

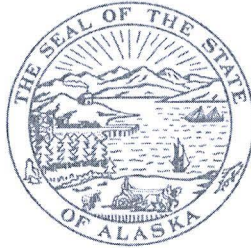
HB

165

<TARGET><BILL>HB 165</BILL><SUBJECT>HB
165</SUBJECT><COMM>HSTA30</COMM></TARGET>

REPRESENTATIVE JUSTIN PARISH

Alaska State Legislature / Juneau, Alaska District 34



SPONSOR STATEMENT

House Bill 165

State Personnel Act: Veterans

Qualified veterans can miss job opportunities because they lack a civilian qualifying requirement, even though he or she has an abundance of experience. A 2012 survey finds that two-thirds of veterans name finding a job as the greatest challenge in transition from military to civilian life.

House Bill 165 would allow a veteran who could provide documented military experience to substitute that experience for published minimum qualifications for state classified positions.

Many states have similar laws that allow veterans to be considered for positions if the veteran can reasonably perform the requirements of the position. Pennsylvania will consider a 'soldier' for a position even if the veteran doesn't meet other requirements. Five states; Kansas, Maine, Minnesota, Tennessee, and Texas require hiring managers to interview all veterans applying for public employment.

House Bill 165 would direct the Department of Administration to implement a procedure through the Alaska Personnel Act to allow an applicant who is a veteran, former prisoner of war, or member of the national guard under AS 39.25.159 to substitute military work experience or training for nonmilitary work experience or training requirements of a state classified position if the military experience or training meets or exceeds the position requirements.

Robert Edwardson

From: Robert Edwardson
Sent: Monday, March 27, 2017 12:53 PM
To: 'hsta@akleg.gov'
Cc: Rep. Justin Parish
Subject: HB 165 State Personnel Act: Veterans Hearing Request
Attachments: HB 165 Sponsor Statement 3.27.2017.pdf; HB 165 ver A 3.27.2017.pdf; HB 165 Fiscal Note DOA-DOP 3.27.2017.pdf; HB 165 Additional Document - NCSL Chart_Veteran Preference in State Hiring 3.27.2017.pdf; HB 165 Additional Document - Legislative Research Report 3.27.2017.pdf

Rep. Parish respectfully requests a hearing for House Bill 165: State Personnel Act: Veterans

House Bill 165 seeks to amend the Alaska State Personnel Act to include a paragraph that requires the Department of Administration to develop a procedure where veterans would qualify for State Civil Service positions by proving that he or she possesses sufficient experience to fill the position, even though he or she does not meet the Published Minimum Requirements.

Included in the bill packet:

- Sponsor Statement
- House Bill 165, ver A
- Support Documents
- A Fiscal Note

If you have any questions please feel free to contact me or my staff Rob Edwardson at 465-3744. Thank you for your consideration.

*Rob Edwardson
Staff for Rep. Justin Parish
State Capitol Room 432
Juneau AK, 99801
(907) 465-5392*

Fiscal Note

State of Alaska
2017 Legislative Session

Bill Version: HB 165
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB165-DOA-DOP-03-10-17
Title: STATE PERSONNEL ACT: VETERANS
Sponsor: PARISH
Requester: House Military and Veterans' Affairs

Department: Department of Administration
Appropriation: Centralized Administrative Services
Allocation: Personnel
OMB Component Number: 56

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2018	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2018 Request	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
OPERATING EXPENDITURES	FY 2018	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2017) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2018) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By: <u>Kate Sheehan</u>	Phone: <u>(907)465-4403</u>
Division: <u>Personnel and Labor Relations</u>	Date: <u>03/10/2017 01:00 PM</u>
Approved By: <u>Sheldon Fisher, Commissioner</u>	Date: <u>03/10/17</u>
Agency: <u>Administration</u>	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2017 LEGISLATIVE SESSION

BILL NO. HB 165

Analysis

This bill adds to AS 39.25.150 additional direction to the state's Personnel Rules on the treatment of military experience for meeting minimum position requirements. The Division of Personnel has standard operating procedures in place for this, so no additional cost or process changes will be necessary. Therefore, the division submits a zero fiscal note.

LEGISLATIVE RESEARCH SERVICES

30th Alaska Legislature
LRS Report 17.081
January 26, 2017



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Education Credits for Military Training

Tim Spengler, Legislative Analyst

You wished to know if legislation has been considered in Alaska that would allow veterans to use certain types of military training in lieu of education, for the purpose of satisfying requirements for State of Alaska jobs.

Briefly, Alaska has not considered legislation described above, according to our review. Also, we did not identify any such legislation enacted in other states.¹

Alaska

We searched Alaska's Bill Action and Status Inquiry System (BASIS) from the 18th Legislature (1993-1994) through the 29th Legislature (2015-2016) for legislative measures that would allow veterans to use certain types of military training in lieu of education, for the purpose of satisfying requirements for State of Alaska jobs. In our review of BASIS, we did not identify any such legislation considered in Alaska. Additionally, we queried officials at the Alaska Department of Military and Veterans Affairs who were unaware of any such efforts. Below we highlight a few loosely related bills from the last few sessions that may be of interest to you.

- In 2017, HB 2—"An Act relating to a voluntary preference for veterans by private employers," has been introduced. The bill can be tracked on BASIS at www.legis.state.ak.us/basis/get_bill.asp?bill=HB%20%20%202&session=30. The same legislation was considered in 2015, as HB 6, which passed the house but did not make it through the senate. HB 6 and its history can be viewed at http://www.legis.state.ak.us/basis/get_bill.asp?bill=HB%20%20%206&session=29.²
- Also in 2015, SCR 9—"Encouraging the University of Alaska to consider accepting upper division undergraduate credits awarded to members of the military and to veterans toward masters degrees offered by the University of Alaska system"—was considered. The resolution, which did not gain any traction in the senate, can be viewed at http://www.legis.state.ak.us/basis/get_bill.asp?bill=SCR%20%209&session=29.
- In 2013, HB 84 was enacted as Ch28 SLA 13 (AS 08.01.064). The bill was entitled "An Act relating to applying military education, training, and service credit to occupational licensing and certain postsecondary education and employment training requirements; providing for a temporary occupational license for qualified military service members; and providing for an effective date." The measure and its history can be accessed at http://www.legis.state.ak.us/basis/get_bill.asp?bill=HB%20%2084&session=28.

Also, detailed information regarding provisions in Alaska that provide special consideration for military professional licensing is viewable at the Department of Commerce, Community, and Economic Development's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/MilitaryLicensing.aspx>.

Finally, you may wish to peruse the U.S. Army's official benefit webpage pertaining to Alaska at http://myarmybenefits.us.army.mil/Home/Benefit_Library/State__Territory_Benefits/Alaska_.html. The page includes benefits for Alaska service members and veterans in a number of areas including education and employment.

¹ While we believe our review to be thorough, it is possible that relevant legislation eluded us.

² A similar bill, Senate Bill 2, was also considered in 2015. It did not get out of the senate.

Other States

We also looked to see if other states had enacted measures that would allow veterans to use certain types of military training in lieu of education, for the purpose of satisfying requirements for state jobs. While we did not identify any such laws, we did find information pertaining to employment preferences for veterans, which we provide below.

Pennsylvania's veteran preference law contains a section titled "Lack of training, age or physical impairment." It states that, "The lack of academic or scholastic training or experience, age, loss of limb or other physical impairment which does not in fact incapacitate any such soldier shall not be deemed to disqualify him, provided he possesses the other requisite qualifications to satisfactorily perform all of the duties which the position requires." Full text of the law is viewable at <http://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&ttl=51&div=0&chpt=71>

At least five states (Kansas, Maine, Minnesota, Tennessee, and Texas) require an interview for veterans applying for public employment. For example, Kansas law requires employers at the state and local level to interview any veteran who applies for a job so long as he or she can "competently perform the duties of the position." The law is accessible at http://www.ksrevisor.org/statutes/chapters/ch73/073_002_0001.html. The Kansas employment website contains answers to frequently asked questions regarding veteran preference at <https://admin.ks.gov/services/state-employment-center/veterans>.

Texas law sets a requirement that state agencies interview a certain number of veterans based on the total number of interviews scheduled. A state agency can also designate an open position as a veteran's position and only accept applications from individuals entitled to veteran employment preference. Each state agency in Texas must also set a goal of hiring a number of veterans equal to at least 20 percent of the total number of employees. The Texas measure can be viewed at <http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.657.htm>.

New York State enacted legislation in 2013 requiring state agencies to select veterans for all temporary appointments rather than using temporary employment service companies at <http://legislation.nysenate.gov/pdf/bills/2013/S5504A>. The New York program website is accessible at <https://www.cs.ny.gov/vetportal/job-seekers.cfm>.

Finally, in 2013, Washington State Governor Jay Inslee signed Executive Order 13.01, directing each state agency to develop annual veteran employment plans to increase the representation of veterans in their workforce. The order also created the Veterans Employee Resource Group, a cross-agency group of veterans in state service to provide advice and assistance on veteran recruitment, retention, and development strategies. The executive order can be viewed at www.governor.wa.gov/sites/default/files/exe_order/eo_13-01.pdf.

As you may know, Alaska's veteran preference law is codified at AS 39.25.159. It stipulates that veterans are eligible for a state employment hiring preference. In a numerical rating system, veterans receive points equal to five percent of the total points available from the assessment device added to their score; for disabled veterans or former prisoners of war, points equal to ten percent of the total points available from the assessment device will be awarded. If numerical ratings are not used, a veteran will be given consideration and a disabled veteran or prisoner of war will be given an opportunity to interview.

We hope this is helpful. If you have questions or need additional information, please let us know.



NATIONAL CONFERENCE of STATE LEGISLATURES

The Forum for America's Ideas

7700 East First Place Denver, Colorado 80230
 303-364-7700 Fax: 303-364-7800

Veterans' Preferences in State Hiring
 October 18, 2013

State	Statutory Citation	Preference Points Awarded in Initial Examinations/Hiring				State Residency Requirements	Enforcement
		Veterans	Disabled Veterans/PO Ws	National Guard	Spouse or Surviving Spouse		
Alabama	Ala. Code §36-26-15	Five points	Ten points		Ten points	Not specified	
Alaska	Alaska Stat. §39.25.150	Five percent	Ten percent	Five percent		Not specified	
	Alaska Stat. §39.25.159						
Arizona	Ariz. Rev. Stat. §38-491 et seq.	Five points	Ten points		Five points	Not specified	A person who violates the law is guilty of a class 2 misdemeanor. An officer or person charged with administering a civil service or merit system of

							employment who knowingly refuses or fails to observe the law in selecting a public employee or grading exams is guilty of a class 3 misdemeanor (§38-494).
Arkansas	Ark. Stat. Ann. §21-3-301 <i>et seq.</i> (2013 HB 1518)	Five points	Ten points	Five points	Ten points if spouse is disabled	Yes	
California	Cal. Govt. Code §18971 <i>et seq.</i>	Ten points	Fifteen points	Ten points If disabled, fifteen points	5 or 10 points as specified.	Not specified	
	Cal. Govt. Code §§19997.6 – 19997.7						
Colorado	Colo. Const. Art. XII, §15	Five points	Ten points		Five points	Not specified	All applicants have the right to appeal the denial of veterans preference points before a three-member panel (§29-5.5-105).
	Colo. Rev. Stat. §29-5.5-101 <i>et seq.</i>						
Connecticut	Conn. Gen. Stat. §5-224	Five points	Ten points		Five points If disabled, ten points	Not specified	
	Conn. Gen. Stat. §7-415						
Delaware	29 Del. Code Ann. §5935	Five points	Ten points		Five points	Not specified	
District of Columbia	D.C. Code Ann. §1-607.03	Five points	Five additional points		Same as 5 U.S.C. §§2108(3) and 3309(1)	Not specified	

Florida	Fla. Stat. §110.2135	Five points	Ten points		Five points If disabled, ten points	Not specified	
	Fla. Stat. §295.065 <i>et seq.</i> (2013 SB 690)						
Georgia	Ga. Code §45-2-20 <i>et seq.</i>	Five points	Ten points	Five points as specified			
Guam	4 Guam Code Ann. §4104	Five points	Ten points			Yes	
Hawaii	Hawaii Rev. Stat. §76-103						
Idaho	Idaho Code §65-501 <i>et seq.</i> (2013 SB 1045)	Five percentage points	Ten percentage points		Five percentage points If disabled, ten percentage points	Yes	An employer who deliberately or willfully refuse to give preference to qualified veterans is subject to writs of mandate and may be required to employ or reemploy the veteran and pay damages (\$65-506).
Illinois	Ill. Rev. Stat. ch. 15, §310/10b.7	Five points as specified Three points as specified	Ten points	Three points as specified	Same as the deceased or disabled veteran	Not specified	
	Ill. Rev. Stat. ch. 15, §410/10b.7						
	Ill. Rev. Stat. ch. 15, §510/9b.5						
	Ill. Rev. Stat. ch. 20, §415/8b.7						
	Ill. Rev. Stat. ch. 55, §5/3-14021						
	Ill. Rev. Stat. ch. 65, §5/10-1-16						
	Ill. Rev. Stat. ch. 110, §70/36g						

	Ill. Rev. Stat. ch. 330, §55/0.01 <i>et seq.</i>						Any person who knowingly and willfully violates the law is guilty of a petty offense and fined between \$75 and \$300 for each offense (§55/3).
Indiana	Ind. Code §4-15-2.2-32	Ten percentage points				Not specified	
	Ind. Code §5-9-3-1 <i>et seq.</i>						
Iowa	Iowa Code §8A.413	Five points	Ten points			Yes	
	Iowa Code §35C.1						
	Iowa Code §400.10						
	Iowa Code §8A.402 (2010 H.F. 2454) Noncompetitive appointments						
Kansas	Kan. Rev. Stat. §73-201 <i>et seq.</i>					Not specified	Any state, county or city officer or board who knowingly and willfully disobeys or neglects to obey the law is guilty of a misdemeanor and fined between \$50 and \$500 (§73-202); Any veteran who alleges that a state agency, city or county has not provided the veterans preference, after exhausting any available administrative

							remedy, may bring an action in the district court (§73-201).
	Kan. Rev. Stat. §75-2955						
Kentucky	Ky. Rev. Stat. §18a.150	Five points	Ten points	Five points	Ten points as specified	Not specified	
Louisiana	La. Rev. Stat. Ann. §2416	Five points	Ten points		Five points If disabled, ten points	Not specified	
Maine	Me. Rev. Stat. Ann. tit. 5, §§7054 – 7055.	Five points	Ten points		Five points If disabled, ten points	Not specified	
Maryland	Md. Public Utilities Code §18-111	Five percent				Yes	
Massachusetts	Mass. Gen. Laws Ann. ch. 31, §3					Yes	
	Mass. Gen. Laws Ann. ch. 31, §26						
	Mass. Gen. Laws Ann. ch. 41, §112						
	Mass. Gen. Laws Ann. ch. 149, §26						
Michigan	Mich. Comp. Laws §35.401 <i>et seq.</i>					Yes	Any person with the power of appointment or someone under him that violates the law is guilty of a misdemeanor and either fined between \$50 and \$100, imprisoned in the county jail for no more than 90 days, or both (§35.403).

Minnesota	Minn. Stat. §43A.11 <i>et seq.</i>	Ten points	Fifteen points		Same as veteran as specified	Not specified	
	Minn. Stat. §197.447 <i>et seq.</i>						Any willful violation of the law by officers, officials or employees is a misdemeanor. Aggrieved applicants are entitled to a writ of mandamus to remedy the wrong (§197.46).
Mississippi	Miss. Code Ann. §25-9-301 <i>et seq.</i>					Not specified	
Missouri	Mo. Const. Art. IV, §19	Five points	Ten points		Five points If disabled, five points	Not specified	
	Mo. Rev. Stat. §36.220						
	Mo. Rev. Stat. §285.237						
Montana	Mont. Code Ann. §10-2-402	Five percentage points	Ten percentage points		Five percentage points	Not specified	
	Mont. Code Ann. §39-29-101 <i>et seq.</i>						Any applicant who believes he or she has been denied veterans preference has the right to an appeal hearing. If found guilty, the employer must comply with the law and may be ordered to pay certain costs of the applicant (§39-29-104).
	Mont. Code Ann. §49-2-405						
Nebraska	Neb. Rev. Stat. §23-	Five points	Ten points			Not specified	

	2529						
	Neb. Rev. Stat. §48-225 <i>et seq.</i>	Five percent	Additional five percent				Violators of the law are guilty of a class 4 misdemeanor. Violators are prohibited from receiving any compensation from public funds until they comply with the law (§48-230).
Nevada	Nev. Rev. Stat. §281.060	Five points	Ten points		Five points	Yes	Violators are guilty of a misdemeanor. Penalties do not apply where the violations result from misrepresentations made by the employee.
	Nev. Rev. Stat. §284.260						
New Hampshire	N.H. Rev. Stat. §282-A:115					Yes	
	N.H. Rev. Stat. §283:1 <i>et seq.</i>						
New Jersey	N.J. Rev. Stat. §11A:5-1 <i>et seq.</i>	Immediately after disabled veterans in order of respective scores	Top of the employment list in order of respective scores		Same as deceased or disabled veteran as specified		Any applicant who believes he or she has been denied veterans preference has the right to appeal the decision before the Adjutant General (§11A:5-1.1).
	N.J. Rev. Stat. §38A:3-12 <i>et seq.</i>						
	N.J. Rev. Stat.						

	§11A:5-8 Noncompetitive appointments						
New Mexico	N.M. Stat. Ann. §10-9-13.2	Five points	Ten points	Five points If disabled, ten points			
	N.M. Stat. Ann. §20-4-9						
New York	N.Y. Civil Service Law §85	Five points	Ten points			Yes	A refusal to allow the preference in retention to any veteran or disabled veteran, or a reduction of compensation intended to bring about his resignation is a misdemeanor. Any affected veteran has the right to seek a resolution and damages before a court.
	N.Y. Civil Service Law §55-c Noncompetitive appointment						
North Carolina	N.C. Gen. Stat. §126-80 <i>et seq.</i>					Yes	The willful failure of any employee to comply with the law constitutes personal misconduct and may result in suspension, demotion or dismissal; Any applicant who believes he or she has

							been denied veterans preference may appeal the decision to the state Personnel Commission (§126-82).
	N.C. Gen. Stat. §128-15						
North Dakota	N.D. Cent. Code §37-19.1-01 <i>et seq.</i> (2013 SB 2127)	Five points	Ten points		Same as deceased or disabled veteran as specified	Yes	Any applicant who believes he or she has been denied veterans preference has the right to an appeal hearing. If successful, the applicant is entitled to immediate employment together with backpay and benefits from the date the appointment should have been made (§37-19.1-04).
Ohio	Ohio Rev. Code §124.23	Twenty percent				Yes	
	Ohio Rev. Code §124.26						
	Ohio Rev. Code §5903.11						The law requires each agency state agency providing employment and training services to veterans to individually report to the legislature on action taken to ensure compliance with the provisions of the law.
Oklahoma	Okla. Stat. tit. 72,	Five points	Ten points		Five points	Yes	

	§401 <i>et seq.</i> Okla. Stat. tit. 74, §840-4.14 Competitive and noncompetitive appointments						
Oregon	Or. Rev. Stat. §408.225 <i>et seq.</i> (2013 HB 2633)	Five points	Ten points	Five points, If disabled, ten points		Not specified	Violating the law is considered an unlawful employment practice; Aggrieved veterans may file a complaint (§408.230).
Pennsylvania	Pa. Cons. Stat. tit. 51, §7101 <i>et seq.</i>	State - Ten points Municipal – Fifteen percent			Same as deceased or disabled veteran	Not specified	
	Pa. Stat. tit. 53, §23431						
	Pa. Stat. tit. 53, §39405						
Puerto Rico	29 L.P.R.A. §737	Ten percent				Not specified	
Rhode Island	R.I. Gen. Laws §30- 21-1 <i>et seq.</i>					Yes	Violators of the law are guilty of a misdemeanor and fined no more than \$1,000 (§30-21-7).
South Carolina	S.C. Code Ann. §1-1- 550					Not specified	
South Dakota	S.D. Codified Laws Ann. §3-3-1 <i>et seq.</i>		A veteran who has a service- connected disability shall be given a preference over a nondisabled veteran.		Same as deceased or disabled veteran as specified	Yes	A refusal to allow the veterans preference or a reduction in salary for the position with intent to bring about the resignation of the incumbent, entitles the applicant or incumbent to maintain an action of

							mandamus to right the wrong (§3-3-3).
Tennessee	Tenn. Code Ann. §8-30-307	Veterans must be invited to interview. If all else is equal, preference will be given to the veteran for the position.	Veterans must be invited to interview. If all else is equal, preference will be given to the veteran for the position.			Yes	
Texas	Tex. Govt. Code §656.027	Ten points	Fifteen points		Same as deceased or disabled veteran as specified	Not specified	Applicants entitled to a veterans preference have the right to appeal unfavorable decisions (§657.010).
	Tex. Govt. Code §657.001 <i>et seq.</i>						
Utah	Utah Code Ann. §71-10-1 <i>et seq.</i>	Five percent	Ten percent		Same as deceased or disabled veteran	Not specified	Any officers, agents or representatives of a government entity who is charged with employment of people and who willfully fails to give veterans preference as provided in this chapter is guilty of a misdemeanor (§71-10-3).
Vermont	Vt. Stat. Ann. tit. 20, §1543					Not specified	
Virginia	Va. Code §2.2-2903	Five percent	Ten percent	Five percent		Not specified	

	Va. Code §15.2-1509			If disabled, ten percent			
Virgin Islands	<i>Not specified</i>						
Washington	Wash. Rev. Code §41.04.010	Five or ten percent as specified	Five or ten percent as specified			Not specified	All officials or other persons with hiring authority who violate the law are guilty of a class 1 civil infraction (§73.16.020).
	Wash. Rev. Code §73.16.005 <i>et seq.</i>						
West Virginia	W. Va. Code §6-13-1	Five points	Ten points			Not specified	
	W. Va. Code §9A-4-1 <i>et seq.</i>						
Wisconsin	Wis. Stat. §230.16	Ten points	Fifteen to twenty points, as specified	Ten points	Not specified		
	Wis. Stat. §230.275 Noncompetitive appointments						
Wyoming	Wyo. Rev. Stat. §19-14-102	Five points	Ten points		As specified	Yes	