

Introduced: 2/10/84
Referred: State Affairs

BY RAY, STURGULEWSKI,
FAIKS AND KELLY

1 IN THE SENATE

2 SENATE BILL NO. 448

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the state personnel rules for
7 open competitive examinations; and providing for an
8 effective date."

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

10 * Section 1. AS 39.25.150 is amended to read:

11 Sec. 39.25.150. SCOPE OF THE RULES. The personnel rules shall
12 provide for

13 (1) the preparation, maintenance, and revision by the
14 director of personnel, subject to approval of the commissioner of
15 administration and the personnel board, of a position classification
16 plan for all positions in the classified and partially exempt ser-
17 vices; the position classification plan shall include

18 (A) a grouping together of all positions into classes
19 on the basis of duties and responsibilities;

20 (B) an appropriate title, a description of the duties
21 and responsibilities, training and experience qualifications, and
22 other necessary specifications for each class of positions;

23 (2) the preparation, maintenance, revision and administra-
24 tion by the director of personnel of a pay plan for all positions in
25 the classified and partially exempt services; the pay plan

26 (A) shall be based upon the position classification
27 plan;

28 (B) shall provide for fair and reasonable compensation
29 for services rendered, and reflect the principle of like pay for

1 like work;

2 (C) may be amended, approved, or disapproved by the
3 legislature in regular or special session; after the pay plan is
4 in effect, a salary or wage payment may not be made to a state
5 employee covered by the plan unless the payment is in accordance
6 with this chapter and the rules adopted under this chapter or
7 unless the payment is in accordance with a valid agreement en-
8 tered into in accordance with AS 23.40;

9 (3) the use of employee selection methods, including open
10 competitive examinations, when appropriate, that will fairly test the
11 capacity and fitness of the person examined to discharge the duties of
12 the class in which employment is sought; the rules may not be applied
13 or amended to close or suspend open competitive examinations for any
14 job class;

15 (4) the establishment and maintenance of eligible lists for
16 appointment and promotion providing the names of eligible candidates
17 in order of their relative performance in the examinations;

18 (5) the procedure for certifying eligible candidates; the
19 rule adopted under this paragraph may include procedures providing a
20 preference for certifying local residents when appropriate;

21 (6) promotions from within the state service when there are
22 qualified candidates in the state service; vacancies shall be filled
23 by promotion whenever practicable and in the best interest of the
24 state service and promotion shall be by competitive examination when-
25 ever possible; in considering promotions, the applicants' qualifica-
26 tions, performance record, seniority, and conduct shall be evaluated;

27 (7) a period of probation not to exceed one year before an
28 appointment to a position becomes permanent, except that a permanent
29 employee receiving a promotional appointment retains permanent status

1 in the service and job class from which appointed for the duration of
2 the probationary period and may be demoted to a former class without
3 right of appeal, notwithstanding AS 39.25.170, but if the employee is
4 dismissed from the service the appeal rights under AS 39.25.170 apply;

5 (8) nonpermanent and emergency appointments to positions in
6 the state service in accordance with AS 39.25.195 - 39.25.200;

7 (9) provisional appointment without competitive examination
8 when appropriate eligible lists are not available;

9 (10) transfers from one department to another and from
10 another merit system jurisdiction to the state service;

11 (11) transfers from one area of the state to another;

12 (12) the reinstatement of a person who resigns in good
13 standing;

14 (13) layoffs for reason of lack of money or work, abolition
15 of positions, or material changes in duties or organization; both
16 performance and seniority records shall be considered in the develop-
17 ment of layoff orders;

18 (14) the development, maintenance, and use of employee
19 performance records;

20 (15) the establishment of disciplinary measures which may
21 include disciplinary suspension without pay;

22 (16) the procedures for review of disputed personnel
23 actions, for resolving employee and interagency grievances, and for
24 resolving grievances of the general public concerning the operation of
25 the state personnel system;

26 (17) hours of work for all employees in the state service;

27 (18) methods and procedures covering overtime work and pay;

28 (19) the granting of employment preference rights to a
29 veteran not within the area of promotion, when the veteran possesses

1 the necessary qualifications in the job classification applied for
2 under this chapter; in an examination to determine the qualification
3 of applicants for entrance into the classified service under merit
4 system examination, five additional points shall be added to the
5 passing grade of a veteran and ten additional points shall be added to
6 the passing grade of a disabled veteran, but the additional points may
7 be used only the first time the veteran obtains a position in the
8 classified service; if a position in the classified service is elimi-
9 nated, employees shall be released in accordance with rules which give
10 due effect to all factors; if all job qualifications are equal, the
11 veteran shall be given preference over the nonveteran and the veteran
12 shall be kept on the job; this paragraph may not be interpreted to
13 amend the terms of a collective bargaining agreement; in this para-
14 graph

15 (A) "veteran" means a person with 181 days or more
16 active service in the armed forces of the United States who has
17 been honorably discharged after having served during any period
18 between April 6, 1917, and December 1, 1919, between Septem-
19 ber 16, 1940, and December 31, 1947, or between June 27, 1950,
20 and November 7, 1975;

21 (B) "disabled veteran" means a veteran who is entitled
22 to compensation under laws administered by the United States
23 Veterans' Administration, or a person who was honorably dis-
24 charged or released from active duty because of a service- con-
25 nected disability;

26 (20) the employment of persons in permanent positions on a
27 part-time basis of 15 hours or more a week, including the employment
28 of two persons to fill one permanent full-time position; these em-
29 ployees shall be designated as permanent part-time employees;

1 (21) the granting of employment preference to severely
2 handicapped persons; this includes the right to provisional appoint-
3 ment without competitive examination for periods up to four months and
4 the granting of eligibility to a severely handicapped person provi-
5 sionally appointed under the rules who demonstrates ability to perform
6 the job for permanent appointment without competitive examination;
7 provisional employment under this paragraph may not exceed four months
8 during a 12-month period; "severely handicapped" as used in this
9 paragraph means persons certified by the director of the division of
10 vocational rehabilitation to be severely handicapped;

11 (22) the establishment of programs facilitating the employ-
12 ment of disadvantaged persons;

13 (23) the delegation, when feasible, of personnel responsi-
14 bilities and duties to the principal departments of the executive
15 branch;

16 (24) the establishment of a transition period of up to 12
17 months for an employee to be reappointed to a classified position if
18 the employee's position is withdrawn from the partially exempt or
19 exempt service and placed in the classified service;

20 (25) other rules and administrative regulations, not incon-
21 sistent with this chapter, which are necessary for its enforcement.

22 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
23 10.070(c).