

Chairperson and members of the commission. My name is Leo Tanner (Tanner). I live in Helena.

I am an opponent and informational witness. As this bill is written, I oppose SB185. This country has a long history of discrimination against veterans. When the need for soldiers is great (like 911), almost everyone supports our soldiers. Towards the end of a long conflict (and after a long conflict), the general public discriminates against veterans. This bill gives a glimpse into this practice.

In the Montana State Government, veterans are not being hired in proportion to the number of veterans living in the state. Disabled is a subjective term. Does it mean a veteran that has no legs because of a roadside bomb? Does it mean a person that cannot sleep all night? As we learned from Social Security Disability, a rather healthy person can become disabled with a payment to the right attorney and doctors.

Since the 1980's, Article II Section 35 of the Montana Constitution has allowed the legislature to grant preferential consideration to veterans. However, SB185 gives preference to disabled non-veterans over veterans. In addition, it provides a double standard, which is anti-veteran.

- 1) It requires a disabled veteran to be honorably discharged. Obviously, a non veteran person is not given this requirement.
- 2) The disabled veteran is required to go through a more stringent process to be certified as disabled. A veteran must be certified disabled by the Department of Veterans' Affairs. A non-veteran disabled person must be certified by the Department of Public Health and Human Services. It is much more difficult to be certified as disabled by the Department of Veterans' Affairs than it is to be certified by the Department of Public Health and Human Services. During the marijuana boom, we have seen how easy it was to get a medical marijuana card through the Department of Health and Human Services.

In conclusion, this bill does not guarantee an interview. It gives the public employer the option of offering a disabled person or veteran a job interview, which is the major problem with the present hiring process. These interviews are given by panels, who ask subjective questions. Because the individual interviewers can ask any subjective question and determine what the best answer is, they are free to discriminate against applicants that they do not like.

In the initial hiring process, the Montana State Government appears to be discriminating against veterans. In the Montana State Government, veterans are not being hired in proportion to the number of veterans living in the state. The state uses the interview process, and the statistics from the Human Resources Department shows that there appears to be discrimination against veterans. About 5% of the Montana State Government's workforce is made up of veterans. Ten percent of Montana's population is veterans. Veterans probably make up from 8 to 9 percent of Montana's workforce. As the war winds down, this figure is growing. I am still trying to get an accurate statistics on this.

In the state government, some departments have a very low percentage of veterans. Legislative Services has just under a 1% (.99%) representation. The Department of Corrections has 9.1% representation, which is probably close to the percentage of veterans in the Montana workforce. However, there should be a higher representation in both departments. Regarding Legislative Services, the US Military has attorneys, who have gone to law school. Also there is a lot of paperwork in the military because it is run by strict regulations. Also after the military, veterans go to law school and get paralegal training. I know a veteran that is a trained paralegal, lives in Helena,

and is disabled. The military has computer experts. It had computers decades before the civilian community, and it helped develop the internet.

This under hiring of veterans is despite veterans being given supposedly preferential hiring. The Human Resources Department claims that not all veteran applicants declare that they are veterans, and that they know state employees that have not taken the veterans' preference. If the veteran's preference is so advantageous, why would a veteran not take advantage of it? If what the Human Resources Department is saying is true, I would say that these veterans know that the interviewers are prejudice against veterans. I know that I have not declared to colleges that I was a veteran because I knew that they would deny me services.

SB 185 needs the following amendments:

- 1) Change the preferential hiring order to disabled veteran, veteran, eligible relative as defined in 39-29-101, a person with a disability, and an eligible spouse as defined in 39-30-103.
- 2) Define the level and kind of disability necessary to get preference in hiring.
- 3) Allow a non-honorably discharged veteran to get preference as a person with a disability.
- 4) Allow the disabled veterans to be certified by the Department of Veterans Affairs or the Department of Public Health and Human Services.
- 5) Eliminate the subjective panel interviews, and replace them with knowledge based multiple choice questions and knowledge based practical tests.
- 6) If the veteran meets the basic requirements, they should be hired. Basic requirements should be things like a college degree, training, licenses, passing knowledge tests, and work experience.
- 7) The Board of Veterans' Affairs should be required to put the following demographics in their biennial reports to the governor. They should be things like the working age population (18 through 65) living in Montana, working age veterans living in Montana. They are listed on the papers I would like to submit to the commission.

Chairperson, I would like to submit this to the commission.

Thank You

The Board of Veterans' Affairs should be required to put the following demographics in their biennial reports to the governor:

The demographics of Montana's veteran population section must include the following categories: the number of veterans living in Montana, the number of disabled veterans living in Montana, the number of retired veterans living in Montana, the number of state government employees, the number of state government employees that are veterans, the number of veterans that filed for veterans' preference on initial hiring, the number of disabled veterans that filed for preference, the number of eligible relatives of disabled veterans that filed for preference, the number of veterans hired in each category (disabled veteran, veteran, eligible relative of a disabled veteran), the number of initial hiring veterans that filed for an explanation on why they were not hired, the number that filed a petition in district court, the outcome of these cases, the number of veterans working in each state government department, the number of state government employees that are veterans working in each EEO category, the working age population (18 through 65) living in Montana, the number of working age veterans living in Montana, the number of disabled working age veterans living in Montana.

DEPARTMENT OF ADMINISTRATION
STATE HUMAN RESOURCES DIVISION



STEVE BULLOCK, GOVERNOR

STATE OF MONTANA

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MITCHELL BUILDING, ROOM 125
PO BOX 200127
HELENA, MONTANA 59620-0127

January 25, 2013

Mr. Leo Tanner
P.O. Box 1634
Helena, MT 59624

Dear Mr. Tanner:

Thank you for your request for Veterans' Employment Preference information regarding applicants and employees with the State of Montana.

As Ms. Davis explained to you, applicants provide the veterans' employment preference information when applying for employment through the State's online employment system. Use of the online employment system began in January 2009. Prior to the implementation of the online employment system, each agency was responsible for its own recruiting process. The records retention policy indicates that recruiting documents should be maintained for three years and then destroyed. So it is unlikely that any additional information prior to 2009 would be available from each agency. Requesting a veterans' employment preference is voluntary, and the data available only indicates those applicants who specifically requested a veterans' preference.

When an employment offer is made and the applicant is hired, the new employee can voluntarily provide information regarding the employee's military status; this information is not necessarily the same as when an applicant requests a veterans' preference.

You requested 10 years of data; however, the State did not implement the computerized system until 2009. Enclosed is a report regarding requested veterans' preference for 2009 through 2012 entitled "Persons Requesting Veterans' Preference." This report includes:

- Number of applicants requesting the preference by type:
 - A veteran
 - A disabled veteran
 - The spouse of a disabled veteran if the veteran's disability prevents him or her from working.
 - The un-remarried surviving spouse of a veteran or disabled veteran
 - The mother of a veteran if the conditions outlined in statute are met
- Total number of applicants applying for jobs
- Percent of hire in each category

The "Military Status for State of Montana Employees" report is available by department and by EEO category; both reports are attached, and the data in these reports reflects current state employees as of the date of each respective report. Again, the information provided to produce the reports is completely voluntary. Please note that the report indicates that over half of the employees did not provide any military-status information (see "Not Indicated" column). Also note that some columns contain the same information, such as 1) "Vietnam Era Veteran" and "Veteran of the Vietnam Era" and 2) "No Military Service" and "Not a Veteran." The specific category name changes happened because of system upgrades. We now use "Veteran of the Vietnam Era" and "No Military Service" as category names.

Please contact me if you have any questions.

Sincerely,

Handwritten signature of Dean Mack in cursive.

Dean Mack, Bureau Chief
Human Resources Policies and Programs

Enclosures

Persons Requesting Veterans' Employment Preference

As of January 16, 2013

	Pref Veteran Count	% Hired	Pref Disabled Veteran Count	% Hired	Pref Spouse Disabled Veteran Count	% Hired	Pref Unremarried Spouse Veteran Count	% Hired	Pref Mother Veteran Count	% Hired	Job Application Count	% Hired
2012	2527		1115		12		37		0		48614	
Hired	97	3.84%	31	2.78%	1	8.33%	1	2.70%	0	0.00%	1984	4.08%
2011	2250		1003		23		31		3		40825	
Hired	80	3.56%	28	2.79%	2	8.70%	0	0.00%	0	0.00%	1885	4.62%
2010	2087		975		26		11		0		39501	
Hired	71	3.40%	35	3.59%	2	7.69%	0	0.00%	0	0.00%	1667	4.22%
2009	1689		798		9		28		0		34824	
Hired	70	4.14%	21	2.63%	0	0.00%	2	7.14%	0	0.00%	1376	3.95%

State Human Resources Division

Department of Administration

406-444-3871

The proposed following legislation is written to correct the lack of military veterans employed in Montana state and local governments.

39-29-102. Minimum qualifications veterans hiring and point preference or alternative preference in initial hiring for certain applicants--- substantially equivalent selection procedure. (1) If a veteran applicant meets the minimum qualifications for initial hiring, as defined in 39-30-103, the veteran shall be hired. However if more than one veteran meets the minimum qualifications, the public employer must use subsections (2) through (5) to choose between the qualified veterans. Subsection (1) will remain in effect until the percentage of veterans working for the public employer reflects the percentage of veterans living in Montana. When these percentage requirements are met, the public employer may discontinue subsection (1) and implement subsections (2) through (5).

(2) Subject to the restrictions in subsections (3) and (4), whenever a public employer uses a scored procedure, an applicant for an initial hiring, as defined in 39-30-103, must have added to the applicant's score the following percentage points of the total possible points that may be granted in the scored procedure;

- (a) 5 percentage points if the applicant is a veteran; and
- (b) 10 percentage points if the applicant is a disabled veteran or an eligible relative.

(3) A veteran, disabled veteran, or eligible relative may not receive the percentage points provided for in subsection (2) unless the person:

- (a) is a United States citizen; and
- (b) meets the minimum qualifications required for the position. If no applicant meets the minimum qualifications and the public employer fills a training position, veterans' preference must be applied.

(4) A disabled veteran who receives 10 percentage points under subsection (2) (b) may not receive an additional 5 percentage points under subsection (2) (a).

(5) Whenever a public employer uses a selection procedure other than a scored procedure, the public employer shall give preference to a disabled veteran, eligible relative, or veteran, in that order over, any nonpreferred applicant holding substantially equal qualifications, as defined in 39-30-103.

10-2-102. Duties of board --- employee qualifications.

(1) The board shall establish a statewide service for veterans and their families as provided in this section. The board shall:

- (i) prepare a biennial report to the governor, the department of military affairs, the appropriate legislative interim committee, and veterans' service organizations. The report must include but is not limited to the latest information about the demographics of Montana's veteran population, a needs assessment, annual summaries of the veterans' special revenue accounts established in 10-2-112 and 10-2-603, and a review of the veterans' affairs budget. The demographics of Montana's veteran population section must include the following categories: the number of veterans living in Montana, the number of disabled veterans living in Montana, the number of retired veterans living in Montana, the number of state government employees, the number of state government

employees that are veterans, the number of veterans that filed for veterans' preference on initial hiring, the number of disabled veterans that filed for preference, the number of eligible relatives of disabled veterans that filed for preference, the number of veterans hired in each category (disabled veteran, veteran, eligible relative of a disabled veteran), the number of initial hiring veterans that filed for an explanation on why they were not hired, the number that filed a petition in district court, the outcome of these cases, the number of veterans working in each state government department, the number of state government employees that are veterans working in each EEO category, the number of working age veterans living in Montana, the number of disabled working age veterans living in Montana.

Note:

Underling indicates new wording in the code.

Leo Doyle Tanner
PO Box 1634
Helena, MT 59624

Linda S. Davis
Department of Administration
State Human Resources Division
125 N Roberts Street
Helena, MT 59601

Dear Linda Davis:

I am looking for information about the results of the Montana State Code Title 39, Chapter 29 (Veteran's Public Employment Preference). As you requested, the following is a letter about the information that I need:

- A) The percentage of state employees that are veterans.
- B) The number of veterans working in each department.
- C) The number of veterans working in each EEO category (officials and administrators, professionals, technicians, protective services, paraprofessionals, administrative support, skilled craft, service maintenance).
- D) By year, the number of veterans that filed for veteran's preference.
- E) By year, the number of disabled veterans that filed for preference.
- F) By year, the number of eligible relatives of disabled veterans that filed for preference.
- G) By year, the number hired from each category (veterans, disabled veterans, eligible relative of a disabled veteran).
- H) By year, the number from each category that filed for an explanation of why they were not hired.
- I) By year, the number from each category that filed a petition in district court.
- J) By year, the outcome from each category of these cases.
- K) By year, the number of working age veterans living in Montana (18 to 65).
- L) By year, the number of disabled working age veterans living in Montana (18 to 65).

A, B, C, L and K are for the least two years. D, E, F, G, H, I, J are for the last 10 years. If you cannot provide any part of this data, please let me know.

Thank You,

Leo Tanner

Military Status for State of Montana Employees

As of January 7, 2013

	Active Reserve	Armed Forces Service Medal Vet	Inactive Reserve	No Military Service	Not a Veteran	Not a Vietnam-Era Veteran	Not indicated	Other Protected Veteran	Post-Vietnam-Era Veteran	Pre-Vietnam-Era Veteran	Retired Military	Veteran (VA Ineligible)	Veteran of the Vietnam Era	Vietnam & Other Protected Vet	Vietnam-Era Veteran	Grand Total
EEO-4 Cat																
Officials/Administrators	4		7	228	6	1	911	13	3		7	6	9			1195
Professional	34	1	35	2761	52	2	3726	93	7		69	67	56	6	21	6930
Technicians	15		11	948	11	4	1175	42	1	1	21	28	13		1	2271
Protective Service Workers	32	1	15	341	2		475	59	2		16	28	8			979
Paraprofessionals	5		3	217			326	6	1			6	1		1	566
Administrative Support	3		5	408	5	1	1323	15		1	6	9	18	2	1	1797
Skilled Craft Workers	5		3	281	15		579	28	1		8	14	15	1	2	952
Service-Maintenance			4	108	4		265	4	1			2	9		1	398
Grand Total	98	2	83	5292	95	8	8780	260	16	2	127	160	129	9	27	15088

State Human Resources Division

Department of Administration

406-444-3871

Military Status for State of Montana Employees
As of January 7, 2013

Departments	Active Reserve	Armed Forces Service Medal Vet	Inactive Reserve	No Military Service	Not a Veteran	Not a Vietnam-Era Veteran	Not indicated	Other Protected Veteran	Post-Vietnam-Era Veteran	Pre-Vietnam-Era Veteran	Retired Military	Veteran (VA Ineligible)	Veteran of the Vietnam Era	Vietnam & Other Protected Vet	Vietnam-Era Veteran	Employee Count
Administration			2	245	7		294	15			11	4	4		1	584
Agriculture				51	1		67				1	1	1		2	124
Board of Crime Control				1			16	1							1	19
Board of Public Education				2			1									3
Commerce				107			83	3		1	2	2	1	1	1	199
Commissioner of Higher Ed				45			44									91
Consumer Council				2			4									6
Corrections	29	1	14	533	2	2	632	47		2	11	29	13	1	1316	
Environmental Quality	2		3	181	10		249	5		1	4	4	3		462	
Fish, Wildlife and Parks	2		1	27	2		995	1							1028	
Governor's Office				28	1		29								58	
Judiciary			2	47	2		390	1					1		443	
Justice	8		5	332	5		237	55		1	20	18	8	2	689	
Labor & Industry	5		7	368	4	1	376	11		2	14	12	12	2	823	
Legislative Branch				33	3		263			1	2				302	
Livestock	1			33			120								154	
Military Affairs	12		5	48			111	8			13	8	2		207	
Montana Arts Council				3			8								11	
Montana Historical Society				20			49				1	1			71	
Montana State Library				24			23				1	1	1		49	
Natural Resources	8		8	275	5	2	1185	11		1	7	4	17	1	1524	
Office of Public Instruction				97	3		224	1				5	7		337	
Office of the Public Defender			5	164			55	4			1	7	3		240	
Political Practices				4			1								5	
Public Health & Human Services	11		11	1398	9	2	1374	37		6	16	32	26	2	2929	
Public Service Commission				22			17	1							40	
Revenue	2		3	350	2		282	6		1	5	4	8	1	665	
School for the Deaf & Blind	1		1	87			109	1			3	1			202	
Secretary of State				27			27	1							56	
State Auditor	1		2	17	1		59	2							82	
State Fund	2		1	135	6		113	5			4	5	2		273	
Transportation	14		13	586	32	1	1343	44		1	11	23	20	1	2096	
Grand Total	98	2	83	5292	95	8	8780	260	16	2	127	160	129	9	27	15088