

HB

908

COMMITTEE REPORT
SENATE

FURTHER: None

4/2/80

Date: April 23, 1980

Mr. President:

The Committee on STATE AFFAIRS has had HB 908
merit principle in state employment

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HL 908 same title new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Bob Mulvihill

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Tom Kelly
Tom Kelly
Tom Kelly

Bob Mulvihill
CHAIRMAN



Official Business

Alaska State Legislature

Senate

Committee on State Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

CSHB 908 - An Act relating to the merit principle in state employment.

BY: Rules by request of the Legislative Council (for the Blue Ribbon Commission on the State Personnel Act.)

Article XIII, Section 6 of the Alaska Constitution directs that the legislature shall establish a system under which the merit principle will govern the employment of persons by the state. Following this mandate, the State Personnel Act adopted in 1961, states that it "is the purpose of this chapter to establish a system of personnel administration based upon the merit principle..." Neither the constitution or the statutes identify the components of the merit principle. The intent of CSHB 908 is to identify these components.

The principles identified in CSHB 908 are the basic precepts governing the selection, retention, advancement and, if necessary, separation of state employees. These principles are based on similar concepts identified during the initial state constitutional debates, and are consistent with the Federal Standards for a Merit System of Personnel Administration.

The Department of Administration supports this bill.

ARTICLE 12 - GENERAL PROVISIONS

the Constitution of the State of Alaska, and that I will faithfully discharge my duties as to the best of my ability." The legislature may prescribe further oaths or affirmations.

Merit System

SECTION 6. The legislature shall establish a system under which the merit principle will govern the employment of persons by the State.

Retirement System

SECTION 7. Membership in employee retirement systems of the State or its political subdivisions shall constitute a contractual relationship. Accrued benefits of these systems shall not be diminished or impaired.

Residual Power

SECTION 8. The enumeration of specified powers in this constitution shall not be construed as limiting the powers of the State.

Provisions Self-Executing

SECTION 9. The provisions of this constitution shall be construed to be self-executing whenever possible.

Interpretation

SECTION 10. Titles and subtitles shall not be used in construing this constitution. Personal pronouns used in this constitution shall be construed as including either sex.

Law-Making Power

SECTION 11. As used in this constitution, the terms "by law" and "by the legislature", or variations of these terms, are used interchangeably when related to law-making powers. Unless clearly inapplicable, the law-making powers assigned to the legislature may be exercised by the people through the initiative, subject to the limitations of Article XI.

Disclaimer and Agreement

SECTION 12. The State of Alaska and its people forever disclaim all right and title in or to any property belonging to the United States or subject to its disposition, and not granted or confirmed to the State or its political subdivisions, by or under the act admitting Alaska to the Union. The State and its people further disclaim all right or title in

Chapter 25. State Personnel Act.

Article

- 1. Administration (§§ 39.25.010—39.25.080)
- 2. Coverage of Personnel (§§ 39.25.090—39.25.130)
- 3. Personnel Rules (§§ 39.25.140—39.25.155)
- 4. Prohibitions (§ 39.25.160)
- 5. Hearings (§ 39.25.170)
- 6. Miscellaneous Provisions (§§ 39.25.180—39.25.190)
- 7. General Provisions (§§ 39.25.210—39.25.220)

Article 1. Administration.

Section	Section
10. Purpose of chapter	50. Powers and duties
20. Appointing authority	60. Personnel board
30. Division of personnel and board	70. Powers and duties of personnel board
40. Director of personnel	80. Public records

Sec. 39.25.010. Purpose of chapter. It is the purpose of this chapter to establish a system of personnel administration based upon the merit principle and adapted to the requirements of the state to the end that persons best qualified to perform the functions of the state will be employed, and that an effective career service will be encouraged, developed and maintained. (5 1 ch 144 SLA 1960)

Legislative committee report. — For report on original bill, see 1960 House Journal, p. 209.
Quoted in *Mueller v. Alaska State Bd. of Personnel*, Sup. Ct. Op. No. 396 (File No. 738), 425 P.2d 143 (1967).
Am. Jur. references. — 10 Am. Jur., Civil Service, § 1 et seq.; 11 Am. Jur., Constitutional Law, §§ 240 to 242; 42 Am. Jur., Public Administrative Law, §§ 8 to 250.

Sec. 39.25.020. Appointing authority. The authority to appoint to positions in the state service is as follows:

- (1) The legislature is the appointing authority for all officers and employees of the legislature and the legislative agencies, but the authority to make appointments may be delegated.
- (2) The governor is the appointing authority for all officers and employees of the executive branch, but the authority to make appointments may be delegated.
- (3) The chief justice of the supreme court is the appointing authority for all administrative and clerical personnel of the state judicial system, but the authority to make appointments may be delegated.
- (4) The board of regents is the appointing authority for all employees of the University of Alaska, but the authority to make appointments may be delegated. (5 8 ch 144 SLA 1960)

Stated in *State v. Bogenrife*, Sup. Ct. Op. No. 918 (File No. 1665), 513 P.2d 13 (1973).
Cited in *Wolfe v. O'Neill*, 336 F. Supp. 1255 (D. Ala. 1972).

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JUNEAU, ALASKA

Alaska State Legislature

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT
Pouch AG/Mail Stop 0123
Juneau, Alaska 99811
(907) 465-4442

Senator Bill Ray
Chairman

TO: Senator Bill Ray, Chairman

FROM: Teresa B. Cramer, Administrative Assistant *TBC*

DATE: February 27, 1980

RE: House Bill 908

Relating to the merit principle in state employment.

House Bill 908 addresses Recommendation 1 of the Blue Ribbon Commission's Report to the Alaska Legislature concerning recognition of the components of the merit principle of employment.

The Alaska Constitution directs, in Article XII, Section 6, that "(t)he legislature shall establish a system under which the merit principle will govern the employment of persons by the state." The constitution does not identify the components of the "merit principle." During the constitutional debates, the delegates identified concepts which they believed were encompassed by that term. See Proceedings of the Alaska Constitution Convention, pages 2886-2895. The legislature incorporated those concepts into the State Personnel Act which was adopted in 1961, but did not identify specifically the essential elements. This bill places the five components of the merit principle identified during the Constitution Convention in the State Personnel Act.

Since the Public Employment Relations Act requires that all collective bargaining agreements conform to the merit principle of employment, the designation of these components of the merit principle would serve to insure that the parties to collective bargaining agreements were on notice as to the state's interpretation of that language.

These five principles are consistent with the federal Standards for a Merit System of Personnel Administration, 44 F.R. 10238. The federal standards must be met for employment of persons in any federal grant-in-aid program. In addition, to the five areas addressed in this bill, the federal standards include a merit principle which requires that employees be trained as needed to assure high quality performance.

TBC:sp



JUNEAU ALASKA

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Senator Bill Ray
Chairman

TO: Senator Bill Ray, Chairman
FROM: Teresa B. Cramer, Administrative Assistant *TBC*
DATE: February 27, 1980
RE: Senate Bill 502

Relating to the merit principle in state employment.

Senate Bill 502 addresses Recommendation 1 of the Blue Ribbon Commission's Report to the Alaska Legislature concerning recognition of the components of the merit principle of employment.

The Alaska Constitution directs, in Article XII, Section 6, that "(t)he legislature shall establish a system under which the merit principle will govern the employment of persons by the state." The constitution does not identify the components of the "merit principle." During the constitutional debates, the delegates identified concepts which they believed were encompassed by that term. See Proceedings of the Alaska Constitution Convention, pages 2886-2895. The legislature incorporated those concepts into the State Personnel Act which was adopted in 1961, but did not identify specifically the essential elements. This bill places the five components of the merit principle identified during the Constitution Convention in the State Personnel Act.

Since the Public Employment Relations Act requires that all collective bargaining agreements conform to the merit principle of employment, the designation of these components of the merit principle would serve to insure that the parties to collective bargaining agreements were on notice as to the state's interpretation of that language.

These five principles are consistent with the federal Standards for a Merit System of Personnel Administration, 44 F.R. 10238. The federal standards must be met for employment of persons in any federal grant-in-aid program. In addition, to the five areas addressed in this bill, the federal standards include a merit principle which requires that employees be trained as needed to assure high quality performance.

TBC:sp

(3) Retention of employees with permanent status on the basis

of the adequacy of their performance, reasonable efforts ^{OF TEMPORARY}

^{CAUSE FOR}
DURATION for correction of inadequate performance and separation ^{FOR INADEQUATE}

~~these employees for cause. FE: PERFORMANCE, PER~~

~~(3) Retention of employees with permanent status on the~~

~~basis of the adequacy of their performance, reasonable~~

~~efforts of temporary duration for correction in inade-~~

~~quate performance and separation for cause, ~~for inadequate~~~~

~~performance.~~

(3) Retention of employees with permanent status on the basis

of the adequacy of their performance, reasonable efforts ^{OF TEMPORARY} ~~for~~ CAUSE FOR

DURATION ~~for~~ correction of inadequate performance and separation ^{FOR INADEQUATE}

~~these employees for cause.~~ PERFORMANCE, ~~and~~

SCS INSERTS THIS:

(3) Retention of employees with permanent status on the basis of the adequacy of their performance, reasonable efforts of temporary duration for correction in inadequate performance and separation for cause, ~~for~~ inadequate performance.

Cause - - to

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

1 IN THE HOUSE

2 HOUSE BILL NO. 908

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the merit principle in state em-
7 ployment."

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

9 * Section 1. AS 39.25.010 is amended by adding a new subsection to read:

10 (b) The merit principle of employment includes the following:

11 (1) recruiting, selecting, and advancing employees on the
12 basis of their relative ability, knowledge, and skills, including open
13 consideration of qualified applicants for initial appointment;

14 (2) regular integrated salary programs based on the nature of
15 the work performed;

16 (3) retention of employees *with permanent status* on the basis of the adequacy of
17 their performance *reasonable efforts* (and provision) for correction of inadequate performance
18 and separation of those employees *three employees for cause* (whose inadequate performance cannot be
19 corrected;)

20 (4) equal treatment of applicants and employees with regard
21 only to consideration within the merit principles of employment; and

22 (5) selection and retention of an employee's position secure
23 from political influences.
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