

CHAPTER 295

LABOR AND INDUSTRY

HOUSE BILL 21-1065

BY REPRESENTATIVE(S) Ortiz, Bacon, Benavidez, Bernett, Bird, Boesenecker, Caraveo, Cutter, Duran, Esgar, Exum, Froelich, Gonzales-Gutierrez, Herod, Hooton, Jackson, Jodeh, Kennedy, Kipp, Lontine, McCluskie, McCormick, McLachlan, Michaelson Jenet, Mullica, Ricks, Roberts, Sandridge, Sirota, Snyder, Sullivan, Tipper, Titone, Valdez A., Valdez D., Van Beber, Weissman, Young, Garnett, Daugherty, Gray;
also SENATOR(S) Garcia, Bridges, Buckner, Cooke, Coram, Danielson, Ginal, Hisey, Holbert, Kirkmeyer, Lee, Liston, Lundeen, Pettersen, Priola, Rankin, Scott, Simpson, Smallwood, Sonnenberg, Story, Winter, Woodward, Zenzinger.

AN ACT**CONCERNING THE AUTHORITY OF A PRIVATE EMPLOYER TO ADOPT A VETERANS' PREFERENCE EMPLOYMENT POLICY WHEN HIRING NEW EMPLOYEES.**

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

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

8-1-153. Private employers - veterans' preference hiring policy - definitions.

(1) AS USED IN THIS SECTION:

(a) "ELIGIBLE INDIVIDUAL" MEANS:

(I) A VETERAN WITH A DISABILITY WHO HAS A ONE HUNDRED PERCENT PERMANENT AND TOTAL DISABILITY RATING IF THE DATE OF HIRING IS WITHIN TEN YEARS AFTER THE VETERAN'S DATE OF DISCHARGE;

(II) A VETERAN, A VETERAN WITH A LESS THAN ONE HUNDRED PERCENT PERMANENT AND TOTAL DISABILITY RATING, A MEMBER OF THE MILITARY RESERVES, OR A MEMBER OF THE NATIONAL GUARD WHO RECEIVED DISCHARGE DOCUMENT DD214 IF THE DATE OF HIRING IS WITHIN FIVE YEARS AFTER THE DATE OF DISCHARGE; OR

(III) THE SPOUSE OF A SERVICE MEMBER KILLED IN THE LINE OF DUTY IF THE DATE OF HIRING IS WITHIN FIVE YEARS AFTER THE DATE OF THE DEATH OF THE SERVICE MEMBER.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(b) "PRIVATE EMPLOYER" MEANS A PRIVATE, NONPUBLIC PERSON THAT EMPLOYS ONE OR MORE EMPLOYEES WITHIN THE STATE.

(c) "VETERAN" HAS THE SAME MEANING AS SET FORTH IN SECTION 8-14.3-202 (8).

(d) "VETERANS' PREFERENCE HIRING POLICY" MEANS A PRIVATE EMPLOYER'S PREFERENCE FOR HIRING AN ELIGIBLE INDIVIDUAL IF THE ELIGIBLE INDIVIDUAL IS AT LEAST AS QUALIFIED AS THE OTHER APPLICANTS.

(e) "VETERAN WITH A DISABILITY" MEANS A VETERAN WHO HAS A COMPENSABLE, SERVICE-CONNECTED DISABILITY AS ADJUDICATED BY THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS OR THE APPROPRIATE BRANCH OF THE ARMED FORCES.

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

(a) THE PRIVATE EMPLOYER APPLIES THE VETERANS' PREFERENCE HIRING POLICY UNIFORMLY TO ALL HIRING DECISIONS;

(b) THE PRIVATE EMPLOYER REQUIRES A VETERAN TO PROVIDE PROOF OF SERVICE BY FURNISHING A COPY OF THE VETERAN'S DISCHARGE DOCUMENT DD214;

(c) THE PRIVATE EMPLOYER REQUIRES THE SPOUSE OF A SERVICE MEMBER KILLED IN THE LINE OF DUTY TO FURNISH PROOF OF MARRIAGE TO THE SERVICE MEMBER KILLED IN THE LINE OF DUTY AND A COPY OF THE SERVICE MEMBER'S DISCHARGE DOCUMENT DD214 AND THE DEATH CERTIFICATE; AND

(d) THE VETERANS' PREFERENCE HIRING POLICY IS IN WRITING, PUBLIC, AND IMPLEMENTED AT LEAST FOURTEEN DAYS BEFORE IT IS APPLIED TO ANY NEW JOB POSTING OR NEW HIRING DECISION.

(3) THE ADOPTION AND APPLICATION OF A VETERANS' PREFERENCE HIRING POLICY BY A PRIVATE EMPLOYER IN ACCORDANCE WITH THIS SECTION CREATES A REBUTTABLE PRESUMPTION THAT SUCH POLICY IS NOT A DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICE IN VIOLATION OF PART 4 OF ARTICLE 34 OF TITLE 24.

(4)(a) ON OR BEFORE SEPTEMBER 1, 2021, THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT SHALL BEGIN THE DEVELOPMENT OF PRODUCTION MATERIALS TO EDUCATE AND ENCOURAGE EMPLOYERS TO HIRE VETERANS.

(b) THE GENERAL ASSEMBLY SHALL APPROPRIATE TWENTY-FIVE THOUSAND DOLLARS FROM THE GENERAL FUND TO THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT, CREATED IN SECTION 24-48.5-101, FOR ALLOCATION TO THE COLORADO OFFICE OF FILM, TELEVISION, AND MEDIA, CREATED IN SECTION 24-48.5-115, FOR THE PURPOSES OF THIS SUBSECTION (4).

(5) A PRIVATE EMPLOYER MAY ADVERTISE FOR AND ACTIVELY RECRUIT VETERANS TO APPLY FOR EMPLOYMENT WITH THE PRIVATE EMPLOYER REGARDLESS OF WHETHER THE PRIVATE EMPLOYER ADOPTS A VETERANS' PREFERENCE HIRING

POLICY.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 23, 2021