

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2165

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 38-491, Arizona Revised Statutes, is amended to
3 read:

4 38-491. Eligibility; age limit

5 A. ~~The~~ THIS state, or any political subdivision of ~~the~~ THIS state
6 ~~which~~ THAT employs personnel of any branch of its service under a merit
7 system, civil service system or other system of employment on the basis of
8 merit, by whatever name known, and whether pursuant to law, ordinance, rule,
9 regulation or otherwise, shall provide that a veteran of the armed forces of
10 the United States as defined by title 37, chapter 1, section 101, United
11 States Code, separated from active duty under honorable conditions, ~~shall be~~
12 IS eligible to apply for and receive employment under such A merit system
13 regardless of age, if otherwise qualified, subject only to the requirement
14 that ~~he~~ THE VETERAN is below the regular retirement age at the time of
15 entering the employment, if a retirement age is prescribed.

16 B. ANY POLITICAL SUBDIVISION OF THIS STATE THAT EMPLOYS PERSONNEL OF
17 ANY BRANCH OF ITS SERVICE UNDER A MERIT SYSTEM, CIVIL SERVICE SYSTEM OR OTHER
18 SYSTEM OF EMPLOYMENT ON THE BASIS OF MERIT, BY WHATEVER NAME KNOWN, AND
19 WHETHER PURSUANT TO LAW, ORDINANCE, RULE, REGULATION OR OTHERWISE, SHALL
20 PROVIDE THAT ANY VETERAN WHO IS ENTITLED UNDER 10 UNITED STATES CODE CHAPTER
21 1223 TO RETIRED PAY FOR NON-REGULAR SERVICE OR, BUT FOR AGE, WOULD BE
22 ENTITLED UNDER THAT CHAPTER TO RETIRED PAY FOR NON-REGULAR SERVICE IS
23 ELIGIBLE TO APPLY FOR AND RECEIVE EMPLOYMENT UNDER SUCH A MERIT SYSTEM
24 REGARDLESS OF AGE, IF OTHERWISE QUALIFIED, SUBJECT ONLY TO THE REQUIREMENT
25 THAT THE VETERAN IS BELOW THE REGULAR RETIREMENT AGE AT THE TIME OF ENTERING
26 THE EMPLOYMENT, IF A RETIREMENT AGE IS PRESCRIBED.

27 Sec. 2. Section 38-492, Arizona Revised Statutes, is amended to read:

28 38-492. Preferences

29 A. A veteran of the armed forces of the United States who is separated
30 from the armed forces under honorable conditions following more than six

1 months of active duty and who takes an examination for employment by ~~the~~ THIS
2 state or any political subdivision OF THIS STATE under a merit system of
3 employment as provided by section 38-491 ~~shall~~, in the determination of the
4 veteran's final rating on ~~such~~ THE examination, SHALL be given a preference
5 of five points over persons other than veterans. The preference shall be
6 added to the grade earned by ~~such~~ THE veteran, but only if ~~such~~ THE veteran
7 earns a passing grade without preference. ANY VETERAN WHO IS ENTITLED UNDER
8 10 UNITED STATES CODE CHAPTER 1223 TO RETIRED PAY FOR NON-REGULAR SERVICE OR,
9 BUT FOR AGE, WOULD BE ENTITLED UNDER THAT CHAPTER TO RETIRED PAY FOR
10 NON-REGULAR SERVICE AND WHO TAKES AN EXAMINATION FOR EMPLOYMENT BY ANY
11 POLITICAL SUBDIVISION OF THIS STATE UNDER A MERIT SYSTEM OF EMPLOYMENT AS
12 PROVIDED BY SECTION 38-491, IN THE DETERMINATION OF THE VETERAN'S FINAL
13 RATING ON THE EXAMINATION, SHALL BE GIVEN A PREFERENCE OF FIVE POINTS OVER
14 PERSONS OTHER THAN VETERANS. THE PREFERENCE SHALL BE ADDED TO THE GRADE
15 EARNED BY THE VETERAN, BUT ONLY IF THE VETERAN EARNS A PASSING GRADE WITHOUT
16 PREFERENCE.

17 B. A disabled person who takes an examination for employment by ~~the~~
18 THIS state or any political subdivision OF THIS STATE under a merit system of
19 employment ~~shall~~, in the determination of the disabled person's final rating
20 on such examination, SHALL be given a preference of five points. The
21 preference shall be added to the grade earned by the disabled person but only
22 if such person earns a passing grade without preference. For the purposes of
23 this subsection, "disabled person" means an individual who has a physical or
24 mental impairment that substantially limits one or more major life activities
25 of the individual or who has a record of such an impairment or is regarded as
26 having such an impairment.

27 C. A person qualified for a preference pursuant to subsections A and B
28 of this section shall be given a ten point preference.

29 D. A spouse or surviving spouse of any of the following, otherwise
30 qualified pursuant to subsection A of this section, shall be given a five
31 point preference as if the spouse or surviving spouse were an eligible
32 veteran pursuant to subsection A of this section:

- 1 1. Any veteran who died of a service-connected disability.
- 2 2. Any member of the armed forces who is serving on active duty and
3 who, at the time of application, is listed by the secretary of defense of the
4 United States in any of the following categories for not less than ninety
5 days:
- 6 (a) Missing in action.
- 7 (b) Captured in the line of duty by a hostile force.
- 8 (c) Forcibly detained or interned in the line of duty by a foreign
9 government or power.
- 10 3. A person who has a total, permanent disability resulting from a
11 service-connected disability or any person who died while the disability was
12 in existence.
- 13 E. An honorably separated veteran who served on active duty in the
14 armed forces at any time and who has a service-connected disability or is
15 receiving compensation or disability retirement benefits under laws
16 administered by the ~~veterans administration~~ UNITED STATES DEPARTMENT OF
17 VETERANS AFFAIRS, army, navy, air force, coast guard or United States public
18 health service shall be given a ten point preference pursuant to this
19 section.
- 20 F. If a person is eligible for a preference pursuant to this section
21 and the person applies for employment with ~~the~~ THIS state or any political
22 subdivision OF THIS STATE under a merit system of employment as provided by
23 section 38-491 in which applicants are assessed and evaluated but scores are
24 not given, preference shall be given by granting applicable preference codes
25 to qualified applicants.
- 26 G. No person eligible for a preference pursuant to this section shall
27 be allowed more than a ten point preference.
- 28 H. If a department, division or agency of ~~the~~ THIS state or any
29 political subdivision OF THIS STATE is operated under a merit system
30 prescribed by the federal government or a department, division or agency of
31 the federal government, the provisions of that system, including preferences,
32 prevail."

House Amendments to H.B. 2165

1 Amend title to conform

DAVID GOWAN

2165-p1-gowan
1/30/12
3:54 PM
H:ac

2165hc.doc
01/27/2012
3:24 PM
C: mo