

2016 Regular Session

SENATE BILL NO. 72

BY SENATORS PEACOCK, BARROW, BISHOP, CARTER AND MORRELL

EMPLOYMENT. Authorizes private employers to provide employment preferences for veterans. (8/1/16)

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AN ACT

To enact Part VII of Chapter 9 of Title 23 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 23:1001, relative to employment of veterans; to provide for legislative intent; to authorize certain private employers to provide preferences in employment for certain veterans; to provide for policy; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part VII of Chapter 9 of Title 23 of the Louisiana Revised Statutes of 1950, comprised of R.S. 23:1001, is hereby enacted to read as follows:

PART VII. EMPLOYMENT OF VETERANS

§1001. Preference in hiring veterans for private employers

A.(1) The intent of the legislature is to authorize private employers to establish a preference in employment for certain veterans which shall be analogous to the system by which the state and city governments give preferences in employment to veterans pursuant to Article 10, Section 10 of the Constitution of Louisiana.

(2) It is the intent of the legislature that the provisions of this Section are

1 **permissive and not mandatory as it relates to private employers.**

2 **B. A private employer may adopt an employment policy that gives**
 3 **preference in hiring to all of the following:**

4 **(1) An honorably discharged veteran.**

5 **(2) The spouse of a veteran with a service-connected disability.**

6 **(3) The unremarried widow or widower of a veteran who died of a**
 7 **service-connected disability.**

8 **(4) The unremarried widow or widower of a member of the United States**
 9 **Armed Forces who died in the line of duty under combat-related conditions.**

10 **C. If a company voluntarily elects to participate in the establishment of**
 11 **the veterans preference policy set forth in this Section, the employer shall apply**
 12 **the policy uniformly to employment decisions regarding hiring.**

13 **D. The preferences for the employment of veterans provided for in this**
 14 **Part shall not be considered a violation of any state or local equal employment**
 15 **opportunity law.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Carla S. Roberts.

DIGEST

SB 72 Engrossed

2016 Regular Session

Peacock

Present law (La. Const. Art 10, Sec 10; R.S. 29:251.3) provides that the state and city civil service departments shall accord a five-point preference in original appointment to veterans as follows:

- (1) A veteran who served honorably in the armed forces of the United States during a war declared by the U.S. Congress.
- (2) A veteran who served in a peacetime campaign or expedition for which campaign badges are authorized.
- (3) A veteran who served for at least 90 days after Sept. 11, 2001, for reasons other than training.
- (4) A veteran who served during war period dates or dates of armed conflicts as provided by state law enacted by 2/3 of the elected members of each house of the legislature.

Present law provides that the state and city civil service departments shall accord a 10-point preference to the following:

- (1) An honorably discharged veteran who served either in peace or in war and who has

one or more disabilities recognized as service-connected by the Veterans Administration.

- (2) The spouse of a veteran whose physical condition precludes his or her appointment to a civil service job in his or her usual line of work.
- (3) The unremarried widow of each deceased veteran who served in a war period, as defined above, or in a peacetime campaign or expedition.
- (4) The unremarried widowed parent of any person who died in active wartime or peacetime service or who suffered total and permanent disability in active wartime or peacetime service.
- (5) The divorced or separated parents of any person who died in wartime or peacetime service or who became totally and permanently disabled in wartime or peacetime service.

Present law provides, however, that only one 10-point preference shall be allowed in the original appointment to any person enumerated above. Present law further provides that, if the 10-point preference is not used by the veteran, either because of the veteran's physical or mental incapacity which precludes his appointment to a civil service job in his usual line of work or because of his death, the preference shall be available to his spouse, unremarried widow, or eligible parents as defined above, in the order specified.

Present law provides that any such preference may be given only to a person who has attained at least the minimum score required on each test and who has received at least the minimum rating required for eligibility.

Proposed law retains present law but provides that a private employer may adopt an employment policy that gives preference in hiring to all of the following:

- (1) An honorably discharged veteran.
- (2) The spouse of a veteran with a service-connected disability.
- (3) The unremarried widow or widower of a veteran who died of a service-connected disability.
- (4) The unremarried widow or widower of a member of the U.S. Armed Forces who died in the line of duty under combat-related conditions.

Proposed law provides that the intent of the legislature is to authorize private employers to establish a preference in employment for certain veterans which shall be analogous to the system by which the state and city governments give preferences in employment to veterans pursuant to La. Constitution. Proposed law further clarifies that it is the intent of the legislature that the provisions of this Section are permissive and not mandatory as it relates to private employers.

Proposed law provides that the preferences for the employment of veterans in private companies pursuant to proposed law will not be considered a violation of any state or local equal employment opportunity law.

Proposed law provides that, if a company voluntarily elects to participate in the establishment of the veterans preference policy set forth in proposed law, the employer shall apply the policy uniformly to employment decisions regarding hiring.

SLS 16RS-140

ENGROSSED
SB NO. 72

Effective August 1, 2016.

(Adds R.S. 23:1001)