

SB

150

FISCAL NOTE

STATE OF ALASKA

BILL : 6
NO: Bill Version: CS3B 150 (FIN)
 (S) Publish Date: 4-11-97

1997 LEGISLATIVE SESSION

Revision Date: 4/11/97 Dept. Affected: Public Safety
 Title: Public Employee: Moving, comp. time & PERS DPS Statewide Support
 Component: Commissioner's Office
 Sponsor: Senate Finance
 Requestor: S. Finance COMPONENT SERIAL NO. 0523

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Code Revenue						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 97) impact: \$ _____

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.)
 No fiscal impact is anticipated to the Department of Public Safety

Prepared By: Sandy Perry-Provost, Special Assistant to the Commissioner Phone: 465-4322
 Division: Commissioner's Office Date: 4/11/97
 Approved by Commissioner: *Ronald L. Otte* Date: 4/11/97
 Agency: Ronald L. Otte, Dept. of Public Safety

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information call the Governor's Legislative Office

**PUBLIC SAFETY EMPLOYEES ASSOCIATION
"REPRESENTING ALASKA'S FINEST"**

4300 Boniface Parkway, #116
Anchorage, AK 99504-4387
(907)337-1979 FAX:(907)337-1753

Senator Tim Kelly
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

April 16, 1997

Dear Senator Kelly:

It is my understanding that Senator Duncan is going to offer two more amendments to Senate Bill 150 today.

The first amendment will pull seasonal workers from the overtime exemption for calculation of retirement.

The second amendment will place a salary cap of \$81,000 for overtime exemption indexed for inflation (Anchorage CPI).

The Public Safety Employees Association fully supports both amendments

Although most of our members are full-time state law enforcement officers there are some real concerns about seasonal employees who, just like construction workers, make their years wages in about four or five months. It is unfair to penalize them for working overtime.

Our state and municipal police officers and firefighters normally work some overtime on weekends, holidays and nights and when called in for duty. Most of us do not necessarily like working overtime. Having us gone on holidays and weekends is hard on our families and presents problems most nine to fivers never dreamed of. Cuts in state and municipal budgets have exacerbated the problem, with present employees working more overtime to cover the staffing shortages. I repeat we do not want the overtime!! We have no choice but to work it, as our fire halls and police stations have to be staffed. Now with SB150 you are penalizing police officers and firefighters across the state by not counting overtime in retirement calculations.

We are asking for your support for these amendments.

Sincerely,

Craig Persson
PSEA Vice President

END

A M E N D M E N T #1

OFFERED IN THE SENATE

BY SENATOR PEARCE

TO: CSSB 150(FIN)

1 Page 3, line 15, following "i":

2 Insert a new subparagraph to read:

3 "(B) includes, for noncertificated employees of municipal
4 school districts and regional educational attendance areas, overtime pay;"

5 Reletter the following subparagraph accordingly.

6 Page 3, line 18, following "pay":

7 Insert "except as provided in (B) of this paragraph"

*This was incorporated
into the RLS C.S.
4-15-97. SB126 was
not merged with the
above.*

*Proposed RLS
 C.S. not taken
 up by committee
 (would have merged
 with SB150) plus
 SB126 the PEARCE
 amendment).*

0-LS0688\B
 Cramer
 4/14/97

CS FOR SENATE BILL NO. 150(RLS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE

Offered:
 Referred:

Sponsor(s): SENATE FINANCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to moving expenses of state employees, to compensatory time for
 2 state employees, to the retirement incentive program for state employees, and to
 3 calculation of compensation for the public employees' retirement system; and
 4 providing for an effective date."

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

6 * Section 1. AS 23.40.075, as amended by sec. 10, ch. 107, SLA 1996, is amended to
 7 read:

8 Sec. 23.40.075. Items not subject to bargaining. The parties may not
 9 negotiate terms contrary to the

10 (1) reemployment rights for injured state employees under
 11 AS 39.25.158;

12 (2) reemployment rights of the organized militia under AS 26.05.075;

13 (3) limitations on payment of a state employee's moving expenses
 14 under AS 39.20.450;

1 (4) requirements concerning compensatory time under
2 AS 39.20.460:

3 (5) authority of the Department of Health and Social Services under
4 AS 47.27.035 to assign Alaska temporary assistance program participants to a work
5 activity considered appropriate by the Department of Health and Social Services; or

6 (6) [(4)] authority for agencies to create temporary positions under
7 AS 47.27.055(c).

8 * Sec. 2. AS 39.20 is amended by adding new sections to read:

9 **Article 5. Moving Expenses and Compensatory Time Restriction.**

10 **Sec. 39.20.450. Restriction on payment of moving expenses for certain**
11 **state employees.** (a) The state may not pay the moving expenses of a state employee
12 in the classified service who transfers voluntarily from one location to another unless
13 the payment complies with this section.

14 (b) The state may pay the moving expenses of a state employee in the
15 classified service who transfers voluntarily from one location to another if the
16 employee intends to stay in the location to which the employee is moving for at least
17 five years and if the employee signs an agreement to repay the state for the entire
18 moving expenses, plus interest as required by regulation, if the employee moves or
19 leaves state service before the end of five years. In the case of certified peace officers
20 employed by the Department of Public Safety, the commissioner of public safety may
21 waive a moving expense repayment required by this subsection if the commissioner
22 makes a written finding that the employee's relocation is in the best interest of the
23 state. This subsection does not require repayment if the employee moves or leaves
24 state service before the end of five years because

25 (1) of a certified medical necessity of the employee or the spouse or
26 a dependent of the employee;

27 (2) the state involuntarily transfers the employee; or

28 (3) the employee accepts a promotion offered by the department or
29 agency that paid the employee's initial moving expenses.

30 (c) The Department of Administration shall adopt regulations to implement this
31 section.

1 **Sec. 39.20.460. Restrictions on compensatory time.** A state employee who
2 is eligible to be paid overtime may not receive compensatory time for overtime hours
3 worked unless receipt of the compensatory time is in accordance with the terms of a
4 written agreement, approved by the employee's appointing authority, and, for an
5 employee who is covered by a collective bargaining agreement under AS 23.40, the
6 terms for receipt of the compensatory time are consistent with the terms of the
7 agreement.

8 * Sec. 3. AS 39.35.680(8) is amended to read:

9 (8) "compensation"

10 (A) means the total remuneration earned by an employee for
11 personal services rendered to an employer, including employee contributions
12 under AS 39.35.160, cost-of-living differentials only as provided in
13 AS 39.35.675, payments for leave that is actually used by the employee, the
14 amount by which the employee's wages are reduced under AS 39.30.150(c),
15 and any amount deferred under an employer-sponsored deferred compensation
16 plan; [,] but

17 (B) includes, for noncertificated employees of municipal
18 school districts and regional educational attendance areas, overtime pay;

19 (C) does not include retirement benefits, severance pay or other
20 separation bonuses, welfare benefits, per diem, expense allowances, workers'
21 compensation payments, overtime pay except as provided in (B) of this
22 paragraph, or payments for leave not used by the employee whether those
23 leave payments are scheduled payments, lump-sum payments, donations, or
24 cash-ins;

25 * Sec. 4. Section 23(a), ch. 4, FSSLA 1996, is amended to read:

26 (a) A state agency may adopt, and file with the commissioner of administration
27 for approval, a proposed discretionary retirement incentive plan for its employees as
28 part of a permanent reduction in the personal services costs in that section of the state
29 agency. In addition, a state agency shall permit eligible employees to apply to the
30 retirement incentive program as provided in (f) of this section during fixed
31 windows, from July 1, 1997, through August 31, 1997, from May 1, 1998, through

1 **June 30, 1998, and from May 1, 1999, through June 30, 1999.**

2 * **Sec. 5.** Section 23(b), ch. 4, FSSLA 1996, is amended to read:

3 (b) Upon the request of a state agency, the commissioner of administration
4 shall establish one or more periods during which the employees of that state agency
5 who are eligible under sec. 22(b) of this Act to participate in a retirement incentive
6 plan may apply to the commissioner of administration to participate in the state
7 agency's approved discretionary plan. The periods shall begin no earlier than June 30,
8 1996, and end no later than June 30, 1999. The periods shall be no less than 30 days
9 and no more than 60 days in duration, and may not begin less than 30 days after their
10 establishment. A state agency is not required to request an application period for a
11 discretionary plan and may request more than one application period.

12 * **Sec. 6.** Section 23(e), ch. 4, FSSLA 1996, is amended to read:

13 (e) The commissioner of administration may not accept the application of an
14 employee to participate in an approved retirement incentive plan adopted under this
15 section unless the employee will be appointed to retirement not later than the first day
16 of the month that is six months after the last day of the application period established
17 by the commissioner under (a) or (b) of this section. A state agency, in a plan
18 adopted under this section, may set an earlier date by which an employee must be
19 appointed to retirement in order to participate in the plan.

20 * **Sec. 7.** Section 23, ch. 4, FSSLA 1996, is amended by adding a new subsection to read:

21 (f) Beginning on the effective date of this Act, a classified state employee who
22 meets the eligibility requirements of sec. 22(b) of this Act and (c) and (d) of this
23 section and who will be qualified for a normal retirement under AS 14.25.110(a) or
24 AS 39.35.370(a) after application of the retirement incentive under sec. 22(i)(1) of this
25 Act may only apply to participate in the retirement incentive program during the first
26 application period that opens immediately after, or is open when, the classified
27 employee reaches the age or earns the credited service to so qualify. A state agency
28 may not decline to include a classified employee qualified to participate in the
29 retirement incentive program under this subsection in the state's retirement incentive
30 plan.

31 * **Sec. 8.** The amendment to AS 39.35.680(8), made by sec. 3 of this Act, applies to

1 persons who first joined the Public Employees' Retirement System on or after the effective
2 date of that bill section.

3 * Sec. 9. Sections 4 - 7 of this Act take effect immediately under AS 01.10.070(c).

A M E N D M E N T # /

OFFERED IN THE SENATE
TO: CSSB 150(FIN)

BY SENATOR PEARCE

1 Page 3, line 15, following "i":

2 Insert a new subparagraph to read:

3 "(B) includes, for noncertificated employees of municipal
4 school districts and regional educational attendance areas, overtime pay;"

5 Reletter the following subparagraph accordingly.

6 Page 3, line 18, following "pay":

7 Insert "except as provided in (B) of this paragraph"