

HB

224

HOUSE COMMITTEE ON STATE AFFAIRS

RECAP OF
HB 224

State Employment Veterans' Preference

Received March 17, 1989

by Reps. Cato, Grussendorf, Menard and Hudson

Heard March 30, 1989

Passed Out of Committee March 30, 1989

2 Do Pass

2 No Recommendation

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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
- 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 DOA
- zero with analysis _____

- fiscal note(s) _____
- zero fiscal note(s) _____
- zero fn/analysis _____

SIGNING DO PASS:

SIGNING:

(Check approp. column)

[Handwritten Signature]

	Do Not Pass	No Rec	Amend
<i>[Handwritten Signature]</i>		✓	
<i>[Handwritten Signature]</i>		✓	

[Handwritten Signature]

Chairman's signature

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Department of Administration
 Title: An Act relating to veterans' preference in state employment BRU: 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 ~~Personnel~~

RECEIVED

MAR 29 1989

Prepared By: David K. F. Otto *DKFO* Phone: 465-4430
 Division: Personnel Date: 3-29-89
 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)

not already was covered pre-

[Latter]

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:

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 and 10 additional points shall be added to
17 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
19 CLASSIFIED SERVICE]; if a position in the classified service is elimi-
20 nated, employees shall be released in accordance with rules which give
21 due effect to all factors; if all job qualifications are equal, the
22 veteran shall be given preference over the nonveteran and the veteran
23 shall be kept on the job; this paragraph may not be interpreted to
24 amend the terms of a collective bargaining agreement; in this para-
25 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,

*100% of 100%
+ 10% preference
of preference*

*REMOVE ALL THE
PURPOSE
- PREFERRED
P.S.*

copy supplied by...

to be... must be...

1 between September 16, 1940, and December 31, 1947, or be-
2 tween June 27, 1950, and October 14, 1976; or

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

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

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 or 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 ^{in 1989} 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.

b. Example / Checklist Contact Sheet

LEGISLATIVE SPONSOR: House State Affairs

TC DATE/DAY: Thurs, Mar 30

Pub. Hear Work Ses. Inv. Hear

TIME: 8:30-10:00AM

LEGISLATIVE REFERENCE: HB 224

JUNEAU ROOM: C-102

SUBJECT: State Em'ioe Veterans Preference

BRIDGE: _____

OF PORTS: _____

CONTACT: Ann PH: 46731

DATE TAKEN/BY: 3/30/89 Becker

TELECONFERENCE SITES:

LIO'S

LTC'S

VTS'S

- Anchorage
- Barrow *
- Bethel
- Delta Junction *
- Dillingham *
- Fairbanks
- Glennallen *
- Juneau
- Ketchikan
- Kodiak
- Kotzebue
- Mat-Su
- Nome
- Petersburg *
- Sitka
- Soldotna
- Valdez *

- Homer
- Wrangell

See List on Reverse Side

ALL LIO'S

OTHER SITES WELCOME WITH PRIOR NOTIFICATION

OFFNETS: Warren Culver
Adjutant General of Alaska
American Legion
per Steve 276-8211 DCAK
Box 201949
Anchorage 99520-1949

CHAIRING SITE: Juneau

CHAIRPERSON: Rp. Boucher

[] CONFORMS TO LEGISLATIVE COUNCIL POLICY 4/85

SIGNATURE OF SPONSOR/CONTACT PERSON

DATE

SPECIAL INSTRUCTIONS

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPARTMENT OF ADMINISTRATION

DIVISION OF PERSONNEL

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, Kerrettula,
and Halford

BY THE LABOR AND
COMMERCE COMMITTEE

1 IN THE SENATE

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
veterans and for service in the national guard."

7

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

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.