HOUSE LABOR AND EMPLOYMENT RELATIONS COMMITTEE MINUTES March 26, 1983

The House Labor and Employment Relations Committee convened at 8 a.m. in Room 224K of the State Capitol, on March 26, 1983, with Chairman J. Melvin Williams presiding and all members present except Reps. Dozier, Ellerd, Seifert and Thoft, who were absent. Chairman Williams opened the meeting to a hearing on Senate Bill 197.

SENATE BILL 197

SENATOR JOSEPH MAZUREK, District 16, chief sponsor, said the vets preference legislation has been on the books since 1921 and in 1927 the handicapped were included in. He said what it has meant over the years is a tie breaking preference and they received five extra points on the merit system exams. He said problems developed when shifting from the merit system to relying more heavily on interviews. He said the Crabtree versus State of Montana decision raised some real problems. It said that if a vet or handicapped person meets minimal qualifications they have an absolute preference. He said this law covers all public works even that contracted He said the Department of Administration got all interested groups together to work out a bill that all could live with and this supposedly was the one. He said the vets decided they didn't agree with some of the language and so opposed the bill in the Senate and all that is now remaining of the bill is the last three sections and that doesn't have anything to do with who gets the preference. He said that will have to be worked out by the courts. The bill now only says if you go to a public hiring authority you have to let him know if you are claiming the preference. You have to talk to the authorities and let them know in the case of a promotion or layoff. The second thing the bill does is say you have 60 days to go to court if you feel you have been wrongfully dealt with on the preference provision. He said this doesn't weaken the preference but it may save the state from a lot of back wage claims. He said it is unfortunate that we didn't address the problem this year.

JAN GILMAN, Interdepartmental Coordinating Committee for Women (ICCW), spoke in support and a copy of her testimony is Exhibit 1 of the minutes and contains a suggested amendment.

LINDA SKAAR, Helena Women's Political Caucus, spoke in support and a copy of her testimony is <u>Exhibit 2</u> of the minutes and includes suggested amendments.

ELLEN FEAVER, Department of Revenue, spoke in support. She suggested the committee look closely at the amendment suggested by the ICCW. She said this does not encourage productivity in government as it makes both management and other workers resentful. She said they should be able to hire the most qualified for the position.

MIKE WARD, Colonel, U.S. Air Force, retired, spoke in support.

He felt there should not be a blanket preference as some veterans are already getting a substantial retirement pay.

He questioned the giving of handicap preference for anybody with less than 30% disability. He said he has a 10% disability himself and yet can ski and run and compete with anyone in the room.

He said the executive branch of the government muncipalities would be unduly hampered by application of this preference.

He left with the committee a memo from Mary Vent Hull,

City Commissioner of Bozeman, supporting the bill with amendments to exclude municipal governments from requiring preference to veterans. This is Exhibit 3 of the minutes.

LEROY SCHRAMM, Montana University System, said they support the bill in its present form because it is better than nothing. He said he had some suggested amendments, Exhibit 4, of the minutes. He said there really isn't anything controversial left of the bill as it doesn't change the definition and it doesn't expand it to any new groups. He said this bill just leaves the law in its present unsettled state.

SUE MOORE, Department of Labor, Coordinator of ICCW, spoke next in support and a copy of her testimony is Exhibit 5 of the minutes.

DENNIS TAYLOR, Department of Administration, said the bill was a comprehensive attempt to define what the nature of the preference was but the Senate didn't see fit to take the comprehensive part of the bill. He said this bill is better than nothing. He said all the bill does is to make it clear that the applicant if under the preferred status must notify the manager that he wants it considered. He said the one claiming the preference must also in a reasonable time go to court if he feels he has been passed over unfairly. He said this will keep them from facing the terrible back pay that they are threatened with now. He said this is needed, although he would have preferred the comprehensive approach, to bring some order back to the public hiring in Montana.

CELINDA C. LAKE, Women's Lobbyist Fund, spoke in support and a copy of her testimony is Exhibit 6 of the minutes.

Opponents

REPRESENTATIVE JOE BRAND, District 28, said the Montana constitution includes only one group under the preference and that is the vets. He said as things are going this preference legislation will only affect white males as all others will soon be under the act with the vets. He said he had understood that if he didn't push his HB 378 all the other bills would die in the Senate that had to do with this. He said the idea was that the courts would be left to make the

decision without any legislative message being sent. And then he said this bill comes with amendments being suggested that would make it the same bill it was to begin with. He said he was very opposed.

Since Rep. Brand had to leave to go to his committee, Chairman Williams asked if there were any questions any of the committee members wished to ask him.

Chairman Williams asked Rep. Brand if we would support a HJR to study the problem. Rep. Brand said the department heads got into the problem not because of hiring but because of lay offs. He said he had a problem with the study idea and he would like to check to see what the vet groups thought of it. Chairman Williams said he would appreciate that information as he would like to introduce a study resolution and try to find an answer to this problem.

BOB DURKEE, Veterans of Foreign Wars, spoke in opposition. He said he wouldn't go into the matter of veteran's preference as that had been heard in previous testimony. He said one of their objections which was still in the bill had to do with the fifteen day time allotted to give written appeal (page 8, line 24 to page 9, line 6). He said the veterans are not always well informed and may not be aware of his rights before the time has gone. He said a second objection was on page 10, line 8. He said this would give rule making authority to the department. He said their concern is that with this they could recreate SB 197 in its original form. He said they would agree to a study committee if it included the veterans orgnization and was not a management council type of study.

FRED J. MACKINTOSH, DAV National Councilman, Montana State Adjutant, spoke in opposition. He said the principle of veteran's preference was written into law over a century ago in the US Congress. He said in 1944 the various statutes were unified into a single law known as the Veterans Preference Act. He said the Montana law dated from 1921 and in 1941 and 1944 the veterans' preference for public employment was added. He said this was done out of a debt of gratitude to help the honorably discharged veterans who had spent some of the best years of their lives for the nation. He said they oppose any action that would weaken the veterans' preference for obvious reasons.

DAN ANTONIETTI, American Legion, said they had gone on record as supporting Rep. Brand's bill. He said the administration had used the preference only when it was a tie breaker between two equally qualified people but under the interview system there is no way to receive the preference if the individual is not even called up for an interview.

RICH BROWN, speaking as a concerned vet with the Disabled American Veterans, said the bill is unclear as to what the intent is. He said not one proponent was for the bill as it stands but had suggested amendments. He felt the bill could cause a bureaucratic nightmare with the department formulating rules that would resurrect SB 197. He said they would rather deal with a study committee than to try constantly to monitor the department to see what rules it might be making.

BILL WILSON, Veterans of Foreign Wars, said he had been in the service for 32 years, 3 and 1/2 of those as a prisoner of war. He said he counted on certain benefits for spending these years serving his country and one of these was the veterans' preference.

DON GIES, representing self, said he had been caught in the administrative riff last spring. He said the only thing the bill does is limit the liability of the state of Montana. He said there are a number of lawsuits in the courts that will be decided in the next couple of years and if you pass this bill those people injured by the government will not get redress. He said 60 days is too short a time as some of these people need time to decide what happened to them and to find out if they have a chance to do anything about it, and determine if they have enough money to hire an attorney. He said the committee is well aware that the line of preferences will be a burning issue in the next session and so he felt the interim study committee was a good idea. He said they should not only look at veteran's preference but at rights of other people that have also been He said when you come back next time there will be a lot of new information from court cases that will need to be considered. He felt this was a perfect time to do nothing and urged the bill be tabled or killed.

SENATOR MAZUREK closed. He said he resists all amendments. He said he wasn't aware of any deal that had been made. He said he had pulled the bill off the table in the Senate for the purpose of leaving these few sections in to keep the state from having to pay a bunch of judgments this coming interim. He reminded them that government is people and we are those people. He said it was at the request of J.D. Lynch that he increased the time from 30 to 60 days. He said it was no secret his intention to try to save this part of the bill as he told all concerned including Rep. Brand. He said the reason he introduced the bill was his understanding that all the parties had negotiated and accepted what was in the original bill. He said he was frankly surprised and discouraged at what has happened. He said the bill in its present form will serve a purpose and harm no one.

Questions were asked by the committee.

Rep. Bachini asked how the different parties felt about a study. Mr. MacKintosh said he felt that would be proper. Mr. Taylor said he had no objections to a study. He said it has been studied extensively but guess it needs to be studied some more.

The meeting adjourned at 9:15 a.m.

Respectfully submitted,

Emelia A. Satre, Sec.

My name is Jan Gilman and I represent the Interdepartmental Coordinating Committee for Women (ICCW). We have been concerned about the administration of veterans preference since the decision in the case of <u>Crabtree vs. The Montana State Library</u> which requires the state to hire a preferred person as long as that person is minimally qualified for the position. It is imperative that the legislature address the issue of how veterans preference will be administered.

In its current form, SB 197 provides little clarification on the issue of administering employment preference to veterans and handicapped individuals. The ICCW urges this subcommittee to consider the administrative mechanism for providing preference, and the impact your decision will have both on individuals looking for employment and the public agencies that need qualified workers.

The ICCW believes that in order to protect the gains women have made and to ensure that the best qualified applicants are hired by the agencies, preference claims should be used as tie-breakers in situations where there are substantially equally qualified applicants. Therefore the ICCW would like to see SB 197 amended to read:

Section 4. Section 10-2-204, MCA is amended to read: (3) If scored procedures are not used, a veteran, disabled person or a dependent of a veteran shall be appointed to the position over others of substantially equal qualifications. Disabled persons shall be appointed to the position over veterans or dependents of veterans of substantially equal qualifications.

Exhibit 2

TESTIMONY OF THE HELENA WOMEN'S POLITICAL CAUCUS ON SB 197 - LINDA SKAAR

The Helena Women's Political Caucus has long been concerned with the subject of veteran's preference. Our concern was intensified last spring when Judge Bennett handed down his decision in Crabtree v. State of Montana. Until the Bennett decision it appears that the general interpretation of the Veteran's Preference Law was that a veteran claiming preference had points added to his examination score when he applied for a job where a competitive examination was used in the selection procedure. If examinations were not used, there was nothing to add points to and so veteran's preference did not apply. As far as we can tell the only place where veterans were consistently given preference was on state Merit System examinations. However, Judge Bennett made it clear that addition of points was not all that the law intended--veteran's preference also applied when the hiring authority did not use examinations or scored procedures. And so with a stroke of Judge Bennett's pen, veteran's preference must now be applied in all public employment whether it be in the cities, the counties, school districts or University System--some 48,000 jobs or 16% of the employment in Montana. Instead of being applied in 2,000 Merit System jobs, veteran's preference must now be applied in twenty-four times as many jobs as it was two years ago.

Under the Bennett interpretation of the law, if scored procedures are not used in the hiring process and a veteran is minimally qualified for the job he gets the job even if there are ten applicants more qualified than he.

The Women's Political Caucus believes that this day of job scarcity and economic hardship is no time to tremendously expand a preference in

employment for any group of people. We believe that the scope of veteran's preference should be limited rather than expanded. If it was limited to the executive branch of state government, there would be approximately 10,000 jobs to which veteran's preference would apply—a five fold increase over current application.

We would also like to see veteran's preference limited to wartime veterans. The current law gives veterans who have served 180 days at any time since 1955 a life time hiring preference. While we see merit—as public policy—in helping wartime veternas re-enter the work force, we are hard pressed to see a justification for giving an individual a life time preference over other worthy job applicants when that individual has served a mere 6 months during peace time.

We further believe that veterans who are eligible for military retirement should not be accorded a preference over other job applicants.

Many veterans get substantial amounts of military retirement and it seems ultimately unfair that they are also given a hiring preference over people who need the job to feed and clothe their families.

Last but not least, we believe that any preference given to veterans should be given only in a tie-breaking situation. The current law gives a veteran who is minimally qualified the job over other more qualified applicants. We feel this situation not only shortchanges the other applicants for the job but it shortchanges the taxpayers who in many instances will be forced to hire an individual who is not the best person for the job. We believe that this is bad public policy. Veterans should be given preference only when they are equally qualified for the job.

We have drafted amendments which will limit the application of veterans

preference to the executive branch of state government. While expanding veteran's preference over past application, it will not expand it to the cities, counties, school districts and the UniversitySystem. Our second and third amendments would limit the preference to wartime veterans and would not give preference to the so-called "double dippers". The fourth amendment would limit the application of preference to situations where the veteran's qualifications for the job are substantially equal to the other applicants. We owe the taxpayers no less. We believe that these amendments are worthy of your consideration and urge you to incorporate them into Senate Bill 197.

1. Title, line 7.

Following: "SECTIONS"

Insert: "10-2-203 AND 10-2-204"

2. Page 4, line 17.

Following: line 16.

Insert: "

10-2-203. Preference in initial appointment and employment. (1)

In-every-public-department-and-upon-all-public-works-of-the-state-of

Montana-and-of-any-country-or-city-therof,-the-following; The executive

branch of state government shall be-preferred-for give preferrence as

provided in 10-2-204 to veterans, disabled persons or certain dependents of

veterans, their spouses and surviving spouses, and the other dependents of

disabled veterans and disabled civilians recommended by the rehabilitative

services division of the department of social and rehabilitation services

appointment-to-employment-and-reinstatement-in-empolyment.

- (2) Age, loss of limb, or other physical impairment which does not in fact incapacitate does not disqualify any disabled veteran or civilian provided he or she possesses the business capacity, competency, and education to discharge the duties of the position involved.
- (3) Those of the above described veterans who have disabilities admitted by the veterans administration of the united states to have been incurred in service in any of the wars, military expeditions, or police actions, whenever such disabilities do not in fact incapacitate, shall be given preference in employment over other veterans.
- Section 4. Section 10-2-204, MCA, is amended to read: "10-2-204, @redit for-examination Administration of preference. (1) When written or oral examinations are required for employment, disabled veterans and their spouses, their surviving spouses, and other dependents, shall have added to their examination ratings a credit of 10 points. All other veterans, their spouses, surviving spouses, and dependents shall have added to their examination ratings a credit of 5 points.
- (2) The fact that an applicant has claimed a veterans' credit preference may not be made known to the examiners until ratings of all applicants have been recorded, after which such credits shall be added to the examination rating and the records shall show the examination rating and the veteran's credit preference.
- (3) The benefits of this section are in addition to and not in derogation of the preference in appointment and employment or both given by 10-2-203. If scored procedures are not used, a veteran, a disabled person, or certain dependents of veterans shall be appointed to the position over others of substantially equal qualifications. Disabled persons shall be appointed to the position over veterans or certain dependents of veterans of substantially equal qualification.

Renumber subsequent sections.

1. Title, line 7. Following: "SECTIONS" Insert: "10-2-202,"

2. Page 1, line 20.

Insert: "Section 1. Section 10-2-202, MCA, is amended to read:

"10-2-202. Definitions. For purposes of 10-2-201-through 10-2-202, 10-2-205 and 10-2-206 and (section 3), the following definitions apply:

- (1) The term "veterans" means persons (a) who served in the armed forces of the united states in time of war or declared national emergency and who have been separated from service upon conditions other than dishonorable; (b)-who-after-January-31,-1955:
- (i)-served-on-active-military-duty-for-more-than-180-days-or-were discharged-or-released-because-of-a-service-connected-disability;-and (ii)-were-honorably-discharged.
- (2) The term "war or declared national emergency" includes:
- (a) The Civil War;
- (b) The Spanish-American War;
- (c) The Philippine insurrection;
- (d) World War I, between April 6, 1917, and November 11, 1918, both dates inclusive;
- (e) World War II, between September 16, 1940, and December 31,1946, both dates inclusive;
- (f) The Korean conflict, military expedition, or police action, between June 26, 1950, and January 31, 1955, both dates inclusive; and
- (g) The Vietnam conflict between August 5, 1964, and May 7, 1975, both dates inclusive.
- (3) The term "surviving spouse" means an unremarried surviving spouse of a veteran.
- (4) The word "percent" means percent of the total aggregate points of the examination referred to.

1. Title, line 7. Following: "THROUGH" Insert: "10-2-201,"

2. Page 1, line 11.

Insert: "Section 1. Section 10-2-201, MCA, is amended to read:

"10-2-201. Purpose. The purpose of 10-2-201 through 10-2-206
is to provide for preference of veterans, their dependents and
unremarried surviving spouses, and certain disabled civilians in
appointment and employment in every-public-department-and-upon-all
public-works-of-the-state-of-Montana-and-of-any-county-and-city
thereof the executive branch of state government."

1. Page 8, lines 2 through 4.

Following: line 1.

Insert: "(2) No person who is entitled to military retirement is entitled to such preference."

Renumber subsequent subsection.

MEMORANDUM





From the Office of The City Commission Bozeman, Montana

Date March 25, 1983

To the Committee on Labor and Employment Relations:

S.B. 197, with amendments to exclude municipal governments from requiring preference to veterans, is highly desirable.

Municipalities, even larger ones in Montana, are mostly small entities. Certainly, Bozeman is small, although it is fairly large by Montana standards. The more restrictions that the state places on these small entities, the more difficult it is for them to operate efficiently. They need scope to operate and use their best judgment on the spot, in particular situations, for particular positions, rather than having legally imposed criteria from the distance that the state is from the municipality.

I urge that state requirements on veterans' preference in hiring not be extended to municipalities.

Sincerely,

Mary Vant Hull

Mary Vant Hull .
City Commissioner

Exhibit 4

Amend SB 197 as Follows:

1. In the title,
 Following: "clarify"
 Insert: "the nature of the preference and"

2. In the title,
 Following: "sections"
 Insert: "10-2-204,"

After the enacting clause,
 Insert a new section to read:

Section 1. Section 10-2-204, MCA, is amended to read:

10-2-204. Credit for examination. (1) When written or oral examinations are required for employment, disabled veterans and their spouses, their surviving spouses, and other dependents shall have added to their examination ratings a credit of 10 points. All other veterans, their spouses, surviving spouses, and dependents shall have added to their examination ratings a credit of 5 points.

- (2) The fact that an applicant has claimed a veterans' credit may not be made known to the examiners until ratings of all applicants have been recorded, after which such credits shall be added to the examination rating and the records shall show the examination rating and the veteran's credit.
- (3) The-benefits-of-this-section-are-in-addition-to-and-not in-derogation-of-the-preference-in-appointment-and-employment-or both-given-by-10-2-203. If scored procedures are not used, a veteran, a disabled person, or a dependent of a veteran shall be appointed to the position over others of substantially equal qualifications. Disabled persons shall be appointed to the position over veterans or dependents of veterans of substantially equal qualifications."
- 4. Renumber all succeeding sections and internal references as required.

1. Title, line 7. Following: "SECTIONS"

Insert: "10-2-203 AND 10-2-204"

2. Page 4, line 17. Following: line 16.

Insert: '

10-2-203. Preference in initial appointment and employment. (1)

Hh-every-public-department-and-upon-all-public-works-of-the-state-of

Montana-and-of-any-country-or-city-therof,-the-following. The executive

branch of state government shall be-preferred-for give preferrence as

provided in 10-2-204 to veterans, disabled persons or certain dependents of

veterans, their spouses and surviving spouses, and the other dependents of

disabled veterans and disabled civilians recommended by the rehabilitative

services division of the department of social and rehabilitation services

appointment-to-employment-and-reinstatement-in-empolyment.

- (2) Age, loss of limb, or other physical impairment which does not in fact incapacitate does not disqualify any disabled veteran or civilian provided he or she possesses the business capacity, competency, and education to discharge the duties of the position involved.
- (3) Those of the above described veterans who have disabilities admitted by the veterans administration of the united states to have been incurred in service in any of the wars, military expeditions, or police actions, whenever such disabilities do not in fact incapacitate, shall be given preference in employment over other veterans.
- Section 4. Section 10-2-204, MCA, is amended to read: "10-2-204, Eredit for-examination Administration of preference. (1) When written or oral examinations are required for employment, disabled veterans and their spouses, their surviving spouses, and other dependents, shall have added to their examination ratings a credit of 10 points. All other veterans, their spouses, surviving spouses, and dependents shall have added to their examination ratings a credit of 5 points.
- (2) The fact that an applicant has claimed a veterans' credit preference may not be made known to the examiners until ratings of all applicants have been recorded, after which such credits shall be added to the examination rating and the records shall show the examination rating and the veteran's credit preference.
- (3) The benefits of this section are in addition to and not in derogation of the preference in appointment and employment or both given by 10-2-203. If scored procedures are not used, a veteran, a disabled person, or certain dependents of veterans shall be appointed to the position over others of substantially equal qualifications. Disabled persons shall be appointed to the position over veterans or certain dependents of veterans of substantially equal qualification.

Renumber subsequent sections.

1. Title, line 7.

Following: "SECTIONS" Insert: "10-2-202,"

2. Page 1, line 20.

Insert: "Section 1. Section 10-2-202, MCA, is amended to read:

"10-2-202. Definitions. For purposes of 10-2-201-through 10-2-202, 10-2-205 and 10-2-206 and (section 3), the following definitions apply:

- (1) The term "veterans" means persons (a) who served in the armed forces of the united states in time of war or declared national emergency and who have been separated from service upon conditions other than dishonorable; (b)-who-after-January-31,-1955:
- (i)-served-on-active-military-duty-for-more-than-180-days-or-were discharged-or-released-because-of-a-service-connected-disability;-and (ii)-were-honorably-discharged.
- (2) The term "war" or declared national emergency" includes:
- (a) The Civil War;
- (b) The Spanish-American War;
- (c) The Philippine insurrection;
- (d) World War I, between April 6, 1917, and November 11, 1918, both dates inclusive;
- (e) World War II, between September 16, 1940, and December 31,1946, both dates inclusive;
- (f) The Korean conflict, military expedition, or police action, between June 26, 1950, and January 31, 1955, both dates inclusive; and
- (g) The Vietnam conflict between August 5, 1964, and May 7, 1975, both dates inclusive.
- (3) The term "surviving spouse" means an unremarried surviving spouse of
- (4) The word "percent" means percent of the total aggregate points of the examination referred to.

1. Title, line 7. Following: "THROUGH" Insert: "10-2-201,"

2. Page 1, line 11.

Insert: "Section 1. Section 10-2-201, MCA, is amended to read:

"10-2-201. Purpose. The purpose of 10-2-201 through 10-2-206
is to provide for preference of veterans, their dependents and
unremarried surviving spouses, and certain disabled civilians in
appointment and employment in every-public-department-and-upon-all
public-works-of-the-state-of-Montana-and-of-any-county-and-city
thereof the executive branch of state government."

1. Page 8, lines 2 through 4.

Following: line 1.

Insert: " (2) No person who is entitled to military retirement is entitled to such preference."

Renumber subsequent subsection.

Exhibit 5

Rep. Mel Williams, Chair Labor & Employment Relations Committee House of Representatives Department of Labor & Industry ICCW

As members of the Department of Labor and Industry's ICC4 and as state employees, we share the concern of this committee and those gathered here over the impact of hiring in government if the court decision of "Crabtree vs. the State Library" is upheld. Last year 1200 state and local government employers including school districts and the university system employed an average of 48,000 employees, over 16% of all employment in Montana. Prior to the recent court decision, veteran's preference was only applied, for all intents and purposes, in state government. "Crabtree vs. State Library" requires all government employers to hire any veteran meeting minimum qualifications for a position. This will cause veterans to be over-represented in government positions.

We believe that for government to operate at its fairest in a democracy, it must have an equal representation of the citizens it proposes to govern: not just veterans or women, but Native Americans, Blacks, Whites, Hispanics - all people. When one group dominates, government loses its ability to govern with equal concern for all its people.

In the Department of Labor and Industry, we have seen women make progress in moving into management positions, but that progress is slow. We believe that the recent court decision will bring a halt to the gains that have been made. If women are to impact the decisions government makes, they must be in positions that affect policy, and steer the direction government takes: they must be in management positions. We believe the court decision will keep women in the so-called economic "pink collar ghetto": in the files and behind typewriters. While we in no way wish to imply that these are not honorable professions, we believe that women, as well as all people, deserve an equal chance to serve as policy-makers in government.

We believe that the amendments proposed by the Women's Political Caucus are a fair solution to the problems outlined above. They award preference to veterans and handicapped citizens, as is only proper, but limit veteran's preference to state government (which is the only area to which it was applied prior to the court decision). The tie-breaking preference would allow a broader mix of individuals to compete for and ultimately receive a job. We believe that these amendments will allow government to operate fairly and to make policy which addresses all its citizens, not just a select minority.

- #### -

Supan Mohn
Saurie C. James

Preg Hardmun

Luid Shaar

Barbara Malausek

Thurin Find

Parti Rose

Christy Konighter

Liesel a. Curtiss Vieral Phelan Donis Sieput Ochhie La Frombori Mikki La Frombori Mikki La Frombori Mikki La Frombori Mandigue Enthom

Exhibit6

WOMEN'S LOBBYIST

FUND

Box 1099 Helena, MT 59624 · 449-7917



TESTIMONY OF THE WOMEN'S LOBBYIST FUND, CELINDA C. LAKE, BEFORE HOUSE LABOR AND EMPLOYMENT COMMITTEE ON SB 197

We have come before this committee previously on the issue of veterans' preference. We support preference for veterans who often suffer discrimination in hiring and who deserve compensatory reward for the service they have performed for all of us. At the same time we have expressed concern about the impact of certain forms of veterans' preference on hiring women who have been systematically limited in their ability to obtain veterans' preference. We support tie-breaking preference for veterans because we feel that that is the only way to get the best qualified person for the job.

In fact we have been concerned that tie-breaking preference alone will not be enough to ensure continuation of Affirmative Action programs, to meet our particularly strong state constitutional commitment to economic equality, and to comply with the federal equal employment opportunity mandates to which public schools and universities are subject. Public schools and universities as well as local governments have now become subject to veterans' preference, given the expanded interpatation of the Bennett court decision in Crabtree vs Montana State Library.

We feel that the decision this committee makes on the scope of veterans' preference is particularly critical given the fact that the appeal of the Bennett decision — the original veterans' preference case is still under review by the Supreme Court. Passing any bill now will give a clear message of legislative intent to the court. We have argued in the past that no message at this time would be preferable to a message which does not demonstrate a commitment to affirmative action in hiring for all disadvantaged groups. The message of legislative intent in hiring coupled with the impact of the preference bill itself will dramatically affect the hiring of veterans, women, handicapped persons, and all groups for years to come in what has traditionally been the largest sector of progressive employment opportunity for disadvantaged groups. We urge this committee to way all of these factors carefully before making any decision on veterans' preference.

VISITOR'S REGISTER

| | | HOUSE | COMMITTEE | |
|-------|---------|-------|-----------|--|
| BILL_ | SB | 197 | DATE | |
| CDONG | å ån | | | |

| Robert Miller 2525 Lake Holona Dr. Self BOB Durker Helena UFW Sim Shannon Helena DAV DAN ANTONIETTI " AMERICAN LEGION CO Warnet "" "" Co Barbaguer Hilana DAV Dan Gais Horizan Day Self Dan Gais Horizan Sance J Barron K Bern Holona SELF Bornie Trans Delena SELF Bornie Trans Delena SELF Donie Trans Delena SELF Donie Trans Delena SELF Donie Trans Delena SELF Donie Trans Delena SELF | |
|--|-------------|
| BOB Durker Helena URW Sim Shannon Helena DAV Jan Antonierri " American Lecion On Warner "" "" Charleger Helena DAV Stain Bregger Helena DAV Don Gics Harring Stare Barb Charles Helena Serie Barb Charles Helena Hodicapped V Darron K DRIN Allen SELF Donnie Franci Delenas Delenas Dele | OP- POSE |
| BOB Durker Helena URW Sim Shannon Helena DAV Jan Antonierri " American Lecion On Warner "" "" Charleger Helena DAV Stain Bregger Helena DAV Don Gics Harring Stare Barb Charles Helena Serie Barb Charles Helena Hodicapped V Darron K DRIN Allen SELF Donnie Franci Delenas Delenas Dele | ~ |
| JIM Shannon Helena DAV DAN ANTONIETTI " AMERICAN LEGION CO Warriet " " "" CBarbaguer Helena DAY Ple Geen " am heri DAY Une Brand Deer Godge Self Don Gibs Howard Sance " Barb Charles Helena Helena Lindicapped V Machthelani Francis Alchen SELF Borrier Korin Alchen SELF Borrier Korin Belena Delf | - |
| DAN ANTONIERTI " AMERICAN LEGION CO Warriet "" "" CBARGAGIU H. Clare D. J. F. P. L. Green " am fren DAN BROOM I DAN DAN DAN DAN BROOM SELF Barb Charles H. Llen Hardicapael V Barron K. BRINN Allen SELF Bonnie Trans Belenas Delf | ~ |
| Collaruer "" "" "" CBarlegow Hilana DATE Pil Green "" am heri Neci Mineral Der Lodge Self Don Gios Howard Sone Barb Charles Hilan Hardingsol V Borron K DRINN Allen SELF Pormie Kurin Selena Delf | V |
| Collarge "" "" "" CBarlegow Helena DATE Plant Bregge " Don hodge Self Don Gis Howard Source Barb Charles Helena Hardicannel V Borron K DRINN Allena SELF Ponnie Frank Delena Delf | / |
| Politican " am haris Sherin Bredge " DAV Don Gris House Save Save Bank Charles Helen Hardings V Borron K DRINN Alclen SELF Borrin Krown Selma Delf | |
| Per Geen " am her. Der Brand Der Lodge Self Don Gis House Sone Sand Charleton Helen Hardingsel V Borron K Derin Alclen SELF Donnie Frank Delena Delf | سس |
| Don Gais House Source 1 Borron K DROWN Alclen SELF Borron K DROWN Alclen SELF Borron K DROWN Alclen SELF | 4 |
| Don Gis House Some Some Sand Washer of Server Standings V Bourson K DROWN Alclen SELF Bonnie Frank Delena Delf | V |
| Barron K BROWN Allen SELF | V |
| Borron K BROWN Alclen SELF | <u></u> |
| Borron K BROWN Alclen SELF Bonnie Franco Delf | |
| Bonnie Presson Belevas Delf | |
| | سنا |
| 1 3 1 1 | |
| Travin Stabel " "10 | سسا |
| FRANK BUSHILLA HELEWA D.A.V | <u> </u> |
| Eleanne Eushilla Solf | V |
| Oscar J. Hanson Helena Retired | 1_ |
| Larry gr. Fritze Helen Returned - DAU | 4 |

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

:12

VISITOR'S REGISTER

| | HOUSE | NATURAL RESOURCES | COMMI | TTEE | |
|----------|----------------|-------------------|-------|------|------|
| BILL | SB 197 | | DATE_ | 3/26 | ···· |
| SPONSOR_ | SENATOR MAZURE | ζ | | | |

| | | 1 | | |
|--------------------|--------------------|---|--------------|-------------|
| , NAME | RESIDENCE | REPRESENTING | SUP- PORT | OP- POSE |
| MAKINTOSA, FREGOT. | Herena | DAY-NATIONAL LOTS DIST MOUTH GATE ADVITANT | | V |
| Wilson, WH | HELENA | VFW | | U |
| Luis Slear | Hilena | Helen Women's Pal Cours | | |
| MikeWard | Bozeman | Col. USAF (Rel.) | | |
| Lynda Stelle | Helena | Self | V | |
| Michy Hinen | Helen | Self | | 1 |
| Kod Stebbins | Hlya | SelC | | _ |
| Royally allow | Helesa | DAVI Ch#3 | | V |
| Whike Fulon | Helener | Seep | | _ |
| Sur Meter | HELENA | | | • |
| andy Anders | Kelena | Self | | |
| San Alman | Hedena | 10 Cu | <u>\</u> | |
| Phil Salawedel | Helena | 5-11 | | |
| Robort Le Meering | Theot Fall | Jovo Adnovy Council | ~ | |
| ENLIS M. TAYLOR | PERSONNEL AND DANS | | レ | |
| HAL BURT | 14 elena | Self | | |
| P. Donasse | Meline | delf | | V |
| J. Bowerman | Helena. | Theff | | |
| (My tigner | Delega | self , | U | |
| Ell Filler | 1 Hele | Sept of the | - | |
| ·-··· | | ! -/ | | |

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

| НО | USE | COMMITTEE | | |
|--------------------|---------------|--------------|----------|--------|
| TLL 197 'NSOR | | Date | | |
| NAME | RESIDENCE | REPRESENTING | SUPPORT | OPPOSE |
| Dessie MoSie | 7 Lelena | D.A.V. | | - |
| Goner Barnes | Helena | D. A.V. | | |
| Jann Buphon | Helina | 0.0.0. | | |
| me & Burnha | Helen | DAU | | ~ |
| Charles L. Burnhan | mola | USNR | | - |
| norman Matthews | 1 1 1 | DAV | | |
| to all fathers | 0 | DAV | | |
| ten K. Johnson | Velena | DAV | <u> </u> | . / |
| Louis a Julian | Helmas | Dav | | |
| (dolon R. Kristel | Helena | DA.V. | | 1 |
| Edito Jaconens | Aciena | 7) A 🗸 | | V |
| Jas French | Clarey Mrs.8 | DAV | | , |
| Pir Beck | Keline mint | · P AV | | |
| Strong Roberts | Hickory 147 | | | 1 |
| Lesilietes | Lelena | Self | 2 | |
| Man H Muller | Helena | DAV | | 100 |
| Elamb | HELENA | D. A. V | | V |
| 330 Bour | E. Helena | V.F.W 10010 | | |
| Jahn 11 Hafour | Canyan Forcy | dav | | |
| Telle Of Takne | Canyon Greary | self. | | |
| Armo Hyuthon | Helond | DAV. | | |
| Lyak Follow | Melona | | | |

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

cellette

WITNESS STATEMENT

| Name Lan Gilman | Committee On |
|---|-----------------------|
| Address 36 5 Dans | Date 3-26-83 |
| Representing ICCW | Support |
| Bill No. <u>58</u> 197 | Oppose |
| | Amend |
| AFTER TESTIFYING, PLEASE LEAVE PREPARED STATE | EMENT WITH SECRETARY. |

Comments:

1.

2.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.