

Introduced: 1/27/82  
Referred: Labor & Commerce and  
State Affairs

1 IN THE HOUSE

BY BYLSMA

2 HOUSE BILL NO. 697

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to appointment of nonpermanent  
7 employees for certain work assignments; and providing  
8 for an effective date."

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

10 \* Section 1. AS 39.25.195(a) is amended to read:

11 (a) An individual may not be appointed as a nonpermanent employee  
12 in the state service without prior written approval of the director  
13 except

14 (1) as an emergency employee; or

15 (2) to perform a work assignment as determined under AS 39.-

16 25.199.

17 \* Sec. 2. AS 39.25.195(b) is amended to read:

18 (b) Every appointment to state service, except an emergency ap-  
19 pointment or an appointment under AS 39.25.199, shall be made from an  
20 applicable eligible list or dispatching register unless in appropriate  
21 circumstances the director has waived this requirement.

22 \* Sec. 3. AS 39.25.195(c) is amended to read:

23 (c) Except as provided in AS 39.25.199, no [NO] appointment of a  
24 nonpermanent employee may be made unless the request for authorization  
25 is approved by the director, adequate money is available for the  
26 anticipated duration of the appointment, and the director determines  
27 that

28 (1) the hiring department or agency has certified that the  
29 legislature has appropriated money for the work in question knowing that

1 it is to be performed by a nonpermanent employee;

2 (2) the hiring department or agency has certified that there  
3 is an immediate need to fill an authorized, permanent position and it is  
4 impractical either to establish the position or to make certification  
5 within a reasonable time;

6 (3) the hiring department or agency has certified that an  
7 immediate need exists and the director determines that the hiring  
8 department or agency could not reasonably have been expected to antici-  
9 pate and meet through the creation of a permanent position; or

10 (4) the hiring department or agency has certified that a  
11 program or project exists and the director determines that the need for  
12 employees can most appropriately be met through the use of program or  
13 project employees.

14 \* Sec. 4. AS 39.25.195(e) is amended to read:

15 (e) Except as provided in AS 39.25.199, a [A] nonpermanent  
16 employee may not be placed on the state payroll unless the director has  
17 first approved the personnel action for the employee's appointment.

18 \* Sec. 5. AS 39.25.195(g) is amended to read:

19 (g) A department or agency may not use nonpermanent employees to  
20 perform a given work assignment for more than 120 calendar days in a  
21 12-month period. A department or agency may not employ any individual  
22 as a nonpermanent employee for more than 120 calendar days in a 12-month  
23 period. In appropriate circumstances the director may authorize an  
24 extension of the limit imposed by this subsection if he finds that there  
25 is an immediate need for the extension. The limit imposed by this  
26 subsection does not apply to program or project employees, [OR] to  
27 substitutes appointed under (f) of this section, or to individuals  
28 appointed under AS 39.25.199.

29 \* Sec. 6. AS 39.25 is amended by adding a new section to read:

1           Sec. 39.25.199. PROCEDURE FOR CERTAIN NONPERMANENT EMPLOYEES. (a)  
2 If the commissioner of a department determines that the department  
3 employs individuals to perform work assignments of 120 days or less to  
4 which the requirements of AS 39.25.195, if applied, would result in  
5 additional costs or the hiring of inappropriate individuals, the commis-  
6 sioner may appoint employees to perform those work assignments without  
7 complying with the requirements of AS 39.25.195.

8           (b) If it is determined under (a) of this section that a depart-  
9 ment employs individuals to perform the work assignments described in  
10 that subsection, the commissioner of the department shall adopt regula-  
11 tions to ensure that employees are appointed in the most efficient  
12 manner possible so that the needs of the department regarding these work  
13 assignments of 120 days or less are met. The regulations shall require  
14 that each employee meet the minimum qualifications established by  
15 regulation for a particular work assignment.

16 \* Sec. 7. This Act takes effect immediately in accordance with AS 01.10.-  
17 070(c).

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