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HB 209 An Act placing emergency guards employed by the department of public safety in the exempt service

Rep. Bussell has asked that a Rules CS be drafted which adds correctional superintendents I and II to the list of employees in the partially exempt category.

He is here to testify on the amendment.

After he testifies, someone should move to adopt the Rules CS.

Mary Halloran, of the Department of Natural Resources, has a proposed amendment, which would make a new section 1. The amendment would place youths employed by DNR in the youth employment-student intern program in the exempt service. This is proposed to insure that these people may be hired at minimum wage as proposed in the budget approved by House Finance, rather than at union wages. With the loss of federal funding, the payment set at the minimum wage is no longer guaranteed.

If the DNR amendment is adopted, the title needs to be changed to "An Act placing youth employed by the department of natural resources under the Youth Employment and Student Intern Program in the exempt service, and placing certain employees in the partially exempt service; and providing for an effective date."

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## Representative Charlie Bussell

ALASKA STATE LEGISLATURE  
HOUSE OF REPRESENTATIVES

CHAIRMAN  
HOUSE JUDICIARY COMMITTEE  
MEMBER  
HOUSE RESOURCES COMMITTEE  
MEMBER  
SPECIAL COMMITTEE ON FISHERIES  
MEMBER  
LEGISLATIVE COUNCIL  
MEMBER  
ALASKA CODE REVISION COMMISSION

### M E M O R A N D U M

DATE: May 2, 1983

TO: Representative Jack Fuller  
Chairman, Committee on Rules

FROM: Representative Charlie Bussell *CB*

SUBJECT: Proposed Amendment to CSHE 209

Line 13 - Add

(20) correctional superintendents I and II employed by the Department of Health and Social Services.

The "Executive Head" of Corrections is ultimately responsible for all actions, or inactions, taken by his Correctional Superintendents who are responsible for direct management of correctional institutions.

Correctional Superintendents are responsible for the planning, general administration, operations, maintenance and logistics of correctional facilities with the distinctions of I and II being related to the size of the facility being managed. These personnel establish policies, procedures and programs within the institutions in conformity with agency and department regulations.

The intent of this amendment is not to infer the impression that the Superintendents who presently manage correctional institutions are not doing a good job. It is felt, however, if these positions are placed in the partially exempt service that timely implementation of new policies and directions will be assured.

On April 22, 1983 the Cleary vs Bierne law suit was expanded to encompass all correctional institutions in the state and any additional facilities which may open during this calendar year. The State has managed to continue the trial date until January 1983 and has until that time to show the court that the state is making a concerted effort to improve conditions in correctional facilities. During this time of critical observation by the court the smooth and continuous reorganization of the correctional system will be most advantageous to the state.

Placing Correctional Superintendents in the partially exempt service will enhance the coordination within Corrections and will contribute to an orderly and systematic implementation of new policies and directives leading to a comprehensive development of corrections within the state.

STATE OF ALASKA

Class Specification

CORRECTIONAL SUPERINTENDENT I *smaller facilities* 7664-19  
CORRECTIONAL SUPERINTENDENT II *larger* 7657-21

Definition:

Under general direction is responsible for the management of an adult correctional institution, including planning, general administration, operations, maintenance and logistics. These are supervisory classes with substantial responsibility for the exercise of independent judgement in appointing, promoting, transferring, suspending, discharging and adjudicating grievances of subordinates.

Distinguishing Characteristics:

The classes of Correctional Superintendent I and Correctional Superintendent II are differentiated on such factors as: Size of physical plant, size of staff, scope, intensity and impact of correctional programs, and operating budgets. Correctional Superintendent II is in charge of a recognized major adult correctional facility equivalent to the Juneau, Fairbanks, and major Anchorage facilities. Correctional Superintendent I is in charge of those facilities with lesser inmate capacity, such as Ketchikan and Nome.

Example of Duties:

Establishes policies, procedures and programs within the institutions in conformity with agency and department regulations.

Selects personnel, conducts in-service training programs; assigns and supervises custodial, maintenance, clerical and other personnel; submits evaluations on work performance.

Reviews and monitors actions of inmate classification and other committees to evaluate the care and treatment program through custody classification, specific and general maintenance, work assignments, program changes, disciplinary actions, meritorious good time, and to consider any other problems which may arise.

Drafts and submits annual budget for institutions; authorizes and approves budget expenditures; supervises food service operations and all other institutional operations.

Supervises the maintenance of the booking, commitment, health, fingerprint, inmate personal fund accounts, disciplinary court, classification, release, fines, and other required records.

Responsible for preparation and submission of monthly reports on operations; submits a total fiscal report annually; may be responsible for maintaining a records and identification section within the Division of Corrections.

Makes recommendations on the planning and design of capital programs relating to correctional institutional facilities.

Maintains close relationships with civic clubs and organizations within the community to promote better understanding of institutional programs and responsibilities.

Maintains close working relationships with various federal, state and local agencies to advance the smooth operation of the facility.

Oversees, maintains and utilizes emergency equipment (gas masks, forced air administrators, restraint equipment) for emergency situations.

Knowledges, Skills and Abilities:

Knowledge of: Principles, practices, rules and regulations and legal implications and restraints of correctional administration; current theory and method of application of rehabilitation and discipline of persons under restraint; principles and practices of personnel supervision and training; methods and procedures involved in probation, parole, court evidence, and arrests; first aid; various departmental and division policies and procedures related to the operation and administration of correctional institutions; familiarity with state purchasing regulations and personnel rules, and methods of budget preparation.

Ability to: Plan, direct, instruct and supervise the work of others; control, direct, and instruct inmates individually and in groups; interpret and enforce institutional rules and regulations with firmness, tact, and impartiality; promote socially acceptable attitudes and behavior of inmates and rate their conduct accurately and impartially; establish and maintain close and cooperative working relationships with those contacted in the course of the work; analyze administrative problems and adopt and effective course of action; compile budget requests; prepare clear and comprehensive reports; participate effectively in conferences and interviews; maintain physical and health standards sufficient to meet job requirements.

Minimum Qualifications:

Three years of corrections experience as or above the level of Correctional Officer III, Training Officer I, Division of Adult Corrections or Unit Leader with the State of Alaska or the equivalent elsewhere.

Substitution: Two years of experience as a Probation Officer II, or Social Worker III with the State of Alaska or the equivalent elsewhere provided the experience was in a correctional setting;

. :AND

One-year as Assistant Correctional Superintendent with the State of Alaska or the equivalent elsewhere.

A Master's degree in Corrections, Criminal Justice, Correctional Administration or closely related area may substitute for one year of the required experience.

Rev: 07/01/72

Rev: 11/16/78 Supv. Statement; MQs

Rev: 01/01/82 Added C.S.I. level; Range Change; Def.; MQs

9/SPECV/L



Alaska Public  
Employees Association **APEA**

State Headquarters: 340 N. Franklin, Juneau, AK 99801 (907) 586-2334

TO: Representative Jack Fuller  
Chairman, Rules Committee

FROM: Cherie Shelley  
Executive Director

DATE: May 3, 1983

SUBJECT: Correctional Superintendents and the Exempt Service

APEA is opposed to any amendment of HB 209 which would remove Correctional Superintendents, Department of Public Safety, from the Classified Service and place them in the Exempt Service.

EMPLOYMENT QUALIFICATIONS

Classified Service Employees - are covered by the Personnel Rules. Currently, Correctional Superintendents are required to have specific experience and/or education in the field of corrections. Stringent employment requisites should be mandatory in a career field that is hazardous and working conditions that are stressful. Furthermore, if the changing times reflect a need for a change in employment requirements then this can be done by the Division of Personnel with input from the Division of Corrections.

Exempt Service Employees - are not covered by the Personnel Rules. Appointees to exempt positions are not required to meet any standards of employment with regard to experience or education.

POLITICAL SPOILS SYSTEM

Correctional Superintendent positions could easily become political 'plum' appointments. Exempt Service employees can be hired and fired at will - or whim. This would put current superintendents in a very tenuous position. If terminated, they would not have recourse to due process which includes an objective review of the action.

CAREER LADDER

The career ladder would no longer reach from the level of corrections personnel to Correctional Superintendent. There would no longer be the opportunity for fair and equitable promotion for motivated and qualified staff personnel. The Corrections Master Plan, written in 1979, discussed the ongoing development of a career ladder for Division of Corrections personnel. The rungs on that ladder would be removed with the removal of Superintendents from the Classified Service.

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Memorandum  
Representative Jack Fuller  
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#### CRITERIA FOR EXEMPT POSITIONS

The majority of the Directors for the various Divisions within the State are in Range 26. They are political appointees, who, with...or without expertise...manage whole Divisions. They set and carry out policy, direct personnel and handle the responsibilities that are kindred to a top management position.

Correctional Superintendents are in Ranges 18 through 21. Unlike the Directors, they do have to answer to various levels of management above them. Their duties outlined in their job classification specifications do not meet the criteria expected from an employee in the Exempt Service.

The majority of the members of APEA's Supervisory Bargaining Unit fall between Ranges 18 and 22. It would make as much sense to move this group into the Exempt Service, as it would to move the Correctional Superintendents.

#### BLUE RIBBON COMMISSION RECOMMENDATIONS

In studying the State Personnel Act, the Blue Ribbon Commission has reviewed the issue of Exempt, Partially Exempt and Classified Service. It has expressed concern regarding agencies whose employees might be more appropriately placed in the Classified Service and subject to the merit principle of employment. The Commission has urged that employees be moved to the Classified Service whenever possible. The action contemplated by the Legislature is counter to the recommendations of the Commission.

CS/bg



Official Business

# Alaska State Legislature

## House of Representatives

### Committee on Rules

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Phone:  
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#### RULES COMMITTEE MEETING

May 3, 1983

8:30 am, Butrovich Room

#### AGENDA

- HB 209 "An Act placing emergency guards employed by the department of public safety in the exempt service."
- HJR 36 Relating to the confirmation of justices and judges by the legislature.
- HB 180 "An Act relating to eligibility for veterans' interest rates on loans made under the special mortgage loan purchase program (AS 18.56.098) by the Alaska Housing Finance Corporation."

COMMITTEE REPORT

HOUSE

3/25  
Rubs

(11)

FURTHER:

3/11/83

Date: 3/23/83

Mr. Speaker:

The Committee on FINANCE has had HB 209

An Act placing emergency guards employed by the Department of Public Safety in the exempt service.

under consideration and reports it back as follows:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for HB 209 (FIN)  same title  new title
- and recommends do pass
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation  Zero Fiscal Note Attached
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

[Signature]

[Signature]

[Signature] Lindauer

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

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[Signature]  
CHAIRMAN



# MEMORANDUM

# State of Alaska

TO: Rep. Charlie Bussell  
Rep. Jack Fuller

DATE: May 2, 1983

FILE NO:

TELEPHONE NO:

FROM: Esther C. Wunnicke  
Commissioner  
Natural Resources

SUBJECT: Proposed Amendment  
to CSHB 209

*Esther C. Wunnicke*

The Department of Natural Resources would appreciate the House Rules Committee's consideration of an amendment to CSHB 209.

The amendment is to add a subsection (22) to AS 39.25.110 which would place young people employed by DNR in the youth employment-student intern programs in the exempt service. The Department proposes this amendment to ensure that these programs may employ youths at minimum wage as proposed under the funding placed by House Finance in DNR's budget. Previously the Youth Conservation Corps program was basically federally funded and thus fell under federal wage restrictions provided for in AS 39.25.190.

cc: Lisa Rudd, Commissioner Admin.

PROPOSED AMENDMENT TO CS HB 209 (Finance)

Section \_\_\_\_ AS 39.25.110 is amended by adding subsection (22)  
to read:

(22) youth employed by the Department of Natural Resources under  
the Youth Employment and Student Intern programs.