

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0105.01 Kristen Forrestal x4217

SENATE BILL 18-044

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SENATE SPONSORSHIP

Crowder,

HOUSE SPONSORSHIP

Landgraf,

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Senate Committees

State, Veterans, & Military Affairs

House Committees

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A BILL FOR AN ACT

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

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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 when hiring, promoting, and retaining employees as long as the veterans are equally 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 unfair labor practice.

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.

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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 HUNDRE 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 A MEMBER OF THE COLORADO NATIONAL GUARD WHO HAS  
19 NEVER BEEN DEPLOYED BUT SEPARATED UNDER CONDITIONS OTHER THAN  
20 DISHONORABLE.

21       (c) "VETERANS' PREFERENCE EMPLOYMENT POLICY" MEANS A  
22 PRIVATE EMPLOYER'S PREFERENCE FOR HIRING, PROMOTING, OR RETAINING  
23 A VETERAN OVER ANOTHER EQUALLY QUALIFIED APPLICANT OR  
24 EMPLOYEE.

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

1 (a) THE VETERANS' PREFERENCE EMPLOYMENT POLICY IS IN  
2 WRITING;

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

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

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

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

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

20 **SECTION 2. Act subject to petition - effective date.** This act  
21 takes effect at 12:01 a.m. on the day following the expiration of the  
22 ninety-day period after final adjournment of the general assembly (August  
23 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a  
24 referendum petition is filed pursuant to section 1 (3) of article V of the  
25 state constitution against this act or an item, section, or part of this act  
26 within such period, then the act, item, section, or part will not take effect  
27 unless approved by the people at the general election to be held in

- 1 November 2018 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.