

Veteran's Preference Consideration for City Employment

Presentation to City Council regarding veteran's preferences for hiring will summarize City ordinances, various rulings, potential impacts and a review of veteran's preferences from other regional New Mexico jurisdictions.

US MILITARY VETERANS HIRING PREFERENCE

Las Cruces Municipal Code

- Sec 22-4. - Civil rights provision.

No city employee, or job applicant, shall be appointed, promoted, removed, or in any way favored, or discriminated against, because of his/her race, sex, color, national origin, disability, age, or because of his/her political, or religious affiliations.

(Ord. No. 1741, § I, 5-17-99)

- Sec. 22-5. - Equal opportunity employer.

This city is an "equal opportunity employer." The following described act of discrimination on the part of any employee are expressly prohibited. If such discriminatory acts occur, the person committing these acts is subject to dismissal, or suspension from city employment, or to other appropriate disciplinary action. It is declared unlawful:

- (1) For any employee to give preference to, or to discriminate against, any person because of political affiliation, race, religion, age, national origin, color, sex, or disability, unless based upon a bona fide occupational qualification;

(Ord. No. 1741, § I, 5-17-99)

Disparate Treatment

- Title VII prohibits employers from treating applicants, or employees, differently because of their membership in a protected class.

Disparate/Adverse Impact

- A violation of Title VII of the 1964 Civil Rights Act may be proven when an employment practice, or policy, has a disproportionately adverse effect on members of a protected class as compared with non-members of the protected class.

Armed Forces Demographics*

Component	Military	Female
Army	548,000	74,411
Marine Corps	203,095	12,290
Navy	332,000	51,029
Air Force	323,000	64,137
Coast Guard	41,000	4,965
Total Active	1,445,000	203,375

2009*

EEOC Position

- If an employment preference conferred upon veterans is not mandated by statute, the discriminatory impact of the preference is not shielded from scrutiny under Title VII.
- As the language of Section 712 makes clear, the deference provided by that section applies only to veterans' preferences that are created by law and not to those that are voluntarily accorded to veterans by employers.
- Falling outside the terms of Section 712, voluntary preferences are subject to Title VII adverse impact analysis.

VETERANS' SPECIAL RIGHTS OR PREFERENCE

SEC. 2000e-11. *[Section 712]*

- Nothing contained in this subchapter shall be construed to repeal or modify any Federal, State, territorial, or local law creating special rights or preference for veterans.

REGIONAL COMPARISSON

- City of Alamogordo
- City of Albuquerque
- City of Farmington
- City of Rio Rancho
- City of Roswell
- City of Santa Fe
- County of Santa Fe

CITY HIRING HISTORY

- Number of applications from May, 2008 to August, 2011 is 47,402
- Number of Hires 885
- 98% of applications do not result in job offer*

Recommendation

- Impact on veterans unknown at this time
- HR study
 - Number of qualified veteran applicants
 - Number of qualified veterans hired
 - Impact based of various scenarios
 - Report to Council

Questions?