

SCOMM

#51:24

July 12, 1983

RE: HB 207, HB 209 and SB 116 - all about emergency guards in the Department of Public Safety and miscellaneous other matters

There are three bills which originally proposed placing guards used by the Department of Public Safety in emergencies into the exempt service: HB 207 (sponsored by the Blue Ribbon Commission), HB 209 (sponsored by Rep. Bussell and modelled after the Senate version of the Blue Ribbon Commission bill), and SB 116 (the Blue Ribbon Commission Senate version).

HB 207 - this bill had no hearings because House State Affairs took up Rep. Bussell's bill, HB 209, instead. It is still, untampered with, in House State Affairs.

HB 209 - This bill went through numerous changes, some desirable and some less so, and currently may be found [as SCS CSHB 209 (SA)] in Senate Finance.

SB 116 - This bill was amended in Senate State Affairs and passed the Senate. It has been referred [as CSSB 116 (SA)] to House Judiciary and has had no hearings there.

SCS CSHB 209 - Relating to the classification of personnel

Bill history

3/11/83 State Affairs heard the bill and adopted a CS changing the placement of the guards to the partially exempt service rather than the exempt service at the suggestion of Frank Raye, the director of personnel. The change leaves the positions as part of the state classification plan and pay plan, which insures that the division of personnel can watchdog salary to insure pay equity for incumbents.

3/25/83 Hearing in House Finance. The division of personnel and the Blue Ribbon Commission jointly recommended adding language to require that the Department of Public Safety report to the Division of Personnel about emergency appointments made under this legislation. House Finance adopted that language in its CS. The language was originally developed for the Senate version, SB 116.

5/3/83 Hearing in House Rules in which the Department of Natural Resources proposed that young people employed in the youth employment/student intern programs be placed in the exempt service. The Division of Personnel had no problem with this amendment - there is a memo on the change in the file.

Rep. Bussell proposed adding correctional superintendents I & II to the partially exempt service because they should reflect policy (and unspokenly, should be subject to firing if a prisoner escapes, presumably). The hearing went quickly and both amendments were adopted. The Division of Personnel was not in support of Bussell's amendment although they did not testify at the hearing.

- 5/10/83 CSHB 209 (Rules) passed the House 33-6-1. Rep. Duncan moved for reconsideration and the bill passed on reconsideration on 5/13/83, 26-9-3-2.
- 6/9/83 Hearing in Senate State Affairs. Sen. Ray moved that the correctional superintendents be deleted from the bill and the motion passed.
- I did not write a memo for Senate State Affairs since they had heard SB 116 earlier, but I did testify and raise questions about the correctional superintendents since the Blue Ribbon Commission had long been concerned about maintaining the merit system standards, which apply to the classified service and not as much to the partially exempt service (which is exempt from selection and firing standards and rules). I told them I had no information on the changes requested by the Department of Natural Resources.
- 6/13/83 SCS CSHB 209 (SA) was referred to Senate Finance. No hearings were held on the bill before adjournment.

* * * * *

CSSB 116 (SA) - Placing emergency guards employed by the department of public safety in the partially exempt service.

Bill history

- 3/11/83 Hearing in Senate State Affairs. Suzanne Tryck, staff to the committee, and Frank Raye, Director of Personnel, and I met and developed language to require reports from the department on the use of the legislation and also to change the placement of the guards from the exempt to the partially exempt service. Partially exempt positions remain part of the state's classification and pay plans and therefore are guaranteed pay equity for their work. The CS adopted by State Affairs included both of these changes.
- 3/11/83 Judiciary waived referral of CSSB 116 (SA)
- 3/21/83 Passed the Senate, 18-0-2
- 3/23/83 Referred to House Judiciary - there's a memo for them in the file. The House held no hearings.

* * * * *

Comment - the Senate State Affairs Committee Substitute for HB 209 is probably what should be the final language for whichever of these three bills makes it through the legislature, at least under ideal circumstances.

Offered: 3/11/83
Referred: Rules

Original sponsor: Rules/Legislative Council

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR SENATE BILL NO. 116 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
6 For an Act entitled: "An Act placing emergency guards employed by the
7 department of public safety in the partially exempt
8 service."
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
10 * Section 1. AS 39.25.120(c) is amended by adding a new paragraph to
11 read:
12 (19) emergency guards employed by the Department of Public
13 Safety.
14 * Sec. 2. AS 44.41 is amended by adding a new section to read:
15 Sec. 44.41.030. REPORT TO DIVISION OF PERSONNEL. The Department
16 of Public Safety shall submit a report to the director of the division
17 of personnel quarterly and on request of the director. The report
18 shall contain a description of each emergency and shall include the
19 total amount of time by hours for each emergency for which emergency
20 guards under AS 39.25.120(c)(19) were used.



JUNEAU, ALASKA

Alaska State Legislature

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT

Senator Bill Ray, Chairman

Pouch YG
Mail Stop 3123
Juneau, Alaska 99811
(907) 465-4442

MEMORANDUM

March 25, 1983

TO: Members of the House Judiciary Committee

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

SUBJECT: CSSB 116(SA) - Placing Emergency Guards Employed by the
Department of Public Safety in the Partially Exempt Service

In 1979, the Blue Ribbon Commission sponsored legislation to place greater restraints on the employment of both nonpermanent and emergency classified state workers. These restrictions have created some difficulties for the Department of Public Safety because of the large number of emergency guards they hire. In 1982 the department hired 495 emergency guards. There were only 112 other emergency appointments in the state.

An emergency employee is defined as "an employee appointed for a period not to exceed 30 calendar days, whose appointment was made under conditions requiring immediate action to carry on work that is required in the public interest". AS 39.25.200(3). Departments are required to report the reason for hiring an emergency employee within 15 working days of the appointment. Personnel practices require that departments prepare Personnel Action forms at the beginning and ending of an emergency appointment. In addition, employment forms from the Division of Payroll and the Division of Retirement and Benefits must be prepared for each appointment.

For some communities with frequent need for emergency guards, the department employs the same individuals each time the need arises. There were 136 individuals who filled the 495 emergency guard appointments during 1982. These employees guard prisoners or seized property in rural areas where a one- or two-person post prevents a trooper from maintaining 24-hour per day watch. The period required for the emergency service is between arrest and either arraignment or transportation to a correctional facility or until other arrangements are made to maintain custody of the seized property. According to the Department of Public Safety, typical appointments last from two to four days.

Placing emergency guards in the partially exempt service will substantially reduce the paperwork burden placed on the Departments of Public Safety and Administration. Those employees who are repeatedly hired when an emergency occurs can remain on the payroll indefinitely, preparing time sheets for each period they actually work. Making the positions part of the partially exempt service means that the positions remain part of the state's classification plan and are paid according to the state's pay plan. This will insure pay equity for those employees.

The Blue Ribbon Commission recommends placing these positions in the partially exempt service. It will reduce the paperwork burden on the department with little effect on the employee. (The protections for emergency appointments in the classified service are not much greater, if at all, than for partially exempt employees.) The continuing need for these appointments has been adequately documented.

Bill Analysis

- Line 10 Section 1 amends the section of the State Personnel Act which lists positions placed in the partially exempt service to include emergency guards.
- Line 14 Section 2 amends the chapter which creates the Department of Public Safety by requiring the department to report to the Director of Personnel on the number and description of appointments of emergency guards. Departments are currently required to report the number of classified service emergency appointments they make. This will retain that requirement for emergency guards after they are moved to the partially exempt service.



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MEMORANDUM

March 11, 1983

TO: ^{Hs} Members of the ~~Senate~~-Judiciary Committee

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

SUBJECT: CSSB 116^(SP) - Placing Emergency Guards Employed by the
Department of Public Safety in the Partially Exempt Service

In 1979, the Blue Ribbon Commission sponsored legislation to place greater restraints on the employment of both nonpermanent and emergency classified state workers. These restrictions have created some difficulties for the Department of Public Safety because of the large number of emergency guards they hire. In 1982 the department hired 495 emergency guards. There were only 112 other emergency appointments in the state.

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For some communities with frequent need for emergency guards, the department employs the same individuals each time the need arises. There were 136 individuals who filled the 495 emergency guard appointments during 1982. These employees guard prisoners or seized property in rural areas where a one- or two-person post prevents a trooper from maintaining 24-hour per day watch. The period required for the emergency service is between arrest and either arraignment or transportation to a correctional facility or until other arrangements are made to maintain custody of the seized property. According to the Department of Public Safety, typical appointments last from two to four days.

Placing emergency guards in the partially exempt service will substantially reduce the paperwork burden placed on the Departments of Public Safety and Administration. Those employees who are repeatedly hired when an emergency occurs can remain on the payroll indefinitely, preparing time sheets for each period they actually work. Making the positions part of the partially exempt service means that the positions remain part of the state's classification plan and are paid according to the state's pay plan. This will insure pay equity for those employees.

The Blue Ribbon Commission ~~agrees with the recommendation~~ *supports recommendation*
Placing these positions in the partially exempt service will reduce the paperwork burden on the department with little effect on the employee. (The protections for emergency appointments in the classified service are not much greater, if at all, than for partially exempt employees.) The continuing need for these appointments has been adequately documented.

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TBC:lmk



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An emergency employee is defined as "an employee appointed for a period not to exceed 30 calendar days, whose appointment was made under conditions requiring immediate action to carry on work that is required in the public interest". AS 39.25.200(3). Departments are required to report the reason for hiring an emergency employee within 15 working days of the appointment. Personnel practices require that departments prepare Personnel Action forms at the beginning and ending of an emergency appointment. In addition, employment forms from the Division of Payroll and the Division of Retirement and Benefits must be prepared for each appointment.

For some communities with frequent need for emergency guards, the department employs the same individuals each time the need arises. There were 136 individuals who filled the 495 emergency guard appointments during 1982. These employees guard prisoners or seized property in rural areas where a one- or two-person post prevents a trooper from maintaining 24-hour per day watch. The period required for the emergency service is between arrest and either arraignment or transportation to a correctional facility or until other arrangements are made to maintain custody of the seized property. According to the Department of Public Safety, typical appointments last from two to four days.

Placing emergency guards in the partially exempt service will substantially reduce the paperwork burden placed on the Departments of Public Safety and Administration. Those employees who are repeatedly hired when an emergency occurs can remain on the payroll indefinitely, preparing time sheets for each period they actually work. Making the positions part of the partially exempt service means that the positions remain part of the state's classification plan and are paid according to the state's pay plan. This will insure pay equity for those employees.

The Blue Ribbon Commission agrees with the recommendation. Placing these positions in the partially exempt service will reduce the paperwork burden on the department with little effect on the employee. (The protections for emergency appointments in the classified service are not much greater, if at all, than for partially exempt employees.) The continuing need for these appointments has been adequately documented.

Bill Analysis

- Line 10 Section 1 amends the section of the State Personnel Act which lists positions placed in the partially exempt service to include emergency guards.
- Line 14 Section 2 amends the chapter which creates the Department of Public Safety by requiring the department to report to the Director of Personnel on the number and description of appointments of emergency guards. Departments are currently required to report the number of classified service emergency appointments they make. This will retain that requirement for emergency guards after they are moved to the partially exempt service.

TBC:1mk

Introduced: 2/9/83
Referred: State Affairs and
Judiciary

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

1 IN THE SENATE

2

SENATE BILL NO. 116

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act placing emergency guards employed by the
7 department of public safety in the ^{partially} exempt service."

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

9 * Section 1. AS 39.25.¹²⁰~~110~~ is amended by adding a new paragraph to read:

10 (19) ~~(22)~~ emergency guards employed by the Department of Public
11 Safety.

3/7/83 - Frank Page → pk # 4



JUNEAU, ALASKA

Alaska State Legislature

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT

Senator Bill Ray, Chairman

Pouch YG
Mail Stop 3123
Juneau, Alaska 99811
(907) 465-4442

MEMORANDUM

February 15, 1983

TO: Members of the Senate State Affairs Committee

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

SUBJECT: Senate Bill 116 - Placing Emergency Guards Employed by the
Department of Public Safety in the Exempt Service

~~116-009 / 116-009~~

Blue Ribbon

~~The Blue Ribbon Commission is recommending that emergency guards employed by the Department of Public Safety be moved from the classified service to the exempt service. In 1979, the Commission sponsored legislation to place greater restraints on the employment of both nonpermanent and emergency classified state workers. These restrictions have created some difficulties for the Department of Public Safety because of the large number of emergency guards they hire. In 1982 the dept hired 495 emerg. guards. There were only 112 other emerg appts in the state.~~

An emergency employee is defined as "an employee appointed for a period not to exceed 30 calendar days, whose appointment was made under conditions requiring immediate action to carry on work that is required in the public interest". AS 39.25.200(3). Departments are required to report the reason for hiring an emergency employee within 15 working days of the appointment. Personnel practices require that departments prepare Personnel Action forms at the beginning and ending of an emergency appointment. ~~Departments are not required to report as extensively for an appointment to an exempt position.~~

According to the Division of Personnel's "Report on Nonpermanent and Emergency Employment 1982", the Department of Public Safety made 495 emergency guard hires in 1982. These employees guard prisoners or seized property in rural areas where a one- or two-person post prevents a trooper from maintaining 24-hour per day watch. The period required for the emergency service is between arrest and either arraignment or transportation to a correctional facility or until other arrangements are made to maintain custody of the seized property. According to the Department of Public Safety, typical appointments last from two to four days.

Many of the appt for some communities w/ frequent need for emergency guards, the dept employs the same individuals each time the need arises. There were 136 individuals who worked as emergency guards during 1982.

In addition, for each appt exempt forms from the Div. of Payroll & the Div. of Retirement & Benefits must be prepared.

~~REPLACE w/ # BELOW~~

~~In its report, the Division of Personnel states that the conditions for making emergency appointments place a significant paperwork burden on the Department of Public Safety, and on the Divisions of Personnel, Finance, and Retirement and Benefits in the Department of Administration. The division and the department recommend that emergency guards working for the Department of Public Safety be placed in the exempt service. The division points out that there are similarities between these positions and emergency firefighters in the department, who are already included in the exempt service by statute. AS 39.25.110(19).~~

The Blue Ribbon Commission agrees with the recommendation. Emergency guards are typically employed repeatedly in the locations which need them, but for short times each time. The paperwork burden on the department would be substantially reduced with little effect on the employee because the appointments are of such short duration. (The protections for emergency appointments are not much greater, if at all, than for exempt employees.) The continuing need for these appointments has been adequately documented.

~~ADD info~~
Bill Analysis

Section 1 adds emergency guards employed by the Department of Public Safety to the section of the State Personnel Act which lists exempt positions.

TBC:lmk

~~Placing emergency guards in the partially exempt service will substantially reduce the paperwork burden placed on the Departments of Public Safety & Administration. Those employees who are regularly ~~fill the~~ hired when an emergency occurs can remain on the payroll indefinitely, preparing time sheets for each period they actually work. Making the positions~~

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MEMORANDUM

March 10, 1983

TO: Senator Bill Ray, Chairman

FROM: Teresa B. Cramer
Administrative Assistant

SUBJECT: HB 207, HB 209 and SB 116 - Placing Emergency Guards Employed
by Public Safety in the Exempt Service

HB 207 and HB 209

The House State Affairs Committee considered HB 209, sponsored by Representative Bussell, yesterday. It is identical to HB 207 and SB 116, sponsored by the Blue Ribbon Commission, and moves emergency guards from the classified service to the exempt service. The bill was introduced at the recommendation of the Division of Personnel made in its 1982 "Report on Nonpermanent and Emergency Hire Practices in State Government". I attended the hearing at the request of the staff of State Affairs.

I talked with Frank Raye, Director of Personnel, prior to the meeting. He recommended that emergency guards be placed in the partially exempt rather than the exempt service. Partially exempt positions are part of the state classification plan and are paid according to the pay plan, so there is some restraint on the department from either overpaying or underpaying those employees. He proposed these changes to the House State Affairs Committee and I said that I believed the commission would have no objection. The goal of the bill is to reduce the paperwork which the department has to process when making the large number of emergency appointments. This goal would not be affected by the amendment which was adopted.

SB 116

Suzanne Tryck, professional assistant to the Senate State Affairs Committee, met with Frank Raye, Mike McMullen (Deputy Director of Personnel) and with me this morning to discuss SB 116. Mr. Raye proposed the same amendment to SB 116 which was made to HB 209 -- placing

Senator Bill Ray, Chairman
March 10, 1983
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emergency guards in the partially exempt rather than the exempt service. Ms. Tryck was concerned that there are few controls over the length of service of partially exempt or exempt temporary employees (they are not covered by the nonpermanent law) and that there is not even any requirement that the departments report on the length of time they work as temporaries. We discussed the problem and arrived at a possible solution which she will suggest to Senator Fischer for inclusion in a Committee Substitute. In addition to amending the bill to place emergency guards in the partially exempt service, she will suggest adding a new section to the bill amending the nonpermanent law to require the Department of Public Safety to report quarterly on the emergency guards it hires. (The vast majority of the paperwork requirements will be eliminated by moving the positions to the partially exempt service.) The new section would read something like:

Section 2. AS 39.25.195 is amended by adding a new paragraph to read:

(1) The department of public safety shall submit to the director a quarterly report of each emergency for which an employee under AS 39.25.120(c)(19) was employed. The director may request more frequent reports. The director shall include this information in the report on nonpermanent and emergency hire practices in state government.

TBC:lmk



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According to the Division of Personnel's "Report on Nonpermanent and Emergency Employment 1982", the Department of Public Safety made 495 emergency guard hires in 1982. These employees guard prisoners or seized property in rural areas where a one- or two-person post prevents a trooper from maintaining 24-hour per day watch. The period required for the emergency service is between arrest and either arraignment or transportation to a correctional facility or until other arrangements are made to maintain custody of the seized property. According to the Department of Public Safety, typical appointments last from two to four days.

In its report, the Division of Personnel states that the conditions for making emergency appointments place a significant paperwork burden on the Department of Public Safety, and on the Divisions of Personnel, Finance, and Retirement and Benefits in the Department of Administration. The division and the department recommend that emergency guards working for the Department of Public Safety be placed in the exempt service. The division points out that there are similarities between these positions and emergency firefighters in the department, who are already included in the exempt service by statute. AS 39.25.110(19).

The Blue Ribbon Commission agrees with the recommendation. Emergency guards are typically employed repeatedly in the locations which need them, but for short times each time. The paperwork burden on the departments would be substantially reduced with little effect on the employee because the appointments are of such short duration. (The protections for emergency appointments are not much greater, if at all, than for exempt employees.) The continuing need for these appointments has been adequately documented.

Bill Analysis

Section 1 adds emergency guards employed by the Department of Public Safety to the section of the State Personnel Act which lists exempt positions.

TBC:lmk