

HB

224

# HOUSE COMMITTEE REPORT

(7)

Date Referred: March 31, 1989

FURTHER REFERRALS:

Date of Committee Action: \_\_\_\_\_

The JUDICIARY Committee considered:

HB 224

HOUSE BILL NO. 224 [STATE EMPLOYMENT VETERANS' PREFERENCE]  
"An Act relating to veteran's preference in state employment."

### RECOMMENDATIONS:

- [X] be replaced with CS HB 224 (Jud)  the same title  
 a new title
- [ ] have attached amendment(s)
- [ ] do pass
- [ ] do not pass
- [ ] no recommendation
- [ ] individual recommendations
- [ ] additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of intent

ATTACHES NEW FISCAL NOTE(S):  
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- [ ] fiscal impact \_\_\_\_\_
- [ ] zero fiscal note \_\_\_\_\_
- [ ] zero with analysis \_\_\_\_\_

- [ ] fiscal note(s) \_\_\_\_\_
- [ ] zero fiscal note(s) \_\_\_\_\_
- [ ] zero fn/analysis \_\_\_\_\_

### SIGNING DO PASS:

[Signature]

Terry Martin with possible amend.

[Signature]

[Signature]

[Signature]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### SIGNING:

(Check appropr. column)

Do Not  
Pass  
No Rec  
Amend

	Do Not Pass	No Rec	Amend
_____			
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[Signature]  
Chairman's Signature

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_ Agency Affected: Department of Administration  
 Title: An Act relating to Veteran's BRU: Personnel  
preference in State employment  
 Sponsor: Cato, Grusendorf, et al. Components: Personnel  
 Requestor: House Judiciary

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER 1034	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This bill would not have a fiscal impact on the Division of Personnel either in Fiscal Year 90 or in subsequent years.

Prepared by: David K. F. Otto *Dkfo* Phone: 465-4430  
 Division: Personnel Date: 1/22/90  
 Approved by Commissioner: Frank S. Baxter *Frank Baxter* Date: 1/23/90  
 Agency: Department of Administration

Distribution (by preparer):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

## FISCAL NOTE

**REQUEST:**

Revision Date: January 24, 1990  
 Title: An Act relating to veterans preference  
 Sponsor: Cato  
 Requestor: House Judiciary Committee

Agency Affected: Military & Veterans Affairs  
 BRU: \_\_\_\_\_

Components: \_\_\_\_\_

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0

CAPITAL						
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REVENUE						
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**FUNDING:** (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** (Attach a separate page if necessary)

This bill will have no fiscal impact on DMVA.

Prepared by: Jeff Morrison, Director Phone: 465-4600  
 Division: Administrative & Support Services, DMVA Date: January 24, 1990

Approved by Commissioner: MG John Schaeffer Date: January 24, 1990  
 Agency: Department of Military & Veterans Affairs

**Distribution (by preparer):**

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Original sponsor(s): REP. CATO, Grussendorf, Menard, Hudson, Zawacki,  
Boucher, Kubina

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 224 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act creating preferences in state employment for  
7 prisoners of war and for certain rehabilitated veter-  
8 ans and prisoners of war; and allowing repeated use  
9 of the state employment preference by certain veter-  
10 ans and prisoners of war for applications for nonper-  
11 manent positions."

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

13 \* Section 1. AS 39.25.150(19) is repealed and reenacted to read:

14 (19) the granting of employment preference rights, not  
15 within the area of promotion, to a veteran or prisoner of war under  
16 (b) - (d) of this section;

17 \* Sec. 2. AS 39.25.150 is amended by adding new subsections to read:

18 (b) A veteran or prisoner of war who possesses the necessary  
19 qualifications for a job classification applied for under this chapter  
20 is entitled to a preference under this subsection. In an examination  
21 to determine the qualification of applicants for the classified ser-  
22 vice under merit system examination, five points shall be added to the  
23 passing grade of a veteran, 10 points shall be added to the passing  
24 grade of a disabled veteran, or 10 points shall be added to the pass-  
25 ing grade of a prisoner of war. A person may receive preference  
26 points under only one of these categories. A person who has not  
27 received an appointment to a permanent position using a preference  
28 under this subsection may use the preference for applications to  
29 nonpermanent positions without limitation. Except as provided in (c)

1 of this section, a person who has been appointed, after receiving  
2 preference points under this subsection, to a permanent position in  
3 the classified service is not entitled to a further hiring preference  
4 under this subsection. If a position in the classified service is  
5 eliminated, employees shall be released in accordance with rules that  
6 give due effect to all factors. If all job qualifications are equal,  
7 a veteran or prisoner of war shall be given preference over a person  
8 who was not a veteran or prisoner of war and the veteran or prisoner  
9 of war shall be kept on the job. This subsection may not be inter-  
10 preted to amend the terms of a collective bargaining agreement.

11 (c) A veteran or prisoner of war, who terminated from a position  
12 in the classified service because of a service-connected disability,  
13 and who has not worked in a permanent position in the classified  
14 service for at least two years since the employment ended, and who has  
15 been certified by a physician or psychologist, as appropriate, as  
16 having suffered from a service-connected disability during the previ-  
17 ous state employment and as able to return to work, is entitled to  
18 receive a preference under (b) of this section until the person is  
19 appointed to a permanent position in the classified service.

20 (d) In this section

21 (1) "disabled veteran" means a veteran who is entitled to  
22 compensation under laws administered by the United States Department  
23 of Veterans Affairs, or a person who was honorably discharged or  
24 released from active duty because of a service-connected disability;

25 (2) "prisoner of war" means a person who has been a prison-  
26 er of war during a declared war or other conflict as determined by the  
27 Department of Defense under federal regulations;

28 (3) "veteran" means a person with 181 days or more active  
29 service in the armed forces of the United States who has been

1           honorably discharged after having served during any period

2                       (A)    between April 6, 1917, and December 1, 1919,  
3                       between September 16, 1940, and December 31, 1947, or between  
4                       June 27, 1950, and October 14, 1976; or

5                       (B)    in which the person was awarded a campaign badge,  
6                       expedition medal, the Purple Heart, or an award or decoration for  
7                       heroism or gallantry in action.

# HOUSE COMMITTEE REPORT

(7)

Date Referred: March 17, 1989

FURTHER REFERRALS: JUDICIARY

Date of Committee Action: \_\_\_\_\_

The STATE AFFAIRS Committee considered:

HB 224

HOUSE BILL NO. 224

[STATE EMPLOYMENT VETERANS' PREFERENCE]

"An Act relating to veteran's preference in state employment."

### RECOMMENDATIONS:

- [ ] be replaced with \_\_\_\_\_ [ ] the same title  
[ ] have attached amendment(s) [ ] a new title  
[ ] do pass  
[ ] do not pass  
[ ] no recommendation  
[X] individual recommendations  
[ ] additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of intent

ATTACHES NEW FISCAL NOTE(S):

APPROVES PREVIOUS:

(Dept)

(Date/Dept)

[ ] fiscal impact \_\_\_\_\_

[ ] fiscal note(s) \_\_\_\_\_

[X] zero fiscal note DOA

[ ] zero fiscal note(s) \_\_\_\_\_

[ ] zero with analysis \_\_\_\_\_

[ ] zero fn/analysis \_\_\_\_\_

SIGNING DO PASS:

SIGNING:

(Check approp. column)

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*[Signature]*  
\_\_\_\_\_  
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	Do Not Pass	No Rec	Amend
<i>[Signature]</i>		✓	
<i>[Signature]</i>		✓	
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*[Signature]*  
\_\_\_\_\_

Chairman's signature

Item 1

1 IN THE HOUSE

BY CATO, GRUSSENDORF, MENARD  
AND HUDSON

2

HOUSE BILL NO. 224

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to veteran's preference in state  
7 employment."

8

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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\* Section 1. AS 39.25.150(19) is amended to read:

10

(19) the granting of employment preference rights to a

11

veteran [NOT WITHIN THE AREA OF PROMOTION,] when the veteran possesses

12

the necessary qualifications in the job classification applied for

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under this chapter; in an examination to determine the qualification

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of applicants for entrance into the classified service under merit

15

system examination, five additional points shall be added to the

16

passing grade of a veteran and 10 additional points shall be added to

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the passing grade of a disabled veteran [, BUT THE ADDITIONAL POINTS

18

MAY BE USED ONLY THE FIRST TIME THE VETERAN OBTAINS A POSITION IN THE

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CLASSIFIED SERVICE]; if a position in the classified service is elimi-

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nated, employees shall be released in accordance with rules which give

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due effect to all factors; if all job qualifications are equal, the

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veteran shall be given preference over the nonveteran and the veteran

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shall be kept on the job; this paragraph may not be interpreted to

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amend the terms of a collective bargaining agreement; in this para-

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graph

26

(A) "veteran" means a person with 181 days or more

27

active service in the armed forces of the United States who has

28

been honorably discharged after having served during any period

29

(i) between April 6, 1917, and December 1, 1919,

Item 2

FISCAL NOTE

REQUEST: \_\_\_\_\_

Revision Date: \_\_\_\_\_ Agency Affected: Department of Administration  
Title: An Act relating to veterans' preference in state employment BRJ: Centralized Administrative Services  
SPONSOR: Cato, Grussendorf, Menard, Hudson Components: Personnel  
Requestor: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This bill would not have a fiscal impact on the Division of

RECEIVED

MAR 29 1989

Prepared By: David K. F. Otto *DKFO* Phone: 465-4430  
Division: Personnel Date: 3-28-89  
Approved by Commissioner: John M. Andrews *John M. Andrews* Date: 3-29-89  
Agency: Department of Administration

Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

THE AMERICAN LEGION  
SOUTHEAST DISTRICT

SUBJECT: Veterans Preference

WHEREAS; A grateful nation has, following each war indicated its thanks to those who bore the battle by providing certain rights and benefits, one of which has been a small advantage when seeking state employment; and

WHEREAS: Alaska Statutes (39.25.150) does not provide for veterans preference on subsequent employment of promotions, now therefore, be it

RESOLVED: by The American Legion, Southeast District, The Department of Alaska in convention assembled in Wrangell, Alaska February 2, 3, and 4th 1989, that The American Legion urges the <sup>14th</sup> 20th State Legislature to amend AS 39.25.150, to reflect that veteran applicants for State classified employment be granted preference rights in any subsequent employment or promotion.

## FISCAL NOTE

**REQUEST:**

Revision Date: January 24, 1990  
 Title: An Act relating to veterans preference  
 Sponsor: Cato  
 Requestor: House Judiciary Committee

Agency Affected: Military & Veterans Affairs  
 BRU: \_\_\_\_\_  
 Components: \_\_\_\_\_

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

CAPITAL						
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REVENUE						
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**FUNDING:** (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** (Attach a separate page if necessary)

This bill will have no fiscal impact on DMVA.

Prepared by: Jeff Morrison, Director  
 Division: Administrative & Support Services, DMVA  
 Approved by Commissioner: MG John Schaeffer  
 Agency: Department of Military & Veterans Affairs

Phone: 465-4600  
 Date: January 24, 1990  
 Date: January 24, 1990

**Distribution (by preparer):**

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

# Alaska State Legislature



## House of Representatives House Judiciary Committee

*or if*

P. O. Box V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-4990  
(907) 465-4712

### HOUSE JUDICIARY COMMITTEE

Revised  
2/7/90

February 5, to February 9, 1990

(\*indicates first public hearing)

HOUSE JUDICIARY

CAPITOL ROOM 120

1:15 p.m.

Friday, February 9, 1990

HB 318 "An Act relating to the Fair Campaign Practices Code."

\* HB 459 "An Act making supplemental appropriations to the Department of Law for oil and gas litigation, and providing for an effective date."

HB 224 "An Act relating to veteran's preference in state employment."

CS SB 92 "An Act relating to the identification cards issued by the Department of Public Safety, motor vehicle registration and registration fees, filing a lien on a motor vehicle, and issuance of handicapped parking permits; and providing for an effective date."

### Unfinished Business

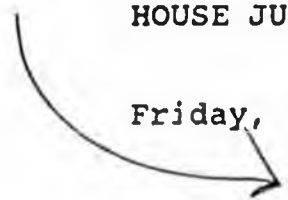
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Friday, February 9, 1990

Subcommittee Meeting 4:00 Room 120

HB 411 "An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; and providing for an effective date."

*WHEN?  
??*



February 9, 1990

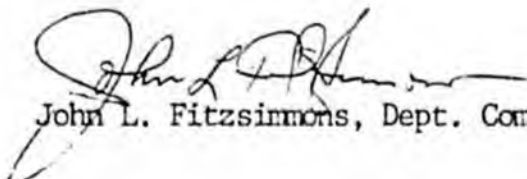
Representative Max F. Gruenberg  
P.O. Box V  
Juneau, Alaska 99811

RE: HOUSE BILL 224

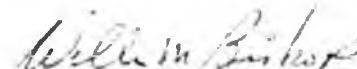
Dear Representative Gruenberg:

The American Legion Department of Alaska expresses it's support for the Judiciary committee substitute for HB-224, (2-8-90 draft). We feel this committee substitute will be of benefit to Alaskan veterans. We urge you to support this legislation and assist it in passing through the House and Senate.

Kindest regards,

  
John L. Fitzsimmons, Dept. Commander

  
Warren Colver, Dept. Adjutant

  
William M. Bishop, NEC

6-0850E ✓  
Cramer  
2/8/90

Original sponsor(s): REP. CATO, Grussendorf, Menard, Hudson, Zawacki,  
Boucher, Kubina

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 224 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to preferences in state employment  
7 for veterans and prisoners of war."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 39.25.150(19) is repealed and reenacted to read:

10 (19) the granting of employment preference rights, not  
11 within the area of promotion, to a veteran or prisoner of war under  
12 (b) - (d) of this section;

13 \* Sec. 2. AS 39.25.150 is amended by adding new subsections to read:

14 (b) A veteran or prisoner of war who possesses the necessary  
15 qualifications for a job classification applied for under this chapter  
16 is entitled to a preference under this subsection. In an examination  
17 to determine the qualification of applicants for the classified ser-  
18 vice under merit system examination, five points shall be added to the  
19 passing grade of a veteran, 10 points shall be added to the passing  
20 grade of a disabled veteran, or 10 points shall be added to the pass-  
21 ing grade of a prisoner of war. A person may receive preference  
22 points under only one of these categories. A person who has not  
23 received an appointment to a permanent position using a preference  
24 under this subsection may use the preference for applications to  
25 nonpermanent positions without limitation. Except as provided in (c)  
26 of this section, a person who has been appointed, after receiving  
27 preference points under this subsection, to a permanent position in  
28 the classified service is not entitled to a further hiring preference  
29 under this subsection. If a position in the classified service is

1 eliminated, employees shall be released in accordance with rules that  
2 give due effect to all factors. If all job qualifications are equal,  
3 a veteran or prisoner of war shall be given preference over a person  
4 who was not a veteran or prisoner of war and the veteran or prisoner  
5 of war shall be kept on the job. This subsection may not be inter-  
6 preted to amend the terms of a collective bargaining agreement.

7 (c) A veteran or prisoner of war, who terminated from a position  
8 in the classified service because of a service-connected disability,  
9 who has not worked in a permanent position in the classified service  
10 for at least two years since the employment ended, and who has been  
11 certified by a physician or psychologist, as appropriate, as having  
12 suffered from a service-connected disability during the previous state  
13 employment and as able to return to work, is entitled to receive a  
14 preference under (b) of this section until the person is appointed to  
15 a permanent position in the classified service.

16 (d) In this section

17 (1) "disabled veteran" means a veteran who is entitled to  
18 compensation under laws administered by the United States Department  
19 of Veterans Affairs, or a person who was honorably discharged or  
20 released from active duty because of a service-connected disability;

21 (2) "prisoner of war" means a person who has been a prison-  
22 er of war during a declared war or other conflict as determined by the  
23 Department of Defense under federal regulations;

24 (3) "veteran" means a person with 181 days or more active  
25 service in the armed forces of the United States who has been hon-  
26 orably discharged after having served during any period

27 (A) between April 6, 1917, and December 1, 1919,  
28 between September 16, 1940, and December 31, 1947, or between  
29 June 27, 1950, and October 14, 1976; or

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(B) in which the person was awarded a campaign badge, expedition medal, the Purple Heart, or an award or decoration for heroism or gallantry in action.

# Alaska State Legislature



## House of Representatives House Judiciary Committee

P. O. Box V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-4990  
(907) 465-4712

### AGENDA

#### HOUSE JUDICIARY COMMITTEE MEETING

FRIDAY, JANUARY 26, 1990

1:15 P.M.

( \* Indicates first public hearing)

- |          |  |
|----------|--|
| HB 316   | "An Act relating to fines imposed in criminal cases against organizations."      |
| * HB 235 | "An Act relating to safety involving certain kinds of equipment and containers." |
| HB 224   | "An Act relating to veteran's preference in state employment."                   |

Unfinished Business

6-0850H  
Cramer  
1/26/90

Original sponsor(s): REP. CATO, Grussendorf, Menard, Hudson, Zawacki,  
Boucher, Kubina

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IN THE HOUSE

BY THE JUDICIARY COMMITTEE

CS FOR HOUSE BILL NO. 224 (Judiciary)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to veteran's preference in state  
employment."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

\* Section 1. AS 39.25.150(19) is amended to read:

(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 applicants for [ENTRANCE INTO] the classified service under merit  
system examination, five additional points shall be added to the  
passing grade of a veteran and 10 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]; a preference under this paragraph may be used for  
an appointment to only one position; a veteran who has been appointed  
to a position in the classified service, whether the position was an  
initial appointment or a promotion, and whose veteran's points were  
added to the grade in the examination for that position is not enti-  
tled to a further hiring preference under this paragraph; if a posi-  
tion in the classified service is eliminated, employees shall be  
released in accordance with rules that [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

1 collective bargaining agreement; in this paragraph

2 (A) "veteran" means a person with 181 days or more  
3 active service in the armed forces of the United States who has  
4 been honorably discharged after having served during any period

5 (i) between April 6, 1917, and December 1, 1919,  
6 between September 16, 1940, and December 31, 1947, or be-  
7 tween June 27, 1950, and October 14, 1976; or

8 (ii) in which the person was awarded a campaign  
9 badge or expedition medal, or the Purple Heart or other  
10 award or decoration for heroism or gallantry in action;

11 (B) "disabled veteran" means a veteran who is entitled  
12 to compensation under laws administered by the United States  
13 Department of Veterans Affairs [VETERANS' ADMINISTRATION], or a  
14 person who was honorably discharged or released from active duty  
15 because of a service-connected disability;  
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RECEIVED JUN 27 1989

# Alaska State Legislature

House of Representatives  
COMMITTEE ON STATE AFFAIRS

June 27, 1989

Rep. Peter Goll  
Co-Chairman, House Judiciary Committee  
Room 122, Capitol Building  
P.O. Box V  
Juneau, AK 99811

Rep. Max Gruenberg  
Co-Chairman, House Judiciary Committee  
3111 C Street, Suite 440  
Anchorage, AK 99503

Dear Peter and Max,

I am trying to assist the passage of HB 224, relating to veteran preference rights in state employment.

I would appreciate it if you could schedule a hearing as soon as it is practical for you. If you need me to testify on the bill during the interim, I'm available.

Yours truly,

A handwritten signature in cursive script that reads "Red".

H. A. "Red" Boucher  
Representative



# THE AMERICAN LEGION

DEPARTMENT OF ALASKA  
P.O. BOX 201949  
ANCHORAGE, ALASKA 99520-1949  
(907) 276-8211

received  
102189

JAMES H. MALONE  
Department Commander  
235 East 8th Avenue, Anchorage, Alaska 99501

WILLIAM M. BISHOP  
National Executive Committeeman  
302 Marine Way  
Kodiak, Alaska 99615

JOSEPH T. CRAIG  
Alternate NEC  
2321 First Ave.  
Ketchikan, AK 99901

Warren C. Colver  
Department Adjutant/Service Officer  
235 East 8th Avenue, Anchorage, AK 99501

May 26, 1989

Representative H.A. "Red" Boucher  
P.O. Box 111038  
Anchorage, AK 99511

RE: HOUSE BILL HB - 224

Dear Representative <sup>Red</sup>~~Boucher~~:

The American Legion Department of Alaska expresses it's appreciation to you for your help in securing passage of HB 224 from your committee. Sadly, at this point after a due pass from State Affairs the bill has not been taken up yet by the Judiciary committee. Hopefully, by next session the Legislation will move out of Judiciary and onto the Senate for consideration and passage. Anything you can do to move this Legislation along would be much appreciated by the Veterans of this state.

Again, thanks for your concern and assistance. Would that Veterans had more Representatives like you.

Kindest regards,

Warren C. Colver  
Department Adjutant

cc: James H. Malone, Dept. Commander  
William Bishop, NEC

WCC:ms

# STATE OF ALASKA

DEPARTMENT OF ADMINISTRATION

DIVISION OF PERSONNEL

HB 224

STEVE COWPER, GOVERNOR

P.O. BOX C  
JUNEAU, ALASKA 99811-0201  
PHONE: (907) 465-4430

April 3, 1989

The Honorable Red Boucher  
Chairman  
House State Affairs Committee  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811-3100

Dear Mr. Chairman:

Pursuant to your request, I am writing this letter to summarize the Department of Administration's position on HB 224. As you know, that bill proposes to change the preference rights currently available to veterans applying for positions in State service. Currently, veterans are awarded preference points "only the first time the veteran obtains a position in the classified service." HB 224 would add veterans' points to the scores of qualifying veterans even after the veteran enters State service. The effect of such a change is that under HB 224, a veteran could use his points repeatedly to gain entry to State service or to gain an advantage against employee applicants in promotional situations.

I oppose the change proposed by HB 155 for two basic reasons.

First, preferences, by their nature, are contrary to a merit system. Selection from among the most qualified candidates is a basic principle common to all such systems. In Alaska, we have deviated from that principle by granting veterans' points and employee credits. In both cases, up to ten points can be added to the score of an applicant for reasons which are generally unrelated to an applicant's ability to perform the job.

It has been the position of this administration that the State of Alaska should return, as near as possible, to a true merit system. To this end we have secured the elimination of the regulatory basis for employee credits. In addition, several collective bargaining agreements have been negotiated which do not contain a requirement to continue employee credits. It is our goal to eliminate employee credits from use in the State system as soon as it is administratively feasible. Once that is accomplished, the only preference which will remain will be rewarded for service in the armed forces. While I do believe that the current

April 3, 1989

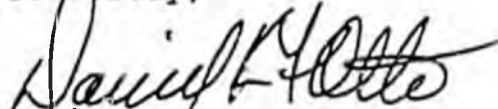
preference is based on sound public policy and should remain in effect, I oppose an expansion or addition of any preference to our current merit system.

A second concern which we have with HB 224 is that it expands the State's preference beyond that which is currently awarded for federal employment. Five or ten points can be awarded to the scores of applicants for federal employment whenever a veteran applicant competes on an open competitive list. In the federal system, the preference is not awarded when competing for promotion. An applicant can, however, use veterans' points whenever he/she is applying for entry in the federal system. In the current State system, the points will be added to the veteran's score until that applicant is appointed to a permanent, full-time position. Once such an appointment is made, the points cannot be reused.

While we oppose any expansion of the current privilege, I would suggest that there is a means of amending the current law so that the privilege awarded by the State system is closely reflective of the privilege awarded by the federal system. Enclosed is a copy of CSSB 56 (L&C) which changes the current statute to allow veterans to receive veterans' points whenever they are applying as a nonemployee applicant.

I trust that this letter clarifies my position on HB 224. If you have any questions, please call.

Sincerely,



David K. F. Otto  
Director

DKFO/KR/pal

6/4D2/033103-9

Enclosure

cc: John M. Andrews  
Commissioner  
Department of Administration

Original sponsors: Kelly, Kerttula,  
and Halford

1 IN THE SENATE

BY THE LABOR AND  
COMMERCE COMMITTEE

2

CS FOR SENATE BILL NO. 56 (L&C)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to state employment preferences for  
7 veterans and for service in the national guard."

8

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9

\* Section 1. AS 39.25.150(19) is amended to read:

10

(19) the granting of employment preference rights to a

11

veteran not within the area of promotion, when the veteran possesses

12

the necessary qualifications in the job classification applied for

13

under this chapter; in an examination to determine the qualification

14

of applicants for entrance into the classified service under merit

15

system examination, five additional points shall be added to the

16

passing grade of a veteran who is not a state employee in a permanent

17

position in the classified service and ten additional points shall be

18

added to the passing grade of a disabled veteran who is not a state

19

employee in a permanent position in the classified service [ BUT THE

20

ADDITIONAL POINTS MAY BE USED ONLY THE FIRST TIME THE VETERAN OBTAINS

21

A POSITION IN THE CLASSIFIED SERVICE]; if a position in the classified

22

service is eliminated, employees shall be released in accordance with

23

rules which give due effect to all factors; if all job qualifications

24

are equal, the veteran shall be given preference over the nonveteran

25

and the veteran shall be kept on the job; this paragraph may not be

26

interpreted to amend the terms of a collective bargaining agreement;

27

in this paragraph

28

(A) "veteran" means a person with 181 days or more

29

active service in the armed forces of the United States who has

1           been honorably discharged after having served during any period

2                           (i) between April 6, 1917, and December 1, 1919,  
3           between September 16, 1940, and December 31, 1947, or between  
4           June 27, 1950, and October 14, 1976; or

5                           (ii) in which the person was awarded a campaign  
6           badge or expedition medal, or the Purple Heart or other award or  
7           decoration for heroism or gallantry in action;

8                           (B) "disabled veteran" means a veteran who is entitled  
9           to compensation under laws administered by the United States  
10          Veterans' Administration, or a person who was honorably dis-  
11          charged or released from active duty because of a service-con-  
12          nected disability;

13       \* Sec. 2. AS 39.25.150 is amended by adding a new paragraph to read:

14                           (26) the granting of employment preference rights, not  
15          within the area of promotion, to a member of the national guard who  
16          has not received preference rights as a veteran when the national  
17          guard member possesses the necessary qualifications in the job classi-  
18          fication applied for under this chapter; in an examination to deter-  
19          mine the qualification of applicants for entrance into the classified  
20          service under merit system examination, three additional points shall  
21          be added to the passing grade of a national guard member who is not a  
22          state employee in a permanent position in the classified service and  
23          six additional points shall be added to the passing grade of a dis-  
24          abled national guard member who is not a state employee in a permanent  
25          position in the classified service; if a position in the classified  
26          service is eliminated, employees shall be released under rules that  
27          give due effect to all factors; if all job qualifications are equal,  
28          the national guard member shall be given preference over employees who  
29          are not veterans or national guard members and the national guard

1 member shall be kept on the job; this paragraph may not be interpreted  
2 to amend the terms of a collective bargaining agreement; in this  
3 paragraph

4 (A) "disabled national guard member" means a former  
5 member of the national guard who was discharged or released from  
6 the national guard under honorable conditions because of a dis-  
7 ability incurred in the line of duty;

8 (B) "national guard member" means a person who has  
9 served for at least eight years as a member of the Alaska  
10 National Guard or an Alaska National Guard Reserve Unit.

# Alaska State Legislature



P.O. Box Y  
Juneau, AK 99811-3100  
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Legislative Research Agency

February 9, 1990

## MEMORANDUM

TO: Representative Max Gruenberg

ATTN: Phil Merrell

FROM: Leola Weimer *LW*  
Legislative Analyst

RE: Definition of POW

You asked what determination the Department of Defense used for a prisoner of war (POW).

Attached is a copy of the criteria the Department of Defense uses in determining who is eligible to receive a Prisoner of War Medal. According to Captain Formica from the Office of the Chairman of the Joint Chiefs of Staff, POW Desk, in Washington, D.C., application of this criteria will ensure that only legitimate former POWs are recognized.

I have also attached a copy of 10 USC 1128, authorized by Public Law 99-145 for your information.

Please contact this office if you have questions or need further information.

Attachment

## PRISONER OF WAR MEDAL

### 1. Eligibility Requirements

a. Authorized by P.L. 99-145, 10 U.S.C. 1128.

b. Authorized for any person who, while serving in any capacity with the U.S. Armed Forces, was taken prisoner and held captive after April 5, 1917.

(1) Civilians and Foreign Nationals. The Prisoner of War (POW) Medal shall be issued only to U.S. and foreign civilians who have received credit for U.S. military service as determined by the DoD Civilian/Military Service Review Board and Advisory Panel under DoD Directive 1000.20. The period of creditable military service must include the period of captivity from date of capture through date of release.

(2) Missing in Action (MIA). The POW Medal only shall be issued to the legal next of kin (NOK) of military personnel or civilians who have received credit for U.S. military service and whose POW status officially has been confirmed and recognized as such by the Military Departments. The NOK of persons listed as missing but for whom there is no evidence of having been a POW shall not be issued the POW Medal. Return of remains, in and of itself, does not constitute evidence of POW status. The NOK of POWs who die in captivity may be issued the POW Medal irrespective of the length of the captivity period.

(3) Hostages, Detainees, and Internees. The POW Medal shall be issued only to those taken prisoner by an enemy during armed conflict. For the purpose for this medal, armed conflicts are defined as World War I, World War II, Korean Conflict, Vietnam War. Hostages of terrorists and persons detained by governments with which the United States is not engaged actively in armed conflict are not eligible for the POW Medal.

c. Character of Service. Any person convicted by a U.S. military tribunal of misconduct or a criminal charge or whose discharge is less than honorable based upon actions while a POW is ineligible for the medal. POWs whose conduct was not in accord with the Code of Conduct and whose actions are documented by U.S. military records are ineligible for the medal. Resolution of questionable cases shall be the responsibility of the Secretaries concerned.

2. Subsequent Awards. No more than one POW Medal shall be awarded. For subsequent acts justifying award of the medal, service stars shall be awarded and worn on the suspension and service ribbon of the medal. A period of captivity terminates on return to U.S. military control. Escapees who do not return

## § 1126. Gold star lapel button: eligibility and distribution

(a) A lapel button, to be known as the gold star lapel button, shall be designed, as approved by the Secretary of Defense, to identify widows, parents, and next of kin of members of the armed forces of the United States—

(1) who lost their lives during World War I, World War II, or during any subsequent period of armed hostilities in which the United States was engaged before July 1, 1958; or

*[See main volume for text of (2), (b) and (c)]*

(d) In this section:

(1) The term "widow" includes widower.

(2) The term "parents" includes mother, father, stepmother, stepfather, mother through adoption, father through adoption, and foster parents who stood in loco parentis.

(3) The term "next of kin" includes only children, brothers, sisters, half brothers, and half sisters.

(4) The term "children" includes stepchildren and children through adoption.

(5) The term "World War I" includes the period from April 6, 1917, to March 3, 1921.

(6) The term "World War II" includes the period from September 8, 1939, to July 25, 1947, at 12 o'clock noon.

(Amended Pub.L. 98-94, Title XII, § 1268(B), Sept. 24, 1983, 97 Stat. 706; Pub.L. 100-26, § 7(k)(5), Apr. 21, 1987, 101 Stat. 284.)

1987 Amendment. Subsec. (d). Pub.L. 100-26, § 7(k)(5)(A), substituted "In this section:" for "In this section—".

Subsec. (d)(1). Pub.L. 100-26, § 7(k)(5)(B), inserted "The term" following the paragraph designation.

Pub.L. 100-26, § 7(k)(5)(C), substituted "widower" for "widower".

Subsec. (d)(2) to (4). Pub.L. 100-26, § 7(k)(5)(B), inserted "The term" in each paragraph following the paragraph designation.

Pub.L. 100-26, § 7(k)(5)(C), substituted "in loco parentis" for "in loco parentis"; "half sisters" for "half sisters"; and "adoption" for "adoption";, respectively.

Subsec. (d)(5). Pub.L. 100-26, § 7(k)(5)(B), inserted "The term" following the paragraph designation.

Pub.L. 100-26, § 7(k)(5)(D), substituted "to March 3, 1921." for "to March 21, 1921; and".

Subsec. (d)(6). Pub.L. 100-26, § 7(k)(5)(B), inserted "The term" following the paragraph designation.

1983 Amendment. Subsec. (a)(1). Pub.L. 98-94, § 1268(B), substituted "who" for "Who" at the beginning of par. (1), thereby correcting a typographical error in par. (1) as originally enacted.

Legislative History. For legislative history and purpose of Pub.L. 98-94, see 1983 U.S. Code Cong. and Adm. News, p. 1081.

## § 1127. Precedence of the award of the Purple Heart

In prescribing regulations establishing the order of precedence of awards and decorations authorized to be displayed on the uniforms of members of the armed forces, the Secretary of the military department concerned shall accord the Purple Heart a position of precedence, in relation to other awards and decorations authorized to be displayed, not lower than that immediately following the bronze star.

(Added Pub.L. 98-625, Title V, § 653(a), Oct. 19, 1984, 98 Stat. 2532, and amended Pub.L. 99-145, Title V, § 653, Nov. 8, 1985, 99 Stat. 634.)

1985 Amendment. Pub.L. 99-145 substituted "the bronze star" for "the lowest position accorded any award or decoration for valor".

Legislative History. For legislative history and purpose of Pub.L. 99-145, see 1985 U.S. Code

Cong. and Adm. News, p. 4174. See, also, Pub.L. 99-145, 1985, U.S. Code Cong. and Adm. News, p. 472.

## § 1128. Prisoner-of-war medal: Issue

(a) The Secretary concerned shall issue a prisoner-of-war medal to any person who, while serving in any capacity with the armed forces, was taken prisoner and held captive—

(1) while engaged in an action against an enemy of the United States;

(2) while engaged in military operations involving conflict with an opposing foreign force; or

(3) while serving with friendly forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

(b) The prisoner-of-war medal shall be of appropriate design, with ribbons and appurtenances.

(c) In prescribing regulations establishing the order of precedence of awards and decorations authorized to be displayed on the uniforms of members of the armed forces, the Secretary concerned shall accord the prisoner-of-war medal a position of precedence, in relation to other awards and decorations authorized to be displayed—

(1) immediately following decorations awarded for individual heroism, meritorious achievement, or meritorious service; and

(2) before any other service medal, campaign medal, or service ribbon authorized to be displayed.

(d) Not more than one prisoner-of-war medal may be issued to a person. However, for each succeeding service that would otherwise justify the issuance of such a medal, the Secretary concerned may issue a suitable device to be worn as the Secretary determines.

(e) For a person to be eligible for issuance of a prisoner-of-war medal, the person's conduct must have been honorable for the period of captivity which serves as the basis for the issuance.

(f) If a person dies before the issuance of a prisoner-of-war medal to which he is entitled, the medal may be issued to the person's representative, as designated by the Secretary concerned.

(g) Under regulations to be prescribed by the Secretary concerned, a prisoner-of-war medal that is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was issued may be replaced without charge.

(h) The Secretary of Defense shall ensure that regulations prescribed by the Secretaries of the military departments under this section are uniform so far as practicable.

(Added Pub.L. 99-145, Title V, § 532(a)(1), Nov. 8, 1985, 99 Stat. 633.)

Effective Date. Section 532(b) of Pub.L. 99-145 provided that: "Section 1128 of title 10, United States Code [this section], as added by subsection (a), applies with respect to any person taken prisoner and held captive after April 5, 1917."

Legislative History. For legislative history and purpose of Pub.L. 99-145, see 1985 U.S. Code Cong. and Adm. News, p. 472.

## Library References

Armed Services ¶ 30.

C.J.S. Armed Services § 36.

## CHAPTER 59—SEPARATION

## § 1162. Reserves; discharge

## Notes of Decisions

In discharge orders did not vest Secretary of the Navy with authority to discharge him because they applied to reserve, not regular, officers, and thus judicial review of that claim was prohibited. *Walton v. Lehman*, D.C.Pa. 1983, 543 F.Supp. 1293.

## 12. Scope of review

Discharged navy officer did not raise, for administrative review before Board for Correction of Naval Records, claim that citation of this section

## § 1163. Reserve components: members; limitations on separation

*[See main volume for text of (a) to (c)]*

(d) Under regulations to be prescribed by the Secretary concerned, which shall be as uniform as practicable, a member of a reserve component who is on active duty (other than for training) and is within two years of becoming eligible for retired pay or retainer pay under a purely military retirement system, may not be involuntarily

(17) the rehabilitation administrator of the Workers' Compensation Board;

(18) guards employed by the Department of Public Safety for emergencies;

(19) [Repealed, § 22 E.O. No. 69 (1988).]

(20) employees of the Alaska State Fire Commission. (§ 6 ch 144 SLA 1960; am § 2 ch 48 SLA 1961; am § 2 ch 133 SLA 1961; am § 4 ch 5 SLA 1966; am § 3 ch 104 SLA 1969; am § 2 ch 109 SLA 1969; am § 4 ch 78 SLA 1971; am § 9 ch 47 SLA 1974; am § 4 ch 82 SLA 1975; am § 10 ch 207 SLA 1975; am § 2 ch 157 SLA 1976; am § 19 ch 263 SLA 1976; am E.O. No. 39 § 6 (1977); am § 1 ch 103 SLA 1978; am § 2 ch 108 SLA 1978; am E.O. No. 41 § 3 (1980); am E.O. No. 42 §§ 3, 4 (1980); am E.O. No. 43 § 4 (1980); am E.O. No. 44 § 5 (1980); am E.O. No. 45 § 3 (1980); am E.O. No. 46 § 4 (1980); am § 18 ch 115 SLA 1980; am § 3 ch 79 SLA 1981; am § 4 ch 110 SLA 1981; am E.O. No. 48 § 3 (1981); am § 4 ch 50 SLA 1982; am § 26 ch 93 SLA 1982; am § 8 ch 112 SLA 1982; am 1983 Initiative Proposal No. 2, § 6; am § 106 ch 6 SLA 1984; am § 15 ch 55 SLA 1984; am § 2 ch 103 SLA 1984; am E.O. No. 58 § 18 (1984); am § 59 ch 21 SLA 1985; am § 54 ch 37 SLA 1986; am § 2 ch 84 SLA 1986; am § 5 ch 48 SLA 1987; am § 12 ch 98 SLA 1988; am § 1 ch 107 SLA 1988; am § 33 ch 141 SLA 1988; am E.O. No. 69 § 22 (1988))

**Effect of amendments.** — The amendments by Section 12, ch. 98, SLA 1988, effective July 1, 1988, and sec. 1, ch. 107, SLA 1988, made identical changes in subsection (c)(9), deleting the repeal line of former subparagraph (J), redesignating former subparagraphs (K) and (L) as present subparagraphs (J) and (K), and adding subparagraph (L).

The 1988 amendment by ch. 141, § 33,

effective June 9, 1988, repealed former subsection (c)(13), which read "investment officers in the Department of Revenue."

The 1988 amendment by E.O. No. 69, § 2, effective March 12, 1988, repealed former subsection (c)(19), which read "the deputy director of the division of housing assistance in the Department of Community and Regional Affairs."

### Article 3. Personnel Rules.

#### Section

150. Scope of the rules  
157. Position descriptions

#### Section

158. Reemployment rights for injured state employees

**Sec. 39.25.150. Scope of the rules.** 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 position;

(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 records, 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 applicants for entrance into the classified service under merit system examination, five additional points shall be added to the passing grade of a veteran and 10 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

(i) between April 6, 1917, and December 1, 1919, between September 16, 1940, and December 31, 1947, or between June 27, 1950, and October 14, 1976; or

(ii) in which the person was awarded a campaign badge or expedition medal, or the Purple Heart or other award or decoration for heroism or gallantry in action;

(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, that are necessary for its enforcement. (§ 13 ch 144 SLA 1960; am § 1 ch 130 SLA 1961; am § 1 ch 147 SLA 1962; am § 1 ch 117 SLA 1966; am § 1 ch 33 SLA 1967; am § 3 ch 226 SLA 1970; am § 1 ch 39 SLA 1971; am § 3 ch 42 SLA 1971; am § 1 ch 21 SLA 1973; am § 1 ch 27 SLA 1976; am § 1 ch 4 SLA 1978; am § 2 ch 67 SLA 1979; am § 38 ch 94 SLA 1980; am §§ 1, 2 ch 89 SLA 1982; am § 14 ch 112 SLA 1982; am § 1 ch 7 SLA 1987; am § 2 ch 127 SLA 1988)

**Effect of amendments.** — The 1988 amendment, in paragraph (19)(A), divided the formerly undivided language into an introductory paragraph and item (i), added "or" at the end of item (i), and added item (ii).

**Editor's notes.** — This section is set out above to correct a minor error in subsection (19).

**Sec. 39.25.157. Position descriptions.** The division of personnel, in consultation with the appropriate department or agency, shall require the preparation of and shall maintain a position description for each position in the classified service. The position description shall describe the essential functions of the position and the actual skills and abilities required to perform the tasks assigned to the position. A general requirement for physical abilities may not be imposed on a job classification unless each position within the class requires the use of the physical ability. (§ 2 ch 86 SLA 1988)