

HB

281

# STATE OF ALASKA

## DEPARTMENT OF EDUCATION

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

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

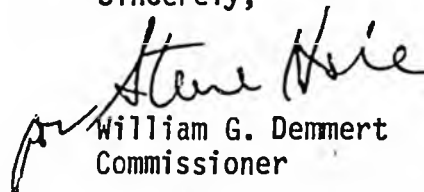
Dear Representative Cato:

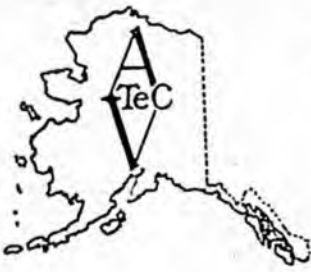
The Department of Education supports the efforts of the Alaska Vocational Technical Center (AV Tech) to attain the statutory change necessary to enable educational institutions such as AV Tech to hire students under the exempt category of service. From a practical standpoint we believe that this will 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.

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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

- (3) prior positions held by a state employee;
  - (4) whether a state employee is in the classified, partially exempt, or exempt service;
  - (5) the dates of appointment and separation of a state employee; and
  - (6) the compensation authorized for a state employee.
- (c) A state employee has the right to examine the employee's own personnel files and may authorize others to examine those files.
- (d) An applicant for state employment who appeals an examination score may review written examination questions relating to the examination unless the questions are to be used in future examinations. (§ 18 ch 144 SLA 1960; am § 5 ch 112 SLA 1982)

**Effect of amendments.** — The 1982 amendment rewrote this section.

**Article 2. Coverage of Personnel.**

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

**Sec. 39.25.090. Coverage of chapter.** This chapter and the rules adopted under it apply to all positions in (1) the classified service, and (2) the exempt and partially exempt service as specifically provided. (§ 3 ch 144 SLA 1960; am § 6 ch 112 SLA 1982)

**Effect of amendments.** — The 1982 amendment inserted "exempt and" in item 1).

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

**NOTES TO DECISIONS**

Quoted in *Mueller v. Alaska State Bd. Personnel*, Sup. Ct. Op. No. 396 (File No. 18), 425 P.2d 145 (1967); *State v. Bogenrife*, Sup. Ct. Op. No. 918 (File No. 1665), 513 P.2d 13 (1973).

**Sec. 39.25.110. Exempt service.** 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 or teachers in skill centers operated by the Department of Education;

(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 Alcoholic 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;

(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. (§ 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)

ADD  
HERE

**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).

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. *Haffing v. Inlandboatmen's Union*, Sup. Ct. Op. No.

1743 (File No. 3438), 585 P.2d 870 (1978).

No inconsistency between ferry crew exemption of this section and inclusion of such personnel with Public Employment Relations Act, AS 23.40.070 et seq. — See *Haffing v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

**Sec. 39.25.120. Partially exempt service.** (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,

STATE OF ALASKA 1987 LEGISLATIVE SESSION No. 1  
FISCAL NOTE

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

Bill Version: HB 281  
Publish Date: HOUSE 5/4/87

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						
REVENUE						

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 Korte Phone: 465-2800  
Division: Commissioner's Office Date: May 1, 1987  
Approved by Commissioner: William G. Demmert Date: May 1, 1987  
Agency: Education

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