



Allow Private Sector Employers to Offer Hiring Preference to Veterans

Private sector employers attempting to establish preferred veteran hiring practices may be risking claims of discrimination.

KEY MESSAGE: Many companies would like to give special consideration to hiring veterans due to unique skill sets, proven work ethic and reliability but may be hesitant to do so out of concern of being sued under Title VII of the Civil Rights Act of 1964. However, Title VII, Section 11 of the Civil Rights Act contains a carve-out that exempts veterans' preference processes that are authorized by state statute.



DISCUSSION POINTS:

- States are making great strides to improve veteran employability by removing professional licensing barriers and crediting military education and experience. However, employment ultimately depends on employers providing workforce opportunities.
- Forty states and the District of Columbia award preference to veterans who are being considered for hire to a *public* position.
 - Unlike government employers, who have been incorporating veterans' hiring preferences since 1944, *private* employers do not have statutory protection to establish comparable business hiring policies.
- Through statute, states can establish policy that enables employers to provide targeted improvements in veteran workforce opportunities:
 - The statute can authorize, without mandating, a private sector employer to establish a veterans' preference process for veterans;
 - The veterans' preference processes authorized in state statute are not subject to EEOC challenge under the Title VII exception¹:
 - "Nothing contained in this subchapter shall be construed to repeal or modify any Federal, State, territorial, or local law creating special rights or preference for veterans."²
 - The language requires that an employer applies the preference policy uniformly to employment decisions regarding hiring and promotion.
 - Statutes that allow private sector veteran preference policies (that are parallel to those used by state and local governments) can allow employers to equitably compete for veteran talent.

Approximately 360,000 service members separate or retire from the active duty, guard and reserve force annually. These individuals gained important attributes, such as integrity, service before self, tenacity, loyalty and focus, in addition to many gaining technical skills. Providing employers an opportunity to offer veterans meaningful employment is important to them and to the economy.

¹ U.S. Equal Employment Opportunity Commission, *Policy Guidance on Veterans' Preference Under Title VII*, Notice N-915.06.

² 42 U.S.C. § 2000e-11 (1982).