

COMMITTEE REPORT
SENATE

6/13/83

FURTHER:

Date: 3/16/84

Mr. President:

The Committee on Finance has had CSHB 209(R1s)

Classification of personnel; eff. 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 ^SCS for CSHB 209 (SA) 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:

Bob Mulvaney
[Signature]

[Signature] Mr. Rec.

[Signature]

CHAIRMAN

Offered: 6/13/83
Referred: Finance

passed
3/16/84

Original sponsor: Bussell

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE
2 SENATE CS FOR CS FOR HOUSE BILL NO. 209 (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 relating to the classification of personnel;
7 and providing for an effective date."

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

9 * Section 1. AS 39.25.110 is amended by adding a new paragraph to read:
10 (22) youth employed by the Department of Natural Resources
11 under the Youth Employment and Student Intern programs.

12 * Sec. 2. AS 39.25.120(c) is amended by adding a new paragraph to read:
13 (19) guards employed by the Department of Public Safety for
14 emergencies.

15 * Sec. 3. AS 44.41 is amended by adding a new section to read:
16 Sec. 44.41.030. REPORT TO DIVISION OF PERSONNEL. The Department
17 of Public Safety shall submit a report to the director of the division
18 of personnel quarterly and on request of the director. The report
19 shall contain a description of each emergency and shall include the
20 total amount of time by hours for each emergency for which emergency
21 guards under AS 39.25.120(c)(19) were used.

22 * Sec. 4. This Act takes effect immediately in accordance with AS 01.-
23 10.070(c).

THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS HB 209 (Finance)
 Title Placing emergency guards in partially exempt service...
 Requested by House Finance Committee Date 3/23/82

II. FISCAL DETAIL

Agency Affected Department of Public Safety
 Program Category Affected Alaska State Troopers
 BRU, Program, Or Subprogram(s) Affected _____
 (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 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS 0

FULL TIME						
PART TIME						
TEMPORARY						

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

ALASKA STATE SENATE

JOE P. JOSEPHSON
DISTRICT G - ANCHORAGE
1526 F STREET
ANCHORAGE, ALASKA 99501
(907) 277-4419



WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4907
(907) 465-4525

COMMITTEES
HEALTH, EDUCATION & SOCIAL SERVICES (CHAIR)
JUDICIARY (VICE-CHAIR)
FINANCE
MAJORITY CAUCUS (CHAIR)

MEMORANDUM

To: Senate Finance Committee

From: Senator Josephson *JPJ*

Re: SCS for CS for HB 209 (State Affairs) - An Act relating
relating to the classification of personnel

Date: March 14, 1984

Sectional Analysis

Section 1: Exempts youth employed by the Department of Natural Resources under the Youth Employment and Student Intern Program. This insures that these people will be hired at minimum wage. Unless this section is adopted, DNR will have to pay union wages and, thus, serve fewer students.

Section 2: Partially exempts guards employed by the Department of Public Safety for emergencies. Emergencies exist when it is necessary to 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 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. For each emergency appointment, and there were 404 such emergency hires in 1983, there is a tremendous quantity of paperwork. By placing the guards in the partially exempt category, the paperwork would be eliminated.

Section 3: The Department of Public Safety will be required to submit a report about the emergency hires to the director of the Division of Personnel quarterly and on request of the director.

Fiscal Information

The Department of Administration, Division of Personnel is zero.

Past Committee Action

In House Rules, Representative Bussell requested and the Committee adopted a section which would partially exempt correctional superintendents. The Department of Natural Resources requested and the Committee adopted a section which would exempt youth employed under the Youth Employment and Student Intern Program

In Senate State Affairs, the section on correctional superintendents was deleted. Voting 'do pass' were Senators Fischer, Sturgulewski, Rodey, and Ray.

Enclosed as Backup

- * A position paper and fiscal note from the Department of Administration dated 3/21/83
- * Senate State Affairs Committee Report
- * Copies of all appropriate Alaska Statutes
- * Exerpt from "A Report on Nonpermanent and Emergency Employment 1983" by the Division of Personnel, January 1984
- * A position paper by APEA
- * All versions of the bill

Offered: 6/13/83
Referred: Finance

Original sponsor: Bussell

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE
2 SENATE CS FOR CS FOR HOUSE BILL NO. 209 (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 relating to the classification of personnel;
7 and providing for an effective date."
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
9 * Section 1. AS 39.25.110 is amended by adding a new paragraph to read:
10 (22) youth employed by the Department of Natural Resources
11 under the Youth Employment and Student Intern programs.
12 * Sec. 2. AS 39.25.120(c) is amended by adding a new paragraph to read:
13 (19) guards employed by the Department of Public Safety for
14 emergencies.
15 * Sec. 3. AS 44.41 is amended by adding a new section to read:
16 Sec. 44.41.030. REPORT TO DIVISION OF PERSONNEL. The Department
17 of Public Safety shall submit a report to the director of the division
18 of personnel quarterly and on request of the director. The report
19 shall contain a description of each emergency and shall include the
20 total amount of time by hours for each emergency for which emergency
21 guards under AS 39.25.120(c)(19) were used.
22 * Sec. 4. This Act takes effect immediately in accordance with AS 01.-
23 10.070(c).

Offered: 5/5/83
Referred: Rules

Original sponsor: Bussell

1 IN THE HOUSE BY THE RULES COMMITTEE

2 CS FOR HOUSE BILL NO. 209 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the classification of personnel;
7 and providing for an effective date."

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

9 * Section 1. AS 39.25.110 is amended by adding a new paragraph to read:

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

12 * Sec. 2. AS 39.25.120(c) is amended by adding new paragraphs to read:

13 (19) guards employed by the Department of Public Safety for
14 emergencies;

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

17 * Sec. 3. AS 44.41 is amended by adding a new section to read:

18 Sec. 44.41.030. REPORT TO DIVISION OF PERSONNEL. The Department
19 of Public Safety shall submit a report to the director of the division
20 of personnel quarterly and on request of the director. The report
21 shall contain a description of each emergency and shall include the
22 total amount of time by hours for each emergency for which emergency
23 guards under AS 39.25.120(c)(19) were used.

24 * Sec. 4. This Act takes effect immediately in accordance with AS 01.-
25 10.070(c).

Introduced: 2/17/83
Referred: State Affairs and
Finance

1 IN THE HOUSE

BY BUSSELL

2

HOUSE BILL NO. 209

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 exempt service."

8

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

9

* Section 1. AS 39.25.110 is amended by adding a new paragraph to read:

10

(22) emergency guards employed by the Department of Public

11

Safety.

COMMITTEE REPORT
SENATE

FURTHER: FINANCE

5/16/83

Date: 6/9/83

Mr. President:

The Committee on STATE AFFAIRS has had CSHB 209 (R1s)

Classification of personnel; eff. 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 ^SCS for CSHB 209 (SA) same title
- and recommends may do pass new title
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Cecil Stinson

Robert Koller

Bice Ray

MEMBERS HAVING
OTHER RECOMMENDATIONS:

V. Fischer do pass

CHAIRMAN

THIRTEENTH LEGISLATURE

FISCAL NOTE

cl

I. REQUEST

Bill/Resolution No. CS HB 209 (Finance)

Title Placing emergency guards in partially exempt service...

Requested by House Finance Committee Date 3/23/82

II. FISCAL DETAIL

Agency Affected Department of Public Safety

Program Category Affected Alaska State Troopers

BRU, Program, Or Subprogram(s) Affected _____

(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 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

0

FULL TIME						
PART TIME						
TEMPORARY						

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

ADA

ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

SENATOR VIC FISCHER, CHAIRMAN

POUCH V, JUNEAU 99811

(907) 465-4954



June 9, 1983
3:00 p.m.

Butrovich Room

Members Present

Senator Vic Fischer, Chair
Senator Bill Ray, Vice Chair
Senator Pat Rodey
Senator Arliss Sturgulewski

Agenda

HB 209 Classification of Personnel
HB 323 Residency
HB 413 Capital Area Historic Properties Advisory Commission

HB 209 Classification of Personnel

Terry Cramer, Executive Director, Blue Ribbon Commission on State Personnel, testified against the portion of the bill which would put correctional superintendents into the partially exempt service.

Mary Halloran, Department of Natural Resources, testified in favor of Sec. 1 of the bill. She said that the Department cannot maintain a financially viable summer youth employment program unless the participants are placed in the partially exempt service.

Kevin Bruce, Special Assistant to the Governor, testified in favor of the provision which Ms. Cramer opposed.

Bill Huston, Superintendent of the Juneau Correctional Center, testified against the provision supported by Mr. Bruce. He felt that under a properly managed corrections system those who fail to perform in their jobs can be fired notwithstanding the fact that they are classified personnel.

Cherie Shelly, A.P.E.A., testified that the organization supports Mr. Huston's position.

Senator Ray moved and asked unanimous consent that lines 15 and 16 of the bill be deleted. There was no objection. He then moved and asked unanimous consent that the bill pass from committee with individual recommendations. There was no objection.

HB 323 Residency

Senator Fischer presented a proposed committee substitute.

Robert Maynard, Department of Law, testified for the committee substitute. He said it corrects constitutional problems with a variety of residency statutes. He explained the current state of the law on residency.

Senator Ray moved and asked unanimous consent to amend the committee substitute to raise the age for obtaining a free hunting and fishing license from 60 years old to age 65. There was no objection.

Senator Rodey moved and asked unanimous consent to adopt the committee substitute and pass it from committee with individual recommendations. There was no objection.

HB 413 Capital Area Historic Properties Advisory Commission

Mike Scott, Aide to Senator Ferguson, testified for the bill. He said that it formalizes an informal group which is studying the preservation of the Capitol Building and the Governor's Mansion.

Senator Rodey moved and asked unanimous consent that the bill pass from committee with a do pass recommendation. There was no objection.

The meeting was adjourned at 4:15 p.m.

Position Paper
HB 209
Division of Personnel

The Division of Personnel supports the passage of HB 209 with amendments. Attached marked up copy of CSSB 116 satisfies all the issues raised to date by the Senate State Affairs and Judiciary and the House State Affairs Committees, as well as rewriting certain phases to remove any possible confusion. The bill, with proposed amendments will place guards employed by the Department of Public Safety for emergencies in the partially exempt service. They will be subject to the statutory pay plan (AS 39.27.011). Section 2 of the bill imposes a reporting requirement on the Department of Public Safety. This will insure the continued visibility of the appointments. In its amended form the bill still accomplishes the primary purpose: to remove guards employed by the Department of Public Safety from the classified service. The Department of Public Safety should experience a significant reduction in paperwork by the passage of this bill.

Shane R. Rye

DIRECTOR

3/21/83

DATE

Rich Rued

COMMISSIONER

3/21/83

DATE

STATE OF ALASKA
FISCAL NOTE

Revision Date: _____, 198

I. REQUEST

Bill/Resolution No. CS HB 209 (State Affairs)
 Title: Placing DPS Guards in exempt svc
 Sponsor: Bussell
 Requestor: H. Finance

II. FISCAL DETAIL

Agency Affected: Administration
 Program Category Affected: Cont. Admin. S
 BRU, Program of Subprogram(s) Affected: Personnel

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING						
CAPITAL	-0-	-0-	-0-	-0-	-0-	
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Frank H. Raye *Frank H. Raye*
 Division: Personnel

Phone: 465-4430
 Date: 03/21/83

Approved by Commissioner: Lisa Rudd *Lisa Rudd*
 Department: ADMINISTRATION

Date: 03/21/83

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

3/8/83

Sec. 44.39.040. Vacancy. If a vacancy occurs in the office of the commissioner of fish and game, the governor shall appoint a successor for the unexpired term in the manner provided for the regular appointment. (§ 17 ch 64 SLA 1959)

Sec. 44.39.050. Removal of commissioner. The Board of Fisheries or the Board of Game may submit a resolution to the governor requesting the removal of the commissioner. The resolution shall set out the grounds for the request and the governor shall give the commissioner and both boards an opportunity to be heard. The final decision to remove or retain the commissioner shall be made by the governor. (§ 17 ch 64 SLA 1959; am § 38 ch 206 SLA 1975)

Chapter 41. Department of Public Safety.

Section

- 10. Commissioner of public safety
- 20. Duties of department

Sec. 44.41.010. Commissioner of public safety. The principal executive officer of the Department of Public Safety is the commissioner of public safety. (§ 18 ch 64 SLA 1959)

Am. Jur. 2d and C.J.S. references. — 1 and 2 Am. Jur. 2d, Administrative Law, § 1 et seq.; 63 Am. Jur. 2d, Public Funds, § 1 et seq.; 63 Am. Jur. 2d, Public Officers and Employees, § 22; 64 Am. Jur. 2d, Public Works and Contracts, § 1 et seq.; 72 Am. Jur. 2d, States, Territories and Dependencies, §§ 66-74. 81A C.J.S. States § 147.

Sec. 44.41.020. Duties of department. The Department of Public Safety shall administer functions relative to the protection of life and property. (§ 18 ch 64 SLA 1959)

State troopers are employees of the Department of Public Safety. Lee v. State, Sup. Ct. Op. No. 749 (File No. 1395), 490 P.2d 1206 (1971).
And are not shielded by AS 09.05.090 from liability for ordinary negligence. — The Good Samaritan Statute, AS 09.65.090, does not shield a police officer from liability for ordinary negligence. Lee v. State, Sup. Ct. Op. No. 749 (File No. 1395), 490 P.2d 1206 (1971).

Chapter 42. Department of Transportation and Public Facilities.

Section

- 10. Commissioner of transportation and public facilities
- 20. Powers and duties
- 30. Regulations
- 40. Departmental organization
- 50. State transportation plan
- 55. State public facilities plan

Section

- 60. Grants to the department
- 65. Conservation of energy in public buildings
- 70. Limitation on transportation facilities
- 80. Capital projects funds
- 900. Definitions

25.070

rd is
rmed
to the
quent
d term
of the
anner

te who
mbers

vernor

ce and
11 ch

rd. In
sonnel

within
prove
rd, and
public

of the
in AS

classified

stitute a
tes are

es, and
earing

1. Ct. Op.
2d 718

§ 39.25.080 PUBLIC OFFICERS AND EMPLOYEES § 39.25.110

Sec. 39.25.080. Public records. The state personnel records, except those records which the rules require to be held confidential for reasons of public policy, are public records and are open to public inspection, subject to reasonable regulations as to the time and manner of inspection. (§ 18 ch 144 SLA 1960)

Article 2. Coverage of Personnel.

Section

- | | |
|-------------------------|--|
| 90. Coverage of chapter | 120. Partially exempt service |
| 100. Classified service | 130. Extension of partially exempt and classified services |
| 110. Exempt service | |

Sec. 39.25.090. Coverage of chapter. This chapter and the rules adopted under it apply to all positions in (1) the classified service, and (2) the partially exempt service as specifically provided. (§ 3 ch 144 SLA 1960)

Sec. 39.25.100. Classified service. The classified service consists of all positions in the state service not included in the exempt service or in the partially exempt service. (§ 4 ch 144 SLA 1960)

Quoted in *Mueller v. Alaska State Bd. of Personnel*, Sup. Ct. Op. No. 396 (File No. 738), 425 P.2d 145 (1967); *State v. Bogenrife*, Sup. Ct. Op. No. 918 (File No. 1665), 513 P.2d 13 (1973).

Sec. 39.25.110. Exempt service. The following positions in the state service constitute the exempt service and are exempt from the provisions of this chapter and the rules adopted under it:

- (1) persons elected to public office by popular vote or appointed to fill vacancies in elected offices;
- (2) justices of the supreme court, judges of the superior court, judges and magistrates of other state courts established by law;
- (3) the administrative director and all other employees of the state court system, and employees and members of the Judicial Council;
- (4) the chief administrative officer of each house of the legislature;
- (5) all employees of the state legislature and its agencies;
- (6) the head of each principal department in the executive branch;
- (7) officers, members of the teaching staff, and employees of the University of Alaska;
- (8) certificated teachers employed by the state to teach in schools operated by the state;
- (9) patients and inmates employed in state institutions;
- (10) persons employed in a professional capacity to make a temporary and special inquiry, study, or examination as authorized by the governor, the legislature, or a legislative committee;
- (11) members of boards, commissions, or authorities, except as otherwise provided by law;

(12) personnel employed by the division of marine transportation as masters and members of the crews or vessels who operate the state ferry system and who are covered by collective bargaining agreements provided in AS 23.40.040;

(13) commissioners of the Alaska Public Utilities Commission;

(14) the executive officer of the Alaska Commission on Postsecondary Education;

(15) commissioners and employees of the Alaska Commercial Fisheries Entry Commission;

(16) the ombudsman and his staff;

(17) the members, executive secretary and legal counsel of the Alaska Municipal Bond Bank Authority;

(18) certified teachers and noncertified employees employed by a regional educational attendance area established and organized under AS 14.08.031 — 14.08.041 to teach in, administer or operate schools under the operation, control and management of a regional educational attendance area school board;

(19) licensed physicians, as defined in AS 47.30.340(9), employed by the division of mental health and developmental disabilities, Department of Health and Social Services;

(20) petroleum engineers and petroleum geologists employed in a professional capacity by the Department of Natural Resources except for those employed in the division of geological and geophysical surveys;

(21) employees of the Alaska Gas Pipeline Financing Authority;

(22) members of the board of trustees, the executive director, and staff of the Alaska Permanent Fund Corporation;

(23) the executive director and other employees of the Alaska Industrial Development Authority;

(24) officers, agents, and employees of the Alcoholic Beverage Control Board granted limited peace officer powers by the Alcoholic Beverage Control Board under AS 04.06.110;

(25) employees of the Alaska Energy Center. (§ 5 ch 144 SLA 1960; am § 1 ch 48 SLA 1961; am § 1 ch 133 SLA 1961; am § 3 ch 93 SLA 1962; am § 3 ch 24 SLA 1966; am § 31 ch 46 SLA 1970; am § 65 ch 69 SLA 1970; am § 13 ch 113 SLA 1970; am § 3 ch 78 SLA 1971; am § 18 ch 78 SLA 1974; am § 42 ch 127 SLA 1974; am § 2 ch 32 SLA 1975; am § 2 ch 79 SLA 1975; am § 37 ch 124 SLA 1975; am § 1 ch 157 SLA 1976; am § 3 ch 90 SLA 1978; am § 7 ch 18 SLA 1980; am § 43 ch 106 SLA 1980; am § 10 ch 131 SLA 1980; am § 4 ch 148 SLA 1980)

Effect of amendments. — The 1976 amendment added paragraphs (19) and (20).

The 1978 amendment added paragraph (21).

The first 1980 amendment added paragraph (22).

The second 1980 amendment added paragraph (23).

The third 1980 amendment added paragraph (24).

The fourth 1980 amendment added paragraph (25).

39.25.110
ation as
the state
reements
sion;
sion on
mmercial
el of the
yed by a
zed under
e schools
ucational
ployed by
abilities,
yed in a
es except
ophysical
hority;
ctor, and
e Alaska
e Control
Beverage
LA 1960;
1 93 SLA
65 ch 69
am § 18
LA 1975;
157 SLA
13 ch 106
980)
ent added
nt added
ent added

Legislative history reports. — For report on ch. 69, SLA 1970 (HB 564), see 1970 House Journal Supplement No. 2, p. 7 (2/10/70). For report on ch. 127, SLA 1974 (SCSHB 817 am S), see 1974 House Journal, p. 657. For report on ch. 157, SLA 1976 (SCS CSHB 887 am S), see 1976 House Journal, p. 1449.
The thrust of the exemptions in this chapter, the Public Employees Retirement System, former AS 39.35.680(5(c), and the statutory leave provisions for state employees, AS

39.20.310, is to provide for those public employees who are not susceptible to ordinary recruiting and examining procedures. *Haffing v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).
No inconsistency between ferry crew exemption of this section and inclusion of such personnel with Public Employment Relations Act, AS 23.40.070 et seq. — See *Haffing v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

Sec. 39.25.120. Partially exempt service. The following positions in the state service constitute the partially exempt service and are subject to this chapter and the rules adopted under it only as specifically provided in this chapter. Positions in the partially exempt service shall be included in the position classification plan established under this chapter, and these positions shall be compensated according to the pay plan. Persons holding positions in the partially exempt service are not required to take examinations, qualify or earn a place on a register, nor are they eligible for a hearing by the personnel board in case of dismissal, demotion, or suspension. Positions in the partially exempt service are specifically exempt from the rule established under AS 39.25.150(3) — (11), (14), (15), (18). They are also specifically exempt from AS 39.25.170 and 39.25.180 and as stated in AS 39.25.160(a):

- (1) assistant commissioners of the principal departments of the executive branch;
- (2) the directors, division of personnel, division of public health, division of medical assistance, and those other directors of the major divisions of the principal departments of the executive branch as are specifically designated by the governor;
- (3) attorney members of the staff of the Department of Law;
- (4) one private secretary for each head of a principal department in the executive branch;
- (5) all employees of the Office of the Governor and the lieutenant governor, including the staff of the governor's mansion;
- (6) Repealed by § 4 ch 78 SLA 1971.
- (7) Repealed by § 9 ch 47 SLA 1974.
- (8) the director and deputy director of the division of tourism in the Department of Commerce and Economic Development;
- (9) regional directors of the Department of Transportation and Public Facilities;
- (10) the executive director and deputy director of the Alaska Public Utilities Commission;
- (11) the state forester, in the Department of Natural Resources;

(12) the executive director and staff of the Alaska Public Offices Commission;

(13) the attorney members, but not the non-attorney members, of the staff of the public defender agency in the Department of Administration;

(14) the executive director of the Alaska Historical Commission;

(15) the chief executive officer, but not other staff, of the Alaska State Council on the Arts;

(16) the administrator of the Alaska Police Standards Council;

(17) the executive director, but not other staff, of the Alaska Council on Science and Technology located in the Department of Environmental Conservation;

(18) the director, deputy director, staff legal counsel, and hearing officers of the Alaska Transportation Commission. (§ 6 ch 144 SLA 1960; am § 2 ch 48 SLA 1961; am § 2 ch 133 SLA 1961; am § 4 ch 5 SLA 1966; am § 3 ch 104 SLA 1969; am § 2 ch 109 SLA 1969; am § 4 ch 78 SLA 1971; am § 9 ch 47 SLA 1974; am § 4 ch 82 SLA 1975; am § 10 ch 207 SLA 1975; am § 2 ch 157 SLA 1976; am § 19 ch 263 SLA 1976; am Executive Order No. 39 § 6 (1977); am § 1 ch 103 SLA 1978; am § 2 ch 108 SLA 1978; am Executive Order No. 41 § 3 (1980); am Executive Order No. 42 §§ 3, 4 (1980); am Executive Order No. 43 § 4 (1980); am Executive Order No. 44 § 5 (1980); am Executive Order No. 45 § 3 (1980); am Executive Order No. 46 § 4 (1980); am § 18 ch 115 SLA 1980)

Revisor's note. — In this section "secretary of state" has been changed to "lieutenant governor" in conformity with the 1970 Alaska constitutional amendment (SJR 2) changing the designation of that office.

Effect of amendments. — The first 1976 amendment deleted "division of mental health" following "division of personnel" in paragraph (2).

The second 1976 amendment, retroactive to July 1, 1975, deleted "and the staff of the division of tourism" from the end of paragraph (8).

Executive Order No. 39 § 6 (1977), added paragraph (9).

The first 1978 amendment added paragraph (10).

The second 1978 amendment added paragraph (11).

Section 3, Executive Order No. 41 (1980), the first 1980 amendment, added paragraph (12).

Sections 3 and 4, Executive Order No. 42 (1980), the second 1980 amendment,

deleted "and the attorney members of the staff of the public defender agency, but not including the nonattorney members of the staff of that agency" from the end of paragraph (5), and added paragraph (13).

Section 4, Executive Order No. 43 (1980), the third 1980 amendment, added paragraph (14).

Section 5, Executive Order No. 44 (1980), the fourth 1980 amendment, added paragraph (15).

Section 3, Executive Order No. 45 (1980), the fifth 1980 amendment, added paragraph (16).

Section 4, Executive Order No. 46 (1980), the sixth 1980 amendment, added paragraph (17).

The seventh 1980 amendment, added paragraph (18).

Legislative history report. — For report on ch. 5, SLA 1966, see 1966 House Journal, pp. 50 and 51. For report on ch. 157, SLA 1976 (SCS CSHB 887 am S), see 1976 House Journal, p. 1449.

Changes to SCSCSHB 209 (State Affairs)

Line 12: delete "a", change "paragraph" to "paragraphs"

Line 14: change "," to ";"

following line 14: insert "(20) correctional superintendents; however, appointees to these positions must have at least three years of experience in a correctional program, including at least one year of administrative, managerial, supervisory, or policy development experience."



Alaska Public
Employees Association **APEA**

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

MEMORANDUM

TO: Senator Joe Josephson
Senate Finance Committee

FROM: Cherie Shelley *CS*
Executive Director

DATE: February 14, 1984

SUBJECT: Correctional Superintendents and the Exempt Service

APEA is opposed to any amendment to CSHB209 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 requisits should be mandatory in a career field that is hazardous and where working conditions 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.

PROPOSED AMENDMENT

Although it would require appointees to have at least three years of experience in a correctional program, including at least one year of administrative, managerial, supervisory, or policy development experience - APEA feels strongly that this is not enough background to take on the grueling job and the experience needed to qualify as a Corrections Superintendent.

Other major factors against such an amendment are dealt with in the ensuing paragraphs.

Fairbanks Field Office
825-D College Road
Fairbanks, AK 99701
Telephone: (907) 456-5412

Anchorage Field Office
833 Gambell Street, Suite A
Anchorage, AK 99501
Telephone: (907) 274-1688

Juneau Field Office
227 4th Street
Juneau, AK 99801
Telephone: (907) 586-6305

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 removal of Superintendents from the Classified Service.

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 kindered 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.

RECOMMENDATIONS

On May 3, 1983, the House Rules Standing Committee held a hearing for HB209. APEA Executive Director Cherie Shelley and William H. Houston, then Superintendent of the Juneau Correctional Center testified.

William Houston- stated that it would be a great mistake to remove the Superintendents from the Classified Service. He pointed out that qualified employees would not have an opportunity to move up the career ladder. He noted that the job of Superintendent is tough and demanding and requires experience. A political appointee would feel that their head was on the block everytime they made a decision and it would be difficult to work under these conditions.

Statements from other qualified sources included:

Dr. Gary Copus - In his testimony before the Senate Finance Committee on January 19, 1984, Dr. Copus recommended that Correctional Superintendents remain in the classified service because it provides an additional career step necessary to attract qualified people to corrections. Dr. Copus is the author of Alaskan Corrections: Issues for the 1980's, a report prepared for the Alaska State Senate.

Blue Ribbon Commission - In studying the State Personnel Act, the former Blue Ribbon Commission reviewed the issue of Exempt, Partially Exempt and Classified Service. It 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 urged that employees be moved to the Classified Service whenever possible.

CS/rb



Alaska Public
Employees Association **APEA**

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

MEMORANDUM

TO: Senator Joe Josephson
Senate Finance Committee

FROM: Cherie Shelley *CS*
Executive Director

DATE: February 14, 1984

SUBJECT: Correctional Superintendents and the Exempt Service

APEA is opposed to any amendment to CSHB209 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 requisits should be mandatory in a career field that is hazardous and where working conditions 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.

PROPOSED AMENDMENT

Although it would require appointees to have at least three years of experience in a correctional program, including at least one year of administrative, managerial, supervisory, or policy development experience - APEA feels strongly that this is not enough background to take on the grueling job and the experience needed to qualify as a Corrections Superintendent.

Other major factors against such an amendment are dealt with in the ensuing paragraphs.

Fairbanks Field Office
825-D Collage Road
Fairbanks, AK 99701
Telephone: (907) 456-5412

Anchorage Field Office
833 Gambell Street, Suite A
Anchorage, AK 99501
Telephone: (907) 274-1688

Juneau Field Office
227 4th Street
Juneau, AK 99801
Telephone: (907) 586-6305

POLITICAL SPOILS SYSTEM

Corrections 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 removal of Superintendents from the Classified Service.

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 kindered 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.

RECOMMENDATIONS

On May 3, 1983, the House Rules Standing Committee held a hearing for HB209. APEA Executive Director Cherie Shelley and William H. Houston, then Superintendent of the Juneau Correctional Center testified.

William Houston- stated that it would be a great mistake to remove the Superintendents from the Classified Service. He pointed out that qualified employees would not have an opportunity to move up the career ladder. He noted that the job of Superintendent is tough and demanding and requires experience. A political appointee would feel that their head was on the block everytime they made a decision and it would be difficult to work under these conditions.

Statements from other qualified sources included:

Dr. Gary Copus - In his testimony before the Senate Finance Committee on January 19, 1984, Dr. Copus recommended that Correctional Superintendents remain in the classified service because it provides an additional career step necessary to attract qualified people to corrections. Dr. Copus is the author of Alaskan Corrections: Issues for the 1980's, a report prepared for the Alaska State Senate.

Blue Ribbon Commission - In studying the State Personnel Act, the former Blue Ribbon Commission reviewed the issue of Exempt, Partially Exempt and Classified Service. It 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 urged that employees be moved to the Classified Service whenever possible.

CS/rb



Alaska Public
Employees Association **APEA**

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

MEMORANDUM

TO: Senator Joe Josephson
Senate Finance Committee

FROM: Cherie Shelley *CS*
Executive Director

DATE: February 14, 1984

SUBJECT: Correctional Superintendents and the Exempt Service

APEA is opposed to any amendment to CSHB209 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 requisits should be mandatory in a career field that is hazardous and where working conditions 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.

PROPOSED AMENDMENT

Although it would require appointees to have at least three years of experience in a correctional program, including at least one year of administrative, managerial, supervisory, or policy development experience - APEA feels strongly that this is not enough background to take on the grueling job and the experience needed to qualify as a Corrections Superintendent.

Other major factors against such an amendment are dealt with in the ensuing paragraphs.

Fairbanks Field Office
625-D College Road
Fairbanks, AK 99701
Telephone: (907) 458-5412

Anchorage Field Office
833 Gambell Street, Suite A
Anchorage, AK 99501
Telephone: (907) 274-1688

Juneau Field Office
227 4th Street
Juneau, AK 99801
Telephone: (907) 586-6305

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 removal of Superintendents from the Classified Service.

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.

RECOMMENDATIONS

On May 3, 1983, the House Rules Standing Committee held a hearing for HB209. APEA Executive Director Cherie Shelley and William H. Houston, then Superintendent of the Juneau Correctional Center testified.

William Houston- stated that it would be a great mistake to remove the Superintendents from the Classified Service. He pointed out that qualified employees would not have an opportunity to move up the career ladder. He noted that the job of Superintendent is tough and demanding and requires experience. A political appointee would feel that their head was on the block everytime they made a decision and it would be difficult to work under these conditions.

Statements from other qualified sources included:

Mr. Gary Copus - In his testimony before the Senate Finance Committee on January 19, 1984, Dr. Copus recommended that Correctional Superintendents remain in the classified service because it provides an additional career step necessary to attract qualified people to corrections. Dr. Copus is the author of Alaskan Corrections: Issues for the 1980's, a report prepared for the Alaska State Senate.

Blue Ribbon Commission - In studying the State Personnel Act, the former Blue Ribbon Commission reviewed the issue of Exempt, Partially Exempt and Classified Service. It 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 urged that employees be moved to the Classified Service whenever possible.

CS/rb



Alaska Public
Employees Association **APEA**

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

MEMORANDUM

TO: Senator Joe Josephson
Senate Finance Committee

FROM: Cherie Shelley *CS*
Executive Director

DATE: February 14, 1984

SUBJECT: Correctional Superintendents and the Exempt Service

APEA is opposed to any amendment to CSHB209 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 requisits should be mandatory in a career field that is hazardous and where working conditions 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.

PROPOSED AMENDMENT

Although it would require appointees to have at least three years of experience in a correctional program, including at least one year of administrative, managerial, supervisory, or policy development experience - APEA feels strongly that this is not enough background to take on the grueling job and the experience needed to qualify as a Corrections Superintendent.

Other major factors against such an amendment are dealt with in the ensuing paragraphs.

Fairbanks Field Office
825-D College Road
Fairbanks, AK 99701
Telephone: (907) 456-5412

Anchorage Field Office
833 Gambell Street, Suite A
Anchorage, AK 99501
Telephone: (907) 274-1688

Juneau Field Office
227 4th Street
Juneau, AK 99801
Telephone: (907) 586-8305

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 removal of Superintendents from the Classified Service.

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 kindered 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.

RECOMMENDATIONS

On May 3, 1983, the House Rules Standing Committee held a hearing for HB209. APEA Executive Director Cherie Shelley and William H. Houston, then Superintendent of the Juneau Correctional Center testified.

William Houston- stated that it would be a great mistake to remove the Superintendents from the Classified Service. He pointed out that qualified employees would not have an opportunity to move up the career ladder. He noted that the job of Superintendent is tough and demanding and requires experience. A political appointee would feel that their head was on the block everytime they made a decision and it would be difficult to work under these conditions.

Statements from other qualified sources included:

Dr. Gary Copus - In his testimony before the Senate Finance Committee on January 19, 1984, Dr. Copus recommended that Correctional Superintendents remain in the classified service because it provides an additional career step necessary to attract qualified people to corrections. Dr. Copus is the author of Alaskan Corrections: Issues for the 1980's, a report prepared for the Alaska State Senate.

Blue Ribbon Commission - In studying the State Personnel Act, the former Blue Ribbon Commission reviewed the issue of Exempt, Partially Exempt and Classified Service. It 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 urged that employees be moved to the Classified Service whenever possible.

CS/rb

Recommendation for Legislation Required to Implement the Intent of this Section:

Prior to the effective date of the nonpermanent law the Personnel Rules provide flexibility in the emergency hiring of guards for prisoners. The definition of "emergency employee" in AS 39.25.200(3) is less flexible and presents a significant paperwork burden on the Department of Public Safety, and consequently the Divisions of Personnel, Finance, and Retirement and Benefits. As indicated under "The Number of Emergency Employees Hired," the Department of Public Safety made 404 emergency guard hires in 1983. However, only 131 different employees were hired. Several potential solutions to the situation have been discussed with the management of the Department. We and they have concluded that the best long-range solution is to place these positions in the partially exempt service.

We had recommended placement of these positions in the exempt service to the First Session of the Thirteenth State Legislature. Three initially identical bills were introduced to accomplish this placement: HB 207, HB 209, SB 116. In the committee hearing process we supported the change to partially exempt instead of exempt and added a reporting requirement. We continue to recommend passage of a bill which will place these emergency guards in the partially exempt service.

The current statutes of the bills proposing this change are as follows:

SCSCS HB 209 (State Affairs), Sections 2 and 3, in Senate Finance,
CSSB 116 (State Affairs), Sections 1 and 2, in House Judiciary,
HB 207, Section 1 (unamended), in House State Affairs (Committee of
first referral).

EXEPT FROM:
A REPORT ON NONPERMANENT
AND EMERGENCY EMPLOYMENT "1983"
Prepared by the Division of
Personnel. Jan, 1984

Recommendation for Legislation Required to Implement the Intent of this Section:

Prior to the effective date of the nonpermanent law the Personnel Rules provide flexibility in the emergency hiring of guards for prisoners. The definition of "emergency employee" in AS 39.25.200(3) is less flexible and presents a significant paperwork burden on the Department of Public Safety, and consequently the Divisions of Personnel, Finance, and Retirement and Benefits. As indicated under "The Number of Emergency Employees Hired," the Department of Public Safety made 404 emergency guard hires in 1983. However, only 131 different employees were hired. Several potential solutions to the situation have been discussed with the management of the Department. We and they have concluded that the best long-range solution is to place these positions in the partially exempt service.

We had recommended placement of these positions in the exempt service to the First Session of the Thirteenth State Legislature. Three initially identical bills were introduced to accomplish this placement: HB 207, HB 209, SB 116. In the committee hearing process we supported the change to partially exempt instead of exempt and added a reporting requirement. We continue to recommend passage of a bill which will place these emergency guards in the partially exempt service.

The current statutes of the bills proposing this change are as follows:

SCSCS HB 209 (State Affairs), Sections 2 and 3, in Senate Finance,
CSSB 116 (State Affairs), Sections 1 and 2, in House Judiciary,
HB 207, Section 1 (unamended), in House State Affairs (Committee of
first referral.

EXEMPT FROM:
" A REPORT ON NON PERMANENT
AND EMERGENCY EMPLOYMENT 1983 "
Prepared by the Division of
Personnel. Jan, 1984

Recommendation for Legislation Required to Implement the Intent of this Section:

Prior to the effective date of the nonpermanent law the Personnel Rules provide flexibility in the emergency hiring of guards for prisoners. The definition of "emergency employee" in AS 39.25.200(3) is less flexible and presents a significant paperwork burden on the Department of Public Safety, and consequently the Divisions of Personnel, Finance, and Retirement and Benefits. As indicated under "The Number of Emergency Employees Hired," the Department of Public Safety made 404 emergency guard hires in 1983. However, only 131 different employees were hired. Several potential solutions to the situation have been discussed with the management of the Department. We and they have concluded that the best long-range solution is to place these positions in the partially exempt service.

We had recommended placement of these positions in the exempt service to the First Session of the Thirteenth State Legislature. Three initially identical bills were introduced to accomplish this placement: HB 207, HB 209, SB 116. In the committee hearing process we supported the change to partially exempt instead of exempt and added a reporting requirement. We continue to recommend passage of a bill which will place these emergency guards in the partially exempt service.

The current statutes of the bills proposing this change are as follows:

SCSCS HB 209 (State Affairs), Sections 2 and 3, in Senate Finance,
CSSB 116 (State Affairs), Sections 1 and 2, in House Judiciary,
HB 207, Section 1 (unamended), in House State Affairs (Committee of
first referral.

EXCERPT FROM:
"A REPORT ON NON PERMANENT
AND EMERGENCY EMPLOYMENT 1983"
Prepared by the Division of
Personnel. Jan, 1984

Recommendation for Legislation Required to Implement the Intent of this Section:

Prior to the effective date of the nonpermanent law the Personnel Rules provide flexibility in the emergency hiring of guards for prisoners. The definition of "emergency employee" in AS 39.25.200(3) is less flexible and presents a significant paperwork burden on the Department of Public Safety, and consequently the Divisions of Personnel, Finance, and Retirement and Benefits. As indicated under "The Number of Emergency Employees Hired," the Department of Public Safety made 404 emergency guard hires in 1983. However, only 131 different employees were hired. Several potential solutions to the situation have been discussed with the management of the Department. We and they have concluded that the best long-range solution is to place these positions in the partially exempt service.

We had recommended placement of these positions in the exempt service to the First Session of the Thirteenth State Legislature. Three initially identical bills were introduced to accomplish this placement: HB 207, HB 209, SB 116. In the committee hearing process we supported the change to partially exempt instead of exempt and added a reporting requirement. We continue to recommend passage of a bill which will place these emergency guards in the partially exempt service.

The current statutes of the bills proposing this change are as follows:

SCSCS HB 209 (State Affairs), Sections 2 and 3, in Senate Finance,
CSSB 116 (State Affairs), Sections 1 and 2, in House Judiciary,
HB 207, Section 1 (unamended), in House State Affairs (Committee of
first referral.

EXEPT FROM:
A REPORT ON NON PERMANENT
AND EMERGENCY EMPLOYMENT 1983
Prepared by the Division of
Personnel. Jan, 1984

Recommendation for Legislation Required to Implement the Intent of this Section:

Prior to the effective date of the nonpermanent law the Personnel Rules provide flexibility in the emergency hiring of guards for prisoners. The definition of "emergency employee" in AS 39.25.200(3) is less flexible and presents a significant paperwork burden on the Department of Public Safety, and consequently the Divisions of Personnel, Finance, and Retirement and Benefits. As indicated under "The Number of Emergency Employees Hired," the Department of Public Safety made 404 emergency guard hires in 1983. However, only 131 different employees were hired. Several potential solutions to the situation have been discussed with the management of the Department. We and they have concluded that the best long-range solution is to place these positions in the partially exempt service.

We had recommended placement of these positions in the exempt service to the First Session of the Thirteenth State Legislature. Three initially identical bills were introduced to accomplish this placement: HB 207, HB 209, SB 116. In the committee hearing process we supported the change to partially exempt instead of exempt and added a reporting requirement. We continue to recommend passage of a bill which will place these emergency guards in the partially exempt service.

The current statutes of the bills proposing this change are as follows:

SCSCS HB 209 (State Affairs), Sections 2 and 3, in Senate Finance,
CSSB 116 (State Affairs), Sections 1 and 2, in House Judiciary,
HB 207, Section 1 (unamended), in House State Affairs (Committee of
first referral.

EXEMPT FROM:
A REPORT ON NON PERMANENT
AND EMERGENCY EMPLOYMENT 1983 "
Prepared by the Division of
Personnel. Jan, 1984

COMMITTEE REPORT
SENATE

FURTHER: FINANCE

5/16/83

Date:

6/9/83

Mr. President:

The Committee on STATE AFFAIRS has had CSHB 209 (R1s)

Classification of personnel; eff. 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)

[x] replace with CS for CSHB 209 (SA) [x] same title [] new title

and recommends may do pass

[] AND attaches a "Letter of Intent" [] New Fiscal Note

[] reports it back without recommendation

[] referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Cecil Stimpel
Holt Kober
Burr Ray

MEMBERS HAVING
OTHER RECOMMENDATIONS:

V. Fischer do pass
CHAIRMAN

Offered: 5/5/83
Referred: Rules

Original sponsor: Bussell

1 IN THE HOUSE

BY THE RULES COMMITTEE

2

CS FOR HOUSE BILL NO. 209 (Rules)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the classification of personnel;

7

and providing for an effective date."

8

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

9

* Section 1. AS 39.25.110 is amended by adding a new paragraph to read:

10

(22) youth employed by the Department of Natural Resources

11

under the Youth Employment and Student Interim programs.

12

* Sec. 2. AS 39.25.120(c) is amended by adding new paragraphs to read:

13

(19) guards employed by the Department of Public Safety for

14

emergencies;

15

(20) correctional superintendents I and II employed by the

16

Department of Health and Social Services.

17

* Sec. 3. AS 44.41 is amended by adding a new section to read:

18

Sec. 44.41.030. REPORT TO DIVISION OF PERSONNEL. The Department

19

of Public Safety shall submit a report to the director of the division

20

of personnel quarterly and on request of the director. The report

21

shall contain a description of each emergency and shall include the

22

total amount of time by hours for each emergency for which emergency

23

guards under AS 39.25.120(c)(19) were used.

24

* Sec. 4. This Act takes effect immediately in accordance with AS 01.-

25

10.070(c).