

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 19-0681.01 Kristen Forrestal x4217

SENATE BILL 19-056

SENATE SPONSORSHIP

Hisey,

HOUSE SPONSORSHIP

Carver,

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE ABILITY OF PRIVATE EMPLOYERS TO GIVE**
102 **PREFERENCE TO VETERANS WHEN MAKING CERTAIN**
103 **EMPLOYMENT DECISIONS.**

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>.)

The bill allows private employers to give preference to veterans of the armed forces or the National Guard when hiring, promoting, and retaining employees as long as the veterans are as qualified as other individuals. The bill clarifies that employers who adopt a program that gives preferences to veterans are not committing a discriminatory or

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.

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 - veterans preference for**
5 **employment - definitions - rules.** (1) AS USED IN THIS SECTION:

6 (a) "PRIVATE EMPLOYER" MEANS A NONPUBLIC SOLE PROPRIETOR,
7 CORPORATION, PARTNERSHIP, LIMITED LIABILITY COMPANY, OR OTHER
8 PRIVATE, NONPUBLIC ENTITY EMPLOYING ONE OR MORE EMPLOYEES
9 WITHIN THE STATE.

10 (b) "VETERAN" MEANS A PERSON WHO:

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

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

18 (III) IS OR HAS BEEN A MEMBER OF THE NATIONAL GUARD FOR A
19 PERIOD OF MORE THAN ONE HUNDRED EIGHTY DAYS OR WHO HAS
20 SEPARATED FROM THE NATIONAL GUARD UNDER CONDITIONS OTHER THAN
21 DISHONORABLE.

22 (c) "VETERANS' PREFERENCE EMPLOYMENT POLICY" MEANS A
23 PRIVATE EMPLOYER'S PREFERENCE FOR HIRING, PROMOTING, OR RETAINING
24 A VETERAN OVER ANOTHER APPLICANT OR EMPLOYEE SO LONG AS THE
25 VETERAN IS AS QUALIFIED AS THE OTHER APPLICANT OR EMPLOYEE.

1 (2) A PRIVATE EMPLOYER MAY ADOPT AND APPLY A VETERANS'
2 PREFERENCE EMPLOYMENT POLICY IF:

3 (a) THE VETERANS' PREFERENCE EMPLOYMENT POLICY IS IN
4 WRITING;

5 (b) THE VETERANS' PREFERENCE EMPLOYMENT POLICY IS
6 PROMINENTLY POSTED BY THE PRIVATE EMPLOYER AT THE PLACE OF
7 EMPLOYMENT OR ON ANY WEBSITE MAINTAINED BY THE PRIVATE
8 EMPLOYER CONCERNING THE EMPLOYMENT, HIRING, OR RETENTION OF
9 EMPLOYEES;

10 (c) THE PRIVATE EMPLOYER'S JOB APPLICATION FORM INFORMS ALL
11 APPLICANTS OF THE VETERANS' PREFERENCE EMPLOYMENT POLICY; AND

12 (d) THE PRIVATE EMPLOYER APPLIES THE VETERANS' PREFERENCE
13 EMPLOYMENT POLICY UNIFORMLY TO ALL EMPLOYMENT DECISIONS
14 REGARDING THE HIRING OR PROMOTION OF VETERANS OR THE RETENTION
15 OF VETERANS DURING A REDUCTION IN THE WORKFORCE.

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

20 (4) THE DEPARTMENT MAY PROMULGATE RULES THAT ESTABLISH
21 PROOF THAT AN INDIVIDUAL IS A VETERAN AND ELIGIBLE FOR A PRIVATE
22 EMPLOYER'S VETERANS' PREFERENCE EMPLOYMENT POLICY.

23 **SECTION 2. Act subject to petition - effective date.** This act
24 takes effect at 12:01 a.m. on the day following the expiration of the
25 ninety-day period after final adjournment of the general assembly (August
26 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
27 referendum petition is filed pursuant to section 1 (3) of article V of the

1 state constitution against this act or an item, section, or part of this act
2 within such period, then the act, item, section, or part will not take effect
3 unless approved by the people at the general election to be held in
4 November 2020 and, in such case, will take effect on the date of the
5 official declaration of the vote thereon by the governor.