii) "Veteran" means a member of the armed forces of the United States whose written evidence of separation from the armed forces shows an honorable discharge or the rendition of honorable military service.

Wyoming offers a hiring preference to eligible Veterans and their Surviving Spouses when applying for state employment. To be eligible, applicants must meet the following requirements:

1. Residency in Wyoming for at least a year prior to the application.

2. Honorable discharge from the U.S. Armed Forces.

3. Service-connected disability of 10% or more (10% advantage).

4. Surviving Spouse who was married to a Veteran at the time of their death and is receiving federal survivor benefits.

Applicants must also meet the position's requirements and demonstrate the ability to perform the duties effectively.

When a numerical scoring system is used for hiring, Veterans and Surviving Spouses receive a 5% advantage. Disabled Veterans receive an additional 10% advantage. If a numerical scoring system is not employed, Veterans and Surviving Spouses must be given an advantage over non-Veteran candidates that is comparable to the preference granted in a numerical scoring system. This preference is only available for new hires.

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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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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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.