



DoD-State Liaison Office

**OFFICE OF THE DEPUTY ASSISTANT SECRETARY OF DEFENSE
(MILITARY COMMUNITY AND FAMILY POLICY)**

**4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000**

**Representative Helen Head
Chair, Vermont House General, Housing and Military Affairs Committee**

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**Testimony of
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DoD-State Liaison Office**

Support of: HB 807 – Veterans Preference in Private Employment

Chairwoman Head and members of the House General, Housing and Military Affairs Committee, on behalf of the Department of Defense, I would like to thank you for this opportunity to submit written testimony before your committee today regarding House Bill 807, a bill relating to Veterans preference for private employment.

My name is Harold Cooney and I am the Northeast Regional Liaison for the Department of Defense State Liaison Office, operating under the direction of Under Secretary of Defense for Personnel and Readiness, and the Deputy Assistant Secretary for Military Community and Family Policy. Our mission is to be a resource to state policymakers as they work to address quality of life issues of military families.

This bill proposes to permit private employers to enact a policy that provides a preference in hiring or promotion to a veteran or the spouse of a veteran that has suffered a permanent, total disability.

Many companies would like to hire veterans because of their unique skill sets, proven work ethic, and reliability, but are hesitant to do so out of fear of being sued under Title VII of the Civil Rights Act of 1964. Because veterans are overwhelmingly male, the United States Equal Employment Opportunity Commission (EEOC) interpreted many veterans' preference processes to have a disparate impact on women. However, Title VII, Section 11 of the Civil Rights Act contains a carve-out that exempts veterans' preference processes that are authorized by state statute.

Forty States and the District of Columbia award preference to veterans who are being considered for hire to a public position. Unlike government employers, who have been incorporating veterans' hiring preferences since 1944, private employers are prohibited from establishing comparable business hiring policies.

Employers are best suited in determining which skill sets are needed in their business. Statutes that allow private sector veteran preference policies (that are parallel to those used by state and local governments) allow employers to equitably compete for veteran talent.

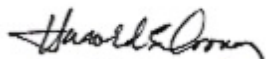
The proposed language in House Bill 807 allows, not mandate, a private sector employer to establish a veterans' preference process for veterans who have an honorable or general discharge. The veterans' preference processes accorded pursuant to statute are not subject to EEOC challenge under the Title VII exception. The language requires that an employer applies the preference policy uniformly to employment decisions regarding hiring and promotion.

Research indicates that 28 states, including Maine, Massachusetts and New Hampshire, are already providing this opportunity to their private employers. Eight other states (including Pennsylvania and New York) are currently considering legislation. We appreciate your consideration to join these other states on this initiative, allowing our Veterans to reach their highest potential for their personal well-being and the support of their families.

Vermont enjoys a great reputation among our military and their families. This action will add to that reputation of caring for those who serve our states and the nation.

We thank Representative Grad for sponsoring this measure. Thank you for taking up this issue and for your consideration.

Respectfully,



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