

Chapter 10 Veteran's Preference

71-10-1 Definitions.

As used in this chapter:

- (1) "Active duty" means active military duty and does not include active duty for training, initial active duty for training, or inactive duty for training.
- (2) "Government entity" means the state, any county, municipality, local district, special service district, or any other political subdivision or administrative unit of the state, including state institutions of education.
- (3) "Preference eligible" means:
 - (a) any individual who has served on active duty in the armed forces for more than 180 consecutive days, or was a member of a reserve component who served in a campaign or expedition for which a campaign medal has been authorized and who has been separated under honorable conditions;
 - (b) a veteran with a disability, regardless of the percentage of disability;
 - (c) the spouse or unmarried widow or widower of a veteran;
 - (d) a purple heart recipient; or
 - (e) a retired member of the armed forces.
- (4) "Veteran" means the same as that term is defined in Section 68-3-12.5.
- (5) "Veteran with a disability" means an individual who has:
 - (a) been separated or retired from the armed forces under honorable conditions; and
 - (b) established the existence of a service-connected disability or is receiving compensation, disability retirement benefits, or pension because of a public statute administered by the federal Department of Veterans Affairs or a military department.

Amended by Chapter 230, 2016 General Session

71-10-2 Veteran's preference.

- (1) Each government entity shall grant a veteran's preference upon initial hiring to each preference eligible veteran or preference eligible spouse according to the procedures and requirements of this chapter.
- (2) The personnel officer of any government entity shall add to the score of a preference eligible who receives a passing score on an examination, or any rating or ranking mechanism used in selecting an individual for any career service position with the government entity:
 - (a) 5% of the total possible score, if the preference eligible is a veteran;
 - (b) 10% of the total possible score, if the preference eligible is a veteran with a disability or a purple heart recipient; or
 - (c) in the case of a preference eligible spouse, widow, or widower, the same percentage the qualifying veteran is, or would have been, entitled to.
- (3) A preference eligible who applies for a position that does not require an examination, or where examination results are other than a numeric score, shall be given preference in interviewing and hiring for the position.

Amended by Chapter 366, 2011 General Session

71-10-3 Willful failure to give preference a misdemeanor.

Any officers, agents, or representatives of a government entity who is charged with employment of people and who willfully fails to give preference as provided in this chapter is guilty of a misdemeanor.

Amended by Chapter 133, 1993 General Session