

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 13-0475.01 Nicole Myers x4326

HOUSE BILL 13-1008

HOUSE SPONSORSHIP

Ryden,

SENATE SPONSORSHIP

Todd,

House Committees
State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE EXTENSION OF THE VETERANS' PREFERENCE IN**
102 **STATE HIRING TO THE SPOUSE OF A VETERAN IF THE VETERAN IS**
103 **UNABLE TO WORK DUE TO A MILITARY SERVICE-CONNECTED**
104 **DISABILITY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The state constitution currently contains a veterans' preference in state hiring (preference). If a numerical method is used for the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

HOUSE
Amended 2nd Reading
January 28, 2013

comparative analysis of candidates, an applicant entitled to preference will have a specified number of points added to his or her score. If a nonnumerical method is used, an applicant entitled to preference will be added to the interview eligible list. The surviving spouse of a veteran who would have been entitled to preference is also eligible for preference.

The bill extends the veterans' preference to the spouse of a veteran who is eligible for preference but has a military service-connected disability and is unable to work. If a numerical method is used for the comparative analysis of candidates, 5 points shall be added to the comparative analysis score of the candidate. If a nonnumerical method is used the candidate is added to the interview eligible list.

In keeping with the constitutional provisions regarding preference, a candidate is not eligible to receive preference with respect to a promotional opportunity.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-50-112.5, **amend**

3 (2) (b); and **add** (7) as follows:

4 **24-50-112.5. Selection system. (2) Employment lists.**

5 (b) Candidates shall be placed on an eligible list and ranked based on the
6 comparative analysis. Qualified candidates shall receive veterans'
7 preference as prescribed by section 15 of article XII of the state
8 constitution AND SUBSECTION (7) OF THIS SECTION. The person to be
9 appointed to any position under the state personnel system shall be one of
10 the six persons ranking highest on the eligible list or such lesser number
11 as qualify.

12 (7) **Veterans' preference for spouse.** (a) IF A CANDIDATE IS THE
13 SPOUSE OF A DISABLED VETERAN WHO IS UNABLE TO WORK, AND WHO CAN
14 PROVIDE PROOF OF SUCH DISABILITY PURSUANT TO PARAGRAPH (b) OF THIS
15 SUBSECTION (7), AND WHO IS ELIGIBLE FOR PREFERENCE IN HIRING
16 PURSUANT TO SECTION 15 OF ARTICLE XII OF THE STATE CONSTITUTION,
17 THE CANDIDATE IS ELIGIBLE FOR PREFERENCE IN HIRING AS FOLLOWS:

1 (I) IF A NUMERICAL METHOD IS USED FOR THE COMPARATIVE
2 ANALYSIS OF CANDIDATES, FIVE POINTS SHALL BE ADDED TO THE
3 COMPARATIVE ANALYSIS SCORE OF THE CANDIDATE.

4 (II) IF A NONNUMERICAL METHOD IS USED FOR THE COMPARATIVE
5 ANALYSIS OF CANDIDATES, THE CANDIDATE SHALL BE ADDED TO THE
6 INTERVIEW ELIGIBLE LIST.

7 (b) TO BE ELIGIBLE FOR PREFERENCE PURSUANT TO THIS
8 SUBSECTION (7), A CANDIDATE WHO IS THE SPOUSE OF A DISABLED
9 VETERAN MUST PROVIDE A LETTER, OBTAINED BY THE DISABLED VETERAN
10 FROM THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS,
11 CERTIFYING THAT THE VETERAN IS A DISABLED VETERAN AND IS UNABLE
12 TO WORK DUE TO THE NATURE OF HIS OR HER DISABILITY AS DETERMINED
13 BY THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS. FOR
14 PURPOSES OF THIS SUBSECTION (7), THE CERTIFICATION LETTER IS VALID
15 FOR TWELVE MONTHS FOLLOWING THE DATE OF ISSUANCE BY THE UNITED
16 STATES DEPARTMENT OF VETERANS AFFAIRS. IN ADDITION, THE
17 CANDIDATE MUST PROVIDE PROOF THAT HE OR SHE IS THE LEGALLY
18 RECOGNIZED SPOUSE OF THE VETERAN WHO OBTAINED THE LETTER
19 PURSUANT TO THIS PARAGRAPH (b).

20 (c) A CANDIDATE IS NOT ELIGIBLE FOR PREFERENCE PURSUANT TO
21 THIS SUBSECTION (7) WITH RESPECT TO A PROMOTIONAL OPPORTUNITY.
22 ANY PROMOTIONAL OPPORTUNITY THAT IS ALSO OPEN TO PERSONS OTHER
23 THAN EMPLOYEES FOR WHOM SUCH APPOINTMENT WOULD BE A
24 PROMOTION SHALL BE CONSIDERED A PROMOTIONAL OPPORTUNITY FOR
25 THE PURPOSES OF THIS PARAGRAPH (c).

26 **SECTION 2. Applicability.** This act applies to candidates
27 applying for state employment on or after the effective date of this act.

1 **SECTION 3. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, and safety.