

CS FOR SENATE BILL NO. 297(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 3/19/08

Referred: Finance

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to certain public officials, officers, and employees not covered by
2 collective bargaining agreements; and providing for an effective date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 16.43.060 is amended to read:

5 **Sec. 16.43.060. Compensation.** Members of the commission are in the exempt
6 service and are entitled to a monthly salary equal to a step in [STEP C,] Range 27
7 [26] of the salary schedule in AS 39.27.011 [AS 39.27.011(a) FOR JUNEAU,
8 ALASKA].

9 * **Sec. 2.** AS 26.05.260(i) is amended to read:

10 (i) When active state service is authorized by the governor or by the adjutant
11 general as the governor's designee, members of the Alaska State Defense Force are
12 entitled to receive, for each day of active service under AS 26.05.070, pay and
13 allowances as provided in this subsection. Pay is equal to that provided under
14 AS 39.27.011(a) - (f) and 39.27.020 [AS 39.27.011 - 39.27.020] for equivalent

1 assignments of state officials or employees, including adjustments under
 2 AS 39.27.025, if applicable. Allowances shall be paid to the same extent, in the same
 3 manner, and under the same conditions as provided for state officials and employees
 4 under AS 39.20.110 - 39.20.170. However, pay or allowances are not authorized for
 5 training or community service activities of members of the Alaska State Defense
 6 Force.

7 * **Sec. 3.** AS 36.30.010(d) is amended to read:

8 (d) The annual salary of the chief procurement officer is range 27 [24] of the
 9 salary schedule established in AS 39.27.011.

10 * **Sec. 4.** AS 39.20.080(b) is amended to read:

11 (b) The monthly salary of a deputy head of a principal executive department
 12 of the state is equal to a step in [NOT LESS THAN STEP A NOR MORE THAN
 13 STEP F,] Range 28 of the salary schedule in AS 39.27.011 [AS 39.27.011(a) FOR
 14 JUNEAU, ALASKA].

15 * **Sec. 5.** AS 39.25.110 is amended by adding a new paragraph to read:

16 (43) the executive director of the Regulatory Commission of Alaska.

17 * **Sec. 6.** AS 39.25.120(c)(18) is amended to read:

18 (18) hearing examiners [OFFICERS] and administrative law judges of
 19 the Regulatory Commission of Alaska;

20 * **Sec. 7.** AS 39.27.011(a) is repealed and reenacted to read:

21 (a) The following monthly basic salary schedule is approved as the pay plan
 22 for classified and partially exempt employees in the executive branch of the state
 23 government who are not members of a collective bargaining unit established under the
 24 authority of AS 23.40.070 - 23.40.260 (Public Employment Relations Act), and for
 25 employees of the legislature under AS 24:

Range	Step	Step	Step	Step	Step	Step
No.	A	B	C	D	E	F
05	1892	1945	1999	2056	2117	2174
06	1999	2056	2117	2174	2238	2303
07	2117	2174	2238	2303	2374	2449
08	2238	2303	2374	2449	2518	2596

1	09	2374	2449	2518	2596	2679	2755
2	10	2518	2596	2679	2755	2840	2922
3	11	2679	2755	2840	2922	3022	3118
4	12	2840	2922	3022	3118	3223	3332
5	13	3022	3118	3223	3332	3449	3572
6	14	3223	3332	3449	3572	3697	3837
7	15	3449	3572	3697	3837	3960	4109
8	16	3697	3837	3960	4109	4257	4407
9	17	3960	4109	4257	4407	4558	4715
10	18	4257	4407	4558	4715	4861	5046
11	19	4558	4715	4861	5046	5203	5393
12	20	4861	5046	5203	5393	5555	5761
13	21	5203	5393	5555	5761	5938	6153
14	22	5555	5761	5938	6153	6353	6582
15	23	5938	6153	6353	6582	6801	7054
16	24	6353	6582	6801	7054	7289	7536
17	25	6801	7054	7289	7536	7809	8100
18	26	7054	7289	7536	7809	8100	8391
19	27	7289	7536	7809	8100	8391	8707
20	28	7536	7809	8100	8391	8707	9010
21	29	7809	8100	8391	8707	9010	9327
22	30	8100	8391	8707	9010	9327	9655.

23 * **Sec. 8.** AS 39.27.011(e) is amended to read:

24 (e) Effective July 1, **2008** [2005], the amounts set out in the salary schedule
25 contained in (a) of this section are increased by **three** [TWO] percent.

26 * **Sec. 9.** AS 39.27.011(f) is amended to read:

27 (f) Effective July 1, **2009** [2006], the amounts set out in the salary schedule
28 contained in (a) of this section, as increased under (e) of this section, are increased by
29 **three** [TWO] percent.

30 * **Sec. 10.** AS 39.27.011 is amended by adding new subsections to read:

31 (h) Pay increments, computed at the rate of 3.75 percent of the employee's

1 base salary, shall be provided after an employee has remained in the final step within a
 2 given range for two years, and every two years thereafter, if, at the time the employee
 3 becomes eligible for the increment, the employee's current annual rating by the
 4 employee's supervisors is designated as "good" or higher.

5 (i) Pay increments provided for in (h) of this section are approved under
 6 AS 39.25.150(2) as an amendment to the pay plan for employees of the state.

7 (j) Subsections (h) and (i) of this section apply to employees of the legislature
 8 only if the committee responsible for adopting employment policies concerning the
 9 employee adopts a written policy that (h) and (i) of this section apply. Subsections (h)
 10 and (i) of this section apply to the employees of the office of the ombudsman only if
 11 the ombudsman adopts a policy that (h) and (i) of this section apply. Subsections (h)
 12 and (i) of this section apply to the employees of the office of victims' rights only if the
 13 victims' advocate adopts a policy that (h) and (i) of this section apply.

14 * **Sec. 11.** AS 42.04.020(f) is amended to read:

15 (f) Members of the commission are in the exempt service and are entitled to a
 16 monthly salary equal to Step **F** [C], Range **30** [26], of the salary schedule in
 17 **AS 39.27.011** [AS 39.27.011(a) FOR JUNEAU, ALASKA]. The chair of the
 18 commission is entitled to a monthly salary equal to Step **F** [C], Range **30** [27], of the
 19 salary schedule in **AS 39.27.011** [AS 39.27.011(a) FOR JUNEAU, ALASKA].

20 * **Sec. 12.** AS 42.04.050(a) is amended to read:

21 (a) The **commission shall employ an executive director and may employ**
 22 **administrative law judges, and the commission shall determine the compensation**
 23 **of executive directors and administrative law judges it employs** [CHAIR OF THE
 24 COMMISSION]. **The executive director** is responsible for **employing commission**
 25 **staff**, directing the administrative functions of the commission, and carrying out the
 26 policies **established** [AS SET] by the commission. The **executive director**
 27 [COMMISSION CHAIR] may employ engineers, hearing examiners,
 28 [ADMINISTRATIVE LAW JUDGES,] arbitrators, mediators, experts, clerks,
 29 accountants, and other agents and assistants considered necessary. **The executive**
 30 **director may not participate in any matter that is before the commission for**
 31 **adjudication. The executive director is in the exempt service under AS 39.25.110.**

1 Employees of the commission who are not in the exempt service under AS 39.25.110
2 or the partially exempt service under AS 39.25.120 are in the classified service under
3 AS 39.25.100.

4 * **Sec. 13.** AS 42.04.050(b) is amended to read:

5 (b) The **executive director** [CHAIR OF THE COMMISSION] may enter into
6 a contract for **not** [NO] more than \$5,000 to engage the services of a consultant or
7 expert the chair **of the commission** considers necessary. The **executive director**
8 [COMMISSION] may contract for and engage the services of consultants and experts
9 the commission considers necessary.

10 * **Sec. 14.** AS 42.04.070(a) is amended to read:

11 (a) The chair of the commission shall

12 [(1) EMPLOY THE COMMISSION STAFF;

13 (2)] establish and implement a time management system for the
14 commission **and** [;

15 (3)] assign the work of the commission to members and staff of the
16 commission so that matters before the commission are resolved as expeditiously and
17 competently as possible; when assigning a matter, the chair shall also set a date by
18 which time the matter should be completed.

19 * **Sec. 15.** AS 39.27.022 is repealed.

20 * **Sec. 16.** The uncodified law of the State of Alaska is amended by adding a new section to
21 read:

22 SALARY ADJUSTMENTS FOR CERTAIN EXEMPT OFFICERS AND
23 EMPLOYEES OF THE EXECUTIVE BRANCH. (a) Public officers and permanent and
24 temporary employees in the executive branch of the state government, other than the governor
25 and lieutenant governor, who are in the exempt service under AS 39.25.110, are not members
26 of a collective bargaining unit established under AS 23.40.070 - 23.40.260 (Public
27 Employment Relations Act), and are not otherwise covered by AS 39.27.011(a), as repealed
28 and reenacted by sec. 7 of this Act, are entitled to receive salaries comparable to those
29 received by classified and partially exempt employees of the executive branch under
30 AS 39.27.011(a), as repealed and reenacted by sec. 7 of this Act, and under AS 39.27.011(e)
31 and (f), as amended by secs. 8 and 9 of this Act.

1 (b) The agencies employing noncovered exempt officers and employees covered by
 2 this section may adopt compensation policies that provide for pay increments under
 3 AS 39.27.011(h) and (i), enacted by sec. 10 of this Act.

4 * **Sec. 17.** The uncodified law of the State of Alaska is amended by adding a new section to
 5 read:

6 SALARY ADJUSTMENTS FOR CERTAIN EMPLOYEES OF THE JUDICIAL
 7 BRANCH. (a) Permanent and temporary employees and magistrates in the judicial branch of
 8 the state government, other than justices and judges, who are not members of a collective
 9 bargaining unit established under AS 23.40.070 - 23.40.260 (Public Employment Relations
 10 Act) and are not otherwise covered by AS 39.27.011(a), as repealed and reenacted by sec. 7 of
 11 this Act, are entitled to receive salary adjustments comparable to those received by classified
 12 and partially exempt employees of the executive branch under AS 39.27.011(a), as repealed
 13 and reenacted by sec. 7 of this Act, and under AS 39.27.011(e) and (f), as amended by secs. 8
 14 and 9 of this Act.

15 (b) The judicial branch may adopt compensation policies for its permanent and
 16 temporary employees and magistrates, other than justices and judges, that provide for pay
 17 increments under AS 39.27.011(h) and (i), as enacted by sec. 10 of this Act.

18 (c) Justices of the supreme court and judges of the court of appeals, the superior court,
 19 and the district court are entitled to receive salary adjustments provided for in secs. 7 - 9 of
 20 this Act, in accordance with AS 22.05.140(d), AS 22.07.090(c), AS 22.10.190(d), and
 21 AS 22.15.220(b) and (e).

22 * **Sec. 18.** The uncodified law of the State of Alaska is amended by adding a new section to
 23 read:

24 SALARY INCREASES FOR CERTAIN EMPLOYEES OF THE UNIVERSITY OF
 25 ALASKA. The employees of the University of Alaska who are not members of a collective
 26 bargaining unit are entitled to receive salary increases in accordance with the compensation
 27 policy of the Board of Regents of the University of Alaska.

28 * **Sec. 19.** The uncodified law of the State of Alaska is amended by adding a new section to
 29 read:

30 PROSPECTIVE APPLICATION. (a) Notwithstanding any other provision of law, sec.
 31 10 of this Act applies prospectively only. An employee may only earn pay increments under

1 AS 39.27.011(h) and (i), as enacted by sec. 10 of this Act, based on qualifying service
2 occurring on or after the effective date of sec. 10 of this Act.

3 (b) It is the intent of the legislature that (a) of this section is to expressly avoid the
4 result in the decision of the Alaska Supreme Court in Alaska Public Employees Association v.
5 State, 525 P.2d 12 (Alaska 1974).

6 * **Sec. 20.** The uncodified law of the State of Alaska is amended by adding a new section to
7 read:

8 **APPLICABILITY.** Section 10 of this Act applies to classified and partially exempt
9 employees in the executive branch of the state government who are not members of a
10 collective bargaining unit established under the authority of AS 23.40.070 - 23.40.260 (Public
11 Employment Relations Act) only after its terms have been formally offered to each
12 established state employee bargaining unit through the state employee bargaining unit's
13 collective bargaining agents, as an amendment to the contract governing the bargaining unit's
14 terms and conditions of employment.

15 * **Sec. 21.** The uncodified law of the State of Alaska is amended by adding a new section to
16 read:

17 **TRANSITION.** Notwithstanding sec. 15 of this Act, if, but for the repeal of
18 AS 39.27.022 by sec. 15 of this Act, an employee would have received a pay increment under
19 former AS 39.27.022 within two years after the effective date of sec. 15 of this Act, the
20 employee may elect to receive that increment instead of the first increment to which the
21 employee would otherwise be entitled under AS 39.27.011(h) and (i), enacted by sec. 10 of
22 this Act.

23 * **Sec. 22.** The uncodified law of the State of Alaska is amended by adding a new section to
24 read:

25 **RETROACTIVITY.** Sections 7, 16(a), 17(a), 17(c), and 18 of this Act are retroactive
26 to July 1, 2007.

27 * **Sec. 23.** Sections 7, 16(a), 17(a), 17(c), 18, and 22 of this Act take effect immediately
28 under AS 01.10.070(c).

29 * **Sec. 24.** Except as provided in sec. 23 of this Act, this Act takes effect July 1, 2008.