

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

May 9, 2019

3:32 p.m.

MEMBERS PRESENT

Senator Mike Shower, Chair
Senator John Coghill, Vice Chair
Senator Lora Reinbold
Senator Peter Micciche
Senator Scott Kawasaki

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 71 AM

"An Act relating to hiring for positions in state service based on substitution of military work experience or training for required civilian work experience or training."

- MOVED HB 71 AM OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 71

SHORT TITLE: STATE PERSONNEL ACT: VETERANS' EXPERIENCE

SPONSOR(S): REPRESENTATIVE(S) STORY

02/25/19	(H)	READ THE FIRST TIME - REFERRALS
02/25/19	(H)	MLV, STA
03/12/19	(H)	MLV AT 2:00 PM GRUENBERG 120
03/12/19	(H)	Heard & Held
03/12/19	(H)	MINUTE(MLV)
03/14/19	(H)	MLV AT 2:00 PM GRUENBERG 120
03/14/19	(H)	Moved HB 71 Out of Committee
03/14/19	(H)	MINUTE(MLV)
03/19/19	(H)	MLV AT 2:00 PM GRUENBERG 120
03/19/19	(H)	Moved HB 71 Out of Committee
03/19/19	(H)	MINUTE(MLV)
03/20/19	(H)	MLV RPT 4DP
03/20/19	(H)	DP: TARR, JACKSON, RAUSCHER, LEDOUX

03/26/19 (H) STA AT 3:00 PM GRUENBERG 120
03/26/19 (H) Heard & Held
03/26/19 (H) MINUTE(STA)
03/28/19 (H) STA AT 3:00 PM GRUENBERG 120
03/28/19 (H) Moved HB 71 Out of Committee
03/28/19 (H) MINUTE(STA)
03/29/19 (H) STA RPT 4DP 2NR
03/29/19 (H) DP: SHAW, STORY, KREISS-TOMKINS, FIELDS
03/29/19 (H) NR: VANCE, WOOL
04/24/19 (H) TRANSMITTED TO (S)
04/24/19 (H) VERSION: HB 71 AM
04/26/19 (S) READ THE FIRST TIME - REFERRALS
04/26/19 (S) STA
05/09/19 (S) STA AT 3:30 PM BUTROVICH 205

WITNESS REGISTER

REPRESENTATIVE ANDI STORY, Bill Sponsor
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced HB 71.

GREG SMITH, Staff
Representative Andi Story
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions related to HB 71

KATE SHEEHAN, Director
Division of Personnel and Labor Relations
Alaska Department of Administration
Juneau, Alaska

POSITION STATEMENT: Answered questions related to HB 71.

DAN WAYNE, Attorney
Legislative Legal Services
Legislative Affairs Agency
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions related to HB 71.

ACTION NARRATIVE

3:32:12 PM

CHAIR MIKE SHOWER called the Senate State Affairs Standing Committee meeting to order at 3:32 p.m. Present at the call to

order were Senators Coghill, Kawasaki, Reinbold, Micciche, and Chair Showers.

HB 71-STATE PERSONNEL ACT: VETERANS' EXPERIENCE

[3:32:42 PM](#)

CHAIR SHOWER announced the consideration of HOUSE BILL NO. 71 am, "An Act relating to hiring for positions in state service based on substitution of military work experience or training for required civilian work experience or training."

CHAIR SHOWER asked the sponsor and her staff to come to the table to introduce the bill.

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REPRESENTATIVE ANDI STORY, Bill Sponsor, Alaska State Legislature, Juneau, said that HB 71 would ensure that veterans, former prisoners of war, and members of the National Guard can use documented military experience to meet the basic requirements of a state position. Veterans have served their country and should be honored for their service and sacrifice. The transition to civilian life often proves to be difficult. In a 2012 survey, two-thirds of veterans named finding a job as the greatest challenge in the transition from military to civilian life. Alaska has the highest proportion of veterans of any state, so they can expect finding civilian employment to be a major issue for Alaskan veterans. The current state policy is to accept experience gained while serving in the military for meeting the requirements for state jobs. HB 71 would simply put this current practice into statute, adding a new subsection to the state Personnel Act. The legislation would provide certainty to veterans, ensuring that their military experience could count, regardless of changes in administration or administrators. She knows as a former member of the Juneau School Board how changes in superintendents and human resource personnel directors resulted in practices not being followed if they were not in adopted policies.

REPRESENTATIVE STORY said she has found that to be the case with the state also. Policies aren't always followed. By placing this bill into the state's Personnel Act, compliance should be increased.

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SENATOR MICCICHE thanked the sponsor for the bill. He asked why the bill includes former prisoners of war. It seems redundant, but he worries that a prisoner of war may not be a veteran.

MS. STORY said that's the way it is written in statute now.

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GREG SMITH, Staff, Representative Andi Story, Alaska State Legislature, Juneau, said the reason for including that phrase and members of the National Guard relates to the statutory reference in line 6 of the bill. There is already an employment preference in statute for those three groups. The bill maintains that consistency.

CHAIR SHOWER asked if anyone is in that category of being a prisoner of war but not a veteran.

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KATE SHEEHAN, Director, Division of Personnel and Labor Relations, Alaska Department of Administration, Juneau, said she didn't know if they have any current prisoners of war who have received an employment preference under their current policy or statute. They are assigned different point values. A veteran receives a five-point preference. A prisoner of war or a disabled veteran receives a ten-point preference. With a ten-point preference, candidates automatically get an interview if they meet the minimum qualifications. Their practice has been to give every veteran who meets the minimum qualifications an interview.

SENATOR MICCICHE suggested the bill should clarify that the prisoner of war must also be a veteran in order not to include nonveterans. A verbatim interpretation may cause that risk.

MS. SHEEHAN said she sees the point. It is currently defined that way in statute.

CHAIR SHOWER said he could envision a scenario of refugees, like after the Vietnam War, who are classified as prisoners of war because they were. He asked if the intent was to make this strictly for military veterans, and whether a slight modification of the language would be acceptable.

MS. SHEEHAN said that makes sense and the Department of Law can review it.

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SENATOR KAWASAKI said the state Personnel Act defines a prisoner of war as someone who has been a prisoner of war during a declared war or conflict as determined by the Department of Defense under federal regulation. It's in several different parts of the statute. It's been around a long time.

CHAIR SHOWER said he hadn't thought about it before, but it would potentially open another category of people for this preference. He is fairly sure that an entire category of refugees was designated as prisoners of war.

SENATOR MICCICHE said he'd be satisfied if the Department of Law could let the committee know that the Department of Defense definition is for U.S. military prisoners of war.

SENATOR COGHILL said he's satisfied with the language as it is because they have to translate military work experience and training for nonmilitary work. That's tight enough for him.

CHAIR SHOWER said that's a good point.

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At ease

[3:44:04 PM](#)

CHAIR SHOWER reconvened the meeting and asked Mr. Wayne if he could tell the committee whether the phrase former prisoner of war is defined by the Department of Defense to include only U.S. veterans. Senator Coghill pointed out that the language says to substitute military work experience or training. He asked if that is tight enough to indicate that they do not want to include nonveterans.

[3:45:21 PM](#)

DAN WAYNE, Attorney, Legislative Legal Services, Legislative Affairs Agency, Alaska State Legislature, Juneau, said he agrees with Senator Coghill. If the person does not have military experience, then that experience will not count for employee qualifications, even though that person may have been a prisoner of war.

SENATOR MICCICHE said there is apparently a Department of Defense (DOD) definition in statute. The committee would like to know if that requires some military service, so as to not open it up to nonmilitary prisoners of war, whether they be immigrants or some other classification.

MR. WAYNE said the AS 39.25.159 definition for prisoner of war is a person who has been a prisoner of war during a declared war or other conflict as determined by the Department of Defense under federal regulations. The department would determine whether someone was a prisoner of war on a case-by-case basis.

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SENATOR KAWASAKI summarized the question as if there is a civilian contractor who drives a truck and becomes a prisoner of war but has no military career, that person could be considered a prisoner of war under HB 71 and existing statute.

MR. WAYNE said he doesn't know if DOD regulations would determine that person was a prisoner of war.

SENATOR MICCICHE asked if anything in the bill or AS 39.25.159 requires that it must be a U.S. veteran or prisoner of war.

MR. WAYNE said the way both AS 39.25.159 and the bill are written, it doesn't say the prisoner of war must be a member of the military or a former member of the military.

SENATOR MICCICHE asked if this bill gives a work preference to veterans of Uruguay's military or if it clarifies that it is talking about the U.S. He asked if that is anywhere in the regulations.

MR. SMITH said that the term "veteran" under AS 39.25.159 means a person with 181 days or more active service in the armed forces of the United States who has been honorably discharged after having served during any period, as listed in the statute.

CHAIR SHOWER said that does define U.S. military. The only place it could be defined as something other than the intent is for former prisoner of war.

SENATOR MICCICHE said he'd like to clarify that the intent of this committee is that HB 71 is for crediting work experience or training for U.S. veterans or U.S. former prisoners of war and a member of the U.S. National Guard. But it's not extended.

SENATOR MICCICHE said, "I think the intent is clear. I don't think we have to drag this out. If we had more time this session, I might have amended the bill for including the word and clarifying former prisoner of war, but I think the intent is important to clarify. So, unless there is strong disagreement

from the committee, I think that probably serves the purpose of legislative intent."

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CHAIR SHOWER asked if there is a simple word change for a conceptual amendment.

SENATOR KAWASAKI asked Ms. Sheehan to describe how the military work experience is compared to nonmilitary work experience.

MS. SHEEHAN said an applicant lists prior job experience. There is a large section for listing duties because military job titles are not always clear. The same goes with training and special training and licenses someone may have. They try to make the best match to state requirements. An applicant has a chance to explain it all. They can dive deeper into any questions during the interview process.

SENATOR KAWASAKI asked how often this military preference is used now.

MS. SHEEHAN replied often. The policy requires an interview for veterans with ten points, but the practice is to interview all veterans as long as they meet the minimum qualifications. If there is any questions about that, they err on the side that the person does meet the requirements or they ask for more information before the interview.

CHAIR SHOWER clarified that the intent is to codify current practice into law.

[3:53:46 PM](#)

SENATOR REINBOLD clarified that in AS 39.25.159 it is a U.S. military veteran who has served greater than 181 days and was honorably discharged.

MR. SMITH answered that's correct.

SENATOR REINBOLD said it is in statute, so she is satisfied.

CHAIR SHOWER said the intent is clearly on the record. This is for a U.S. military veteran, not someone from another country.

[3:55:02 PM](#)

CHAIR SHOWER opened public testimony and found none and closed it. He asked the will of the committee.

[3:55:33 PM](#)

SENATOR COGHILL moved to report HB 71, A.A, from committee with individual recommendations and attached fiscal note(s).

CHAIR SHOWER stated that without objection, HB 71 AM, A.A, passes from committee. He thanked Representative Story for codifying something that is important for veterans. Considering military suicides, it is a big deal to let veterans know that they are open for business for them.

SENATOR REINBOLD said SB 11 just passed out of a committee. They put HB 113 into that bill. This fits perfectly with that bill. SB 11 is Senator Kawasaki's and Representative Jackson's bill that deals with military licensure and preference.

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There being no further business to come before the committee, Chair Shower adjourned the Senate State Affairs Standing Committee meeting at 3:57 p.m.