

INTERN
PROGRAM

WORK ORDER REQUEST FORM

KEYWORDS: APFA
Employment, state

ASSIGNED TO Humphreys

REQUEST FOR: BILL RESOLUTION RESEARCH OTHER

SUBJECT Permitting Student Interns to Continue Employment

REQUESTED FOR Rep. Bill Parker BY Marg Corsuch EXT. 3824

* DELIVER TO Rep. Bill Parker TAKEN BY Behr

INSTRUCTIONS, EXPLANATIONS _____

Community and Regional Affairs and other departments currently have student interns
working (part-time) during the school year. The interns are considered temporary
employees. The departments would like to continue hiring the students on a temporary
basis during summer vacations, etc. They find that the departments cannot, due to
personnel and/or APFA union policies regarding the situation. Rep. Parker would like
the situation looked into and what remedies can be offered to allow these students to
continue working for longer periods of time.

OBTAIN

SPECIAL DRAFTING INSTRUCTIONS ATTACHED

AUTHORIZED TO CONFER WITH as required

RETURN _____

_____ TO REQUESTER

APPROVED: _____ Director, Legal Services

GKI Director, Research

REVIEWED _____

IN 3/22 DUE 3/29

TYPED - Draft _____ DATE _____

Final _____ DATE _____

PROOFED _____ DELIVERED _____

SPECIAL INSTRUCTIONS TO TYPIST/PROOFREADER

DRAFT

FINAL

STATE OF ALASKA THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

March 29, 1979

MEMORANDUM

SUBJECT: Continuation of Student Intern Employment (W.O.#6944)

TO: The Honorable Bill Parker

FROM: Ken Humphreys *J.K.H.*
Senior Policy Analyst

In response to your request, we have investigated alternatives under which student interns may be allowed to continue working beyond the time limits set out in the Personnel Rules and the APEA agreement. There are actually three types of "student" interns: student (high school), college and graduate interns. All are classified as temporary employees.

Personnel Rule 5 05.0 provides in part that, "No temporary appointment shall exceed six months except where the Director grants an extension of a temporary appointment because of extenuating circumstances. Article 2, section 2(b)1 of the current APEA agreement limits the employment of a temporary employee in any one department to nine consecutive months in any twelve month period with no extensions. Copies of these provisions are attached.

The least expensive and, if APEA is agreeable, the most straightforward solution to the tenure problem is a letter of agreement between the state and APEA to the effect that the time limitations on temporary employment will not be applied to the interns. This solution was initially employed in a recent, very similar case involving the "Older Americans" program (see attached letter of December 13, 1978).

A second solution would be to create permanent positions for the interns. Since they would no longer be classed as temporary employees, the time limitations would not apply. Whether these permanent positions were created by request of the various departments through the Office of Budget and Management or through legislative action, it would involve additional expense for benefits. If the positions were in the classified service, there would be difficulties with recruitment and examination procedures.

A third possibility is to place the intern positions in the partially exempt service under AS 39.25.130(a). This requires action by the Commissioner of Administration and by the Personnel Board and is the

March 29, 1979

solution which was ultimately used in the recent "Older Americans" case. It avoided the ordinary recruitment and examining procedures and, since those positions were permanent, provided benefits to the "Older Americans" (see attached letter of January 16, 1979). This solution might meet with resistance from APEA on the grounds that it is an unwarranted erosion of the bargaining unit.

Finally, the legislature might act to directly place these intern positions into the partially exempt or the exempt service. Again, this would likely be opposed by APEA and there is the possibility that they still might succeed in representing those employees.

We will be happy to contact APEA or to delve further into any of these approaches or others you might care to pursue.

KH:dh
Attachments

Personnel Rules

5-6
(781)

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(781)

5 06.0 Temporary Appointments

* Temporary appointments shall, when practicable, be made from eligible lists. If the Director has found it impracticable to make certification because of non-availability of eligibles, he may authorize the temporary appointment of a qualified individual designated by the appointing authority. No temporary appointment shall exceed six months except where the Director grants an extension of a temporary appointment because of extenuating circumstances. The acceptance or refusal by an eligible of a temporary appointment shall not affect his standing on the eligible list. The period of temporary service shall not be counted as part of his probationary period in case of subsequent appointment to a permanent position.

5 06.1 Short Term Appointments

When the Director determines it is in the best interest of the State to do so, he may authorize a short-term appointment. Such appointments shall not exceed 90 days in any calendar year and shall be for specific work in remote areas only. When authorized, an appointing authority may make a selection only from among Alaskans residing in the remote area in which the short term employment exists. The minimum rate of pay in that area for the assigned salary range shall normally be the compensation for such work. However, the Director may authorize exceptions based on local economic conditions. Short term appointments may be made only on forms approved by the Director.

5 07.0 Emergency Appointments

An emergency appointment is an appointment for a period not to exceed thirty (30) calendar days, made under conditions necessitating immediate action to provide for carrying on work that must be continued in the public interest. Successive emergency appointments or more than three emergency appointments for one person within one calendar year are prohibited.

An emergency appointment shall be reported to the Director the day it is made. The report should state why the emergency appointment was made, the expected duration of the work, any other pertinent information, and what action, if any, is requested of the Director.

However, whenever circumstances require immediate need of a guard or attendant for a prisoner, patient or ward in custody of the State, the department responsible may employ a suitable person on an emergency basis, and the limit of three emergency appointments for one person within one calendar year shall not apply. The Director shall notify the Departments of classes to which emergency guard or attendant appointments are authorized and prescribe the procedures to be followed in effecting such appointments.

AGREEMENT
between
the
STATE OF ALASKA
and
**ALASKA PUBLIC
EMPLOYEES
ASSOCIATION**
covering
General Government Unit Employees
1977-1979

Bargaining Unit Member leaves and returns to his/her home if travel begins and ends outside assigned working hours.

(r) "Work Week" in this Agreement shall consist of thirty-seven and one-half (37½) hours in pay status within a maximum of five (5) consecutive days and all employees shall be guaranteed a full work week.

**Article 2
RECOGNITION**

Section 1 — General Recognition

The State of Alaska, hereinafter referred to as the Employer, recognizes the Alaska Public Employees Association, hereinafter referred to as APEA, as the exclusive representative of all permanent, probationary, provisional and temporary employees in the General Government Unit for collective bargaining with respect to salaries, wages, hours and other terms and conditions of employment. It is recognized that all new classifications created by the Employer shall be placed in the appropriate bargaining unit, consistent with prior Labor Relations Agency rulings on the type of work involved. Subsequent to the effective date of this Agreement, the Labor Relations Agency and APEA shall be notified of all new classifications created within ten (10) days of such action and such notification to include the specifications of the job classifications. Both parties recognize that the Labor Relations Agency shall retain its authority to make final determination of unit classification assignments. No position shall be reclassified to a class outside this bargaining unit without written notification to APEA of such action concurrent with the notification to the department. The words "employee" and "employees" as used in this Agreement shall mean only employees serving in the General Government Unit except temporaries, provided that temporaries, while not defined as employees under this Agreement, are nevertheless members of the General Government Unit.

Section 2 — Representation of Temporaries Recognized

It is recognized that the need exists to hire temporaries in positions similar in duties and requirements to permanent positions in the bargaining unit. The Employer and APEA now agree that all determinations concerning the terms and conditions of temporary employment shall be made independently by the Employer, except as provided for in this Article or as specifically provided for in subsequent Articles.

(a) All temporaries shall meet the minimum qualifications as required of individuals seeking permanent employment in the class into which they are to be hired.



(b) 1. A temporary employee may be employed by any one department for a maximum of nine (9) consecutive months in any twelve (12) month period. Such appointment may not be extended.

2. The individual would then be entitled to immediately seek further temporary employment with another department.

(c) An individual hired into a class covered by this Agreement as a temporary must perform the work of that class and may not be paid less than the entry salary step of the range assigned to the class in which he/she is to work.

(d) 1. Temporary employees are covered by the holiday provisions of this Agreement and the Personnel Regulations.

2. Temporaries who begin a shift and are then sent home during the first half of the shift shall receive four (4) hours pay or their normal hours of work, whichever is less. Temporaries who are sent home during the second half of a shift shall receive seven and one-half (7½) hours pay or their normal hours of work, whichever is less.

STATE OF ALASKA

DEPARTMENT OF ADMINISTRATION

DIVISION OF PERSONNEL AND LABOR RELATIONS

JAY S. HAMMOND, GOVERNOR

POUCH C
JUNEAU, ALASKA 99811

December 13, 1978

DIRECTOR'S OFFICE

DEC 18 1978

DIV. OF PERSONNEL
& LABOR RELATIONS

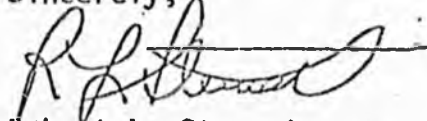
Mr. Patrick Murphy
Executive Director
Alaska Public Employees Association
130 Seward Street, Suite 508
Juneau, Alaska 99801

Dear Pat:

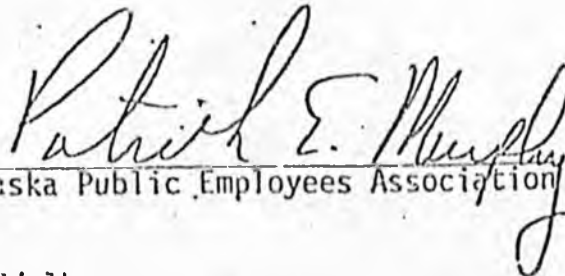
This will confirm the results of our meeting of December 8 concerning the "Older Americans" program. It is my understanding that we agreed that due to the nature of the program temporaries employed under the "Older Americans" program would be exempt from the time limitation provisions of Article 2, Section 2(b)1, Letter of Agreement #6, and Personnel Rule 5 06.0.

Please indicate your concurrence, if my recollection is consistent with yours, by signing below and returning a copy to me for my records: If what I have written is not your understanding of our agreement, please let me know at your earliest convenience.

Sincerely,



Robert L. Stewart
Deputy Director
Division of Personnel/Labor Relations



Alaska Public Employees Association

RLS/mlh

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

COMMISSIONER'S OFFICE
DEPARTMENT OF ADMINISTRATION

OFFICE OF THE COMMISSIONER

POUCH C

JUNEAU, ALASKA 99811

FEB 20 1979

January 16, 1979

DIV. OF PERSONNEL
& LABOR RELATIONS

Mr. C.R. "Steve" Hafling, Chairman
Alaska State Personnel Board
1147 "G" Street
Anchorage, Alaska 99501



Dear Mr. Hafling:

The Department of Health and Social Services has requested that the positions listed herein be placed in the partially exempt service. Under AS 39.25.130(a), the Personnel Board may extend the partially exempt service to include additional classifications, upon the recommendation of the Commissioner of Administration. Such extensions may be made only when the Board finds that the position in question meets the following criteria:

1. involves principal responsibility for the determination of policy;
2. involves principal responsibility for the way in which policy is carried out; or
3. involves responsibilities and duties of a type not susceptible to ordinary recruitment and examining procedures.

I recommend that the positions in question be placed in the partially exempt service for reason of meeting the third criteria set forth above.

The purpose of recruitment and examining procedures for the classified service is to identify and select those individuals best qualified to perform a set of established duties. The procedures are designed to disregard social, economic and other characteristics which have no bearing on expected job performance.

The positions in question are funded under Federal Title V, Senior Community Service Employment Program of the Older Americans Act as amended. The program is designed to address social and economic

Mr. Hafling

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January 16, 1979

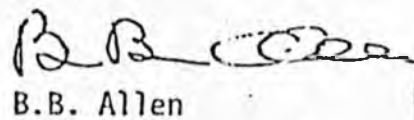
needs of the participants. Their useful employment meets program goals without regard to the quality of service they may or may not provide. The federal requirements mandate eligibility based on the applicant's age and economic condition. These restrictions are not consistent with merit principles of selection nor is the concept of duties and responsibilities susceptible to ordinary recruiting and examining procedures.

The positions established for this program are:

<u>PCN</u>	<u>CLASS TITLE</u>
06-0345	Employment Security Specialist IA
06-0346	Employment Security Specialist IA
06-0347	Employment Security Specialist IA
06-0348	Employment Security Specialist IA
06-0349	Employment Security Specialist IA
06-0350	Clerical Aide
06-0351	Clerk II
06-0352	Health Aide
06-0353	Clerk I

All positions shall remain in the Department of Health and Social Services.

Very truly yours,



B.B. Allen
Commissioner

Approved

C.R. Hafling
CHAIRMAN
STATE PERSONNEL BOARD

Not Approved _____

Date

2/7/79



Official Business

Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

DATE: 4/12/79

TO: Commissioner McAnerney

FROM: Rep. Bill Parker, Chairman

RE: Intern Program

Attached for your information is the response to our request for background and options on the question of hiring of interns.

We have discussed the subject with Cherie Shelley of A.P.E.A. and she is of the opinion that the passage of CSSB198 will solve the problem as she would classify interns as "project employees" (See Sec. 39.25.198 (5) of attached bill)

She further stated that if they were to remain classified as "temporary" employees, she would not see any difficulty in A.P.E.A. specifically exempting such interns.



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