

HOUSE BILL NO. 113

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES JACKSON, Shaw

Introduced: 3/27/19

Referred: House Special Committee on Military and Veterans' Affairs, Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to employment preferences for spouses and children of veterans,
2 disabled veterans, former prisoners of war, members of the national guard, and
3 deceased service members."

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

5 * **Section 1.** AS 18.80.200(c) is amended to read:

6 (c) Nothing in this chapter is intended to prohibit a private employer from
7 granting an employment preference to a member of the national guard, [OR] a veteran,
8 or a spouse or dependent child of a member of the national guard, a veteran, or a
9 deceased service member when hiring an employee. In this subsection,

10 (1) "deceased service member" means a person who died or is
11 formally and legally presumed to have died while in active service or on furlough
12 from active service in

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

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

(C) the Alaska Territorial Guard;

(D) the Alaska Army National Guard;

(E) the Alaska Air National Guard; or

(F) the Alaska Naval Militia;

(2) "dependent child" means a natural or adopted child who is

(A) permanently disabled; or

(B) under

(i) 19 years of age; or

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

(3) [(1)] "member of the national guard" means a person presently
serving as a member in good standing in the national guard;

(4) "spouse" means an individual who

(A) is married to a member of the national guard or a
veteran; or

(B) was married to a deceased service member at the time
of the deceased service member's death;

(5) [(2)] "veteran" means a person who was discharged under
honorable conditions from service in

(A) the armed forces of the United States;

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

(C) the Alaska Territorial Guard;

(D) the Alaska Army National Guard;

(E) the Alaska Air National Guard; or

(F) the Alaska Naval Militia.

* **Sec. 2.** AS 23.88.010 is amended to read:

**Sec. 23.88.010. National guard member and veteran hiring preference
allowed.** A private employer may grant an employment preference to a member of the
national guard, [OR] a veteran, or a spouse or dependent child of a member of the

national guard, a veteran, or a deceased service member when hiring an employee.

In this section,

(1) "deceased service member" means a person who died or is formally and legally presumed to have died while in active service or on furlough from active service in

(A) the armed forces of the United States;

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

(C) the Alaska Territorial Guard;

(D) the Alaska Army National Guard;

(E) the Alaska Air National Guard; or

(F) the Alaska Naval Militia;

(2) "dependent child" means a natural or adopted child who is

(A) permanently disabled; or

(B) under

(i) 19 years of age; or

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

(3) [(1)] "member of the national guard" means a person presently serving as a member in good standing in the national guard;

(4) "spouse" means an individual who

(A) is married to a member of the national guard or a veteran; or

(B) was married to a deceased service member at the time of the deceased service member's death;

(5) [(2)] "veteran" means a person who was discharged under honorable conditions from service in

(A) the armed forces of the United States;

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

(C) the Alaska Territorial Guard;

- (D) the Alaska Army National Guard;
 (E) the Alaska Air National Guard; or
 (F) the Alaska Naval Militia.

* **Sec. 3.** AS 39.25.159(a) is amended to read:

(a) A person who is a veteran, [OR] former prisoner of war, or a spouse or dependent child of a veteran, former prisoner of war, or deceased service member and who possesses the necessary qualifications for a position or job classification applied for under this chapter is entitled to an employment preference as follows:

(1) in an assessment using numerical ratings, points equal to five percent of the points available from the assessment device or devices shall be added to the person's passing score or, if the veteran or former prisoner of war is disabled, [OF A VETERAN, AND] points equal to 10 percent of the points available from the assessment device or devices shall be added to the person's passing score [OF A DISABLED VETERAN OR FORMER PRISONER OF WAR];

(2) in an assessment not using numerical ratings, consideration shall be afforded to the person; if the veteran or former prisoner of war is disabled [A VETERAN; ADDITIONALLY], an opportunity to interview for the position shall be afforded to the person [A DISABLED VETERAN OR A FORMER PRISONER OF WAR].

* **Sec. 4.** AS 39.25.159(c) is amended to read:

(c) A person who is a member of the national guard or a spouse or dependent child of a member of the national guard or deceased member of the national guard who died or is formally and legally presumed to have died while in active service or on furlough from active service in the national guard and who possesses the necessary qualifications for a position or job classification applied for under this chapter is entitled to an employment preference as follows:

(1) in an assessment using numerical ratings, points equal to five percent of the points available from the assessment device or devices shall be added to the person's passing score [OF A MEMBER OF THE NATIONAL GUARD];

(2) in an assessment not using numerical ratings, consideration shall be

1 afforded to **the person** [A MEMBER OF THE NATIONAL GUARD].

2 * **Sec. 5.** AS 39.25.159(d) is amended to read:

3 (d) A person may receive an employment preference under only one of the
4 categories described in (a) or (c) of this section. A person may use the preference
5 without limitation when being considered for a position for which persons who are not
6 currently state employees are being considered. If the recruitment for a position is
7 limited to state employees, preference under (a) or (c) of this section may not be
8 counted. If a position in the classified service is eliminated, employees shall be
9 released in accordance with rules adopted under AS 39.25.150(13). In the case of a
10 comparison of employees with equal qualifications on the factors adopted under
11 AS 39.25.150(13), a **person who is a** veteran, former prisoner of war, [OR] member
12 of the national guard, **or a spouse or dependent child of a veteran, former prisoner**
13 **of war, member of the national guard, or deceased service member** shall be given
14 preference over a person who is not a veteran, former prisoner of war, [OR] member
15 of the national guard, **or a spouse or dependent child of a** [AND THE] veteran,
16 former prisoner of war, [OR] member of the national guard, **or deceased service**
17 **member and** shall be kept on the job.

18 * **Sec. 6.** AS 39.25.159(f) is amended by adding new paragraphs to read:

19 (6) "deceased service member" means a person who died or is formally
20 and legally presumed to have died while in active service or on furlough from active
21 service in

- 22 (A) the armed forces of the United States;
- 23 (B) a reserve unit of the armed forces of the United States;
- 24 (C) the Alaska Territorial Guard;
- 25 (D) the Alaska Army National Guard;
- 26 (E) the Alaska Air National Guard; or
- 27 (F) the Alaska Naval Militia;

28 (7) "dependent child" means a natural or adopted child who is

- 29 (A) permanently disabled; or
- 30 (B) under
- 31 (i) 19 years of age; or

1 (ii) 23 years of age and registered at and attending on a
2 full-time basis an accredited educational or technical institution
3 recognized by the Department of Education and Early Development;
4 (8) "member of the national guard" means a person presently serving
5 as a member in good standing in the national guard;
6 (9) "spouse" means an individual who
7 (A) is married to a member of the national guard or a veteran;
8 or
9 (B) was married to a deceased service member at the time of
10 the deceased service member's death.