

S B

56

SENATE COMMITTEE REPORT

FURTHER

FIN

2/16/89

DATE TURNED INTO OFFICE _____

Mr. President:

L&C

SB 56

Committee considered _____

state employment preference for service in the national guard
and recommended

replace with _____ CS SB 56(L+C)) same title
 or adopt _____ CS _____) new title
 attached amendment(s) and technical
title change
 _____ letter of intent adopted (HB only)

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

FISCAL NOTE(S) zero fiscal impact appropriation no FN
 new updated previous
 same as previous fiscal note(s) published _____

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Jan ... No Rec.
J. Kuttuba No Rec

Chairman signature and recommendation

Committee Backup attached

Original sponsors: Kelly, Kerttula,
and Halford

CS includes amendment #1 adopted
Friday, 3/17/89

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.
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OFFICE OF THE PRESIDENT

MEMBER

TENTH ALASKA LEGISLATURE
ELEVENTH ALASKA LEGISLATURE
TWELFTH ALASKA LEGISLATURE
THIRTEENTH ALASKA LEGISLATURE
FOURTEENTH ALASKA LEGISLATURE
FIFTEENTH ALASKA LEGISLATURE
SIXTEENTH ALASKA LEGISLATURE



SENATOR TIM KELLY

P.O. BOX V
JUNEAU, ALASKA 99811
(907) 465-3822

P.O. BOX 210001
ANCHORAGE, ALASKA 99521
(907) 561-7612

February 23, 1989

Senator Eliason, Chairman
Labor and Commerce Committee
Box V
Juneau, Ak. 99811

Re; SB 56, state employment preference for National Guard.

Dear Senator Eliason,

I would appreciate the committee's hearing SB 56 at your earliest convenience.

There is an additional consideration that the committee might address with this bill. This is the restriction to a once only application of the veterans preference award which is currently in statute. There is no corresponding restriction to the veteran employment preference in federal law.

I have been recently approached by the veterans organizations about their desire to have the state preference mirror federal law. I expect you will be receiving some correspondence in this regard.

Sincerely,

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

TIM KELLY
Alaska State Senator

FISCAL NOTE

REQUEST:

Revision Date: February 14, 1989
 Title: Relating to National Guard
 hiring preference
 Sponsor: Kelly
 Requestor: Senate State Affairs

Agency Affected: Military & Veterans Affairs
 BRU: _____
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

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

Phone: 465-4600
 Date: February 14, 1989
 Date: February 14, 1989

Distribution (by preparer):

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

FISCAL NOTE

REQUEST:

Revision Date: 3/22/89 Agency Affected: Military and Veterans
 Title: An act relating to state employment preference for veterans. BRU: Affairs
 Sponsor: Senator Kelly Components: _____
 Requestor: Senate Labor & Commerce

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Jeff Morrison, Director Phone: 465-4600
 Division: Administrative and Support Services Date: 3/23/89
 Approved by Commissioner: John W. Schaeffer Date: 3/23/89
 Agency: Military and Veterans Affairs

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

Alaska State Legislature



Sen. Pat Pourchot, Chairman

Sen. Jan Falks, Vice Chairman

Sen. Al Adams

Sen. Tim Kelly

Sen. Rick Uehling

P.O. Box V
State Capitol
Juneau, Alaska 99811

907-465-3712

Senate State Affairs Committee

MEMORANDUM

TO: Senator Dick Eliason, Chairman
Senate Labor and Commerce Committee

FROM: Senator Pat Pourchot, Chairman
Senate State Affairs Committee *Pat*

RE: SB 56, Relating to state employment preference for
service in the National Guard

DATE: February 22, 1989

SB 56 was recently considered by the State Affairs Committee and now rests in the Labor and Commerce Committee. After the bill had moved from State Affairs it was brought to my attention that the language we adopted regarding disabled national guard members is inaccurate. The following amendment has been recommended by the Department of Military and Veterans Affairs, and I would urge your favorable consideration of it.

Page 1, line 28 through page 2, line 3:

Delete existing language and insert:

(A) "disabled national guard member" means a former member of the national guard who was released or discharged from the national guard under honorable conditions because of a disability incurred in the line of duty;

cc: Senator Kelly
Dept. Military & Veterans Affairs



Alaska State Legislature

SENATE

Office of the President

P.O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-3755

February 7, 1989

Senator Pat Pourchot, Chairman
State Affairs Committee
Alaska State Senate
Box V
Juneau, Ak 99811

Re: SB 56, National Guard employment preference.

Dear Senator Pourchot,

I would appreciate a committee hearing of SB 56 at your earliest convenience. Attached is a rationale and discussion of this legislative proposal.

The state currently rewards, gratefully, veterans who have served in the armed forces of the nation in a number of ways; preferences in employment, loan programs, and land selection to name a few. It would seem that the service of Alaska National Guard veterans should similarly and most appropriately be recognised and rewarded.

Thank you for your consideration.

Sincerely,

TIM KELLY
Alaska State Senate

ALASKA NATIONAL GUARD
OFFICER'S ASSOCIATION
200 W. 34th Street, Suite 727
Anchorage, Alaska 99503

28 November 1988

3. STATE VETERAN'S HIRING PREFERENCE FOR ALASKA NATIONAL GUARD VETERANS

A. PROPOSAL: This proposal would enact legislation to grant Alaska National Guard members, who have successfully completed **5 years** of Alaska National Guard Membership, the same State veteran's hiring preference currently granted to active duty veterans.

B. DISCUSSION: Members of the Alaska National Guard who have never served with the armed forces on extended active duty (non-prior service) do not receive veteran's hiring preference points for Federal civil service jobs. Prior-service veterans do. Prior-service veterans DO receive hiring preference for State jobs. Non-prior service State veterans do NOT. It seems equitable that non-prior service STATE veterans should receive hiring preference for State jobs in their own State of Alaska.

There is an unknown number of State veterans interested in State jobs who would benefit from State veteran's hiring preference.

Members of the Alaska National Guard (approximately 4000) and their spouses (approximately 3000) support this initiative.

C. COST: There is no known cost.

D. PRECEDENTS:

OHIO: Veterans honorably discharged from active service or transferred to a Reserve Component are entitled to 20% added credit on State civil service exam.

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

POSITION PAPER
SB56

Summary of Bill: This bill would extend the eligibility to receive veterans preference points for initial hiring into state classified service to include persons who have served for at least five years in the national guard or a reserve unit. A person eligible under this bill would receive five additional points added to their score. This is the same number of additional points added to the score of a person who is a veteran as currently defined in statute--basically someone who served in World War I, World War II, or the period between the Korean Conflict and the end of the Vietnam War.

Background: Last year the Legislature added language to the definition of "veteran" to include persons who are awarded the Purple Heart, a campaign or expedition medal, or a decoration for heroism or gallantry in action. This addition was made to include veterans who served after the end of the Vietnam era (October 14, 1976), but who were engaged in hostile action as a member of the United States armed forces (e.g. Persian Gulf, Granada). The original intent of the veterans employment preference points was to compensate veterans for time spent away from the pursuit of civilian employment while a full-time member of the armed forces.

Impact of Bill on Department of Military and Veterans Affairs: Any additional benefits created by this bill would be publicized and promoted by both the Division of Veterans Affairs and by the military leadership of the Alaska National Guard. No fiscal impact on the Department of Military and Veterans Affairs is anticipated.

Departmental Position on Bill: The Department of Military and Veterans Affairs is neutral on this bill.

Approved: _____

J. Morrison
for

MG John W. Schaeffer

Date: _____

2/15/89

PDC PRINT/RETRY NO. 001

THE AMERICAN LEGION

DEPARTMENT OF ALASKA
P.O. BOX 201949
ANCHORAGE, ALASKA 99520-1949
(907) 276-2211

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

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National Executive Committeeman
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JOSEPH L. CRAIG
Alternate N.E.C.
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Ketchikan, AK 99901

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

Dave

February 24, 1989

Senator Tim Kelly
P. O. Box V
Juneau, Alaska 99811

Subj: HB 56

Dear Senator Kelly:

Attached as requested by Dave Gray copies of the Federal Personnel Manual pertaining to Veterans preference. The original Legislation is the Veterans Preference Act of 1944 as amended and now codified in various provisions of Title 5, United States Code.

Restoring the previous language to the State Veterans Preference Law; being able to continue using the 5 or 10 points on promotions, or a new job will certainly aid any Alaskan Veteran who has used his preference for a temporary State job since the Legislation was amended in 1982.

Your continuing support on Legislation aiding and assisting all Veterans is certainly appreciated.

Reference is made to our meeting on February 14th pertaining to employment preference for service in the National Guard. The American Legion will only endorse this Legislation if a minimum of eight years service in the "Active" National Guard: Attending Regular scheduled drills (or at other approved times) and two week annual training.

Ray Perkins Past Department Commander of the American Legion, Department of Alaska will testify on this Legislation. He can be contacted through Sitka Post #13, Phone #747-8629 if the hearings are to be held other than Wednesday March 1st between 3:30 - 5:30 P.M.

For God and Country

James H. Malone
James H. Malone
Department Commander

cc: Ray Perkins (PDC)

Subchapter 1. General Provisions

1-1. LEGAL BASIS

The legal basis for veterans' preference is the Veterans' Preference Act of 1944, as amended, now codified in various provisions of title 5, United States Code. Preference applies to civilian positions, permanent or temporary, in the competitive service, the Excepted Service, and in a temporary or emergency establishment, agency, bureau, administration, project and department of the Federal Government. Preference does not apply in the Senior Executive Service. All positions in the legislative or judicial branches of the Government, and positions in the Executive Branch which are required to be confirmed by the Senate are exempt from the provisions of the Act. Preference is given in competitive examinations, in appointments to positions, and in retention during reductions-in-force. Other benefits to which veterans are entitled include reinstatement and reemployment

(restoration). To receive preference, a veteran of the U.S. Armed Forces must be a United States citizen. See FPM chapter 315, Subchapter 4 and FPM chapter 353. Provisions for veterans' preference appear in the following sections of title 5, United States Code:

<i>Sections)</i>	<i>Provision</i>
2108.	Veteran; disabled veteran; preference eligible.
3309-3319.	Examination, selection, appointment, and reinstatement of preference eligibles.
3351.	Preference eligibles; Transfer; Physical Qualifications; Waiver.
3363.	Preference eligibles; Promotion; Physical Qualifications; Waiver.
3501-3504.	Retention of preference eligibles.
7511-7514.	Suspension and removal.

Subchapter 2. Entitlement to Preference

2-1. DEFINITIONS

The following definitions are used for the purposes of preference in Federal employment:

(1) "Veteran" means a person who was separated with an honorable discharge or under honorable conditions from active duty in the armed forces performed

- (a) in a war; *or*,
- (b) in a campaign or expedition for which a campaign badge has been authorized; *or*,
- (c) during the period beginning April 28, 1952, and ending July 1, 1955; *or*,
- (d) for more than 180 consecutive days, other than for training, any part of which occurred during the period beginning February 1, 1955 and ending October 14, 1976.¹

Persons who lost their lives under honorable conditions while serving in the armed forces during a period named in (1)(a) through (d) are also referred to as veterans for the purposes of this chapter only. (Refer to FPM Supplement 296-33 for a list of recognized wars, campaigns, and expeditions).

(2) "Active duty," or "active military duty," means full-time duty with military pay and allowances in the armed forces, except for training or for determining physical fitness and except for service in the Reserves or National Guards.

(3) "Armed Forces" means the United States Army, Navy, Air Force, Marine Corps, and Coast Guard.

(4) "Uniformed services" means the armed forces, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration, (formerly the Environmental Science Services Administration, Coast and Geodetic Survey).

(5) "Discharge under honorable conditions" means either an honorable or a general discharge from the

¹ Section 702 of Public Law 94-502, enacted October 15, 1976 abolishes peacetime preference for those entering active duty after October 14, 1976, unless they serve in a campaign or war or meet the definition of "disabled veteran" described in subchapter 2-1(6) of this chapter.

armed forces. The Department of Defense has responsibility for administering and defining military discharges. (An amnesty or clemency discharge does not meet the Veterans' Preference Act requirement for discharge under honorable conditions. Accordingly, no preference may be granted to applicants with such discharges.)

(6) "Disabled veteran" means a person who was separated under honorable conditions from active duty in the armed forces performed at any time and who has established the present existence of a service-connected disability or is receiving compensation, disability retirement benefits, or pension because of a public statute administered by the Veterans Administration or a military department.² (Refer to FPM Supplement 296-33 for a list of acceptable evidence).

(7) "Ex-serviceperson" means a person who was separated from active duty performed in peace or war. (A person on active duty may be an ex-serviceperson because of separation from previous active duty.)

(8) "Spouse" means legal husband or wife. Common law marriage is recognized for preference, if valid under the laws of the place where the parties lived at the time of the marriage.

(9) "Separation" from a spouse means living apart. A separation need not be approved by a court of law but must be bona fide and permanent.

(10) "Legal separation" from a spouse means a separation a *mensa et thoro* (from bed and board) by court decree, which frees the parties but does not dissolve the marriage tie.

² If the Veterans Administration recognizes the existence of a service-connected disability arising from an injury or disease incurred while enroute to, at, or returning from, a place of induction or entry into duty, the person is considered to be a disabled veteran. However, even an individual who is receiving compensation, disability retirement benefits, or pension by reason of laws administered by the Veterans Administration is not eligible for preference, unless he or she has met the requirement of having served on active duty, other than for training, as defined in 2-1(2) of this section. Furthermore, the spouse, widow, widower, or mother of such a disabled veteran is not entitled to preference.

An individual who is disabled while undergoing training with a military reserve unit is not considered to be a disabled veteran and is not entitled to preference.

2-2. TYPES OF PREFERENCE

There are 7 different types of preference, each with a separate set of requirements. When used for competitive civil service examination purposes, the applicant must first make a passing grade before preference points may be added to the rating score.

(1) Five-point. Every veteran as defined in subchapter 2-1(1) of this chapter is entitled to a 5-point preference.³ However, veterans who are eligible for and take advantage of 10-point preference are not entitled to an additional 5-point preference.

(2) Ten-point (disability). Every disabled veteran as defined in subchapter 2-1(6) of this chapter is entitled to 10-point (disability) preference.

(3) Ten-point (compensable disability). A disabled veteran who was separated under honorable conditions from active duty in the armed forces performed at any time and who has a compensable service-connected disability rating of 10 percent or more is entitled to 10-point (compensable disability) preference rather than 10-point (disability) preference.

Because of certain provisions of the Civil Service Reform Act of 1978, employing offices must distinguish between:

- (a) those veterans entitled to 10 point preference due to a compensable service-connected disability of less than 30 percent; and
- (b) those veterans entitled to 10 point preference due to a compensable service-connected disability of 30 percent or more. (These persons are given additional passover and retention rights. They may also be appointed noncompetitively to positions for which they qualified.)

The following types of preference are referred to as derivative preference, because they are derived from the military service of a veteran who is not using the preference:

(4) Ten-point (spouse). The spouse of a disabled veteran is entitled to 10-point (spouse) preference provided that the veteran is disqualified by reason of a service-connected disability for a Federal civil service position along the general lines of his or her usual occupation.

(5) Ten-point (widow or widower). The widow or

widower of a veteran is entitled to 10-point (widow or widower) preference under the following conditions:

- (a) he or she was not divorced from the veteran;
- (b) he or she has not remarried, or the remarriage was annulled; *and*,
- (c) the veteran
 - served during a war; *or*,
 - served during the period April 28, 1952 through July 1, 1955; *or*,
 - served in a campaign or expedition for which a campaign badge has been authorized; *or*,
 - died while on active duty that included service specified above provided that the conditions surrounding the death would not have been cause for other than honorable separation.

(6) Ten-point (mother, deceased veteran). The mother of a deceased veteran is entitled to 10-point (mother) preference under the following conditions:

- (a) she is the mother of the veteran who died under honorable conditions when on active duty—
 - during a war; *or*,
 - during the period April 28, 1952 through July 1, 1955; *or*,
 - in a campaign or expedition for which a campaign badge is authorized; *and*,
- (b) she is, or was, married to the father of the veteran; *and*,
- (c) she—lives with her totally and permanently disabled husband (either the veteran's father or her husband through remarriage); *or*,
 - is widowed, divorced, or separated from the veteran's father but has not remarried; *or*,
 - remarried but is now widowed, divorced, or legally separated from her husband.

(7) Ten-point (mother, disabled veteran). The mother of a living disabled veteran is entitled to 10-point (mother) preference under the following conditions:

- (a) she is the mother of the veteran who was separated under honorable conditions from active duty performed at any time; and
- ◆ (b) the veteran is permanently and totally disabled from a service-connected injury or illness; and ◆
- (c) she is, or was, married to the father of the veteran; and
- (d) she
 - lives with her totally and permanently disabled husband (either the veteran's father or husband through remarriage); *or*,

³ Under section 307 of Public Law 95-454, signed October 13, 1978, as of October 1, 1980 "preference eligible" will no longer include a retired member of the armed forces, unless the individual is a disabled veteran as defined in subchapter 2-1(6) of this chapter of the individual retired below the rank of major or its equivalent.

- is widowed, divorced, or separated from the veteran's father and has not remarried; *or*,
- did remarry but is now widowed, divorced, or legally separated from her husband.

2-3. DUAL PREFERENCE

Both a mother and a spouse (including widow or widower) may be entitled to preference on the basis of one veteran's service if they both meet the requirements. However, no derivative preference is available if the veteran is living and is qualified for Federal employment.

2-4. PREFERENCE PRESERVED

(1) Service before June 27, 1944. Preference authorized by any law, Executive order, rule, or regulation in effect on June 27, 1944 (the date of the Veterans' Preference Act of 1944) and based on peacetime military service is preserved. However, such peacetime ex-servicemen (or their spouses or

unmarried widows/widowers) have preference only for reduction-in-force purposes. Preserved preference eligibility depends upon the following:

- (a) the ex-servicemen (or the spouse or widow/widower) was a Federal employee on June 27, 1944, and has been a Federal employee continuously since that date without a break in service of more than one workday; *or*,
- (b) the ex-servicemen (or the spouse or widow/widower) was on a register of eligibles on June 27, 1944, was appointed from that register, and has been a Federal employee continuously since that appointment without a break in service of more than one workday.

(2) Break in service. For preservation of preference based on peacetime service before June 27, 1944, the time between an employee's separation by reduction-in-force and reemployment from the reemployment priority list is not a break in service.

2-5. MINIMUM SERVICE REQUIREMENT FOR PREFERENCE

a. Persons who entered on active duty in the armed forces after October 14, 1976—the closing date for performing peacetime service which qualifies for veterans' preference—do not qualify for preference unless they are disabled veterans under 5 U.S.C. 2108, or serve during a war or in a campaign or expedition for which a campaign badge has been authorized. The statutory minimum length of service requirement described in this section only applies to those ex-servicemen who may be entitled to preference based on service in a war, campaign, or expedition. It is an additional requirement to be met before an agency or OPM may award preference. A list of campaigns and expeditions appears in FPM supplement 296-33, subchapter 7.

b. Section 408 of Public Law 97-306, enacted October 14, 1982, amended 38 U.S.C. 3103A to clarify the application of the general minimum-service requirement established by Public Law 95-342 enacted September 8, 1980, for Veterans Administration and other veterans' benefits, to the definition of preference eligible under the civil service laws. ¶

c. Accordingly, to qualify for veterans' preference in Federal employment, a person who enlists after September 7, 1980, or enters on active duty¹ on or after October 14, 1982, and has not previously completed 24 months of continuous active duty must:

- (1) perform active duty in the armed forces during a war or in a campaign or expedition for which a campaign badge has been authorized, (the long-standing requirement for preference) *and*
- (2) serve continuously for 24 months or the full period called or ordered for active duty.

d. Exclusions. The law excepts a person who:

- (1) is discharged or released from active duty (a) for a disability incurred or aggravated in line of duty, or (b) under 10 USC 1171 or 1173 for hardship or other reasons, *or*
- (2) has a service-connected disability which the Veterans Administration determines is compensable.

e. The service requirement does not affect eligibility for veterans' readjustment appointment or for veterans' preference based on peacetime service exceeding 180 days from 1955 to 1976, or other qualifying service prior to September 8, 1980.

¹ The "enters on active duty" language was added by statutory amendment to make clear that officers and others who may begin active duty through means other than enlistment are subject to the minimum-service requirement. The original 1980 law only covered persons who enlist. ¶

ALASKA NATIONAL GUARD
OFFICER'S ASSOCIATION
200 W. 34th Street, Suite 727
Anchorage, Alaska 99503

28 November 1988

3. STATE VETERAN'S HIRING PREFERENCE FOR ALASKA NATIONAL GUARD VETERANS

A. PROPOSAL: This proposal would enact legislation to grant Alaska National Guard members, who have successfully completed **5 years** of Alaska National Guard Membership, the same State veteran's hiring preference currently granted to active duty veterans.

B. DISCUSSION: Members of the Alaska National Guard who have never served with the armed forces on extended active duty (non-prior service) do not receive veteran's hiring preference points for Federal civil service jobs. Prior-service veterans do. Prior-service veterans DO receive hiring preference for State jobs. Non-prior service State veterans do NOT. It seems equitable that non-prior service STATE veterans should receive hiring preference for State jobs in their own State of Alaska.

There is an unknown number of State veterans interested in State jobs who would benefit from State veteran's hiring preference.

Members of the Alaska National Guard (approximately 4000) and their spouses (approximately 3000) support this initiative.

C. COST: There is no known cost.

D. PRECEDENTS:

OHIO: Veterans honorably discharged from active service or transferred to a Reserve Component are entitled to 20% added credit on State civil service exam.

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 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.

FAIRBANKS NORTH STAR BOROUGH
VETERANS ADVISORY COMMITTEE

2070 Flight Street
North Pole, Alaska 99705

April 4, 1989

Senator Richard Eliason
P.O. Box V
Juneau AK 99811

Dear Senator,

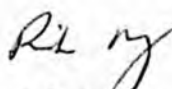
The Fairbanks North Star Borough Mayor's Veterans Advisory Committee met March 30, 1989 and discussed Senate Bill 56 relating to allowing veteran's preference for guard and reserve members with over 5 years of guard and reserve service.

The committee unanimously opposes the bill for a variety of reasons:

- 1) There is an obvious difference between active duty and "active duty for training".
- 2) The current federal guideline for "veteran" status is having over 180 days of active duty other than for training.
- 3) Guard and reserve members can qualify for vet status if they serve an active duty tour (other than for training) exceeding 180 days.
- 4) Using even the weakest formula available, 5 years of guard and reserve (active duty for training) would still only equal 75 days of active duty.
- 5) A closed hiring system already serves guard and reserve members: only guard and reserve members can be hired as technicians.
- 6) The addition of guard and reserve members to the preference pool would dilute an already failing preference system. The State of Alaska Court System and Public Employees Local No. 71 have no vet preference at all. Legislative pressure to force these agencies to invoke veteran's preference is a more practical starting point to help veterans.
- 7) And finally, a gross inequity would occur if this bill is implemented in that currently state and federal veteran's preference for jobs is not even available for regular active duty veterans who served after October 1976 and have no campaign or expeditionary medal.

The Fairbanks North Star Borough Veterans Advisory Committee urges you...do not support Senate Bill 56.

Sincerely,


Rick Meyer
Chairman

Proposed amendment to CS SB 56 (State Affairs):

Line 6, page 1: Insert after "for"

"veterans and for"

Lines 19 and 20, page 1: Delete

, but the additional points may be used only
the first time the member obtains a position in
the classified service

Add new section 1 and renumber accordingly:

*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 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 October 14, 1976;

(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;

Amendment #1

To proposed CS SB 56 (L&C) of 3/16/39

Page 1, line 16: Insert after "veteran"

who is not a state employee in a permanent position in
the classified service

Page 1, line 17: Insert after "veteran"

who is not a state employee in a permanent position in
the classified service

Page 2, line 19: Insert after "member"

who is not a state employee in a permanent position in
the classified service

Page 2, line 21: Insert after "member"

who is not a state employee in a permanent position in
the classified service

Adopted

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 and ten 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 elim-
20 inated, employees shall be released in accordance with rules which
21 give due effect to all factors; if all job qualifications are equal,
22 the veteran shall be given preference over the nonveteran and the
23 veteran shall be kept on the job; this paragraph may not be interpret-
24 ed to amend the terms of a collective bargaining agreement; in this
25 paragraph

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,

1 between September 16, 1940, and December 31, 1947, or between
2 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 award or
5 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-con-
10 nected disability;

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

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

29 (A) "disabled national guard member" means a former

1 member of the national guard who was discharged or released from
2 the national guard under honorable conditions because of a dis-
3 ability incurred in the line of duty;

4 (B) "national guard member" means a person who has
5 served for at least eight years as a member of the Alaska
6 National Guard or an Alaska National Guard Reserve Unit.
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CS includes amendment # 1

6-0300H

Cramer

3/20/89

Original sponsors: Kelly, Kerttula,
and Halford

adopted Friday, 3/17/89

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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

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

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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

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6 the national guard under honorable conditions because of a dis-
7 ability incurred in the line of duty;

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10 National Guard or an Alaska National Guard Reserve Unit.