

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 18-0105.01 Kristen Forrestal x4217

SENATE BILL 18-044

SENATE SPONSORSHIP

Crowder,

HOUSE SPONSORSHIP

Landgraf,

Senate Committees

State, Veterans, & Military Affairs

House Committees

State, Veterans, & Military Affairs

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 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.*

HOUSE
Amended 2nd Reading
May 2, 2018

SENATE
3rd Reading Unamended
January 26, 2018

SENATE
2nd Reading Unamended
January 25, 2018

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 HAS SERVED IN THE ARMED
11 FORCES OF THE UNITED STATES IN ANY DECLARED OR UNDECLARED WAR,
12 CONFLICT, ENGAGEMENT, EXPEDITION, OR CAMPAIGN FOR WHICH A
13 CAMPAIGN BADGE IS AUTHORIZED AND WHO MEETS THE REQUIREMENTS OF
14 SERVICE OR DISABILITY, OR BOTH, AND WHO WAS DISCHARGED OR
15 RELEASED FROM DUTY UNDER CONDITIONS OTHER THAN DISHONORABLE.

16 (c) "VETERANS' PREFERENCE EMPLOYMENT POLICY" MEANS A
17 PRIVATE EMPLOYER'S PREFERENCE FOR **HIRING** A VETERAN OVER ANOTHER
18 EQUALLY QUALIFIED APPLICANT OR EMPLOYEE.

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

21 (a) THE VETERANS' PREFERENCE EMPLOYMENT POLICY IS IN
22 WRITING;

23 (b) THE VETERANS' PREFERENCE EMPLOYMENT POLICY IS PUBLICLY
24 POSTED BY THE PRIVATE EMPLOYER AT THE PLACE OF EMPLOYMENT **AND**
25 ON ANY WEBSITE MAINTAINED BY THE PRIVATE EMPLOYER CONCERNING
26 THE **HIRING** OF EMPLOYEES;

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

3 (d) THE PRIVATE EMPLOYER APPLIES THE VETERANS' PREFERENCE
4 EMPLOYMENT POLICY UNIFORMLY TO ALL EMPLOYMENT DECISIONS
5 REGARDING THE HIRING OF VETERANS.

6 (3) AN EMPLOYER THAT ADOPTS AND APPLIES A VETERANS
7 PREFERENCE EMPLOYMENT POLICY SHALL DEVELOP AN OBJECTIVE
8 COMPARATIVE ANALYSIS PROCESS TO JUSTIFY THE HIRING PREFERENCE OF
9 A PARTICULAR CANDIDATE. THE EMPLOYER SHALL DOCUMENT THE
10 COMPARATIVE ANALYSIS PROCESS AND THE HIRING PROCESS.

11 [REDACTED]

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

15 **SECTION 2. Act subject to petition - effective date.** This act
16 takes effect at 12:01 a.m. on the day following the expiration of the
17 ninety-day period after final adjournment of the general assembly (August
18 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
19 referendum petition is filed pursuant to section 1 (3) of article V of the
20 state constitution against this act or an item, section, or part of this act
21 within such period, then the act, item, section, or part will not take effect
22 unless approved by the people at the general election to be held in
23 November 2018 and, in such case, will take effect on the date of the
24 official declaration of the vote thereon by the governor.