

IN THE SENATE

SENATE BILL NO. 1237

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO VETERANS; AMENDING SECTION 65-506, IDAHO CODE, TO AUTHORIZE THE
2 DIVISION OF HUMAN RESOURCES TO ISSUE CERTAIN RULES AND TO MAKE A TECH-
3 NICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE
4 DATE.
5

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 65-506, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 65-506. FAILING OR REFUSING TO GIVE PREFERENCE -- CIVIL LIABILITY. (1)
10 Applicants who believe they have been denied a right or benefit under this
11 chapter may file an appeal with the governing body of the jurisdiction or
12 unit of government within thirty-five (35) days of the alleged denial of
13 preference. If an applicant has notified the public employer of the appli-
14 cant's eligibility for preference pursuant to section 65-503A, Idaho Code,
15 the public employer shall provide notice of the appeal process at the con-
16 clusion of the selection process. If the public employer does not initiate
17 the appeal process within thirty-five (35) days of a written request by the
18 applicant, the applicant may file an appeal directly in district court pur-
19 suant to subsection (3) of this section. The thirty-five (35) day period
20 for appeal shall commence upon the issuance of notice of the appeal process
21 by the public employer. If the public employer fails to issue such notice,
22 the thirty-five (35) day period for appeal shall commence when the applicant
23 becomes aware that he was not selected for the position.

24 (2) The division of ~~veterans services~~ human resources is authorized
25 and directed to issue rules for the enforcement of this chapter. Such rules
26 shall include, but are not limited to, procedures public employers may im-
27 plement for an internal process ~~which~~ that must be exhausted prior to gaining
28 access to the courts.

29 (3) Any public employer who deliberately or willfully refuses or fails
30 to give preference to qualified veterans required by the provisions of this
31 chapter shall be subject to writs of mandate pursuant to sections 7-301
32 through 7-314, Idaho Code, and if found in violation of any such provisions
33 shall be required to pay the costs of suit and reasonable attorney's fees
34 incurred in such action, and may further be required to employ or reemploy
35 the veteran, and shall be required to pay as damages such amount as the court
36 may award, but in no event shall the amount of such damages and costs of suit
37 exceed the sum of five thousand dollars (\$5,000) or ten percent (10%) of the
38 annual salary of the position, whichever is higher. Such action must be
39 commenced not more than one hundred eighty (180) days from the alleged denial
40 of preference, provided however, applicants for classified state employment
41 remain subject to the procedures set forth in section 67-5316, Idaho Code.
42 If an appeal process is in place pursuant to subsection (1) of this section,

1 the one hundred eighty (180) days will not begin until that process has been
2 exhausted.

3 SECTION 2. An emergency existing therefor, which emergency is hereby
4 declared to exist, this act shall be in full force and effect on and after
5 July 1, 2022.