

S B

139

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 2/19/87 5-DAY NOTICE  
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER:

\*\*FISCAL NOTE(S) ATTACHED                      \*\*  
IN ACCORDANCE WITH AS 24.08.035  
(see below)

2/19/87

DATE TURNED INTO OFFICE 3/19/87

Mr. President:

FINANCE

Committee considered SB 139

relating to wages and benefits for certain legislative employees; efd.

and recommended:

replace with CS \_\_\_\_\_  same title

attached amendment(s) and  new title

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

letter of intent adopted and attached

\*\* Committee  attached or  adopted fiscal note(s)

2  zero 2/24/87 FC  fiscal impact  
2/23/87 DOA

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Signature] No RFC  
Chairman signature and recommendation

Committee Backup Attached

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

**REQUEST:** \_\_\_\_\_

Bill Version : SB 139  
Publish Date : \_\_\_\_\_

Revision Date: \_\_\_\_\_  
Title: Act relating to wages and  
benefits for certain legislative employees  
Sponsor: Senate Rules Committee  
Requestor: Senate Finance

Agency Affected: Legislative Affairs  
BRU: Legislative Council  
Components: Administrative Services  
Legal Services, Session Expenses

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

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

<b>CAPITAL</b>						
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<b>REVENUE</b>						
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**FUNDING: (Thousands of Dollars)**

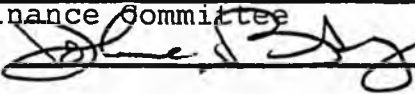
GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** (Attach a separate page if necessary)

Funding for SB 139 will be absorbed by the legislative budget.

Prepared by: \_\_\_\_\_ Phone: 465-4985  
Division: Senator John Binkley, Co-chairman Date: 2/24/87  
Senate Finance Committee  
Approved by Commissioner:  Date: \_\_\_\_\_  
Agency: \_\_\_\_\_

Distribution (by preparer):

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

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

Bill Version: SB 139  
Publish Date: 2/19/87

REQUEST \_\_\_\_\_

Revision Date: \_\_\_\_\_ Agency Affected: Administration  
Title: An Act relating to wages and BRU: Finance  
benefits for certain legislative employees...  
Sponsor: Rules Components: \_\_\_\_\_  
Requestor: Rules

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
<b>OPERATING</b>						
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>CAPITAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>REVENUE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: Attach a separate page if necessary ~~See attached~~

FEB 23 1987

Prepared By: KBS Kenneth Bischoff Phone: 465-2240  
Division: Finance Date: 2/20/87  
Approved by Commissioner: Garrey Peska Date: 2/23/87  
Agency: Department of Administration

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

1 IN THE SENATE

BY THE RULES COMMITTEE

2

SENATE BILL NO. 139

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to wages and benefits for certain  
7 legislative employees; and providing for an effective  
8 date."

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

10 \* Section 1. AS 24.10.060 is amended to read:

11 Sec. 24.10.060. LEGISLATIVE EMPLOYEES. (a) The house and  
12 senate [TEMPORARY] employees of the legislature are hired for the  
13 duration of each session upon the recommendation of the rules commit-  
14 tee of each house. During the interim, house and senate employees are  
15 hired with the approval of the president of the senate or the speaker  
16 of the house of representatives, as appropriate [EMPLOYEES ASSIGNED TO  
17 EACH HOUSE ARE UNDER THE SUPERVISION OF THE CHIEF CLERK AND SENATE  
18 SECRETARY].

19 (b) Employees assigned to the duplicating, distributing, mail-  
20 ing, and other centralized services are under the immediate super-  
21 vision of the Legislative Affairs Agency.

22 (c) Except as provided in (e) of this section for hourly em-  
23 ployees, all [PERMANENT AND TEMPORARY] employees of the legislature  
24 are [AND ITS AGENCIES SHALL BE] employed subject to

25 (1) classification and wage plans based on the merit prin-  
26 ciple and adapted to the special needs of the legislature; and

27 (2) [PERMANENT EMPLOYEES ARE SUBJECT TO] the general state  
28 laws regarding leave and retirement.

29 \* Sec. 2. AS 24.10.060 is amended by adding new subsections to read:

1 (d) During sessions, all employees of the legislature are em-  
2 ployed with the understanding that they will work as many hours as may  
3 be required by their supervisors. All employees are on call for duty  
4 every day of the session.

5 (e) The permanent interim committees of the legislature, the  
6 rules committees, the president of the senate, or the speaker of the  
7 house of representatives, as appropriate, may authorize the employment  
8 of hourly employees. Hourly employees are subject to the salary  
9 schedule set out in AS 39.27.011 and general state laws regarding  
10 retirement but are not entitled to receive leave benefits.

11 \* Sec. 3. AS 24.10.200(a) is amended to read:

12 Sec. 24.10.200. HOUSE AND SENATE [SESSION] EMPLOYEES. (a)  
13 During the legislative session, house and senate [TEMPORARY SESSION]  
14 employees of the legislature are compensated under the salary schedule  
15 set out in AS 39.27.011 [FOR EACH CALENDAR DAY OF THE LEGISLATIVE  
16 SESSION] at the rate authorized by the Joint Rules Committee and upon  
17 approval of the house and senate. During the interim, house and  
18 senate employees are compensated at a rate approved by the president  
19 of the senate or the speaker of the house of representatives, as  
20 appropriate, consistent with the policies adopted by the Joint Rules  
21 Committee and approved by the house and senate.

22 \* Sec. 4. AS 24.10.210 is amended to read:

23 Sec. 24.10.210. EMPLOYEES OF LEGISLATIVE AGENCIES. Employees  
24 of agencies governed by permanent interim committees of the legisla-  
25 ture under AS 24.20 and employees of the committees themselves are  
26 compensated under AS 39.27.011, [IN ACCORDANCE WITH] the general state  
27 salary schedule, [INCLUDING OVERTIME PAYMENT AND COMPENSATORY TIME  
28 POLICIES,] at levels budgeted and approved by the governing committees  
29 in accordance with law. The governing committees shall coordinate

1 with each other on position levels and salary-related [OVERTIME AND  
2 COMPENSATORY TIME] policies to every extent possible consistent with  
3 the statutory duties and powers of each permanent committee and its  
4 agency.

5 \* Sec. 5. AS 24.55.070(c) is amended to read:

6 (c) The ombudsman and the staff appointed by the ombudsman are  
7 in the exempt service under AS 39.25.110 and are not subject to the  
8 employment policies under AS 24.10 or 24.20.

9 \* Sec. 6. AS 39.27.011(a) is amended to read:

10 (a) The following monthly basic salary schedule is approved as  
11 the pay plan for classified and partially exempt employees in the  
12 executive branch of the state government who are not members of a  
13 collective bargaining unit established under the authority of the  
14 Public Employment Relations Act and employees of the legislature under  
15 AS 24.10 and AS 24.20:

16	Range	Step	Step	Step	Step	Step	Step
17	No.	A	B	C	D	E	F
18	05	1,387	1,425	1,467	1,507	1,552	1,593
19	06	1,467	1,507	1,552	1,593	1,639	1,687
20	07	1,552	1,593	1,639	1,687	1,740	1,793
21	08	1,639	1,687	1,740	1,793	1,845	1,903
22	09	1,740	1,793	1,845	1,903	1,965	2,020
23	10	1,845	1,903	1,965	2,020	2,082	2,145
24	11	1,965	2,020	2,082	2,145	2,217	2,286
25	12	2,082	2,145	2,217	2,286	2,365	2,445
26	13	2,217	2,286	2,365	2,445	2,531	2,623
27	14	2,365	2,445	2,531	2,623	2,715	2,818
28	15	2,531	2,623	2,715	2,818	2,910	3,020
29	16	2,715	2,818	2,910	3,020	3,129	3,242

1	17	2,910	3,020	3,129	3,242	3,353	3,468
2	18	3,129	3,242	3,353	3,468	3,582	3,717
3	19	3,353	3,468	3,582	3,717	3,831	3,974
4	20	3,582	3,717	3,831	3,974	4,095	4,246
5	21	3,831	3,974	4,095	4,246	4,379	4,537
6	22	4,095	4,246	4,379	4,537	4,687	4,859
7	23	4,379	4,537	4,687	4,859	5,021	5,209
8	24	4,687	4,859	5,021	5,209	5,385	5,568
9	25	5,021	5,209	5,385	5,568	5,773	5,990
10	26	5,209	5,385	5,568	5,773	5,990	6,206
11	27	5,385	5,568	5,773	5,990	6,206	6,442
12	28	5,568	5,773	5,990	6,206	6,442	6,666
13	29	5,773	5,990	6,206	6,442	6,666	6,901
14	30	5,990	6,206	6,442	6,666	6,901	7,144

15 \* Sec. 7. AS 39.27.022 is amended by adding a new subsection to read:

16 (d) This section applies to employees of the legislature only if  
17 the committee responsible for adopting employment policies concerning  
18 the employee adopts a written policy that the section applies. This  
19 section applies to the employees of the office of the ombudsman only  
20 if the ombudsman adopts a policy that the section applies.

21 \* Sec. 8. AS 39.35.385(f) is amended to read:

22 (f) Subject to AS 39.35.450, an employee is eligible for a  
23 normal retirement benefit at age 60 or an early retirement benefit at  
24 age 55 if the employee has at least 60 days of credited service as an  
25 [A TEMPORARY] employee of the legislature, other than as an employee  
26 of the Office of the Ombudsman, during each of five legislative ses-  
27 sions.

28 \* Sec. 9. Notwithstanding the amendments made to AS 39.27.022 by sec. 7  
29 of this Act, an employee of the legislature who has received a longevity

1 pay increment under AS 39.27.022 before the effective date of sec. 7 of  
2 this Act shall continue to receive the increment until the committee re-  
3 sponsible for adopting employment policies concerning the employee adopts a  
4 policy on the question of longevity pay increments.

5 \* Sec. 10. AS 24.10.200(b) is repealed.

6 \* Sec. 11. The amendments to AS 39.35.385(f) made by sec. 8 of this Act  
7 are retroactive to July 1, 1979.

8 \* Sec. 12. Sections 1 - 7, 9, and 10 of this Act take effect on the  
9 first day of the first pay period that begins 14 or more days after the  
10 effective date of secs. 8 and 11 of this Act.

11 \* Sec. 13. Sections 8 and 11 of this Act take effect immediately under  
12 AS 01.10.070(c).

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

**REQUEST:** \_\_\_\_\_

Bill Version: SB 139

Publish Date: \_\_\_\_\_

Revision Date: 2/23/87  
Title: An Act relating to wages and benefits for certain legislative employees; providing e.f.

Agency Affected: Legislative Affairs Agency  
BRU: Legislative Council

Sponsor: Senate Rules Committee  
Requestor: Senate Rules Committee

Components: Administrative Services  
Legal Services      Session Expenses

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		78.8	78.8	78.8	78.8	78.8
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>78.8</b>	<b>78.8</b>	<b>78.8</b>	<b>78.8</b>	<b>78.8</b>
<b>CAPITAL</b>						
<b>REVENUE</b>						

**FUNDING:** (Thousands of Dollars)

*by JFC 2/24/87*

GENERAL FUND		78.8	78.8	78.8	78.8	78.8
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** (Attach a separate page if necessary)

It is assumed that the current budget levels will not be exceeded. For example, ranges allocated to various position titles and longevity criteria for monthly employees will remain in effect. If the longevity criteria is changed, the fiscal impact of this bill could be substantially higher.

(Continued on Page 2)

Prepared by: Pamela A. Stoops, Manager  
Division: Administrative Services

Phone: 465-3850  
Date: 2/23/87

Approved by: Warren W. Endicott, Executive Director  
Agency: Legislative Affairs Agency

Date: 2/23/87

**Distribution (by preparer):**

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

**RECEIVED**

FEB 23 1987

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 139  
Revised Date: 2/23/87

Daily paid employees longevity was budgeted at an average of 5 legislative sessions. Monthly paid employees longevity is budgeted at a "Step C" for an average. Step C's criteria is three legislative sessions or two full years with the legislature at a comparable level.

## Administrative Services

14 daily paid positions converting to monthly paid with leave benefits

Annual cost monthly paid with leave	\$ 226,001
Annual cost daily paid with no leave	\$ 222,738
	<hr/>
Additional cost of bill	\$ 3,263

## Legal Services

8 daily paid positions converting to monthly paid with leave benefits

Annual cost monthly paid with leave	\$ 187,474
Annual cost daily paid with no leave	\$ 183,558
	<hr/>
Additional cost of bill	\$ 3,916

## Session Expenses

153 daily paid positions converting to monthly paid with leave benefits

Annual cost monthly paid with leave	\$ 2,618,489
Annual cost daily paid with no leave	\$ 2,546,897
	<hr/>
Additional cost of bill	\$ 71,592
	<hr/>
GRAND TOTAL	\$ 78,771

*Edison*

SB 139 (and HB 142) ON LEGISLATIVE STAFF SALARIES AND BENEFITS

PURPOSE OF THE LEGISLATION

- \* Eliminate the main inequities and illogical features in the current staff salary and benefit situation by doing the following:

Put all employees on the same state salary schedule.

Eliminate differentiation of staffers into "permanent" and "temporary session" categories. All staffers treated equally regardless of pay range or number of months worked each year. That is; all employees paid on a monthly basis, and all with the same benefit package (although provision is made to hire hourly-paid personnel in certain circumstances).

All employees are tied to any increases or decreases that are negotiated by state workers for employees in partially exempt service.

- \* Add flexibility for future staffing adjustments by enabling the employment of staffers at various ranges and for various numbers of months without risking changes in job status or altering benefits. This will be particularly helpful if further staff cut-backs become necessary. Both shuffling of personnel between positions, and any across-the-board salary adjustments could be more easily and fairly made.
- \* The statute regarding the eligibility of legislative employees for the state retirement system is amended both to clear up misunderstandings over divergent interpretations which have developed over the years, and to make the language consistent with other changes made by this bill.
- \* Update statutes to more accurately and clearly reflect actual practice in such areas as determining which entity has hiring authority for specific times, and groups of employees.
- \* Make staffing parameters for each of the hiring entities (Rules, Leadership, Finance, Budget and Audit, Legislative Council, etc) more consistent with each other, while retaining the autonomy of each entity in establishing its own personnel policies for administering the general guidelines established.

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 19, 1987

SUBJECT: Sectional Analysis of SB 139 (Wages and  
benefits for certain legislative employees)

TO: Senator Richard Eliason  
Chairman, Senate Rules Committee

FROM: Teresa B. Cramer *TBC*  
Legislative Counsel

You have requested a sectional analysis of the above de-  
scribed bill.

As a preliminary matter, note that a sectional analysis or  
summary of a bill should not be considered an authoritative  
interpretation of the bill and the bill itself is the best  
statement of its contents.

The bill generally refers to three kinds of legislative em-  
ployees, those employed by the permanent interim committees  
of the legislature (the Legislative Council under AS  
24.20.010, Legislative Budget and Audit Committee under AS  
24.20.151, and the Administrative Regulation Review  
Committee under AS 24.20.400), those employed in the House  
and Senate, and hourly employees. House and Senate  
employees include those employed by legislators and by  
legislative committees other than the permanent interim  
committees.

Section 1 subsection (a) substitutes the term "house and  
senate employees" for "temporary employees" and provides  
that during the interim they are hired with the approval of  
the appropriate presiding officer. The section also removes  
those employees from the supervision of the chief clerk or  
senate secretary.

Subsection (c) extends application of the general state laws  
regarding leave and retirement to House and Senate employees  
as well as to the permanent employees currently covered.

Section 2 puts all legislative employees on call every day for as many hours as required by their supervisors during sessions. The requirement previously extended by statute only to temporary session employees. Subsection (e) permits the named entities to approve the employment of hourly employees. Hourly employees are paid from the state salary scale and are subject to the retirement laws but not to leave benefits.

Section 3 requires that House and Senate employees be paid at a rate on the state salary schedule instead of at a daily rate. During the interim, the presiding officer establishes the appropriate rate for those employees but the rate must be consistent with the policies adopted by the Joint Rules Committee and approved by the house and senate.

Section 4 includes the employees of the permanent interim committees in the section on compensation for employees of the agencies governed by those committees. It also removes reference to overtime and compensatory time policies.

Section 5 makes clear that the provisions of the bill do not apply to the Office of the Ombudsman.

Section 6 amends the state salary schedule to include legislative employees under AS 24.10 and 24.20. This excludes the Office of the Ombudsman.

Sections 7 and 9 make longevity pay increments applicable to legislative employees only if the appropriate committee has adopted a written policy that the section applies. They apply to the Office of the Ombudsman only if the ombudsman adopts an appropriate policy. However, under section 9, an employee who is currently receiving a longevity pay increment will continue to receive it until the appropriate committee adopts a policy. Then the policy will govern.

Sections 8 and 11 clarify existing retirement law to make any legislative employee other than an employee of the Office of the Ombudsman eligible for certain retirement benefits if the employee worked for at least 60 days during at least 5 sessions and has reached the necessary age. Currently the statute refers to "temporary employees of the legislature." Section 11 makes the amendment retroactive to the beginning of the program.

Section 10 repeals a subsection which established the daily rate of pay. The working hours portion of the subsection is

Senator Eliason  
February 19, 1987  
Page 3

included in section 2, subsection (d), of the bill.

Section 12 makes those parts of the bill concerned with legislative employee pay take effect on the first day of a pay period that comes at least 14 days after the immediate effective date contained in section 13.

Section 13 is an immediate effective date for the retirement sections of the bill.

If I may be of further assistance, please advise.

TC:mkr  
m9/033



# Alaska State Legislature

SENATE

*Rules Committee*

Senator R. I. Eliason, Chairman  
Senator William Hensley, Vice-Chairman  
Senator Don Bennett  
Senator John Binkley  
Senator Jan Faiks

P.O. Box V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-3770

The attached copies of letters are from the House Rules Committee files. They are examples of the dissatisfaction expressed over the years by many legislators in regards to the inequalities in legislative staff salaries and policies. These letters are useful in explaining what some of the concerns have been and why some of the current policies are irrational and need to be corrected.

SB 139 addresses and resolves most of the complaints found in the attached letters.

INTERIM OFFICE:  
1024 WEST SIXTH AVENUE  
ANCHORAGE, ALASKA 99501  
(907) 274-2843

IN SESSION:  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 485-4883

# Alaska State Legislature



Representative Mitch Abood  
CHAIRMAN

## House Committee on State Affairs

TO: Representative Jack Fuller, Chairman  
House Committee on Rules

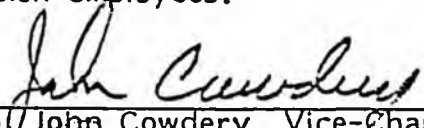
FROM: Representative Mitch Abood, Chairman  
House Committee on State Affairs

DATE: May 23, 1983

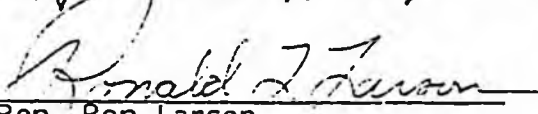
SUBJECT: Salary of Session Employees

The Committee on State Affairs has had SB 294, "An Act relating to the compensation of state officers and employees not covered by collective bargaining," under consideration. It is the belief of this Committee that a serious inequity exists between the salary schedules of permanent and session employees of the Legislature which should be remedied as quickly as possible.

The Committee urges the Rules Committees of the House and Senate to meet under Rule 3 (b) Uniform Rules, and to use the general salary schedule in AS 39.27.011 as a guide in adjusting the compensation of session employees.

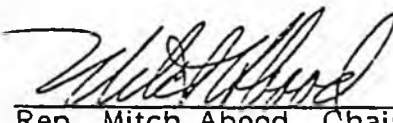
  
Rep. John Cowdery, Vice-Chairman

  
Rep. Mike M. Miller

  
Rep. Ron Larson

  
Rep. Walt Furnace

  
Rep. Dick Shultz

  
Rep. Mitch Abood, Chairman

cc: House Finance Committee Members  
Sen. Jan Faiks, Chairperson Senate Rules

SUBJECT: Pay Raises for Permanent Employees

As you requested, I have found out the status of the legislative employees pay raises.

SB 294 which just passed out of the Senate, would give permanent employees a salary raise. The equivalent bill is HB 226/227 which is in House Finance and hasn't moved as I understand it.

The session employees are funded through the Legislature - Joint Rules and so when permanent employees are given a raise, it does not necessarily mean that session employees (who differ really in title only and not in jobs performed) also get a raise.

As a matter of fact, three years ago, there was a major attempt to bring more equality into the staff pay situation and a beginning was made to bring permanent and session closer together. The main reason that there had been such a discrepancy was because permanent employees over the years kept getting their raises and the session employees did not until a huge gap existed. Three years ago, changes were made which brought the two closer together but it would only work, if session employees were given raises when permanent were.

Last year, there was a raise for permanent employees and not for session and this year Representative Fuller's office told me that they intended to raise the session employees to bring them closer to the permanent. Right now, there is no increase in the legislative budget for session employees.

What this means is that a session secretary is still being paid 71.16 and a permanent would be getting 79.93, a session admin. assistant is getting 94.57 and a permanent would be getting 105.90.

SENATOR  
ARLISS STURGULEWSKI

2957 SHELDON JACKSON  
ANCHORAGE, ALASKA 99508  
SENATE DISTRICT F, SEAT A

# Alaska State Legislature



Senate

While in session  
POUCH V  
UNEAU, ALASKA 99501  
(907) 465-1813

MEMORANDUM

May 30, 1983

TO: Representative Jack Fuller, Chairman  
House Rules Committee

FROM: Senator Arliss Sturgulewski (12)  
Senate District F, Seat A

RE: Legislative Staff Inequities

I was pleased to see that the National Conference of State Legislators (NCSL) in their "Alaska Legislative Procedures Study Final Report" made some very specific recommendations dealing with staffing issues, many of which coincided with my memo of February 25, 1983, to the Special Committee on Legislative Reform regarding salary schedules. In that memo I stated that there should be unified salary schedules. In addition, that there should be clearly defined personnel standards for all employees of the various divisions of the legislature as well as legislative staff employees.

The NCSL report said:

1. The Alaska Legislature should develop a systematic way of hiring and dealing with equities in qualifications and pay for legislative staff.
2. The Alaska Legislature should standardize and clearly define staff benefit policies between the two houses.
3. The Alaska Legislature should develop an administrative manual for staff which covers such topics as compensation, benefits, and other personnel procedures pertinent to the Alaska Legislature.
4. The Alaska Legislature should clarify the definition of "session" and "interim" employment, including the status of interim employees. Full-time employees should be considered and treated as such.

Although a number of issues raised by NCSL will require substantial work to develop and implement, the suggestions are sound and will do a great deal to minimize the ongoing conflict which the current system provides.

An immediate need which should be resolved is the inequity that exists between the salary schedules of permanent and session employees of the legislature. Additionally, the issue of acquisition of leave time needs to be addressed. Apparently staff in the House accrue leave time while certain of the Senate staff do and others do not. I am enclosing miscellaneous memorandum to point out some of the concerns being raised.

I do appreciate your attention to this important area of concern. It is difficult to respond to employees questions as to why some are afforded rather handsome salary increases while others have been in a static position since 1981 with the exception of the \$2.00 per day longevity-- somehow, it just doesn't compute.

Enclosures



Official Business

# Alaska State Legislature

Senate

Office of the Secretary

Pouch V  
State Capitol  
Juneau, Alaska 99811

February 23, 1983

## MEMORANDUM

To: Senator Faiks, Rules Chairman

From: Peggy Mulligan, Secretary of the Senate

Subject: Salary Policy adopted June 23, 1981  
(See Senate journal pg 1637-39)

Attached is a list of salaries as received from Pam Calhoun of Legislative Affairs showing the salaries negotiated by the Chief Clerk for the staff of that office for this session. The employees checked on the list for the House work every other week and are paid for every day of the session. Also listed are the salaries of the staff of the Secretary of the Senate.

I am assuming that if salary increases are contemplated for 1983, the salaries of House and Senate session employees will be determined by a Joint Rules Report and will be the same for both houses.

~~Last year it was determined that "regular" legislative employees would benefit from the negotiated state salary increase (about 7%) retroactive to the beginning of the session. Session employees did not receive this increase.~~

The legislative session runs smoothly because of dedicated, experienced session employees. The salary increase in 1981 for regular legislative employees and the salary increase of one house over the other this year makes it difficult to keep loyal staff.

It would be appreciated if you would give the above your consideration.

*cc: members of Rules*

ALASKA  
STATE LEGISLATURE  
MEMORANDUM

February 25, 1983

In previous years (at least the past 12 years that I have been employed), the Rules Committee of each house works as a joint committee comparing state pay scales, deciding the value of experience, deciding the titles of positions to come to an agreement to set before the members of the Senate and the House. This Joint Rules Report is voted on in the Senate and the House. If adopted, this becomes the authority to the Legislative Affairs Agency for payment of legislative personnel. This changed in 1982 when all legislators were allowed full-time staff. It was determined that regular staff would receive the state-negotiated pay raise, and it was made retroactive along with state employees. Session employees did not receive this pay increase. This determination was not made by a Rules Report or a vote of the members of the legislature.

It appears there will be no pay increase again this year for session staff. I suppose that regular staff will benefit by a state-negotiated raise as they did last year, and then they will be receiving from 14 to 15% more pay than session staff. I fail to see how this can be justified.

Salaries for all staff including the Finance Committee should be done in an open manner, by a Joint Rules Committee report and be voted up or down by both houses.

*Peggy Mulligan*  
Peggy Mulligan  
Secretary of the Senate



Official Business

# Alaska State Legislature

House of Representatives

Committee on Rules

Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

MEMORANDUM

TO: Sen. Jan Faiks  
Senate Rules Chairman

DATE: May 23, 1983

FROM: Rep. Jack Fuller  
House Rules Chairman

SUBJECT: Session employees salary increases

I would again like to bring to your attention the issue of salary increases for session employees. As you recall, a joint Senate and House Rules meeting to deal with the matter was cancelled at your request early in the session. Session employees were not given last year's pay increases; and, if a new increase for state workers goes through this year and not given to session employees, they will be two jumps behind.

I would like to resolve the inequity between the pay of year-round and session staffers. It is my feeling that if an increase is given to one classification of legislative employee, it should be given to all.

During the coming interim I would be most interested in working with you to come up with an amended staffing policy for legislative employees as a whole. I see the house and senate moving farther and farther apart in actual practice, and I do not think this is desirable. I would like to avoid the type of head-on collision we had in 1981 over inequities in staffing practices.

Please let me know your thoughts on this matter.



# Alaska State Legislature

## House of Representatives

Official Business

Pouch V  
State Capitol  
Juneau, Alaska 99811

### MEMORANDUM

TO: REPRESENTATIVE JACK FULLER  
CHAIRMAN, HOUSE RULES COMMITTEE

FROM: SPEAKER JOE HAYES *JH*  
ALASKA STATE HOUSE

DATE: DECEMBER 18, 1981

RE: STAFFING

Some more questions have just been brought up concerning policy for hiring employees and the pay scale for same.

I have listed below some questions and/or suggestions that have been brought to my attention.

1. As near as can be ascertained, base pay for a "session" secretary is \$1995 per month or \$65.58 per day (NOTE: All figures in this memorandum are based on the range pay scale information. Per day figures are arrived at by multiplying the monthly rate times 12 and dividing by 365.)

"Permanent" secretaries are to be hired at range 15A (\$2135 per month, \$70.19 per day), 15B (\$2213 per month, \$72.76 per day) or 15C (\$2291 per month or \$75.32 per day).

"Session" employees are granted longevity at \$2 per day.

With this in mind, a "session" secretary who has four years with the legislature would make more than a 15A. "Base" (meaning first year worked with legislature) plus four would give this secretary more than a 15B and base plus five would give this secretary more than a 15C. Since "permanent" secretaries are only allowed to be hired to a maximum of 15C, it would be advantageous, in some cases, to hire a person as a "session" secretary to allow that person a better pay scale.

2. The recent memoranda state that legislative aides to the majority may be hired at 19A through 19C rates; however, legislative aides

Representative Jack Fuller  
December 18, 1981  
Page 2

to minority or "session" aides will be hired at the base of 19A plus the \$2 per day longevity.

In that case, 19A daily rate is \$93.27 per day; 19B daily rate is \$96.49 per day; and 19C daily rate is \$99.91 per day (monthly rates are \$2837, \$2935, and \$3039, respectively). This would mean that an aide hired as "session" aide with two years of experience would make more than a 19B. An aide hired at "session" with four years experience would make more than a 19C (i.e., base of \$93.27 plus \$8 is \$101.27 as compared to \$99.91).

3. Who decides whether a secretary is hired as "session" or "permanent?" What is this decision based on?
4. Who decides whether a legislative aide is hired as "session" or majority rate or what? It would be to an employee's advantage, if he/she has long service with the Legislature, to request that he/she be hired as "session" employee and then add the \$2 per day rather than be hired as a 19A, B, or C. What is the hiring decision based on?
5. In the December 1 memorandum (copy attached), reference is made to "session/interim" employees who are "so-designated." Who designates and what is this decision based on?
6. Reference is repeatedly made to "session" versus "permanent" type of employees. Does the word "permanent" bring up any problems -- wouldn't it be advisable to stay away from a "permanent" designation other than for internal uses for benefits (i.e., health insurance)?

It is my suggestion that some written guidelines be established so that legislators could explain to potential employees the procedures that will be used for figuring classification and pay. These guidelines should be plain enough so that things can be settled before the session so that staff who have worked during interim will know what to expect in the way of pay when they get to Juneau and legislators can advise new oncoming staff about what to expect. With the rental rates, etc., presently in the Juneau market, staff will need to know what they are looking at in the way of income before they can make any decisions about personal expenses.

As we discussed this morning, something needs to be done. In your position as Rules Chairman, staffing matters are yours to handle. I appreciate your concern and attention to these problems.

Thank you for your cooperation and assistance.

Attachment  
JH:oj:jss

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

November 4, 1981

TO: THE HONORABLE RAMONA BARNES  
CHAIR, HOUSE JUDICIARY COMMITTEE

FROM: Richard G. Berg, Director  
Administrative Services

SUBJECT: Expanding Leave Benefits

Your aide has requested information on methods that might be applicable to allow leave benefits for legislative staffers who are not on permanent status. We generally follow the State Personnel System with pay and benefit accrual issued under their (Executive) procedures.

We have within the Legislative system employees paid 7 days per week (session) and interim employees paid on a hourly basis as well as monthly basis. The problem as I understand it is to equalize the benefits between those staffers who work full session and immediately go into interim work and are for all intents and purposes permanent year-round employees. The easiest method to accomplish an equalization is to classify all such employees on a comparable basis, i.e., permanent. You will recall a proposal to accomplish this was discussed during Rules Committee meetings.

At the present time, all interim employees (other than permanent leadership) are classified as temporary interim employees and although allowed health benefits and retirement accrual, they do not accrue leave time nor are they allowed moving and transportation costs per Speaker Hayes memorandum, dated July 16, 1981. (Leadership positions have historically been budgeted as permanent positions with all benefits.)

You could consider establishing additional year-round positions as special legislative aides, which would allow us to establish a benefit accrual akin to that of a standard State permanent employee. I would assume these positions would be at one rate year around and not at an

Memorandum to: The Honorable Ramona Barnes  
November 4, 1981  
Page 2

interim rate and then switching to session rate. Frankly, however, regardless of the name, these people are permanent employees in exempt status and it may very likely be cause for concern that additional "permanent" positions are being established.

This and my previous memo only cover the surface of this subject and I would suggest that it be reviewed in more detail by you or one of the members of your staff, due to the consequences that might ensue from precipitous action. I hope the above has been helpful.

RGB:mm

HEADINGS TITLE 24.  
Legislature.  
CHAPTER 10.  
Officers, Employees and Compensation.  
ARTICLE 2.  
Employees.

CITATION Sec. 24.10.060.

CATCH LINE

LEGISLATIVE EMPLOYEES.

TEXT

The temporary employees of the legislature are hired for the duration of each session upon the recommendation of the rules committee of each house. Employees assigned to each house are under the supervision of the chief clerk and senate secretary. Employees assigned to the duplicating, distributing, mailing, and other centralized services are under the immediate supervision of the Legislative Affairs Agency. Permanent and temporary employees of the legislature and its agencies shall be employed subject to classification and wage plans based on the merit principle and adapted to the special needs of the legislature. Permanent employees are subject to the general state laws

regarding leave and retirement.

HISTORY

(Sec. 17 ch 157 SLA 1959; am sec. 4 ch 47 SLA 1961; am sec. 36 ch 32 SLA 1971)

HEADINGS TITLE 24.  
Legislature.  
CHAPTER 10.  
Officers, Employees and Compensation.  
ARTICLE 4.  
Compensation of Employees.

CITATION Sec. 24.10.200.

CATCH LINE

SESSION EMPLOYEES.

TEXT

(a) Temporary session employees of the legislature are compensated for each calendar day of the legislative session at the rate authorized by the Joint Rules Committee and upon approval of the house and senate.

(b) The daily compensation provided for in (a) of this section applies for each day of the session the employee is officially on the payroll. Session employees hired or retained on the payroll for pre-session or post-session work at the direction of the legislative council shall be paid on an hourly basis for hours actually worked as determined by dividing the authorized daily compensation for each position by seven, the number seven representing the average working hours each day. During sessions, all employees are employed with the understanding that they will work as many hours as may be required by their supervisors with the approval of the Rules Committees. All temporary employees are on call for duty every day of the session.

HISTORY (Sec. 1 ch 13 SLA 1961; am sec. 1 ch 45 SLA 1965; am sec. 1 ch 22 SLA 1969)

ANNOTATIONS

REVISOR'S NOTES Formerly AS 24.15.060(a) and (b). Renumbered in 1985.

HEADINGS TITLE 24.  
Legislature.  
CHAPTER 10.  
Officers, Employees and Compensation.  
ARTICLE 4.  
Compensation of Employees.

CITATION Sec. 24.10.210.

CATCH LINE

EMPLOYEES OF LEGISLATIVE AGENCIES.

TEXT Employees of agencies governed by permanent interim committees of the legislature under AS 24.20 are compensated in accordance with the general state salary schedule, including overtime payment and compensatory time policies, at levels budgeted and approved by the governing committees in accordance with law. The governing committees shall coordinate with each other on position levels and salary-related overtime and compensatory time policies to every extent possible consistent with the statutory duties and powers of each permanent committee and its agency.

HISTORY (Sec. 1 ch 85 SLA 1978)

ANNOTATIONS

REVISOR'S NOTES Formerly AS 24.15.060(c). Renumbered in 1985.

HEADINGS TITLE 24.  
Legislature.  
CHAPTER 55.  
Office of the Ombudsman.  
ARTICLE 1.  
Organization.

CITATION Sec. 24.55.070.

CATCH LINE

STAFF AND DELEGATION.

TEXT

(a) The ombudsman may appoint a deputy ombudsman. The ombudsman shall also appoint assistants and clerical personnel necessary to carry out the provisions of this chapter.

(b) The ombudsman may delegate to the deputy or assistants any of the ombudsman's duties except those specified in AS 24.55.190 and 24.55.200, however, during the ombudsman's absence from the principal business offices, the ombudsman may delegate the duties specified in AS 24.55.190 and 24.55.200 to the deputy for the duration of the absence. The duties specified in AS 24.55.190 and 24.55.200 shall be performed by the deputy ombudsman when serving as acting ombudsman under AS 24.55.040(b).

(c) The ombudsman and the staff appointed by the ombudsman are in the exempt service under AS 39.25.110.

HISTORY

(Sec. 1 ch 32 SLA 1975)

HEADINGS TITLE 39.  
Public Officers and Employees.  
CHAPTER 25.  
State Personnel Act.  
ARTICLE 2.  
Coverage of Personnel.

CITATION Sec. 39.25.110.

CATCH LINE

EXEMPT SERVICE.

TEXT

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;

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

(21) OREPEALED JUNE 30, 1988E 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.

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

#### AMENDMENT NOTES

EFFECT OF AMENDMENTS The first 1980 amendment added paragraph (22). (See now paragraph (11)(B).)

The second 1980 amendment added paragraph (23). (See now paragraph (11)(D).)

The third 1980 amendment added paragraph (24). (See now paragraph (15).)

The fourth 1980 amendment added paragraph (25). (See now paragraph (11)(C).)

The 1981 amendment added a paragraph (26) (see now paragraph (18)), relating to employees of the Alaska Seafood Marketing Institute.

The first 1982 amendment added a paragraph (27) (see now paragraph (21)), relating to employees of the Citizens' Advisory Commission on Federal Areas in Alaska. Section 3, ch. 37, SLA 1982, effective June 30, 1988, repeals this paragraph.

The second 1982 amendment rewrote this section.

The 1983 amendment rewrote paragraph (13).

The 1984 amendment added paragraph (22).

The first 1985 amendment added paragraph (23).

The second 1985 amendment, effective May 31, 1985, in paragraph (7) added "or in Mt. Edgecumbe School" at the end of the paragraph and made a minor, related change.

DECISIONS NOTES TO DECISIONS The thrust of the exemptions in this chapter, the Public Employees Retirement System, former AS 39.35.680(5)(c), and the statutory leave provisions for state employees, AS 39.20.310, is to provide for those public employees

who are not susceptible to ordinary recruiting and examining procedures. *Hafling v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978). No inconsistency between ferry crew exemption of this section and inclusion of such personnel with Public Employment Relations Act, AS 23.40.070 et seq. - See *Hafling v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978). Cited in *State v. Haley*, Sup. Ct. Op. No. 2860 (File Nos. 6604, 6608, 6609, 6610), 687 P.2d 305 (1984).

ALASKA STATUTE  
\*39.27.011(a)

HEADINGS TITLE 39.  
Public Officers and Employees.  
CHAPTER 27.  
Pay Plan for State Employees.  
CITATION Sec. 39.27.011.  
CATCH LINE

SALARY SCHEDULE.

TEXT (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 No.	Step A	Step B	Step C	Step D	Step E	Step F
05	1,387	1,425	1,467	1,507	1,552	1,593
06	1,467	1,507	1,552	1,593	1,639	1,687
07	1,552	1,593	1,639	1,687	1,740	1,793
08	1,639	1,687	1,740	1,793	1,845	1,903
09	1,740	1,793	1,845	1,903	1,965	2,020
10	1,845	1,903	1,965	2,020	2,082	2,145
11	1,965	2,020	2,082	2,145	2,217	2,286
12	2,082	2,145	2,217	2,286	2,365	2,445
13	2,217	2,286	2,365	2,445	2,531	2,623
14	2,365	2,445	2,531	2,623	2,715	2,818
15	2,531	2,623	2,715	2,818	2,910	3,020
16	2,715	2,818	2,910	3,020	3,129	3,242
17	2,910	3,020	3,129	3,242	3,353	3,468
18	3,129	3,242	3,353	3,468	3,582	3,717
19	3,353	3,468	3,582	3,717	3,831	3,974
20	3,582	3,717	3,831	3,974	4,095	4,246
21	3,831	3,974	4,095	4,246	4,379	4,537
22	4,095	4,246	4,379	4,537	4,687	4,859
23	4,379	4,537	4,687	4,859	5,021	5,209
24	4,687	4,859	5,021	5,209	5,385	5,568
25	5,021	5,209	5,385	5,568	5,773	5,990
26	5,209	5,385	5,568	5,773	5,990	6,206
27	5,385	5,568	5,773	5,990	6,206	6,442
28	5,568	5,773	5,990	6,206	6,442	6,666
29	5,773	5,990	6,206	6,442	6,666	6,901
30	5,990	6,206	6,442	6,666	6,901	7,144

(b) ORepealed, sec. 38 ch 3 SLA 1980.E

(c) If a state officer or employee is appointed a deputy department head or a division director and, at the time of appointment, the officer or employee is receiving a salary higher than that set for the position to which appointment has been made, the officer or employee is entitled to continue receiving the higher salary. This subsection does not apply to the salary of a person appointed to a position other than a deputy department head or a division director.

HISTORY (Sec. 12 ch 148 SLA 1976; am sec. 1 ch 92 SLA 1977; am secs. 1, 10 ch 80 SLA 1978; am secs. 1, 16, 30, 31, 38 ch 3 SLA 1980; am sec. 1 ch 50 SLA 1982; am sec. 1 ch 83 SLA 1983; am sec. 4 ch 87 SLA 1985)

HEADINGS TITLE 39.  
Public Officers and Employees.  
CHAPTER 27.  
Pay Plan for State Employees.

CITATION Sec. 39.27.022.

CATCH LINE

PAY INCREMENTS FOR LONGEVITY IN STATE SERVICE.

TEXT (a) Pay increments, computed at the rate of 3.75 per cent of the employee's base salary, shall be provided after an employee has remained in the final step within a given range for two years, provided that the employee has worked continuously for the state for seven years and provided that the current annual rating by the employee's supervisors is designated as "good" or higher.

(b) Additional increments, each computed at the rate of 3.75 per cent of the employee's base salary, shall be provided under the same restrictions as provided in (a) of this section when the employee has remained in the final step for four, nine and thirteen years.

(c) Longevity pay increments provided for in (a) and (b) of this section are approved under AS 39.25.150(2) as an amendment

to the pay plan for employees of the state.

HISTORY (Sec. 1 ch 163 SLA 1972)

ANNOTATIONS

OPINIONS OF ATTORNEY GENERAL Interpretating the longevity pay increments provided for by this section, so as to suggest that these increments may not be salary steps and therefore employees receiving these longevity increments who are promoted to a higher job series are not entitled to the salary increases required by Personnel Rule 9.02.13 and article 7 of the agreement between the state of Alaska and Alaska Public Employees Association covering the general government unit would be at variance with the legislative intent expressed in this section. September 11, 1974, Op. Att'y Gen.

DECISIONS NOTES TO DECISIONS The purposes of this section are twofold, namely: To provide a reward for longevity in state employ, and to reestablish an incentive for employees who have attained the final step within a given range to continue in their employment. Alaska Pub. Employees Ass'n v. State, Sup. Ct. Op. No. 1066 (File No. 1999), 525 P.2d 12 (1974). Legislative history. - See Alaska Pub. Employees Ass'n v. State, Sup. Ct. Op. No. 1066 (File No. 1999), 525 P.2d 12 (1974). The language of this section is not clear and unambiguous as to when the pay increments in either subsection (a) or (b) should be granted. Alaska Pub. Employees Ass'n v. State, Sup. Ct. Op. No. 1066 (File No. 1999), 525 P.2d 12 (1974). But at least some increment intended for immediate implementation. - The language of this section is not clear and unambiguous as to when the pay increments should be implemented. However, the Free Conference Committee Report indicates an intention that at least some increment be implemented immediately. Alaska Pub. Employees Ass'n v. State, Sup. Ct. Op. No. 1066 (File No. 1999), 525 P.2d

12 (1974). No basis for assigning different implementation times to increments of subsections (a) and (b). - Since the wording of subsections (a) and (b) is nearly identical, there would seem to be no basis for assigning different implementation times to the increments, unless an indication of such legislative intent is to be found elsewhere. The supreme court has discovered no such expression of contrary legislative intent. Alaska Pub. Employees Ass'n v. State, Sup. Ct. Op. No. 1066 (File No. 1999), 525 P.2d 12 (1974). Thus, employees entitled retroactively to pay increments in subsection (b). - As of July 1, 1972, state employees who otherwise met the statutory eligibility requirements and had been in the last step of their pay range for four, nine, or 13 years should have immediately received the pay increments provided by subsection (b) of this section. Alaska Pub. Employees Ass'n v. State, Sup. Ct. Op. No. 1066 (File No. 1999), 525 P.2d 12 (1974). Given an indication of retroactivity in the Free Conference Committee Report on the original bill and the similarity in the phrasing of subsections (a) and (b), the most intrinsically reasonable interpretation of the bill would seem to be that, in the absence of any indications of legislative intent to the contrary, if eligibility for the initial pay increase was to become effective on July 1, 1972, then eligibility for all the incremental increases should become effective on that date. Alaska Pub. Employees Ass'n v. State, Sup. Ct. Op. No. 1066 (File No. 1999), 525 P.2d 12 (1974).

HEADINGS TITLE 39.  
Public Officers and Employees.  
CHAPTER 35.  
Public Employees' Retirement System of Alaska.  
ARTICLE 6.  
Benefits.

CITATION Sec. 39.35.385.

CATCH LINE

CONDITIONAL SERVICE RETIREMENT BENEFITS.

TEXT

(a) Subject to AS 39.35.450, an employee is eligible for a normal retirement benefit at age 60 with at least two years of credited service if the employee also is eligible for a normal retirement salary under the teachers' retirement system (AS 14.25).

(b) Subject to AS 39.35.450, an employee is eligible for an early retirement benefit at age 55 with at least two years of credited service if the employee also is eligible for an early retirement salary under the teachers' retirement system (AS 14.25).

(c) Credited service for which contributions were refunded is not creditable under this section unless the refunded contributions have been repaid. For purposes of (a) and (b) of this section, a member or former member does not have to be reemployed under this system in order to pay refunded contributions. Compound interest at the rate prescribed by regulation must be added to the reinstatement indebtedness from the date of the refund to the date of repayment.

(d) The monthly amount of a conditional service retirement benefit shall be calculated on the years of fully paid credited service in accordance with AS 39.35.370(c), except that the member may irrevocably elect to substitute one-twelfth of the "average base salary" as defined in AS 14.25.220(5) in place of average monthly compensation.

(e) Benefits payable under this section accrue from the first day of the month (1) in which the member meets the eligibility requirements of this section, (2) following the date of termination, and (3) following application for retirement, and are payable the last day of the month. If payment is delayed, a retroactive payment shall be made to cover the period of deferment. The last payment shall be made for the month in which the member dies or is no longer eligible for a benefit under this section.

(f) Subject to AS 39.35.450, an employee is eligible for a normal retirement benefit at age 60 or an early retirement benefit at age 55 if the employee has at least 60 days of credited service as a temporary employee of the legislature during each of five legislative sessions.

HISTORY

(Sec. 3 ch 174 SLA 1978; am sec. 11 ch 82 SLA 1979; am sec. 37 ch 13 SLA 1980; am secs. 50, 51 ch 137 SLA 1982; am secs. 25-27 ch 32 SLA 1986; am secs. 36, 37 ch 117 SLA 1986)

ANNOTATIONS

REVISOR'S NOTES In 1986, the phrase "Subject to AS 39.35.450" was added at the beginning of (f) of this section in order to be consistent with (a) and (b) of this section and the language of AS 39.35.450, as amended by ch. 117, SLA 1986. This new language does not take effect until January 1, 1987.

AMENDMENT NOTES

EFFECT OF AMENDMENTS The 1980 amendment added the present second and third sentences in subsection (c).

The 1982 amendment inserted "(a) and (b) of" in the second

sentence of subsection (c) and rewrote subsection (d).

EFFECT OF AMENDMENTS The first 1986 amendment, effective July 1, 1986, substituted "60" for "55" in subsection (a), substituted "55" for "50" in subsection (b), and substituted "age 60" for "age 55" and "age 55" for "age 50" in subsection (f).

The second 1986 amendment, effective January 1, 1987, added "Subject to AS 39.35.450" at the beginning of subsections (a) and (b) and made a related grammatical change.

EDITORS NOTES

EDITOR'S NOTES Section 15, ch. 82, SLA 1979, provides that AS 39.35.385 (f) applies to a temporary employee of the Eleventh Legislature, First Session, even though he may not be an employee under the public employee's retirement system on July 1, 1979.

EDITOR'S NOTES Section 57, ch. 82, SLA 1986, effective July 1, 1986, provides: "Sections 16, 22-23, 25-27, 42-45, and 50 of this Act apply only to members first hired under the Public Employees' Retirement System after June 30, 1986."

HEADINGS TITLE 39.  
Public Officers and Employees.  
CHAPTER 35.  
Public Employees' Retirement System of Alaska.  
ARTICLE 6.  
Benefits.

CITATION Sec. 39.35.450.

CATCH LINE

JOINT AND SURVIVOR OPTION.

TEXT

(a) Benefits payable under this section are in place of benefits payable under AS 39.35.370, 39.35.385, and 39.35.460. Upon filing an application with the administrator or when a disabled employee first attains eligibility for normal retirement under AS 39.35.400(f) or 39.35.410(h), the employee shall designate the person who is the employee's spouse at the time of appointment to retirement as the contingent beneficiary. However, if the designation of the spouse is revoked under (c) of this section, the employee may designate a dependent approved by the administrator as the contingent beneficiary or may take normal or early retirement under AS 39.35.370 or 39.35.385 or a level income option under AS 39.35.460. The administrator shall pay benefits under the option elected by the employee. The employee may elect an option that provides that

(1) the employee is entitled to receive a reduced benefit payable for life, and, after the employee's death, the contingent beneficiary is entitled to payments in the amount of 75 percent of the reduced benefit payable for life;

(2) the employee is entitled to receive a reduced benefit payable for life, and, after the employee's death, the contingent beneficiary is entitled to receive payments in the amount of 50 percent of the reduced benefit payable for life;

(3) the employee is entitled to receive a reduced benefit payable during the joint lifetime of the employee and the contingent beneficiary, and, after the death of either the employee or the contingent beneficiary, the survivor is entitled to receive payments in the amount of  $66\frac{2}{3}$  percent of the reduced benefit payable for life.

(b) The aggregate of the pension payments expected to be paid to an employee and the contingent beneficiary under the options set out in (a) of this section shall be the actuarial equivalent of the pension that the employee is otherwise entitled to receive upon retirement.

(c) An employee may elect or change an option without the approval of the administrator if the election or change is filed in writing with the administrator before the effective date of the employee's retirement. An employee may revoke a joint and survivor option if the employee files with the administrator before the effective date of the employee's retirement a revocation and consent to the revocation signed by the employee's present spouse and each person entitled to benefits under a qualified domestic relations order on forms provided by the administrator. The administrator may waive the requirement for written consent from

(1) a person entitled under the order if the person cannot be located or for another reason established by regulation; or

(2) the spouse if

(A) the employee is not married;

(3) the employee was not married to the spouse

during any period of the employee's employment with an employer;

(C) the spouse has no rights to the option because of the terms of a qualified domestic relations order;

(D) the spouse cannot be located;

(E) the employee and the spouse have been married for less than two years and the employee establishes that they are not cohabiting; or

(F) another reason is established under regulations of the administrator.

(d) A member, including a deferred vested member, may, regardless of age, elect a joint and survivor option any time before appointment to receive a retirement benefit.

(e) If either the employee or contingent beneficiary dies before the employee is appointed to retirement, the election becomes inoperative. Once the employee is appointed to retirement, the election is irrevocable. If a retired employee is reemployed and is subsequently reappointed to retirement, those benefits earned during the period of reemployment are

subject to the initial election made under this section, unless the contingent beneficiary is deceased. If the contingent beneficiary is deceased, the benefits earned during the period of reemployment are subject to AS 39.35.370 or this section if another contingent beneficiary was elected during the period of reemployment. All other benefits earned during prior periods of employment are subject to the election at the time the employee was appointed to retirement. If death occurs from nonoccupational causes during the period of reemployment, those benefits earned while reemployed are subject to AS 39.35.420(b). All other benefits earned during prior periods of employment are subject to the election at the time the employee was appointed to retirement. If death occurs from occupational causes during the period of reemployment, all benefits earned during all periods of employment are subject to AS 39.35.430(b) and (c).

(f) The employee and any person claiming to be a contingent beneficiary shall file with the administrator a marriage certificate, divorce or dissolution judgment, or other evidence necessary to determine the applicability of this section and the identity of any contingent beneficiary.

(g) If the administrator determines, based on the affidavit of the employee and other evidence that an employee is eligible to elect a form of payment other than a joint and survivor option under this section, and no contrary evidence is presented to the administrator within 60 days after the effective date of the employees's retirement, no claim under this section, made by a spouse or former spouse of the member, may be paid if payment would result in an increase in actuarial liability to the system.

(h) If an employee fails to elect an option under this section, and if no effective revocation is filed with the administrator, the employee is considered to have elected the option provided in (a)(2) of this section.

## HISTORY

(Sec. 26 ch 143 SLA 1960; am sec. 8 ch 235 SLA 1968; am sec. 12 ch 159 SLA 1972; am secs. 24 - 26 ch 1 SLA 1974; am sec. 6 ch 81 SLA 1976; am sec. 45 ch 128 SLA 1977; am secs. 41 - 43 ch 117 SLA 1986)

## AMENDMENT NOTES

EFFECT OF AMENDMENTS The 1986 amendment, effective January 1, 1987, rewrote subsection (a); in subsection (c), deleted "or revoke" preceding "an option" and "or revocation" preceding "is filed" in the first sentence in the introductory language and added the remaining provisions of that subsection; and added subsections (f), (g), and (h). For provisions of subsections (a) and (c) in effect until January 1, 1987, see the main pamphlet.