

CHAPTER 193

GOVERNMENT - LOCAL

HOUSE BILL 98-1293

BY REPRESENTATIVES Clarke, Chavez, Dyer, Epps, Hagedorn, Mace, Musgrave, Nichol, Reeser, and Romero;
also SENATORS Congrove, B. Alexander, Chlouber, Feeley, Hernandez, J. Johnson, Martinez, Mutzebaugh, Norton, Perlmutter,
Phillips, Powers, Schroeder, Tanner, and Weddig.

AN ACT

CONCERNING VETERAN'S PREFERENCES FOR PUBLIC EMPLOYMENT.

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

SECTION 1. Title 29, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 5.5
Political Subdivision Veteran's
Preference Enforcement Act

29-5.5-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "COLORADO POLITICAL SUBDIVISION VETERAN'S PREFERENCE ENFORCEMENT ACT".

29-5.5-102. Legislative declaration. THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT THE PUBLIC POLICY OF THIS STATE IS TO ENCOURAGE, WHEREVER AND WHENEVER POSSIBLE AT BOTH THE STATE AND LOCAL LEVEL, THE HIRING OF VETERANS OF THE UNITED STATES ARMED SERVICES. THIS POLICY HAS BEEN EXPRESSED THROUGH THE ADOPTION OF ARTICLE XII, SECTION 15 OF THE COLORADO CONSTITUTION AND IS A MATTER OF STATEWIDE CONCERN.

29-5.5-103. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "POLITICAL SUBDIVISION OF THE STATE" SHALL HAVE THE SAME MEANING AS IN ARTICLE XII, SECTION 15 OF THE COLORADO CONSTITUTION INCLUDING, BUT NOT

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

LIMITED TO, THE REGIONAL TRANSPORTATION DISTRICT.

(2) "VETERANS PREFERENCE POINTS" MEANS THOSE POINTS TO BE AWARDED PURSUANT TO ARTICLE XII, SECTION 15 OF THE COLORADO CONSTITUTION TO VETERANS APPLYING FOR PUBLIC EMPLOYMENT.

29-5.5-104. Veterans preference points. EACH APPLICANT FOR APPOINTMENT OR EMPLOYMENT IN ANY CIVIL SERVICE, MERIT, OR PERSONNEL SYSTEM OF A POLITICAL SUBDIVISION OF THE STATE THAT IS COMPARABLE TO THAT OF THE STATE SHALL BE AWARDED, AT A MINIMUM, THE APPROPRIATE VETERANS PREFERENCE POINTS PURSUANT TO ARTICLE XII, SECTION 15 OF THE COLORADO CONSTITUTION.

29-5.5-105. Appeals. (1) AN APPLICANT WHO BELIEVES THAT THE APPLICANT IS ENTITLED TO, BUT HAS NOT RECEIVED, THE VETERANS PREFERENCE POINTS REQUIRED BY ARTICLE XII, SECTION 15 OF THE COLORADO CONSTITUTION MAY, WITHIN THIRTY DAYS AFTER THE NOTICE OF THE HIRING DECISION, SUBMIT TO THE HIRING AUTHORITY OF THE POLITICAL SUBDIVISION OF THE STATE A WRITTEN REQUEST FOR A NOTICE OF WHETHER THE APPLICANT HAS BEEN AWARDED THE VETERANS PREFERENCE POINTS. THE HIRING AUTHORITY OF THE POLITICAL SUBDIVISION OF THE STATE SHALL RESPOND WITHIN FIFTEEN DAYS TO THE REQUEST.

(2) THE HIRING AUTHORITY OF THE POLITICAL SUBDIVISION OF THE STATE OR, AT THE POLITICAL SUBDIVISION OF THE STATE HIRING AUTHORITY'S DISCRETION, A THREE-MEMBER PANEL SHALL HEAR ANY APPEAL CONCERNING THE AWARDED OF VETERANS PREFERENCE POINTS AS REQUIRED BY THE ARTICLE XII, SECTION 15 OF THE COLORADO CONSTITUTION. SUCH HEARING SHALL BE CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

(3) THE SELECTION AND EXAMINATION PROCESS ACTION SHALL BE OVERTURNED IF THE HIRING AUTHORITY OF THE POLITICAL SUBDIVISION OF THE STATE FINDS THAT:

(a) THE APPLICANT HAS NOT BEEN AWARDED THE PREFERENCE POINTS SPECIFIED IN ARTICLE XII, SECTION 15 OF THE COLORADO CONSTITUTION; AND

(b) THE APPLICANT, IF AWARDED THE PREFERENCE POINTS SPECIFIED IN ARTICLE XII, SECTION 15 OF THE COLORADO CONSTITUTION WOULD HAVE OTHERWISE OBTAINED THE POSITION.

SECTION 2. 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: May 18, 1998