

SENATE BILL REPORT

HB 1432

As Reported by Senate Committee On:
Labor, Commerce & Consumer Protection, March 22, 2011

Title: An act relating to veterans' relief by permitting private employers to exercise a voluntary veterans' preference in employment.

Brief Description: Permitting private employers to exercise a voluntary veterans' preference in employment.

Sponsors: Representatives Rodne, Kelley, Shea, Green, Van De Wege, Ahern and Orwall.

Brief History: Passed House: 2/25/11, 94-4.

Committee Activity: Labor, Commerce & Consumer Protection: 3/21/11, 3/22/11 [DP].

SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

Majority Report: Do pass.

Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Holmquist Newbry, Ranking Minority Member; King, Assistant Ranking Minority Member; Hewitt, Keiser and Kline.

Staff: Ingrid Mungia (786-7423)

Background: Both federal and state law provide preferences for honorably discharged veterans in employment in federal, state, and local government. For some public employment positions, applicants must take a competitive examination. In those cases, preference is given to veterans by adding a percentage to the passing mark, grade, or rating of an examination.

Under the Washington Law Against Discrimination (WLAD), it is an unfair practice to discriminate in employment based on age; sex; marital status; sexual orientation; race; creed; color; national origin; honorably discharged veteran or military status; the presence of any sensory, mental, or physical disability, or the use of a trained guide dog or service animal by a person with a disability.

Title VII of the Civil Rights Act of 1964 (Title VII) makes it illegal for an employer to discriminate against any individual because of the individual's race, color, religion, sex, or national origin. The federal law also states that nothing in the law "shall be construed to

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repeal or modify any federal, state, territorial, or local law creating special rights or preferences for veterans."

Summary of Bill: The Legislature's intention to establish a permissive preference in private employment for certain veterans is stated. In private, nonpublic employment veterans and their widows or widowers may be preferred for employment. Spouses of honorably discharged veterans who have a service connected permanent and total disability may also be preferred for employment. These preferences are not considered violations of any state or local equal employment opportunity law, including the WLAD.

A veteran includes a person who has received a honorable discharge, is actively serving honorably, or received a discharge for physical reasons with a honorable record and who has:

- served between World War I and World War II or during any period of war; or
- received the Armed Forces Expeditionary Medal, or Marine Corps and Navy Expeditionary Medal, for opposed action on foreign soil.

The term veteran also includes a person who has received a honorable discharge or received a discharge for medical reasons with a honorable record, and who has served as:

- a member in any branch of the United States Armed Forces, including the National Guard and Armed Forces Reserves, and has fulfilled his or her initial military service obligation;
- a member of the Women's Air Forces Service Pilots;
- a member of the Armed Forces Reserves, National Guard, or Coast Guard, and has been called into federal service by a presidential select reserve call up for at least 180 cumulative days;
- a civil service crewmember with service aboard a U.S. Army Transport Service or U.S. Naval Transportation Service vessel in oceangoing service from December 7, 1941, through December 31, 1946;
- a member of the Philippine Armed Forces or scouts during the period of armed conflict from December 7, 1941, through August 15, 1945; or
- a U.S. documented Merchant Mariner with service aboard an oceangoing vessel operated by the Department of Defense, or its agents, from both June 25, 1950, through July 27, 1953, in Korean territorial waters, and from August 5, 1964, through May 7, 1975, in Vietnam territorial waters, and who received a military commendation.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: We support this bill. We need this bill to honor veterans while they live. It would provide a shield to employers who wish to extend employment benefits to veterans. This bill will not have a disparate impact on women in the work place. Veterans experience significant barriers to the work place, especially when the

military specialty does not have a significant parallel. The person who volunteers to serve our country makes many sacrifices, we owe it to them so that they can come home and preserve their way of life. Americans believe in the value of hiring veterans. Those that serve our country have earned the right to be in our corporate work force. Transitioning service men and women do not have the opportunity to find employment until they are unemployed. This bill would help provide a non-negative impact on veteran employment. There is an opportunity for public sector to extend this opportunity to the private sector. There is something similar in apprenticeship already.

Persons Testifying: PRO: Ted Wicorek, Veterans Legislative Coalition; David Black, SHRM Washington State Council; Nancy Slotnick, Setracon, Inc.; Marjorie James, Tom Hinman, Hire America's Heroes; Todd Mitchell, Helmets to Hardhats.