



March 10, 2015

ENGROSSED SENATE BILL No. 298

DIGEST OF SB 298 (Updated March 10, 2015 11:05 am - DI 123)

Citations Affected: IC 10-17.

Synopsis: Voluntary veterans' preference employment policy. Provides for a voluntary veterans' preference policy for hiring, promoting, or retaining a veteran in private employment. Defines "veteran" as a person who has actively served in the military, naval, or air service. Prohibits veterans' preference employment policies from conflicting or changing an employer's obligations under a preexisting collectively bargained agreement, the National Labor Relations Act, or the Uniformed Services Employment and Reemployment Act.

Effective: July 1, 2015.

**Banks A, Crider, Arnold J, Glick,
Tomes**

(HOUSE SPONSORS — JUDY, MACER)

January 8, 2015, read first time and referred to Committee on Veterans Affairs & The Military.

January 20, 2015, amended, reported favorably — Do Pass.

January 22, 2015, read second time, ordered engrossed. Engrossed.

January 27, 2015, read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

March 2, 2015, read first time and referred to Committee on Veterans Affairs and Public Safety.

March 10, 2015, amended, reported — Do Pass.

ES 298—LS 7206/DI 109



March 10, 2015

First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

ENGROSSED SENATE BILL No. 298

A BILL FOR AN ACT to amend the Indiana Code concerning military and veterans.

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

1 SECTION 1. IC 10-17-15 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]:

4 **Chapter 15. Voluntary Veterans' Preference Employment**
5 **Policy**

6 **Sec. 1. As used in this chapter, "DD 214" means a Department**
7 **of Defense Report of Separation form or its predecessor or**
8 **successor form.**

9 **Sec. 2. As used in this chapter, "private employer" means a sole**
10 **proprietor, corporation, partnership, limited liability company, or**
11 **other entity with one (1) or more employees. The term does not**
12 **include:**

- 13 (1) the state;
14 (2) a political subdivision (as defined in IC 36-1-2-13); or
15 (3) a state educational institution (as defined in
16 IC 21-7-13-32).

ES 298—LS 7206/DI 109



1 **Sec. 3. As used in this chapter, "veteran" means an individual**
2 **who:**

3 **(1) has served in the active:**

4 **(A) military service;**

5 **(B) naval service; or**

6 **(C) air service; and**

7 **(2) was discharged for reasons other than dishonorable.**

8 **Sec. 4. As used in this chapter, "veterans' preference**
9 **employment policy" means a private employer's voluntary**
10 **veterans' preference employment policy that gives preference for**
11 **hiring, promoting, or retaining a veteran over another qualified**
12 **applicant or employee.**

13 **Sec. 5. Except as provided in section 10 of this chapter, a private**
14 **employer may have a veterans' preference employment policy.**

15 **Sec. 6. A veterans' preference employment policy under this**
16 **chapter must be in writing and applied uniformly to employment**
17 **decisions regarding hiring, promotion, or retention during a**
18 **reduction in force.**

19 **Sec. 7. A private employer with a veterans' preference**
20 **employment policy may require that a veteran submit a DD 214 to**
21 **the private employer to be eligible for the preference.**

22 **Sec. 8. Granting preference under this chapter does not violate**
23 **any local or state equal employment opportunity laws.**

24 **Sec. 9. The Indiana department of veterans' affairs shall assist**
25 **a private employer in determining if an applicant is a veteran in a**
26 **manner that protects personal privacy consistent with applicable**
27 **privacy laws and regulations.**

28 **Sec. 10. Any policy adopted under section 5 of this chapter may**
29 **not:**

30 **(1) apply to or abrogate a collectively bargained agreement in**
31 **effect before the adoption of this policy; and**

32 **(2) interfere with an employer's obligations under the federal**
33 **National Labor Relations Act (29 U.S.C. 151 et seq.) or the**
34 **federal Uniformed Services Employment and Reemployment**
35 **Act (38 U.S.C. 4301 et seq.).**



COMMITTEE REPORT

Madam President: The Senate Committee on Veterans Affairs and the Military, to which was referred Senate Bill No. 298, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 14, delete "subdivision of the state, such as a municipality, county," and insert "**political subdivision (as defined in IC 36-1-2-13); or**".

Page 1, delete line 15.

Page 1, line 16, delete "public institution of higher education." and insert "**state educational institution (as defined in IC 21-7-13-32)**".

Page 2, line 24, delete "and the".

Page 2, line 25, delete "department of workforce development".

and when so amended that said bill do pass.

(Reference is to SB 298 as introduced.)

CRIDER, Chairperson

Committee Vote: Yeas 6, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred Senate Bill 298, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 3 through 7, begin a new line block indented and insert:

"(1) has served in the active:

(A) military service;

(B) naval service; or

(C) air service; and

(2) was discharged for reasons other than dishonorable."

Page 2, line 13, delete "A private" and insert "**Except as provided in section 10 of this chapter, a private**".

Page 2, after line 27, begin a new paragraph and insert:

"Sec. 10. Any policy adopted under section 5 of this chapter may not:

(1) apply to or abrogate a collectively bargained agreement in

ES 298—LS 7206/DI 109



**effect before the adoption of this policy; and
(2) interfere with an employer's obligations under the federal
National Labor Relations Act (29 U.S.C. 151 et seq.) or the
federal Uniformed Services Employment and Reemployment
Act (38 U.S.C. 4301 et seq.)."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 298 as printed January 21, 2015.)

FRYE R

Committee Vote: yeas 10, nays 0.

