

CHAPTER 16

GOVERNMENT - STATE

HOUSE BILL 13-1008

BY REPRESENTATIVE(S) Ryden, Buckner, Dore, Duran, Exum, Fields, Fischer, Garcia, Gardner, Ginal, Hamner, Hullinghorst, Kagan, Kraft-Tharp, Labuda, Lebsack, Lee, May, Melton, Moreno, Pabon, Pettersen, Primavera, Rosenthal, Salazar, Schafer, Singer, Vigil, Williams, Young, Ferrandino;
also SENATOR(S) Todd, Aguilar, Balmer, Brophy, Cadman, Carroll, Crowder, Giron, Heath, Hodge, Hudak, Jahn, Kefalas, Kerr, King, Lambert, Newell, Nicholson, Scheffel, Schwartz, Tochtrop, Ulibarri, Morse.

AN ACT

CONCERNING THE EXTENSION OF THE VETERANS' PREFERENCE IN STATE HIRING TO THE SPOUSE OF A VETERAN IF THE VETERAN IS UNABLE TO WORK DUE TO A MILITARY SERVICE-CONNECTED DISABILITY.

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

SECTION 1. In Colorado Revised Statutes, 24-50-112.5, **amend** (2) (b); and **add** (7) as follows:

24-50-112.5. Selection system. (2) Employment lists. (b) Candidates shall be placed on an eligible list and ranked based on the comparative analysis. Qualified candidates shall receive veterans' preference as prescribed by section 15 of article XII of the state constitution AND SUBSECTION (7) OF THIS SECTION. The person to be appointed to any position under the state personnel system shall be one of the six persons ranking highest on the eligible list or such lesser number as qualify.

(7) Veterans' preference for spouse. (a) IF A CANDIDATE IS THE SPOUSE OF A DISABLED VETERAN WHO IS UNABLE TO WORK, AND WHO CAN PROVIDE PROOF OF SUCH DISABILITY PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (7), AND WHO IS ELIGIBLE FOR PREFERENCE IN HIRING PURSUANT TO SECTION 15 OF ARTICLE XII OF THE STATE CONSTITUTION, THE CANDIDATE IS ELIGIBLE FOR PREFERENCE IN HIRING AS FOLLOWS:

(I) IF A NUMERICAL METHOD IS USED FOR THE COMPARATIVE ANALYSIS OF CANDIDATES, FIVE POINTS SHALL BE ADDED TO THE COMPARATIVE ANALYSIS SCORE OF THE CANDIDATE.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(II) IF A NONNUMERICAL METHOD IS USED FOR THE COMPARATIVE ANALYSIS OF CANDIDATES, THE CANDIDATE SHALL BE ADDED TO THE INTERVIEW ELIGIBLE LIST.

(b) TO BE ELIGIBLE FOR PREFERENCE PURSUANT TO THIS SUBSECTION (7), A CANDIDATE WHO IS THE SPOUSE OF A DISABLED VETERAN MUST PROVIDE A LETTER, OBTAINED BY THE DISABLED VETERAN FROM THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS, CERTIFYING THAT THE VETERAN IS A DISABLED VETERAN AND IS UNABLE TO WORK DUE TO THE NATURE OF HIS OR HER DISABILITY AS DETERMINED BY THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS. FOR PURPOSES OF THIS SUBSECTION (7), THE CERTIFICATION LETTER IS VALID FOR TWELVE MONTHS FOLLOWING THE DATE OF ISSUANCE BY THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS. IN ADDITION, THE CANDIDATE MUST PROVIDE PROOF THAT HE OR SHE IS THE LEGALLY RECOGNIZED SPOUSE OF THE VETERAN WHO OBTAINED THE LETTER PURSUANT TO THIS PARAGRAPH (b).

(c) A CANDIDATE IS NOT ELIGIBLE FOR PREFERENCE PURSUANT TO THIS SUBSECTION (7) WITH RESPECT TO A PROMOTIONAL OPPORTUNITY. ANY PROMOTIONAL OPPORTUNITY THAT IS ALSO OPEN TO PERSONS OTHER THAN EMPLOYEES FOR WHOM SUCH APPOINTMENT WOULD BE A PROMOTION SHALL BE CONSIDERED A PROMOTIONAL OPPORTUNITY FOR THE PURPOSES OF THIS PARAGRAPH (c).

SECTION 2. Applicability. This act applies to candidates applying for state employment on or after the effective date of this act.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 8, 2013