

# FINAL BILL REPORT

## HB 1432

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Synopsis as Enacted

**Brief Description:** Permitting private employers to exercise a voluntary veterans' preference in employment.

**Sponsors:** Representatives Rodne, Kelley, Shea, Green, Van De Wege, Ahern and Orwall.

**House Committee on Labor & Workforce Development**  
**Senate Committee on Labor, Commerce & Consumer Protection**

### **Background:**

Both federal and state law provide preferences for honorably discharged veterans in employment in federal, state, and local government. For some public employment positions, applicants must take a competitive examination. In those cases, preference is given to veterans by adding a percentage to the passing mark, grade, or rating of an examination.

Under the Washington Law Against Discrimination (WLAD), it is an unfair practice to discriminate in employment based on age, sex, marital status, sexual orientation, race, creed, color, national origin, honorably discharged veteran or military status, sexual orientation, the presence of any sensory, mental, or physical disability, or the use of a trained guide dog or service animal by a person with a disability.

Title VII of the Civil Rights Act of 1964 (Title VII) makes it illegal for an employer to discriminate against any individual because of the individual's race, color, religion, sex, or national origin. The federal law also states that nothing in the law "shall be construed to repeal or modify any federal, state, territorial, or local law creating special rights or preferences for veterans."

### **Summary:**

The Legislature's intention to establish a permissive preference in private employment for certain veterans is stated. In private, nonpublic employment veterans and their widows or widowers may be preferred for employment. Spouses of honorably discharged veterans with a service-connected permanent and total disability may also be preferred for employment. These preferences are not considered violations of any state or local equal employment opportunity law, including the WLAD.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

A "veteran" includes a person who has received a honorable discharge, is actively serving honorably, or received a discharge for physical reasons with a honorable record and who has:

- served between World War I and World War II or during any period of war; or
- received the Armed Forces Expeditionary Medal, or Marine Corps and Navy Expeditionary Medal, for opposed action on foreign soil.

The term "veteran" also includes a person who has received a honorable discharge or received a discharge for medical reasons with a honorable record, and who has served as:

- a member in any branch of the United States Armed Forces, including the National Guard and Armed Forces Reserves, and has fulfilled his or her initial military service obligation;
- a member of the Women's Air Forces Service Pilots;
- a member of the Armed Forces Reserves, National Guard, or Coast Guard, and has been called into federal service by a presidential select reserve call up for at least 180 cumulative days;
- a civil service crewmember with service aboard a U.S. Army Transport Service or U.S. Naval Transportation Service vessel in oceangoing service from December 7, 1941, through December 31, 1946;
- a member of the Philippine Armed Forces/scouts during the period of armed conflict from December 7, 1941, through August 15, 1945; or
- a U.S. documented Merchant Mariner with service aboard an oceangoing vessel operated by the Department of Defense, or its agents, from both June 25, 1950, through July 27, 1953, in Korean territorial waters, and from August 5, 1964, through May 7, 1975, in Vietnam territorial waters, and who received a military commendation.

**Votes on Final Passage:**

House	94	4
Senate	49	0

**Effective:** July 22, 2011