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Referred: State Affairs,
Finance and Labor & Management

BY THE RULES COMMITTEE BY
REQUEST OF THE LEGISLATIVE
COUNCIL (for the Commission
on the State Personnel Act)

1 IN THE SENATE

2 SENATE BILL NO. 256

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating a Department of Employee Relations;
7 amending the state personnel laws; and providing for an
8 effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 44 is amended by adding a new chapter to read:

11 CHAPTER 22. DEPARTMENT OF EMPLOYEE RELATIONS.

12 Sec. 44.22.010. COMMISSIONER OF EMPLOYEE RELATIONS. The principal
13 executive officer of the Department of Employee Relations is the commis-
14 sioner of employee relations. The commissioner of employee relations
15 shall have experience in both personnel administration and labor rela-
16 tions, either in the public or private sector. His combined experience
17 in these fields must total at least five years of full-time experience.

18 Sec. 44.22.020. DIVISIONS OF THE DEPARTMENT. (a) The Department
19 of Employee Relations shall include the following divisions:

- 20 (1) labor relations;
21 (2) personnel;
22 (3) equal employment opportunity.

23 (b) The head of the division of labor relations is the director of
24 labor relations, appointed by the commissioner of employee relations.
25 The director of labor relations shall have at least three years of
26 full-time experience in labor relations, either in the public or private
27 sector.

28 (c) The head of the division of personnel is the director of
29 personnel, appointed by the commissioner of employee relations. The

1 director of personnel shall have at least three years of full-time
2 experience in personnel administration, either in the public or private
3 sector.

4 (d) The head of the division of equal employment opportunity is
5 the director of equal employment opportunity, appointed by the commis-
6 sioner of employee relations.

7 Sec. 44.22.030. POWERS AND DUTIES OF DEPARTMENT. The Department
8 of Employee Relations shall

9 (1) administer a statewide personnel program, including
10 central personnel services such as recruitment, examination, position
11 classification, training, employee development, and pay administration;

12 (2) represent the state as an employer in collective bargain-
13 ing and grievance resolution under the Public Employment Relations Act
14 (AS 23.40.070 - 23.40.260), except to the extent those functions are
15 performed by the Board of Regents of the University of Alaska;

16 (3) coordinate safety programs for state employees;

17 (4) coordinate all executive branch activities involving
18 equal employment opportunity in state government;

19 (5) perform other functions as provided by law.

20 * Sec. 2. AS 23.40.212 is amended to read:

21 Sec. 23.40.212. AGREEMENT WITH THE BOARD OF REGENTS. (a) The
22 Board of Regents of the University of Alaska may delegate to the Depart-
23 ment of Employee Relations [ADMINISTRATION] its authority under AS 23.-
24 40.070 - 23.40.260 to negotiate with an organization for an agreement.

25 (b) The Department of Employee Relations [ADMINISTRATION] shall
26 participate in the negotiations between the Board of Regents and an
27 organization. An agreement between the board and an organization re-
28 quires the approval of the department.

29 * Sec. 3. AS 39.20.295 is amended to read:

1 Sec. 39.20.295. SPECIAL REGULATIONS ON LEAVE PERIOD. In accord
2 with the procedures established in AS 39.20.320, the Department of
3 Employee Relations [ADMINISTRATION] shall adopt regulations [PROMULGATE
4 RULES] defining and establishing a uniform beginning and a uniform
5 concluding date for the 12 month periods applicable to leave use and
6 accumulation by officers and employees of state government.

7 * Sec. 4. AS 39.20.320 is amended to read:

8 Sec. 39.20.320. ADOPTION OF REGULATIONS. The director of the
9 division of personnel [AND LABOR RELATIONS] in the Department of
10 Employee Relations [ADMINISTRATION] shall prepare and submit regulations
11 necessary to carry out the intent of AS 39.20.200 - 39.20.330. These
12 regulations shall include provisions for crediting and, if necessary,
13 converting accrued leave when an officer or employee transfers, without
14 break in service, between a department or agency of the state government
15 where he is subject to AS 39.20.200 - 39.20.330 and a department or
16 agency of the state government where he is not subject to AS 39.20.200 -
17 39.20.330. These regulations shall be submitted to the commissioner of
18 employee relations [ADMINISTRATION WITHIN 60 DAYS OF JULY 9, 1978]. The
19 commissioner of employee relations [ADMINISTRATION] shall review the
20 regulations and submit them to the personnel board. The regulations, or
21 any part of the regulations, have the force and effect of law 30 days
22 after they are submitted to the personnel board if not disapproved by
23 the personnel board. Amendments to the regulations shall be prepared
24 and submitted in the same manner, and have the force and effect of law
25 30 days after they are submitted to the personnel board, if not dis-
26 approved by the personnel board. [THE REGULATIONS ADOPTED UNDER AS 39.-
27 20.200 - 39.20.330 RELATE TO THE INTERNAL MANAGEMENT OF STATE AGENCIES
28 AND THEIR ADOPTION IS NOT SUBJECT TO THE PROVISIONS OF THE ADMINISTRA-
29 TIVE PROCEDURE ACT (AS 44.62).]

1 * Sec. 5. AS 39.20.330 is amended to read:

2 Sec. 39.20.330. DEPARTMENTS TO KEEP LEAVE RECORDS. Each depart-
3 ment, office, institution, or agency of the state government shall keep
4 for its files a complete leave record, covering each of its officers and
5 employees, on forms prepared and supplied by the Department of Adminis-
6 tration. These records are subject to annual audit and approval by the
7 director of personnel of the Department of Employee Relations [ADMINIS-
8 TRATION].

9 * Sec. 6. AS 39.23.010 is amended to read:

10 Sec. 39.23.010. CREATION OF COMMISSION; COMPOSITION. There is
11 established in the Department of Employee Relations [ADMINISTRATION] the
12 Alaska Salary Commission consisting of five members appointed by the
13 governor. No member of the commission may be a public officer or em-
14 ployee.

15 * Sec. 7. AS 39.23.030 is amended to read:

16 Sec. 39.23.030. OFFICERS; STAFF. The commission shall select a
17 chairman from among its members annually. The director [OF THE DIVI-
18 SION] of personnel [AND LABOR RELATIONS] serves as ex officio secretary
19 to the commission and provides research, technical and administrative
20 services.

21 * Sec. 8. AS 39.25.030 is amended to read:

22 Sec. 39.25.030. [DIVISION OF] PERSONNEL [AND] BOARD. [THERE IS
23 ESTABLISHED WITHIN THE DEPARTMENT OF ADMINISTRATION A DIVISION OF PER-
24 SONNEL.] There is established within the division of personnel in the
25 Department of Employee Relations a personnel board.

26 * Sec. 9. AS 39.25.130(a) is amended to read:

27 (a) After June 30, 1979 [JUNE 30, 1961], the personnel board, upon
28 written recommendation of the commissioner of employee relations [ADMIN-
29 ISTRATION], may extend the partially exempt service to include any

1 position which was in the classified service on June 30, 1979 [APRIL 19,
2 1960], which in the judgment of the board:

3 (1) involves principal responsibility for the determination
4 of policy;

5 (2) involves principal responsibility for the way in which
6 policies are carried out; or

7 (3) involves responsibilities and duties of a type not sus-
8 ceptible to the ordinary recruiting and examining procedures.

9 * Sec. 10. AS 39.25.130(c) is amended to read:

10 (c) After June 30, 1979 [JUNE 30, 1961], the personnel board, upon
11 written recommendation of the commissioner of employee relations [ADMIN-
12 ISTRATION], may extend the classified service to include any position
13 which was in the partially exempt service on June 30, 1979 [APRIL 19,
14 1960].

15 * Sec. 11. AS 39.25.130 is amended by adding a new subsection to read:

16 (d) An action taken under this section may not alter a collective
17 bargaining unit determined under AS 23.40.090. An action taken under
18 this section may be superseded by a determination of a collective bar-
19 gaining unit under AS 23.40.090.

20 * Sec. 12. AS 39.25.140(a) is amended to read:

21 (a) The director of personnel shall prepare and submit to the
22 commissioner of employee relations [ADMINISTRATION] any proposed amend-
23 ments to the personnel rules for all positions and employees subject to
24 this chapter.

25 * Sec. 13. AS 39.25.140(b) is amended to read:

26 (b) The commissioner of employee relations [ADMINISTRATION] shall
27 review the amendments and submit them to the personnel board.

28 * Sec. 14. AS 39.25.140(c) is amended to read:

29 (c) At the time he submits the amendments to the personnel board,

1 the commissioner of employee relations [ADMINISTRATION] shall, by
2 posting in public buildings throughout the state, give notice that the
3 personnel board has the amendments under consideration. The amendments
4 have the effect of law 30 days after they are submitted to the personnel
5 board if not disapproved by the personnel board. The personnel board,
6 if requested, may hold public hearings on the amendments.

7 * Sec. 15. AS 39.25.150(1) is amended to read:

8 (1) the preparation, maintenance, and revision by the direc-
9 tor of personnel, subject to approval by the commissioner of employee
10 relations [ADMINISTRATION] and the personnel board, of a position classi-
11 fication plan for all positions in the classified and partially exempt
12 services; in the position classification plan all positions shall be
13 grouped together into classes on the basis of duties and responsibili-
14 ties; the position classification plan shall include for each class of
15 position an appropriate title, a description of the duties and responsi-
16 bilities, training and experience qualifications, and other necessary
17 position specifications;

18 * Sec. 16. AS 39.25.153(b) is amended to read:

19 (b) The personnel officers specified in (a) of this section are
20 authorized to adopt regulations providing for the activities specified
21 in AS 39.25.150(1) - (10), (13) - (18), (20) and (22) for those classes
22 of employees which are unique to the respective departments specified in
23 (a) of this section. The initial determination as to which classes of
24 employees are unique within the respective departments shall be made by
25 the personnel officer in consultation with the commissioner of his
26 department and subject to the approval of the director of personnel
27 within the Department of Employee Relations [ADMINISTRATION. REGULA-
28 TIONS ADOPTED UNDER THIS SUBSECTION RELATE TO THE INTERNAL MANAGEMENT OF
29 STATE AGENCIES AND THEIR ADOPTION IS NOT SUBJECT TO THE ADMINISTRATIVE

1 PROCEDURE ACT (AS 44.62)].

2 * Sec. 17. AS 39.35.050(a) is amended to read:

3 (a) The commissioner shall appoint an administrator in charge of
4 the detailed affairs of the system. [THE COMMISSIONER MAY APPOINT THE
5 PERSONNEL DIRECTOR OF THE PERSONNEL DIVISION OF THE DEPARTMENT OF ADMIN-
6 ISTRATION AS THE ADMINISTRATOR.]

7 * Sec. 18. AS 44.15.010 is amended by adding a new paragraph to read:

8 (18) Department of Employee Relations.

9 * Sec. 19. AS 44.17.070 is amended to read:

10 Sec. 44.17.070. REORGANIZATION BY DEPARTMENT HEADS. Subject to
11 state personnel laws and the approval of the commissioner of employee
12 relations [ADMINISTRATION], the principal executive officer of each
13 department may, in the interest of improved management, abolish unneces-
14 sary offices and positions, transfer officers and employees between
15 positions, and change the duties, titles, and compensation of existing
16 offices and positions.

17 * Sec. 20. Regulations formerly adopted under AS 39.20.200 - 39.20.330
18 and AS 39.25, including the personnel rules, shall be published in the Alaska
19 Administrative Register and Code as they exist on June 30, 1979 and are con-
20 sidered to have been adopted in accordance with the Administrative Procedure
21 Act (AS 44.62) and this Act. After June 30, 1979, the adoption of regula-
22 tions and amendments to regulations under AS 39.20.200 - 39.20.330 and
23 AS 39.25 is subject to the Administrative Procedure Act.

24 * Sec. 21. TRANSFER OF FUNCTIONS. (a) The Department of Employee Rela-
25 tions is vested with the powers and duties formerly held by the division of
26 personnel and labor relations and the division of equal employment oppor-
27 tunity in the Department of Administration.

28 (b). Appropriations, records, equipment, and other property of the
29 division of personnel and labor relations and the division of equal employ-

1 ment opportunity in the Department of Administration are transferred to the
2 Department of Employee Relations.

3 (c) All litigation, hearings, investigations, and other proceedings
4 pending under a law amended or repealed by this Act, or in connection with
5 powers and duties transferred by this Act, continue in effect and may be
6 continued and completed notwithstanding an amendment, repeal, or transfer
7 made by this Act. Regulations, rules, and orders adopted under a law amended
8 or repealed by this Act remain in effect until they expire by their own terms
9 or until revoked, vacated, or otherwise modified as provided by law. Con-
10 tracts existing on July 1, 1979 which were made by a state agency whose
11 powers and duties have been transferred to the Department of Employee Rela-
12 tions remain in effect according to their terms.

13 * Sec. 22. AS 39.25.040, 39.25.140(e), and AS 44.21.020(9) are repealed.

14 * Sec. 23. This Act takes effect July 1, 1979.

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