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SB 448 QUESTIONS

1) Wouldn't the state save money by having recruitment centralized?

2) What would the difference be in the costs of:

EXAMPLE A

VS.

EX. B

1) open registers

2) recentralized hiring

3) computerized system

Status quo

OR

A VS. decentralization



Alaska State Legislature

Senate Committee on State Affairs

Vic Fischer, Chair • Pouch V

Juneau, Alaska 99811
(907) 465-4954

Official Business

MEMORANDUM

TO: Senate State Affairs Committee
FROM: Senate State Affairs Committee Staff
RE: SB 448 Opening state registers
DATE: March 28, 1984

Attached is the proposed committee substitute reflecting the changes discussed in Tuesday's committee meeting. On page 2, lines 12-14 is the new language, "each job class in the classified service except those classes that contain only one position shall be open for examination to any applicant at least once each year." The language in the original bill that required the registers to be open at all times has been deleted.

The original version of SB 448 amends state statutes by adding the clause "the rules may not be applied or amended to close or suspend open competitive examination for any job class" (page 2, beginning on line 12).

Fiscal information

Committee Substitute FY '85

Original bill FY 85

1,415.0 thousand (Department of Administration)
45.8 thousand (Department of Labor)
1,460.8 thousand

Back-up information

Fiscal note from the Department of Administration
Fiscal note from the Department of Labor
Position paper from the Department of Administration
Packet of information from the Ombudsman
Newspaper article dated 2/28/84

MEMORANDUM

SB 448
MH
State of Alaska

TO: Frank Raye, Director
Division of Personnel
Dept. of Administration

FROM: Mariannæ Brustad
Personnel Officer
Dept. of Natural Resources

DATE: March 2, 1984
FILE NO: 301
TELEPHONE NO: 465-2409/2410
SUBJECT: SB448

DNR's Position on SB 448

SB 448 is a bill sponsored by Senator Bill Ray that would add a stipulation to AS 39.25 that job classes may not be closed to open recruitment, i.e. that the State must continue to accept applications without condition at all times from the public.

This bill is proposed in response to the Administration's closing of job classes to open recruitment over the last year. Under the former Administration, the State maintained an open recruitment policy. State employees and the public alike could apply for jobs at any time. The impact of this created, over the years, thousands of applications the Division of Personnel was required to "examine." The number of applications grew as more people moved to Alaska and job opportunities became more limited in the lower 48. The Division of Personnel received little increase in staff to cope with this workload, and under the prior Administration began to delegate application review responsibilities to the departmental personnel offices on a voluntary basis.

The new Administration began closing classes for a number of reasons. They include the very real situation that State Government is no longer expanding, and in fact is beginning to cut back and layoff employees. The State did not want to mislead the public into believing there were a multitude of jobs available. Second, the workload became impossible to deal with and applicants had to wait months to get on State registers. The State proposed opening registers to all applicants only when legitimate vacancies existed. However, union contracts prohibited closing classes to union employees. Employees were subsequently given the opportunity to apply at any time. Unfortunately, this has created the potential for a very "in-bred" government employment picture. With State employees filling up State registers, the public will very rarely get the opportunity to compete.

Senator Ray's bill would open all job classes to the public. We feel this would be an unmanageable situation without the staff provided to cope with the workload. We also don't feel it is a worthwhile use of the State's time and fiscal resources. We do recognize, however, that the public has a legitimate complaint. Currently it will be

Position Paper/DNR 3/2/84

very difficult for a member of the public to compete with State employees for jobs. Also, recruitment openings are presently unpredictable and short when they occur. As a personnel manager I am aware that I have need for and cannot predict recruitment needs either. I have no idea when an employee or employees may suddenly terminate, and recruitment openings suddenly needed. It is difficult to plan the work of my staff without this knowledge.

I propose, as a compromise to the Administration position, a scheduled regular recruitment opening for the majority of State job classes. In my department I would like to open most of our classes once every year or two years, and open those classes on a regular, predictable schedule, preferably the same time every year. This would control my workload, allow me to plan my staff's time and give the public an opportunity to compete a certain time each year. It would be at a time they can easily remember because it will be the same the every year. I believe this kind of approach would meet the Division of Personnel's needs too.

cc: Senator Ray
Senator Sturgulewski
Senator Faiks
Senator Kelly
Mary Halloran, Director of Management
All Department Personnel Officers

SB 448

James R. Wilson
423 Harris Street
Juneau, Alaska 99801

March 22, 1984

Senators Ray and Fischer, et al
Alaska State Senate
Juneau, Alaska 99801

Senators Ray and Fischer; Gentlemen and Mesdame of the Committee:

My name is James Wilson, I have been a resident for six years, and I took advantage of your very generous educational loan program. I have completed all my coursework for the Ph.d. in Agricultural and Resource Economics and am now employed temporarily as a Regional Economist. I am also finishing my dissertation which is primarily in the area of natural resources. I am interested in finding long term employment.

My recent brush with the Alaska Division of Personnel has been cryptic and not particularly fruitful. I will not argue the particulars of my case, but I do want to bring out three concerns I have.

1. The present rating system, as I see it, favors those already employed:
 - a. By defining minimum qualifications in terms of experience with the State, thereby making it virtually impossible for one to intelligently gauge his/her own credentials against the position and consequently making it easier for that person to be disqualified.
 - b. By restricting entry to those who are already in the classified system.

2. Alaska's centralized application processing may exhibit limited economies of scale. The Division of Personnel may be experiencing precisely what we economists call inefficiencies of scale size. These inefficiencies come from several sources:
 - a. The volume of applications is large, which, has probably been accelerated by the disproportionately high State salaries and benefits and also because of the liberal educational loan programs of this State.
 - b. The skills and abilities required in certain jobs (and, I submit, most jobs above entry level manual skills-oriented positions) cannot be treated as homogeneous. This, unfortunately, works against a centralized classified jobs framework.

Statement - James R. Wilson

c. Perhaps more importantly, I do not believe the positions themselves are homogenous and conformable to classification. The result is a classification structure which may become increasingly vague, subject to a "club bias" (those not in the club tend to remain out of the club), and very inefficient in terms of their services to the agencies who must use them.

3. Finally, and somewhat related to 2, I question the competence of examiners to assess the peculiar needs of an agency and then to make selections of qualified applicants. Would it not be more efficient simply to relay all applications to the hiring agency and let them make the decision? For example, the examiner for a professional position might not recognize that fisheries development work with a federal funding agency attached to a university requires a considerable amount of skill both in procuring and administering grant monies but also in resource assessment and economics, not because that was omitted from the application, but because it may lie outside of their own professional experience, and there is little written or verbal guidance for the examiners. If examiners are in fact not competent in this sense, then the purpose of a personnel department is open to question.

To conclude, I completely agree with those who have spoken in behalf of the Division of Personnel. Correctly handling the vast quantities of applications could very likely be beyond the technical capabilities of the Division. The "streamlining" which has been done has tried to address this technical constraint. But does closing registers and throwing up barriers to employment actually address the core issue? I do not think so. I propose some measures in addition to opening the registers.

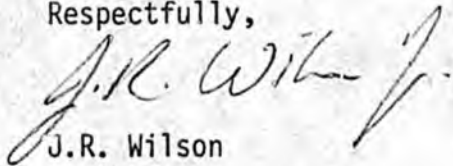
1. Either expanding the capabilities of the Personnel Division so that they are once again competent to do their job or decentralize (remove from classified status) most positions calling for advanced degrees or specialized training. The Division might serve as advisor and liaison, helping agencies place advertisement for openings and assist in writing precise job descriptions but they should not be given the responsibility of deciding which applications will be reviewed by the hiring agency. In summary, place the responsibility for procurement of acceptable candidates on the hiring agency, or expand the support for personnel.

2. Place greater restrictions on availability of money for education, or, provide incentives for students to consider certain types of training leading to professions which are in short supply. This, I admit, would be an unpopular alternative.

3. Address the "club bias" which tends to permeate the State system. This may entail a serious look at the role of unions, and their profile in the State, especially in the areas of hiring.

These are tough alternatives and are perhaps too simplified as they stand. However, equitable treatment of any potential employee is a tough issue which deserves more thought than the simple-minded solutions which seem to have emanated from the Division of Personnel.

Respectfully,

A handwritten signature in cursive script, appearing to read "J.R. Wilson". The signature is written in dark ink and is positioned above the printed name.

J.R. Wilson

cc: Governor William Sheffield

JD 778
3-22-84

Dear Senators Ray and Fischer,

I was at the Tuesday hearing on SB 448, the discussion on which was cut short and I was therefore unable to testify. As my testimony was mainly covered in the letter I already sent you, and I am unable to take leave today to be present, I am sending the notes instead to raise a few related issues.

First, Director Ray stated that only 25% of the current state registers are closed. I suspect if we started looking at statistics we'd find that those 25% are mainly in the higher professional level areas, or the ones I am interested in. I have a fairly diverse background and education and I found 15 jobs in the State "Jobs Book" at a range 18-20 for which I would be eligible; none of these has been open in the last 10 months.

Second, Director Ray mentioned among his options for improvement in the system... delegation of responsibility for hiring with the confidence whenever that a so-called application examiner can begin to competently rate me as a scientist or manager. So, as a compromise, I suggest that ^{only} entry-level, clerical, blue collar jobs remain the responsibility of Personnel.

Third, and last, it sounds to me like the management information

System for updating names on the registers is sadly lacking. Apparently a state worker can stay on any register forever - in fact their names are never purged, regardless of whether they're still interested or available - thus artificially inflating the registers - while the rest of us get purged after 2 years with no opportunity to update our applications, or even reapply!

I am becoming increasingly angry with the Division of Personnel, both their unfair policies on opening registers and the slipshod rating systems they employ. The situation seems to have deteriorated in the last year or so. I realize SB 448 does not address the rating system directly, but if it could succeed in opening registers at least it would be a first step.

Sincerely,

Janet Smoker

Janet Smoker

Statement - Janet Smoker 3/22/84



Ombudsman

John B. Chenoweth

State of Alaska

January 20, 1984

Senator Arliss Sturgulewski
Alaska State Senate
Pouch V
Juneau, Alaska 99811-3100

Attn: Melissa Fouse

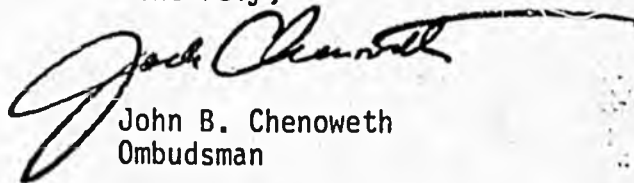
RE: Ombudsman Complaint J83-0419 (Closed)

Dear Senator Sturgulewski:

Per your request, enclosed are copies of the communications between the Department of Administration and my office in the matter of the closing of registers to open, competitive recruitment. In summary, I concluded that the Director of Personnel had authority under the Personnel Act to close or suspend open competitive examinations, but recommended the adoption of standards under which open competitive recruitment would be reopened. Ms. Andrews's concluding letter transmits a policy memorandum from Division Director Frank Raye that sets out those standards.

Open, competitive recruitment may be permanently re-established only by the adoption of legislation. Language to accomplish that purpose is provided.

Sincerely,



John B. Chenoweth
Ombudsman

JBC:jdt
Enclosures

Reply to:

- 3201 C Street, Suite 606
Anchorage, Alaska 99503
(907) 276-4011
- Pouch WU
Juneau, Alaska 99811
(907) 465-4970
- P.O. Box 74358
Fairbanks, Alaska 99707
(907) 452-4001

Ltr - Ombudsman 1/20/84



ombudsman

John B. Chenoweth

State of Alaska

September 26, 1983

Eleanor Andrews, Deputy Commissioner for
Personnel Management
Department of Administration
Pouch C
Juneau, Alaska 99811-0200

Reply to:

- 3201 C Street, Suite 606
Anchorage, Alaska 99503
(907) 270-4011
- Pouch WO
Juneau, Alaska 99811
(907) 465-4970
- P.O. Box 74358
Fairbanks, Alaska 99707
(907) 452-4001

RE: Ombudsman Complaint J83-0419,
and related Complaints: J83-0724;
A83-0904, A83-0976, and J83-0828;
F83-1167 and F83-1168.

Dear Ms. Andrews:

This letter concludes investigation and presents a finding and recommendation in the examination of a complaint, J83-0419, filed April 25, 1983, against the Division of Personnel. In that complaint, the complainant alleges that, by closing recruitment to all persons except those currently employed by the state, the division has unfairly denied to state citizens who are not state employees their accustomed opportunity for open, competitive recruitment to positions in the state classified service. Related to the principal allegation was an assertion that the Division of Personnel's decision to restrict recruitment to current state employees will prevent people from entering state employment and reduce the number of minority and female candidates. Investigation of this complaint was undertaken by Ombudsman Assistants Bruce Aronson and Jon Matthews, and by me.

This letter will also serve to relate the disposition of a number of related complaints that have as a common basis the decision of the Department's Division of Personnel to close opportunity for open recruitment to the public.

[For purposes of this analysis, I should, perhaps, note that officials and employees of the Department of Administration may differ from me in our understanding or application of the term "open." Paragraph 1 of the recent "letter of understanding," terms of which are later set out, describes the extension of recruitment opportunity to all permanent employees represented by APEA as "open recruitment." I use the term in context, suggesting that "open competitive recruitment" as the phrase appears in the context of AS 39.25.150(3) describes that system by which the general public may secure opportunity for consideration for public employment.]

BACKGROUND:

The decision to close registers to recruitment among the public was taken in March or April of this year. It was reported to the Personnel Council. That report was followed by an April 4 memorandum to Personnel Officers more fully describing the purpose of the closure and its anticipated extent:

As a result of these closures we expect to be able to focus recruitment efforts in areas where they are most needed; provide faster, more efficient service with those applications we do receive; and reduce the public's misconceptions and the applicant's false expectations about job availability.

This move away from continuously open recruitment will be combined with several other new directions which, I hope, will eliminate large, unwieldy or out-of-date eligible lists. Such programs with eligible lists have been brought to our attention by many managers.

A May 12 memorandum of the Division of Personnel's recruitment coordinator was intended to "clarify the State of Alaska Division of Personnel's intentions with regard to discontinuing continuous open recruitment for a large number of state job classes," from which I quote:

. . .

REASONS FOR CLOSING RECRUITMENT

1. LIMITED RESOURCES. The Division of Personnel does not have the financial and human resources to continue providing services which are unproductive. Accepting and processing hundreds of applications when there are no position vacancies, or when the State is, in fact, laying off employees, is very costly.

2. ELIMINATE PUBLIC EXPECTATIONS ABOUT THE AVAILABILITY OF JOBS. People apply to the State because they hope to get a job. Continuous open recruitment gives the public false expectations about their chances for employment. In many cases there are hundreds (and in some cases, thousands) of individuals on eligible lists waiting for vacancies to occur. In some cases there may be only a few such positions in the State service. Under those conditions, going through the time consuming application process can be especially discouraging and costly to the applicant.

3. NAMES OF CERTIFIED CANDIDATES MAY REMAIN ON ELIGIBLE LISTS FOR TWO YEARS. Under the current system, when a vacancy does occur, some candidates on the eligible list may have applied almost two years earlier. Since that time their availability or interest in the job may have changed significantly. The hiring department must spend a great deal of time contacting candidates who are no longer available, no longer interested or already working.

. . .

CRITERIA FOR [RE-] OPENING RECRUITMENT

1. Too few eligibles on list from which to make a selection for a bonafide vacancy.
2. Inadequate representation of individual's traditionally underutilized in job class.
3. Difficulties in hiring for particular locations.
4. Job classes for which turnover is high and lists are used frequently.

We are hoping to be able to regularly scan the length of eligible lists and to review turnover data in order to identify recruitment needs as early as possible. We will also be depending on regular Department projections of recruitment needs, as well as information on current, hard-to-fill vacancies.

Finally, in response to query from this office, on July 12, 1983, Division Director Frank Raye explained:

This Division is facing substantial budgetary reductions this next fiscal year. We are hoping to keep essential operations going despite these cutbacks. Within this Division we expect to redirect our remaining resources from the keeping of huge and unnecessary lists to keeping track of vacancy and turnover areas, more frequently canvassing existing lists and providing better information to the public.

Departments and the general public both stand to save resources through recent closures. Department managers could be expected to lose less time working cumbersome or out-dated eligible lists. Applicants will save time currently spent searching through poorly organized informational materials and completing a large number of applications for jobs for which they have little or no chance of being selected.

. . .

An examination of an allegation that an administrative action or decision is "unfair" requires this office to evaluate (1) whether the action or decision has a legal basis and (2) whether the action or decision is reasonable in light of the legitimate competing policy arguments that may have a bearing on it.

I

The State Personnel Act, AS 39.25, is the legal basis for the state's personnel system. Under AS 39.25.040, the director of the Division of Personnel is responsible for "the execution of the duties and responsibilities imposed by this chapter [the state Personnel Act] and the rules adopted under this chapter." AS 39.25.150 more specifically defines the scope and content of the state personnel rules.

The Personnel Act directs that the personnel rules shall provide for:

. . .

(3) the use of employee selection methods, including open competitive examinations, when appropriate, that will fairly test the capacity and fitness of the person examined to discharge the duties of the class in which employment is sought;

(4) the establishment and maintenance of eligible lists for appointment and promotion providing the names of eligible candidates in order of their relative performance in the examinations;

. . .

(6) promotions from within the state service when there are qualified candidates in the state service; vacancies shall be filled by promotion whenever practicable and in the best interest of the state service and promotion shall be by competitive examination whenever possible; in considering promotions, the applicant's qualifications, performance record, seniority, and conduct shall be evaluated;

. . .

Within the statutes on which the personnel rules are based there are different, competing considerations relating to recruitment for state employment. The statute directs, at AS 39.25.150(3), for the rules to provide for "the use of employee selection methods, including open competitive examinations, when appropriate. . ." and, at AS 39.-25.150(6), for "promotions from within the state service when there are qualified candidates . . .", said promotions to be filled "by

promotion whenever practicable and in the best interest of the state service."

Read together, subsections (3) and (6) describe parallel systems of recruitment for state employment: "open" competitive recruitment and recruitment limited to "promotional examinations" applicable in certain circumstances. Whether these provisions are equally applicable or whether, for purposes of recruitment for the positions in the classified service, one is to be preferred to the other deserves attention.

The legislative history offers some assistance. Though substantially re-enacted in 1982, Alaska's personnel statutes date back to the 1959-60 and the adoption of the Personnel Act. The state legislation is based on a 1953 "Model State Civil Service Act," published by the National Civil Service League and the National Municipal League. That proposed legislation provided, in its section 3:

The Director of Personnel shall prepare and submit to the Civil Service Commission proposed rules for the classified service. . . The rules shall provide:

. . .

(3) For open competitive examinations to test the relative fitness of applicants for the respective positions. . . . Such examinations shall be announced publicly at least fifteen days in advance of the date fixed for the filing of applications therefore, and may be advertised through the press, radio and other media. The Director may, however, in his discretion, continue to receive applications and examine candidates long enough to assure a sufficient number of eligibles to meet the needs of the service; and may add the names of successful candidates to existing eligible lists in accordance with their respective ratings.

COMMENT:

. . .

In unusual circumstances it may become necessary to carry on "continuous" recruiting and to hold "continuous" examinations in order to provide the departments with a sufficient number of eligibles, particularly where enough candidates are not available when the examination is first announced.

*

(4) For promotions which shall give appropriate consideration to the applicant's qualifications, record of performance, seniority and conduct. Vacancies shall be filled by promotion whenever practicable and in the best interest of the service, and promotion shall be by competitive examination

wherever practicable. An advancement in rank or grade or an increase in salary beyond the maximum fixed for the class shall constitute a promotion. [Emphasis added].

Based on the model act to establish a personnel system, a Public Administration Service draft bill was developed for discussion and review by the First Alaska Legislature in 1959. The PAS draft suggested the following revision of the applicable language:

Sec 12(c): For the use of sound employee selection methods including examinations to test the relative fitness of applicants for positions in the state service, to the end that well qualified individuals will be employed.

The PAS draft served as the basis for the legislation that was eventually introduced for consideration by the Alaska Legislature. When, following consultation with the Department of Administration, the PAS draft was developed into bill form and offered as part of HB 188 (1959 session), it had been further revised to read:

For the use of sound employee selection methods including open competitive examination to test the fitness of applicants for positions in the state service . . .

The history of the provisions presently codified as AS 39.25.150(3) and AS 39.25.150(6) suggests that, while the specific language of the paragraph describing general recruitment, open to the public, was revised substantially to incorporate a specific requirement of open competitive examination, the fundamental distinction between "open, competitive recruitment" and the more limited, promotional "competitive recruitment" has survived since the earliest version of the model legislation on which the state's current personnel statute is based.

The Personnel Rules themselves do not require the division to maintain a system of continuous recruitment for classified positions that is open to the public. The rules applicable to recruitment (other than for promotional examination) distinguish between "continuous examination" and "specific examination":

3 01.0 RECRUITMENT. Written public notice of all examinations for positions in the classified service shall be given by the person or board responsible for the examination and every reasonable effort shall be made to attract qualified persons to compete in the examinations. Copies of announcements shall be posted in public places, and may be sent to public officials, educational institutions, professional and vocational societies, newspapers, and such other individuals, organizations and media consistent with obtaining qualified applicants.

3.01.1 CONTINUOUS EXAMINATIONS. Where it has been determined to be necessary in order to maintain eligible lists adequate for the filling of positions or nonpermanent positions, examinations may be announced on a continuous basis without a designated closing date for the receipt of applications. Such continuous examinations shall be periodically publicized.

3.01.2 SPECIFIC EXAMINATIONS.

3.01.21 For any examinations for which a specific closing date for the receipt of applications is designated, public notice shall be given at least 15 days in advance in accordance with procedures established by the Director. [Emphasis added.]

By rule, continuous examination is conditioned on a need to maintain eligible lists. As earlier noted, the Director of Personnel has already indicated that, among his reasons for closing many classes to recruitment is the "number of eligibles on the [class or position] list."

The Division of Personnel had reached the conclusion that too many state registers were too long and too old to be conducive to efficient hiring. In the various memorandums of explanation which it has issued, the division cites several reasons for the revision of its policy that culminated in closure of recruitment to the public but an expansion of opportunity for the benefit of most members of one labor union. As justification of the closure of recruitment open to the public, the division has variously cited improvement of its ability to respond more quickly to personnel officers' recruitment needs and to schedule recruitment openings rationally in response to actual staffing needs; its limited manpower resources; the elimination of public expectations about the availability of jobs; and the inaccuracy of the personnel lists attributable to the retention of names on lists for two years. Taken together, the reasons seems sufficient to justify the action taken. In his exercise of authority given under the law, I cannot fault the reasons cited by the director in support of the decision.

The complainant objects to the decision to close recruitment, claiming that open competitive recruitment is more nearly consistent with the principles of equal employment opportunity and affirmative action. Nothing of record in our examination of this decision speaks to this issue. However, the closure of registers to public recruitment for those classes and positions in which lists are already long is not necessarily inconsistent with aggressive recruitment efforts directed at the employment of representative of underutilized groups. Moreover, I note that the director is at least cognizant that the contention may have some merit: in the May 12 memorandum of the his division's Recruitment Coordinator, there is enumerated among the criteria for re-opening of registers "inadequate representation of individuals traditionally underutilized in [the] job class."

On balance, then, the decision appears to have a legal basis and to be reasonable.

II

The closure of the registers to open, competitive recruitment was nearly simultaneous with an extension of "open" recruitment among current permanent employees of the classified service. On April 22, 1983, the Division of Personnel's recruitment coordinator addressed the following memorandum to all state personnel officers:

Until further notice, recruitment for all classified jobs will remain open on a continuous basis to employees of the State's classified service who have obtained permanent status.

This change is in response to a newly signed agreement between the State of Alaska and APEA. Also, included in this agreement is an elimination of the requirements to open recruitment for 30 days every year and give 30 days advance notice prior to a recruitment opening.

These changes in recruitment requirements should allow us to respond more quickly to your recruitment needs and schedule recruitment openings rationally in response to actual staffing needs.

The memorandum followed by only a matter of days the signing by Commissioner Rudd and the Executive Director of the Alaska Public Employees Association of a "Letter of Understanding" relating to recruitment for state employment:

1. Open recruitment for any and all job classes within the State of Alaska shall be extended to all permanent employees of the bargaining units represented by the Alaska Public Employees Association at all times.

2. Article 18, Section 15, paragraph 1, subparagraph 2 [of the general government APEA 1980 collective bargaining agreement], which reads as follows, is of no effect: For each closed job class, except single or no position classes, in the Bargaining Unit there shall be an open period of recruitment of at least (30) days within a twelve (12) month period.

This agreement shall become effective April 16, 1983 and shall remain in effect until December 31, 1983.

The "Letter of Understanding" amends the 1980 general government bargaining unit agreement to terminate the previously negotiated provision mandating "open" recruitment for positions in the affected

bargaining units. At the same time, the agreement entered into by the commissioner and the executive director extends to bargaining unit members the privilege of recruitment for positions within the bargaining unit on a continuous basis through the end of 1983.

By way of amplification of the reasons for the action taken, there followed, on April 26, a memorandum issued by the directors of the Division of Personnel and the Division of Labor Relations to all state personnel officers:

The memo to you of April 4, 1983, announcing recruitment closings, did not speak to promotional recruitment. However, the possibility of open promotional recruitment was discussed at the April 1983 Personnel Council. This is to inform you that the State and APEA have recently entered into an agreement which provides for continuous open recruitment for all job classes for permanent employees in the General Government and Supervisory bargaining units. . .

Consistent with the "letter of understanding," the director has acted to limit opportunities for employment in the state's classified service to those who have obtained permanent status in that service.

A closure of recruitment to the public works in favor of promotion from within. In his July letter of response to this office, the director reminded us that

Personnel Rules for over 15 years have required that State employees be given first preference for job openings. Promotion is an important tool for managers to utilize their resources to best advantage and to be able to maintain a qualified, experienced workforce. To restrict the possibilities for promotion and advancement would discourage many capable, ambitious people from choosing state service as a career.

The director's comment is remarkably consistent with one committee report, issued for House State Affairs Committee Substitute for House Bill 188, as reported in the February 17, 1960, House Journal, that underscores the significance of the personnel act for purposes of development of a career civil service, implying that opportunity for upward mobility among qualified civil servants was a significant factor in the system proposed for adoption:

In order to fully understand any legislation regarding the merit system, distinction must be made between a system of personnel administration and a "merit system." This bill is not an insulation for employees, nor in the strict sense, a tenure bill. It provides a uniform system for the administration

of state personnel, attempting to retain the freedom of authority on the part of the chief executive and still provide sufficient protection for the employees against political raiding and to encourage the development of a career service. . . [Emphasis added.]

If the decision to maintain "open" recruitment that so favors current permanent employees were supported by no more than the "letter of understanding," I would raise serious questions concerning implementation of the decision. There is, however, statutory authority in the State Personnel Act under which the director may act. AS 39.25.150(6) directs that promotional opportunities should be used "whenever practicable and in the best interests of the state service" to allow the advancement of current employees based on competitive examination. In addition, a personnel rule currently authorizes what is, in essence, a closure of recruitment to all but those who hold permanent status in the state's classified service:

3.01.3. PROMOTIONAL EXAMINATIONS. When it is determined by the Director to be in the best interests of the State service, and where adequate competition exists among permanent employees qualified for promotion, an examination may be announced on a promotional basis. When a promotional examination is announced, applications will be accepted only from employees of the State who have permanent status. [Emphasis added.]

The rule is, presumably, intended to implement AS 39.25.150(6), and is, in turn, amplified by a description of the alternative forms of promotional examination recognized by rule (Rule 1 of the Personnel Rules):

"Promotion" means that change of an employee from a position in one class to a position in another class with a higher salary range.

"Interdepartmental Promotional List" means an eligible list of those employees of the State who have permanent status and who are on the eligible list for a class of positions at a higher salary level than the positions which the employees currently hold.

"Departmental Promotional List" means an eligible list of those employees in a given department who have permanent status and who are on the eligible list for a class of positions at a higher salary level than the positions which the employees currently hold.

Statute and rule differ in some significant ways. For example, as the rule is drafted, the findings which the director is required to make are not synonymous with that which is to be determined under the statute: the statute directs promotion from within the state service on a promotional basis "whenever practicable" and "in the best interests of the state service," while the rule omits mention of the "whenever practicable" standard. Moreover, as drafted, the rule suggests that promotional examinations are optional: they "may" be announced if the director first makes the necessary findings, including the finding that "adequate competition exists among permanent employees qualified for promotion"; the statute, however, directs the use of competitive promotional examinations "whenever possible". While the rule and the statute may not be consistent, the rule is sufficient to provide the director broad discretion with regard to use of competitive promotional examinations.

Despite the significant differences between rule and the statute on which it is based, however, the rule does clearly provide that the director may limit recruitment to promotional examinations involving qualified state employees.

III

The complainant challenges the closure of open, competitive recruitment. No evaluation of that decision would be complete without some consideration of the manner by which the closed positions and classes will again be opened to the public competitive recruitment.

A number of responsible persons employed in the Division of Personnel have acknowledged that job registers will be opened to the public at some future time. In his July 12 memorandum to this office, the director cited the following criteria for re-opening registers:

- a) Canvassing and updating of eligible lists to determine availability of candidates.
- b) Regular scanning of length of eligible lists and, in some cases, the ratio of eligibles to number of actual positions and turnover statistics.
- c) Closer cooperation and planning with departments in regard to expectations of actual vacancies, seasonal appointments, new positions reorganizations, etc.
- d) Requests from departments for recruitment efforts.

However, somewhat different criteria for re-opening of public examination were given in a May 12 memorandum authored by the division's recruitment coordinator. Those are as follows:

1. Too few eligibles on list from which to make a selection for a bonafide vacancy.

2. Inadequate representation of individuals traditionally under-utilized in job class.
3. Difficulties in hiring for particular locations.
4. Job Classes for which turnover is high and lists are used frequently.

Finally, in remarks made to me during the September 15 meeting of the Commission on Employment Practices, the Director indicated to me that, while requests from agencies to open a position or class to recruitment would certainly lead him to consider the request, the final decision was, in all matters, his.

How, then, is that decision to be made?

The general closure of the registers, coupled with an opening of promotional recruitment to classified employees of the state, is based on considerations apart from those that bear on the best interests of the state service. For example, the opening of promotional recruitment obviates any effort to determine, on a vacancy basis, whether the lists of eligibles is sufficient for the director to determine that promotional recruitment is or is not practicable. The substitution of the general rule for a determination made on a case- or vacancy- basis is an expedient that meets many, if not all, of the objectives identified by division personnel to expedite the taking of personnel action, but which does not, in my view, fully conform to the requirements of AS 39.25.150(6).

The differences in criteria enumerated in the two memoranda, and the absence of any reference to criteria in the short discussion between the Director and me last week, suggest to me that the division did not have, and may not now have, a defined policy on the subject of re-opening of registers to general recruitment. I respectfully suggest that either there are no applicable factors that have been defined or described as regards the handling of recruitment for a position vacancy or, if there are such factors, the director's letter of explanation gives rise to a question as to whether they will be properly and consistently applied.

FINDING:

In summary, as noted earlier, the State Personnel Act does not preclude the director from closing open competitive examination for the state's classified service to the public. The director's decision in this regard is consistent with my understanding of the law and the legislative history of the Personnel Act. To borrow language from the Director: "The public's right to apply and receive fair and open consideration for State jobs does NOT require that they must be allowed to get on eligible lists at all times. . . ."

But if the public doesn't have the right to be considered for inclusion on eligible lists at all times, the public should know the circumstances under which open, competitive recruitment will be re-initiated. Having determined to close the registers, the termination

of open, competitive recruitment carries with it, in my judgment, an obligation on the part of the Director to indicate or describe those circumstances under which recruitment will again be made "open" and "competitive." How recruitment is to be reopened to the public is, in my judgment, an essential part of evaluating the fairness of the decision to close recruitment.

The State Personnel Act directs the filling of vacancies in the classified service by promotion "whenever practicable and in the best interest of the state service." AS 39.25.150(6). The director may not determine that positions in the state's classified service shall be filled by a form of "promotional examination" or reopened to open, competitive enrollment without making the requisite determinations (1) that it is "practicable" to fill a particular vacancy by promotion, (2) that it is "in the best interests of the state service" to fill a vacancy by promotion, and (3) that competitive examination to fill a particular vacancy by promotion is "possible"? The applicable statute, AS 39.25.150, fairly suggests that the director, or someone to whom he has delegated the authority, shall consider position vacancies and evaluate the factors bearing on whether competitive recruitment is "practicable" and "in the best interests of the state service" in each instance in which a vacancy is to be filled.

In the absence of a reasonably consistent description of the standards or factors applicable to determine whether a particular position shall be filled by "promotional examination" or "open, competitive examination," I propose to find the complaint claiming that the opportunity to be considered for state employment has been "unfairly denied" partially justified.

*

This investigation was undertaken based on the directive of the April 22 memorandum earlier cited. Until reading Director Frank Raye's September 7 letter to Senator Bill Ray, I was prepared to offer a different recommendation. However, the director's September 7 letter notes a significant policy change, suggesting that the April memoranda may not accurately describe actual practice. At page 2, the director acknowledges:

Please understand that recruitment is closed to some job classes only temporarily. The Division of Personnel has a new policy. We only recruit when there are jobs available. Already several job classes closed to recruitment have been reopened because there was a bona fide need to recruit.

The latter suggests that the earlier announced closures of position are not absolute, and that exceptions have been made and will continue to be made. However, the September 7 statement begs the question earlier alluded to: What circumstances have been identified by the director as indicative of a "bona fide need to recruit"?

RECOMMENDATION:

In light of the September 7 reply of Personnel Division Director Frank Raye to Senator Bill Ray, and because I sense that the policy of the division as generally understood by the complainant and by me may have undergone modification since the complaint was first submitted, I recommend that the division consider and adopt a description of standards which shall apply to determine whether there is, for any position or class of positions, a "bona fide" need to re-initiate open, competitive recruitment.

OTHER PERSONNEL DIVISION-RELATED COMPLAINTS:

The closure of recruitment to the public has generated a number of related problems and complaints. I would like to relate each area that has been called to my attention briefly in conjunction with the preceding report.

J83-0724:

The complaint in J83-0724, filed with my Juneau office in August, alleges that the Division of Personnel unfairly precluded the complainant and others who are not permanent employees of the state in the classified service from applying for employment.

The complainant's application was indeed rejected. On September 12, I received a copy of a letter signed by the director and addressed to a party whose application had been returned because of the restriction on open, competitive recruitment. The director said, in part:

For your information, fifty people (only 13 of whom are currently state employees) are on the . . . eligible list at present. This is a ratio of nearly 6 qualified applications to every position, more than enough candidates to fill any vacancy. While it is anticipated there will be no need to fill a vacancy in this job class this year, funding may be requested again next year by the Department of Commerce [sic] for the Anchorage position mentioned earlier. If funds are granted there will be a vacancy and it is likely that recruitment will be opened then. [Emphasis added.]

In context, the director's letter speaks to the possibility that, with the appropriation for money to authorize a new position vacancy, because of the establishment of a new position, recruitment may be opened, presumably to the public. If a ratio of six candidates to each vacancy is sufficient to fill the vacancy, why, merely because an amount is appropriated to establish a vacancy, does it become "likely" that recruitment will be opened?

The same concerns raised with respect to J83-0419 apply to disposition of this complaint. For the reasons noted above, I intend to conclude investigation of this matter and advise the complainant that, in my view, his complaint is "partially justified."

A83-0904, A83-0976, and J83-0828:

Three complaints -- A83-0904, A83-0976, and J83-0828 -- allege that the Division of Personnel unfairly rejected applications for positions submitted by the respective applicants after each had been advised that his or her name was being removed from current registers under the two-year provision of Personnel Rule 4.03.0. The applicants' submissions were not reviewed because registers for all positions in which they were interested remained closed.

The Division of Personnel appears to have treated these situations consistently. The communication now sent to an applicant who faces removal of his or her name from the register under the rule advises:

If you wish to reapply for examination, it will be necessary to complete and submit a new application for this job class. Please be aware that all job classes are NOT open to application on a continuous basis. Before resubmitting an application please check to see if the job class is open to application at this time. [Emphasis added.]

The underscored language, in use since at least March, 1982, places the burden on the applicant to determine whether the position for which he or she may seek reapplication is open to current recruitment. This is not a burdensome requirement. The complaints that the resubmitted applications were unfairly rejected are "unsupported."

F83-1167 AND F83-1168:

Finally, the complainants in F83-1167 and F83-1168, complaints recently filed in my Fairbanks office, are former students at the University of Alaska. Each recently successfully completed all requirements for, and has been awarded, a graduate or undergraduate degree. The names of both currently appear on registers for positions in the classified service that relate to their fields of study. Both are interested in revising the applications on file to show successful completion of additional academic requirements. Both were refused the opportunity because of the closure of registers for these positions.

Preliminary examination confirmed the denial, noting that the decision to deny opportunity to submit an application revision was consistent with former practice, limiting acceptance of application revisions to periods of open enrollment.

Each complainant alleges that the decision denying him an opportunity to revise his application is unfair. As earlier noted, an

assertion that an administrative action or decision is "unfair" requires examination of the legal basis and the competing policy arguments bearing on the assertion.

Investigation of F83-1167 and -1168 affirms that division personnel have customarily treated applications "revised" to show additional educational or work experience as "new" applications, and that staff of the Division of Personnel responded to these complainants consistently with that general manner of treatment.

While the decision to allow or disallow receipt of additional or supplemental information is discretionary with the division director, I question whether it is in the best interests of the state to maintain the name of an applicant on a register without giving that applicant an opportunity to provide ever more current information about his or her educational and employment experience. A rule applicable when position or class recruitment was opened for at least 30 days annually seems to me to be of doubtful application in those instances when recruitment may not be opened for some unknown period of months or years. Moreover, even those who were fortunate to have their names included on a register before the recruitment closure do not enjoy the same opportunity as current state employees of the classified service. State employees, enjoying the benefit of "open recruitment for any and all job classes . . . at all times" are not barred from submitting applications revised in light of additional education and experience. Neither, in my view, should those whose names appear on registers while their names remain.

I propose to find these complaints "justified," and I do recommend that, so long as registers are closed to the public, the current policy should be modified in order to allow receipt and processing of revised applications for candidates whose names appear on those closed registers.

*

Recommendations are made concluding investigation J83-0419 and F83-1167/-1168. A regulation of this office, 21 AAC 05.080, asks that an agency act within 30 days to indicate whether an ombudsman's recommendation is to be accepted and implemented. May I respectfully request your response to the recommendations presented within that time limit.

Thank you.

Sincerely,

John B. Chenoweth
Ombudsman

JBC:jdt
cc: Frank Raye

THE FOLLOWING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

STATE OF ALASKA

Bill Sheffield, Governor

DEPARTMENT OF ADMINISTRATION

OFFICE OF THE COMMISSIONER

November 3, 1983

POUCH C
JUNEAU, ALASKA 99811
PHONE:

Mr. W. C. [unclear]
[unclear]
[unclear]
Juneau, AK. 99811

RECEIVED

NOV 8 1983

Dear Mr. [unclear]:

JUNEAU
OFFICE OF OMBUDSMAN

I am responding to your September 26, 1983 letter regarding Ombudsman Complaint 733-1419 et al. I want to extend my appreciation for the detailed historical review you conducted in investigating these complaints. It is comforting to have our understanding of the intent of the original legislation confirmed by an independent source.

I feel I must also comment on the apparent legalistic "hair splitting" in evaluating written and oral statements of people who are not trained in the legal profession. You apparently discern significant difference between memoranda of April 4, May 12, and July 12. They deal variously with what, why, and how of temporarily closing continuous recruitment and reopening individual classes on an as needed basis. Mr. Kaye's letter to Senator Ray in September refers to the policy change effected in April. The effects of which include: the ability "to focus recruiting efforts in areas where they are most needed" (April 4), "identify recruitment needs as early as possible" (May 12), and keeping "track of vacancy and turnover" (July 12) so that recruitment decisions can be made. I believe there has been a consistent effort to enunciate the policy.

Our differences in how we reach the conclusion aside, we agree with your first recommendation that the Director of Personnel adopt standards that will apply in determining when recruitment for a job class will be reopened. Enclosed is a copy of a draft Personnel Memorandum. We are subjecting the draft to review by Executive Branch agencies. When completed, the Personnel Memorandum will be finalized. We will distribute it to all locations which maintain copies of our recruitment material.

Your second recommendation appears to defeat a major reason for temporarily closing recruiting for some job classes. You recommend that candidates currently on eligible lists be allowed to submit revised applications and the Division of Personnel must process that new information. The effect of your recommendation is to increase the volume of application processing to at least 10% of procedure

CONFIDENTIAL
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CONFIDENTIAL

To: All Personnel Officers

Date: November 3, 1953

Personnel Memorandum # 1-3

From: Frank Rabe
 Director
 Division of Personnel
 Department of Administration

Subj: Conditions for
 Open Competitive
 Recruitment

The Director of Personnel's determination as to when it is appropriate to open recruitment for a job class will be based on the criteria described below. The first set of criteria describe the conditions that the Division of Personnel will identify through routine and periodic reviews. The second set of criteria describe conditions which, when brought to the attention of the Division of Personnel by a departmental personnel officer, will be evaluated for the appropriateness of a recruiting effort.

Criteria Which Justify Opening Recruitment

1. New Job Class

When a new job class is established, recruitment will be opened for a minimum of thirty days.

2. Broadened Minimum Qualifications

When the minimum qualifications for a job class have been broadened, recruitment will be opened for a minimum of thirty days.

3. Incomplete Eligible List

When the Director of the Division of Personnel has decided not to sub-fill, provisionally fill, or use a related or augmented list to fill a vacancy recruitment will be opened upon request of the department for at least thirty days or until there are at least five available eligibles on the list.

4. Projected Inadequate List

The Division of Personnel will periodically review the number of candidates on all eligible lists maintained by the Division of Personnel. The following criteria will be used:

- (1) The ratio of eligibles to the number of positions is less than 3 to 1
- (2) The ratio of eligibles to the number of appointments* is less than 5 to 1

These ratios may be adjusted from time to time by the Director. Any such adjustment will be announced by a supplement to this memorandum.

5. Underutilization

Whenever underutilization exists in a job class within a job group and there are not sufficient eligibles from protected groups consistent with their availability in the labor market, the Director of Personnel will consult with the Director of Equal Employment Opportunity to determine whether and for how long to open recruitment for the job class. The Directors shall consider previous applicant flow data and current recruitment trends for the job class when making a determination.

Criteria Which May Justify Opening Recruitment

- A. A Department with actual or anticipated vacancies may request recruitment to be opened between the periodic reviews by the Division of Personnel if the number of certified eligibles to the number of appointments is less than 5 to 1.
- B. A department with actual or documented projected vacancies in positions which have a history of being hard to fill because of geographic location, special experience, or unique and unusual circumstances may request recruitment to be opened for the job class to meet the specific requirements. Requests for recruitment based on other conditions will be individually evaluated by the Division of Personnel.

*The figure for appointments will be the number of appointments made in the job class during the previous calendar year.



Ombudsman

John B. Chenoweth

State of Alaska

November 14, 1983

Eleanor Andrews, Deputy Commissioner for
Personnel Management
Department of Administration
Pouch C
Juneau, Alaska 99811-0200

Reply to:

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(907) 276-4011
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Juneau, Alaska 99811
(907) 465-4970
- P.O. Box 74358
Fairbanks, Alaska 99707
(907) 452-4001

RE: Ombudsman Complaints J83-0419 et al.

Dear Ms. Andrews:

At the conclusion of the investigation of the above-captioned matters, recommendations were submitted for your consideration. Those recommendations were intended to provide a practical response to problems arising out of the Division of Personnel's April decision to end open, competitive recruitment for most state positions.

Concerned as I am for improvement of public administration practices, I was pleased to learn that the first recommendation -- asking that standards in determining when recruitment will be reopened be identified -- is in the process of being implemented. I trust the implementation of the recommendation well serves the uses and purposes for which that recommendation was offered.

The first recommendation presented for your consideration was prompted not, as you have described, by legalistic "hair-splitting," but by what I sincerely believed was an all too indefinite "standard." Because state statutes grant comparatively broad discretionary authority to the division director over much of the administration and implementation of the Personnel Rules, I was quite concerned about the way in which the incumbent director would wield that authority. At the time I wrote, only a series of rather unrelated statements served as the basis of an explanation to the public as to the circumstances under which open, competitive recruitment would be reopened. If, as you suggest, the standard was decipherable from that sequence of statements, why should the burden be placed on the public to guess? The absence of a clearly-enunciated standard benefits no one: not the division or department, not my office, and surely not the public (who, I sense, is generally critical of the decision to reduce if not eliminate open, competitive recruitment).

Not by way of legalistic "hair-splitting" but as a sound principle of public administrative practice do I request that an official to whom has been given discretionary authority provide an adequate written statement of the reasons for his or her act. When that explanation can be provided, should it not come sooner than later?

I regard it as no small measure of improvement of the performance of the Division of Personnel that its staff can describe the circumstances in which open, competitive recruitment will be reopened. The adoption of the standard will not, of course, preclude the filing of subsequent complaints. However, the adoption of the standard should permit thoughtful evaluation of the division's actions with respect to reopening of registers by your office and mine, and may serve to take some of the "sting" out of the register closure decision. I will share information about your response to that recommendation with the complainants and legislators who have inquired about this matter.

The second recommendation of my September 26 letter arises out of the filing of two complaints, F83-1167 and F83-1168. We disagree with regard to that recommendation.

I do see that Rule 3 02.2, which you cite, may help the limited number of candidates who are approaching the end of an academic career. The other two practices you mention apply to the ability to present information that is not considered in an examining process that leads to creation or revision of the registers. My concern is, of course, with the certifications, based on the registers, and my recommendation was prompted by what I believe to be a need to assure that certifications are drawn from registers containing the names of those applicants ranked according to quality of credentials and not merely on the basis of a listing that was once valid but may be as much as two years old.

Your response led me to re-consider the applicability of the Rules.

The opportunity to submit additional information about a candidate's education or employment experience is, in many instances, the sole basis of the division's "examination" of the candidate. Specifically, I reconsidered the rule relating to "reexaminations." That provision, as you no doubt know, twice (at Rule 3 08.1 and 3 08.3) enunciates the policy that retesting is permitted at the end of the three month period "provided the class is open for recruitment at the time of reapplication." Thus, while the reexamination provision may have been adopted and implemented at a time when normal Division of Personnel practice allowed continuous open, competitive recruitment, I am satisfied that the provision supports the division's policy in this regard. As with the closure of open, competitive recruitment, the policy of denying eligibles an opportunity to have modified credentials reexamined may not be one which the public may favor; it is, however, a policy that appears to be consistent with the philosophy of the Rules. I intend to amend the finding in these two complaints to "unsupported," and will provide an explanation to the complainants.

November 14, 1983

I should note in conclusion that I've received a number of inquiries about this investigation, and I expect that, with its conclusion, I will be asked to provide copies of my analysis to state legislators and the press.

Thank you for giving this matter your attention.

Sincerely,

John B. Chenoweth
Ombudsman

JBC:jdt

DEPARTMENT OF ADMINISTRATION

POUCH C (MS 0200)
JUNEAU, ALASKA 99811
PHONE: (907) 465-2200

OFFICE OF THE COMMISSIONER

(907) 465-2200

November 25, 1983

Mr. John B. Chenowith
Ombudsman
Pouch W0
Juneau, AK 99811

Dear Mr. Chenowith:

As promised in my earlier letter to you (November 4, 1983), Personnel Memorandum 83-3, regarding criteria for opening recruitment, has been finalized. A copy is enclosed for your response before the end of November. A copy of this memorandum will also have been mailed to all locations which receive our recruitment material.

Your part in clarifying this procedure is appreciated and I hope the memorandum is valuable in responding to any further inquiries or complaints you may receive about the Division of Personnel's decision to temporarily close recruitment for a large number of State positions.

Sincerely,



Eleanor Andrews
Deputy Commissioner for
Personnel Management

EA/ML/mmm
6/4D6/1125-01
Enclosure

cc: Commissioner Lisa Rudd
Department of Administration

RECEIVED

NOV 28 1983

JUNEAU
OFFICE OF OMBUDSMAN

FOR YOUR INFORMATION

MEMORANDUM

State of Alaska

TO: All Personnel Officers

DATE: November 18, 1983

FILE NO: Personnel Memorandum 83-3

TELEPHONE NO: 465-4430

FROM: Frank Ray *Ray*
Director
Division of Personnel
Department of Administration

SUBJECT: Conditions For Open
Competitive
Recruitment

The Director of Personnel will determine it appropriate to open recruitment for a job class according to the criteria described below.

Criteria Which Justifies Opening Recruitment

The Division of Personnel will identify these conditions through routine and periodic reviews. When these conditions occur, recruitment will be opened for some specific length of time, and for at least the minimum period of time as prescribed by the Personnel rules.

1. New Job Class
2. Broadened Minimum Qualifications

Broadened minimum qualifications for a job class refer to changes which allow more people to qualify than did the previous minimum qualifications.

3. Incomplete Eligible List

An eligible list is considered incomplete when fewer than three names are certified to fill a vacancy. When the Director of Personnel determines that other ways of filling the vacancy (such as sub-fill, provisionally, or from a related or augmented list) have been adequately considered, recruitment will be opened at the department's request.

4. Projected Inadequate List

The Division of Personnel will periodically review the number of candidates on all eligible lists maintained by the Division of Personnel. The following criteria will be used:

- (1) The ratio of eligibles to the number of positions is less than 3 to 1.
- (2) The ratio of eligibles to the number of appointments* is less than 6 to 1.

These ratios may be adjusted from time to time by the Director. Any such adjustment will be announced by a supplement to this memorandum.

5. Underutilization

Whenever underutilization exists in a job class within a job group and there are not sufficient eligibles from protected groups consistent with their availability in the labor market, the Director of Personnel will consult with the Director of Equal Employment Opportunity to determine whether and for how long to open recruitment for the job class. The Directors shall consider previous applicant flow data and current recruitment trends for the job class when making a determination.

Criteria Which May Justify Opening Recruitment

Department Personnel Officers will identify these conditions and bring them to the Division of Personnel's attention.

- A. A department with actual or anticipated vacancies may request recruitment to be opened between the periodic reviews by the Division of Personnel if the ratio of certified eligibles to the number of vacancies is less than 6 to 1.
- B. A department with actual or documented projected vacancies in positions which have a history of being hard to fill because of geographic location, special expertise, or unique and unusual circumstances may request recruitment to be opened for the job class to meet the specific requirements. Requests for recruitment based on other conditions will be individually evaluated by the Division of Personnel.

*The figure for appointments will be the number of appointments made in the job class during the previous calendar year.

FR/cjk
16/4D1/1118-06

DRAFT

For an Act entitled: "An Act relating to open competitive examination as a means of employee selection in the state classified service; and providing for an effective date."

*Section 1. AS 39.25.150(3) is amended to read:

(3) the use of employee selection methods, including open competitive examinations, when appropriate, that will fairly test the capacity and fitness of the person examined to discharge the duties of the class in which employment is sought; the personnel rules and the implementation of those rules by the director may not close or suspend open competitive examination for any position or class in the classified service;

*Sec. 2. This Act takes effect immediately in accordance with AS 01.10.070(c).

Position Paper
SB 448

SB 448 would amend the Personnel Act by preventing the adoption of any Personnel Rule that allows the temporary closure or suspension of open competitive examinations.

The Department of Administration opposes this bill. Our opposition is three-fold: first, implementation of the intent of the bill represents poor public policy; second, implementation of the bill as written creates unreasonable results; and third, the cost of implementing the provisions of the bill outweigh any public benefit to be derived.

Over the years, the State personnel system has met changes in resources, the number of positions, and the number of qualified eligible applicants with changes in our recruitment practices. The practices have always been within the flexibility provided by the Personnel Rules and Personnel Act. In the recent investigation of Ombudsman Complaint J83-0419, et al, in which the complainants complained about the temporary recruitment closures, the Ombudsman reviewed the current practice and the history of the statutory provision. The statute originates in the 1953 "Model State Civil Service Act" published by the National Civil Service League and the National Municipal League. The Ombudsman traced Alaska's law through the draft bill prepared by the Public Administration Service, through Legislative Committee action, and into law. He concluded that, "On balance, then, the decision [to temporarily close classes to open recruitment] appears to have a legal basis and to be reasonable."

The decision to adopt a practice of temporary closures is the latest in a series of such decisions made to meet changing conditions. The major decisions follow:

Statehood to 1971 - classes open to recruitment to meet needs of current classified vacancies only.

1971 to 1973 - recruitment open to employees with permanent status at all times, open competitive recruitment only to meet needs of current classified vacancies.

1973 to March 15, 1979 - recruitment for classified positions open to all Alaskans at all times.

March 15, 1979 to May 1983 - majority of classes open to all Alaskans at all times, schedule for limited period of open recruitment for some classes (about 100) on an annual basis (excepting classes with only one position).

May 1983 to present - recruitment open to employees with permanent status for all job classes at all times, open recruitment for all Alaskans for about half of job classes, other job classes open on an as-needed basis (criteria published at Ombudsman recommendation).

Throughout the entire 25 years since Statehood, a number of classes have been continuously open to recruitment. Throughout this entire period, there have also been a number of other classes that have never been open to recruitment.

Each of the various practices have been subject to criticism. The practice before 1971 created substantial delays in filling positions. "Everything open all the time", practiced from 1973 to 1979, was criticized by Legislative Audit in 1977. They recommended recruiting only to meet forecasted turnover. In 1979, the Legislature's Select Blue Ribbon Commission on the Personnel Act noted problems with both open and closed recruitment practices. Now SB 448 is apparently in response to criticism of the current practice.

The Department of Administration opposes this bill because it is intended to mandate only a single recruitment practice. The State used this practice during the Transalaska Pipeline construction period when the State faced stiff competition for employees, very high turnover and a rapidly expanding work force. However, conditions have changed and it is appropriate for the practice to change. SB 448 would require one and only one recruiting practice regardless of changing circumstances. This approach is inflexible and is, therefore, poor public policy. During a time of extensive eligible lists and reduced hiring, a continuous open recruitment practice raises false expectations in the public and requires diverting resources to the processing of the unnecessary paper.

The Department of Administration opposes SB 448 because it would create unreasonable results. In particular, SB 448 would require continuous open recruitment for all job classes when, in fact, there are at least four conditions where continuous open recruitment would not be appropriate. These include job classes in which all positions are partially exempt and not filled from competitive eligible lists, such as Division Director. Continuous open recruitment for all job classes where all appointments are made by referral from a union hall, such as Laborer would not be appropriate. There are job classes to which no positions are allocated, such as those established to meet the requirements of AS 39.25.155 (Vocational Substitution Program). For some job classes the only people who qualify are current State employees, such as State Trooper. One must be a State Trooper Recruit first.

Finally, the Department of Administration opposes SB 448 because continuous open recruitment for all classified positions is the most expensive of all potential recruiting practices. Additional first year costs are nearly 1½ million dollars. [See the Fiscal Note prepared by the department on this bill.]

The public need is best served by flexibility in recruitment practices. Any limitation to that flexibility ultimately reduces the ability to serve the public or to expend public funds where the need is greatest. Therefore, the department opposes the passage of any form of SB 448 and offers no alternative language. However, the department is willing to continue discussions of recruiting practices and the resources needed for various options. However, we strongly believe that whatever resulting practice is adopted should not be inflexibly incorporated in statute, but should be free to continue to change as conditions change.

Frank Raye
 Frank Raye
 Director
 Division of Personnel
 Department of Administration

3/20/84
 Date

Lisa Rudd
 Commissioner Lisa Rudd
 Department of Administration
 20/4D3/0316-02/2

3/20/84
 Date

April 4, 1984

Honorable John C. Sackett
State Capitol
Pouch V
Juneau, Alaska 99811

Dear Senator Sackett:

As the initial sponsor of CSSB448 (SA), I request that the Finance Committee consider the changes below when this bill is heard in your Committee. The changes do not alter the intent of the State Affairs Committee substitute. Instead, I believe the changes will: avoid an unintentional opening of all the State's eligible lists to non-Alaskans; create the annual opening for examinations as a separate statutory section instead of a subject of Personnel Rule making (AS 39.25.150); and provide for a July 1, 1984, effective date. The date change is consistent with the Fiscal Note submitted for the State Affairs Committee substitute.

I propose the following substitute for CSSB448 (SA):

IN THE SENATE

BY THE FINANCE COMMITTEE

CS FOR SENATE BILL NO. 448 (FINANCE)
IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE - SECOND SESSION

A Bill

For an Act entitled: "An act relating to periods of open competitive examinations for positions in the classified services; and providing for an effective date."

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

* Section 1. AS 39.25 is amended by adding a new section to read:

SB 448

Senator Sackett
April 4, 1984
Page Two

Sec. 39.25.135. RECRUITMENT PERIODS. There shall be an annual period of open recruitment for all job classes to which are allocated two or more positions that are filled by open competitive examination.

* Sec. 2. This act takes effect July 1, 1984.

Thank you for your consideration of what I believe are little more than technical amendments.

Sincerely,


Senator Bill Ray

cc: Members State Affairs
Committee
cc: Frank Raye



CENTRAL COUNCIL
Tlingit and haida indian TRIBES of alaska
EXECUTIVE COMMITTEE, 1982-1984

March 21, 1984

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John Hope
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*The Honorable Victor Fischer
Chairman, State Affairs Committee
Alaska State Senate
Pouch V
Juneau AK 99811*

Dear Senator:

As you know, the Central Council has been interested in promoting the hiring of qualified Alaska Natives by State Government agencies. The system has been a formidable obstacle.

Senate Bill 448, as we understand it, is intended to alleviate some of the impediments.

The Central Council is supportive of any and all legislation designed to allow access by qualified Alaska Natives to State jobs. In this regard we hope your committee will act favorable in moving SB 448 out of committee with a do-pass recommendation.

Sincerely,

*John Hope
President*

cc: Senator Bill Ray

MEMORANDUM


State of Alaska

TO: All Personnel Officers

DATE: November 18, 1983

FILE NO: Personnel Memorandum 83-3

TELEPHONE NO: 465-4430

FROM: Frank Raye 
 Director
 Division of Personnel
 Department of Administration

SUBJECT: Conditions For Open
 Competitive
 Recruitment

The Director of Personnel will determine it appropriate to open recruitment for a job class according to the criteria described below.

Criteria Which Justifies Opening Recruitment

The Division of Personnel will identify these conditions through routine and periodic reviews. When these conditions occur, recruitment will be opened for some specific length of time, and for at least the minimum period of time as prescribed by the Personnel rules.

1. New Job Class
2. Broadened Minimum Qualifications

Broadened minimum qualifications for a job class refer to changes which allow more people to qualify than did the previous minimum qualifications.

3. Incomplete Eligible List

An eligible list is considered incomplete when fewer than three names are certified to fill a vacancy. When the Director of Personnel determines that other ways of filling the vacancy (such as sub-fill, provisionally, or from a related or augmented list) have been adequately considered, recruitment will be opened at the department's request.

4. Projected Inadequate List

The Division of Personnel will periodically review the number of candidates on all eligible lists maintained by the Division of Personnel. The following criteria will be used:

- (1) The ratio of eligibles to the number of positions is less than 3 to 1.
- (2) The ratio of eligibles to the number of appointments* is less than 6 to 1.

DRAFT

Position Paper
SB 448

SB 448 would amend the Personnel Act by preventing the adoption of any Personnel Rule that allows the temporary closure or suspension of open competitive examinations.

The Department of Administration opposes this bill. Our opposition is two-fold: first, implementation of the intent of the bill represents poor public policy; second, implementation of the bill as written creates unreasonable results.

Over the years, the State has met the changes in resources, the number of positions, and the number of qualified eligibles with changes to our recruitment practices. The practices have been consistently within flexibility provided by the Personnel Rules and Personnel Act. In the investigation of Ombudsman Complaint J83-0419, et al, the Ombudsman reviewed the current practice and the history of the statutory provision. The statute originates in the 1953 "Model State Civil Service Act" published by the National Civil Service League and the National Municipal League. The Ombudsman traced Alaska's law through the draft bill prepared by the Public Administration Service, through Legislative Committee action, and into law. He concluded that, "On balance, then, the decision [to temporarily close classes to open recruitment] appears to have a legal basis and to be reasonable." The decision to adopt a practice of temporary closures is the latest in a series of such decisions made to meet changing conditions. The major decisions follow:

Statehood to 1971 - classes open to recruitment to meet needs of current classified vacancies only.

1971 to 1973 - recruitment open to employees with permanent status at all times, open competitive recruitment only to meet needs of current classified vacancies.

1973 to March 15, 1979 - recruitment for classified positions open to all Alaskans at all times.

March 15, 1979 to May 1983 - majority of classes open to all Alaskans at all times, schedule for limited period of open recruitment for some classes (about 100) on an annual basis (excepting classes with only one position).

May 1983 to present - recruitment open to employees with permanent status for all job classes at all times, open recruitment for all Alaskans for about half of job classes, other job classes open on an as-needed basis (criteria published at Ombudsman recommendation).

Throughout the entire 25 years since Statehood, a number of classes have been continuously open to recruitment. Throughout this entire period, there have also been a number of other classes that have never been open to recruitment.

Each of the various practices have been subject to criticism. The practice before 1971 created substantial delays in filling positions. "Everything open all the time", practiced from 1973 to 1979, was criticized by Legislative Audit in 1977. They recommended recruiting only to meet forecasted turnover.

In 1979, the Legislature's Select Blue Ribbon Commission on the Personnel noted problems with both open and closed recruitment practices. Now SB 448 is apparently in response to criticism of the current practice.

The Department of Administration opposes this bill because it is intended to mandate only a single recruitment practice. The State used this practice during the Transalaska Pipeline construction period when the State faced stiff competition for employees, very high turnover and a rapidly expanding work force. However, conditions have changed and it is appropriate for the practice to change. SB 448 would require one and only one recruiting practice regardless of changing circumstances. This approach is inflexible and is, therefore, poor public policy. During a time of extensive eligible lists and reduced hiring, a continuous open recruitment practice raises false expectations in the public and requires diverting resources to the processing of the unnecessary paper. Continuous open recruitment for all classified positions is also the most expensive of all potential recruiting practices. Additional first year costs are nearly 1 1/2 million dollars. [See the Fiscal Note prepared by the department on this bill.]

The Department of Administration also opposes SB 448 because it would create unreasonable results. In particular, SB 448 would require continuous open recruitment for all job classes when, in fact, there are at least four conditions where continuous open recruitment would not be appropriate. These include job classes in which all positions are partially exempt and not filled from competitive eligible lists, such as Division Director. ~~SB 448 would require continuous open recruitment for these job classes.~~ Continuous open recruitment for all job classes where all appointments are made by referral from a union hall, such as Laborer would not be appropriate. ~~SB 448 would require continuous open recruitment for these job classes.~~ There are job classes to which no positions are allocated, such as those established to meet the requirements of AS 39.25.155 (Vocational Substitution Program). ~~SB 448 would require continuous open recruitment for these job classes.~~ For some job classes the only people who qualify are current State employees, such as State Trooper. One must be a State Trooper Recruit first. ~~SB 448 would require continuous open recruitment for these job classes.~~

The public need is best served with flexibility in recruitment practices. Any limitation to that flexibility ultimately reduces the ability to serve the public or to expend public funds where the need is greatest. Therefore, the department opposes the passage of any form of SB 448 and offers no alternative language. However, the department is willing to continue discussions of recruiting practices and the resources needed for various options. However, we strongly believe that whatever resulting practice is adopted should not be inflexibly incorporated in statute, but should be free to continue to change as conditions change.

Frank Raye
Frank Raye
Director
Division of Personnel
Department of Administration

3/19/84
Date

Commissioner Lisa Rudd
Department of Administration

Date

Need to find how many people were
on list in 1959.

What needs happen:

1) Criteria needs to determine
who should be retained on
a list.

2) Director adopt standards to
determine when recruitment for a
class will be reopened.

→ did this happen

Bill would open all registers for state jobs

By DEBBIE REINWAND ROSE
The Juneau Empire

The state of Alaska employs over 16,000 workers, yet getting on the payroll is no easy task, some residents say.

In response to complaints by Alaskans who have found themselves barred from applying for some state jobs, Sen. Bill Ray, D-Juneau, filed a bill recently requiring all recruitment registers be open for application.

Currently, 350 job class registers are closed to persons seeking a state position. Only persons already employed by the state may apply for jobs on closed registers.

The state has 1,100 job classes, some of which are single-person classes.

The bill introduced by Ray would require that registers be continually open, giving residents not employed by the state a chance to apply for all jobs.

"I have had some people come to me and say it's unfair that they can't get on these registers because they aren't state employees," said Ray. "It's hard to understand why they shouldn't at least be

given the chance. Who knows? They may score higher than the top five persons in

Continued on Page 12

Hiring...

Continued from Page 1

that class if they have the chance and they could then get a job. Now they aren't even given an option."

Ombudsman Jack Chenoweth investigated several complaints filed in 1983 against the Division of Personnel regarding closed registers and recommended new standards when deciding whether a class will be opened.

The division did so in November, following review of the ombudsman's findings.

Personnel Director Frank Raye said the policy of closing registers was not to "deny anyone a chance at a job, but just a matter of good management." When Raye was hired in 1983, the Sheffield administration decided to abolish most examinations previously required for state employment.

The tests were outdated, so the division began reviewing job applications individually and ranking them according to the person's experience.

The elimination of testing and closing some registers has resulted in better evaluation of applications, said Raye.

"We did away with the testing and are

HOW ABOUT INCLUDING THE "OFFICE OF THE GOVERNOR" AND ITS PERSONNEL POLICIES IN YOUR EXCELLENT OPENING UP OF A CAN OF WORMS?? THE PROMOTIONS IN THAT DIVN ARE LUDICROUS.....EVERY TIME AN "OPENING" NOTICE IS MAILED OUT SOMEONE IN-HOUSE ALREADY HAS IT....THIS IS COMMON KNOWLEDGE.....THEY ALSO DO NOT TEST, AND TESTING IS THE ONLY FAIR WAY TO CLIMB OUT OF 'POLITICAL APPOINTMENTS' AND OTHER SPURIOUS REASONS FOR HIRING SELECTIONS.

now able to give better review to fewer applications. If it was open to all applications, then we'd need more resources to review more applications," said Raye.

The state does open a job class when a department decides the list is inadequate and more applicants are needed; when a new job class is created; when the qualifications for a job are broadened; and following division review of the number of candidates on all eligible lists.

"If the public wants this kind of policy, I would certainly carry it out," said Raye. "However, I think it's poor public policy to hire a bunch of people and create new jobs to review a bunch of applications for people who want jobs. I think it may raise false expectations on the part of those applying."

Currently, the state hires between 80 and 100 new workers each month, according to Diana DeSimone, chief of recruitment and examining for the personnel division.

In all, the state hires, promotes or transfers between 180 and 225 people per month.

That figure, however, is decreasing, she said.

"It's increasingly hard to get a job.

There are fewer jobs and more people competing," said DeSimone.

With Gov. Bill Sheffield's emphasis on increasing the number of minority and female workers hired, Sen. Ray believes the registers will have to be opened if the governor's plan is to be carried out.

"I don't understand the logic that says 'let's hire more minorities and women,' but then says, 'this job is closed, sorry,'" Ray said. "I don't see how that goal will be accomplished unless fair, open competition is extended to all who qualify."

However, should the registers be opened, applicants would see a time lag from the date they turned in an application to the time their application was reviewed and rated, said DeSimone.

"When we had fairly open, continuous recruitment several years ago, we were looking at five months for the examining and application process. Right now, I don't see any way of keeping it open and getting the work done," she said. "So the division has decided what areas are most important to recruit for. People, if they do apply, have a right to get an answer back. We've tried to establish a balance."

The bill is currently in the Senate State Affairs Committee.

Juneau Empire

ST

4369-R 9th Street
Fort Wainwright, Alaska 99703
January 19, 1984

Vic Fischer
Alaska State Legislature

Dear Mr. Fischer:

I am forwarding to you copies of my correspondence with the Division of Personnel of the State of Alaska, because I am concerned about the procedure for placing eligible nurses on the state register for Public Health Nurse positions. I am raising questions about this procedure as it only allows for nurses to be placed on the register if they have either just graduated from a nursing program or have spent time in a Public Health Nurse position. It does not recognize or give credit for equivalent experience, education, or level of expertise. With such a system only quantity is rewarded and quality has no value. As a result many nurses who have valuable expertise are turned away or told they must enter the system at the beginning level.

I am concerned about this not only for the injustice to me but also for the injustice to other nurses and, most of all, the injustice being done to the people of Alaska who are being denied the benefits that many experienced and educated nurses could provide for them.

This letter is being sent with the hope that others will also become alarmed and will institute an evaluation of the procedure for Public Health Nurse register eligibility. The purpose of Public Health Nursing is to provide quality nursing care to the people. Achievement of this goal must begin with the selection process of the persons charged with this function. If the selection process is faulty, the rest of the system will become faulty.

Thank you for your time and attention to this concern. I look forward to your thoughts and comments.

Sincerely,

Judy A. Glaister

Judy A. Glaister, R.N., M.S.N.

Ltr from Judy A. Glaister, R.N., M.S.N. 1/19/84

4369-R 9th Street
Fort Wainwright, Alaska 99703
January 19, 1984

Ms. Adrienne Williams, Senior Examiner
State of Alaska, Division of Personnel
Pouch C-0201
Juneau, Alaska 99811

Dear Ms. Williams:

I have reviewed your explanation for the basis of the rejection of my applications for the positions of Public Health Nurse II, III, and IV. However, the logic of your thinking and assessment of my experience continue to elude me.

I must again ask why you allow the substitution of my master's degree for two years and ten months of public health nursing experience for a Public Health Nurse IV position but not for the Public Health Nurse II and III position? You offered no explanation for this discrepancy, but merely stated that that was the way it was. I can not understand the reason for this if no reason is given. Does this mean that my education and experience on the master's level is not applicable to the work performed by Public Health Nurses II and III but is applicable to the work performed by the Public Health Nurse IV? Could you please explain the difference? It seems to me that, if the nurse at the supervisory level of the Public Health Nurse IV could utilize this knowledge and experience, the nurses who are being supervised could also draw upon this knowledge and expertise to assist them as they perform their nursing actions.

A second point made in your assessment of my credentials perplexes me. You described my experiences as an instructor of nursing, a staff nurse, and a Psychiatric Nurse Practitioner as being nursing related positions. What is a nursing related position? What is a nursing position? Could you please explain the difference between these? I thought that I had been practicing nursing all those years and would be interested in finding out what I had really been doing.

You stated that my experiences are not the field of public health nursing as you defined in your letter. I am totally confused by the definition of public health nursing that you gave. You state that "Public Health Nursing is concerned with health promotion, health maintenance, health education, coordination and continuity of care in a holistic approach to the family, group, and community. The nurse's actions acknowledge the need for comprehensive health planning, recognize the influences of social and ecological issues, give attention to populations at risk and utilize the dynamic forces which influence change." It seems to me that this definition is rather an attempt to define nursing and does not define public

health nursing. According to the American Nurses' Association nursing is the diagnosis and treatment of human responses to actual or potential health problems. The human responses of people toward which the actions of nurses are directed are of two kinds: (1) reactions of individuals and groups to actual health problems (health restoring responses), such as the impact of illness-effects upon the self and family, and related self-care needs; and (2) concerns of individuals and groups about potential health problems (health-supporting responses), such as monitoring and teaching in-populations or communities at risk in which educative needs for information, skill development, health-oriented attitudes, and related behavioral changes arise. The aims of nursing actions are to ameliorate, improve, or correct conditions to which those practices are directed, to prevent illness and to promote health. Nursing actions reflect the use of the nursing process. The nursing process requires a systematic approach to the assessment of the patient's situation, which includes reconciliation of patient/family and nurse perceptions of the situation; a plan for nursing actions, which include patient/family participation in goal setting; joint implementation of the plan; and evaluation which includes patient/family participation. All nurses use the nursing process and all nurses are responsible for the inclusion of preventive nursing. I can not understand how your definition of public health nursing is different from the American Nurses' Association's definition of nursing. Is there another definition or other criteria that you are utilizing that separates public health nursing from nursing? If there is, could you please share this with me so that I could better understand your assessment of my credentials?

In trying to understand your definition of public health nursing I reviewed the job descriptions for Public Health Nurses I, II, III, and IV as offered by your office. It is stated in the definition of both Public Health Nurse I and II that "preventive nursing care is stressed in order to promote, maintain and restore good health, as opposed to care and treatment of acute diseases. Does this mean that your office defines the function of nursing other than public health nursing as the care and treatment of acute diseases? This is absolutely not true. Nurses treat health problems and responses to health problems. Physicians treat diseases. It seems to me that you are basing your assessments of nursing experience on definitions that are erroneous and unrealistic. The only purpose served by such assessments is to keep nurses out of the public health nursing system who do not enter on the ground level.

I must also question why, when determining my eligibility for these Public Health Nurse positions, no credit for work experience was given to my one year two months' experience as a Psychiatric Nurse Practitioner. I realize that this position was based in an in-patient facility, but according to your definition of a public health nurse, my functions in that role more than meet your stated qualifications. The American Nurses' Association defines a nurse practitioner as a specialist in nursing practice who, through study and supervised practiced at the graduate level has become

expert in a defined area of knowledge and practice in a selected clinical area of nursing. My clinical area is Community Mental Health Nursing. The American Nurses' Association further states that Specialists in nursing practice are also generalists in that they hold a baccalaureate in nursing, and therefore are able to provide the full range of nursing care. Characteristic functions of specialists in nursing practice include the following: identification of populations or communities at risk; direct care of selected patients or clients in any setting, including private practice; intraprofessional consultation with nurse specialists in different clinical areas and with nurses in general practice; interprofessional consultation and collaboration in planning total patient care for individual and groups of patients, and in planning and evaluating health programs for population groups at risk. I feel that my functioning as a Psychiatric Nurse Practitioner was indicative of these qualifications. I am enclosing a letter of recommendation written in my behalf by Judith B. Sanders, R.N., M.S.N., former Director of Nursing at Fulton State Hospital which speaks of the quality of my work as well as some of the accomplishments I was able to achieve while there.

You have stated in your explanation for the rejection of my applications that my experience has not been in public health and therefore I can receive no credit for my years of experience. In doing this you are saying that I am incapable of performing the functions of the public health nurse until I have actually performed these functions under the supervision of another public health nurse. I strongly disagree with this because I do not feel that nursing is a technical occupation in which one must practice nursing functions over and over in order to become proficient. Rather I believe that nursing is a profession and that if one has the knowledge base, one can adapt to many different situations and to many different nursing settings. I also disagree with this conclusion since when one compares the functions of the public health nurses as outlined by your office and the functions that I have performed while practicing as a professional nurse, it is apparent that these are equivalent. I would like to illustrate a few examples in support of my premise.

Public Health Nurse

My Experiences

Health appraisals

Conducted health appraisals; taught nursing students how to do health appraisals; conducted workshops staff conferences on how to do health appraisals

Helps family secure care from specialized clinics

Helped families secure help from community agencies

Teaches self-help skills

Taught patients self-help skills, i.e., how to take medication, colostomy care, relaxation techniques, how to control anger, baby care, etc.

Explains diagnostic and therapeutic measures	Taught patients pre and post-operative care; explained diagnostic procedures
Participates in family counseling	Counseled families; conducted a state-wide work shop on how to do family assessments/interventions
Insures family understands and follows home care instructions	Worked with families to insure understanding regarding medical regimens and health care
Participates in health education programs	Developed and presented in-service programs, state-wide work shops, patient classes
Manages a small health center	Nursing supervisor for a 60 patient facility with a staff of 45
Responsible for the management of specialized programs or projects	Responsible for the development and implementation of 3 units of a 4 year research project with a total of 200 subjects; responsible for the development and implementation of a 25 hour orientation program for new nurses
Serves as a team leader	Served as a team leader for groups of patients up to 30; taught team leading to nursing students for 1½ years
Plans and coordinates with other agencies, etc.	Planned and coordinated the clinical experiences of nursing students with hospitals and other agencies
Conducts staff meetings, etc.	Conducted staff meetings; facilitated groups of patients, students, and co-workers
Develops procedure manual to facilitate work flow	Developed a more formal means of communication between all interdisciplinary staff at Fulton State Hospital

I am asking that my questions be answered and that my application for the positions of Public Health Nurse II, III, and IV be reconsidered in light of the questions that I have raised. I feel that what is being done is not only an injustice to me, but also an injustice to other nurses wishing to enter the Public Health Nurse system of the state of Alaska and to the people of Alaska who will not be able to benefit from the knowledge and expertise that many nurse could offer. It is wrong to place a nurse with many years of valuable experience and with a master's degree into the system at the same level you would place a new graduate with no experience and with no master's degree. The quality of the work that these two nurses would be able to perform is on different levels; they should not, therefore, enter the system at the same level. I feel sad that this is happening, as those who stand to lose the most, those who will not be able to benefit from the expertise and knowledge held by many nurses, are the people of the state of Alaska--the very people that Public Health Nurse are charged to serve.

Sincerely,

Judy A. Glaister, R.N., M.S.N.

cc:

Frank Ray, Director Division of Personnel
 Dr. Robert L. Smith, Commissioner Department of Health and Social Services
 Dr. E. S. Rabeau, Director Division of Public Health
 Lois Bergerson, Nursing Chief Division of Public Health
 H. Pappy Moss, Alaska State Legislature
 Richard Halford, Alaska State Legislature
 Paul A. Fischer, Alaska State Legislature
 Vic Fischer, Alaska State Legislature
 Joe P. Josephson, Alaska State Legislature
 Niilo Koponen, Alaska State Legislature
 Peter Goll, Alaska State Legislature
 Mike Davis, Alaska State Legislature
 Better Cato, Alaska State Legislature
 Mike Miller, Alaska State Legislature
 Mae Tischer, Alaska State Legislature
 Milo H. Fritz, Alaska State Legislature

Enclosure

CHRISTOPHER S. BOND
Governor

PAUL R. AHR, Ph. D., M. P. A.
Director
Department of Mental Health

ROBERT S. JONES, M. D.
Director
Division of Comprehensive
Psychiatric Services



STATE OF MISSOURI
DEPARTMENT OF MENTAL HEALTH
DIVISION OF COMPREHENSIVE PSYCHIATRIC SERVICES

FULTON STATE HOSPITAL

Fulton, Missouri 65251
(314) 642-3311

13 July 1983

JAMES K. RITTERBUSCH, M. D.
Superintendent

MICHAEL M. BENZEN
Assistant Superintendent
Administration

ALI AHMED, M. D.
Assistant Superintendent
Medical

TO WHOM IT MAY CONCERN:

Dear Sir:

Re: Judy A. Glaister, R.N., M.S.N.

This is a letter of support for Judy A. Glaister, R.N., M.S.N., who is applying for a position in your agency.

Mrs. Glaister began employment as a Clinical Nurse Specialist with Fulton State Hospital on 8 April 1982. During this time, Mrs. Glaister functioned in a highly responsible position in both clinical and management areas. As a clinician, she initiated several nursing groups in the admission ward, carried an in-patient caseload, and provided consultation and support to the other nursing staff members in the unit. While serving as a member of the treatment team, she initiated many innovative ideas in her area and has lent her skill in psychiatric nursing theory and practice to handling special assignments. She was also an active participant in the Nursing Education Component in our Staff Development Program and presented several statewide workshops during her tenure here.

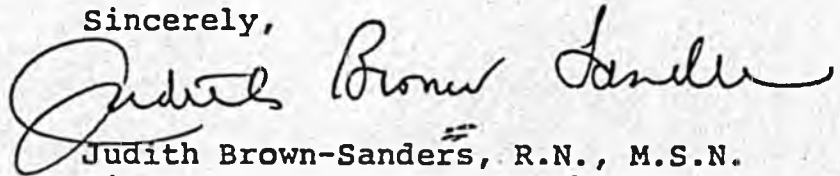
In addition to her responsibilities as a clinician, for a four month period, she assumed the position of Acting Nursing Supervisor for the Hearnes Psychiatric Center. During this time, she was able to develop a more formal means of communication between all interdisciplinary staff. Mrs. Glaister is respected and recognized for her clinical skills in psychiatric nursing and I find her to be knowledgeable and skillful in psychiatric nursing practice.

In summary, I have no hesitation in recommending Mrs. Glaister for a position in your facility.

Page Two
Letter of Support for
Judy A. Glaister, R.N., M.S.N.

If you need additional information or clarification,
please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Judith Brown Sanders". The signature is written in dark ink and is positioned above the typed name.

Judith Brown-Sanders, R.N., M.S.N.
Director, Department of Nursing

JBS:ns

Feb 18, 1984

ST

Dear Representative Sharoff,

Please excuse the misspelling
of your name in this letter and
assignment of you as a Senator.
I would have tried to do it
over but I am such a poor
typist that after hours of typing
I decided to let the letters stand
as typed.

Sincerely,
Margaret Susan Stanford

Ltr from Margaret Susan Stanford 2/18/84

Governor Sheffield
Department of Administration
Juneau, Alaska 99811

February 18, 1984

Dear Governor Sheffield,

This is a plea for help in what I consider unfair hiring practices, originating in personell in Juneau, so I decided to write to you for help in this matter.

For the past six years, I have worked intermittently for Fish and Game as a temporary Technician III. I have collected and catalogued data on marine mammals, built cabins at Mc Neil River Sanctuary, and have done numerous volunteer scientific papers and projects for Fish and Game. My work evaluations have been the highest and always recommended for rehire. Now I have been dropped from the Technician III register and when I wrote with applications all the registers were closed and no date for reopening. I would qualify for Tech. III, IV, and V.

There are field positions that I have filled in the past years that are open for this spring and summer. The primary requirement of these jobs is previous experience. My former supervisor said that he would very much like for me to fill the position if I could get back on the register. I was top of the Technician register so there was never any trouble in hiring me.

Your administration has promised to hire more women and minorities of which I am both (women and Indian). It seems a shame that a person wanting a job, having NEVER collected unemployment, can not even get on a register when there are jobs that the person would absolutely qualify for. I am not asking for a job, just the opportunity to compete with others for a job. I have always worked out of the Anchorage Fish and Game office, Game Division, if you would like to collaborate any of what I have written.

The people of Alaska voted on you in good faith to hire more women and minorities and realizing alot is being done in that direction I decided to write. With this administration's policy I am sure your office will help to remedy a gross error such as this one. This letter is being directed to your office first, hoping that help can be obtained before I approach my senator; however, I am sending a copy to Senator Sarahoff and to the Commissioner of Fish and Game.

I sincerely thank you for your prompt attention to this problem.

Margaret Susan Stanford
Bare Island
Fort Bailey, Alaska 9697
HPO Spitiak

Margaret Susan Stanford

Alaska State Legislature

ST

REPRESENTATIVE
FRED F. ZHAROFF
P.O. Box 405
KODIAK, ALASKA 99615
(907) 486-5254

WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA
99811
(907) 465-4986
465-4968



House of Representatives

DISTRICT 27:
AKHIOK
BELLS FLATS
CHIGNIK
CHIGNIK LAGOON
CHIGNIK LAKE
CHINIAK
IVANOF BAY
KARLUK
KODIAK
LARSEN BAY
OLD HARBOR
OUT INKIE
PERRYVILLE
FORT LICHS

March 1, 1984

Margaret Susan Stanford
Bare Island
Port Mailey, AK 99697
NPO Kodiak

Dear Margaret;

Thank you for your letter bringing to my attention the problems you are having with the State's personnel register. No apologies are necessary for the misspelling, and thank you for the promotion to Senator!

Similar problems with closed registers were expressed by another constituent on Bare Island, also. Unfortunately, after thoroughly investigating the situation, there was nothing that could be done at that time. However, I will follow-up your concern with the Governor's office and the Department of Administration to see where the problem lies. I will ask that the department respond to you personally, and I will also share your letter with Senator Bob Mulcahy.

On the brighter side, Senator Ray has introduced Senate Bill 448 which would open up all of the State registers for application. I have enclosed a copy of a news article relating to the bill. It was referred to the Senate State Affairs Committee but has not yet been scheduled for a hearing. You may wish to contact Senator Vic Fischer who chairs the committee and Senator Ray, co-chair, to make your concerns known and request prompt scheduling of the bill. I will forward a copy of your letter to the Senators.

File - Rep. Fred Zharoff 3/1/84 to Margaret Susan Stanford

March 1, 1984
Margaret Susan Stanford
Page Two

I appreciate hearing from you and will work towards a solution for you.
Please feel free to contact me again if I can be of further assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Fred F. Zharoff".

Fred F. Zharoff
Representative

cc: Senator Bob Mulcahy
✓ Senator Vic Fischer
Senator Bill Ray

Enclosure

RECRUITMENT ALTERNATIVES

1. Accept applications based on need and underutilization (no additional cost)
2. Open all classes at all times. Division of Personnel to process timely (SB 448). (\$1.4 million cost)
3. Accept applications for all classes at all times but examine and process on an as needed basis. Other applications to wait for need before being evaluated (\$700,000 cost)
4. Regularly schedule openings on a one to two year basis for all classes other than one position classes. Division of Personnel to process in a timely manner. (\$450,000 cost)
5. Accept applications for job classes which are underutilized and unique to specific departments with those departments using their resources to process timely *(costs absorbed operating departments)*

STEPS TOWARD ACCEPTING APPLICATIONS FOR ALL JOB CLASSES
UNIQUE TO DEPARTMENTS WITH DEPARTMENTS ABLORBING COSTS
(Recruitment Alternative #5)

- 1) Prepare statistical information
 - a) job classes unique to each operating department;
 - b) whether the classes are underutilized;
 - c) estimated number of applications for unique job classes.
- 2) Prepare letter to commissioners from Governor's Office - explaining priority system for opening recruitment and delegating authority.
- 3) Departments determine what are their highest priority needs for scheduling recruitment openings.
- 4) Division of Personnel delegates recruitment and examining authority to departments, provides training.



Alaska State Legislature

Senate Committee on State Affairs

Vic Fischer, Chair • Pouch V

Juneau, Alaska 99811

(907) 465-4954

Official Business

MEMORANDUM

TO: Senate State Affairs Committee
FROM: Senate State Affairs Committee staff
RE: SB 448 Opening state registers
DATE: March 20, 1984

SB 448 amends state statutes by adding the clause "the rules may not be applied or amended to close or suspend open competitive examination for any job class" (page 2, beginning on line 12).

Fiscal information

FY 85

1,415.0 thousand (Department of Administration)
45.8 thousand (Department of Labor)
1,460.8 thousand

Back-up information

Fiscal note from the Department of Administration
Fiscal note from the Department of Labor
Position paper from the Department of Administration
Packet of information from the Ombudsman
Newspaper article dated 2/28/84

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____, 1984

Page 1 of 10

REQUEST

Bill/Resolution No.: SB 448
Title: The State Personnel rules for open competitive examinations.
Sponsor: Ray, et. al.
Requestor: _____
Date of Request: _____

FISCAL DETAIL

Agency Affected: Administration
Program Category Affected: Centralized Administrative Services
BRU, Program of Subprogram(s) Affected: Personnel

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		1,093.6	1,178.4	1,263.2	1,348.0	1,432.8
200 TRAVEL		0	0	0	0	0
300 CONTRACTUAL		114.7	122.4	130.1	137.8	145.5
400 SUPPLIES		11.4	12.6	13.8	15.0	16.2
500 EQUIPMENT		195.3	13.9	13.9	13.9	13.9
600 LAND & STRUCTURE						
700 GRANTS, CLAR						
800 MISCELLANEOUS						
TOTAL OPERATING		1,415.0	1,327.3	1,421.0	1,514.7	1,608.4
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		1,415.0	1,327.3	1,421.0	1,514.7	1,608.4
FEDERAL FUNDS						
OTHER						
TOTAL		1,415.0	1,327.3	1,421.0	1,514.7	1,608.4

POSITIONS:

FULL-TIME		33(396)	35(420)	37(444)	39(468)	41(492)
PART-TIME		12(60)	14(70)	16(84)	18(96)	20(108)
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

None identified by sponsor.

ANALYSIS: Attach a separate page for any Analysis.

Prepared by: Frank Raye *Frank Raye et al*
Division: Personnel

Phone: 465-4430
Date: _____

Approved by Commissioner: Lisa Rudd *LJR*
Agency: DEPARTMENT OF ADMINISTRATION

Date: 3/20/84

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

Fiscal Note / Admin 3/20/84

12/1/83

S.B. 448
Fiscal Note Analysis
Prepared by Division of Personnel
March 16, 1984

S.B. 448 would require that recruitment for all job classes be open to all Alaskans at all times. This would require a return to the recruitment practice used by the State from 1973 to March 15, 1979. A mathematical representation (least-squares trend line) of application volume based on application volume from that period is:

$$\text{Number of Apps} = 3723 + 37x(\text{number of months since January, 1975}).$$

From this historical trend line, we can expect to receive 97,512 applications in FY 85. This compares with the current projection for FY 85 of only 38,000. In FY 86 the number of applications would be 102,840. The number would continue to increase by 5328 applications per year.

The State made two changes in FY 82 that changes the long term trend line. In September 1981, the State implemented the Office Skills Test. In early 1982 we began processing single applications for multiple classifications. For example, one application is accepted and processed for Accountant I, II, III, IV, V. The effect has been a reduction of 10,000 applications per year from the volume projected by the trend line.

Adjusting for multiple classifications on a single applications, projected volumes in future years with all classes open to recruitment at all times becomes:

FY 85	87,512
FY 86	102,840
FY 87	98,168
FY 88	103,496
FY 89	108,824

Review of applications by the Recruitment and Examining Section staff (Personnel Technicians) consists of a determination of meeting Minimum Qualifications, and the calculation of a Rating of Training and Experience (T&E). Each action takes an average of eight minutes. Prior to 1983, approximately 50% of applications required T&E. Therefore average processing time per applications was twelve minutes (eight minutes for minimum qualifications and eight minutes \times .5 for T&E). In 1983, all written examinations for which validation information was not on hand were eliminated. Now 80% of all applications require T&E. Average processing time is now 14.4 minutes (eight minutes for minimum qualifications and eight minutes \times .8 for T&E). While this is more labor intensive it allows for greater individual review of applications.

In addition to the process described above, the examining staff must reevaluate applications and compose letters in response to appeals.

A full time examiner position, with allowance for paid vacations and contractual relief periods, represents 1631 productive hours per year. This is split into 1142 hours of examining and 489 hours on appeals and other duties. In the 1142 hours, an examiner can process 4758 applications.

For FY 85 a total of 18.4 examiners (Personnel Technicians I) will be needed to process 87,512 applications. Currently there are only eight positions in the Division of Personnel assigned to this task.

In addition to the examiners, all of the clerical support operations - log in, filing, test scheduling, test monitoring, test scoring, data entry, letter generation, etc. - will increase accordingly. Currently and historically 2.1 clerical positions are needed to support each examiner. A total of 23.6 additional clerical positions will be needed.

Two supervisory examiners will be needed to assign and review work, train and evaluate employees, etc. One additional "revisions" technician will be needed as lists are revised as a result of changes in Minimum Qualifications. With continuous open recruitment these lists will average over double the length of lists currently.

In summary, for FY 85, the initial year under the amended statute, the following additional staff will be needed:

	Juneau	Anchorage	Fairbanks
Personnel Technician II	1-FT	1-FT	
Personnel Technician I	8-FT	2-FT	
	3-PT		
Clerk III	5-FT		
Clerk II	4-FT		
	3-PT		2-PT
Clerk I		1-PT	
Clerk Typist III	6-FT	2-FT	1-FT
Clerk Typist II		3-FT	
	1-PT	2-PT	

Personnel Services costs for these positions will be \$1,093.6 thousand. Twelve telephones at \$400, eleven computer terminals at \$2,200, and basic office furniture for each position total \$195.3 thousand in one time equipment costs.

Annual space and commodities costs represent the balance of the first year amount.

The 5328 annual increase in applications represents 1.1 additional examiners and 2.3 additional clerks annually. Two full-time and two part-time positions, totalling only 3.0 Full Time Equivalents are shown in the projection for future years.

For the purpose of this fiscal note, an inflation rate of "0" is used. For comparisons, a 4% rate would indicate an FY89 cost of \$1,881.6 thousand instead of \$1,608.4 thousand.

No attempt has been made in this fiscal note to estimate further cost impact of this volume of applications on the computerized Applicant Tracking System. It is known for example, that the sorting process required to place eligible lists in rank order increases geometrically instead of arithmetically. The over 2-1/3 increase projected for FY 85 alone will increase this sorting by over 5½ times.

1.	POSITION TITLE Personnel Technician II				RANGE/STEP 14A	BARG. UNIT K	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.	
2.	TYPE OF POSITION	STAFF MONTHS	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION	ELECTION DISTRICT	LEG.			
3.	CONTINUATION LEVEL				JUSTIFICATION						
4.	TYPE OF EXPENDITURE				AMOUNT						
	1		2		3						
	PERSONAL SERVICES										
5.	Salary		27,024								
6.	Benefits		4,625								
7.	Supplemental Benefits		1,657								
8.	Fixed Benefits		2,789								
9.	TOTAL PERSONAL SERVICES		01		36.1						
10.	Travel		02		0						
11.	Contractual		03		2.2						
12.	Commodities		04		.3						
13.	Equipment		05		6.1						
14.	Other										
15.	TOTAL COST				44.7						
	RECEIPT CODE				FUNDING SOURCE						
16.					Federal Receipts 1002						
17.					G.F. Match 1003						
18.					General Funds 1004 89.5						
19.					I-A Receipts 1005						
20.					Program Receipts 1028						
21.					Other						
FOR B&M USE ONLY											
4A KEY NUMBER _____											

Supervise additional examiners, Personnel Technicians I, required to process additional applications.

Two full time positions, one each in Anchorage and Juneau.

Costs at left shown for one position in Juneau. Total costs are: \$89,490.

13 REQUEST FOR
NEW POSITION

AGENCY Administration
PROGRAM Centralized Administrative Services
BRU Personnel
COMPONENT Personnel

Page 4 of 10
Revised Date _____

FY 85

1.	POSITION TITLE Personnel Technician I				RANGE/STEP 12B	BARG. UNIT	FORM 12 PACE/LINE	GOV.	APPRDV.	DISAPP.
2.	TYPE OF POSITION	STAFF MONTHS	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION	ELECTION DISTRICT	LEC.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE				AMOUNT					
	1		2		3					
	PERSONAL SERVICES									
5.	Salary		24,516							
6.	Benefits		4,196							
7.	Supplemental Benefits		1,503							
8.	Fixed Benefits		2,789							
9.	TOTAL PERSONAL SERVICES		01		33.0					
10.	Travel		02		0					
11.	Contractual		03		2.2					
12.	Commodities		04		.3					
13.	Equipment		05		3.9					
14.	Other									
15.	TOTAL COST				39.4					
<p>Examine additional applications resulting from open continuous recruitment.</p> <p>Ten full time and three part time positions distributed as follows:</p> <p>Juneau 8 full time; 3 part time Anchorage 2 full time.</p> <p>Costs at left shown for one position in Juneau. Total costs are: \$481,743.</p>										
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.		General Funds 1004				481.7				
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
<p>FOR B&M USE ONLY</p> <p>4A KEY NUMBER _____</p>										

13 REQUEST FOR
NEW POSITION

AGENCY Administration

PROGRAM Centralized Administrative Services

BRU Personnel

COMPONENT Personnel

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Revised Date _____

FY 85

1.	POSITION TITLE Clerk III				RANGE/STEP 8B	BARG. UNIT K	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.	
2.	TYPE OF POSITION	STAFF MONTHS	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION	ELECTION DISTRICT	LEG.			
3.	CONTINUATION LEVEL				ADDITION						
4.	TYPE OF EXPENDITURE				AMOUNT						
	1		2		3						
	PERSONAL SERVICES										
5.	Salary			19,284							
6.	Benefits			3,300							
7.	Supplemental Benefits			1,182							
8.	Fixed Benefits			2,789							
9.	TOTAL PERSONAL SERVICES	01		26.6							
10.	Travel	02		0							
11.	Contractual	03		3.2							
12.	Commodities	04		.3							
13.	Equipment	05		5.7							
14.	Other										
15.	TOTAL COST			35.8							
JUSTIFICATION											
Additional complex clerical processing of additional applications received due to continuous open recruitment.											
Five full time positions, all located in Juneau.											
Cost at left shown for one position. Total costs are \$178,825.											
	RECEIPT CODE	FUNDING SOURCE									
16.		Federal Receipts 1002									
17.		G.F. Match 1003									
18.		General Funds 1004			178.8						
19.		I-A Receipts 1005									
20.		Program Receipts 1028									
21.		Other									
FOR B&M USE ONLY											
4A KEY NUMBER _____											

13 REQUEST FOR
NEW POSITION

AGENCY Administration
 PROGRAM Centralized Administrative Services
 BRU Personnel
 COMPONENT Personnel

Page 6 of 10
 Revised Date _____

FY 85

1.	POSITION TITLE Clerk II				RANGE/STEP 7B	BARG. UNIT K	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION	STAFF MONTHS	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				ADDITION					
4.	TYPE OF EXPENDITURE				AMOUNT					
	1			2	3					
	PERSONAL SERVICES									
5.	Salary			18,204						
6.	Benefits			3,115						
7.	Supplemental Benefits			1,116						
8.	Fixed Benefits			2,789						
9.	TOTAL PERSONAL SERVICES			01	25.2					
10.	Travel			02	0					
11.	Contractual			03	2.2					
12.	Commodities			04	.3					
13.	Equipment			05	3.9					
14.	Other									
15.	TOTAL COST				31.6					
JUSTIFICATION										
Additional journey level clerical processing of additional applications received due to continuous open recruitment.										
Four full time positions in Juneau. Three part time positions in Juneau, two part time positions in Fairbanks.										
Costs at left shown for one position in Juneau. Total costs are: \$225,249.										
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.		General Funds 1004			25.2					
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
FOR B&M USE ONLY										
4A KEY NUMBER _____										

13 REQUEST FOR
NEW POSITION

AGENCY Administration
PROGRAM Centralized Administrative Services
BRU Personnel
COMPONENT Personnel

Page 7 of 10
Revised Date _____

FY 85

1.	POSITION TITLE Clerk I				RANGE/STEP 6B	BARG. UNIT K	FORM 12 PAGE/LINE	GOV.	APPRDV.	DISAPP.
2.	TYPE OF POSITION Part Time	STAFF MONTHS Six	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION EBA	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE				<p>Routine filling of additional information regarding additional application.</p> <p>One part-time position in Anchorage.</p>					
	1	2	3							
	PERSONAL SERVICES									
5.	Salary	8,610								
6.	Benefits	1,474								
7.	Supplemental Benefits	528								
8.	Fixed Benefits	1,394								
9.	TOTAL PERSONAL SERVICES	01	12.0							
10.	Travel	02	0							
11.	Contractual	03	2.2							
12.	Commodities	04	.1							
13.	Equipment	05	3.5							
14.	Other									
15.	TOTAL COST		17.8							
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts	1002							
17.		G.F. Match	1003							
18.		General Funds	1004	17.8						
19.		I-A Receipts	1005							
20.		Program Receipts	1028							
21.		Other								
FOR B&M USE ONLY										
4A KEY NUMBER _____										

13 REQUEST FOR
NEW POSITION

AGENCY Administration

PROGRAM Centralized Administrative Services

BRJ Personnel

COMPONENT Personnel

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Revised Date _____

FY 85

1.	POSITION TITLE Clerk Typist III				RANGE/STEP 8B	BARG. UNIT K	FORM 12 PAGE/LINE	GOV.	APPRDV.	DISAPP.
2.	TYPE OF POSITION	STAFF MONTHS	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE									
	1		2		3					
	PERSONAL SERVICES									
5.	Salary		19,284							
6.	Benefits		3,300							
7.	Supplemental Benefits		1,182							
8.	Fixed Benefits		2,789							
9.	TOTAL PERSONAL SERVICES		01		26.6					
10.	Travel		02		0					
11.	Contractual		03		3.2					
12.	Commodities		04		.3					
13.	Equipment		05		5.7					
14.	Other									
15.	TOTAL COST				35.8					
	RECEIPT CODE				FUNDING SOURCE					
16.					Federal Receipts 1002					
17.					G.F. Match 1003					
18.					General Funds 1004 324.9					
19.					I-A Receipts 1005					
20.					Program Receipts 1028					
21.					Other					
FOR B&M USE ONLY										
4A KEY NUMBER _____										

Advanced typing/data entry of additional information resulting from additional applications.

Nine full-time positions: six in Juneau, two in Anchorage, one in Fairbanks.

Costs at the left shown for one-position in Juneau. Total costs are \$324,917.

13 REQUEST FOR
NEW POSITION

AGENCY Administration
 PROGRAM Centralized Administrative Services
 BRU Personnel
 COMPONENT Personnel

Page 9 of 10
 Revised Date _____

FY 85

1.	POSITION TITLE Clerk Typist II				RANGE/STEP 7B	BARG. UNIT K	FORM 12 PAGE/LINE	GOV.	APPRDV.	DISAPP.
2.	TYPE OF POSITION	STAFF MONTHS	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE				AMOUNT					
	1				3					
	PERSONAL SERVICES									
5.	Salary		18,204							
6.	Benefits		3,115							
7.	Supplemental Benefits		1,116							
8.	Fixed Benefits		2,789							
9.	TOTAL PERSONAL SERVICES		01	25.2						
10.	Travel		02	0						
11.	Contractual		03	2.2						
12.	Commodities		04	.3						
13.	Equipment		05	3.5						
14.	Other									
15.	TOTAL COST			31.2						
	RECEIPT CODE				FUNDING SOURCE					
16.					Federal Receipts 1002					
17.					G.F. Match 1003					
18.				130.6	General Funds 1004					
19.					I-A Receipts 1005					
20.					Program Receipts 1028					
21.					Other					
FOR B&M USE ONLY										
4A KEY NUMBER										

Routine data entry and retrieval of information associated with additional applications.

Six positions: three full time positions in Anchorage; two part-time positions in Anchorage, one part-time position in Juneau.

Costs at left shown for one full time position in Anchorage. Total costs are \$130,624.

13 REQUEST FOR NEW POSITION

AGENCY Administration
 PROGRAM Centralized Administrative Services
 BRU Personnel
 COMPONENT Personnel

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 Revised Date

FY 85

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: March 29, 1984
Page 1 of 7

REQUEST

Bill/Resolution No.: CSSB 448 (State Aff)
Title: The State Personnel rules for open competitive examinations.
Sponsor: Ray, et. al.
Requestor: Senate State Affairs
Date of Request: March 27, 1984

FISCAL DETAIL

Agency Affected: Administration
Program Category Affected: Centralized Administrative Services
BRU, Program of Subprogram(s) Affected: Personnel

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		234.1	251.5	268.9	286.3	303.7
200 TRAVEL		0	0	0	0	0
300 CONTRACTUAL		53.5	58.5	58.5	58.5	60.8
400 SUPPLIES		2.5	2.7	2.9	3.1	3.3
500 EQUIPMENT		34.8	10.1			6.6
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
800 MISCELLANEOUS						
TOTAL OPERATING		324.9	313.7	321.2	338.8	365.3
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		324.9	322.8	330.3	347.9	374.4
FEDERAL FUNDS						
OTHER						
TOTAL		324.9	322.8	330.3	347.9	374.1

POSITIONS:

FULL-TIME		8 (96)	8 (96)	8 (96)	9 (108)	10 (120)
PART-TIME		(3)	3 (7)	3 (18)	2 (9)	1 (4)
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

None identified by sponsor.

ANALYSIS: Attach a separate page for any Analysis.

Prepared By: Frank Raye *Frank Raye EJA*
Division: Personnel

Phone: 465-4430
Date: _____

Approved by Commissioner: Lisa Rudd *L. Rudd*
Agency: DEPARTMENT OF ADMINISTRATION

Date: March 20, 1984

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

C.S.S.B. 448 (State Affairs)
Fiscal Note Analysis
Prepared by Division of Personnel
March 29, 1984

C.S.S.B. 448(SA) would require that recruitment for all job classes in which there are two or more classified positions be open to recruitment at least once a year. This practice is most similar to the State's recruiting practice from 1979 to 1983. The significant change is that collective bargaining contracts provide for continuous promotional recruiting for all job classes. The best estimate of expected volume of applications under these conditions for FY 85 is 47,500. The annual increase thereafter is expected to be 1000.

Review of applications by the Recruitment and Examining Section staff (Personnel Technicians) consists of a determination of meeting Minimum Qualifications, and the calculation of a Rating of Training and Experience (T&E). Each action takes an average of eight minutes. Prior to 1983, approximately 50% of applications required T&E. Therefore average processing time per applications was twelve minutes (eight minutes for minimum qualifications and eight minutes x .5 for T&E). In 1983, all written examinations for which validation information was not on hand were eliminated. Now 80% of all applications require T&E. Average processing time is now 14.4 minutes (eight minutes for minimum qualifications and eight minutes x .8 for T&E). While this is more labor intensive it allows for greater individual review of applications.

In addition to the process described above, the examining staff must reevaluate applications and compose letters in response to appeals.

A full time examiner position, with allowance for paid vacations and contractual relief periods, represents 1631 productive hours per year. This is split into 1142 hours of examining and 489 hours on appeals and other duties. In the 1142 hours, an examiner can process 4758 applications.

For FY 85 a total of 10 examiners (Personnel Technicians I) will be needed to process 47,500 applications. Currently there are only eight positions in the Division of Personnel assigned to this task.

In addition to the examiners, all of the clerical support operations - log in, filing, test scheduling, test monitoring, test scoring, data entry, letter generation, etc. - will increase accordingly. Currently and historically 2.1 clerical positions are needed to support each examiner. A total of 4.2 additional clerical positions will be needed. The fractional position will be added to an existing part-time position.

A recruitment schedule will be developed and published. In addition, Recruitment Bulletins for over 200 additional job classes annually will be needed to be prepared, printed, and mailed. An additional Personnel Technician I and Clerk II are needed to staff this function. \$33,600 in additional printing and mailing costs will also be needed.

In summary, for FY 85, the initial year under the amended statute, the following additional staff will be needed:

	Juneau	Anchorage
Personnel Technician I	2-FT	1-FT
Clerk II	2-FT	
Clerk Typist III	1-FT	1-FT
Clerk Typist II		1-FT

PCN 022099, Clerk Typist II, Anchorage will be increased from one month to four months.

Personnel Services costs for these positions will be \$234.1 thousand. Six telephones at \$400, two computer terminals at \$2,200, and basic office furniture for each position total \$34.8 thousand in one time equipment costs.

Annual space, commodities and additional Recruitment Bulletins costs represent the balance of the first year amount.

The 1000 annual increase in applications represents .2 additional examiners and .4 additional clerks annually. Part-time positions later changing to full time are shown.

An inflation rate of "0" has been used.

No attempt has been made in this fiscal note to estimate further cost impact of this volume of applications on the computerized Applicant Tracking System. It is known for example, that the sorting process required to place eligible lists in rank order increases geometrically instead of arithmetically. The 25% increase projected for FY 85 will increase this sorting by over 50%.

1.	POSITION TITLE Personnel Technician I				RANGE/STEP 12B	BARG. UNIT	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION	STAFF MONTHS	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE				AMOUNT					
	1		2		3					
	PERSONAL SERVICES									
5.	Salary		24,516							
6.	Benefits		4,196							
7.	Supplemental Benefits		1,503							
8.	Fixed Benefits		2,789							
9.	TOTAL PERSONAL SERVICES		01		33.0					
10.	Travel		02		0					
11.	Contractual		03		2.2					
12.	Commodities		04		3					
13.	Equipment		05		3.9					
14.	Other									
15.	TOTAL COST				39.4					

Examine additional applications resulting from open continuous recruitment. Produce recruitment schedule and required Recruitment Bulletins.

Three full time positions distributed as follows:

Juneau 2 full time; 1 full time Anchorage

Costs at left shown for one position in Juneau. Total costs are: \$118,367.

	RECEIPT CODE	FINDING SOURCE	
16.		Federal Receipts 1002	
17.		G.F. Match 1003	
18.		General Funds 1004	118.4
19.		I-A Receipts 1005	
20.		Program Receipts 1028	
21.		Other	

FOR B&M USE ONLY

4A KEY NUMBER _____

13 REQUEST FOR
NEW POSITION

AGENCY Administration

PROGRAM Centralized Administrative Services

BRU Personnel

CC MPONENT Personnel

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Revised Date _____

FY 85

1.	POSITION TITLE Clerk II				RANGE/STEP 7B	BARG. UNIT K	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION	STAFF MONTHS	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE				AMOUNT					
	1		2		3					
	PERSONAL SERVICES									
5.	Salary		18,204							
6.	Benefits		3,115							
7.	Supplemental Benefits		1,116							
8.	Fixed Benefits		2,789							
9.	TOTAL PERSONAL SERVICES		01		25.2					
10.	Travel		02		0					
11.	Contractual		03		2.2					
12.	Commodities		04		3					
13.	Equipment		05		3.9					
14.	Other									
15.	TOTAL COST				31.6					

Additional journey level clerical processing of additional applications received due to continuous open recruitment.

Two full time positions, one each in Juneau and Anchorage.

Costs at left shown for one position in Juneau. Total costs are: \$63,348.

	RECEIPT CODE	FUNDING SOURCE	
16.		Federal Receipts 1002	
17.		G.F. Match 1003	
18.		General Funds 1004	63.3
19.		I-A Receipts 1005	
20.		Program Receipts 1028	
21.		Other	

FOR B&M USE ONLY
4A KEY NUMBER _____

13 REQUEST FOR
NEW POSITION

AGENCY Administration
 PROGRAM Centralized Administrative Services
 BRU Personnel
 COMPONENT Personnel

Page 5 of 7
 Revised Date _____

FY 85

1.	POSITION TITLE Clerk Typist III				RANGE/STEP 8B	BARG. UNIT K	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION	STAFF MONTHS	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE				AMOUNT					
	1		2		3					
	PERSONAL SERVICES									
5.	Salary		19,284							
6.	Benefits		3,300							
7.	Supplemental Benefits		1,182							
8.	Fixed Benefits		2,789							
9.	TOTAL PERSONAL SERVICES		01		26.6					
10.	Travel		02		0					
11.	Contractual		03		3.2					
12.	Commodities		04		3					
13.	Equipment		05		5.7					
14.	Other									
15.	TOTAL COST				35.8					
	RECEIPT CODE				FUNDING SOURCE					
16.					Federal Receipts 1002					
17.					G.F. Match 1003					
18.					General Funds 1004					
19.					I-A Receipts 1005					
20.					Program Receipts 1028					
21.					Other					
					71.5					
FOR B&M USE ONLY										
4A KEY NUMBER										

Advanced typing/data entry of additional information resulting from additional applications.

Two full-time positions: one each in Juneau and Anchorage.

Costs at the left shown for one-position in Juneau. Total costs are \$71,530.

13 REQUEST FOR NEW POSITION

AGENCY Administration
PROGRAM Centralized Administrative Services
BRU Personnel
COMPONENT Personnel

Page 6 of 7
Revised Date _____

FY 85

1.	POSITION TITLE Clerk Typist II			RANGE/STEP 7B	BARG. UNIT K	FORM 12	PAGE/LINE	GOV.	APPRDV.	DISAPP.
2.	TYPE OF POSITION	STAFF MONTHS	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL			ADDITION	JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT		Clerical support in preparation and distribution of Recruitment Bulletins according to schedule.				
	1	2	3							
	PERSONAL SERVICES									
5.	Salary	18,204								
6.	Benefits	3,115								
7.	Supplemental Benefits	1,116								
8.	Fixed Benefits	2,789								
9.	TOTAL PERSONAL SERVICES	01	25.2							
10.	Travel	02	0							
11.	Contractual	03	2.2							
12.	Commodities	04	.3							
13.	Equipment	05	3.9							
14.	Other									
15.	TOTAL COST		31.6							
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.		General Funds 1004		31.6						
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
FOR B&M USE ONLY										
4A KEY NUMBER _____										

13 REQUEST FOR
NEW POSITION

AGENCY Administration
PROGRAM Centralized Administrative Services
BRU Personnel
COMPONENT Personnel

FY 85

Page 7 of 7
Revised Date _____

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 448
 Title: "An Act relating to the states personnel rules . . ."
 Sponsor: Senator Ray
 Requestor: State Affairs
 Date of Request: 2/14/84

FISCAL DETAIL

Agency Affected: Labor
 Program Category Affected: Social Services
 BRU, Program or Subprogram(s) Affected: Administrative Services BRU, Management Services Component

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		32.8	34.8	36.8	39.1	41.4
200 TRAVEL						
300 CONTRACTUAL		10.9	11.5	12.2	13.0	13.8
400 SUPPLIES		.5	.5	.6	.6	.6
500 EQUIPMENT		1.6	1.7	1.8	1.9	2.0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		45.8	48.5	51.4	54.6	57.8
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		45.8	48.5	51.4	54.6	57.8
FEDERAL FUNDS						
OTHER						
TOTAL		45.8	48.5	51.4	54.6	57.8

POSITIONS:

FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

N/A

ANALYSIS: Attach a separate page for analysis

Prepared By: Judy Knight Phone: 465-2720
 Division: Administrative Services Date: 2/17/84
 Approved by Commissioner: Tom Robinson Date: 2/24/84
 Agency: Labor

LEG:A:36
 Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

12/1/83

Fiscal Note/Labor

FISCAL NOTE

THE LEGISLATURE OF THE STATE OF ALASKA

THIRTEENTH LEGISLATURE

BILL/RESOLUTION NO: SB 448

TITLE: "An Act relating to the state's personnel rules..."

AGENCY AFFECTED: Department of Labor

Page 2

This legislation would create an additional workload for the department's Personnel Section which would severely impact the ability to meet payroll deadlines and maintain the quality control which keeps the error rate of personnel transactions to a minimum. Any letdown in promptness or accuracy would affect the credibility of the Personnel Section in relationship to the programs of the entire department. Our goal is to provide prompt, accurate service to all our people; this additional workload would impact this office to such an extent that quality would suffer at the cost of the people served.

The Department of Labor Personnel Section has responsibility for processing and examining applications for 11 job classes unique to the department representing 265 positions. More than 900 applications were processed during the open recruitment period in 1983. If the job classes were open to continuous recruitment, it is assumed that the number of applications would at least double.

With the addition of one additional Personnel Assistant I, the Personnel Section would be able to handle increased workload and maintain present level of quality on transactions affected by this change in legislation. This position would be located in the Juneau Personnel office.

In preparing this note, it is assumed the additional person would be hired July 1, 1984. A six percent inflation rate is assumed for fiscal years 1986-1989. One-time costs of \$1,600 would include a desk, chair, and file cabinets for the new position.

1.	POSITION TITLE Personnel Assistant I				RANGE/STEP 12 B	BARG. UNIT K	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER SB 448	PCN NUMBER	BRU PRIORITY	LOCATION Juneau	ELECTION DISTRICT 99	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE				AMOUNT					
	1		2		3					
	PERSONAL SERVICES*									
5.	Salary		24,516							
6.	Benefits		4,094							
7.	Supplemental Benefits		1,503							
8.	Fixed Benefits		2,724							
9.	TOTAL PERSONAL SERVICES		01		32,837					
10.	Travel		02		0					
11.	Contractual		03		10,900					
12.	Commodities		04		500					
13.	Equipment		05		1,600					
14.	Other				0					
15.	TOTAL COST				45,837					
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.	100	General Funds 1004		45,837						
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
FOR B&M USE ONLY										
4A KEY NUMBER _____										

The increase in job applications for positions in this agency created by SB 448 would be processed by this new Personnel Assistant I. Specifically, this person would accept or reject applications for the eleven decentralized job classes, examine and score those applications which are accepted or provide notice to applicants of reason for rejection; notify accepted applicants of score; enter relevant information into the data base system; monitor the system to assure accuracy; maintain periodic backup disks to insure against loss of data; produce letters of rejection, notices of eligibility expiration, etc; maintain EEO statistical information obtained from applications and provide this information to the Division of EEO; and respond to appeals from applicants for signature of the personnel officer.

Contractual costs for this position include rent expense, printing costs, and other normal expenses. Equipment costs for a chair, desk, and additional files would be one-time costs.

13 REQUEST FOR
NEW POSITION

AGENCY Labor
PROGRAM Social Services
BRU Administrative Services
COMPONENT Management Services

FY 84

Page 1 of 1

Revised Date _____

Position Paper
SB 448

SB 448 would amend the Personnel Act by preventing the adoption of any Personnel Rule that allows the temporary closure or suspension of open competitive examinations.

The Department of Administration opposes this bill. Our opposition is three-fold: first, implementation of the intent of the bill represents poor public policy; second, implementation of the bill as written creates unreasonable results; and third, the cost of implementing the provisions of the bill outweigh any public benefit to be derived.

Over the years, the State personnel system has met changes in resources, the number of positions, and the number of qualified eligible applicants with changes in our recruitment practices. The practices have always been within the flexibility provided by the Personnel Rules and Personnel Act. In the recent investigation of Ombudsman Complaint J83-0419, et al, in which the complainants complained about the temporary recruitment closures, the Ombudsman reviewed the current practice and the history of the statutory provision. The statute originates in the 1953 "Model State Civil Service Act" published by the National Civil Service League and the National Municipal League. The Ombudsman traced Alaska's law through the draft bill prepared by the Public Administration Service, through Legislative Committee action, and into law. He concluded that, "On balance, then, the decision [to temporarily close classes to open recruitment] appears to have a legal basis and to be reasonable."

The decision to adopt a practice of temporary closures is the latest in a series of such decisions made to meet changing conditions. The major decisions follow:

Statehood to 1971 - classes open to recruitment to meet needs of current classified vacancies only.

1971 to 1973 - recruitment open to employees with permanent status at all times, open competitive recruitment only to meet needs of current classified vacancies.

1973 to March 15, 1979 - recruitment for classified positions open to all Alaskans at all times.

March 15, 1979 to May 1983 - majority of classes open to all Alaskans at all times, schedule for limited period of open recruitment for some classes (about 100) on an annual basis (excepting classes with only one position).

May 1983 to present - recruitment open to employees with permanent status for all job classes at all times, open recruitment for all Alaskans for about half of job classes, other job classes open on an as-needed basis (criteria published at Ombudsman recommendation).

Throughout the entire 25 years since Statehood, a number of classes have been continuously open to recruitment. Throughout this entire period, there have also been a number of other classes that have never been open to recruitment.

Each of the various practices have been subject to criticism. The practice before 1971 created substantial delays in filling positions. "Everything open all the time", practiced from 1973 to 1979, was criticized by Legislative Audit in 1977. They recommended recruiting only to meet forecasted turnover. In 1979, the Legislature's Select Blue Ribbon Commission on the Personnel Act noted problems with both open and closed recruitment practices. Now SB 448 is apparently in response to criticism of the current practice.

The Department of Administration opposes this bill because it is intended to mandate only a single recruitment practice. The State used this practice during the Transalaska Pipeline construction period when the State faced stiff competition for employees, very high turnover and a rapidly expanding work force. However, conditions have changed and it is appropriate for the practice to change. SB 448 would require one and only one recruiting practice regardless of changing circumstances. This approach is inflexible and is, therefore, poor public policy. During a time of extensive eligible lists and reduced hiring, a continuous open recruitment practice raises false expectations in the public and requires diverting resources to the processing of the unnecessary paper.

The Department of Administration opposes SB 448 because it would create unreasonable results. In particular, SB 448 would require continuous open recruitment for all job classes when, in fact, there are at least four conditions where continuous open recruitment would not be appropriate. These include job classes in which all positions are partially exempt and not filled from competitive eligible lists, such as Division Director. Continuous open recruitment for all job classes where all appointments are made by referral from a union hall, such as Laborer would not be appropriate. There are job classes to which no positions are allocated, such as those established to meet the requirements of AS 39.25.155 (Vocational Substitution Program). For some job classes the only people who qualify are current State employees, such as State Trooper. One must be a State Trooper Recruit first.

Finally, the Department of Administration opposes SB 448 because continuous open recruitment for all classified positions is the most expensive of all potential recruiting practices. Additional first year costs are nearly 1 1/2 million dollars. [See the Fiscal Note prepared by the department on this bill.]

The public need is best served by flexibility in recruitment practices. Any limitation to that flexibility ultimately reduces the ability to serve the public or to expend public funds where the need is greatest. Therefore, the department opposes the passage of any form of SB 448 and offers no alternative language. However, the department is willing to continue discussions of recruiting practices and the resources needed for various options. However, we strongly believe that whatever resulting practice is adopted should not be inflexibly incorporated in statute, but should be free to continue to change as conditions change.

Frank Raye
 Frank Raye
 Director
 Division of Personnel
 Department of Administration

3/20/84
 Date

Lisa Rudd
 Commissioner Lisa Rudd
 Department of Administration
 20/403/0316-02/2

3/20/84
 Date

I support the passage of SB 448, since it will partially correct problems which developed within the Division of Personnel within the past year. These problems have caused neither the letter or spirit of the law, AS 39.25.010, to be practiced.

Very quietly over the past year possibly a type of union shop has been created in the State Division of Personnel. (A closed shop is defined as one where initial employment is condition upon union membership; it is forbidden under the Taft-Hartley Act. A union shop requires new employees to become members after hire; this is permitted by the Taft-Hartley Act.) The State of Alaska now has a sort of hybrid situation in that virtually all registers are closed to entry for those persons who are not state employees party to a collective bargaining contract. This condition is devastating to the majority of citizens in Alaska, unions being practically the only beneficiaries.

I have been able to ascertain only two benefits demonstrated by the newly created system, neither of these benefits accruing to the "man on the street" Alaskan, but instead only to dues-paying state employees and the Division of Personnel:

1. The workload of the Division of Personnel has been lessened, since the number of applications processed has been greatly reduced.
2. A nurturing environment has been created for one type of Alaskan, the state employee who is a member of a union.

The negative effects of the present system are by far greater:

1. Those citizens presently unemployed, those in partially-exempt and totally exempt state jobs and those employed in private industry are virtually precluded from competing for positions in the classified service. Keep in mind that exempt and partially-exempt employees have the same employer, the State of Alaska, but they cannot compete as other state employees can for positions in the classified service.

A recent newspaper article stated that over 300 registers are now closed.

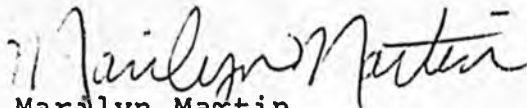
2. Those citizens who are not dues paying members of a state employee union whose registers expire after two years, except in limited circumstances, are not permitted to renew or reapply for positions. (Corrections registers are open, for example, but the majority are not.)

Written testimony from Concerned Citizen

3. Last, the most serious factor caused by the present state system. In August 1983, the U.S. Department of Labor estimated the State of Alaska total work force as 233,500 persons. It has been stated that there are approximately 16,000 State employees, or 6.8% of the total work force are state employees. The Department of Administration Division of Labor Relations told me yesterday that approximately 11,000 state employees are members of collective bargaining units; that means that 11,000 persons in the total work force of 233,500 persons or only 4.7% are being granted the very special privilege of being readily permitted to compete for state positions. The bottom line is that 95% of Alaskans in the work force cannot even compete to obtain positions as state employees!

My suggestion is that SB 448 be passed and further that a requirement be made of the Division of Personnel to either open a register to recruitment of all persons for competition at one time to have a register closed to all persons at any one time. This procedure is followed in other jurisdictions. Membership in a union should not be a prerequisite to compete for employment with the State of Alaska.

Thank you.


Marilyn Martin
P.O. Box 337
Douglas, AK 99824

(4) furnished to each member of the legislature and to the Legislative Affairs Agency.

(d) The rules may provide for exemptions and modifications which are necessary to assure the continuity of federal grants to agencies supported in whole or in part by federal contributions.

(e) The rules adopted under this chapter relate to the internal management of state agencies and their adoption is not subject to the Administrative Procedure Act. The rules shall be published in the Alaska Administrative Register and Code for informational purposes.

(f) Failure to mail notice to a person as required in this section does not invalidate an action taken by the personnel board.

(g) An amendment to the personnel rules takes effect 30 days after it is approved by the personnel board. The board, if requested to do so, may hold a public hearing on a proposed amendment. (§ 12 ch 144 SLA 1960; am § 5 ch 5 SLA 1966; am §§ 11-13 ch 1 SLA 1982)

Effect of amendments. — The 1982 amendment substituted the present provisions of subsection (c) for the provisions set out in the main pamphlet, substituted "shall be published" for "may be published" in the second sentence of subsection (e), and added subsections (f) and (g).

Sec. 39.25.150. Scope of the rules. The personnel rules shall provide for

(1) the preparation, maintenance, and revision by the director of personnel, subject to approval of the commissioner of administration and the personnel board, of a position classification plan for all positions in the classified and partially exempt services; the position classification plan shall include

(A) a grouping together of all positions into classes on the basis of duties and responsibilities;

(B) an appropriate title, a description of the duties and responsibilities, training and experience qualifications, and other necessary specifications for each class of positions;

(2) the preparation, maintenance, revision and administration by the director of personnel of a pay plan for all positions in the classified and partially exempt services; the pay plan (A) shall be based upon the position classification plan; (B) shall provide for fair and reasonable compensation for services rendered, and reflect the principle of like pay for like work; (C) may be amended, approved, or disapproved by the legislature in regular or special session; after the pay plan is in effect, a salary or wage payment may not be made to a state employee covered by the plan unless the payment is in accordance with this chapter and the rules adopted under this chapter or unless the payment is in accordance with a valid agreement entered into in accordance with AS 23.40;

(3) the use of employee selection methods, including open competitive examinations, when appropriate, that will fairly test the capacity

Statutes

and fitness of the person examined to discharge the duties of the class in which employment is sought;

(4) the establishment and maintenance of eligible lists for appointment and promotion providing the names of eligible candidates in order of their relative performance in the examinations;

(5) the procedure for certifying eligible candidates; the rule adopted under this paragraph may include procedures providing a preference for certifying local residents when appropriate;

(6) promotions from within the state service when there are qualified candidates in the state service; vacancies shall be filled by promotion whenever practicable and in the best interest of the state service and promotion shall be by competitive examination whenever possible; in considering promotions, the applicants' qualifications, performance record, seniority, and conduct shall be evaluated;

(7) a period of probation not to exceed one year before an appointment to a position becomes permanent, except that a permanent employee receiving a promotional appointment retains permanent status in the service and job class from which appointed for the duration of the probationary period and may be demoted to a former class without right of appeal, notwithstanding AS 39.25.170, but if the employee is dismissed from the service the appeal rights under AS 39.25.170 apply;

(8) nonpermanent and emergency appointments to positions in the state service in accordance with AS 39.25.195 — 39.25.200;

(9) provisional appointment without competitive examination when appropriate eligible lists are not available;

(10) transfers from one department to another and from another merit system jurisdiction to the state service;

(11) transfers from one area of the state to another;

(12) the reinstatement of a person who resigns in good standing;

(13) layoffs for reason of lack of money or work, abolition of positions, or material changes in duties or organization; both performance and seniority records shall be considered in the development of layoff orders;

(14) the development, maintenance, and use of employee performance records;

(15) the establishment of disciplinary measures which may include disciplinary suspension without pay;

(16) the procedures for review of disputed personnel actions, for resolving employee and interagency grievances, and for resolving grievances of the general public concerning the operation of the state personnel system;

(17) hours of work for all employees in the state service;

(18) methods and procedures covering overtime work and pay;

(19) the granting of employment preference rights to a veteran not within the area of promotion, when the veteran possesses the necessary

qualifications in the an examination to entrance into the class five additional points and ten additional disabled veteran, but time the veteran obtains in the classified service accordance with rule qualifications are equal nonveteran and the may not be interpreted agreement; in this

(A) "veteran" means in the armed forces discharged after having and December 1, 1947, or between July

(B) "disabled veteran" means a person who was in active duty because

(20) the employment part-time basis of 1/2 of two persons to fill shall be designated

(21) the granting persons; this includes competitive examination granting of eligibility appointed under the for permanent provisional employment during a 12-month period graph means personal vocational rehabilitation

(22) the establishment disadvantaged persons

(23) the delegation duties to the principal

(24) the establishment an employee to be removed position is withdrawn placed in the classified

(25) other rules with this chapter, with

duties of the class

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ible candidates in
tions;

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shall be filled by
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qualifications, per-
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9.25.200;

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service;

work and pay;

ts to a veteran not
asses the necessary

qualifications in the job classification applied for under this chapter; in an examination to determine the qualification of applicants for entrance into the classified service under merit system examination, five additional points shall be added to the passing grade of a veteran and ten additional points shall be added to the passing grade of a disabled veteran, but the additional points may be used only the first time the veteran obtains a position in the classified service; if a position in the classified service is eliminated, employees shall be released in accordance with rules which give due effect to all factors; if all job qualifications are equal, the veteran shall be given preference over the nonveteran and the veteran shall be kept on the job; this paragraph may not be interpreted to amend the terms of a collective bargaining agreement; in this paragraph

(A) "veteran" means a person with 181 days or more active service in the armed forces of the United States who has been honorably discharged after having served during any period between April 6, 1917, and December 1, 1919, between September 16, 1940, and December 31, 1947, or between June 27, 1950, and November 7, 1975;

(B) "disabled veteran" means a veteran who is entitled to compensation under laws administered by the United States Veterans' Administration, or a person who was honorably discharged or released from active duty because of a service-connected disability;

(20) the employment of persons in permanent positions on a part-time basis of 15 hours or more a week, including the employment of two persons to fill one permanent full-time position; these employees shall be designated as permanent part-time employees;

(21) the granting of employment preference to severely handicapped persons; this includes the right to provisional appointment without competitive examination for periods up to four months and the granting of eligibility to a severely handicapped person provisionally appointed under the rules who demonstrates ability to perform the job for permanent appointment without competitive examination; provisional employment under this paragraph may not exceed four months during a 12-month period; "severely handicapped" as used in this paragraph means persons certified by the director of the division of vocational rehabilitation to be severely handicapped;

(22) the establishment of programs facilitating the employment of disadvantaged persons;

(23) the delegation, when feasible, of personnel responsibilities and duties to the principal departments of the executive branch;

(24) the establishment of a transition period of up to 12 months for an employee to be reappointed to a classified position if the employee's position is withdrawn from the partially exempt or exempt service and placed in the classified service;

(25) other rules and administrative regulations, not inconsistent with this chapter, which are necessary for its enforcement. (§ 13 ch 144

SLA 1960; am § 1 ch 130 SLA 1961; am § 1 ch 147 SLA 1962; am § 1 ch 117 SLA 1966; am § 1 ch 33 SLA 1967; am § 3 ch 226 SLA 1970; am § 1 ch 39 SLA 1971; am § 3 ch 42 SLA 1971; am § 1 ch 21 SLA 1973; am § 1 ch 27 SLA 1976; am § 1 ch 4 SLA 1978; am § 2 ch 67 SLA 1979; am § 38 ch 94 SLA 1980; am §§ 1, 2 ch 89 SLA 1982; am § 14 ch 112 SLA 1982)

Revisor's notes. — AS 39.25.150 was also amended by §§ 1 and 2, ch. 89, SLA 1982. That chapter amended former paragraphs (6) and (9). However, ch. 112, SLA 1982 is given effect here since it was enacted later than ch. 89, SLA 1982 and has a later effective date than ch. 89, SLA 1982 and is a comprehensive repeal and reenactment of this section.

Effect of amendments. — The first 1982 amendment added "including the granting of employment preference to

local residents in accordance with AS 39.25.181 or under appropriate circumstances" to the end of paragraph (6) and "including the granting of employment preference to local residents in accordance with AS 39.25.181" to the end of paragraph (9).

The second 1982 amendment substituted the present provisions of this section for the provisions set out in the main pamphlet.

Sec. 39.25.153. Departmental personnel officers. (a) If a principal department of the executive branch has a personnel officer, the personnel officer shall be employed by and located within that department.

(b) Subject to the provisions of (d) of this section, the personnel officers for the Departments of Transportation and Public Facilities, Fish and Game, Education, Labor, and Health and Social Services, have the following powers with respect to the classes of positions unique to their departments:

(1) to assign positions to an existing class in the state classification plan and to the salary range for that class as established by the state pay plan or by a valid agreement entered into in accordance with AS 23.40;

(2) to administer and score examinations and to place successful applicants on departmental eligible lists;

(3) to certify those eligible to the appointing authorities.

(c) The initial determination of classes of positions unique to the departments listed in (b) of this section shall be made by the personnel officer of the department in consultation with the commissioner of the department subject to the approval of the director of personnel in the Department of Administration.

(d) The assumption of a power set out in (b) of this section must be approved by the commissioner of administration and must be in harmony with the merit principle of personnel administration (AS 39.25.010). (§ 14 ch 207 SLA 1975; am § 15 ch 112 SLA 1982)

Effect of amendments. — The 1982 amendment substituted the present provisions of this section for the provisions set out in the main pamphlet.

Sec. 39.25.155. Vo purpose of this section Alaskan residents no minimum educational demonstrate their ability or underemployed area qualifications does not employees with certain apply notwithstanding;

(b) The director of personnel alternatives for education nonprofessional occupation and incorporate these

(c) Applicants shall classification indicate assessment of their technical written examination. position requires a special

(d) The director of selected vocational beginning entry classification personnel may not the range to which the

(e) The director of technical ability, placed in the personnel rules

(f) Applicants selections of AS 39.25.160

(g) *(Repealed, § 19 ch 67 SLA 1983)*

Effect of amendment: amendment, effective date repealed subsection (g).

Section 160. Prohibitions generally

Sec. 39.25.160. Person may not take an action above the precinct level

(b) A person may money, services, or other making an appointment classified service.

Legislative history reports. — For report on ch. 71, SLA 1972 (HCSSB 383 am H), see 1972 House Journal, p. 899.

Article 5. Hearings.

Section

170. Hearings and appeals upon dismissal, demotion or suspension

Sec. 39.25.170. Hearings and appeals upon dismissal, demotion or suspension. (a) An employee in the classified service who is dismissed, demoted, or suspended for more than 30 working days in a 12-month period shall be notified in writing by his employer of the action and the reason for it and may be heard publicly by the personnel board and may be represented by counsel at the hearing. In order to be heard, the complainant shall request a hearing within 15 days of dismissal, demotion or suspension.

(b) If the board finds that the action complained of was taken for a political, racial or religious reason, or in violation of this chapter or the rules adopted under this chapter, the officer or employee shall be reinstated to his position without loss of pay or leave benefit for the period of his dismissal, demotion, or suspension. In all other cases, the board shall report its findings and recommendations to both parties. (5 16 ch 144 SLA 1968)

"Employee in the classified service," as used in this section, has been administratively construed as referring to employees having a permanent, rather than a probationary status, except in cases where dismissal of a probationary employee is due to racial, religious or political discrimination. Whaley v. State, Sup. Ct. Op. No. 465 (File No. 833), 438 P.2d 718 (1968).

An employee holding permanent status is considered "an employee in the classified service" under subsection (a). Titus v. State, Sup. Ct. Op. No. 529 (File No. 968), 451 P.2d 342 (1969).

Appeal limited to employees occupying permanent status. — A construction of this section which limits the right to a hearing following dismissal to employees occupying a permanent status with the state government is in harmony with the decisions of other courts which, in considering the status of one as a probationary employee, have held that removal provisions relating to persons who are permanently appointed are not applicable to one in a probationary status, and that the latter may be discharged or dismissed without an opportunity to

defend himself or without a hearing of any kind. Whaley v. State, Sup. Ct. Op. No. 465 (File No. 833), 438 P.2d 718 (1968).

Provisional status is as lacking in permanency as probationary status. Whaley v. State, Sup. Ct. Op. No. 465 (File No. 833), 438 P.2d 718 (1968).

"Provisional status". — The administrative construction of the term "provisional status" is that it is an employment status that is temporary and lacking in permanency to the same extent, if not more so, than probationary status. Whaley v. State, Sup. Ct. Op. No. 465 (File No. 833), 438 P.2d 718 (1968).

A provisional employee has no right to an appeal to and a hearing by the personnel board following dismissal from state employment. Whaley v. State, Sup. Ct. Op. No. 465 (File No. 833), 438 P.2d 718 (1968).

If a probationary employee is not an "employee in the classified service," within the meaning of this section, then neither is a provisional employee one in the classified service entitled under this section to the right to a hearing by the personnel board upon being dismissed from employment, except where dismissal

is due to race discrimination. Op. No. 465 (File No. 833), 438 P.2d 718 (1968).

The board's decision is reversed if in fact they are supported by evidence, i.e., if there is a reasonable minimum of evidence to support a finding. Sup. Ct. Op. No. 465 (File No. 833), 438 P.2d 342 (1969).

Section

180. [Obsolete] 190. Conflict of interest

Sec. 39.25.180

Revisor's note: [Obsolete] It is recommended that the employee with 15 1960 under the age of 21 be granted in-aid examination and new probationary status.

"(b) A state employee on April 1, 1960, shall be granted federal grants-in-aid examination to complete his examination to achieve permanent status.

"(c) An employee in the classified service of this chapter who has continued in the examination qualification process shall be considered to have been in the

Sec. 39.25.190

of this chapter who are in a conflicting position shall be considered to be in conflict of interest. (5 22 ch 144 SLA 1968)

§ 39.25.170

§ 39.25.180

PUBLIC OFFICERS AND EMPLOYEES

§ 39.25.190

is due to racial, religious or political discrimination. *Whaley v. State*, Sup. Ct. Op. No. 465 (File No. 833), 438 P.2d 718 (1968).

The board's findings should not be reversed if in the light of the whole record they are supported by substantial evidence, i.e., such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. *Titus v. State*, Sup. Ct. Op. No. 529 (File No. 968), 451 P.2d 342 (1969).

Judicial review. — The construction which the personnel board had placed upon this section was upheld, but had there been "weighty reasons," the supreme court would not have hesitated to substitute its own construction of this section. *Kelly v. Amarello*, Sup. Ct. Op. No. 705 (File No. 1255, 1256), 486 P.2d 906 (1971).

Cited in *Pan American Petroleum Corp. v. Shell Oil Co.*, Sup. Ct. Op. No. 553 (File No. 918), 455 P.2d 12 (1969).

Article 6. Miscellaneous Provisions.

Section

180. [Obsolete]

190. Conflict with federal requirements

Sec. 39.25.180. Status of present employees. [Obsolete]

Revisor's note. — This section is obsolete. It reads as follows: "(a) A state employee with permanent status on April 19, 1960 under the merit system applying to the agencies receiving federal grants-in-aid is continued without examination and is not required to serve a new probationary period.

"(b) A state employee with probationary status on April 19, 1960, under the merit system applying to the agencies receiving federal grants-in-aid, is continued without examination, but must satisfactorily complete his probationary period in order to achieve permanent status.

"(c) An employee under the jurisdiction of this chapter and holding positions in the state service on April 19, 1960, may be continued in his position without examination if he meets the minimum qualifications for his position and if he has been in the state service for at least six

months. An employee who does not meet the minimum qualifications for a position is subject to examination under this chapter and the personnel rules.

"(d) A federal civil service employee may transfer to a position in the state service without examination if he meets the minimum qualifications for his position and has been on permanent status under federal civil service for not less than six months immediately preceding his transfer. The employee may be required to serve a probationary period of employment.

"(e) This section does not preclude the reclassification or reallocation of a position held by an incumbent as provided in this chapter and the rules adopted under this chapter."

Editor's note. — The obsolete section derived from § 17, ch. 144, SLA 1960.

Sec. 39.25.190. Conflict with federal requirements. If any part of this chapter conflicts with federal requirements which are a condition precedent to the allocation of federal funds to the state, the conflicting part of this chapter is inoperative solely to the extent of the conflict and with respect to the agency directly affected, and does not affect the operation of the remainder of this chapter in its application. (§ 22 ch 144 SLA 1960)

Article 7. Nonpermanent Employees.

Section		Section
195. Appointment of nonpermanent employees		198. Civil liability
197. Termination of nonpermanent employees		200. Definitions

Editor's note. — Section 1, ch. 67, SLA 1979 provides: "LEGISLATIVE FINDINGS AND INTENT. The legislature finds and declares that certain inconsistencies and abuses in the hiring of nonpermanent employees have jeopardized the integrity and efficiency of the merit system as well as the morale of employees. The legislature intends to curb the widespread administrative practice of

using nonpermanent state employment to evade departmental accountability and mask poor planning. The legislature further intends that nonpermanent employees be used only to the extent that it is impractical to meet the need with permanent employees and that the burden of proof shall fall upon the department or agency which proposes nonpermanent hire."

Sec. 39.25.195. Appointment of nonpermanent employees. (a) An individual may not be appointed as a nonpermanent employee in the state service without prior written approval of the director except as an emergency employee.

(b) Every appointment to state service, except an emergency appointment, shall be made from an applicable eligible list or dispatching register unless in appropriate circumstances the director has waived this requirement.

(c) No appointment of a nonpermanent employee may be made unless the request for authorization is approved by the director, adequate money is available for the anticipated duration of the appointment, and the director determines that

(1) the hiring department or agency has certified that the legislature has appropriated money for the work in question knowing that it is to be performed by a nonpermanent employee;

(2) the hiring department or agency has certified that there is an immediate need to fill an authorized, permanent position and it is impractical either to establish the position or to make certification within a reasonable time;

(3) the hiring department or agency has certified that an immediate need exists and the director determines that the hiring department or agency could not reasonably have been expected to anticipate and meet through the creation of a permanent position; or

(4) the hiring department or agency has certified that a program or project exists and the director determines that the need for employees can most appropriately be met through the use of program or project employees.

(d) The director may not appoint a nonpermanent employee

(1) if the need for the employee cannot be met through established procedures;

(2) if the need for the employee is not appropriately met by permanent employees;

(3) if the need for the employee could reasonably be met by permanent employees through the exercise of authority through the department or agency.

(e) A nonpermanent employee may not be appointed unless the director determines that the employee's appointment is necessary.

(f) Nothing in this section shall be construed to prohibit regulations that would cause a nonpermanent employee to be appointed in an inappropriate manner.

(g) Nothing in this section shall be construed to prohibit regulations that would cause a nonpermanent employee to be appointed in an inappropriate manner.

(h) Nothing in this section shall be construed to prohibit regulations that would cause a nonpermanent employee to be appointed in an inappropriate manner.

(i) Nothing in this section shall be construed to prohibit regulations that would cause a nonpermanent employee to be appointed in an inappropriate manner.

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(x) Nothing in this section shall be construed to prohibit regulations that would cause a nonpermanent employee to be appointed in an inappropriate manner.

(y) Nothing in this section shall be construed to prohibit regulations that would cause a nonpermanent employee to be appointed in an inappropriate manner.

Sec. 39.25.197
When the director determines that the need for employees can most appropriately be met through the use of program or project employees.

(d) The director may not authorize the appointment of a nonpermanent employee if he determines that

(1) the need for the nonpermanent employee can practicably be met through establishing and filling an authorized permanent position;

(2) the need for the nonpermanent employee would be more appropriately met through an emergency appointment; or

(3) the need for the nonpermanent employee is not immediate and could reasonably have been anticipated and met by the appointing authority through the creation and filling of a permanent position.

(e) A nonpermanent employee may not be placed on the state payroll unless the director has first approved the personnel action for the employee's appointment.

(f) Nothing in this section prevents the director from adopting regulations to provide for timely substitution for permanent employees on medical or personal leave or other situations in which the appointment of an emergency or permanent employee would be inappropriate or when delay in making a temporary replacement would cause serious disruption.

(g) A department or agency may not use nonpermanent employees to perform a given work assignment for more than 120 calendar days in a 12-month period. A department or agency may not employ any individual as a nonpermanent employee for more than 120 calendar days in a 12-month period. In appropriate circumstances the director may authorize an extension of the limit imposed by this subsection if he finds that there is an immediate need for the extension. The limit imposed by this subsection does not apply to program or project employees or to substitutes appointed under (f) of this section.

(h) The director shall present a report on nonpermanent and emergency hire practices in state government to the legislature within the first 10 days of each regular legislative session. A hiring department or agency shall certify to the director within 15 working days following the appointment its reasons for appointing an emergency employee. The report shall include information on the number of nonpermanent employees authorized under this section and the number of emergency employees hired in each department, a description of the procedures used in authorizing the hiring of nonpermanent employees, and any recommendations for legislation required to implement the intent of this section. (§ 4 ch 67 SLA 1979)

Sec. 39.25.197. Termination of nonpermanent employees. When the director determines that an employee has been appointed as a result of a false certification under AS 39.25.195, he shall immediately notify the head of the affected department or agency in writing and the department or agency shall terminate the employee from state service within one working day after receipt of notice. (§ 4 ch 67 SLA 1979)

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§ 39.25.196

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§ 39.25.200

PUBLIC OFFICERS AND EMPLOYEES

§ 39.27.011

Editor's notes. — This section was renumbered by the revisor of statutes pursuant to AS 01.05.031(b).

Sec. 39.25.200. Definitions. In AS 39.25.195 — 39.25.200

(1) "certified" means signed by the head of a department or agency or by a responsible person designated by him;

(2) "director" means the director of the division of personnel;

(3) "emergency employee" means 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;

(4) "nonpermanent employee" means a person who is employed in state service in a position which is not in the exempt or partially exempt service and who is not a permanent or an emergency employee;

(5) "permanent employee" means an employee who has been appointed to an authorized, permanent full-time or part-time or permanent seasonal position in the classified service and who is in the process of completing or has successfully completed the required probationary service in that position;

(6) "program or project employee" means a nonpermanent employee, including a student intern, who is employed in state service with prior written understanding that employment in that position will continue for at most the duration of a specified program or project which is not a regular and continuing function of a department or agency and which has an established probable date of termination. (§ 4 ch 67 SLA 1979; am § 79 ch 59 SLA 1982)

Effect of amendments. — The 1982 amendment deleted "and labor relations" following "division of personnel" in paragraph (2).

Chapter 27. Pay Plan for State Employees.

Section

11. Salary schedule

Sec. 39.27.011. Salary schedule. (a) The following monthly basic salary schedule is approved as the pay plan for classified and partially exempt employees in the executive branch of the state government who are not members of a collective bargaining unit established under the authority of the Public Employment Relations Act:

Range	Step	Step	Step	Step	Step	Step
No.	A	B	C	D	E	F
05	1,321	1,357	1,397	1,435	1,478	1,517
06	1,397	1,435	1,478	1,517	1,561	1,607
07	1,478	1,517	1,561	1,607	1,657	1,708
08	1,561	1,607	1,657	1,708	1,757	1,812

TO: VF
FROM: ST
RE: SB 448 Open Recruitment
DATE: MAY 15, 1984

Bill Ray came up with the original language on his own. Frank Ray said that the original provision would be unworkable unless they added a number of workers (Original fiscal note 1,460.8 thousand/ D of A, D of Labor/ for FY '85). The question that was raised over and over again was why have a job class open when there are 900 people on the register. The other side of the argument was why should people already employed by the state be allowed to go on the register while those not employed by the state would be prohibited. The CS was the compromise.

ORIGINAL LANGUAGE (page 2, lines 12-14)

the rules may not be applied or amended to close or suspend open competitive examinations for any job class.

This compromise was the result of looking at 5 alternatives before the committee (attachment 1). The committee chose alternative number 4 with a fiscal note of 324.9 thousand dollars 'FY 85. Frank Raye came in while the CS was being drafted and said he had a problem. Our response was that he should talk to Bill Ray about it, and try and fix whatever he wanted to in the next committee. My understanding is that the discussion resulted in the memo from Bill Ray to John Sackett (Attachment 2). (Attachment 3 is position paper from admin. See page 2, paragraph 3.)

STATE AFFAIRS CS (page 2, lines 12-14)

Each job class in the classified service except those classes that contain only one position shall be open for examination to any applicant at least once each year,

The problem that Frank Raye had with the state affairs CS was that it didn't say that "only those job classes that are filled by competitive examination" are open for recruitment. The state affairs cs could violate contracts with unions.

Senator Ray asked that the three versions be introduced before the finance committee. Version 1 is the one closest to what was included in the memo from Bill Ray to John Sackett. The only difference is that the period of open recruitment is defined as "30 days" in the Finance committee version 1.

FINANCE COMMITTEE VERSION 1

The division of personnel shall hold a period of open recruitment of not less than 30 days each year for each job class that has allocated to it two or more positions that may be filled by open competitive examination.

FINANCE COMMITTEE VERSION 2

The division of personnel shall hold a period of open recruitment of not less than 30 days each year for each job class that has allocated to it two or more positions that are opened for recruitment.

FINANCE COMMITTEE VERSION 3

The division of personnel shall hold a period of open recruitment of not less than 30 days each year for each job class that has allocated to it two or more positions.

RECRUITMENT ALTERNATIVES

1. Accept applications based on need and underutilization (no additional cost)
2. Open all classes at all times. Division of Personnel to process timely (SB 448). (\$1.4 million cost)
3. Accept applications for all classes at all times but examine and process on an as needed basis. Other applications to wait for need before being evaluated (\$700,000 cost)
4. Regularly schedule openings on a one [to two] year basis for all classes other than one position classes. Division of Personnel to process in a timely manner. (\$450,000 cost)
5. Accept applications for job classes which are underutilized and unique to specific departments with those departments using their resources to process timely (costs absorbed operating departments).

DNR (4) - once a year
 (Oct - Jan)
 would not need add #

166,500 names on clip lists
 30-40,000 applic each year

STEPS TOWARD ACCEPTING APPLICATIONS FOR ALL JOB CLASSES
UNIQUE TO DEPARTMENTS WITH DEPARTMENTS ABSORBING COSTS
(Recruitment Alternative #5)

- 1) Prepare statistical information
 - a) job classes unique to each operating department;
 - b) whether the classes are underutilized;
 - c) estimated number of applications for unique job classes.
- 2) Prepare letter to commissioners from Governor's Office - explaining priority system for opening recruitment and delegating authority.
- 3) Departments determine what are their highest priority needs for scheduling recruitment openings.
- 4) Division of Personnel delegates recruitment and examining authority to departments, provides training.



Alaska State Legislature
State Senate

Committee on Judiciary

Senator Bill Ray
Chairman
Senate Floor Leader

April 4, 1984

Pouch V
State Capitol
Juneau, Alaska 99811

Honorable John C. Sackett
State Capitol
Pouch V
Juneau, Alaska 99811

Dear Senator Sackett:

As the initial sponsor of CSSB448 (SA), I request that the Finance Committee consider the changes below when this bill is heard in your Committee. The changes do not alter the intent of the State Affairs Committee substitute. Instead, I believe the changes will: avoid an unintentional opening of all the State's eligible lists to non-Alaskans; create the annual opening for examinations as a separate statutory section instead of a subject of Personnel Rule making (AS 39.25.150); and provide for a July 1, 1984, effective date. The date change is consistent with the Fiscal Note submitted for the State Affairs Committee substitute.

I propose the following substitute for CSSB448 (SA):

IN THE SENATE

BY THE FINANCE COMMITTEE

CS FOR SENATE BILL NO. 448 (FINANCE)
IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE - SECOND SESSION

A Bill

For an Act entitled: "An act relating to periods of open competitive examinations for positions in the classified services; and providing for an effective date."

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

* Section 1. AS 39.25 is amended by adding a new section to read:

MEMO FROM Senator Ray to Sen. Sackett

Senator Sackett
April 4, 1984
Page Two

Sec. 39.25.185. RECRUITMENT PERIODS. There shall be an annual period of open recruitment for all job classes to which are allocated two or more positions that are filled by ~~open~~ competitive examination.

T

Sec. 2. This act takes effect July 1, 1984.

Thank you for your consideration of what I believe are little more than technical amendments.

Sincerely,

Bill Ray

Senator Bill Ray

intended to exclude classified positions that are filled by open competition (local + exclude partially exempt positions + return positions such university student.

available to everyone.

during 11 months state employees can get on list - have that advantage once employed permanently

cc: Members State Affairs Committee
cc: Frank Raye

selection is department

there will be one period

each job class. * Div. Personnel - staggered.

States

maybe ^{job} of a class

personnel

Position Paper
CSSB 448 (SA)

CSSB 448 (SA) would amend the Personnel Act by requiring the Personnel Rules to provide for a period of open examination each year for all job classes with more than one position in the classified service.

The Department of Administration supports this bill.

The bill will establish in statute a specific minimum recruiting practice. It will allow some flexibility in exceeding the minimum, but will prevent any lesser practice. For example, the bill will require an annual open period of recruitment. The normal practice under the Personnel Rules, therefore, requires a thirty day recruiting period. Flexibility is provided for longer periods - up to continuous opening, but not for a period less than provided by the Personnel Rules.

This bill will provide some stability to the recruiting decisions made over the years based on changes in resources, the number of positions and the number of qualified eligible applicants. The major decisions have been:

Statehood to 1971 - classes open to recruitment to meet needs of current classified vacancies only.

1971 to 1973 - recruitment open to employees with permanent status at all times, open competitive recruitment only to meet needs of current classified vacancies.

1973 to March 15, 1979 - recruitment for classified positions open to all Alaskans at all times.

March 15, 1979 to May 1983 - majority of classes open to all Alaskans at all times, schedule for limited period of open recruitment for some classes (about 100) on an annual basis (excepting classes with only one position).

May 1983 to present - recruitment open to employees with permanent status for all job classes at all times, open recruitment for all Alaskans for about half of job classes, other job classes open on an as-needed basis (criteria published at Ombudsman recommendation).

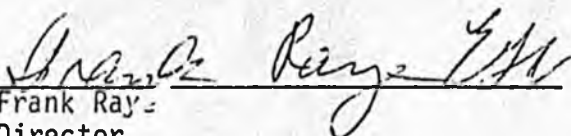
Each of the various practices have been subject to criticism. The practice before 1971 created substantial delays in filling positions. "Everything open all the time", practiced from 1973 to 1979, was criticized by Legislative Audit in 1977. They recommended recruiting only to meet forecasted turnover. In 1979, the Legislature's Select Blue Ribbon Commission on the Personnel Act noted problems with both open and closed recruitment practices.

*Department of Admin position -
on state affairs CS*

We state the above to point out that the practice to be required by CSSB 448 (SA) is likely to also be subject to criticism. However, it does provide a reasonable and rational long term approach to recruiting.

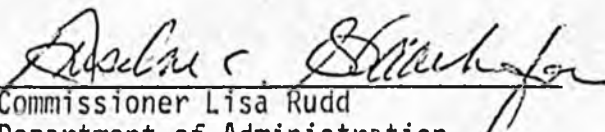
It is vital to the successful implementation of CSSB 448 (SA) that the Fiscal Note be appropriated. The practice required by the bill will generate an increased volume of application to be processed and a well coordinated recruitment schedule and bulletin publication effort. Without the resources identified in the Fiscal Note substantial backlogs and delays in processing will develop.

During preparation of the Position Paper, we have reviewed the April 4 letter from Senator Ray to Senator Sackett on this bill. We concur with the recommended changes.



Frank Ray
Director
Division of Personnel
Department of Administration

5/8/84
Date



Commissioner Lisa Rudd
Department of Administration

5-11-84
Date

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 14, 1984

SUBJECT: Versions of CSSB 448 (Finance)
(Periods of open competitive examinations)

TO: Senator Joe Josephson

FROM: Teresa B. Cramer *TBC*
Legislative Counsel

I have prepared three versions of CSSB 448 (Finance) for your review. The three differ in the description of the job classes covered. All three versions apply to job classes in the classified service that are allocated two or more positions.

Version 1 covers job classes that "may be filled by open competitive examination." Most of the job classes in the classified service may be filled by open competitive examination. "Examination" includes the evaluation of an applicant by written examination and by review of the applicant's training and experience without written examination. The language excludes coupled job classes. These positions may not be filled by open competitive examination since only employees currently holding a position in the job series may apply. Examples include correctional officers and employment security specialists. The language would also exclude positions within the Local 71 bargaining unit which are filled through the union hiring hall.

Version 2 covers positions that are "opened for recruitment." This language creates a circular bill, requiring a period of open recruitment for job classes that are open for recruitment, but not defining the classes covered.

Version 3 covers all job classes in the classified service that are allocated at least two positions. This language includes positions in the Local 71 bargaining unit and coupled job classes.

Please let me know if I may be of further assistance.

TBC:lmb
J7/059

FOR YOUR INFORMATION

MEMORANDUM

State of Alaska

TO: All Personnel Officers

FROM: Frank Raye *FR*
Director
Division of Personnel
Department of Administration

DATE: November 18, 1983

FILE NO: Personnel Memorandum 83-3

TELEPHONE NO: 465-4430

SUBJECT: Conditions For Open
Competitive
Recruitment

The Director of Personnel will determine it appropriate to open recruitment for a job class according to the criteria described below.

Criteria Which Justifies Opening Recruitment

The Division of Personnel will identify these conditions through routine and periodic reviews. When these conditions occur, recruitment will be opened for some specific length of time, and for at least the minimum period of time as prescribed by the Personnel rules.

1. New Job Class
2. Broadened Minimum Qualifications

Broadened minimum qualifications for a job class refer to changes which allow more people to qualify than did the previous minimum qualifications.

3. Incomplete Eligible List

An eligible list is considered incomplete when fewer than three names are certified to fill a vacancy. When the Director of Personnel determines that other ways of filling the vacancy (such as sub-fill, provisionally, or from a related or augmented list) have been adequately considered, recruitment will be opened at the department's request.

4. Projected Inadequate List

The Division of Personnel will periodically review the number of candidates on all eligible lists maintained by the Division of Personnel. The following criteria will be used:

- (1) The ratio of eligibles to the number of positions is less than 3 to 1.
- (2) The ratio of eligibles to the number of appointments* is less than 6 to 1.



CENTRAL COUNCIL
Tlingit and Haida Indian Tribes of Alaska
EXECUTIVE COMMITTEE, 1982-1984

March 21, 1984

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*The Honorable Victor Fischer
Chairman, State Affairs Committee
Alaska State Senate
Pouch V
Juneau AK 99811*

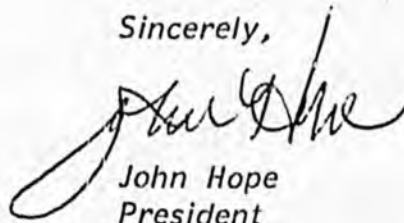
Dear Senator:

As you know, the Central Council has been interested in promoting the hiring of qualified Alaska Natives by State Government agencies. The system has been a formidable obstacle.

Senate Bill 448, as we understand it, is intended to alleviate some of the impediments.

The Central Council is supportive of any and all legislation designed to allow access by qualified Alaska Natives to State jobs. In this regard we hope your committee will act favorable in moving SB 448 out of committee with a do-pass recommendation.

Sincerely,



John Hope
President

cc: Senator Bill Ray

Sto from T & H 3/21/84

Sto from T & H 3/21/84

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST CS for
Bill/Resolution No.: SB 448 (FIN)
Title: "An Act relating to the states personnel rules . . ."
Sponsor: Senator Ray
Requestor: Senate Finance
Date of Request: 5/10/84

FISCAL DETAIL
Agency Affected: Labor
Program Category Affected: Social Services
BRU, Program or Subprogram(s) Affected: Administrative Services BRU, Management Services Component

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

N/A

ANALYSIS: Attach a separate page for analysis

Prepared By: Judy Knight Phone: 465-2720
Division: Administrative Services Date: 5/11/84
Approved by Commissioner Robert W. Jandani Date: 5/11/84
Jim Robison
Agency: Labor

LEG:A:36

Distribution (by Agency preparing fiscal note):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

fiscal note / Dep of Labor 12/1/83

Juneau Empire
2/25/88

Bill would open all registers for state jobs

728/81

SB 448

By DEBBIE REINWAND ROSE
The Juneau Empire

The state of Alaska employs over 16,000 workers, yet getting on the payroll is no easy task, some residents say.

In response to complaints by Alaskans who have found themselves barred from applying for some state jobs, Sen. Bill Ray, D-Juneau, filed a bill recently requiring all recruitment registers be open for application.

Currently, 350 job class registers are closed to persons seeking a state position. Only persons already employed by the state may apply for jobs on closed registers.

The state has 1,100 job classes, some of which are single-person classes.

The bill introduced by Ray would require that registers be continually open giving residents not employed by the state a chance to apply for all jobs.

"I have had some people come to me and say it's unfair that they can't get these registers because they aren't state employees," said Ray. "It's hard to understand why they shouldn't at least be

given the chance. Who knows? They may score higher than the top five persons in that class if they have the chance and they could then get a job. Now they aren't even given an option."

Ombudsman Jack Chenoweth investigated several complaints filed in 1983 against the Division of Personnel regarding closed registers and recommending new standards when deciding whether a class will be opened.

The division did so in November, following review of the ombudsman's findings.

Personnel Director Frank Raye said the policy of closing registers was not to "deny anyone a chance at a job, but just a matter of good management." When Raye was hired in 1983, the Sheffield administration decided to abolish most examinations previously required for state employment.

The tests were outdated, so the division began reviewing job applications individually and ranking them according to the person's experience.

The elimination of testing and closing some registers has resulted in "better evaluation of applications," said Raye.

"We did away with the testing and are

now able to give better review to fewer applications. If it was open to all applications, then we'd need more resources to review more applications," said Raye.

The state does open a job class when a department decides the list is inadequate and more applicants are needed; when a new job class is created; when the qualifications for a job are broadened; and following division review of the number of candidates on all eligible lists.

"If the public wants this kind of policy, I would certainly carry it out," said Raye.

"However, I think it's poor public policy to hire a bunch of people and create new jobs to review a bunch of applications for people who want jobs. I think it may raise false expectations on the part of those applying."

Currently, the state hires between 80 and 100 new workers each month, according to Diana DeSimone, chief of recruitment and examining for the personnel division.

In all, the state hires, promotes or transfers between 180 and 225 people per month.

That figure, however, is decreasing, she said.

"It's increasingly hard to get a job

There are fewer jobs and more people competing," said DeSimone.

With Gov. Bill Sheffield's emphasis on increasing the number of minority and female workers hired, Sen. Ray believes the registers will have to be opened if the governor's plan is to be carried out.

"I don't understand the logic that says 'let's hire more minorities and women,' but then says, 'this job is closed, sorry,'" Ray said. "I don't see how that goal will be accomplished unless fair, open competition is extended to all who qualify."

However, should the registers be opened, applicants would see a time lag from the date they turned in an application to the time their application was reviewed and rated, said DeSimone.

"When we had fairly open, continuous recruitment several years ago, we were looking at five months for the examining and application process. Right now, I don't see any way of keeping it open and getting the work done," she said. "So the division has decided what areas are most important to recruit for. People, if they do apply, have a right to get an answer back. We've tried to establish a balance."

The bill is currently in the Senate State Affairs Committee.

Juneau

COMMITTEE REPORT
SENATE

FURTHER: FINANCE

3/10/84

Date 3/29/84

Mr. President

The Committee on STATE AFFAIRS considered SB 448

state personnel rules for open competitive examinations; efd.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 448 (SA)
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Kelly

V. Fischer

Chairman

do pass

Chairman recommendation