

The Commonwealth of Massachusetts



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MITT ROMNEY
GOVERNOR

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June 4, 2004.

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI of the Constitution of the Commonwealth, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth, I am returning to you for amendment House Bill 1053, "An Act Prohibiting Discrimination Against Veterans in Employment."

I am proud of the two bills I signed into law last week on behalf of veterans. Senate Bill No. 822 recognizes the contributions of peacetime military veterans by making them eligible for the same state benefits as those who served during periods of war. House Bill No. 2390 makes it a crime to destroy or deface a veteran's flag holder that commemorates a particular war conflict or period of service, as well as a veteran's grave marker, metal plaque or flag. I would be equally proud to sign into law a bill that prohibits employment consequences for members of the uniformed military services who are called or could be called to active duty.

As drafted, House Bill No. 1053 effectively creates a new category of individuals to be protected under state law from employment discrimination. Massachusetts would be one of the few states — if not the only state — in the nation that would include veterans as a protected class. This could put the Commonwealth at a disadvantage as it competes with other states in drawing and keeping businesses within its borders. Additionally, this bill has the potential to increase litigation costs to private sector employers without addressing a demonstrated problem for veterans. Such disadvantage might best be resolved by federal legislation.

Accordingly, I propose that House Bill No. 1053 be amended to address the principal concerns of members of our armed services who encounter dif-

facilities as they reenter the workforce after serving our country's military. This amendment would conform state law to existing federal law to address the issue of employment discrimination in such cases.

I therefore propose that House Bill No. 1053 be amended by replacing the text in its entirety with the following text:

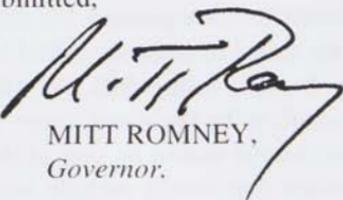
Section 4 of chapter 151B of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by inserting, after subsection 1C, the following subsection:—

1D. For an employer, an employment agency, the Commonwealth or any of its political subdivisions, by itself or its agents, to deny initial employment, reemployment, retention in employment, promotion, or any benefit of employment to a person who is a member of, applies to perform, or has an obligation to perform, service in a uniformed military service of the United States including the National Guard, on the basis of that membership, application or obligation.

And further provided that chapter 115 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by inserting, after Section 2A, the following new section:—

2B. There shall be a Commission on Veterans Employment Opportunities that shall investigate and determine whether veterans are subjected to employment discrimination on the basis of their status as veterans which shall report its findings and recommendation annually on March 1 to the Secretary of Veterans Affairs. Said commission shall consist of five persons who are as follows: the Secretary of Veterans Affairs, or his designee, the Secretary of Economic Development, or his designee, a member appointed by the Speaker of the House, a member appointed by the President of the Senate, and a veteran appointed by the Governor.

Respectfully submitted,



MITT ROMNEY,
Governor.