

# COMMITTEE REPORT

## HOUSE

FURTHER:

(11)

3/22/82

Date: 4-13-82

Mr. Speaker: (Taken from Rules and referred to Finance 3/22)

The Committee on FINANCE has had HB 697

"An Act relating to appointment of nonpermanent employees for certain work assignments; and providing for an effective date."

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 HR. 697 (LFC)  same title  
 new title
- and recommends do pass
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
[Signature]  
CHAIRMAN

Original sponsor: Bylsma

Offered: 2/11/82  
Referred: State Affairs

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  
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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.

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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  
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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  
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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  
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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-

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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).

# Fish & Game Position Paper

HB 697

The Department of Fish and Game currently has 712 permanent seasonal positions that were created in response to Alaska Statute 39.25.195. These seasonal positions range in time from two weeks to ten months each year. The regulations required us to create seasonal positions because our activities are both planned and reoccurring each year. For positions that last more than four months in a year, the seasonal system has produced some positive benefits for Fish and Game. For these longer term positions, a higher percentage of the incumbents return in succeeding years providing us with trained, knowledgeable employees. However, these benefits are unfortunately overshadowed by the problems we encounter with the system on those positions that last less than 120 days. The difficulties occur in two major areas: cost and local hire.

## First the cost.

Attachment No. 1 outlines the salary plus benefit costs for 712 seasonal positions. 56% or 399 of these 712 positions are employed for less than 120 days a year. These 399 positions represent a salary cost of 2.4 million dollars to which you must add \$656,000 for benefits as permanent seasonals. These same 399 positions would need only \$185,000 as non permanents—a difference of \$471,000. Keep in mind these employees are on our payroll for two weeks to four months per year.

That is only part of the cost. To that you must add the cost of recruiting these people. We did a survey of those positions hired out of our Anchorage Regional office for just the Division of Commercial Fisheries.

In 1979, prior to the passage of the non permanent hire law, we spent \$3,900 on telegrams and long distance phone calls, during April, May and

June, to hire 175 temporary employees. In 1980, after the non permanent hire law, to hire these same 175 employees we spent \$14,600 on telegrams and long distance phone calls--a difference of \$10,000. In 1981 our \$14,000 in long distance calls and telegrams only got us 40 employees. The total cost for telegrams and long distance phone calls for recruiting in 1981 was \$28,000.

The third cost associated with these seasonal employees is another recruiting cost--manpower. Commercial Fisheries estimates it took about 50 man days in 1979 to recruit 175 seasonals. In 1980 it took 217 man days to recruit 175 seasonals. In 1981 the personnel doing the recruiting were more organized, more knowledgeable about the new regulations and more efficient and it still took in excess of one man day of effort to hire each seasonal employee. When we hit the peak recruiting months of April, May and June in Anchorage, everyone from a range 8 clerk typist to range 20 management biologists recruit seasonal personnel. At an average salary of \$12 per hour plus benefits, 217 man days represents a cost of \$25,000. Even at this we haven't begun to measure the cost of lost productivity in their regular jobs.

Another area of particular concern to the Department is the ability to hire local residents. In the past, if one of the Fisheries Divisions needed some basic biological information in a rural area, they sought someone in the area who understood the local fishery to gather the data. Now, when that need arises, the Divisions must go to a register and hire from the top five. In most cases they hire someone from an entirely different area. This is compounded by some rural residents who don't want to bother with the

bureaucracy so don't bother to get on registers or, during the one month in the year when the register is open, doesn't think he will want to work for us in six months so again doesn't get on the register.

Those are the major problems but, in addition, there are the little ones:

- Comm Fish tries to get this seasonal hiring organized early and on May 1 offers John Smith a Fish Tech II job for two months beginning on June 1. John says, "I'll be there." On May 27, Sport Fish offers John Smith a Fish Tech III job for three months beginning June 1 and John Smith accepts. Comm Fish then finds themselves with an expired register and no employee to begin work in 4 days. An emergency hire is only good for 30 days so, if you hire that way, you will have to replace the person mid stream. It will take a week to get a new register, another week to work it and, if you are successful, there is only a two week delay which probably means some data is lost forever.
  
- College students who want summer jobs have to be on the registers when we go through our big recruiting effort in April and May. Individuals have told us they have received in excess of 100 telegrams from Fish and Game. Each one must be responded to or their name will be removed from the register.

In summary, Fish and Game supports permanent seasonal positions for jobs that last more than 120 days per year. However, we believe the Department could operate more efficiently, less expensively, to greater satisfaction of all parties and to the benefit of State if AS 39.25.195 applied only to positions in excess of 120 days.

Department of Fish and Game  
Seasonal Positions  
FY 1982

		<u>Pos</u>	<u>Mos</u>	<u>Salary</u> \$
Commercial Fisheries	Salmon	326	868.2	1,419.4
	Shellfish	40	142.8	280.7
	Herring	42	97.7	165.4
	Admin	3	9.5	16.4
	Groundfish	14	76.0	159.1
Sport Fish	Investigations	119	313.5	593.7
	Management	5	17.0	33.7
	Restoration	4	8.0	14.8
F.R.E.D.	Operations	127	579.0	1,037.4
	Admin	4	27.5	37.9
Game	Investigations & Research	28	147.0	270.8
		<u>712</u>	<u>2,286.2</u>	<u>4,029.3</u>

56% of these positions are for less than 120 days.  
 $\$4,029.3$  (total salaries)  $\times$  .56 =  $\$2,256.4$

Benefits as Non Permanents

$\$2,256.4 \times .0819$  (FY 82 benefit rate) =  $\$184.8$

Benefits as Permanent Seasonals

$\$2,256.4 \times .1575$  (FY 82 benefit rate) = 355.4

$\$1,128.2 \times .0966$  (50% covered by police retirement) = 109.0

$1,280.3 \text{ mm} \times \$150$  (insurance premium  $\times$  months) = 192.0

Total benefits  $\$656.4$

Difference  $\$471.6$

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

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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  
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25 is approved by the director, adequate money is available for the  
26 anticipated duration of the appointment, and the director determines  
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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;

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7 immediate need exists and the director determines that the hiring  
8 department or agency could not reasonably have been expected to antici-  
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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  
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THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 697  
 Title An Act Relating to appointment of nonpermanent employees  
 Requested by Representative Bylsma Date 1/27/82

II. FISCAL DETAIL

Agency Affected Fish and Game  
 Program Category Affected Natural Resources Management  
 BRU, Program, Or Subprogram(s) Affected see #III  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES	(471.6)	(477.0)				
200 TRAVEL						
300 CONTRACTUAL	(24.5)	(26.7)				
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	(496.1)	(503.7)				

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	378.0	383.9				
FEDERAL FUNDS	78.5	79.5				
OTHER (Specify Source)	39.6	40.3				
Fish & Game Fund						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

	Line Item	
	100	300
Commercial Fisheries	(239.1)	(16.0)
F.R.E.D.	(125.9)	(5.0)
Sport Fish	(75.0)	(2.0)
Game	(31.6)	(1.5)

IV. DATE 2/5/82 PREPARED BY Beverly Reaume  
 AGENCY Fish and Game  
 Original: Legislative Finance PHONE 465-4120  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)  
 33-001 (Rev. 12/81)

*corrected 2/16/82*

Original sponsor: Bylsma

Offered: 2/11/82  
Referred: State Affairs

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COMMERCE COMMITTEE

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