

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version
Fiscal Note Number
() Publish Date

SB198

Identifier (file name)	SB198-DPS-APSC-02-28-12	Dept. Affected	Public Safety
Title	POLICE OFFICER PROTECTIONS/CERTIFICATION	Appropriation	Alaska Police Standards Council
		Allocation	Alaska Police Standards Council
Sponsor	(S) STA		
Requester	(S) STA	OMB Component Number	519

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

		FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES		FY13	FY13	FY14	FY15	FY16	FY17	FY18
Personal Services	***	***	***	***	***	***	***	***
Travel								
Services								
Commodities								
Capital Outlay								
Grants, Benefits								
Miscellaneous								
TOTAL OPERATING	***	***	***	***	***	***	***	***

FUND SOURCE		(Thousands of Dollars)						
1002	Federal Receipts							
1003	GF Match							
1004	GF							
1005	GF/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		***	***	***	***	***	***	***

POSITIONS	
Full-time	
Part-time	
Temporary	

CHANGE IN REVENUES	

Estimated SUPPLEMENTAL (FY12) operating costs _____ (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs _____ (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable, initial version.

Prepared by	David Sexton, Executive Director	Phone (907) 465-5523
Division	Alaska Police Standards Council	Date/Time 2/28/12 9:12 AM
Approved by	Joseph A. Masters, Commissioner	Date 2/28/2012
	Department of Public Safety	

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BILL NO. SB198

Analysis

This bill establishes procedures relating to the issuance, suspension, and revocation of certification of police officers by the Alaska Police Standards Council (APSC); makes court services officers subject to certification by the APSC; makes confidential certain information that personally identifies a police officer; and prohibits public employers of police officers from requiring police officer applicants or employees to submit to a lie detector test.

The potential fiscal impact to the Department of Public Safety (DPS) relates to the portions of this bill that make binding on the Alaska Police Standards Council (APSC) decisions issued as a result of arbitration, grievance, or administrative hearing proceedings (to include reversal of disciplinary actions) and that preclude APSC from holding revocations hearings prior to a decision being issued in any of these proceedings.

When DPS terminates a trooper, they make a recommendation to the APSC to revoke the trooper's police officer certification. The APSC takes the recommendation under advisement and makes an independent decision whether to revoke the trooper's certification. This process runs independently from any grievance, arbitration, or administrative hearing and serves to limit the liability of the state to pay back wages to the period of time between when the employee was terminated and when the certification was revoked.

The Public Safety Employees Association (PSEA) may file a grievance on behalf of that former trooper. If the case is not settled between PSEA and the State, it will go to arbitration. The arbitrator will determine either that the termination was justified and uphold the state's action or grant the grievance and impose some lesser level of discipline. When the grievance is granted, DPS is ordered to make the former employee whole.

If the APSC is prohibited from revoking a trooper's certification until a final administrative decision is issued (which can take many years), DPS could potentially be required to pay hundreds of thousands of dollars in back wages to cover the period of time from the date of termination until the date of the decision.

Should this bill become law, APSC will be required to amend their regulations dealing with denial and revocation of certificates. Any costs associated with a regulation project could be absorbed within the APSC's existing budget.

The actual fiscal impact to the department cannot be estimated because it is dependent on the number of terminations where the final administrative decision is in the trooper's favor; therefore, an indeterminate fiscal note is being submitted.