

Original sponsor: Bylsma

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BY THE LABOR AND
COMMERCE COMMITTEE

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 697 (L&C)

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 em-
7 ployees for certain work assignments; and providing for
8 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 is amended by adding a new section to read:

19 Sec. 39.25.199. PROCEDURE FOR CERTAIN NONPERMANENT EMPLOYEES. (a)
20 If the commissioner of a department determines that the department
21 employs individuals to perform seasonal, program, or project work
22 assignments of 120 days or less to which the requirements of AS 39.25.-
23 195, if applied, would result in additional costs or the hiring of
24 inappropriate individuals, the commissioner may appoint employees to
25 perform those work assignments without complying with the requirements
26 of AS 39.25.195.

27 (b) If it is determined under (a) of this section that a depart-
28 ment employs individuals to perform the work assignments described in
29 that subsection, the commissioner of the department shall adopt regula-

1 tions to ensure that employees are appointed in the most efficient
2 manner possible so that the needs of the department regarding these work
3 assignments of 120 days or less are met. The regulations shall require
4 that each employee meet the minimum qualifications established by
5 regulation for a particular work assignment.

6 (c) Nothing in this section authorizes a commissioner of a depart-
7 ment to use a nonpermanent employee to perform a given work assignment
8 for more than 120 calendar days in a 12-month period or to employ any
9 individual as a nonpermanent employee for more than 120 calendar days in
10 a 12-month period.

11 * Sec. 6. This Act takes effect immediately in accordance with AS 01.10.-
12 070(c).