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Re: Lachen's

Bill - #176

There is no
question or
problem with
Residency.

- Does not apply -

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: HB176 Date on Bill: 02/08/83
 Title: An act relating to employment preference rights for veterans
 Sponsor: Lacher, Lindauer, and Furnace by request
 Requestor: House State Affairs

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operating		105.2	18.6	18.6
Total		105.2	18.6	18.6

b. Revenues:

Revenue

2. Source of funds to offset fiscal impact of bill:

3. Assumptions:
1. Effective date of July 1, 1983.
 2. No inflation for FY 85, FY 86.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor.

Prepared By: Frank Ruge Phone: x4430
 Division: Director of Administration Date: 3/7/83
 Approved by Commissioner: Lisa Rudd Date: 3/10/83
 Department: Administration

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/8/83

Alaska State Legislature

REPRESENTATIVE
BARBARA LACHER
P.O. BOX 478
PALMER, ALASKA 99645
(907) 376-4215



WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4894

House of Representatives

TO: Representative Mitch Abood
Chair of the House State Affairs Committee

FROM: Representative Barbara Lacher *B*
Chair of the House Community and Regional Affairs Committee

DATE: April 4, 1983

RE: House Bill 176 "An Act relating to employment preference rights for Veterans."

The purpose of this legislation is to clarify the intent of Alaska Statutes pertaining to veterans preference for employment with State Agencies.

Present law provides that an additional 5 points be added to a Veterans Merit System Examination only the first time the Veteran obtains employment in the classified service. This wording has been interpreted to exclude the additional point award on second or subsequent jobs in the classified service, even if the points were not requested or awarded on the first employment examination.

The change in wording in House Bill 176 retains the provision that the additional points can only be added once, but does not specify that it must be the first time the Veteran obtains a position in the classified service.

STATE OF ALASKA

DEPARTMENT OF ADMINISTRATION DIVISION OF PERSONNEL

~~XXXXXXXXXXXXXXXXXXXX~~
Bill Sheffield, Governor

3341 FAIRBANKS ST.
ANCHORAGE, ALASKA 99503
PHONE: (907) 279-6441

January 20, 1983

Mr. Wayne J. Pinguoch
Box 315
Wasilla, Alaska 99687

Dear Mr. Pinguoch:

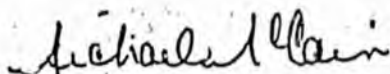
Your name has been on State of Alaska eligible lists with Veteran's Preference Points.

Recent legislative changes to the State Personnel Act have affected the criteria for awarding Veteran's Preference Points. Effective July 1, 1982, the law has been changed to allow points only for first time entry into the classified service. Once an individual is hired into a permanent/probationary position s/he loses all future rights to veteran's points.

Review of your current application indicates you have been previously employed by the State of Alaska. Therefore, in compliance with the law, I have removed your Veterans' Preference Points from all lists on which your name appears.

If you have any questions regarding this matter, please feel free to contact me.

Sincerely,



Michael McCain
Personnel Technician

MM:aj

cc: Certifications

January 25, 1983

Mr. Michael McCain
Personnel Technician
3741 Fairbanks St.
Anchorage, Alaska 99503

Dear Mr. McCain

I received your letter interpreting the law concerning my veteran's points. It is my belief that I still have the option of using those points because I have never received that benefit in any initial entry into the system. Checking my records will prove that.

You notified me of the fact that you have already deleted these points from all lists containing my name and I thank you for that notification at this time because it is important to me now that a new governor is endeavoring to rebuild the crumbling correctional system. I have applied for several positions because I feel that those new steps are in the right direction and that I could again receive satisfaction in being able to do a good job.

I am sending a copy of this correspondence to the Director of Corrections and to a legislator to seek a definition concerning the application of this law to my situation.

Had I utilized those points for entry into the classified service, you would be correct; however I do not believe that I have ever used those benefits given to me for serving my country.

Sincerely

Wayne Pinguoch
Wayne Pinguoch
Box 315
Wasilla, Alaska 99687

c.c. Roger Endell Director of Corrections
Barbara Lacher Legislator



Official Business

Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

February 1, 1983

Mr. Wayne J. Pinguoch
Box 315
Wasilla, Alaska 99687

Dear Wayne:

Unfortunately, the state personnel law was changed, as had been explained to you in the letter you received from Michael McCain of the Division of Personnel. The language of this new law reads: "...but the additional (veteran's preference) points may be used only the first time the veteran obtains a position in classified service..."

Since you have held a classified position previously, by law, you lose the right to ever use your veteran's preference again.

The situation you presently find yourself in is very unfair, and I will be having a bill drafted that change the language so that a veteran's preference may be used once, but not necessarily the first time a veteran obtains a classified position. This would ensure the veteran's right to use the preference points whenever those points would most benefit the veteran.

I'm sorry that there is nothing I can do to immediately help the situation, but I will do everything possible to correct this unfair law.

Sincerely,

A handwritten signature in cursive script, appearing to read "Barbara Lacher".

Barbara Lacher
Representative
District 1

AS39.25.150 DOCUMENT= 1 OF 1 PAGE = 1 OF 9
CHAPTER = 39.25
SECTION = 39.25.150
TITLE = 39

HEADINGS TITLE 39.
Public Officers and Employees.
CHAPTER 25.
State Personnel Act.
ARTICLE 3.
Personnel Rules.

CITATION Sec. 39.25.150.

CATCH LINE

SCOPE OF THE RULES.

TEXT The personnel rules shall provide for

(1) the preparation, maintenance, and revision by the director of personnel, subject to approval of the commissioner of administration and the personnel board, of a position classification plan for all positions in the classified and partially exempt services; the position classification plan shall include

(A) a grouping together of all positions into classes on the basis of duties and responsibilities;

(B) an appropriate title, a description of the duties and responsibilities, training and experience qualifications, and other necessary specifications for each class of positions;

(2) the preparation, maintenance, revision and administration by the director of personnel of a pay plan for all positions in the classified and partially exempt services; the pay plan (A) shall be based upon the position classification plan; (B) shall provide for fair and reasonable compensation for services rendered, and reflect the principle of like pay for like work; (C) may be amended, approved, or disapproved by the legislature in regular or special session; after the pay plan is in effect, a salary or wage payment may not be made to a state employee covered by the plan unless the payment is in accordance with this chapter and the rules adopted under this chapter or unless the payment is in accordance with a valid agreement entered into in accordance with AS 23.40;

(3) the use of employee selection methods, including open competitive examinations, when appropriate, that will fairly test the capacity and fitness of the person examined to discharge the duties of the class in which employment is sought;

(4) the establishment and maintenance of eligible lists for appointment and promotion providing the names of eligible candidates in order of their relative performance in the examinations;

(5) the procedure for certifying eligible candidates; the rule adopted under this paragraph may include procedures providing a preference for certifying local residents when

appropriate;

(6) promotions from within the state service when there are qualified candidates in the state service; vacancies shall be filled by promotion whenever practicable and in the best interest of the state service and promotion shall be by competitive examination whenever possible; in considering promotions, the applicants' qualifications, performance record, seniority, and conduct shall be evaluated;

(7) a period of probation not to exceed one year before an appointment to a position becomes permanent, except that a permanent employee receiving a promotional appointment retains permanent status in the service and job class from which appointed for the duration of the probationary period and may be demoted to a former class without right of appeal, notwithstanding AS 39.25.170, but if the employee is dismissed from the service the appeal rights under AS 39.25.170 apply;

(8) nonpermanent and emergency appointments to positions in the state service in accordance with AS 39.25.195 - 39.25.200;

(9) provisional appointment without competitive examination when appropriate eligible lists are not available;

(10) transfers from one department to another and from another merit system jurisdiction to the state service;

(11) transfers from one area of the state to another;

(12) the reinstatement of a person who resigns in good standing;

(13) layoffs for reason of lack of money or work, abolition of positions, or material changes in duties or organization; both performance and seniority records shall be considered in the development of layoff orders;

(14) the development, maintenance, and use of employee performance records;

(15) the establishment of disciplinary measures which may include disciplinary suspension without pay;

(16) the procedures for review of disputed personnel actions, for resolving employee and interagency grievances, and for resolving grievances of the general public concerning the operation of the state personnel system;

(17) hours of work for all employees in the state service;

(18) methods and procedures covering overtime work and pay;

(19) the granting of employment preference rights to a veteran not within the area of promotion, when the veteran possesses the necessary qualifications in the job classification applied for under this chapter; in an examination to determine the qualification of applicant for entrance into the classified service under merit system examination, five additional points shall be added to the

passing grade of a veteran and ten additional points shall be added to the passing grade of a disabled veteran, but the additional points may be used only the first time the veteran obtains a position in the classified service; if a position in the classified service is eliminated, employees shall be released in accordance with rules which give due effect to all factors; if all job qualifications are equal, the veteran shall be given preference over the nonveteran and the veteran shall be kept on the job; this paragraph may not be interpreted to amend the terms of a collective bargaining agreement; in this paragraph

(A) "veteran" 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 between April 6, 1917, and December 1, 1919, between September 16, 1940, and December 31, 1947, or between June 27, 1950, and November 7, 1975;

(B) "disabled veteran" means a veteran who is entitled to compensation under laws administered by the United States Veterans' Administration, or a person who was honorably discharged or released from active duty because of a service-connected disability;

(20) the employment of persons in permanent positions on a part-time basis of 15 hours or more a week, including the employment of two persons to fill one permanent full-time position; these employees shall be designated as permanent part-time employees;

(21) the granting of employment preference to severely handicapped persons; this includes the right to provisional appointment without competitive examination for periods up to four months and the granting of eligibility to a severely handicapped person provisionally appointed under the rules who demonstrates ability to perform the job for permanent appointment without competitive examination; provisional employment under this paragraph may not exceed four months during a 12-month period; "severely handicapped" as used in this paragraph means persons certified by the director of the division of vocational rehabilitation to be severely handicapped;

(22) the establishment of programs facilitating the employment of disadvantaged persons;

(23) the delegation, when feasible, of personnel responsibilities and duties to the principal departments of the executive branch;

(24) the establishment of a transition period of up to 12 months for an employee to be reappointed to a classified position if the employee's position is withdrawn from the partially exempt or exempt service and placed in the classified service;

(25) other rules and administrative regulations, not inconsistent with this chapter, which are necessary for its

enforcement.

HISTORY (Sec. 13 ch 144 SLA 1960; am sec. 1 ch 130 SLA 1961; am sec. 1 ch 147 SLA 1962; am sec. 1 ch 117 SLA 1966; am sec. 1 ch 33 SLA 1967; am sec. 3 ch 226 SLA 1970; am sec. 1 ch 39 SLA 1971; am sec. 3 ch 42 SLA 1971; am sec. 1 ch 21 SLA 1973; am sec. 1 ch 27 SLA 1976; am sec. 1 ch 4 SLA 1978; am sec. 2 ch 67 SLA 1979; am sec. 38 ch 94 SLA 1980; am secs. 1, 2 ch 89 SLA 1982; am sec. 14 ch 112 SLA 1982)

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