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# STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

## DEPARTMENT OF ADMINISTRATION

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OFFICE OF THE COMMISSIONER

March 23, 1983

The Honorable Vic Fischer  
Pouch V, M/9 3100  
Juneau, Alaska 99811

Dear Senator Fischer:

I understand that you have Senate Bill 33 and Senate Bill 34 under consideration in the Senate State Affairs Committee. These bills both speak to establishing the working hours of state employees in Juneau.

There is considerable statutory precedent to show that the Executive Branch of State Government has the responsibility for setting work hours, although we would be pleased to take the Legislature's wishes under advisement.

The three primary references are the Alaska State Constitution, the State Personnel Act and the Public Employment Relations Act (PERA).

Article III of the Constitution of Alaska establishes the power of the Executive.

AS 39.25.150(17) says that the Personnel Rules shall provide for hours of work for all employees in the State service. Then the State Personnel Rules (Rule 7) address hours for State Employees.

Under the terms of PERA (AS 23.40.070-260), which establishes the scope of collective bargaining, the definitions section states that "terms and conditions of employment" mean the hours of employment.

Collective bargaining agreements for most bargaining units negotiated under the authority of the Public Employment Relations Act specifically provide that management has retained the right to set employees' working hours.

Please feel free to contact me for any further background information on this question.

Sincerely,



Lisa Rudd  
Commissioner