

CS FOR SENATE BILL NO. 11(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 5/10/19

Referred: Finance

Sponsor(s): SENATOR KAWASAKI

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to temporary courtesy licenses for spouses of active duty members of**
2 **the armed forces; relating to private sector and state employment preferences for active**
3 **service members, veterans, and spouses and dependent children of active service**
4 **members and veterans; relating to employment preferences for surviving spouses of**
5 **deceased service members and veterans; and relating to employment preferences for**
6 **disabled veterans and former prisoners of war."**

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

8 * **Section 1.** AS 08.01.063(a) is amended to read:

9 (a) Except as provided in (d) of this section, and notwithstanding another
10 provision of law, the department or appropriate board **shall** [MAY] issue a temporary
11 courtesy license to the spouse of an active duty member of the armed forces of the
12 United States if the spouse applies to the department or appropriate board in the
13 manner prescribed by the department or appropriate board. An application must

1 include evidence satisfactory to the department or appropriate board that the applicant

2 (1) is married to and living with a member of the armed forces of the
3 United States who is on active duty and assigned to a duty station in this state under
4 official active duty military orders;

5 (2) holds a current license or certificate in another state, district, or
6 territory of the United States with requirements that the department or appropriate
7 board determines are equivalent to those established under this title for that
8 occupation;

9 (3) if required by the department or appropriate board for obtaining a
10 license in the applicant's profession, has been fingerprinted and has provided the fees
11 required by the Department of Public Safety under AS 12.62.160 for criminal justice
12 information and a national criminal history record check; the fingerprints and fees
13 shall be forwarded to the Department of Public Safety to obtain a report of criminal
14 justice information under AS 12.62 and a national criminal history record check under
15 AS 12.62.400;

16 (4) has not committed an act in any jurisdiction that would have
17 constituted grounds for the refusal, suspension, or revocation of a license or certificate
18 to practice that occupation under this title at the time the act was committed;

19 (5) has not been disciplined by a licensing or credentialing entity in
20 another jurisdiction and is not the subject of an unresolved complaint, review
21 procedure, or disciplinary proceeding conducted by a licensing or credentialing entity
22 in another jurisdiction; and

23 (6) pays any fees required under this title.

24 * **Sec. 2.** AS 08.01.063 is amended by adding new subsections to read:

25 (e) The department shall prepare an annual report that describes, for the
26 previous fiscal year, information on temporary courtesy licenses issued under this
27 section, including

28 (1) expedited application procedures;

29 (2) progress made toward implementing regulations for the licenses,
30 changes to regulations made to accommodate the needs of military spouses, and any
31 plans for future regulations;

1 (3) the number and type of the licenses that have been issued; and

2 (4) the department's efforts to inform each board authorized to issue a
3 temporary courtesy license under this section and the military community in the state
4 about the licenses.

5 (f) The department shall submit the report prepared under (e) of this section to
6 the legislature on or before the first day of March each year. The department shall
7 deliver a copy of the annual report to the senate secretary and the chief clerk of the
8 house of representatives and notify the legislature that the report is available.

9 (g) The department shall annually produce and distribute to each board
10 authorized to issue a temporary courtesy license under this section informational
11 materials for the purpose of improving the board's knowledge of the licenses, the
12 application process, and best practices in providing applicant support. The department
13 shall encourage the boards to designate a single employee to serve as the point of
14 contact for public information and inquiries related to temporary courtesy licenses for
15 military spouses.

16 * **Sec. 3.** AS 18.80.200(c) is amended to read:

17 (c) Nothing in this chapter is intended to prohibit a private employer from
18 granting an employment preference described in AS 23.88.010 [TO A MEMBER OF
19 THE NATIONAL GUARD OR A VETERAN WHEN HIRING AN EMPLOYEE. IN
20 THIS SUBSECTION,

21 (1) "MEMBER OF THE NATIONAL GUARD" MEANS A PERSON
22 PRESENTLY SERVING AS A MEMBER IN GOOD STANDING IN THE
23 NATIONAL GUARD;

24 (2) "VETERAN" MEANS A PERSON WHO WAS DISCHARGED
25 UNDER HONORABLE CONDITIONS FROM SERVICE IN

26 (A) THE ARMED FORCES OF THE UNITED STATES;

27 (B) A RESERVE UNIT OF THE ARMED FORCES OF THE
28 UNITED STATES;

29 (C) THE ALASKA TERRITORIAL GUARD;

30 (D) THE ALASKA ARMY NATIONAL GUARD;

31 (E) THE ALASKA AIR NATIONAL GUARD; OR

1 (F) THE ALASKA NAVAL MILITIA].

2 * **Sec. 4.** AS 23.88.010 is repealed and reenacted to read:

3 **Sec. 23.88.010. Active military, veteran, and family hiring preference**
 4 **allowed.** (a) When hiring an employee, a private employer may grant an employment
 5 preference to

6 (1) a person in active service, on furlough from active service, or
 7 discharged under honorable conditions from service in

8 (A) the armed forces of the United States;

9 (B) a reserve unit of the armed forces of the United States;

10 (C) the Alaska Territorial Guard;

11 (D) the Alaska Army National Guard;

12 (E) the Alaska Air National Guard; or

13 (F) the Alaska Naval Militia;

14 (2) the spouse or dependent child of a person described in (1) of this
 15 subsection; and

16 (3) the surviving spouse or a dependent child of a person who, at the
 17 time of death, was a person in active service or on furlough from active service as
 18 described in (1) of this subsection.

19 (b) In this section, "dependent child" means a natural child, stepchild, or
 20 adopted child who is

21 (1) permanently disabled; or

22 (2) under

23 (A) 19 years of age; or

24 (B) 23 years of age and registered at and attending on a full-
 25 time basis an accredited educational or technical institution recognized by the
 26 Department of Education and Early Development.

27 * **Sec. 5.** AS 39.25.150 is amended to read:

28 **Sec. 39.25.150. Scope of the rules.** The personnel rules must provide for

29 (1) the preparation, maintenance, and revision, by the director of
 30 personnel, subject to approval of the commissioner of administration and the
 31 personnel board, of a position classification plan for all positions in the classified and

1 partially exempt services; the position classification plan must include

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

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

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

17 (3) the use of employee selection methods, including open competitive
18 assessment devices, when appropriate, that will fairly evaluate the capacity and fitness
19 of the person assessed to discharge the duties of the position in which employment is
20 sought;

21 (4) the formulation of a list for appointment and promotion to a
22 position;

23 (5) the procedure for filling positions; the rule adopted under this
24 paragraph may include procedures providing a preference for local residents when
25 appropriate;

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

31 (7) a period of probation not to exceed one year before an appointment

1 to a position becomes permanent, unless the period of probation is extended as set out
2 in a collective bargaining agreement under AS 23.40; however, a permanent employee
3 receiving a promotional appointment retains permanent status in the service and job
4 class from which appointed for the duration of the probationary period and may be
5 demoted to a former class without right of appeal, notwithstanding AS 39.25.170, but,
6 if the employee is dismissed from the service, the appeal rights under AS 39.25.170
7 apply;

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

10 (9) provisional appointment without competitive assessment when the
11 recruitment and assessment procedures have not identified qualified candidates in
12 sufficient number;

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

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

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

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

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

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

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

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

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

29 (19) the granting of employment preference rights, not within the area
30 of promotion, [TO A VETERAN, FORMER PRISONER OF WAR, OR MEMBER
31 OF THE NATIONAL GUARD] under AS 39.25.159;

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

5 (21) the granting of employment preference to individuals with severe
 6 disabilities; this includes the right to provisional appointment without competitive
 7 assessment for periods of up to four months and the granting of eligibility to an
 8 individual with a severe disability provisionally appointed under the rules who
 9 demonstrates ability to perform the job for permanent appointment without
 10 competitive assessment; provisional employment under this paragraph may not exceed
 11 four months during a 12-month period; "individual with a severe disability," as used in
 12 this paragraph, means an individual certified by the director of the division of
 13 vocational rehabilitation to be severely disabled;

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

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

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

22 (25) other rules and administrative regulations, not inconsistent with
 23 this chapter, that are necessary for its enforcement.

24 * **Sec. 6.** AS 39.25.159(a) is amended to read:

25 (a) A **person** [VETERAN OR FORMER PRISONER OF WAR] who
 26 possesses the necessary qualifications for a position or job classification applied for
 27 under this chapter is entitled to an employment preference as follows:

28 (1) in an assessment using numerical ratings,

29 **(A)** points equal to five percent of the points available from the
 30 assessment device or devices shall be added to the passing score **if the person**

31 **is**

1 (i) in active service, on furlough from active service,
 2 or discharged under honorable conditions from service in the
 3 armed forces of the United States, a reserve unit of the armed
 4 forces of the United States, the Alaska Territorial Guard, the
 5 Alaska Army National Guard, the Alaska Air National Guard, or
 6 the Alaska Naval Militia;

7 (ii) the spouse or dependent child of a person
 8 described in (i) of this subparagraph; or

9 (iii) the surviving spouse or a dependent child of a
 10 person who, at the time of death, was a person in active service or
 11 on furlough from active service as described in (i) of this
 12 subparagraph;

13 (B) points equal to 10 percent of the points available from
 14 the assessment device or devices shall be added to the passing score if the
 15 person is

16 (i) a disabled veteran;

17 (ii) a former prisoner of war;

18 (2) in an assessment not using numerical ratings,

19 (A) consideration shall be afforded to a person under
 20 (1)(A)(i) of this subsection;

21 (B) [OF A VETERAN, AND POINTS EQUAL TO 10
 22 PERCENT OF THE POINTS AVAILABLE FROM THE ASSESSMENT
 23 DEVICE OR DEVICES SHALL BE ADDED TO THE PASSING SCORE OF
 24 A DISABLED VETERAN OR FORMER PRISONER OF WAR;

25 (2) IN AN ASSESSMENT NOT USING NUMERICAL RATINGS,
 26 CONSIDERATION SHALL BE AFFORDED TO A VETERAN; ADDITIONALLY,
 27 an opportunity to interview for the position shall be afforded to a disabled veteran or a
 28 former prisoner of war.

29 * **Sec. 7.** AS 39.25.159(d) is amended to read:

30 (d) A person may receive an employment preference under only one of the
 31 categories described in (a) [OR (c)] of this section. A person may use the preference

1 without limitation when being considered for a position for which persons who are not
 2 currently state employees are being considered. If the recruitment for a position is
 3 limited to state employees, preference under (a) or (c) of this section may not be
 4 counted. If a position in the classified service is eliminated, employees shall be
 5 released in accordance with rules adopted under AS 39.25.150(13). In the case of a
 6 comparison of employees with equal qualifications **based** on the factors adopted under
 7 AS 39.25.150(13), **an employee who is eligible for an employment preference**
 8 **under (a) of this section** [A VETERAN, FORMER PRISONER OF WAR, OR
 9 MEMBER OF THE NATIONAL GUARD] shall be given preference over **an**
 10 **employee who is not eligible for a preference under (a) of this section and** [A
 11 PERSON WHO IS NOT A VETERAN, FORMER PRISONER OF WAR, OR
 12 MEMBER OF THE NATIONAL GUARD, AND THE VETERAN, FORMER
 13 PRISONER OF WAR, OR MEMBER OF THE NATIONAL GUARD] shall be kept
 14 on the job.

15 * **Sec. 8.** AS 39.25.159(e) is amended to read:

16 (e) Subsections **(a)** [(a), (c),] and (d) of this section may not be interpreted to
 17 amend the terms of a collective bargaining agreement.

18 * **Sec. 9.** AS 39.25.159(f) is amended by adding a new paragraph to read:

19 (6) "dependent child" means a natural child, stepchild, or adopted child
 20 who is

21 (A) permanently disabled; or

22 (B) under

23 (i) 19 years of age; or

24 (ii) 23 years of age and registered at and attending on a
 25 full-time basis an accredited educational or technical institution
 26 recognized by the Department of Education and Early Development.

27 * **Sec. 10.** AS 39.25.159(c) is repealed.