

## SB 332 B STAFF MEASURE SUMMARY

### House Committee On Business and Labor

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**Action Date:** 05/22/19

**Action:** Do pass with amendments to the A-Eng bill, and be referred to Ways and Means.  
(Printed B-Eng).

**Vote:** 6-0-5-0

**Yeas:** 6 - Barker, Barreto, Boshart Davis, Bynum, Evans, Fahey

**Exc:** 5 - Boles, Bonham, Clem, Doherty, Holvey

**Fiscal:** Fiscal impact issued

**Revenue:** No revenue impact

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**Meeting Dates:** 5/8, 5/22

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#### WHAT THE MEASURE DOES:

Modifies law regarding preferences in civil service hiring and promotion for veterans and disabled veterans. Requires veteran to provide evidence of preference eligibility at time of application. Clarifies that preference is to be applied at each stage of application process. Establishes process for scoring and ranking applicants and applying preferences for initial screenings and for examinations. Requires public employer to interview all veterans on list if interview is part of application examination process. Allows public employer to choose not to appoint otherwise qualified veteran based solely on person's merits or qualifications with respect to the vacant position. Requires employer who exercises such discretion to provide veteran with written reasons for decision not to appoint. Allows evidence of eligibility to include certification of service showing expected discharge within 120 days of submission of certification. Provides private right of action after exhausting nonjudicial remedies with Bureau of Labor and Industries for unlawful employment practice. Expands definitions of "veteran" and "disabled veteran."

#### ISSUES DISCUSSED:

- Comparison to House Bill 2886
- Discretion of hiring agency to write broad or narrow minimum qualifications to control size of candidate pool
- Whether preferences have disparate impact on other protected classes
- Value to veteran to go through interview process
- Benefit to individual veteran and public when veteran finds employment after military discharge

#### EFFECT OF AMENDMENT:

Replaces measure.

#### BACKGROUND:

Under current law, public employers must grant preference to a veteran who applies for a vacant civil service position or who seeks promotion if they meet the minimum and special qualifications and if they successfully complete an initial screening or examination, or successfully complete a test used to establish eligibility for the position. A public employer shall appoint an otherwise qualified veteran or disabled veteran to a vacant position if the veteran's application examination, when combined with preference points, are equal to or higher than the results of other applicants. A veteran may request the public employer provide, in writing, the employer's reasons for not hiring the veteran. The public employer may base a decision not to hire a veteran solely on the veteran's merits or qualifications with respect to the vacant position. Current law also requires public employers to interview every veteran applicant who meets the minimum and special qualifications and who provides evidence that they have the transferable skills required or requested by the public employer. A veteran claiming they were aggrieved by a violation of the preference requirements may file a complaint with the Bureau of Labor and

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Industries.

Senate Bill 332-B rewrites the provisions that give preference to veterans in civil service hiring.