SB

338

HOUSE COMMITTEE REPORT

(7)

Date Referred: April 24, 1992 FURTHER REFERRALS: Finance

Date of Committee Action: 5/7/92

The STATE AFFAIRS Committee considered: CSSB 338(FIN)

CS FOR SENATE BILL NO. 338 (FIN) PERS CREDITED SERVICE FOR TEMP SERVICE

"An Act relating to credited service that vested members of the public employees' retirement system receive for temporary service and to credited service for temporary service for the legislature; relating to benefits paid under the territorial public employees' retirement system; and providing for an effective date."

RECOMMENDATIONS: [ ] the same title

be replaced with _____ [ ] a new title

[ ] have attached amendments(s)

[X] do pass

[ ] do not pass

[ ] no recommendations

[ ] individual recommendations

[ ] additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept)

[ ] fiscal impact _____

[ ] zero fiscal note _____

APPROVES PREVIOUS: (Dept/Date)

[X] fiscal note(s) Admin 4/21/92

[ ] zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
Eugene G. Kubina	X	Nina Rieger		✓	
Tom Moyer	—				
G. Brown	—				
Jerry Sabo	—				

Eugene G. Kubina

CHAIRMAN'S SIGNATURE

FISCAL NOTE

BILL NO. CSSB 338 (FIN)

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Revision Date: April 16, 1992
Title: An act relating to credited service that PERS members receive for temporary service.
Sponsor: Duncan
Requestor: Senate Finance

Department Affected: Administration
BRU: Retirement and Benefits
Component: EPORS
COMPONENT SERIAL NO. 964

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
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	24	24	24	24	24	24
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	2.4	2.4	2.4	2.4	2.4	2.4
CAPITAL	0	0	0	0	0	0
REVENUE FUND SOURCE:	0	0	0	0	0	0

FUNDING: (Thousands of dollars)

GENERAL FUND	24	24	24	24	24	24
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE	0	0	0	0	0	0
TOTAL	2.4	2.4	2.4	2.4	2.4	2.4

POSITIONS

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

Estimate of current year impact: $0

ANALYSIS: (attach a separate page if necessary.)

Since the full actuarial cost of this service is to be payed by the member, there is no anticipated cost to the Public Employees' Retirement System employers. $2.4 GF is required to provide for the increase to territorial retirees.

Prepared By: Gary Bader
Division: Retirement and Benefits
Phone: 465-4470
Date: April 17, 1992

Approved by Commissioner: Nancy Bear Usera
Agency: Department of Administration
Date: 4/20/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB & Impacted Agency(ies).
Rev 11/91

FISCAL NOTE

Alaska State Legislature

Senator Jim Duncan

COMMITTEES:
Vice Chair – Finance
Vice Chair – State Affairs
Rules
Budget & Audit
Ethics Reform

DATE: April 27, 1992

TO: Representative Gene Kubina, Chair
House State Affairs Committee

FROM: Senator Jim Duncan

SUBJECT: Senate Bill 338, an Act relating to credited service that vested members of the public employees' retirement system receive for temporary service, to credited service for temporary service for the legislature; and relating to benefits paid under the territorial public employees' retirement system; and providing for an effective date.

Please schedule a hearing on SB 338 at your earliest convenience.

Senate Bill 338 will allow employees with unclaimed temporary service time to choose whether to claim their past service for retirement credit for the purposes of calculating benefits only, or towards twenty or thirty and out retirement when appropriate. Presently, such service can only be used towards calculation of benefits, not as years of service credit for normal retirement. The employee will be required to pay the full actuarial cost of the option they choose.

This bill will also allow individuals with service as a temporary legislative employees to claim that service at any time, provided the individual pays the full actuarial cost of the credited service claimed. Present law requires that such service must have been claimed prior to July 1, 1980.

In addition, a cost of living adjustment will be provided to the one remaining beneficiary of territorial retirement benefits.

I urge your support for this legislation.

Attachments

Alaska State Sena

SPONSOR STATEMENT

(907) 465-4766

POSITION PAPER
DEPARTMENT OF ADMINISTRATION

Contact: Gary M. Bader

Bill Number: SB 338

Phone #: 465-4470

Bill Title: An act relating to credited service that PERS members can claim for temporary service.

This bill would allow a member to claim temporary service as either "credited" service, which only increases the benefit amount, or "membership" service, which enables the member to reach minimum service requirements for retirement, in addition to increasing the benefit. Under present law, temporary service may only be claimed as credited service.

This bill would enable employees to use temporary service to retire under the "30 and out" and "20 and out" retirement options.

Temporary service is currently recognizable under the retirement system. Since the full actuarial cost of using the temporary service must be borne by the employee, the provisions of this bill will not result in any cost to the retirement system. For these reasons, the department has no objection to the treatment of temporary service proposed by this bill.

N Bear Usera

Nancy Bear Usera
Commissioner

4-14-92
Date

January 29, 1992

Senator Jim Duncan
Alaska State Legislature
State Capitol
Juneau, Alaska 99811

Dear Senator Duncan:

I strongly support Senate Bill 338. This bill would allow many who have provided years of committed service to the state to count the time accumulated while working in temporary positions toward normal retirement or for the calculation of benefits.

My employment history with the state has been totally within the Department of Fish and Game. During the summer of 1967 I began temporary work as a clerk typist III and switchboard operator earning a salary of $2.30 an hour. In subsequent seasons, I worked as a clerk in the accounting section, as a sport fish creel census technician, and in the late 1970's as a fishery biologist supervising the creel census project and as a field biologist in remote areas of Southeast Alaska. All of these positions were temporary. Essentially, this meant that any expectations for continued employment the following year were informal and subject to change without cause. My employment since that time has been as an eleven-month permanent seasonal assistant shellfish biologist.

I was vested in September 1987. In September of 1988 I was credited with an estimated additional 5.8 years of service as a temporary State employee. The indebtedness principal was $31,586.00. Interest has been added to this at 7.12 percent annually. Total PERS indebtedness (principal and interest) as of last week was $39,500. I elected to claim the temporary service but could not pay the indebtedness. Even if I could have, the cost of the indebtedness far exceeded any benefits I would have assumed.

I have read Commissioner Usera's position paper regarding Senate Bill 338. It seems that her major point of contention is that the employer (the State of Alaska) is not gaining anything from the proposed legislation. If anything, this bill simply is an attempt to redress a state hiring policy that was inequitable prior to 1980. Indeed, it does not actually provide redress, as all costs for time or benefits recognition will be borne by the employee. In addition, the state has realized the benefits of experience and

knowledge gained by the employee that has continued state employment despite the lack of any benefits. Further concerns that the state would incur significant administrative costs for computer reprogramming and other hidden costs are not compelling, considering such costs are part and parcel of any program, pre-existing or new, embarked upon by the state.

I sincerely hope that there is favorable consideration of this bill. We appreciate the efforts that you and your staff have given to the research in filing this legislation.

Sincerely,

Catherine J. Botelho

Catherine Botelho
PO Box 210515
Auke Bay, Alaska 99821

cc: Senator Pat Rodey
Chairman, State Affairs Committee

Herman Savikko
P.O. Box 240772
Douglas, AK 99824-0772

January 28, 1992

The Honorable Jim Duncan
Alaska State Legislature
State Capitol
Juneau, AK 99811

Dear Senator Duncan:

I am writing in support of Senate Bill No. 338, "An act relating to credited service that vested members of the public employees' retirement system receive for temporary service and to credited service for temporary service for the legislature". Presently, an employee may only "buy back" temporary time to be used towards calculation of the benefit package, and not as total service to the state.

Aside from limited temporary state service from 1971 - 1974 with the Department of Public Safety (performing clerical tasks), the majority of my state employment history has been within the Department of Fish and Game. Monies earned working seasonally went towards college expenses. I attended the University of Alaska Fairbanks and worked towards a Bachelor's Degree in Biology, graduating in 1976.

In 1975, I was hired by the Department of Fish and Game, Division of Comercial Fisheries as a seasonal Fish and Game Technician working in Bristol Bay. Working on salary, pay was based upon a 37.5 hour work week. In a remote field situation, actual time invested in a project far exceeded that. My salary was less than $1,000 per month, and employees like myself worked largely out of our desire to protect and manage one of Alaska's great resources. As you may recall, this was during the same period of time when many people took advantage of "outrageous pipeline dollars".

Temporary Fish and Game employees received no overtime, and no benefits; all to the benefit of the state. A review of Division expenditures during that time (1976-1979) indicates that Alaska spent an average of $10.0 million on the research and management of commercial fisheries, which were worth in excess of $439 million (ex-vessel).

Unlike the luxury afforded by the present system, there was little job security from season to season, even when receiving good evaluations for past performance. I worked for the Department of Fish and Game seasonally in very remote field camps in Bristol Bay and Kodiak after graduation, as a fishery technician and fishery

biologist. In 1980, the State of Alaska did away with 'temporary employees', reclassifying those positions into 'permanent seasonal' ones. In 1981 I was hired by the Department of Fish and Game as a permanent seasonal. I have been employed by the department since that time in both permanent seasonal and permanent full-time positions.

During the four year period in which I held temporary positions, I earned 1.03 years of temporary service that I was able to claim when I became vested. The principal balance of $5,100 that I owed in order to purchase back this time was not based upon the actual costs to the state at the time it was earned, but rather upon my current salary on the date I became vested. My salary at the time I was vested was as much as 230 percent greater than I had been earning as a temporary employee. Although I haven't received my latest statement from the Division of Retirement and Benefits, interest has inflated my present indebtedness to about $7,500 at this time.

I have read Commissioner Usera's position paper to you dated January 22, 1992. In her paper, she expresses concerns for additional administrative costs necessary to implement your bill. I can certainly understand, and applaud the state's desire to keep spending down as oil revenues decrease. However, in my case, as in the case of the majority of biologists in this similar situation, I believe most of the work (and associated cost) has already been performed by the Department of Administration in determining present indebtedness for claimed service. I would not consider any necessary, additional costs extraordinary when compared with those generated by the magnitude of business the state elects to embark on each and every day. Commissioner Usera also stated that "From a broader public policy perspective, the issue is whether we want to provide incentives to move people through the system as fast as possible. The purpose of a retirement system is still to 'attract and retain' quality employees to public service, while providing for economic long term security for the employees and the state." I think that it is obvious that any current state employee who could benefit from SB 338 at this time (by being able to claim temporary service performed prior to changes made to the system in 1980), has proven that the state has certainly 'attracted and retained' quality employees; those continuing state service for the 12 year duration. Additionally, your bill would not require anyone to leave state service prematurely if they chose not to.

I feel that your bill would satisfy an inequity that has existed for a very long time, and I commend you on it.

Sincerely,

Herman Savikko

Herman Savikko

Karen Crandall
11466 N. Douglas Hwy.
Juneau, Alaska 99801
(907) 586-5913

January 28, 1992

Senator Jim Duncan
P.O. Box V
Juneau, Alaska 99811-3100

Re: Senate Bill No. 338, An Act relating to credited service that vested members of the public employees retirement system receive for temporary service .....

Dear Senator Duncan:

Like many employees of the Department of Fish and Game (ADF&G) who started their careers prior to 1980, I began mine in March 1974 as a temporary Fish and Game Technician working in Ketchikan. During the next 3 3/4 years I worked a total of 4 months as a full time permanent employee and 29 months as a temporary employee of ADF&G in Ketchikan, Glennallen and Juneau. During this period I worked in the field, performing the same duties, taking the same risks and working the same long hours in inclement weather as my full time permanent co-workers and supervisors. The only difference was that they were paid for holidays, earned annual and sick leave, received health benefits that I as a temporary employee did not. In December 1977, I was hired as a fulltime permanent Fisheries Biologist. Since that time, I have worked my way up the ranks, taking on additional responsibilities at each step, until today I am a Fishery Biologist IV in charge of the Coded Wire Tag Processing Lab in Juneau and supervise the work of 22 other employees including 17 seasonal employees. My story is very similar to other long time department employees. Many of us have long since paid our "dues", have worked very hard, and have become valued employees of the department. I feel that it is only fair that we be able to buy back temporary time and receive credit for those years of temporary service. In 1988 I claimed my temporary service but have not yet determined if it is to my benefit to pay off my idebtedness if earned time does not count towards years of service. In 1980 the classification "temporary" employee was abandoned and replaced with "seasonal" employee. Technicians and biologists hired in the spring of 1980 who flew the same surveys and walked the same streams as I had in the spring of 1974 received the benefits they earned. Time worked as a seasonal Fish and Wildlife technicians or as a seasonal biologist now counts towards years of service. Seasonal employees are being compensated fairly for the hard work they perform. In retrospect I ,as a temporary employee, was not.

I support your efforts on behalf long time state employees. I urge other senators to vote for Senate Bill No. 338 because:

- It is fair. Employees working side by side should have been treated similarly by the state's retirement and benefit system. There is not much difference between a temporary technician working eleven months in a year and a permanent technician working twelve months a year minus paid holidays, paid vacation and paid sick leave. Those of us who began our careers before 1980 should be treated the same as those who began their's after 1980.

- Because the employee will be required to pay the full actuarial cost of the option they choose, passage of this bill should have minimal fiscal impact to the State.

As a seventeen year employee of the Department of Fish and Game, I appreciate your work on this bill.

Sincerely,

Karen Crandall

Karen Crandall

January 28, 1992

The Honorable Jim Duncan
Alaska State Legislature
State Capitol
Juneau, AK 99811

Dear Senator Duncan:

I am writing to express my support for your draft Senate Bill No. 338. I have been employed as a permanent fisheries biologist with the Department of Fish and Game for over 10 years. Prior to becoming a permanent employee, I worked as a temporary fisheries technician and fisheries biologist for six field seasons. I believe I have over three years of service as a temporary employee.

As a temporary, I worked along side permanent staff and performed the same duties. The temporary positions I held were no different from the Permanent Seasonal category of employment, except that retirement and benefits did not apply. I worked in these Fish and Game jobs, rather than the more lucrative "pipeline" jobs that many of my friends took, because I wanted to have a career as a fishery biologist for the state. I have been lucky enough to reach my career goal, but I would also like the opportunity to receive the benefits that I think I deserve from my temporary employment.

I realize that to take advantage of SB 338 I will have to reimburse the state for the benefits that I did not pay as a temporary. I frankly don't know if I can afford it, but I believe it is only fair that I should be given the opportunity to count that time served toward my retirement.

Once again, I want you to know that I support SB 338 and I appreciate the fact that you introduced it. Please contact me if there is anything I can do to help get this bill passed.

Sincerely

Rolland Holmes
3650 Glacier Hwy.
Juneau, AK 99801

January 28, 1992

The Honorable Jim Duncan
Alaska State Legislature
State Capitol
Juneau, AK 99811

Dear Senator Duncan:

I am writing to you regarding draft Senate Bill No. 338. I will take this opportunity to express my support for this bill, and to comment on Administration Commissioner Usera's letter to you dated January 22, 1992 where she opposes this bill.

I have been employed as a permanent fisheries biologist with the Department of Fish and Game since June, 1979. During 1974 through the spring of 1979 I accrued approximately 13 months of temporary work time with ADF&G. Although I was extremely happy working for the department, I never the less always felt that the State was getting a very good deal. I worked in very remote, often hazardous situations, for extended periods, for several years, without accruing any sick or annual leave, and with no medical coverage. On two separate occasions I and my field companion were involved in near-drowning incidents. In 1979, after injuring myself gathering biological samples for the department, near Sitka, I had to borrow money to fly south and have an operation, because I had no state medical coverage. It seemed a bit unfair at the time, but that's the way it was.

When I became vested in 1984, I claimed my temporary time for possible enhancement of future retirement benefit, although my indebtedness is substantial and continues to increase. I was happy to be able to claim that time for a possible benefit increase, however, I was disappointed at the substantial cost, given what it would have cost me had I been making monthly contributions to PERS back in the mid 70s.

Senator Duncan, what I am trying to say is that I believe, aside from the costs/benefits to the state, is that this bill is the right thing to do. From my totally objective and removed perspective, cough, I think I deserve to be given AT LEAST the opportunity to count my service toward my retirement threshold, especially if I am willing to pay for it. Unfortunately, even if SB 338 passes, most qualifying employees will likely not have the money to buy what should be theirs already. As I understand, claiming ones temporary time for application toward a retirement threshold will cost more that if applying the time toward an increased benefit, which is also very expensive.

I found Commissioner Usera's evaluation of SB 338 the typical administrative response. Rather than taking a position of support,

she has chosen to take the more common and unfortunate administrative stand, i.e. we can't do that, because . . . . because it might cause more work? Well how much more work? Commissioner Usera said "There would be additional computer programming costs to record the service selection and identify the two different types of service." Vested employees, such as myself, have already had the option to apply for temporary service for an increased retirement benefit. I did it and the administrative people handled it in a routine fashion. If someone wanted to claim service for adjusting ones retirement threshold, would it really add much of a burden? Is it reasonable to reject a program because of "additional complexity to the system?" Where I work at Fish and Game, if I told my supervisors that I did not want to take on an assignment because of the possibility of adding complexity to my job, well, I would be just a little bit embarrassed.

Senator Duncan, I sincerely appreciate your introduction of SB 338. I hope it passes.

Sincerely,

Mark Schwan

Mark Schwan
12090 Cross St.
Juneau, AK 99801

P.O. Box 533
Kodiak, AK 99615
September 23, 1991

Senator Jim Duncan
Rm. 119, Capitol
P.O. Box V
Juneau, AK 99811

Dear Senator Duncan:

I am writing to you in an attempt to get legislation sponsored that would give State employees the option of crediting temporary service towards their retirement. We are interested in a bill that would have a zero cost impact on the State, where employees would have to pay into the retirement fund to claim temporary service or else receive a reduced retirement benefit to make up for unpaid temporary service.

A group of Fish and Game employees attempted to get this type of legislation sponsored through our union (A.S.E.A.), but found the union unresponsive. The union was not opposed to this type of legislation, but a bill was never introduced due to a combination of being understaffed, disorganized and/or apathetic.

We circulated a petition throughout local Fish and Game offices asking A.S.E.A. to sponsor appropriate legislation, a copy of which is enclosed. This is not a complete list of interested people. However, eleven field offices were contacted, and 100 individuals signed the petition. The responses from Sitka, Dillingham and Nome were misplaced.

I will keep this request short and ask if you are interested in sponsoring this type of legislation. I would like to discuss with you or one of your assistants any aspects of the history of temporary service or potential problems with this type of legislation if you are interested.

Thank you for your consideration.

Sincerely,

Len Schwarz

Len J. Schwarz

Enclosure

To ASEA:

The following Department of Fish and Game employees and ASEA members would like to support the union lobbying for the introduction and passage of legislation that would allow temporary state service to be counted towards retirement. KODIAK office

NAME	ADRESS	YEARS OF PERMENENT SERVICE	APPROXIMATE MONTHS TEMPORARY SERVICE
1; Len Schway	BOX 533 KODIAK	10 years	22 months
2; S. Forrest Blair	SR7700 Kodiak	10 years	22 months
3; Jim Blackburn	Box 948 Kodiak	14 years	6 months
4; Doug Pengilly	Box 3347 Kodiak	2 1/2	3 months
5; Leslie J Watson	Box 2473 Kodiak	~10 yrs.	24 months
6; David R Jackson	11248 Kalsin dr. Kodiak	10 yrs.	32 months
7; James A Spalinger	Box 1462 Kodiak	13 years	9 months
8; Jeff Barnhart	11276 Bells Flat Road, Kodiak	7	24 months.
9; Jeff J Denning	Box 3045 Kodiak, AK	7	14 months
10; Thomas Dimaanao	Box 3045 Kodiak AK	7	6-7
11; Kimberly Phillips	PO. Box 683 Kodiak AK.	5 yrs.	12 mo.
12; Brick H Barren	SR 4077 Woodland Dr	18.5	15 months
13; David L Owen	Box 626 Kodiak AK	10 years	9 months
14; Kevin J Berwald	Box 2230 Kodiak AK		

To ASEA:

The fallowing Department of Fish and Game employees and ASEA members would like to support the union lobbying for the introduction and passage of legislation that would allow temporary state service to be counted towards retirement. KODIAK office

NAME	ADRESS	YEARS OF PERMENATE SERVICE	APPROXIMATE MONTHS TEMPORARY SERVICE
1; Arnold Shaul	P.O. BOX 2081 Kodiak	21	21
2; Jim McCullough	Box 1381 Kodiak	9	0
3; Robert Berceli	211 Mission ra Kodiak	5	18
4; DAVE Prokopowich	PO Box 299 Kodiak AK	10	
5; PETER J. PROBASCO	Box 3149 KODIAK	11	≈ 28
6; Roger B. Smith	Box 2473	18.9	9 mo.
7; Bill Donald	1713 Mission	17.5	3 mo.
8; Doris A. Meinch	Box 631	3.5	30
9;			
10;			
11;			
12;			
13;			

RECEIVED 2/6/91

To ASEA:

The fallowing Department of Fish and Game employees and ASEA members would like to support the union lobbying for the introduction and passage of legislation that would allow temporary state service to be counted towards retirement. HOMER office

NAME	ADRESS	YEARS OF PERMENATE SERVICE	APPROXIMATE MONTHS TEMPORARY SERVICE
Begin 1 Rance Morrison	PO Box 15004 FCB Homer	10	19 mo
2; Al Kimker	Box 4303 Homer 99603	14+	16 mo.
3; Wes Bucher	P.O. Box 1138 Homer, AK. 99603	11.7	30 mo.
4; Larry Boyle	PO Box 2198 Homer, AK 99613	8	12.
5; [illegible]	[illegible] Homer AK 99603	?	
6; Nick Dudiak	640 Sound View Ave Homer, AK 99603	13+	0
7; Lee Hammarstrom	Box 2595 Homer, AK. 99603	10	Ø
8; Paul Desjardin	Box 1986 Homer, AK. 99603	16	Ø
9; Tom Ballanc	Box 673 Homer	9	43 mo.
10; David C. Waite	3298 Douglas St	19	18 mo
11; Peter Velikov	3298 Douglas St	14	15 mo.
12; Craig M.K. Forrest	PO Box 15261 Fritz Creek	12	19 mo
13; Richard Gustafson	P.O. Box 4144 Homer	5+	19 mo.
14 William R Bechtol	3298 Douglas St, Home	6	Ø

To ASEA:

RECEIVED 1/29/91

The fallowing Department of Fish and Game employees and ASEA members would like to support the union lobbying for the introduction and passage of legislation that would allow temporary state service to be counted towards retirement. BETHEL office

NAME	ADRESS	YEARS OF PERMENATE SERVICE	APPROXIMATE MONTHS TEMPORARY SERVICE
1; Randy Kacyon	Box 90 Bethel AK 99559	≈5	≈30 months
2; Charles Burgh	Box 90 Bethel AK 99559	≈6	?
3; R. Kim Francisco	P.O. Bx 1868 Bethel AK 99559	≈16	~12 months I already got to purchase mine under previous law, seems only fair these guys could to.
4;			
5;			
6;			
7;			
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12;			
13;			

To ASEA:

RECEIVED 2/4/94

The fallowing Department of Fish and Game employees and ASEA members would like to support the union lobbying for the introduction and passage of legislation that would allow temporary state service to be counted towards retirement. PALMER office

NAME	ADRESS	YEARS OF PERMENATE SERVICE	APPROXIMATE MONTHS TEMPORARY SERVICE
1; D. Craig Whitmore	HC01 Box 6022 Palmer AK 99645	10.7	42
2; Alan C. Havens	P.O. Box 2383, Palmer	13.6	54
3; Larry ENGEL	PO Box 197, Palmer	26.8	14
4; Dane Sweet	PO Box 871314 Wasilla	8	12
5; Craig Baer	P.O. Box 245 Sutton 99674	5.8	2
6; Terrence J. Bradley	HC04, Box 9905 Palmer, AK. 99645	~8-9	52
7;			
8;			
9;			
10;			
11;			
12;			
13;			

RECEIVED 2/26/91

To ASEA:

The following Department of Fish and Game employees and ASEA members would like to support the union lobbying for the introduction and passage of legislation that would allow temporary state service to be counted towards retirement. Petersberg office

NAME	ADRESS	YEARS OF PERMENATE SERVICE (Permanent)	APPROXIMATE MONTHS TEMPORARY SERVICE
1; Barry E. Bracken	Box 1201 Petersburg, Alk	16.2	~~23~~ approx 1 old mo really 38 mos
2; Charles R. Lind	Box 1348 Petersburg	5+	Ø
3; Robert G. Zorich	Box 1811 Petersburg	14.5	20
4; Jackie Tyson	Box 587	8	~~Ø~~
5; Lawrence Stifford	Box 312 Petersburg	11	Ø
6; [illegible]	PO Box 862 Petersburg	15	5
7; TIMOTHY KOENEMAN	P.O. Box 1324 PETERSBURG.	16.9	15 months.
8; Brian J. Tyl	P.O. Box 1247 Petersburg	10	18 mos
9; Beverly Richardson	Box 1222 Petersburg AK	7	Ø mo.
10; Donald R. Coughlin	Box 1727 Petersburg AK 99833	21	Ø mos.
11;			
12;			
13;			

2/20/91

To ASEA:

The fallowing Department of Fish and Game employees and ASEA members would like to support the union lobbying for the introduction and passage of legislation that would allow temporary state service to be counted towards retirement. Juneau, HQ office

NAME	ADRESS	YEARS OF PERMENATE SERVICE	APPROXIMATE MONTHS TEMPORARY SERVICE
1; HERMAN SAVIKKO	PO BOX 240772 DOUGLAS, AK 99824	9.0	16
2; MARK SCHOLAN	12090 CROSS St JUNEAU, AK. 99801	11.5	14
3; Rolland Holmes	PO BOX 21555 JUNEAU AK 99802	10	38
4; Karen Crandall	11466 N. Douglas Hwy JUNEAU AK 99801	13.5	32
5;			
6;			
7;			
8;			
9;			
10;			
11;			
12;			
13;			

To ASEA:

The following Department of Fish and Game employees and ASEA members would like to support the union lobbying for the introduction and passage of legislation that would allow temporary state service to be counted towards retirement. Douglas office

RECEIVED 2/25/91

NAME	ADRESS	YEARS OF PERMENATE SERVICE	APPROXIMATE MONTHS TEMPORARY SERVICE
1; Keith Pahlke	Box 240020 Douglas, AK 99824	~8 years	~7
2; Karl Hofmeister	11275 Goat hill rd.	~12 year	~14
3; Bruce Grinefold	Box 240252 Douglas	16 years	20
4; Mike Betthers	Box 240020 Douglas AK	≈18	6
5; Catherine Botelho	Box 240020 Douglas, AK	≈9 yrs.	67
6; Joseph J. Muir	4537 Sawa Cir Juneau, AK 99801	15	18
7; Donald J. Ingledue	3748 Glacier Hwy Juneau, Ak	16	18
8; Janet Hall Schrempf	Box 21622 Juneau 99802	~10 yrs	~30 SDK Trapper, DFG, HQ
9; Doug Jones	9360 Mendenhall Dr Juneau 99801	14 yrs	11
10; Robert Johnson	1027 Arctic Circle Juno, AK 99801	~9 yrs	~50
11; Alma Sund	1136 Lawson Cr. Douglas AK	5 yr	-
12;			
13;			

To ASEA:

The fallowing Department of Fish and Game employees and ASEA members would like to support the union lobbying for the introduction and passage of legislation that would allow temporary state service to be counted towards retirement. Klawock office

NAME	ADRESS	YEARS OF PERMENATE SERVICE	APPROXIMATE MONTHS TEMPORARY SERVICE
1; [illegible]	PO Box 2264 Craig AK 99921		18 mos
2; John D. Miller	Gen Del Craig, AK 99921	4 1/2	24
3; Bruce Gordon	Gen Del Craig AK 99921	13	
4; Edward Ray Huggins	P.O Box 78 Klawock AK 99925	9 MO.	24
5; Karla Warren	PO Box 356 Craig AK 99921	4 1/2	18 mo
6;			
7;			
8;			
9;			
10;			
11;			
12;			
13;			

To ASEA:

2/22/91

The following Department of Fish and Game employees and ASEA members would like to support the union lobbying for the introduction and passage of legislation that would allow temporary state service to be counted towards retirement. Anchorage office

NAME	ADRESS	YEARS OF PERMENATE SERVICE	APPROXIMATE MONTHS TEMPORARY SERVICE
1; Brian G. Bue	Box 641 Palmer, Ak 99645	≈9	≈16
2; Daniel J. Bergstrom	6020 Trappers Trail Rd. Anchorage, Ak. 99516	10.5	≈15
3; Susan E. Merkouris	3223 W. Dimond Blvd Anch., AK. 99515	~8	1.5
4; Barry Stratton	531 Bounty Anchorage, AK 99515	≈7	2
5; Drew L. Crawford	P.O. Box 112325 Anchorage, AK 99511	10.5	≈22
6; Beverly A. Cross	3932 Baldwin Dr Anchorage AK 99517	~13	~27
7; David C. Mesian	1833 Buccaneer Pl. B Anchorage, AK 99501	11	11.5
8; Daniel J. Schneiderhan	4205 Needle Circle Anchorage, AK 99508	13	≈28
9; Earl L. Becker	16236 Lime St Anchorage, AK 99516	~7	6
10;			
11;			
12;			
13;			

2/25/91

To ASEA:

The following Department of Fish and Game employees and ASEA members would like to support the union lobbying for the introduction and passage of legislation that would allow temporary state service to be counted towards retirement. Ketchikan office

NAME	ADDRESS	YEARS OF PERMANENT SERVICE	APPROXIMATE MONTHS TEMPORARY SERVICE
1; Steve Hoffman	2030 Sea Level Dr Suite 207 Ketchikan, AK	15	9
2; Dennis Hubartt	"	14	24
3; JERROLD KOERNER	2030 SEALEVEL DR SUITE 205 KETCHIKAN	15	36
4; Glenn Freeman	"	5	—
5; Tim Zadina	2030 Sea Level D. Ste 205	8	—
6; CAROL DENTON	"	10 1/2	12
7; DEIDRA HOLUM	2030 SEALEVEL DRIVE	4 1/2	15
8; Doug Larsen	2030 Sea level D.	5 1/2	4
9; Jim MINICUCCI	2030 Sea level DR	10	14
10; ANNE GIBB	"	8	12
11; Cecelia Lester	" ST 205	10	
12;			
13;			

To ASEA:

The following Department of Fish and Game employees and ASEA members would like to support the union lobbying for the introduction and passage of legislation that would allow temporary state service to be counted towards retirement. FAIRBANKS office

RECEIVED 5/23/91

NAME	ADRESS	YEARS OF PERMENATE SERVICE (PERMANENT)	APPROXIMATE MONTHS TEMPORARY SERVICE
1; Earl Lowe	1700 Tanacross Fairbanks Ak	19	24
2; Fred DeCicco	Box 10314 Fairbanks AK 99710	10	32
3;			
4;			
5;			
6;			
7;			
8;			
9;			
10;			
11;			
12;			
13;			

Alaska State Legislature

Please enter into the record my testimony to the State AFFAIRS
committee name

committee on Senate Bill 338, dated JAN. 29, 1992.
bill/subject

My name is Leonard Schwarz, and I work as a Fisheries Biologist for ADF&G. Over 20 of us have gotten together and written a letter to our Senator, Fred Zaroff, urging him to support Senate Bill 338, and we appreciate the opportunity to comment on this bill today.

In the way of background, many of us have worked 11 months a year as Fisheries Biologists and technicians during the late 60's and 70's. At that time there was no permanent seasonal job classification, and we were classified as "temporaries". As temporary employees we received no benefits such as annual or sick leave, medical insurance or retirement. In 1980 a permanent seasonal classification was created, and today all permanent seasonal employees receive retirement benefits. What Senate Bill 338 would allow us to do is count the time that we worked as temporaries towards our retirement. Since no money was taken from our paychecks as temporary employees to cover retirement benefits, we would have to pay this amount before we could count our temporary service towards our retirement which is fair.

In summary, we urge your support of this bill. It allows us to count time that we actually worked for the State towards our state retirement. It protects the State in that employees must "pay" into the retirement system before they can actually receive the credit. Most of the work that was done in temporary service was performed in remote areas under dangerous and adverse conditions. It seems only fair that this time be credited towards retirement as all permanent seasonal employees are allowed to do today.

Signed: Len Schwarz
Testifier

FISH + GAME EMPLOYEES KODIAK
Representing (Optional)

BOX 533 - KODIAK AK 99615
Address

WK - 486-4791 HM 486-2024
Phone No.

TO: Senator Duncan

Thank you for sponsoring Bill 338. As you know, the time spent prior to 1980 in "Professional" positions does not count toward retirement, where time after 1980 does.

Enclosed are letters to Rep' Jacho and Senator Zharoff asking for support.

Senator Jim Duncan 9-12-91
Alaska State Senate
P. O. Box V
Juneau, Alaska 99811

Dear ~~Jim,~~ Jim

I am writing to ask for your help. In 1978, I worked for Rep. Thelma Buchholdt from Anchorage as a staff person for the legislative season. That was just prior to benefits being extended to leg staff equal to those provided to State employers. One of those benefits is retirement.

As I am now 60, and covered under PERS, I need to make sure I have received credit for all time I can . This October I will have accumulated three years toward being vested. I would like to be able to claim the six months I worked for Thelma but I understand I needed to claim that by sometime in 1979. I was not aware in 1979 I had to file to claim the time so the opportunity slipped by me.

Jim, is there anything you might be able to do or suggest to so that I may can count those additional six months?

Thank you for your interest.

Sincerely yours,

Mary Lou

Mary Lou Spartz
P. O. Box 211
Juneau, Alaska 99802

586-5718 days

To: Senator Fred Zharoff
Representative Cliff Davidson .

January 17, 1991

I am writing this letter to you because I would like to see legislation proposed that would allow state employees to credit their temporary state service towards their retirement. This legislation could allow state employees to pay retirement deductions, that were not collected during temporary service, and intrest into the retirement fund. Once temporary service had been "bought", that service time could be counted towards retirement years.

I believe this approach is used in many other states. Legislation to this effect would probably have the best chance of passing if it would benefit the state, so I would favor a bill that was drafted with this in mind. The cost of buying temporary service would have to be high enough so that the retirement fund was actually helped and not hurt. Also Governor Hickel has stated that he favors reducing State Government through attrition, which legislation in this regard would expidite. In addition, replacing highly paid tenured employees with less expensive younger employees also reduces government spending.

I worked from 1976-80 as a temporary Fisheries Biologist for the Department of Fish and Game. I started out working as an 11 month temporary. In this way the State did not have to provide me with sick leave, medical insurance, annual leave, etc. It was cheaper for the State. The union saw this as an abuse and forced the State to hire people as seasonal permenates in 1980. So in 1980 my job duties remained the same but my old temporary classification was abolished, so I could now start counting service time towards retirement. At this time I am simply attempting to apply the time that I worked as a temporary Fisheries Biologist for the State, towards my retirement as a State Fisheries Biologist.

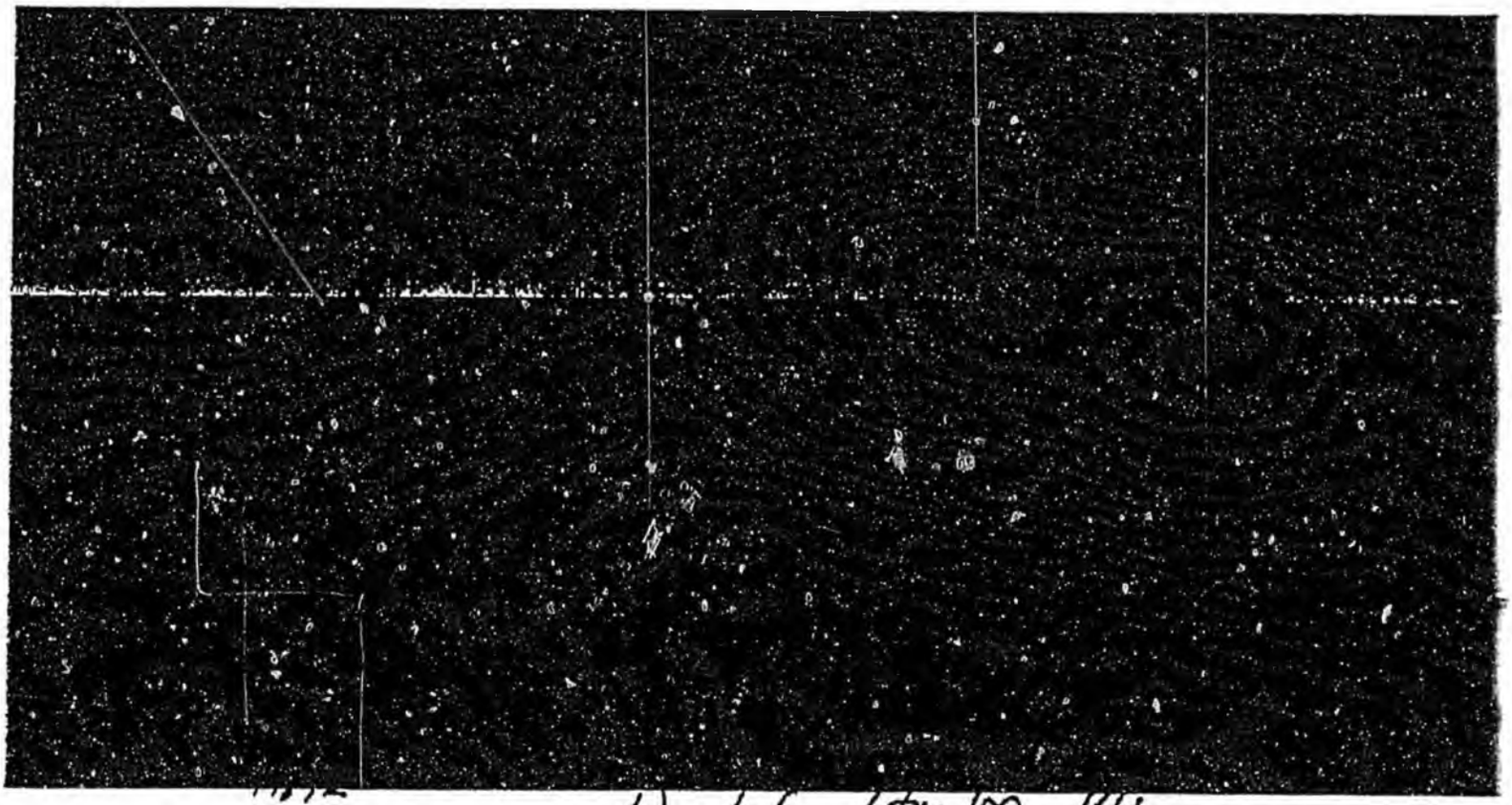
I would appreciate your support in this matter. I will be contacting other state employees with the same concerns and the ASEA union so that we can initiate support for introduction and passage of this type of legislation.

Thank you very much,

Senator Fred Zharoff
Room 121, Capitol
P.O. Box V
Juneau, Alaska 99811

January 22, 1992

Dear Senator Zharoff;



Dutch Harbor, AK
99692

Dawn A. Tracy
P.O. Box 868
Dutch Harbor, AK
99692

Michael Ward
Box 421
Dutch Harbor, AK 99692

Rance Morrison
Box 1047
Dutch Harbor AK 99692

Representative George G. Jacko, Jr.
Room 415, Capitol
P.O. Box V
Juneau, Alaska 99811

January 22, 1992

Dear Representative Jacko;

I am writing to ask for your support of Senator Duncan's bill, number 338, allowing temporary professional state service to be claimed toward state retirement.

The time to be claimed will be of no cost to the state. The purchase of this temporary time, that was often hazardous and in remote areas, should be counted toward retirement.

Thank you for your consideration.

Sincerely;

Kenneth L. Stuffle
Box 556
Dutch Harbor, Ak
99692

Box 865
Dutch Harbor AK
99692

Michael Ward
Box 421
Dutch Harbor, AK 99692

Box 1047
Dutch Harbor AK 99692

Post-it™ brand fax transmittal memo 7671 | # of pages ▸ 1

To ATTN: Carol	From AL HAVENS
Co.	Co.
Dept.	Phone #
Fax # 1-465-4748	Fax #

Palmer, Alaska
January 28, 1992

Senator Jay Kerttula
P.O. Box V
Juneau, AK 99811-3100

Dear Senator Kerttula:

We the undersigned are requesting your support for Senate Bill 338 which would allow State of Alaska temporary employment to be used to increase the retirement benefit or to count toward total service time to qualify for retirement. This bill should satisfy both employees with temporary service and the Division of Retirement and Benefits.

Sincerely,

Alan C Havens	P.O. Box 2383	Palmer, AK
Dave Sweet	PO Box 871314	Wasilla AK
Craig Whitmore	HC01 Box 6022	Palmer AK 99645
Larry J. Engel	P.O. Box 197	Palmer AK
[illegible]	[illegible]	Palmer, AK
Ronald D. Mudgett	HC04 Box 9557	Palmer, AK
[illegible]	P.O. Box 836	Palmer, AK
[illegible]	P.O. Box 877152	Wasilla AK. 99687
Terence J. Bradley	HC04, Box 9905	Palmer, AK 99645

David Jackson 11248 Kalsin dr. Kodiak Ak 99615
James A Spalinger Box 1462 Kodiak Ak 99615
Bruce M Bowers SR 4077 Woodland Dr. Anch. AK 99502
Willie Dowler 1713 Mill Kodiak AK 99615
Thomas [illegible] Box 3045 Kodiak AK 99615
[illegible] Box 3045 Kodiak, AK 99615
[illegible] Box 4053 Kodiak, AK 99615
[illegible] Box 3149 KODIAK, AK 99615
Alan [illegible] Box 2186 KODIAK, AK. 99615

Dear Representative Davidson; Jan. 22, 1992

The undersigned are Department of Fish and Game employees in Kodiak who are asking you to vote for Senate Bill 338. This bill would allow us to count time that we worked as "temporaries" towards our retirement. This bill would cost the state nothing financially, as each employee would have to pay for any temporary service that was credited towards retirement. We are asking you to vote for this bill because it will give us retirement credit for months we have actually worked and at the same time be a zero cost to the state.

Thank you for your consideration of Senate Bill 338.

Len Schwarz Box 533 Kodiak,
Roger B Smith Box 2473 Kodiak,
Sonie A. Merrick Box 631 Kodiak, AK 99615
Arnold R. Shaul P.O. Box 2081, Kodiak
Robert J. Bezeski 1214 Kuskov Kodiak, AK 99615
David L. Quinn Box 626 Kodiak, AK 99615
David Prokopowicz Box 3295 Kodiak, AK 99615
James E. Blackburn Box 948, Kodiak, AK 99615
Patrick B. Asher Box 2651 Kodiak AK (over)

SENATOR FRED F. ZHAROFF
ALASKA STATE LEGISLATURE
P. O. BOX 406, KODIAK, ALASKA 99615 (907) 486-5239
DURING SESSION:
P. O. BOX V, JUNEAU, ALASKA 99811 • (907) 465-3473 • 465-3474
DISTRICT N
ALASKA PENINSULA • ALEUTIAN CHAIN • BRISTOL BAY • KODIAK ISLAND • LAKE CLARK/LAKE ILIAMNA • PRIBILOF ISLANDS • SHUMAGIN ISLANDS

February 4, 1992

Joseph Dinnocenzo
Box 3045
Kodiak, AK 99615

Dear Joseph,

Thank you for advising me of your support for Senator Duncan's bill, SB 338. I appreciate hearing your concerns.

As you are probably aware, this bill allows temporary professional state service to be claimed toward state retirement. SB 338 is currently in the Senate State Affairs Committee (STA) with a further referral to the Senate Finance Committee (FIN). I would suggest that you also forward your concerns to these Chairpersons: Senator Pat Rodey (STA), and Senator Pat Pourchot (FIN). Although I am not a member of the aforementioned committees and will not have the opportunity to hear the testimony on the bill, the preliminary indications I have received show the program to be beneficial to the state and in all likelihood, something I could support.

Thank you again for advising me of your concerns for the 1992 Retirement Incentive Bill. If you have any questions concerning this bill or any other pending legislation, please do not hesitate to contact my office.

Sincerely,

Fred F. Zharoff
Alaska State Senator

FFZ/ki

LAWS OF ALASKA

1979

Source

HCS CSSB 198

Chapter No.

67

AN ACT

Relating to the hiring of nonpermanent employees in the state personnel system; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 10

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: May 18, 1979
Actual Effective Date: January 1, 1980

February, 1990

M E M O R A N D U M

Re: Increasing Benefits Under the Territorial Public Employees Retirement System

In 1949 the Territorial Legislature of Alaska initiated the first public employees retirement system for employees of the Territorial Government by enactment of Chapter 41, SLA 1949. In its terms were provisions for the compulsory retirement of persons sixty-five years of age or older who had completed at least ten years of service to the Territory.

By Chapter 102, SLA 1951, the original system was repealed in order to establish an alternative that incorporated the federal social security system and other new elements. The repealing act made express provision to pay minimum fixed benefit amounts for life to the long-time officers and employees of the Territory who had already been retired under the 1949 act. Approximately twelve to fifteen persons were in this group, and direct appropriations to honor this commitment have been made in all the succeeding years to the surviving retirees.

The benefit amounts provided by the 1951 act remained fixed for almost twenty years. In 1970 an increase of 25% was made by Chapter 85, SLA 1970. Another increase of $100 per month for each recipient was made by Chapter 134, SLA 1975, and in addition provision was made for the surviving spouse of each beneficiary under the original act to receive the designated benefit amount for life. A further increase of $75 per month was voted by the tenth session of the legislature in HCSSB No. 627 to be effective July 1, 1978. However, this bill dealt with many other matters concerning retirement for state employees, and it was vetoed by the governor for reasons wholly unrelated to the benefit to the "oldtimers" under the Territorial System.

In 1980 the benefits were increased another $100 per month for each recipient under Chapter 146, SLA 1980. And a last increase of $100 per month was made by Chapter 82, SLA 1986, which became effective June 6, 1986. Accordingly it has been approximately four years since any cost of living increase has been established for the two persons remaining alive who are entitled to these benefits. One of these persons is now age 97, and the other is approximately age 96. Both are living in circumstances of need, having survived on the minimal amounts for nearly forty years. One receives $470.73 per month and the other $508.41 at the current benefit levels. It would appear that another increase of $100 to $150 per month might now be in order to recognize the increased cost of living in the past four years.

Draft language for a bill to accomplish such an increase, or to be added to any act that might be dealing with retirement of public employees, is appended for information purposes.

February 1990

Notes on Benefit Recipients Under the Territorial Public Employees Retirement System (Chapter 102, SLA 1951, etc.)

deceased 1991

Ronald L. Stewart - Mr. Stewart commenced work for the Territory of Alaska in the early 1920's as an administrative assistant in the office of the Territorial Mine Inspector. He continued in that office until his retirement under the Territorial Public Employees Retirement System in 1951 but worked in Alaska for some additional years for the Alaska Road Commission. For many years he has resided in Ashland, Oregon, but is just now in the process of moving back to Alaska to live with a granddaughter in the Kenai area, having recently become a widower for the second time. He is approaching his 96th birthday

Doris A. Stewart - Mrs.Stewart is the widow of B. D. Stewart, who died in 1976 at the age of 97. They had been married since 1935. B. D. Stewart was the Territorial Mine Inspector for Alaska commencing in 1919 and continued in that office until his compulsory retirement in 1949 under Chap. 41, SLA 1949. (The office was titled Commissioner of Mines after about 1935). He and his widow remained in Alaska until 1966, living at Juneau and Sitka, moving to Sequim, WA, by early 1967. Mrs. Stewart became the recipient under the act by virtue of Chap. 134, SLA 1975. She continues to live independently at Sequim and is now 97 years of age. She has one step-son living in Alaska and several grandchildren and five great-grandchildren who reside in Anchorage and Juneau.

(The two recipients are not related in any way).

AN ACT

Relating to the hiring of nonpermanent employees in the state personnel system; and providing for an effective date.

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* Section 1. LEGISLATIVE FINDINGS AND INTENT. The legislature finds and declares that certain inconsistencies and abuses in the hiring of nonpermanent employees have jeopardized the integrity and efficiency of the merit system as well as the morale of employees. The legislature intends to curb the widespread administrative practice of using nonpermanent state employment to evade departmental accountability and mask poor planning. The legislature further intends that nonpermanent employees be used only to the extent that it is impractical to meet the need with permanent employees and that the burden of proof shall fall upon the department or agency which proposes nonpermanent hire.

* Sec. 2. AS 39.25.150(9) is amended to read:

(9) nonpermanent [TEMPORARY] appointments to positions in the state service in accordance with AS 39.25.195 - 39.25.200 [WHICH ARE DETERMINED TO BE OF A SEASONAL OR TEMPORARY NATURE];

* Sec. 3. AS 39.35.680(21)(C)(iii) is amended to read:

(iii) casual or [,] emergency [OR TEMPORARY] workers or nonpermanent employees as defined in AS 39.25.200;

* Sec. 4. AS 39.25 is amended by adding new sections to article 6 to read:

Sec. 39.25.195. APPOINTMENT OF NONPERMANENT EMPLOYEES. (a) An individual may not be appointed as a nonpermanent employee in the state

service without prior written approval of the director except as an emergency employee.

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

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

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

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

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

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

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

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

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

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

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

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

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

(h) The director shall present a report on nonpermanent and emergency hire practices in state government to the legislature within the first 10 days of each regular legislative session. A hiring department or agency shall certify to the director within 15 working days following the appointment its reasons for appointing an emergency employee. The report shall include information on the number of nonpermanent employees

authorized under this section and the number of emergency employees hired in each department, a description of the procedures used in authorizing the hiring of nonpermanent employees, and any recommendations for legislation required to implement the intent of this section.

Sec. 39.25.197. TERMINATION OF NONPERMANENT EMPLOYEES. When the director determines that an employee has been appointed as a result of a false certification under AS 39.25.195, he shall immediately notify the head of the affected department or agency in writing and the department or agency shall terminate the employee from state service within one working day after receipt of notice.

Sec. 39.25.198. CIVIL LIABILITY. A person who makes a false certificate under AS 39.25.195 is personally liable in a civil action to an individual terminated under AS 39.25.197 for any resultant damages and for punitive damages of an amount not to exceed three times the gross monthly salary at which the nonpermanent employee was appointed.

Sec. 39.25.200. DEFINITIONS. In AS 39.25.195 - 39.25.200,

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

(2) "director" means the director of the division of personnel and labor relations;

(3) "emergency employee" means an employee appointed for a period not to exceed 30 calendar days, whose appointment was made under conditions requiring immediate action to carry on work that is required in the public interest;

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

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

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

* Sec. 5. This Act takes effect January 1, 1980.

REPORT OF THE
BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT
TO THE
ALASKA STATE LEGISLATURE
FIRST SESSION

SENATOR BILL RAY
Chairman

JUNEAU, ALASKA
March 27, 1979

TABLE OF CONTENTS (continued)

tion of a new program could be avoided if the legislature requested that departments present P402's for all positions created by a new program at the same time that the budget for the program was being considered.

3. Project Employees

It is difficult to plan for permanent positions in programs funded through federal grants whose receipt is not guaranteed from year to year. Program managers are not authorized to fill those positions until after funding is definite. This leads to the employment of temporaries in those positions. An alternative would be to create a new category for project employees. The employees would understand that their employment would be dependent upon continued receipt of funds for the project.

4. Benefits for Temporary Employment

Of the benefits provided to permanent employees by the state, temporary employees in the classified service are entitled to receive only holiday pay and unemployment insurance. Temporaries are not eligible for court leave, administrative leave, personal leave, or retirement benefits. Even if a temporary employee is subsequently placed in a permanent position, he or she does not receive retroactive credit towards either retirement or, in most cases, seniority.

Temporary employment does not entitle employees to be placed on promotional registers. The state's merit system provides a policy favoring filling positions by promotions. This would appear in some cases to penalize temporary employees who may have

worked for a substantial period of time for the state.

If temporary employees did, in fact, work only for a short time in one position, then it might be inappropriate for the state to provide leave benefits. Temporaries would then be hired only where there were deadlines that could not otherwise be met, and if they were out on leave, the department would have to pay not only their salary, but also the salary of a second replacement temporary.

Because the state does not have to pay for as many fringe benefits to temporaries as it does for permanent employees, it is cheaper for departments to hire temporaries. Program managers may therefore leave permanent positions vacant and hire temporaries instead so as to be able to increase the staff available to work on a project. For the same reason, departments may use temporary employees instead of permanent seasonal employees for recurrent seasonal needs. Some departments have a substantial number of such employees and would probably need a supplemental appropriation to fund benefits if they made use of the permanent seasonal category.

The Local No. 71 collective bargaining agreement addresses the lack of benefits provided to temporary employees. Members who are working as temporaries receive a wage supplement of $1.32 per hour for the first 120 days of work in a temporary position. After the 120 days, they shift from the entry level wage step into a higher level wage step, and they continue to receive the supplement.

5. Vacant Permanent Positions

The legislature reviews the number of vacant PCN's when it

House State Affairs Committee
Representative Gene Kubina, Chair

DATE: May 7, 1992

PLACE: Capitol Room 102

SUBJECT OF MEETING:

SB 192 - Relating to Forfeitures in Alcohol or Drug Cases
SB 338 - Relating to PERS Credited Service for Temp. Service
SB 470 - Relating to Designating July 9 as AK Flag Day
SCR 37 - Relating to Name Arkansas Beach on Hog Island

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
Jeff Morrison	DMVA	PO Box 110900 Juneau AK 99811		789-7246	465-4600	Y	N	SCR 37
Dean Guaneli	Law				3428	Y	N	SB 192
[illegible]	Sen Zharoff	State Senate Rm 120 Capitol Juneau	99801	[illegible]	3473	Y	N	SCR 37
Bill Church	Retirement				4460	Y	N	CSSB 338
G. HORETSKI	DPS	P.O. BOX M, JUN			4322	Y	N	SB 192
Pam Larson Zharoff	SCR 37					Y	N	
Jim McComas	Attorney - Anchorage					Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	

Page ___ of ___