

MINUTES OF THE MEETING  
STATE ADMINISTRATION COMMITTEE  
MONTANA STATE SENATE

April 18, 1985

The fifty-seventh meeting of the State Administration Committee was called to order by the Vice-Chairman Les Hirsch in Room 331, Capitol, at 10 a.m. on Thursday, April 18, 1985.

ROLL CALL: With Senator Haffey and Senator Manning being excused, the rest of the Committee were present.

CONSIDERATION OF HOUSE BILL 473: Representative Bob Pavlovich, House District 70, Butte, is the sponsor of this bill entitled, "AN ACT REQUIRING CERTAIN PUBLIC EMPLOYERS TO USE SCORED PROCEDURES FOR SELECTING PERSONS FOR APPOINTMENT TO CERTAIN POSITIONS; GRANTING PREFERENCE TO CERTAIN MILITARY VETERANS AND THEIR ELIGIBLE RELATIVES IN APPOINTMENT TO THESE POSITIONS AND IN RETENTION DURING REDUCTIONS IN FORCE; ELIMINATING THE PREFERENCE PROVIDED TO VETERANS AND THEIR ELIGIBLE SPOUSES UNDER THE MONTANA VETERANS' AND HANDICAPPED PERSONS' EMPLOYMENT PREFERENCE ACT AND REVISING THE PREFERENCE PROVIDED TO HANDICAPPED PERSONS AND THEIR ELIGIBLE SPOUSES UNDER THAT ACT; AMENDING SECTIONS..., MCA." Representative Pavlovich told the Committee he was one of 21 sponsors on this bill. Representative Pavlovich felt that the present law does not go far enough, and he said the federal law is stronger. He told the Committee that he wished to enter an amendment to exempt cities, towns and counties from this bill. He said that this bill allows 10 points for disabled veterans and 10 points for handicapped. Representative Pavlovich said that this bill allows for testing and the applicant has to score at least 70 points on the test before this can be added. He said they had done away with double-dipping if the veteran is retired. He said they have attempted to follow federal law and they think this is workable and fair.

PROPONENTS: Senator Bob Williams, Senate District 15, supports this bill. He said he would speak on this bill on the floor of the Senate, so he wouldn't take much of the Committee's time. He said this is a good bill that will help the Vietnam veteran, and say thank you to them for all they've done. He said that he did not care for the absolute preference that they had before, but that he felt that they got the short end of the stick in the long run. Senator Williams felt this was a good bill and would be strictly for state governments. Senator Williams felt the information on the fiscal note was based on information out of Idaho and that it was erroneous. He felt this bill will help the Vietnam Veterans.

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Joe Brand, Helena, supports this bill. Mr. Brand said that they had a special session on the veterans preference and that the veterans were not happy with absolute preference, but they felt that they should have had more. He said that they didn't care if the handicapped piggybacked on this law. Mr. Brand felt that the state agencies had not handled these preferences right. He also felt the fiscal note was wrong. He said this bill simply adds on those points for a disabled veteran.

John Sloan, MOPH, supports this bill. Mr. Sloan said that he was the head of the DAV for about 40 years. Mr. Sloan said that if he reads the present law correctly, recipients of the purple heart and those with less than a 30% disability would not qualify for veterans preference. He feels we need this bill.

Hal Manson, State Commander of the Legion, supports this bill. He said that after World War II, the veterans were well taken care of. He said the Vietnam vets have received nothing. He said there were still 12,500 of them missing in action. (Mr. Manson entered a newspaper clipping marked Exhibit "1" attached hereto, and by this reference made a part hereof.)

George Poston supports this bill. He felt veterans needed all the help they can get.

Jim Shannon, Past Department Commander of DAV, supports this bill. He said to weed out those veterans who receive 30% disability or less is unfair. He told the committee that he has a crippled right hand and he receives only 20%.

Bob Durkee, Veterans of Foreign Wars, supports this bill. He said this bill will give the veterans special consideration and he urged the Committee to pass it.

Dan Antonietti, State Director for Veterans, supports this bill. Mr. Antonietti said that recognizing that an economic loss is suffered by those who serve their country in the armed forces, Congress enacted laws to prevent veterans seeking public employment from being penalized because of the time they spent in service. Preference does not have as its goal the placement of a veteran in every public job in which a vacancy occurs; this would be incompatible with the merit principle of public employment. It does provide, however, a uniform method by which special consideration is given to qualified veterans seeking public employment. He went on to give the Committee a background on veterans preference. Mr. Antonietti told the Committee that the State Department of Labor and Industry, Job Service and Training Division currently is in receipt of federal funds amounting to \$601,546 which ensures agency compliance with federal regulations, standards of performance, and grant agreement provisions for special services and priorities for veterans. (For more of Mr. Antonietti's testimony see Exhibit "2" attached hereto.)

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Katie Williams supports this bill. Ms. Williams told about her family and her husband's family both having many veterans. She told about Kellie Holmes, Intern for Cal Winslow and how her father was a Vietnam veteran and how she felt ashamed. She told about a young man who survived 7½ years of imprisonment and about many who didn't. She urged the Committee to not degrade and belittle the Vietnam vets. (For more of Katie William's testimony see Exhibit "3" attached hereto and by this reference made a part hereof.)

Jack McGlynn, Chairman of Veterans Preference Board, supports this bill.

OPPONENTS: Ellen Feaver, Director of the Department of Administration, opposes this bill. Ms. Feaver told the Committee that we have a preference law, and it is working. She said that there was a lot of money spent and that the legislative committee worked long and hard to come up with this preference law, and that it had not been given a fair test as yet. She said that this bill does certain things to existing veterans and handicapped civilians' employment preferences and she summarized them as follows: (1) It separates veterans and disabled civilians into two separate acts. Two separate acts with different provisions. It treats Vietnam Veterans poorly in comparison to World War II or Korean War veterans. It requires the use of scored selection procedures in public sector jobs except schools. The scored procedures must total 100 points with a pass point of 70 points. If the selection process includes more than one step, a written test or written application, all applicants must be dealt with throughout the process in order to determine 70%. This she felt was not a high enough score for health professionals, and would cut down on any "quick" hiring, such as the Highway Division does from time to time, because they would have to test all applicants. (2) The act provides for 5 additional points for veterans, 10 points for disabled veterans, and eligible relatives, and 5 points for disabled civilians. If my spouse were to die, I would have a 10 point preference. My preference would exceed that of a war time veteran. Ms. Feaver went on to say that the bill includes a preference for the retention of veterans in reduction-in-force. Preference to veterans is not restricted to "initial hires" although this restriction continues for disabled civilians. She said the time restrictions on the use of the preference (15 years and 5 years) have been removed. The residency requirements continue for a disabled civilian but have been removed for the veteran, so we could end up having to hire a Connecticut veteran over a qualified Montana applicant. Ms. Feaver said temporary positions are now included for veterans preference but not for disabled civilians' employment preference. She said that during the special session this legislature spent \$300,000 and worked very hard to achieve a balance between all of the parties impacted by employment preference: women, minorities, veterans, and the disabled. I believe there was a sincere attempt at an equitable solution. The solution didn't give anybody

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everything they wanted, but it gave everybody something. The resulting veterans and handicapped civilians employment preference act has been in effect only a year. Ms. Feaver said that in her department preference people have been hired at a 30% rate, and at the Highway Department at a 36% rate. They are only 24% of the population, so she felt that was a fair showing. Ms. Feaver felt that this bill discriminated against the Vietnam vet and the handicapped, the two groups it professed to help. She told the Committee that Idaho spends over \$1 million a year to implement their program, which the state does not have to spend. She asked if this was so good a program, why doesn't it apply to everyone? Why only the state? She personally doesn't think it is workable in Montana.

David E. Wanzenried, Director of the Department of Labor and Industry, opposes this bill. Mr. Wanzenried talked extensively about how expensive and time consuming and basically slow the testing system would be. He told the Committee that the present system is working and should be given more time. Mr. Wanzenried felt that if this is such a good bill, it should apply to everyone.

Lowell Bartels, Chairman of employment of the Handicapped, opposes this bill. Mr. Bartels showed the Committee a handout (attached hereto marked Exhibit "4" and by this reference made a part hereof) which lists the various ways that this bill will effect the handicapped people. He said if this bill passes it should be for all the people. Mr. Bartels said the vets and the handicapped are equal, and they should not be punished because they could not be veterans.

Lois Steinbeck, Interdepartmental Coordinating Committee for Women (ICCW), opposes this bill. Ms. Steinbeck said the ICCW believes this bill imposes hidden costs on state and local governments and discriminates against handicapped persons, women and minorities. She asked that the Committee let the present law stand without amendment. Ms. Steinbeck said that she opposed this for the four following reasons: 1. The point preference system as proposed will be costly and cumbersome for the state and local governments to develop and to administer. 2. Veterans already receive substantial benefits for military service. 3. This bill establishes a veterans' employment preference that is more comprehensive and is superior to the preference granted handicapped persons. 4. Veterans are more likely to be hired even without HB-473. (For more of Ms. Steinbeck's testimony, see Exhibit "5" attached hereto and by this reference made a part hereof.)

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Jim Nys, Vietnam Veteran, opposes this bill. Mr. Nys said that as a professional personnel officer who has more than four years of experience as the equal employment opportunity coordinator for Montana State Government, he is amazed at the bill's ignorance of modern personnel practices and procedures and its silence on the really critical issues that must be addressed if the bill were to be mistakenly enacted as public policy for Montana. Some of the problems listed by Mr. Nys were: 1. The implied requirement to hire only the person who scores the highest on a scored procedure. 2. This bill would effectively destroy the affirmative action program required by the Montana Governmental Code of Fair Practice by removing from the hiring or promoting official necessary discretion and by requiring agencies to knowingly use selection devices that do not meet the federally imposed standards for use. 3. This bill will create real difficulties for job applicants who must travel from outlying areas of the state to Helena or their local job service office to submit to a test. 4. By arbitrarily establishing 70% as good enough for government work, the bill in effect forces an agency to hire people who score as low as 70% if no better person applies. Mr. Nys went on to tell how this bill hurts the Vietnam veteran. (For more of Mr. Nys' testimony see Exhibit "6" attached hereto and by this reference made a part hereof.)

Representative Toni Bergene, House District 41, Great Falls, opposes this bill. She told the Committee about walking door to door during her campaign and how most of the veterans she talked with were satisfied with the preference the way it is. She felt this bill was not fair to the handicapped. She felt that they were trying in too short a time to make changes that perhaps were not necessary.

LeRoy Schramm, Legal Counsel for the University System, opposes this bill. Mr. Schramm felt that if this bill passes it will cause problems for everyone. Mr. Schramm feels it is a "mish-mash." He said that the fiscal note does not include the university system. He said that Ms. Feaver thought it was low and he agreed. He said in Idaho they have an FTE and one-half to handle their program, and he felt that that would cost an extra \$900,000 per year in order to keep this going. Mr. Schramm went through the problems with the bill one at a time. He said this was a veteran's dream by a "nightmare" to everyone else.

Robert LeMieux, Great Falls, Governor's Committee on Employment of the Handicapped, opposes this bill. Mr. LeMieux feels that this discriminates against the handicapped because they would not have a chance for promotion or RIF. He felt they should be treated equal.

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Denise Keggey, Secretary for the Epilepsy Association, opposes this bill.

Jane Reed Benson, Governor's Conference for Employment of the Handicapped, opposes this bill. She said the Governor's Conference opposes this bill. She said this bill discriminated against the handicapped regarding residency and injuries. She asked the Committee if this bill passes to include an amendment so that everyone will be the same. (Exhibit "8")

Jerry Baker, Governor's Committee on Employment of the Handicapped, opposes this bill. He asked for equality across the board. He said they do not oppose veterans preference, but they were not (as handicapped) granted the privilege of being veterans. (Exhibit "9")

Blair Ricks, Governor's Committee on Employment of the Handicapped, opposes this bill. He said he was an employee of Montana Power and told about their great hiring policies. He urged the Committee to see that they were not discriminated against.

Philip Sherman, Montana Federation of Teachers Association, opposes this bill.

Anne Brodsky, Women's Lobbyist Fund, opposes this bill. Ms. Brodsky told the Committee that her testimony would focus on three major points. First, she wants to remind the committee that the issue of veterans' preference has been before us for two regular session of the Legislature, a special session, and during a legislative interim, where it was studied by an interim legislative subcommittee. Second, she wanted to emphasize that HB-473 should not be regarded merely as a pro-or anti-veterans bill. It is a very complex piece of legislation that contains radical changes both to the preference law adopted in special session and to the hiring procedures required of the state, local governments, and the university system. And third, she wished to address the philosophical issues surrounding any preference law, whether it be for veterans, handicapped persons, women, or any other segments of the population that are disadvantaged in employment situations. Ms. Brodsky then went into a point-by-point explanation of all these matters (see Exhibit "10" attached hereto and by this reference made a part hereof.)

Kathi Mitchell, Personnel Officer, City of Missoula, opposes this bill. She opposed it for all the reasons listed above, including the high costs to cities. (See Exhibit "11" for her testimony, attached hereto, and by this reference made a part hereof.) She also entered testimony from Howard Schwartz (marked Exhibit "12" and by this reference made a part hereof.)

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Beverly Gibson, Montana Association of Counties, opposes this bill. She supports Representative Pavlovich's amendment to exclude cities, towns and counties. She opposed this bill for all the reasons stated above. (For Ms. Gibson's testimony, see Exhibit "13" attached hereto, and by this reference made a part hereof.)

Richard Mockler, University System, opposes this bill.

Mary Vant Hull, City Commissioner, City of Bozeman, opposes this bill for all the reasons listed above. (For Ms. Hull's testimony, see Exhibit "14" attached hereto and by this reference made a part hereof.) Ms. Hull also entered a newspaper clipping saying that the veterans are well adjusted. (See Exhibit "15".)

Bill Verwolf, City of Helena, Montana League of Cities and Towns, opposes this bill for all the reasons stated above. (For Mr. Verwolf's testimony see Exhibit "16" attached hereto, and by this reference made a part hereof.)

Morris Jaffe, World War II Veteran, opposes this bill for all the reasons stated above. (For Mr. Jaffe's testimony see Exhibit "17" attached hereto, and by this reference made a part hereof.)

Kathy Karp, League of Women Voters, opposes this bill because she feels that any preference law is discriminatory. (See Exhibit "18".)

Paul Stolen, Veteran, opposes this bill for all the reasons listed above. (For Mr. Stolen's testimony see Exhibit "19" attached hereto, and by this reference made a part hereof.)

COMMITTEE QUESTIONS: Senator Harding asked Representative Pavlovich if it were true that this bill discriminates against the Vietnam veteran, and if it is true that they have to serve 180 days where the other veterans only have to have served one day. Representative Pavlovich said no and read to her from the bill. Senator Conover asked if his amendment takes out cities, counties and towns. Representative Pavlovich said yes. Senator Anderson mentioned that this would be a great additional expense for the university systems. Representative Pavlovich replied that they receive \$10,000 to administer things like this. Senator Anderson said that \$10,000 spread over all the universities is not much. Representative Pavlovich said it was by contract. Senator Anderson asked if it would be all right to take the university system out. Representative Pavlovich said it was okay.

Representative Pavlovich closed by saying that they were not trying to discriminate against anyone and that they were just trying to put something back in for the veterans. He said as far as the university system is concerned, what's wrong with

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veterans being teachers or administrators in the university system. He said that as far as Representative Bergene walking door-to-door during her campaign, he did the same, and the veterans that he talked to felt that they got the short end of the stick. He said contrary to what the Committee was told today, this bill does help the Vietnam Veteran even if they were only there one day. Representative Pavlovich said that as far as veterans preference extending to veterans outside Montana, that they have preference in other states and it extends to Montanans. Representative Pavlovich said that they did not want to cause the students any problem, so he would agree to an exemption for them. The hearing on HOUSE BILL 473 is closed.

EXECUTIVE ACTION ON HOUSE BILL 473: Executive action will be deferred until tomorrow, April 19, 1985, when all the Committee will be available to vote.

The meeting was adjourned at 11:45 a.m.

  
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SENATOR JACK HAFFEY, CHAIRMAN



ROLL CALL

STATE ADMINISTRATION

COMMITTEE

49th LEGISLATIVE SESSION -- 1985

10:00 a.m.  
Date 4-18-85

NAME	PRESENT	ABSENT	EXCUSED
SENATOR JACK HAFLEY, Chairman			✓
SENATOR LES HIRSCH, Vice-Chairman	✓		
SENATOR JOHN ANDERSON	✓		
SENATOR MAX CONOVER	✓		
SENATOR WILLIAM FARRELL	✓		MISS
SENATOR ETHEL HARDING	✓		
SENATOR J. D. LYNCH	✓		
SENATOR DICK MANNING			✓
SENATOR JOHN MOHAR	✓		
SENATOR LARRY TVEIT	✓		

DATE

COMMITTEE ON

BILL NO.

HB 475

## VISITOR'S REGISTER

NAME	REPRESENTING	Check One	
		Support	Oppose
Ellen Feaver	Department of Administration		X
Jim NYS	Self		X
KRISTINA M. A.	SELF		X
KATHY KARP	Mont. League of Women Voters		X
John H. Schramm	MT. Univ. System		X
Doreen [unclear]	Employment of Handicapped		X
Jerry R. Baker	GCEH		X
Robert Le Mire	GCEH		X
Dennis [unclear]	Colony & GCEH		X
Bob [unclear]	Dist 15	X	
Hugh [unclear]	American Legion	X	
John R. Lindsay	" "	X	
O. Mac Alambon	American Legion	X	
JEFF MITCHELL	CITY of MISSOULA		X
Anne Brodsky	WLF		X
SAN ANTONIETTI	USDL VETS	X	
Bob Durkee	VFW Helena	X	
George Poston	DAV. Helena	X	
Edwin Johnson	<del>DAV</del> Clancy	X	
Ken [unclear]	self	X	
Richard Mockler	Montana College Coalition		X
Jim Shannon	DAV	X	
Ilona [unclear]	MOPH	X	
Joe Brand	Self	X	
Beverly Gibbons	MACo		amendment
Mary Vaut Hull	Bozeman Commissioner		X

(Please leave prepared statement with Secretary)

DATE \_\_\_\_\_

COMMITTEE ON \_\_\_\_\_ BILL NO. 713

BILL NO. 453

## VISITOR'S REGISTER

[illegible]

(Please leave prepared statement with Secretary)

Exhibit "1"  
HB-473  
4-18-85

# Remains of six MIAs identified

By The Associated Press

The families of American servicemen whose bodies were returned from Vietnam say the positive identifications of the remains brought disappointment, shock and loss — but also relief from “Just not knowing, that’s what hurts.”

“It definitely is a relief,” Clara Harris of Hoover, Ala., said Tuesday after learning that authorities had identified the remains of her son, Maj. Cleveland S. Harris, who was shot down Feb. 29, 1968, over North Vietnam.

“This is the first positive information we’ve had in 17 years,” said

Eddie Harris, the flyer’s brother. “There have been tentative, jumbled reports ... Everytime something happens, we bury him again.”

“I can go to bed at night now and know where he is,” Mrs. Harris said. “Just not knowing, that’s what hurts.”

The remains of five other servicemen also were identified Tuesday, leaving almost 2,500 military personnel still listed as missing in action in Vietnam. The Pentagon said the six would be flown to California today.

“It’s a closed book,” said Joseph Chwan of Harrisburg, Pa., after his brother’s widow gave him the news.

“We can rest easy and confident that the facts are as presented and in actuality it is Mike’s remains.”

Capt. Michael D. Chwan and Maj. Chambliss Chesnutt were both aboard a jet fighter shot down over North Vietnam on Sept. 30, 1965.

“I was shocked after 19½ years of not having an answer,” said Chwan’s widow, Dana.

Mrs. Chwan, who was three months pregnant when her husband was killed, was not at her Tampa, Fla., home when officers from MacDill Air Force Base arrived to notify her. Her daughter, Michele, 19, who never saw her father, received the news.

Exhibit "2"  
HB-473  
4-18-85



**U.S. Department of Labor**

Office of the Assistant Secretary for  
Veterans' Employment and Training

(406) 444-4500  
(FTS) 585-5431

State Director - Montana  
Employment Security Building  
Room 210 P.O. Box 1728  
Helena, Montana 59624

TESTIMONY OF  
DANIEL P. ANTONIETTI  
STATE DIRECTOR FOR VETERANS  
EMPLOYMENT AND TRAINING  
U.S. DEPARTMENT OF LABOR  
BEFORE THE  
SENATE ADMINISTRATION COMMITTEE

APRIL 18, 1985

MR. Chairman and Members of the Administration Committee:

Thank you for the privilege of appearing before you today to testify on H.B. 473, a bill intended to give Veterans special consideration in the Government's hiring process.

Since the time of the Civil War, veterans of the armed forces traditionally have been given some degree of preference in initial appointments to government jobs. Recognizing that an economic loss is suffered by those who serve their country in the armed forces, Congress enacted laws to prevent veterans seeking Public employment from being penalized because of the time they spent in service.

Preference does not have as its goal the placement of a veteran in every Public job in which a vacancy occurs; this would be incompatible with the merit principle of public employment. It does provide however, a uniform method by which special consideration is given to qualified veterans seeking Public employment.

In 1883 Congress created Civil Service and preference became a reality in Federal employment. Presently the United States Civil Service Code gives veterans preference to all veterans who defended their country in time of need, disabled veterans, and surviving spouses of deceased

veterans in hiring and in determining retention credits in a Reduction - In - Force.

In June 1944, the month allied forces made the Normandy landings at tremendous human cost, the 78th Congress passed PL 359: The Veterans' Preference Act of 1944. This law codified the various statutory, regulatory, and executive-order provisions that had already been in existence. Among its several sections, the act provided for an addition of five points to the civil service test scores of nondisabled veterans. Ten points were added to the passing test cores of disabled veterans and to the widows and wives of severely disabled veterans.

Congress also responded by enacting Section 712 of the Civil Rights Act of 1964 (42 U.S.C., Section 2000(e), exempting veterans' preference from attack under the act; "Nothing contained in this subchapter shall be construed to repeal or modify any federal, state, territorial, or local law creating special rights or preferences for veterans."

The following portion of my statement, Mr. Chairman, will cover performance of veteran services provided by the State Employment Security Agency as well as other statistical data.

Let me start by stating that Services for Veterans 20 CFR Part 652.120 clearly spells out "To the extent required by 38 U.S.C. 2002 and other applicable law, each State agency shall assure that all of its Service Delivery Points (SDP) using Local Veterans' Employment Representatives and other staff, shall provide maximum employment and training opportunities to eligible veterans and eligible persons with priority given to disabled veterans and veterans of the VietNam-era, by giving them preference over non-veterans in the provision of employment and training services available at the SDP involved."

Mr. Chairman, the State Department of Labor and Industry, Job Service and Training Division currently is in receipt of Federal funds amounting to \$ 601,546 which ensures agency compliance with Federal regulations, standards of performance, and grant agreement provisions for special services and priorities for veterans. The grant provides for 10.5 Local Veterans' Employment Representatives and 8 Disabled Veteran Outreach Specialists or a total of 18.5 FTEs.

An analysis of veterans performance standards for the period July 1, 1984 through March 31, 1985 reveals performance by the State Agency to be in non-compliance of three of the five placement standards. Overall the agency has only met ten of the fourteen required standards.

Figures obtained form the Employment Security Automated Reporting System (ESARS) reveal the following:

In 1978 - 40.3% of Veteran applicants were places.

1979 - 40.6%; 1980 - 34.7%; 1981 - 35.0%; 1982 - 33.7%;

1983 - 31.2%; 1984 - 22.4% and through March of 1985 -20.8%.

The employment situation of veterans has deteriorated in past years. Information further reveals that Montana Female Employment in the public sector has raised from 24.6 in 1974 to 42.7 in 1983. Figures are in thousands and based on annual averages.

Appended to my testimony, Mr. Chairman, is a chart prepared from the 1980 Population Census. The thesis that women are, in fact suffering loss of public employment because of veterans preference is without foundation.

In conclusion, Mr. Chairman, again I want to thank you for the opportunity to appear before this committee and I will be happy to answer any question you may have.

1980 POPULATION CENSUS

Chapter C - Table - 67

Chapter D - Table - 204

Persons 16 Yrs & Over	Civilian Non Institution- alized Population	Civilian Labor Force	Participation Rate	Civilian Veteran Population	%
TOTAL	585,375	100%	572,358	100%	100%
MALE	289,239	49.4%	281,092	49.1%	59.6%
FEMALE	296,136	50.6%	291,266	50.9%	40.4%
VETERANS	108,590	18.6%	87,085	24.3%	80.2%

Civilian Labor Force	%	Employed	%	Unemployed	%	Unemployment Rate
TOTAL	357,846	100%	328,316	100%	29,530	100%
MALE	213,143	59.6%	193,532	58.9%	19,611	66.4%
FEMALE	144,703	40.4%	134,784	41.1%	9,919	33.6%
VETERANS	87,085	24.3%	80,295	24.5%	6,790	23.0%
NONVETERANS	270,761	75.7%				7.8%

MINORITY	17,933	5.0%
HANDICAPPED	40,515	11.3%



GOVERNMENT EMPLOYMENT - 1980 CENSUS

Chapter C - Table 67  
Chapter D - Table 204

GOVERNMENT EMPLOYMENT  
Compared to  
Civilian Labor Force

	Persons	%
TOTAL	71,667	100%
WHITE	34,776	48.5%
MALE	36,891	51.5%
VETERANS	16,458	23.0%

	FEDERAL GOVERNMENT Persons	%	STATE GOVERNMENT Persons	%	LOCAL GOVERNMENT Persons	%
TOTAL	18,390	100%	21,451	100%	31,826	100%
WHITE	10,719	58.3%	10,654	49.7%	13,403	42.1%
MALE	7,671	41.7%	10,797	50.3%	18,423	57.9%
VETERANS	5,846	31.8%	4,336	20.2%	6,276	19.7%

Exhibit "3"  
HB 473  
4-18-85

Good morning. For the record my name is Kati Williams, speaking as a proponent for HB 473. I have never testified before a Senate Hearing and I am rightfully nervous, but more so, I am angry.

Many of you have seen me at previous hearings, listening to testimony and I've learned a bit of decorum, I'm learning how these hearings run and therefore I would like not only to address you as members of the State Administration Committee but I would like to address the opponents that will follow. The opponents get to speak last.

I will assume that all of you have read and thoroughly understand the amended copy of HB 473.

Personally I had ancestors who <sup>served "their country"</sup> fought on both sides in the Civil War. My father and Bob's father both served in WWI, Bob's Dad through absolute hell in France. My father, my Aunt Katherine, three of Bob's brothers and one brother-in-law served in WWII. Bob, two of his brothers, my brother and my brother-in-law served in the Korean conflict. I thank the good Lord that none of the family served in the VietNam conflict but as a family we were involved simply because we knew, and we cared. But, ~~face~~ it, our generation was too old, our children were too young.

In 1970 when Bob began his year as Department Commander for the American Legion we began to try to make contact with someone----anyone---who had a loved one who was a POW in VietNam. This was before the State Department was openly admitting that there were American POW's being held. This was while Jane Fonda and Representative McClosky were trekking off to Hanoi, belittling our American soldiers for serving where the Eisenhower, Kennedy, and Johnson administrations had said "Ask not what your country can do for you, ask what you can do for your country."

Anyway. We made contact with Arvin and Persis Knutson of Billings. Their son, Rod, was a POW and as it turned out, the only POW from Montana who survived-----survived  $7\frac{1}{2}$  years of imprisonment, over 5 of those in solitary

confinement. Now there are 41 names listed on a placque just east of the Capitol, next to the sidewalk leading over to the Mitchell building that will never ask, indeed those fellows will never have any need for ANY veterans preference. Many of you knew, at least by sight, Kelley Holm, an Intern. From 1970 until today -----and it will go on tomorrow -----I've watched this little gal, watched her throwing off her shame that was inflicted upon her by anti VietNam activists. She was just a little girl when her father, Major David J. Holm went down in Laos. The plane went down in flame and no one was seen leaving the crash site by any of the other pilots in the squadron. He was MIA -----<sup>later</sup> a few years he was declared "Presumptive Findings of Death". Kelley continued to grow up, always a little ashamed that her Father was killed in VietNam ----because of Jane Fonda, in school and any of you opponents who might also have been vocal protesters. But genetically, Kelley had those things that our American veterans are made of and I once again had contact with her when she was a Junior in High School. You can imagine my thrill when, as office staff at Girls State I had counted votes but did not connect the name of the newly elected Governor of Girls State until I listened to her Inaugural Address. She was indeed the same Kelley Holm whose father was killed in VietNam.

The Session started on January 7 and down there in the bowels of the Capitol here was our Kelley, Intern for Representative Cal Winslow. I'd like to have you ask yourselves, could you look Kelley Holm in the eye and cast a vote, or indeed even testify that you cannot see fit to grant these veterans, and some are ladies (increasingly more women as years go by) preference in hiring for a state job when all criteria in ammended HB 473 is met. A<sup>small</sup> thank you for serving o our country when they were called upon. Do any of you have the audacity to say to a veteran, "No, <sup>your</sup> service to OUR country means nothing to me." If you have read the ammended bill you'll know just what veterans I mean. It will feather the nest of no one.

I guess the fact that Bob's Dad and his Uncle Joe met in the same rain

drenched trench in France in WWI, Or Bob's brothers were involved from the Battle of the Bulge in Europe to many skirmishes in the South Pacific, the occupation of Japan. On to frozen limbs in Korea and a couple of years spent in post war Germany. All of them took a few years out of their lives in service to their country. Not one ever took advantage of the absolute preference law on the books at that time but that law was there, they knew it and it made them feel better that some preference in hiring veterans was there.

The thing that bothers me is the "I don't give a damn" attitude that was generated by the protestors during the VietNam conflict and seems to be living on in the hearts and minds of people who were sympathetic to the protestors. The unwillingness to, in some small way say thanks to those veterans who took a couple of years out of their lives to serve their country in VietNam.

This is the era that really bothers me. WWI veterans are 85 years old and older. WWII are very nearly 60 years old and older. Korean conflict are in their 50's. For any of these veterans who are seeking employment, 5 points of preference might make a bright new future for an old war horse. It warms my heart that the only veterans who have become eligible for preference in the last 12 years are those who have served in <sup>135-raft</sup> Lebanon and Granada. To me that means that our country has not been involved in a full blown conflict for 12 years---best record we've had in the past 50 years.

*Please don't continue to downgrade and belittle  
our Viet Nam vets. ~~Give them people~~*

*Bartels*

*Exhibit "4"*

	<u>1983 Law</u>	<u>Veterans HB 473</u>	<u>Handicapped HB 473</u> <i>NB-473</i> <i>4-18-85</i>
Personnel Decisions	Initial hire only (permanent and seasonal positions).	Initial hire, Promotion, RIF (permanent, seasonal, and temporary positions).	Initial hire only (permanent and seasonal positions).
Persons Covered by Act	Vets, Disabled Vets, Eligible Spouse, Handicapped Person.	Vet., Disabled vet., Eligible relative, (spouse and mother).	Handicapped person, Eligible spouse.
Impact on EEO Concerns	If female or minority is substantially more qualified could be hired.	No points added for underutilized females or minorities.	Same as the Vets Bill.
Public Hiring Authorities Covered by Act	Exec., Judicial, and Leg. branches, Cities, Counties, Towns (does not include school district, vo-tech, college, or university system).	Exec. branch, Counties, Cities, Towns, University system, (does not include judicial, legislative branch, school district, or vo-tech).	Same as 1983 law.
Nature of Preference	Tie-breaker (sub. equal qualifications).	5 points-Vet., 10 points Dis. vet and Eligible relative.	10 points Disabled person and Eligible spouse.
Procedures	Scored procedures not required pref. over others of substantially equal qualifications.	Requires assigning of points and scored proced. for all "appointments to positions."	Requires assigning of points and scored procedures.
General Eligibility	Requires U.S. citizenship, 1 year state res., 30-day city or county residency.	Requires U.S. citizenship. No residency requirement.	Same as 1983 law.
Specific Eligibility	War veteran (honorable discharge), Disabled vet. (30% or more disability, honorable discharge), handicapped person (cert. by SRS).	War vet., (under hon. conditions), dis. vet.; (0% or more disability under honorable conditions).	Handicapped (certified by SRS).
Enforcement of Preference	Includes admin. review, file in Dist. Ct, (Reopen position and pay attorney fees and court costs).	Same as 1983 law.	Same as 1983 law.
Rulemaking Authority	Dept. of Admin. (rule auth. extends over	Dept. of Admin. (rule auth. extends over	Dept. of Admin., (same as vets.).

Exhibit "5"  
HB-473  
4-18-85

TESTIMONY PRESENTED ON

H.B. 473

April 18, 1985

My name is Lois Steinbeck. I represent the Interdepartmental Coordinating Committee for Women, known as the ICCW.

The ICCW opposes H.B. 473. H.B. 473 imposes hidden costs on state and local governments and discriminates against handicapped persons, women and minorities.

The Montana Veterans' and Handicapped Persons' Employment Preference Act was passed during the 1983 special legislative session. ICCW testified in support of several of the provisions of the act and urges this committee to allow the current law to stand without amendment.

The ICCW opposes H.B. 473 for four main reasons:

- The point preference system as proposed will be costly and cumbersome for the state and local governments to develop and to administer. The State Personnel Division notes that all preference eligible applicants would have to go through the entire selection process for each job before it could be determined that they were eligible to receive preference points.

- Veterans already receive substantial benefits for military service including educational stipends, low-cost housing loans, and in-service military training. Why should the State of Montana award veterans from across the nation preference in hiring in addition to the benefits already provided for military service?

- H.B. 473 establishes a veterans' employment preference that is more comprehensive and is superior to the preference granted to handicapped persons. Handicapped job applicants receive a preference for an initial hire only. Veterans receive the point preference each time they apply for a public sector job, including promotions. Veterans also receive preference in retention

during reduction in force situations, while handicapped employees do not.

- Veterans are more likely to be hired even without H.B. 473.

Those of you present during the 1981 special session may remember state employment statistics compiled by the Job Service. Those statistics showed that Vietnam veteran job applicants had higher job placement success than handicapped applicants and women applicants during 1980 and 1981. In both years women had the lowest percentages of Job Service referrals to placements. In 1981, veterans were the most successful of the three groups.

H.B. 473 should be defeated. H.B. 473 would establish a costly, unwieldy job application process, replete with provisions unfair to handicapped persons, women and minorities.

We urge the legislature to allow the Montana Veterans' and Handicapped Persons' Employment Act which it wisely adopted in 1983, to stand as it is presently. Please give the present act time to become fully implemented and accomplish its mission.

Exhibit 46  
HB-473  
4-18-85

TESTIMONY OF JAMES A. NYS

MR CHAIRMAN, MEMBERS OF THE COMMITTEE:

MY NAME IS JIM NYS. I APPEAR HERE TODAY ON MY OWN BEHALF AS A VIETNAM VETERAN, A PROFESSIONAL PERSONNEL OFFICER AND A TAXPAYER. I OPPOSE THE PASSAGE OF HB473 ON ALL THREE BASES.

AS A PROFESSIONAL PERSONNEL OFFICER WHO HAS MORE THAN FOUR YEARS OF EXPERIENCE AS THE EQUAL EMPLOYMENT OPPORTUNITY COORDINATOR FOR MONTANA STATE GOVERNMENT I AM AMAZED AT THE BILL'S IGNORANCE OF MODERN PERSONNEL PRACTICES AND PROCEDURE AND ITS SILENCE ON THE REALLY CRITICAL ISSUES THAT MUST BE ADDRESSED IF THE BILL WERE TO BE MISTAKENLY ENACTED AS PUBLIC POLICY FOR MONTANA.

AMONG THE SPECIFIC PROBLEMS I SEE WITH HB473 ARE THE FOLLOWING:

-THE BIGGEST PROBLEM IS THE IMPLIED REQUIREMENT TO HIRE ONLY THE PERSON WHO SCORES THE HIGHEST ON A SCORED PROCEDURE.

THIS REQUIREMENT FAR OVERSTATES THE ABILITY OF SELECTION DEVICES TO MAKE SUCH FINE DISTINCTIONS AND FORCES HIRING OFFICIALS INTO A SITUATION WHERE THEY HAVE ABSOLUTELY NO DISCRETION WITH WHICH TO BYPASS THE APPLICANTS WITH DIFFICULT TO QUANTIFY BUT NONE-THE-LESS REAL DIFFICIENCIES SUCH AS POOR COMMUNICATIONS SKILLS OR HISTORIES OF POOR WORK HABITS.

A MOVE TO SUCH A REQUIREMENT WILL SET MONTANA APART FROM AND MOVING IN THE OPPOSITE DIRECTION FROM THE FEDERAL GOVERNMENT AND EVERY OTHER STATE WHICH ARE MOVING IN THE OPPOSITE DIRECTION TOWARD ALLOWING MANAGERS TO CHOOSE FROM MUCH LARGER POOLS OF CANDIDATES.

-HB473 WOULD EFFECTIVELY DESTROY THE AFFIRMATIVE ACTION PROGRAM REQUIRED BY THE MONTANA GOVERNMENTAL CODE OF FAIR PRACTICE BY REMOVING FROM THE HIRING OR PROMOTING OFFICIAL NECESSARY DISCRETION AND BY REQUIRING AGENCIES TO KNOWINGLY USE SELECTION DEVICES THAT DO NOT MEET THE FEDERALLY IMPOSED STANDARDS FOR USE. IT WOULD CONTRIBUTE TO THE CONTINUATION OF WORKPLACE INEQUALITY FOR MONTANA WOMEN AND MINORITIES.

-THE BILL WILL CREATE REAL DIFFICULTIES FOR JOB APPLICANTS WHO MUST TRAVEL FROM OUTLYING AREAS OF THE STATE TO HELENA OR THEIR LOCAL JOB SERVICE OFFICE TO

SUBMIT TO THE SCORED PROCEDURES. THE BILL AS WRITTEN WOULD REQUIRE AN AGENCY TO ADMINISTER ALL THE COMPONENTS OF THE SELECTION PROCEDURE TO ALL APPLICANTS PLACING A SUBSTANTIAL BURDEN ON BOTH AGENCY AND APPLICANT.

-BY ARBITRARILY ESTABLISHING 70% AS "GOOD ENOUGH FOR GOVERNMENT WORK", THE BILL INEFFECT FORCES AN AGENCY TO HIRE PEOPLE WHO SCORE AS LOW AS 70% IF NO BETTER PERSON APPLIES-A REAL POSSIBILITY GIVEN OUR OFTEN NON-COMPETITIVE STARTING SALARIES FOR MANY PROFESSIONAL POSITIONS. HOW MANY OF YOU WOULD WANT TO TRUST YOUR LIVES TO THE SURGEON WHO SCORED 71%???

ALTHOUGH I COULD GO ON FOR HOURS FROM THIS PERSPECTIVE I WOULD LIKE TO COMMENT ON THE BILL FROM THE PERSPECTIVE OF A VIETNAM ERA VETERAN.

HB473 HAS BEEN PROMOTED AS A BILL TO "DO SOMETHING FOR THE VIETNAM ERA VETERAN". IT SHOULD INSTEAD BE PROMOTED AS "DOING SOMETHING TO THE VIETNAM VETERAN". FOR EXAMPLE:

-THE BILL WOULD SETS MORE DIFFICULT ELIGIBILITY STANDARDS FOR VIETNAM VETERANS THAN IT DOES FOR WW II OR KOREAN VETERANS.

-THE BILL GRANTS PREFERENCE TO THE MOTHER OF A WWII VETERAN WHO WAS KILLED IN ACTION BUT NOT TO THE MOTHER OF A VIETNAM VETERAN.

-WORST OF ALL THE BILL GRANTS 10 % PREFERENCE TO ELIGIBLE RELATIVES OF A VETERAN- TWICE AS MANY AS THE FIVE POINTS GIVEN TO THE COMBAT VETERAN HIMSELF.

AS A TAXPAYER I MUST ASK YOU WHY THE LEGISLATURE PROPOSES TO COMMIT MORE THAN MILLION DOLLARS OF OUR SCARCE REVENUE DOLLARS TO FIX SOMETHING THAT ISN'T BROKE.

THE EXPERIENCE OF MY DEPARTMENT IS THAT VETERAN'S ARE PROPORTIONATELY OVERREPRESENTED IN STATE GOVERNMENT AT PRESENT AND THE CURRENT LAW ADOPTED AT THE 1983 SPECIAL SESSION IS RESULTING IN MORE VETERANS BEING HIRED THAN THE POINT SYSTEM USED BY THE STATE OF IDAHO.



Mr. Chairman

Exhibit 21  
HB-473

NAME: Robert L. Nieren DATE: April 18, 1968

ADDRESS: 3424 12th Ave. S., Great Falls, MT 59405

PHONE: \_\_\_\_\_

REPRESENTING WHOM? Governors Council on Employment of the  
and Montana Association of the Deaf Handicapped

APPEARING ON WHICH PROPOSAL: HB 473

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? L

COMMENTS: Speaking of HB 473, I am not in favor of  
personal decisions concerning veterans' promotion  
and PIF. I feel that this discriminates against  
the Handicapped because Handicapped do not  
have a chance for promotion or PIF.

I believe that disabled veterans and  
handicapped should be treated equally. I want to  
see some changes to be made in this bill.  
That means that Handicapped must be  
included in every way as a disabled veteran  
would. Please oppose HB 473

Thank You Chairman  
EB

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

HB-473

DATE: 4-18-85

PHONE: 444-6717

APPEARING ON WHICH PROPOSAL: HB 473

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Exhibit 49  
HB-473

NAME: Jerry Baker DATE: 4-18-85

ADDRESS: 845 Ave D - #7, Billings, Mt. 59102

PHONE: 248-2712

REPRESENTING WHOM? Governor's Committee on Employment of the  
Handicapped.

APPEARING ON WHICH PROPOSAL: HB 473

DO YOU: SUPPORT?        AMEND? X OPPOSE?       

COMMENTS:       

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

# WOMEN'S LOBBYIST FUND

Box 1099  
Helena, MT 59624  
449-7917



Exhibit 110  
HB 473  
4-18-85

April 18, 1985

Mr. Chairman and members of the Senate State Administration Committee:

My name is Anne Brodsky and I am here today to speak on behalf of the Women's Lobbyist Fund (WLF) in opposition to HB 473. My testimony will focus on 3 major points. First, I want to remind the committee that the issue of veterans' preference has been before us for 2 regular sessions of the Legislature, a special session, and during a legislative interim, where it was studied by an interim legislative subcommittee. Second, I want to emphasize that HB 473 should not be regarded merely as a pro- or anti-veteran bill. It is a very complex piece of legislation that contains radical changes both to the preference law adopted in special session and to the hiring procedures required of the state, local governments, and the university system. And third, I wish to address the philosophical issues surrounding any preference law, whether it be for veterans, handicapped persons, women, or any other segments of the population that are disadvantaged in employment situations.

Regarding the first matter, the WLF has been actively involved in the subject of preference, as have the other groups before you today, since prior to the 1983 legislative session. In mid-1983, we began holding public meetings, polling our membership, and talking with representatives of veterans and the disabled. At the outset of the 1983 session, we supported a preference law that would have included women and other affected classes. No law was passed by the 1983 Legislature during the regular session. The Legislature met for one week in special session in 1983, at considerable expense to the taxpayer, and reached a compromise on the issue. This point of compromise is an important one.. The law passed in special session is not the law the WLF originally supported. We originally supported a law that would apply a preference to women and other protected classes. However the law passed in 1983 was developed through careful balancing of the rights and interests of all individuals seeking employment.

This leads me to my second major point, which is that HB 473 makes radical changes to the law developed by the special session of the Legislature. These changes can be divided into 2 major categories: (1) a point hiring system would be required for the state, local governments, and the university system; and (2) the definitions that were developed in special session by delicately balancing the rights of those involved are cast aside with little deliberation. I would even go so far as to say that, because of the complicated nature of the bill and because of the unavoidable rapid pace of the Legislature, most of us in this room today are probably not fully aware of the impact of HB 473. Some of the major definitional changes I would like to bring to your attention include the following:

- (1) LIMITED V. UNLIMITED PREFERENCE. HB 473 is a lifetime preference. Current law limits the time a veteran qualifies for

preference to 5 years following 12/20/83 or 15 years following separation from service, whichever is later.

(2) VETERAN. HB 473 includes those who may have performed active duty during peace time (p. 5, lines 2-4). Current law requires service to have been during time of war or national emergency. HB 473 requires those veterans who served from 2/1/55 through 10/14/76 to have served for more than 180 days in order to be eligible for preference. Other veterans have no such time requirement. Current law does not require a minimum length of service for preference eligibility.

(3) ELIGIBLE RELATIVE. HB 473 qualifies spouses for the preference if veteran has died or is unable to qualify for appointment to a position. Current law qualifies spouses for a preference only if the death or disability of the veteran is service-related. HB 473 includes certain mothers for eligibility. Current law does not provide for preference of mothers.

Also note that HB 473 provides eligible relatives with a 10-point preference. In contrast, veterans would receive a 5-point preference. For what reason is this distinction made?

(4) PUBLIC EMPLOYER. HB 473 includes the university system and excludes the legislative and judicial branches. Current law does the reverse.

(5) ENFORCEMENT OF PREFERENCE. HB 473 establishes an objection procedure not contained in current law. In HB 473, this objection procedure is available only to the veteran or eligible relative. It is not available to the handicapped civilian or non-preferred person. What is the rationale for this denial of equal protection?

(6) REDUCTIONS IN FORCE AND PROMOTIONS. HB 473 applies to both RIFs and promotions. Current law applies only to initial hires.

(7) DISABLED VETERAN. HB 473 requires the establishment of "the present existence of a service-connected disability." This could be a 1 - 100% disability. Current law requires that a disability be 30% or more disabling.

(8) RESIDENCY. HB 473 does not contain any residency requirements for eligibility. Current law requires a 1 year residency in the state and, for city or county employment, 30 days residency in the city or county.

(9) POSITIONS. HB 473 includes temporary as well as permanent and seasonal positions. Current law includes only permanent and seasonal positions.

Finally, I wish to address the philosophical purposes of any preference law. These may include: (1) reward, such as for service in the military; (2) improved integration of disadvantaged groups into the

workforce; and (3) the need, for purposes of good government and compliance with equal opportunity laws, to treat all individuals fairly. These three goals must be integrated in any preference law, and it is the position of the WLF that HB 473 does not provide such a balanced integration.

HB 473, in establishing a point hiring system, eliminates the tie-breaker preference and creates a much stronger preference for those covered under the bill. Since most (96%) of Montana veterans are men, women will clearly be at a disadvantage in seeking and maintaining employment. I point out that the 1980 Montana Census reveals that the average household income for a family with a veteran was \$21,000. The average income for a family with a woman as head of household was \$9,000. In 1980 in Montana, women earned 50.5¢ for every dollar earned by men. While the figures are not so severe for state employees - women employed by the state of Montana earn an average of 75% of the average salary for men - it is obvious that women are already disadvantaged compared to men in the state workforce. HB 473 only serves to exacerbate this wage gap and may well be in conflict with the Montana Human Rights Act in its discriminatory impact on women.

If a preference other than a tie-breaker is enacted into law, such preference should be applicable to all groups that face barriers to employment.

It has never been the intention of the WLF to pit one disadvantaged group against another. All we ask is that you consider what is truly fair to everyone - all Montanans, whether they be male or female, veteran or non-veteran, disabled or not, minority or majority. Current law has been pieced together to take into consideration all these needs and interests.

The WLF urges you to support the existing preference law and give HB 473 a do not pass recommendation.



MISSOULA

PERSONNEL OFFICE

201 W. SPRUCE • MISSOULA, MT 59802-4297 • (406) 721-4700

Exhibit "11"  
HB-473  
4-18-85

TO: STATE ADMINISTRATION COMMITTEE  
MONTANA STATE SENATE  
SENATOR JACK HAFLEY, CHAIRMAN

FROM: CITY OF MISSOULA

DATE: APRIL 17, 1985

RE: OPPOSITION TO HOUSE BILL #473

Dear Committee Members:

This letter is written for the City of Missoula in opposition to the passage of House Bill #473. This particular bill would require public employers to use scored procedures for selecting persons for appointment to certain positions; granting preference to certain military veterans and their eligible relatives in appointment for these positions and in retention during reductions in force; eliminating the preference provided to veterans and their eligible spouses under the Montana Veterans' and Handicapped Persons' Employment Preference Act; and revising the preference provided to handicapped persons and their eligible spouses under that act.

Although the City of Missoula has no objection to granting hiring preferences to veterans and handicapped persons, we do object to the use of scored and written tests for the selection of personnel for appointment to certain positions. Our reasons

for objecting to this type of testing is due to the resources required to develop these types of tests following Federal rules and regulations. An individual with a Ph.D. level (i.e. Educational Psychologists) is usually required to be hired in order to develop these types of tests. Only individuals with this type of training have the experience to develop the required tests for hiring purposes. The cost to hire someone of this caliber would be approximately \$25,000 to \$35,000 per year.

In addition, the time factor involved in developing these types of tests should also be taken into consideration. The City of Missoula has approximately 100 job classifications and it could possibly take the City 10-15 years, or longer, to develop tests for all of our job classifications. The tests will have to be reviewed periodically since job classifications have to be updated, which will take additional time.


It should also be noted that since the legislature enacted the current hiring preference laws, the City of Missoula has had very few complaints in reference to our hiring procedure. By carefully screening and grading job applications and abiding by hiring preference laws, the City has done a good job of making affirmative action hires which include veterans and handicapped persons.



We hope you will take our opinions on this bill into consideration before taking any action on the bill in its current form as it is before you.

Your consideration of our position on this particular bill is greatly appreciated. We will be watching closely the committee's proceedings and actions on House Bill #473.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Kathi Mitchell', with a long, sweeping horizontal line extending to the right.

Kathi Mitchell  
Personnel Officer  
for the City of Missoula

KM/11



# MISSOULA COUNTY

BOARD OF COUNTY COMMISSIONERS

• Missoula County Courthouse • Missoula, Montana 59802  
(406) 721-5700

*Exhibit 12*  
*HB-473*  
*4-18-85*

BCC-85-184

April 17, 1985

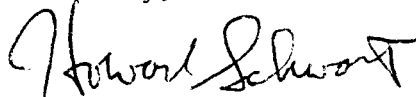
Jack Haffey, Chairman  
Senate State Administration Committee  
Montana State Senate  
Capitol Station  
Helena, MT 59624

Dear Senator Haffey:

I am writing to oppose HB-473 as presently written since the requirement of certified testing procedures to establish veterans preference in hiring would impose an enormous administrative and financial burden on Missoula County. The attached memorandum from our Personnel Department lists the specific impacts this requirement would have on us. Therefore, we support amending the bill to remove local governments from this requirement.

We think the current veterans and handicapped preference legislation is working fine and does not need to be changed.

Sincerely,



Howard Schwartz  
Executive Officer

BCC/HS/1s

cc: Members, Senate State Administration Committee  
Missoula County Senators

MISSOULA COUNTY  
DEPARTMENT OF PERSONNEL AND LABOR RELATIONS  
MISSOULA COUNTY COURTHOUSE, ROOM 160  
MISSOULA, MONTANA 59802  
TELEPHONE (406) 721-5700

HB 473 - VETERANS PREFERENCE  
HANDICAPP PREFERENCE

IMPACT:

1. A scored procedure would have to be developed for each different occupation that we recruit for. A conservative estimate of job is over 150.
2. Scored procedures would have to be applied not just to permanent and seasonal positions, as in current law, but to temporary positions.
3. A scored procedure would need to be applied to each and every part of the selection process that was used to hire an applicant. We are not prepared, trained, staff or have enough money to start on this:

Examination refers to: written tests, oral interviews, ratings of training and experience, reference checks, performance tests i.e., typing, shorthand, agility, etc. and background investigations.

Most of the County jobs are rated based on performance tests, training and experience, reference cheks and background investigations.

4. Just a quick overview of a recent expense in purchasing/leasing validated testing devices for the Deputy Sheriff Examination:

Written test	-	\$500.00	
Oral Board Exam	-	\$425.00	
Study Guides	-	\$150.00	(costs for printing of study guides)
Rental fee for testing room	-	<u>\$225.00</u>	
		\$1275.00	

5. In addition new proposed legislation calls for the preference to veterans, disabled veterans or eligible relatives of veterans in LAYOFF - for positions not covered by collective bargaining agreements. Current practice is to keep the persons who have substantially difference in performance as evidenced by performance evaluations. New legislation would keep Veteran Preference employees who have not been rated unacceptable.

6. New legislation is addressing that preference also be given to mother's of veterans who meet given criteria. This goes even further than just preference to eligible spouses.
7. New legislation is recommending that if Court settlement is reached in cases where an applicant was entitled to but did not get preference, the employer would pay an amount equal to 150% of the wages that the applicant would have received had he been appointed to the position.

Current legislation only states that the Court would have the employer reopen the position.

8. The County has applied veterans and handicapped preference to selection and to date we have hired:

- 4 Veterans Preference employees
- 2 Handicapp Preference employee

The current policy seems to be working well.

9. The new proposed legislation means a whole lot of work and is not something that we can just jump into.

Need to look at the following:

- identify data needed for examination planning
- identify sources and avialability of examination materials
- identify what each type of examination is best capable of measuring
- decide what should be measured in the examination process and how to measure it.
- evaluate costs, effectiveness and efficiency of examination options
- plan when and how the measures will be used (scoring, use of passing scores, weighting and combining measures, etc.
- document the examination plan
- meet the federal legal requirements on testing, etc.

# MONTANA ASSOCIATION OF COUNTIES

*Exhibit "13"*  
**HB-473**  
**4-18-85**  
1802 11th Avenue  
Helena, Montana 59601  
(406) 442-5209

HB 473

## SENATE STATE ADMINISTRATION

Mr. Chairman and members of the Committee:

I am Beverly Gibson, representing the Montana Association of Counties. We support the amendment to exclude local governments from this bill.

Our Association worked closely with the diverse interest groups during the 1983 special session, putting together a fair law governing hiring preference for veterans and handicapped persons.

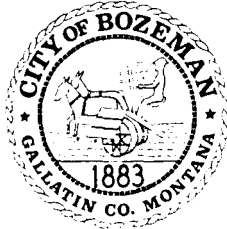
The result is a workable law which fairly addresses substantially-equal candidates for jobs, giving the preference to veterans and handicapped persons in tie-breaking situations.

This bill would impose nearly-impossible requirements on local governments to institute scored testing procedures. Most counties do not have sophisticated job classification schedules in place, which would be the basis for devising individually-constructed tests...for jobs ranging from accountants to road crews, from switchboard operators to dog catchers. In addition, it would be very costly to counties to implement.

The bill excludes the legislative branch, school districts and vo-techs, and the judicial branch. Local governments also would be adversely affected by these new provisions and we ask your consideration in excluding us.

Thank you.

**MACo**



MEMORANDUM

*Exhibit 14'*  
*HB-473*  
*4-18-85*

From the Office of  
The City Commission  
Bozeman, Montana

Date 4/17/85

OPPOSING HB 473, VETERANS' PREFERENCE

Dear Senators, Committee on State Administration,

Please vote against this bill because:

1. It is unfair to women, who are not even allowed many jobs in the armed forces.
2. It would cost local governments a good deal of money to set up and administer. These costs have not been calculated, as they are supposed to be. In fact, the costs may be incalculable.
3. A point system will require much red tape, record-keeping, and expense.
4. This bill could lead to undue amounts of litigation, in our suit-happy society.
5. It would fairly often lead to the less qualified person being hired, in these days when we need our local governments to hire the most efficient person possible.
6. It is not fair to put more regulation on local governments without giving them the money to pay for those added costs.
7. The present law, giving a tie-breaking preference, to veterans, is working well. If it should need changing, it is too soon to say so.

If you must pass the bill, restrict it to state government and give the state enough money to operate it. Or else, if it is so great, and needed, why not expand it to make all private businesses use the same point system in favor of veterans?

Sincerely,

*Mary Vant Hull*

Mary Vant Hull, City Commissioner

416 E. Story  
Bozeman, MT 59715  
April 17, 1985

Dear Senator

I think you'll find this worth reading, since I'm a sprightly writer and not a hired gun for any group or bill.

I hope you'll kill this totally unnecessary piece of legislation.

Most of you participated in the last special session when this issue was thoroughly and thoughtfully aired. Reasonable compromises were made and a solid, workable and fair procedure was placed on the books. It has worked well in the short time it has been in use.

This HB-473 -- and I have studied it carefully from the start -- is (1) not fair, (2) likely to prove burdensome on local government, and (3) certainly not going to assure that the best qualified people are hired.

I'm a handicapped veteran with WW-II, Korea and Vietnam-era service, as set forth in this bill. I am also an elected member of the Gallatin County Government Study Commission ( and the only member who has done much real study of our County government.) Here are my arguments, ruthlessly abbreviated to save you for better things:

(1) HB-473 is unfair. It is discriminatory on its face to women, as you will hear from others. It is not fair to non-veterans, who make up a far greater share of job seekers than unemployed veterans. Vets are provided elaborate legal safeguards in any questionable situation, but the non-veteran is not afforded those same safeguards. When RIFs come, the veteran whose service has not been certified "unsatisfactory" keeps his job, while somebody else heads for unemployment benefits.

(2) As a local government study commissioner (elected in 38 of 39 Precincts -- did you do that well?), I am convinced that HB-473 would run up the County's costs, and at no measurable gain in effectiveness. We now have a ½-time personnel specialist who is trying to improve our personnel procedures. She tells me that most County employees are obtained through Job Service, and it is working well. After studying HB-473, she concluded that it would set us back -- that it is unnecessary and unwelcome -- a complication in managing the County's 280 employees, from road crews to librarians and everything in between.

(3) It may be that positions in State government are sufficiently standardized to accomodate these procedures without major difficulty. I am in no position to judge, but it is unlikely at best that HB-473 would lead to improved performance at county, city and town levels. On the

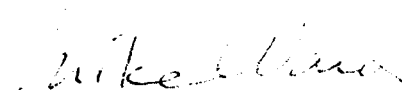
contrary, it seems likely to breed resentment and disharmony when other employees and supervisors feel the pressure of legal constraints and the complications relating to those veterans who are hired under this system. You may not have looked around at your county, town or city government for a while, but in Gallatin County the employees -- except for road crews -- are overwhelmingly women -- women who have their jobs because they need them and who maintain good performance to keep them.

In my study of Gallatin County government, and some earlier work on Bozeman's government, I see the need for many changes to improve efficiency and deliver services more economically. HB-473 is assuredly not one of the changes local governments need.

I will conclude with a conviction I have reached during the long and often emotional deliberations on HB-473. I believe this bill is being pushed by the veterans' organizations -- which are headed by WW-II vets in their 60's or older -- not so much in empathy with their Vietnam-era buddies, as they would have you believe, but primarily in a hard-headed bid to win memberships and to boost their treasury balances. I say this more in sorrow than in anger, since I know the many benefits that have been made available to veterans of all conflicts. I am a beneficiary of a number of these from the U.S. Congress. This is not one that I would feel comfortable with, nor would many of the fine officers and enlisted men I served with for many years.

I deplore this power play by the veterans' organizations, and I urge you to vote it down.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mike Ward".

Mike Ward



913-A South Black  
Bozeman, MT 59715  
April 17, 1985

Members of  
Montana Senate  
State Administration Committee

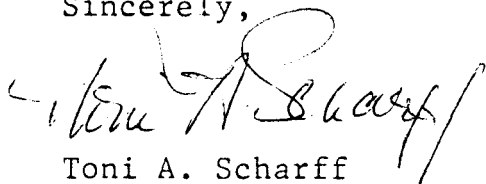
To whom it may concern:

Please vote "NO" on HB 473 after your deliberations on the veterans' preference issue.

The members of the 1984 Special Session dedicated many long hours to achieve the legislation we currently have in Montana. Not enough time and testing have elapsed to determine that our current law should already be changed.

Women, other minorities, and the disabled also have reason to need a preference in job seeking situations, and to reestablish the point system for veterans would effectively nullify the progress the state of Montana made in October of 1984.

Sincerely,

  
Toni A. Scharff

April 17, 1985  
1014 S. Grand  
Bozeman MT 59715

Dear Senators,

In 1983, I was President of the Montana Women's Lobbyist Fund. During that year, we held six town meetings across the state concerning the issue of Montana's veterans' preference in employment. At each meeting an opponent and a proponent debated the issue and the audience filled out written questionnaires. We heard everything from "It's only fair," and "It would be unpatriotic not to offer absolute preference," to "They (veterans) only spend their time on the San Diego beach on taxpayers' money, and "They're our best competitors -- why do they need so much help?" Somewhere in-between, of course, lies the answer.

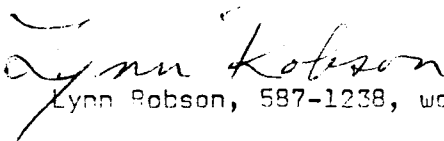
We thought that answer was found during the special session in December 1983. At that time the WLF proposed a "tie-breaker, 5-year, grandfathered preference for veterans of battle only. We compromised to no grandfather clause, 10 years, and much more. Now, veterans' organizations funded by taxpayers' money, mailing efforts, monthly magazines, telephones, transportation, all paid for by taxpayer money (53% of which comes from females) is convincing you to re-create that brick wall to employment we thought we'd found an open window through.

At all Job Service offices, computers register veterans preference. Many times an employer will ask for five applicants and the top preferred five will be veterans. Any other person is not even allowed an interview.

My interest is women in the workforce. For a living, I direct a displaced homemaker program. My goal is to reduce poverty (older women make up 80% of the poor) and the welfare rolls. I am supposed to find displaced homemakers jobs at \$4.91 per hour. The average wage of the women we've placed this year is \$4.06 because they can only compete for part-time jobs and undesirable jobs that veterans do not apply for. I must compete with funding a fraction of that supplied employment counselors for veterans. I must compete with state-wide television, newspaper and billboard advertisements for workers who are veterans. Female participation in the armed forces is limited by executive order. Under President Carter it was about 10% and now is around 6% -- a catch 22 if there ever was one.

You must consider the whole picture -- the whole unemployment picture and its costs to society. Veterans have a benefit book an inch thick, which include health plans, education, housing and training that other workers have no access to. Please defeat this bill designed to shut the window on otherwilling and even desperate workers and to increase taxpayers costs through test facilitation.

Sincerely,

  
Lynn Robson, 587-1238, work; 587-4077, home

415 Morrow  
Bozeman, MT 59715

Senator Jack Haffey, Chairman  
Senate State Administration  
State Capitol  
Helena, MT 59601

Dear Senator Haffey:

Senate Bill 473 is before your committee for your consideration. I would register concerns about this legislation as amended. The State would be asking, through State administrative rulemaking, insisting on developing subjective point systems and insisting on "score" to hire an individual--with no regard of personality or other intangible traits that are often times important in a hiring process.

I am personally opposed to putting the costs incurred from a process like this on the taxpayers, particularly when bonus points could cause a lesser qualified person to be hired, and thusly cause less than the best administration in any governmental position.

The present law, when all individual qualifications are equal, is sufficient to place Veterans in public service jobs in the various governmental levels, without compromising quality, and without costing governmental agencies more money to do what is already fair to all.

Please vote against Senate Bill 473.

Sincerely,



James E. Wysocki

April 16, 1985

Dear Committee Members: Committee on State  
Administration

HB 473, requiring certain public employers to use scored procedures for selecting persons for appointment to certain positions, poses unexplored and serious difficulties for local governments. Further study is surely warranted with attendant facts for the fiscal and personnel implications to local governments, if this bill were to pass.

No doubt, an interim study of effects of possible passage of such a bill would be helpful, if not essential, for such proposed legislation. An ounce of caution is worth a pound of cure. HB 473 may be a case in point, especially for local governments already fiscally impacted on nearly every front.

Sincerely,



Anne Fowler Anderson  
City Commissioner  
Bozeman, MT

16 April 1935

SENATOR Hally  
Committee on State Administration  
Montana Senate  
Helena MT

Dear Senator Hally

Any organization needs the best workers possible for carrying out its operations. This is certain for Montana's Universities and State Government. For this reason, I cannot support a bill that gives any but the woman preference to applicants from any particular segment of the worker pool, by virtue.

In the 1930s our Society is choosing to give weak advantages to groups who have no reward (by virtue) or who are disadvantaged (by women + minorities), but I am for giving this help as significant reward to institutional function. I cannot therefore support legislation favoring applicants from particular groups (by virtue, women, or minorities) over other applicants unless the candidates are so scarce that there are no other groups for choice. If the applicants are that scarce, I support favoring all the female etc groups equally.

T. WEAVER  
2308 S. Third  
Bozeman MT  
59715

Exhibit '15'  
HB-473  
4-18-85

B22. CHRONICLE APR 14, 85

## Poll says Vietnam vets adjusted to life

By The Washington Post

WASHINGTON — Ten years after the fall of Saigon, Vietnam War veterans have become surprisingly well assimilated and, in general, live not much differently than other Americans, according to a special Washington Post-ABC survey.

When they entered military service in the 1960s and early 1970s, three-quarters of them had no education past high school; a fifth were dropouts. But more than half went back to school later on. And today, the survey shows, a Vietnam veteran is more likely to have gone to college than a man of his age who was not in the service.

With education have come job prospects and incomes similar to those of other men the same age, according to the survey. The unemployment rate for the Vietnam veterans surveyed is about 7 percent, also similar to that of all working age Americans. Three of every four of the Vietnam veterans surveyed said their annual household incomes exceed \$20,000; al-

most half take in \$30,000 or more each year.

Most also are now married and have children and homes of their own. Eight of every 10 Vietnam veterans surveyed are married. Ninety percent of them have children and 43 percent have three children or more.

Strikingly, 78 percent of the Vietnam veterans surveyed already are homeowners, the great majority paying mortgages on traditional, single-family houses. More than other Americans, they tend to live in small towns and rural areas.

Thus, despite the grief and anger many of them experienced during the war, followed by bitterness when they first returned home, Vietnam veterans appear statistically, and perhaps unexpectedly, to have settled down to lives not unlike those of the veterans of World War II.

One of the most interesting findings in the survey was this: Asked whether they personally ben-

efited or were set back in the long run by having gone to Vietnam, 56 percent of the veterans said they benefited, only 29 percent said they were set back.

But one particular group of Vietnam veterans has adjusted less well. While they are only a minority of all who served, they are the ones Americans think of most when remembering the war: those who survived heavy combat. They tend to be slightly less well off than other Vietnam veterans, somewhat more bitter, and suffering from more bad memories and personal problems.

These conclusions are drawn from a total of 811 veterans of theater of war in Vietnam and Southeast Asia, selected at random and interviewed by telephone last month in the Post-ABC News survey. An additional 438 Vietnam War era veterans who served elsewhere also were interviewed, the findings in this story are based almost entirely on the responses who were in Southeast Asia.

NAME: Bill Kervolf

DATE: 4-18-85

ADDRESS: 1029 3rd Helena

PHONE: 442-2596

REPRESENTING WHOM? City of Helena, Montana League of Cities & Towns

APPEARING ON WHICH PROPOSAL: HB 473

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? X OPPOSE? \_\_\_\_\_

COMMENTS: We strongly support the amendment to exclude local governments and school districts from the provisions of HB 473.

The procedures established by this bill are not clearly defined and will be very difficult to accomplish. A testing process must be fair, non discriminatory, relevant to the job being tested for, and designed to prove these qualities to a court. This is a difficult, expensive and lengthy process. It took the City of Helena 3 years to develop a reasonable written exam for police and fire applicants, and there are national guidelines and assistance available for these positions.

We think it will be very difficult for the State to develop this system and nearly impossible to develop in a local government.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

*Exhibit "47"*  
*HB-473*  
*4-18-85*

1311 South Black  
Bozeman, Montana 59715

April 18, 1985

Senate State Administration Committee  
Jack Haffey, Chairman

Gentlemen *LAOIRS*

I oppose H. B. 473. I commend Representative Pavlovich for his care and compassion for veterans, but this bill would create more problems than it would solve.

I am a veteran on WW II. I enlisted in the Army Air Corps for pilot training in October, 1941. I entered active service January 1942, flew my combat missions on Guadalcanal in a Flying Fortress from Sept. 42 until Nov. 43, and spent the rest of the war training bomber pilots here in the states. I was released from active service in January, 1946.

I firmly believe veterans deserve consideration: the G. I. Bill after WW II was one of the best pieces of legislation ever enacted, and I would heartily support any attempt to pass such a bill.

I am opposed to H. B 473 for the following reasons:

1. Because the veteran automatically gets <sup>*5*</sup> ~~10~~ points, and the minimum qualification is 70, it means <sup>*DISABLED VET GETS 10%*</sup> a veteran with a score of 75 beats a non-veteran with an 85 score. So this discrimination by law would put lesser qualified people to work in tax supported positions. At a time when we are demanding a dollar ten cent worth of work for a dollar from our tax supported jobs, this makes no sense.

*SECTION 15 - PAGE 19*  
2. If the veteran feels he or she has been discriminated against, the veteran can sue the hiring body. It then goes to court. The court tells the employer to respond. The employer responds to the court. and it goes on and on and on. As I told the House appropriation committee, it would creat a lawyers paradise--and I have nothing agains lawyers-- I just want them to live happy, healthy, productive lucrative lives before they enter it. It should not be attained prematurely.

*Amended*  
3. There is no provision for cities or counties to pay for personnel officers or monies for defense of administrators. It would cost a city the size of Bozeman about \$50,000. per year to administer this law. A small town like Joliet could be pushed to bancruptcy over veteran law suits.

H. B 473, though written and introduced with the best of intentions, would be too costly, too difficult to administer, and would open a Pandora's box of litigation, hard feelings, and bad administration.

Yours truly,

*Marion J. Haffey*



Exhibit "18"  
HB 473  
4-18-85

THE LEAGUE OF WOMEN VOTERS OF MONTANA

The League of Women Voters supports the position of equal employment opportunities for all people. Any preference law is discriminatory. For this reason the League of Women Voters of Montana oppose House Bill 473.

Respectfully,

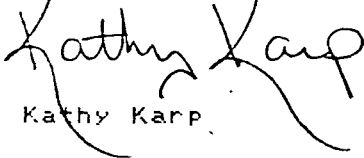
  
Kathy Karp

Exhibit "19"  
HB-473  
4-18-85

Mr. Chairman and members of the committee. My name is Paul Stolen and I live at 310 Howie in Helena. I am testifying on my own behalf.

I am a veteran and spent parts of 1967 and 1968 in Vietnam in the army. I oppose House Bill 473 for a number of reasons.

First, it is universally recognized that hiring decisions should be based upon demonstration of a persons qualifications to do a job. Giving preference to military veterans and their spouses for government jobs greatly complicates hiring procedures because it introduces social policy into otherwise relatively simple procedures. This means that other groups that have a legitimate social goal also want preference. The issue of who is the most deserving then comes before legislators time and time again and acceptable compromise must be worked out.

The veterans preference law that was passed during the special session was a compromise that was acceptable to groups representing women and handicapped people who are pursuing legitimate social policies that are hampered by veterans preference. Passage of HB 473 would needlessly increase the level of political conflict you as legislators will have to face in the future.

Secondly, I oppose HB 473 because the group of people covered by it is too large. By including all veterans and spouses, this bill gives benefits to people who do not need or deserve them. For example, I have known numerous GI's who joined the army because of the benefits offered to veterans. This was true even in Vietnam. The ads on radio and TV right now invite people to join up because of the educational benefits. Should we encourage this practice? It seems to me that this is an abuse of what was first offered by a grateful country to those who served in World War II.

Thirdly, I oppose HB 473 because it is not needed. Veterans presently receive sufficient benefits. For example, I went to graduate school for three years on the GI bill, and I received a bonus payment from the state of Minnesota for having served in Vietnam . The present veterans preference law in Montana is another benefit for veterans. And I am told that I can add on my time in the service to my years of employment with the state of Montana for purposes of retirement benefits. If you want to pass legislation to benefit <sup>Vietnam</sup> veterans, do it for those who need it, such as those who are substantially disabled with service-connected disabilities.

I urge you to vote no on HB 473. Thank you.