

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1013 Session of 2015

INTRODUCED BY HUGHES, VULAKOVICH, TEPLITZ, SCAVELLO, FONTANA, RAFFERTY, TARTAGLIONE, SABATINA, YUDICHAK, COSTA, WARD, AUMENT, BROWNE, HAYWOOD AND WILEY, OCTOBER 9, 2015

SENATOR VULAKOVICH, VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, AS AMENDED, NOVEMBER 18, 2015

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania
2 Consolidated Statutes, providing for voluntary veterans'
3 preference in private employment.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 51 of the Pennsylvania Consolidated
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 72

9 VOLUNTARY VETERANS' PREFERENCE

10 IN PRIVATE EMPLOYMENT

11 Sec.

12 7201. Scope of chapter.

13 7202. Legislative findings. <--

14 7203 7202. Definitions. <--

15 7204 7203. Veterans' preference private employment policy. <--

16 7205 7204. Eligibility for preference. <--

17 7206 7205. Nonviolation of equal opportunity laws. <--

1 § 7201. Scope of chapter.

2 This chapter relates to private employer's veterans'  
3 preference policies.

4 ~~§ 7202. Legislative findings.~~ <--

5 ~~The General Assembly finds and declares as follows:~~

6 ~~(1) The Commonwealth has a moral duty and obligation to~~  
7 ~~provide for and assist its military personnel and veterans,~~  
8 ~~including new veterans returning from deployment in United~~  
9 ~~States military operations in places such as Iraq and~~  
10 ~~Afghanistan.~~

11 ~~(2) According to a 2014 annual report by the United~~  
12 ~~States Bureau of Labor Statistics, this Commonwealth has an~~  
13 ~~unemployment rate of 4.7% for veterans, while 44.3% of~~  
14 ~~veterans were employed, which trailed the national average of~~  
15 ~~47.9%.~~

16 ~~(3) While the Commonwealth offers veterans' preference~~  
17 ~~in public employment, a similar preference does not exist for~~  
18 ~~private employers.~~

19 ~~(4) Twenty states have enacted legislation authorizing a~~  
20 ~~veterans' preference by private employers. The Commonwealth~~  
21 ~~should follow this emerging trend.~~

22 ~~(5) Many states that have enacted similar legislation~~  
23 ~~have lower veteran unemployment rates and higher percentages~~  
24 ~~of employed veterans than this Commonwealth.~~

25 ~~(6) The Commonwealth has a duty to help ease the~~  
26 ~~transition back to society for veterans, and allowing private~~  
27 ~~businesses to apply a veterans' preference employment policy~~  
28 ~~would assist more veterans in obtaining employment.~~

29 § 7203 7202. Definitions. <--

30 The following words and phrases when used in this chapter

1 shall have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

3 "DD 214." A United States Department of Defense Report of  
4 Separation Form 214 or a similarly effective form issued by the  
5 Department of Defense relating to separation from military  
6 service.

7 "Private employer." A sole proprietor, corporation,  
8 partnership, limited liability company or any other legal  
9 entity, including nonprofits, with more than one employee.

10 "SOLDIER." A PERSON WHO SERVED OR HEREAFTER SERVES IN THE <--  
11 ARMED FORCES OF THE UNITED STATES, OR IN ANY WOMEN'S  
12 ORGANIZATION OFFICIALLY CONNECTED THEREWITH, DURING ANY WAR OR  
13 ARMED CONFLICT IN WHICH THE UNITED STATES ENGAGED AND WHO WAS  
14 RELEASED FROM ACTIVE DUTY UNDER HONORABLE CONDITIONS, OTHER THAN  
15 FROM PERIODS OF ACTIVE DUTY FOR TRAINING, OR WITH AN HONORABLE  
16 DISCHARGE FROM SUCH SERVICE, OR A PERSON WHO SO SERVED OR  
17 HEREAFTER SERVES IN THE ARMED FORCES OF THE UNITED STATES, OR IN  
18 ANY WOMEN'S ORGANIZATION OFFICIALLY CONNECTED THEREWITH, SINCE  
19 JULY 27, 1953, INCLUDING SERVICE IN VIETNAM, AND WHO HAS AN  
20 HONORABLE DISCHARGE FROM SUCH SERVICE. QUALIFYING PERIODS OF  
21 SERVICE DURING A WAR OR ARMED CONFLICT, FOR PURPOSES OF THIS  
22 DEFINITION, WILL BE DESIGNATED BY THE DEPARTMENT OF MILITARY AND  
23 VETERANS AFFAIRS.

24 "Spouse of a disabled veteran." The spouse of a veteran who  
25 has been classified by the United States Department of Veterans  
26 Affairs' Veterans Benefits Administration as having a permanent  
27 total disability and is a United States citizen.

28 "Surviving spouse." A spouse of a deceased ~~veteran who is~~ <--  
29 ~~married to the veteran prior to or on the effective date of this~~  
30 ~~section and who is a United States citizen~~ SOLDIER. <--

1 ~~"Veteran." An individual who served in any of the following~~ <--  
2 ~~and was released under honorable conditions:~~  
3 ~~(1) the United States Armed Forces;~~  
4 ~~(2) any women's organization officially connected with~~  
5 ~~the United States Armed Forces; or~~  
6 ~~(3) the Pennsylvania National Guard. AN INDIVIDUAL WHO~~ <--  
7 ~~HAS SERVED IN THE ARMED FORCES OF THE UNITED STATES,~~  
8 ~~INCLUDING A RESERVE COMPONENT AND NATIONAL GUARD, AND WHO HAS~~  
9 ~~BEEN DISCHARGED OR RELEASED FROM THE SERVICE UNDER CONDITIONS~~  
10 ~~OTHER THAN DISHONORABLE.~~  
11 "Veterans' preference employment policy." A voluntary policy  
12 adopted by a private employer for hiring, promoting or retaining  
13 a veteran, a spouse of a disabled veteran or a surviving spouse  
14 over another qualified applicant or employee.  
15 § 7204 7203. Veterans' preference private employment policy. <--  
16 (a) Authority.--A private employer may adopt and apply a  
17 veterans' employment policy.  
18 (b) Policy.--A veterans' preference employment policy shall:  
19 (1) be in writing;  
20 (2) require the inclusion of a statement in any job  
21 posting that indicates that the employer has and applies a  
22 veterans' preference employment policy;  
23 (3) be provided to the applicant at time of hiring and  
24 provided to all employees on an annual basis; and  
25 (4) be applied uniformly to employment decisions  
26 regarding:  
27 (i) the hiring of new applicants;  
28 (ii) the promotion of current employees; and  
29 (iii) the retention of employees during a reduction  
30 in the workforce.

1 § ~~7205~~ 7204. Eligibility for preference.

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2 A veteran, spouse of a disabled veteran or surviving spouse  
3 shall submit the DD 214 of the veteran to a private employer  
4 with a veterans' preference employment policy for consideration  
5 by the employer.

6 § ~~7206~~ 7205. Nonviolation of equal opportunity laws.

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7 A voluntary veterans' preference employment policy adopted  
8 and applied in accordance with this chapter shall not be  
9 considered a violation of any State or local equal employment  
10 opportunity law.

11 Section 2. This act shall take effect in 60 days.