

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H2/21/03 S3/10/03

A Bill

HOUSE BILL 1545

5 By: Representatives Wood, Parks, Borhauer, Roebuck, Elliott, Clemons, Gillespie, Jacobs, L. Prater,
6 Hutchinson, Bright, Pate, Scroggin, Boyd, Green, Biggs, Lamoureux, C. Taylor, Moore, J. Johnson, Fite,
7 Walters, Martin, Harris, S. Prater, Mack, Penix, Cowling, Anderson, *D. Evans, Creekmore, Rankin,*
8 *Kenney, Ferguson, Bledsoe, Rosenbaum, Judy, Hardwick, Bennett, Pritchard, Medley, Bond*
9 By: Senators Altes, Capps, J. Bookout, Salmon, Horn, Trusty, J. Jeffress, G. Jeffress, Hendren, Faris,
10 Whitaker, Glover, Womack, Higginbothom, Wilkinson
11
12

For An Act To Be Entitled

13 AN ACT TO REVISE TITLE 21, CHAPTER 3, SUBCHAPTER
14 3 CONCERNING VETERANS PREFERENCES; AND FOR OTHER
15 PURPOSES.
16

Subtitle

17 AN ACT TO REVISE TITLE 21, CHAPTER 3,
18 SUBCHAPTER 3 CONCERNING VETERANS
19 PREFERENCES.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. Arkansas Code Title 21, Chapter 3, Subchapter 3 is amended
27 to read as follows:

28 21-3-301. ~~Civil service or merit system~~ Uniform Classification and
29 Compensation Act regulations.

30 Any ~~civil service or merit system~~ requirement, rule, or regulation set
31 up for the purpose of selecting employees paid in whole or in part with state
32 funds for positions subject to the Uniform Classification and Compensation
33 Act, shall include regulations ~~in accordance with~~ under §§ 21-3-302 ~~—21-3-~~
34 ~~305~~ through 21-3-306.

35
36 21-3-302. Preference in ~~appointment or~~ employment.



1 (a) This section shall be entitled "The Veterans Preference Law".

2 (b) For purposes of this section, "veteran" means:

3 (1) A person honorably discharged from a tour of active duty,
4 other than active duty for training only, with the armed forces of the United
5 States; or

6 (2) Any person who has served honorably in the National Guard or
7 Reserve Forces of the United States for a period of at least six (6) years,
8 whether the person has retired or been discharged or not.

9 ~~(b)(c)~~ In every department or agency of state government or
10 institution of higher education with employee positions subject to the
11 Uniform Classification and Compensation Act, honorably discharged men and
12 women from the military or naval forces of the United States who veterans who
13 voluntarily submit official proof of his or her status as a veteran, disabled
14 veteran, or a surviving spouse of a deceased veteran who remains unmarried at
15 the time the preference is sought, and served in any war, including military-
16 involved conflict in which the United States was, is, or may subsequently be
17 engaged, or their widows or widowers, who are citizens and residents of this
18 state, shall be entitled to employment preference in positions appointment
19 and employment over other applicants, after meeting substantially equal
20 qualifications. If such military service does not include active duty for
21 training only, but does include service during the Philippine Insurrection,
22 China Relief Expedition, the Korean Conflict between June 27, 1950, and July
23 27, 1953, inclusive, the Vietnam Conflict between December 22, 1961, and May
24 7, 1975, inclusive, Lebanon between August 25, 1982, and February 26, 1984,
25 inclusive, the Persian Gulf from August 2, 1990, through a date to be set by
26 presidential proclamation, inclusive, or future conflicts as specified by
27 presidential proclamation or federal law.

28 ~~(e)(d)~~ (1) If there is an examination, evaluation, or similar
29 instrument given for the purpose of establishing an interview or employment
30 list for such public sector jobs, and a preferred person entitled to
31 preference attains a passing grade thereon, he or she shall have five (5)
32 points added to his or her final earned rating if the examination,
33 evaluation, or similar instrument is subject to numerical scoring.

34 (2) If the examination, evaluation, or similar instrument is not
35 subject to numerical scoring, the selection authority must be able to
36 demonstrate how veterans preference was arrived at in the selection process.

1 ~~(2)~~(3) A veteran who established by the records of the United
 2 States Department of Veterans Affairs the existence of a service-connected
 3 disability or a veteran who is over fifty-five (55) years old and is disabled
 4 and is entitled to a pension or compensation under existing laws, or the
 5 spouse of such veteran, whose disability disqualifies him or her for
 6 appointment, shall have ten (10) points instead of five (5) points added to
 7 his or her final earned rating on the examination, evaluation, or similar
 8 instrument.

9 ~~(d)~~(e) The qualified veteran's status shall be considered on questions
 10 of promotion and retention of employees according to § 21-3-304.

11 ~~(e)~~(f) The names of candidates who have qualified in an examination,
 12 evaluation, or similar instrument given for the purpose of establishing an
 13 interview or employment list shall be entered on an appropriate register or
 14 list of eligibles in the following order:

15 (1) Names of ten-point-preference eligibles shall be placed at
 16 the head of the register or applicant list of persons certified as having
 17 equal eligibility points;

18 (2) Names of five-point-preference eligibles shall be placed at
 19 the head of the register or applicant list of persons certified as having
 20 equal eligibility points; and

21 (3) Names of all other eligibles who do not have preference as
 22 provided in this section shall be placed on the register or applicant list in
 23 accordance with their ranking of eligibility points.

24 ~~(f)~~(g) The persons ~~thus preferred~~ entitled to preference shall not be
 25 disqualified from holding any position on account of age or by reason of any
 26 physical disability, provided that such age or disability does not render the
 27 person incapable to perform properly the duties of the position for which he
 28 or she applied for.

29 ~~(g)~~(h) Nothing in this section shall be construed to apply to the
 30 *position of elective or political appointees in any department, agency, or*
 31 institution of higher education or to any person holding a strictly
 32 confidential administrative or secretarial position in relation to the
 33 appointing officer.

34
 35 21-3-303. Failure to ~~appoint~~ hire disabled veteran.

36 (a) If, ~~in the exercise of his choice provided under civil service or~~

1 ~~merit regulations, the appointing authority~~ a hiring official passes over the
2 name of any service-connected disabled veteran appearing on a register in
3 ~~connection with an appointment, an interview or employment list, after having~~
4 ~~been certified to the appointing authority, the appointing authority~~ the
5 hiring official must submit in writing the reason therefore and attach the
6 reason to the employment application.

7 (b) The written reason shall become a part of the employment
8 application records of the department, agency, or institution of higher
9 education and of the council or any other personnel administration having
10 supervision over employees coming within the purpose of this subchapter and
11 retained for the same period of time as all other employment applications as
12 established by law or agency policy.

13
14 21-3-304. ~~Separation from service~~ Reduction in force.

15 (a) The ~~appointing authority~~ department or agency director or
16 institution of higher education president or chancellor may separate any
17 employee without prejudice because of lack of funds, curtailment of work, or
18 in order to permit reinstatement of employees upon their release from periods
19 of military service from the armed forces of the United States.

20 (b) No ~~permanent~~ employee, as defined by § 21-5-203, however, shall be
21 separated while there are emergency, intermittent, temporary, provisional, or
22 probationary employees serving in the same class of position in the same
23 department or agency.

24 (c)(1) The order of separation due to reduction in force shall be
25 ~~based upon service rating and seniority under a formula to be formally~~
26 ~~established by the personnel director and approved by the council, and all~~
27 ~~such separations shall be reported to the personnel director~~ criteria
28 established by the State Wide Workforce Reduction Policy as issued and
29 administered by the Office of Personnel Management of the Department of
30 Finance and Administration.

31 (2) For the purpose of establishing this layoff formula, the
32 veteran's service in the armed forces shall be considered as service with the
33 department or agency and computed as a part of his or her seniority.

34
35 21-3-305. ~~Reinstatement~~ Reemployment.

36 (a) A An ~~permanent~~ employee, as defined in § 21-5-203, who has

1 established veteran's preference eligibility and has resigned while in good
2 standing or who has been separated without prejudice shall be eligible for
3 ~~reinstatement~~ reemployment within a period of time ~~equivalent to~~ no less than
4 the continuous period of his or her service in an a department, agency, or
5 institution of higher education or the council, provided that he or she has
6 been certified by the ~~personnel~~ department or agency director or institution
7 of higher education president or chancellor as meeting the current minimum
8 qualifications as to training and experience of the class of position to
9 which he or she is being ~~appointed~~ reemployed.

10 (b) Prior to making the minimum qualifications certification, the
11 ~~personnel~~ department or agency director or institution of higher education
12 president or chancellor may require the employee to pass ~~the~~ a qualifying
13 examination.

14 (c) For the purpose of ~~reinstatement~~ reemployment eligibility under
15 the provisions of this section, time spent in the armed forces ~~during time of~~
16 ~~war~~ shall not be counted.

17
18 21-3-306. Rights of reservists.

19 (a) It is declared to be the intent of the General Assembly that any
20 person who holds an other than temporary position in the employ of the State
21 of Arkansas shall not be denied retention in employment or any promotion or
22 other incident or advantage of employment or transferred involuntarily to
23 another position because the person is a member of a reserve component of the
24 armed forces of the United States.

25 (b) The provisions of the reemployment rights ~~section~~ protections of
26 ~~the Military Selective Service Act of 1967, as amended by Pub. L. No. 90-491,~~
27 ~~82 Stat. 790, effective August 17, 1968~~ § 12-62-413 and the Uniformed
28 Services Employment and Re-employment Rights Act of 1994 as in effect on
29 January 1, 2003, shall be applicable ~~in this state~~, and the refusal of any
30 state official to comply therewith shall subject him or her to removal from
31 office.

32 (c) This section shall be retroactive and shall take effect as of the
33 date of the entry of any state employee into one of the reserve components of
34 the armed forces of the United States.

35
36 /s/ Wood