

HB

317

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STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 21, 2000

The Honorable Brian Porter
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Speaker Porter:

Workplace Alaska, the state's new, highly successful system for hiring, has won national awards for outstanding innovation. It is time to put this pilot program into state law.

This bill I transmit today amends various sections of the State Personnel Act to integrate Workplace Alaska as an on-line recruitment, application, and hiring process for positions in the classified service.

Workplace Alaska replaces the time-consuming old system of eligibility lists and examinations, which could cause a single hire to take as much as several months to complete. Under this new program, an applicant maintains a single resume on-line that can be used for any vacancy advertised.

The new hiring process follows these steps:

- Hiring manager completes an on-line vacancy announcement;
- Agency reviews and approves the job announcement;
- Division of Personnel posts the announcement on the Internet;
- Job seekers complete a one-time applicant profile (resume);
- Job seekers access job postings over the Internet and view individual vacancies;
- Job seekers file a job qualification summary form for each vacancy of interest, attaching the applicant profile;
- Hiring manager reviews all submitted job qualification summaries and profiles, conducts interviews, reference checks, and selects an individual for the position;
- Agency approves the appointment.

HB 317

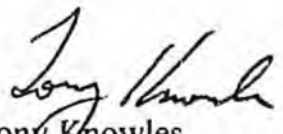
The Honorable Brian Porter
January 21, 2000
Page 2

Workplace Alaska is an advantage to hiring managers as well as to applicants. It results in faster hires, a better-qualified pool of candidates who are interested in specific vacancies, and up-to-date applicant and vacancy information.

The bill establishes a system to continue honoring preference for veterans, prisoners of war and members of the Alaska National Guard. It also provides authority for the personnel board to adopt necessary implementing regulation changes.

Workplace Alaska has proven to be a vast improvement in the state's hiring process. I urge your prompt and favorable action on this measure.

Sincerely,



Tony Knowles
Governor

AMENDMENT #1

Passed

OFFERED IN THE HOUSE
TO: CSHB 317(MLV)

1 Page 5, following line 12:

2 Insert new bill sections to read:

3 **** Sec. 5. AS 39.25.155(c) is amended to read:**

4 (c) Applicants shall be placed on [ELIGIBLE] lists for the vocational
5 classification indicated in their applications [SUBMITTED TO THE DIVISION OF
6 PERSONNEL IN THE ORDER OF THEIR RELATIVE RANKING] based on an
7 assessment of their vocational [TECHNICAL] ability and [,] place of residence
8 [AND WITHOUT WRITTEN EXAMINATION. APTITUDE OR OCCUPATIONAL
9 TESTS MAY BE GIVEN IF A POSITION REQUIRES A SPECIFIC ABILITY].

10 *** Sec. 6. AS 39.25.155(e) is amended to read:**

11 (e) The director of personnel shall embody a concept combined of vocational
12 [TECHNICAL] ability, place of residence, local hire, and area unemployment in the
13 personnel rules to accomplish the intent of this section."

14 Renumber the following bill sections accordingly.

15 Page 9, line 26:

16 Delete "secs. 1 - 14"

17 Insert "secs. 1 - 16"

18 Page 9, line 27:

19 Delete "Section 15"

20 Insert "Section 17"

HB 317

Recruitment and selection of employees is one of the basic purposes of a personnel function. To do so quickly and effectively is ideal. In the past, recruiting and selecting Alaska's public workforce was a labor and paper-intensive process that produced lists of applicants who may or may not have been interested in any particular vacancy. Windows of eligibility and lengthy waits between application and eligibility points seriously hampered managers' abilities to respond to workforce demands such as turnover, difficulties in recruitment and technological innovations.

WorkPlace Alaska changed that scenario. Developed in response to requests for speedier review of their applications and to speedier list of applicants, job seekers and hiring managers have both responded positively to WorkPlace Alaska.

An available vacancy is posted almost immediately on the WorkPlace Alaska web site. Job seekers complete an electronic resume only once, then attach it to the vacancy announcement to apply.

WorkPlace Alaska is available 24 hours per day, seven days per week, 52 weeks per year, except for an hour or two per week for scheduled maintenance. What took months to complete can now be accomplished in minutes.

Testing on the WorkPlace Alaska system began in March 1997 as a two-department pilot project. In November 1998 it was expanded for use by all state agencies. As the pilots and expanded use provided more feedback and refinements were made, WorkPlace Alaska has replaced the paper-intensive register system completely.

The legislation before you is intended to refresh the language of the law to reflect the use of WorkPlace Alaska instead of the register system. Terms like "examination" and "assessment" are used frequently in this presentation. We are asking to replace "examination" with "assessment" to better reflect the actual practices used in recruitment and selection.

Madame Chair, I offer a brief synopsis of the changes or I can provide a detailed walk-through of the sections of the law that are proposed for change, depending on the desire of the committee.

Chart of Statutory Revisions to Implement Workplace Alaska – 2/29/00

Section, page, line	Current Statute	Proposed Revision	Reason or Necessity
Section 1 Page 1 Line 8	AS 39.25.080(a) State personnel records, including employment applications and examination materials, are confidential and are not open to public inspection except as provided in this section.	Add the words “and other assessment” between “examination” and materials;”	There is an assessment with WPA, not an examination; reference is corrected for practice.
Section 2 Page 1 Line 12	AS 39.25.120(b) A person holding a position in the partially exempt service is not required to take an examination or qualify or earn a place on a register, and is not eligible for a hearing by the personnel board in case of dismissal, demotion, or suspension. ...	A person holding a position in the partially exempt service is not required to complete an assessment, and is not eligible for a hearing by the personnel board in case of dismissal, demotion, or suspension....	Delete reference to register system; no longer is use.
Section 3 Page 2 Line 12	AS 39.25.130(a)(3) Involves responsibilities and duties of a type not susceptible to the ordinary recruiting and examining procedures.	Change word “examining to “assessment;”	Reflects current practice.
Section 4 Page 3 Lines 4-6	AS 39.25.150(3) the use of employee selection methods, including open competitive examinations, when appropriate, that will fairly test the capacity and fitness of the person examined to	the use of employee selection methods, including open competitive assessment devices , when appropriate, that will fairly evaluate the capacity and fitness of the	Delete reference to examination; Reflects vacancy-based position

	discharge the duties of the class in which employment is sought;	person assessed to discharge the duties of the position in which employment is sought;	orientation of WPA instead of class based register system.
Section 4 Page 3 Lines 7-8	AS 39.25.150(4) the establishment and maintenance of eligible lists for appointment and promotion providing the names of eligible candidates in order of their relative performance in the examinations;	the formulation of a list for appointment or promotion to a position;	Reference to the development of a vacancy-based list of applicants rather than the maintenance of an eligible list or register; requires the adoption of WPA-oriented regulations.
Section 4 Page 3 Line 11	AS 39.25.150(5) the procedure for certifying eligible candidates; the rule adopted under this paragraph may include procedures providing a preference for certifying local residents when appropriate;	the procedure for filling positions; the rule adopted under this paragraph may include procedures providing a preference for local residents when appropriate;	References the requirement for regulation governing the use of WPA for filling vacancies rather than for certifying eligible candidates, and for providing for local resident preferences, when appropriate; removes the reference to "certifying."
Section 4 Page 3 Line 17	AS 39.25.150(6) promotions from within the state service when there are qualified candidates in the state service; vacancies shall be filled by promotion whenever practicable and in the best interest of the state service and promotion shall be by competitive	Change word "examination" to word "assessment;"	Reference to current practice; assessment rather than examination.

	examination whenever possible; in considering promotions, the applicants' qualifications, performance records, seniority, and conduct shall be evaluated;		
Section 4 Page 3 Lines 28-30	AS 39.25.150(9) provisional appointment without competitive examination when appropriate eligible lists are not available;	Provisional appointment without competitive assessment when the recruitment and assessment procedures have not identified qualified candidates in sufficient number;	Corrects reference from examination to assessment, and provides for continuing use of alternative appointment methods when recruitment fails to provide a sufficient pool of candidates.
Section 4 Page 4 Line 18	AS 39.25.150(19) Granting of employment preference rights to...prisoner of war	Adds "former" before "prisoner of war."	
Section 4 Page 4 Line 23-end	AS 39.25.150(21) The granting of employment preference to severely handicapped persons; this includes the right to provisional appointment without competitive examination for period up to four months and the granting of eligibility to a severely handicapped person provisionally appointed under the rules who demonstrates ability to perform the job for permanent appointment without competitive examination; provisional employment under this	Change the word "examination" to "assessment in the two places this term appears; insert the word "of" between "periods" and "up;" change the phrase "severely handicapped person" to "individual with a severe disability" throughout this subsection.	References assessment rather than examination in language; provides for the use of "individual with disability" rather than "handicapped person" in keeping with social consciousness.

	<p>paragraph may not exceed four months during a 12-month period; "severely handicapped" as used in this paragraph means persons certified by the director of the division of vocational rehabilitation to be severely handicapped;</p>		
<p>→→ not repealed</p>	<p>AS 39.25.155(c) Applicants shall be placed on eligible lists for the vocational classification indicated in the applications submitted to the Division of Personnel in the order of their relative ranking based on an assessment of their vocational technical ability, and place of residence, and without written examination. Aptitude or occupational tests may be given if a position requires a specific ability.</p>		<p>There are amendments proposed for this section that focus on moving the concept "examination" to "assessment."</p>

	<p>AS 39.25.155(e) The director of personnel shall embody a concept combined of <u>technical</u> ability, place of residence local hire and area unemployment in the personnel rules to accomplish the intent of this section.</p>	<p>Substitute “vocational” for “technical.”</p>	<p>Changes language to reflect the use of vocational ability rather than attempting to determine the meaning of “technical.”</p>
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<p>Section 5 Page 5 Line 14- end</p>	<p>AS 39.25.159(a) Veteran's Preference</p> <p>A veteran or prisoner of war who possesses the necessary qualification for a job classification applied for under this chapter is entitled to a preference under this subsection. In an examination to determine the qualification of applicants for the classified service under merit system examination, five points shall be added to the passing grade of a veteran, 10 points shall be added to the passing grade of a disabled veteran, or 10 points shall be added to the passing grade of a prisoner of war. A person may receive preference points under only one of the categories described in this subsection of in (c) of this section. A person may use the preference without limitation when being considered for a position for which persons who are not currently state employees are being considered. If consideration of applicants is limited to state employees, preference points under this subsection may not be counted. If a position in the classified service is eliminated, employees shall be released in accordance with rules that give due effect to all factors. If all</p>	<p>A veteran or former prisoner of war who possesses the necessary qualifications for a position or job classification applied for under this chapter is entitled to a preference under this subsection. In an assessment using numerical ratings, points equal to five percent of the points available from the assessment device or devices shall be added to the passing score of a veteran, and 10 percent of the points available from the assessment device or devices shall be added to the passing score of a disabled veteran or former POW. In an assessment not using numerical ratings, consideration shall be afforded to a veteran; additionally, an opportunity to interview for the position shall be afforded to a disabled veteran or a former POW. A person may receive preference under only one of the categories described in this subsection or in (c) of this section. ...If the scope of recruitment for a position is limited to state employees, preference under this subsection may</p>	<p>The reference to "former" prisoner of war is more realistic.</p> <p>New language continues changing references from "examination" to "assessment;"</p> <p>Changes requirement to meet practice of considering all veterans for advertised vacancies, and adds a requirement to interview a disabled veteran or former POW;</p> <p>Continues changing references to recruitments;</p> <p>Maintains current layoff practices.</p>
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	<p>job qualifications are equal, a veteran or prisoner of war shall be given preference over a person who was not a veteran or prisoner of war, and the veteran or prisoner of war shall be kept on the job. This subsection may not be interpreted to amend the terms of a collective bargaining agreement.</p>	<p>not be counted. If a position in the classified service is eliminated, employees shall be released in accordance with rules adopted under AS 39.25.150(13). In the case of a comparison of employees with equal qualifications on the factors adopted under AS 39.25.150(13), a veteran or former POW shall be given preference over a person who was not a veteran or former POW, and the veteran or former POW shall be kept on the job.</p>	<p>If collective bargaining agreements allow it, veterans or former POWs should be given "super seniority," and layed off after non-veterans.</p>
<p>Section 6 Page 6 Line 14-31</p>	<p>AS 39.25.159(c) Similar to veterans and POW preference in AS 39.25.159(a), except applies to a member of the national guard.</p>	<p>Similar revisions to those set out above re: AS 39.25.159(a).</p>	<p>Applies the protections granted in the previous section to members and former members of the National Guard.</p>
<p>Section 7 Page 7 Line 7</p>	<p>AS 39.25.159(d)</p>	<p>Add a new paragraph (4) to read: "consideration" means reviewing a person's entire application in order to determine whether the person should be selected, rejected, or admitted to further steps in the assessment or selection process.</p>	<p>New paragraph that defines the word "consideration" in the context of WPA.</p>

<p>Section 8 Page 7 Line 11</p>	<p>AS 39.25.160(h) A person may not knowingly make a false statement, certificate, mark, rating or report with regard to a test, certification, or appointment made under this chapter or in any manner commit a fraud preventing the impartial execution of this chapter and the personnel rules adopted under this chapter.</p>	<p>A person may not knowingly make a false statement, mark, rating or report with regard to an assessment . . . (remainder unchanged).</p>	<p>Replaces "test" with "assessment";</p>
<p>Section 9 Page 7 Line 16</p>	<p>AS 39.25.160(i) A person may not obstruct the right of another person to examination, eligibility, certification, appointment, or promotion under this chapter.</p>	<p>A person may not obstruct the right of another person to assessment...</p>	<p>Replaces "examination" with "assessment."</p>
<p>Section 10 Page 7 Line 21</p>	<p>AS 39.25.195(b) An 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.</p>	<p>An appointment to state service, except an emergency appointment, shall be made from the list of applicants qualified for the position unless in appropriate circumstances the director has waived this requirement.</p>	<p>Dispenses with use of "eligible list" and substitutes "list of applicants qualified..."</p>
<p>Section 11 Page 7 Line 31 to Page 8 Line 3</p>	<p>As 39.25.195(c)(2)-(4) The hiring department or agency has certified that there is an immediate need to fill an authorized permanent position and it is</p>	<p>Change "make certification" to "conduct recruitment;"</p>	<p>References the process for filling a vacancy by nonpermanent appointment; changes</p>

	impractical either to establish the position or to make certification.		reference from "certification" to "recruitment"
Section 12 Page 8 Line 17	<p>AS 39.25.196(a)</p> <p>Notwithstanding the provisions of AS 39.25.195, a hiring department or agency may grant a preference to local residents in the appointment of nonpermanent employees or in the appointment of permanent employees to perform seasonal work assignments of 180 calendar days or less in a 12-month period. If there are no local residents on the applicable eligible list for a nonpermanent or a permanent seasonal position or if the local residents on the applicable eligible list are unavailable, the hiring department or agency may obtain referrals of qualified job applicants for these positions from the job service office of the Department of Labor and Workforce Development serving the area and from those applicants select a qualified person who is a local resident for the position.</p>	<p>Notwithstanding the provisions of AS 39.25.195, a hiring department or agency may grant a preference to local residents in the appointment of nonpermanent employees or in the appointment of permanent employees to perform seasonal work assignments of 180 calendar days or less in a 12-month period. If there are no local residents on the applicable list of applicants qualified for a nonpermanent or a permanent seasonal position or if the local residents on the applicable list of applicants qualified for the position are unavailable, the hiring department or agency may obtain referrals of qualified job applicants for these positions from the job service office of the Department of Labor and Workforce Development serving the area and from those applicants select a qualified person who is a local resident for the</p>	<p>Continues replacement of "eligible list" by "list of applicants qualified for..."</p>

		position.	
Section 13 Page 9 Line 9	AS 44.21.020(8) administer a statewide personnel program, including central personnel services such as recruitment, examination, position classification, and pay administration;	Administer a statewide personnel program, including central personnel services such as recruitment, assessment, position classification, and pay administration;	Replaces "examination" with "assessment."
Section 14 Page 9 Line 20	AS 39.25.153(b) Repealed.		Unnecessary. Repeals specific delegations of authority to named agencies; no longer necessary since broader authorities are already delegated. Also, contains a reference to "examination."
	AS 39.25.153(c) Repealed.		Unnecessary. Broader authorities to classify positions are already delegated to agencies.
	AS 39.25.153(d) Repealed.		Unnecessary. Broader authorities to act with respect to position classification are already delegated to agencies.
Section 15 Page 9 Line 21			This section prevents the Personnel Board from adopting regulations relative to the use of WorkPlace Alaska until these

			statutory changes are made.
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Thank you, Madam Chair, for the opportunity to provide this testimony. If you have questions, please do not hesitate to contact me.

HOUSE BILL NO. 317

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/24/00

Referred: House Special Committee on Military and Veterans' Affairs, State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to recruitment, selection, appointment, and promotion of state
2 employees and the duties of the Department of Administration concerning those
3 and other related functions; and providing for an effective date."

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

5 * **Section 1.** AS 39.25.080(a) is amended to read:

6 (a) State personnel records, including employment applications and
7 examination and other assessment materials, are confidential and are not open to
8 public inspection except as provided in this section.

9 * **Sec. 2.** AS 39.25.120(b) is amended to read:

10 (b) A person holding a position in the partially exempt service is not required
11 to complete an assessment [TAKE AN EXAMINATION OR QUALIFY OR EARN
12 A PLACE ON A REGISTER], and is not eligible for a hearing by the personnel board
13 in case of dismissal, demotion, or suspension. Positions in the partially exempt service
14 are specifically exempt from the rules established under AS 39.25.150(3) - (10), (12),

1 (13), and (16).

2 * **Sec. 3.** AS 39.25.150 is amended to read:

3 **Sec. 39.25.150. Scope of the rules.** The personnel rules must provide for

4 (1) the preparation, maintenance, and revision by the director of
5 personnel, subject to approval of the commissioner of administration and the personnel
6 board, of a position classification plan for all positions in the classified and partially
7 exempt services; the position classification plan shall include

8 (A) a grouping together of all positions into classes on the basis
9 of duties and responsibilities;

10 (B) an appropriate title, a description of the duties and
11 responsibilities, training and experience qualifications, and other necessary
12 specifications for each class of positions;

13 (2) the preparation, maintenance, revision and administration by the
14 director of personnel of a pay plan for all positions in the classified and partially
15 exempt services; the pay plan (A) shall be based upon the position classification plan;
16 (B) shall provide for fair and reasonable compensation for services rendered, and
17 reflect the principle of like pay for like work; (C) may be amended, approved, or
18 disapproved by the legislature in regular or special session; after the pay plan is in
19 effect, a salary or wage payment may not be made to a state employee covered by the
20 plan unless the payment is in accordance with this chapter and the rules adopted under
21 this chapter or unless the payment is in accordance with a valid agreement entered into
22 in accordance with AS 23.40;

23 (3) the use of employee selection methods, including open competitive
24 assessment devices [EXAMINATIONS], when appropriate, that will fairly evaluate
25 [TEST] the capacity and fitness of the person assessed [EXAMINED] to discharge the
26 duties of the position [CLASS] in which employment is sought;

27 (4) the formulation of a list [ESTABLISHMENT AND
28 MAINTENANCE OF ELIGIBLE LISTS] for appointment and promotion to a
29 position [PROVIDING THE NAMES OF ELIGIBLE CANDIDATES IN ORDER OF
30 THEIR RELATIVE PERFORMANCE IN THE EXAMINATIONS];

31 (5) the procedure for filling positions [CERTIFYING ELIGIBLE

1 CANDIDATES]; the rule adopted under this paragraph may include procedures
2 providing a preference for certifying local residents when appropriate;

3 (6) promotions from within the state service when there are qualified
4 candidates in the state service; vacancies shall be filled by promotion whenever
5 practicable and in the best interest of the state service and promotion shall be by
6 competitive assessment [EXAMINATION] whenever possible; in considering
7 promotions, the applicants' qualifications, performance records, seniority, and conduct
8 shall be evaluated;

9 (7) a period of probation not to exceed one year before an appointment
10 to a position becomes permanent, except that a permanent employee receiving a
11 promotional appointment retains permanent status in the service and job class from
12 which appointed for the duration of the probationary period and may be demoted to
13 a former class without right of appeal, notwithstanding AS 39.25.170, but if the
14 employee is dismissed from the service the appeal rights under AS 39.25.170 apply;

15 (8) nonpermanent and emergency appointments to positions in the state
16 service in accordance with AS 39.25.195 - 39.25.200;

17 (9) provisional appointment without competitive assessment
18 [EXAMINATION] when the recruitment and assessment processes have not
19 identified qualified candidates in sufficient number [APPROPRIATE ELIGIBLE
20 LISTS ARE NOT AVAILABLE];

21 (10) transfers from one department to another and from another merit
22 system jurisdiction to the state service;

23 (11) transfers from one area of the state to another;

24 (12) the reinstatement of a person who resigns in good standing;

25 (13) layoffs for reason of lack of money or work, abolition of positions,
26 or material changes in duties or organization; both performance and seniority records
27 shall be considered in the development of layoff orders;

28 (14) the development, maintenance, and use of employee performance
29 records;

30 (15) the establishment of disciplinary measures which may include
31 disciplinary suspension without pay;

1 (16) the procedures for review of disputed personnel actions, for
2 resolving employee and interagency grievances, and for resolving grievances of the
3 general public concerning the operation of the state personnel system;

4 (17) hours of work for all employees in the state service;

5 (18) methods and procedures covering overtime work and pay;

6 (19) the granting of employment preference rights, not within the area
7 of promotion, to a veteran or prisoner of war under AS 39.25.159;

8 (20) the employment of persons in permanent positions on a part-time
9 basis of 15 hours or more a week, including the employment of two persons to fill one
10 permanent full-time position; these employees shall be designated as permanent
11 part-time employees;

12 (21) the granting of employment preference to severely handicapped
13 persons; this includes the right to provisional appointment without competitive
14 assessment [EXAMINATION] for periods up to four months and the granting of
15 eligibility to a severely handicapped person provisionally appointed under the rules
16 who demonstrates ability to perform the job for permanent appointment without
17 competitive assessment [EXAMINATION]; provisional employment under this
18 paragraph may not exceed four months during a 12-month period; "severely
19 handicapped" as used in this paragraph means persons certified by the director of the
20 division of vocational rehabilitation to be severely handicapped;

21 (22) the establishment of programs facilitating the employment of
22 disadvantaged persons;

23 (23) the delegation, when feasible, of personnel responsibilities and
24 duties to the principal departments of the executive branch;

25 (24) the establishment of a transition period of up to 12 months for an
26 employee to be reappointed to a classified position if the employee's position is
27 withdrawn from the partially exempt or exempt service and placed in the classified
28 service;

29 (25) other rules and administrative regulations, not inconsistent with
30 this chapter, that are necessary for its enforcement.

31 * Sec. 4. AS 39.25.159(a) is amended to read:

1 (a) A veteran or prisoner of war who possesses the necessary qualifications for
 2 a position or job classification applied for under this chapter is entitled to a preference
 3 under this subsection. In an assessment using numerical ratings, points equal to
 4 five percent of the points available from the assessment device or devices shall be
 5 added to the passing score of a veteran, and 10 percent of the points available
 6 from the assessment device or devices shall be added to the passing score of a
 7 disabled veteran or prisoner of war. In an assessment not using numerical
 8 ratings, consideration shall be afforded to a veteran; additionally, an opportunity
 9 to interview for the position shall be afforded to a disabled veteran or
 10 [EXAMINATION TO DETERMINE THE QUALIFICATION OF APPLICANTS FOR
 11 THE CLASSIFIED SERVICE UNDER MERIT SYSTEM EXAMINATION, FIVE
 12 POINTS SHALL BE ADDED TO THE PASSING GRADE OF A VETERAN, 10
 13 POINTS SHALL BE ADDED TO THE PASSING GRADE OF A DISABLED
 14 VETERAN, OR 10 POINTS SHALL BE ADDED TO THE PASSING GRADE OF]
 15 a prisoner of war. A person may receive preference [POINTS] under only one of the
 16 categories described in this subsection or in (c) of this section. A person may use the
 17 preference without limitation when being considered for a position for which persons
 18 who are not currently state employees are being considered. If the scope of
 19 recruitment for a position [CONSIDERATION OF APPLICANTS] is limited to state
 20 employees, preference [POINTS] under this subsection may not be counted. If a
 21 position in the classified service is eliminated, employees shall be released in
 22 accordance with rules adopted under AS 39.25.150(13) [THAT GIVE DUE EFFECT
 23 TO ALL FACTORS]. In the case of a comparison of employees with equal
 24 qualifications on the factors adopted under AS 39.25.150(13) [IF ALL JOB
 25 QUALIFICATIONS ARE EQUAL], a veteran or prisoner of war shall be given
 26 preference over a person who was not a veteran or prisoner of war, and the veteran or
 27 prisoner of war shall be kept on the job. This subsection may not be interpreted to
 28 amend the terms of a collective bargaining agreement.

29 * Sec. 5. AS 39.25.159(c) is amended to read:

30 (c) A member of the national guard who possesses the necessary qualifications
 31 for a position or job classification applied for under this chapter is entitled to a

1 preference under this subsection. In an assessment using numerical ratings, points
 2 equal to five percent of the points available from the assessment device or devices
 3 shall be added to the passing score of a member of the national guard. In an
 4 assessment not using numerical ratings, consideration shall be afforded to
 5 [EXAMINATION TO DETERMINE THE QUALIFICATION OF APPLICANTS FOR
 6 THE CLASSIFIED SERVICE UNDER MERIT SYSTEM EXAMINATION, FIVE
 7 POINTS SHALL BE ADDED TO THE PASSING GRADE OF] a member of the
 8 national guard. A person may use the preference without limitation when being
 9 considered for a position for which persons who are not currently state employees are
 10 being considered. If the scope of recruitment for a position [CONSIDERATION OF
 11 APPLICANTS] is limited to state employees, preference [POINTS] under this
 12 subsection may not be counted. If a position in the classified service is eliminated,
 13 employees shall be released in accordance with rules adopted under AS 39.25.150(13)
 14 [THAT GIVE DUE EFFECT TO ALL FACTORS]. In the case of a comparison of
 15 employees with equal qualifications on the factors adopted under AS 39.25.150(13)
 16 [IF ALL JOB QUALIFICATIONS ARE EQUAL], a member of the national guard
 17 shall be given preference over a person who was not a veteran, prisoner of war, or a
 18 member of the national guard. This subsection may not be interpreted to amend the
 19 terms of a collective bargaining agreement. In this subsection, "member of the national
 20 guard" means a person who is presently serving as a member of the Alaska National
 21 Guard and who has at least eight years of service in the Alaska National Guard.

22 * Sec. 6. AS 39.25.159(d) is amended by adding a new paragraph to read:

23 (4) "consideration" means reviewing a person's entire application in
 24 order to determine whether the person should be selected, rejected, or admitted to
 25 further steps in the assessment or selection process.

26 * Sec. 7. AS 39.25.160(h) is amended to read:

27 (h) A person may not knowingly make a false statement, [CERTIFICATE,]
 28 mark, rating, or report with regard to an assessment [A TEST], certification, or
 29 appointment made under this chapter or in any manner commit a fraud preventing the
 30 impartial execution of this chapter and the personnel rules adopted under this chapter.

31 * Sec. 8. AS 39.25.160(i) is amended to read:

1 (i) A person may not obstruct the right of another person to assessment
2 [EXAMINATION], eligibility, certification, appointment, or promotion under this
3 chapter.

4 * Sec. 9. AS 39.25.195(b) is amended to read:

5 (b) An appointment to state service, except an emergency appointment, shall
6 be made from the list of applicants qualified for the position [AN APPLICABLE
7 ELIGIBLE LIST OR DISPATCHING REGISTER] unless in appropriate circumstances
8 the director has waived this requirement.

9 * Sec. 10. AS 39.25.196(a) is amended to read:

10 (a) Notwithstanding the provisions of AS 39.25.195, a hiring department or
11 agency may grant a preference to local residents in the appointment of nonpermanent
12 employees or in the appointment of permanent employees to perform seasonal work
13 assignments of 180 calendar days or less in a 12-month period. If there are no local
14 residents on the applicable list of applicants qualified for the [ELIGIBLE LIST FOR
15 A] nonpermanent or a permanent seasonal position or if the local residents on the
16 applicable [ELIGIBLE] list of applicants qualified for the position are unavailable,
17 the hiring department or agency may obtain referrals of qualified job applicants for
18 these positions from the job service office of the Department of Labor and Workforce
19 Development serving the area and from those applicants select a qualified person who
20 is a local resident for the position.

21 * Sec. 11. AS 44.21.020 is amended to read:

22 **Sec. 44.21.020. Duties of department.** The Department of Administration
23 shall

24 (1) make surveys and studies to improve administrative procedures,
25 methods, and organization;

26 (2) keep general accounts;

27 (3) approve vouchers and disburse funds for all purposes;

28 (4) operate centralized purchasing and supply services, and necessary
29 storerooms and warehouses;

30 (5) allot space in state buildings to the various departments according
31 to need and available space;

1 (6) supervise telephone, mailing, messenger, duplicating, and similar
2 services adaptable to centralized management;

3 (7) administer the public employees' retirement system and teachers'
4 retirement system;

5 (8) administer a statewide personnel program, including central
6 personnel services such as recruitment, assessment [EXAMINATION], position
7 classification, and pay administration;

8 (9) administer the Alaska Pioneers' Homes;

9 (10) administer and supervise a statewide automatic data processing
10 program;

11 (11) study, design, implement, and manage the telecommunications
12 systems and services of the state under AS 44.21.305 - 44.21.330;

13 (12) [REPEALED

14 (13)] administer state veterans' home facilities; in carrying out its duties
15 under this paragraph, the department shall consult with the Department of Military and
16 Veterans' Affairs.

17 * Sec. 12. AS 39.25.153(b), 39.25.153(c), 39.25.153(d), and ~~39.25.155~~ are repealed.

18 * Sec. 13. The uncodified law of the State of Alaska is amended by adding a new section
19 to read:

20 TRANSITION: REGULATIONS. The personnel board may proceed to adopt
21 regulations to implement the changes made by this Act. The regulations take effect under
22 AS 39.25.140, but not before the effective date of secs. 1 - 12 of this Act.

23 * Sec. 14. Section 13 of this Act takes effect immediately under AS 01.10.070(c).

2123

Sara Felix
Dept of Law

James
Chamler
2029

To: Barbara Cotting H STA

From: Sarah Felix

AGO

465-2123

or call Dave Stewart,

Div. of Personnel 4431.

3/2/80

factor which led to the "no" vote is because there was no fence around how much money the legislature could spend; there was no limit and no plan. She emphasized that the legislature needs an overall plan that establishes by statute a healthy dividend that can be protected over the long term. She added that she is not sure if she will support HB 411 and recognized that more work needs to be done on this issue. She reminded the committee that the legislature has three more years to come to grips with the budget deficit and then time is up.

ADJOURNMENT

Number 1714

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 10:00 a.m.

3/7/00

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE JAMES

TO: CSHB 317(MLV)

1 Page 5, following line 12:

2 Insert new bill sections to read:

3 **** Sec. 5.** AS 39.25.155(c) is amended to read:

4 (c) Applicants shall be placed on [ELIGIBLE] lists for the vocational
5 classification indicated in their applications [SUBMITTED TO THE DIVISION OF
6 PERSONNEL IN THE ORDER OF THEIR RELATIVE RANKING] based on an
7 assessment of their vocational [TECHNICAL] ability, and place of residence [AND
8 WITHOUT WRITTEN EXAMINATION. APTITUDE OR OCCUPATIONAL TESTS
9 MAY BE GIVEN IF A POSITION REQUIRES A SPECIFIC ABILITY].

10 *** Sec. 6.** AS 39.25.155(e) is amended to read:

11 (d) The director of personnel shall embody a concept combined of vocational
12 [TECHNICAL] ability, place of residence, local hire and area unemployment in the
13 personnel rules to accomplish the intent of this section."

14 Renumber the following bill sections accordingly.

*Terry Cramer
Please draft
for state
Affairs hearing*

*Barbara
6822*

FISCAL NOTE

No: 1

STATE OF ALASKA
2000 LEGISLATIVE SESSION

Bill Version: HB 317
(H) Publish Date: 1/24/00

Revision Date/Time (Note if Correction): 12/28/99 11:00 a.m.
Title: "An Act relating to selection, appointment, and promotion of state employees...."
Sponsor: Rules Committee
Requestor: Governor

Department Affected: All Departments
BRU: Personnel
Component: Personnel
COMPONENT SERIAL NO. 2265

Expenditures/Revenues: (Thousands of Dollars)
Note: Amounts do not include inflation unless otherwise noted below

OPERATING EXPENDITURES	FY 2001	FY 2002	FY2003	FY 2004	FY 2005	FY 2006
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
-----------------------------	------------	------------	------------	------------	------------	------------

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
-------------------------------	------------	------------	------------	------------	------------	------------

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 2000) cost: \$ _____

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.)

The statute changes reflect current practices required by Workplace Alaska. Because the new system is not based on examination and creation of eligible lists, references to eligible lists, examinations, etc., have been amended where appropriate. Veteran's preferences which have been available as points on eligible lists are changed to required consideration for 5% veterans and required interviews for 10% veterans. Because these changes reflect current practices, there is no fiscal impact.

Prepared by: Sharon Barton, Director
Division: Personnel

Phone: 465-4429
Date: _____

Approved by Commissioner: Robert Poe Jr
Agency: Department of Administration

Phone: 465-2200
Date: 12/28/99

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