

VETERAN EMPLOYMENT PROTECTION ACT

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mike K. McKell

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill allows private, non-public employers to create a voluntary, written veterans employment preference program.

Highlighted Provisions:

This bill:

- ▶ authorizes private sector, non-public employers to create a voluntary veteran employment preference program;
- ▶ provides requirements;
- ▶ clarifies program relationship with antidiscrimination laws; and
- ▶ specifies verification of eligibility.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

34-49-101, Utah Code Annotated 1953

34-49-102, Utah Code Annotated 1953

34-49-103, Utah Code Annotated 1953

34-49-104, Utah Code Annotated 1953

34-49-105, Utah Code Annotated 1953

30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section 34-49-101 is enacted to read:

32 **CHAPTER 49. VETERANS PREFERENCE IN PRIVATE EMPLOYMENT ACT**

33 **34-49-101. Title.**

34 This chapter is known as the "Veterans Preference in Private Employment Act."

35 Section 2. Section 34-49-102 is enacted to read:

36 **34-49-102. Definitions.**

37 As used in this chapter:

38 (1) "DD 214" means the United States Department of Defense Certificate of Release or
39 Discharge from Active Duty.

40 (2) "Department" means the same as that term is defined in Section 71-11-2.

41 (3) "Preference eligible" means the same as that term is defined in Section 71-10-1.

42 (4) "Private employer" means the same as that term is defined in Section 63G-12-102.

43 (5) "Veteran" means the same as that term is defined in Section 71-10-1.

44 Section 3. Section 34-49-103 is enacted to read:

45 **34-49-103. Voluntary veterans preference employment policy -- Private**
46 **employment -- Antidiscrimination requirements.**

47 (1) A private sector employer may create a veterans employment preference policy.

48 (2) The veterans employment preference policy shall be:

49 (a) in writing; and

50 (b) applied uniformly to employment decisions regarding hiring, promotion, or
51 retention including during a reduction in force.

52 (3) A private employer may require a veteran to submit a DD 214 form to be eligible
53 for the preference.

54 (4) A private employer's veterans employment preference policy shall be publicly
55 posted by the employer at the place of employment or on the Internet if the employer has a
56 website or uses the Internet to advertise employment opportunities.

57 Section 4. Section 34-49-104 is enacted to read:

58 **34-49-104. Antidiscrimination act.**

59 The granting of a veterans preference by a private employer in accordance with this
60 chapter is not a violation of:

61 (1) Title 34A, Chapter 5, Utah Antidiscrimination Act; or

62 (2) any other state or local equal employment opportunity law.

63 Section 5. Section **34-49-105** is enacted to read:

64 **34-49-105. Verification of eligibility.**

65 The department and the Department of Workforces Services may assist, as permitted
66 under state and federal laws governing privacy, a private employer in verifying if an applicant
67 is a veteran.