

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0563.02 Kristen Forrestal x4217

HOUSE BILL 20-1222

HOUSE SPONSORSHIP

Carver,

SENATE SPONSORSHIP

Hisey and Todd,

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE AUTHORITY OF A PRIVATE EMPLOYER TO ADOPT A
102 VETERANS PREFERENCE EMPLOYMENT POLICY WHEN HIRING
103 NEW EMPLOYEES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Because the United States equal employment opportunity commission and the federal courts have found that a private employer's veterans preference employment policy is not a violation of Title VII of the "Civil Rights Act of 1964" if there is a basis for the policy in state law, the bill creates a statutory basis to allow a private employer to give

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

preference to a veteran of the armed forces or the National Guard and the spouse of a disabled veteran or a veteran killed in the line of duty when hiring a new employee as long as the veteran or the spouse is as qualified as other applicants for employment. The bill clarifies that an employer who adopts a program that gives preferences to veterans or their spouses is not committing a discriminatory or unfair labor practice.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 8-1-153 as
3 follows:

4 **8-1-153. Private employers - employment preference for**
5 **veterans - definitions.** (1) AS USED IN THIS SECTION:

6 (a) "DISABLED VETERAN" MEANS AN INDIVIDUAL WHO HAS A
7 COMPENSABLE, SERVICE-CONNECTED DISABILITY AS ADJUDICATED BY THE
8 UNITED STATES VETERANS ADMINISTRATION OR BY THE RETIREMENT
9 BOARD OF ONE OF THE BRANCHES OF THE ARMED FORCES.

10 (b) "PRIVATE EMPLOYER" MEANS A PRIVATE, NONPUBLIC PERSON,
11 INCLUDING AN INDIVIDUAL, SOLE PROPRIETOR, CORPORATION,
12 PARTNERSHIP, LIMITED LIABILITY COMPANY, OR OTHER ENTITY, THAT
13 EMPLOYS ONE OR MORE EMPLOYEES WITHIN THE STATE.

14 (c) "VETERAN" MEANS AN INDIVIDUAL WHO:

15 (I) HAS SERVED ON ACTIVE DUTY WITH THE ARMED FORCES OF THE
16 UNITED STATES FOR A PERIOD OF MORE THAN ONE HUNDRED EIGHTY DAYS
17 AND WAS DISCHARGED OR RELEASED FROM ACTIVE DUTY UNDER
18 CONDITIONS OTHER THAN DISHONORABLE;

19 (II) WAS DISCHARGED OR RELEASED FROM ACTIVE DUTY WITH THE
20 ARMED FORCES OF THE UNITED STATES BECAUSE OF A
21 SERVICE-CONNECTED DISABILITY; OR

22 (III) IS OR HAS BEEN A MEMBER OF THE NATIONAL GUARD FOR A

1 PERIOD OF MORE THAN ONE HUNDRED EIGHTY DAYS OR WHO HAS
2 SEPARATED FROM THE NATIONAL GUARD UNDER CONDITIONS OTHER THAN
3 DISHONORABLE.

4 (d) "VETERANS' PREFERENCE EMPLOYMENT POLICY" MEANS A
5 PRIVATE EMPLOYER'S PREFERENCE FOR HIRING A VETERAN OR A SPOUSE OF
6 A DISABLED VETERAN OR A VETERAN KILLED IN THE LINE OF DUTY OVER
7 ANOTHER APPLICANT IF THE VETERAN OR THE SPOUSE IS AT LEAST AS
8 QUALIFIED AS THE OTHER APPLICANT.

9 (2) A PRIVATE EMPLOYER MAY ADOPT AND APPLY A VETERANS'
10 PREFERENCE EMPLOYMENT POLICY IF THE PRIVATE EMPLOYER APPLIES THE
11 VETERANS' PREFERENCE EMPLOYMENT POLICY UNIFORMLY TO ALL HIRING
12 DECISIONS.

13 (3) A PRIVATE EMPLOYER THAT ADOPTS AND APPLIES A VETERANS'
14 PREFERENCE EMPLOYMENT POLICY IN ACCORDANCE WITH THIS SECTION IS
15 NOT THEREBY COMMITTING A DISCRIMINATORY OR UNFAIR LABOR
16 PRACTICE IN VIOLATION OF PART 4 OF ARTICLE 34 OF TITLE 24.

17 **SECTION 2. Act subject to petition - effective date.** This act
18 takes effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly (August
20 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
21 referendum petition is filed pursuant to section 1 (3) of article V of the
22 state constitution against this act or an item, section, or part of this act
23 within such period, then the act, item, section, or part will not take effect
24 unless approved by the people at the general election to be held in
25 November 2020 and, in such case, will take effect on the date of the
26 official declaration of the vote thereon by the governor.