

HB

281

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

Bill Version : HB-281
Publish Date : _____

REQUEST: _____

Revision Date: _____
Title: ... placing students employed in state institutions in the exempt service...
Sponsor: Rep. Bette Cato
Requestor: House State Affairs

Agency Affected: Education
BRU: Alaska Vocational Technical Center, and Mt. Edgecumbe
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

The bill will not require an increased appropriation.

Prepared by: Steve Note
Division: Commissioner's Office

Phone: 465-2800
Date: May 1, 1987

Approved by Commissioner: William G. Demmert
Agency: Education

Date: May 1, 1987

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)
 - Senate Secretary

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Introduced: 4/17/87
Referred: State Affairs
and Finance

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IN THE HOUSE

BY CATO

HOUSE BILL NO. 281

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIFTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act placing students employed in state institutions in the exempt service."

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

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

(24) students employed by the state institutions in which the students are enrolled.

H B 281

STEVE COWPER, GOVERNOR

DEPARTMENT OF EDUCATION

OFFICE OF THE COMMISSIONER

GOLDBELT PLACE
801 WEST 10th STREET
POUCH F
JUNEAU, ALASKA 99811

April 21, 1987

APR 22 1987

The Honorable Bette Cato
Alaska State Legislature
PO Box V
Mail Stop 3100
Juneau, Alaska 99811

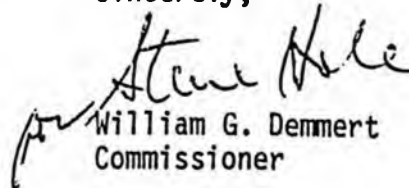
Dear Representative Cato:

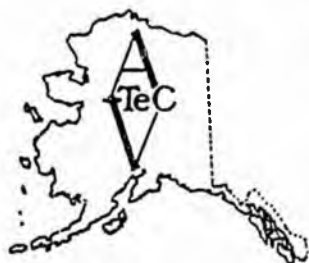
The Department of Education supports the efforts of the Alaska Vocational Technical Center (AV Tech) to attain the statutory change necessary to enable educational institutions such as AV Tech to hire students under the exempt category of service. From a practical standpoint we believe that this will benefit both the students and the employing institutions. The students will benefit through job experience and income; the employers through the accomplishment of tasks and functions on an as-needed basis and in a cost effective manner. Given the budget reductions over the past years, it is no longer possible to hire full time employees to cover the range of functions previously accomplished by staff. This approach to hiring of students will enable AV Tech to meet its program needs while benefitting participating students.

If you have further questions or wish to discuss this matter, please contact Bob Booher, Director of AV Tech, or me.

Thank you for your consideration of this matter.

Sincerely,


William G. Demmert
Commissioner



STATE OF ALASKA

DEPARTMENT OF EDUCATION

OFFICE OF ADULT AND VOCATIONAL EDUCATION

ALASKA VOCATIONAL TECHNICAL CENTER



VOCATIONAL/TECHNICAL TRAINING
FOR HIRE EDUCATION

P. O. BOX 889
SEWARD, ALASKA 99664

(907) 224-3322

April 13, 1987

Representative Betty Cato
Pouch V, Mail Stop 3100
Juneau, AK 99811

The Honorable Betty Cato:

Representative Cato, we are proposing that AVTEC be able to hire students to perform work tasks for the Center. In the past we were able to do this through the Student Intern program. This was not a satisfactory situation. The costs were exceptionally high. Students hired through APEA were paid at a range 5. In Seward we were paying \$7 to \$8 an hour for student trainees. We had worked out an agreement with Local 71, however, the same problem existed. If we hired a student to perform Local 71 work, the classification was dependent upon what tasks the student was performing. For example, if the student was changing the oil in a car he/she would be classified as an automobile mechanic and would receive 75% of Local 71's starting wage for automotive mechanics. Usually this meant that the student would be receiving a higher hourly wage as compared to permanent Local 71 employees in lower paid classifications. The paper-work associated with running these positions through the State personnel system was horrendous.

If we establish work experience positions, and if these positions are exempt positions, we establish the pay rates, and the amount of State personnel paper-work is reduced significantly. Students in work experience positions would be paid the prevailing wage rate for student work at other educational institutions in Alaska.

In order to meet the FY87 budgetary reductions AVTEC deleted many student services. This enabled us to keep the instructional staff intact. However, we are now discovering that many of the services are sorely missed. Many of the services being provided by the positions that were deleted did not require a high skill level.

Page 2
Letter, Representative Betty Cato
April 13, 1987

These services could be provided by student workers at approximately 40% of the cost of the same service being provided by a State employee. In these extraordinary times we believe that in order to continue to provide a full range of student services a viable student work program is essential. A statute which allows AVTEC to hire student workers as exempt employees would allow the Center to provide each training area with a work experience component in their curriculum. This would be a major benefit for students attending the Center.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "R. D. Booher".

R. D. Booher, Director, AVTEC

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Sec. 39.25.070. Powers and duties of personnel board. In addition to the other duties imposed by this chapter, the personnel board shall

(1) approve or disapprove amendments to the personnel rules in accordance with AS 39.25.140;

(2) consider and act upon recommendations for the extension of the partially exempt service and the classified service as provided in AS 39.25.130;

(3) hear and determine appeals by employees in the classified service as provided in AS 39.25.170;

(4) establish its own rules of procedure (two members constitute a quorum for the transaction of business and two affirmative votes are required for final action on matters acted upon by the board);

(5) elect a chairman from its membership;

(6) have the power to administer oaths, subpoena witnesses, and compel the production of books and papers pertinent to a hearing authorized by this chapter;

(7) employ staff members, who shall be in the classified service;

(8) retain independent counsel in accordance with AS 39.52.310(c);

(9) appoint, and review the findings, conclusions, and recommendations of, hearing officers in accordance with AS 39.52.350(c), 39.52.360, and 39.52.370;

(10) issue findings, conclusions, and decisions regarding violations of the code of ethics in AS 39.52.110 — 39.52.190; and

(11) impose the penalties described in AS 39.52.410, 39.52.440, and 39.52.450. (§ 15 ch 144 SLA 1960; am §§ 3, 4 ch 112 SLA 1982; am § 3 ch 87 SLA 1986)

Effect of amendments. — The 1986 paragraphs (8) — (11) and made minor, amendment, effective July 1, 1986, added related punctuation changes.

Article 2. Coverage of Personnel.

Section

110. Exempt service

120. Partially exempt service

Sec. 39.25.110. Exempt service. Unless otherwise provided by law, the following positions in the state service constitute the exempt service and are exempt from the provisions of this chapter and the rules adopted under it:

(1) persons elected to public office by popular vote or appointed to fill vacancies in elected offices;

(2) justices, judges, magistrates, and employees of the judicial branch including employees of the Judicial Council;

(3) employees of the state legislature and its agencies;

- (4) the head of each principal department in the executive branch;
- (5) officers and employees of the University of Alaska;
- (6) certificated teachers and noncertificated employees employed by a regional educational attendance area established and organized under AS 14.08.031 — 14.08.041 to teach in, administer, or operate schools under the control of a regional educational attendance area school board;
- (7) certificated teachers employed by the Department of Education as correspondence teachers, teachers in skill centers operated by the Department of Education, or in Mt. Edgecumbe School;
- (8) patients and inmates employed in state institutions;
- (9) persons employed in a professional capacity to make a temporary or special inquiry, study or examination as authorized by the governor;
- (10) members of boards, commissions, or authorities;
- (11) the officers and employees of the following boards, commissions, and authorities:
 - (A) Alaska Gas Pipeline Financing Authority;
 - (B) Alaska Permanent Fund Corporation;
 - (C) Alaska Energy Center;
 - (D) Alaska Industrial Development Authority;
 - (E) Alaska Commercial Fisheries Entry Commission;
 - (F) Alaska Commission on Postsecondary Education;
- (12) the executive secretary and legal counsel of the Alaska Municipal Bond Bank Authority;
- (13) physicians licensed to practice in this state and employed by the division of mental health and developmental disabilities, Department of Health and Social Services;
- (14) petroleum engineers and petroleum geologists employed in a professional capacity by the Department of Natural Resources and by the Oil and Gas Conservation Commission, except for those employed in the division of geological and geophysical surveys in the Department of Natural Resources;
- (15) officers, agents, and employees of the Alcoholic Beverage Control Board granted limited peace officer powers by the Alcohol Beverage Control Board under AS 04.06.110;
- (16) persons employed by the division of marine transportation as masters and members of the crews of vessels who operate the state ferry system and who are covered by a collective bargaining agreement provided in AS 23.40.040;
- (17) officers and employees of the state who reside in foreign countries;
- (18) employees of the Alaska Seafood Marketing Institute;
- (19) firefighters employed by the Department of Natural Resources for a fire emergency;

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(20) employees of the Office of the Governor and the office of the lieutenant governor, including the staff of the governor's mansion;

(21) [Repealed June 30, 1988] Employees of the Citizens' Advisory Commission on Federal Areas in Alaska (AS 41.37.010);

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

(23) executive director of the Medicaid Rate Commission. (§ 5 ch 144 SLA 1960; am § 1 ch 48 SLA 1961; am § 1 ch 133 SLA 1961; am § 3 ch 93 SLA 1962; am § 3 ch 24 SLA 1966; am § 31 ch 46 SLA 1970; am § 65 ch 69 SLA 1970; am § 13 ch 113 SLA 1970; am § 3 ch 78 SLA 1971; am § 18 ch 78 SLA 1974; am § 42 ch 127 SLA 1974; am § 2 ch 32 SLA 1975; am § 2 ch 79 SLA 1975; am § 37 ch 124 SLA 1975; am § 1 ch 157 SLA 1976; am § 3 ch 90 SLA 1978; am § 7 ch 18 SLA 1980; am § 43 ch 106 SLA 1980; am § 10 ch 131 SLA 1980; am § 4 ch 148 SLA 1980; am § 4 ch 106 SLA 1981; am §§ 2, 3 ch 37 SLA 1982; am § 7 ch 112 SLA 1982; am § 1 ch 11 SLA 1983; am § 1 ch 103 SLA 1984; am § 58 ch 21 SLA 1985; am § 1 ch 50 SLA 1985)

Effect of amendments. — The first 1985 amendment added paragraph (23). The second 1985 amendment in para- graph (7) added "or in Mt. Edgecumbe School" at the end of the paragraph and made a minor, related change.

NOTES TO DECISIONS

Cited in State v. Haley, Sup. Ct. Op. No. 2660 (File Nos. 6604, 6608, 6609, 6610), 687 P.2d 305 (1984).

Sec. 39.25.120. Partially exempt service. (a) Positions in the partially exempt service are included in the position classification plan established under this chapter and are compensated according to the pay plan (AS 39.27.011).

(b) A person holding a position in the partially exempt service is not required to take an examination or qualify or earn a place on a register, and is not eligible for a hearing by the personnel board in case of dismissal, demotion, or suspension. Positions in the partially exempt service are specifically exempt from the rules established under AS 39.25.150(3) — (10), (12), (13), and (16).

(c) The following positions in the state service constitute the partially exempt service:

(1) deputy and assistant commissioners of the principal departments of the executive branch, including the assistant adjutant general of the Department of Military and Veterans' Affairs;

(2) the directors of the major divisions of the principal departments of the executive branch and the regional directors of the Department of Transportation and Public Facilities;

Introduced: 4/17/87
Referred: State Affairs
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