

SB

221

STATE OF ALASKA

DEPARTMENT OF ADMINISTRATION

OFFICE OF THE COMMISSIONER

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February 2, 2000

The Honorable Jerry Ward
Alaska State Senator
State Capitol, Room 423
Juneau, AK 99801

Dear Senator Ward:

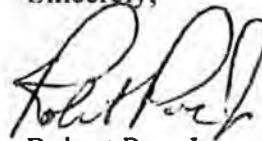
I respectfully request that you schedule Senate Bill 221, an act relating to recruitment, selection, appointment, and promotion of state employees, for a hearing in the Senate State Affairs Committee.

This bill 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. The bill also establishes a system to continue honoring preference for veterans, prisoners of war and members of the Alaska National Guard.

If you have any questions or need additional information, please feel free to contact me or my legislative liaison, David Koivunieni.

Thank you in advance for your cooperation.

Sincerely,



Robert Poe, Jr.
Commissioner

RP/DMD/jd

cc: Pat Pourchot, Legislative Director, Office of the Governor



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PHONE MEMO	TO	Loretta.	DATE	2/11/00	TIME	9:40	(AM) PM
	FROM	Dave Koivuniemi	AREA CODE		NO.	5669	
	OF				EXT.	ext.	
MESSAGE	Dept. of Admin.						
	SB 221 - state employee hire						
	SB 232 - personal info in DMW						
	cleaning up statistics records						
	DOA request for hearing						
PHONED <input type="checkbox"/>		CALL BACK <input type="checkbox"/>		RETURNED CALL <input type="checkbox"/>		WANTS TO SEE YOU <input type="checkbox"/>	
						WILL CALL AGAIN <input type="checkbox"/>	
						WAS IN <input type="checkbox"/>	
						URGENT <input type="checkbox"/>	



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Recruitment and selection of employees is one of the basic purposes of a personnel function. To do so quickly and effectively is ideal.

WorkPlace Alaska provides needed changes in accessibility and speed to recruitment efforts. Developed in response to requests for speedier review of their applications and to speedier lists of applicants, job seekers and hiring managers have both responded positively to WorkPlace Alaska.

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 paper-based register system.

Mr. Chair, I have prepared a sectional analysis of this legislation for your ^{CONSIDERATION} analysis. I would be pleased to walk the committee through that analysis, or I can provide a synopsis of the changes, or I can answer general or specific questions you might have.

Chart of Statutory Revisions to Implement Workplace Alaska – 3/15/00
 (This summary is based upon the CS for HB317 adopted by MLV)

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 <u>complete an assessment</u> , 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. Partially Exempt staff can be appointed without competitive process.
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	the use of employee selection methods, including open	Delete reference to examination;

	examinations, when appropriate, that will fairly test the capacity and fitness of the person examined to discharge the duties of the class in which employment is sought;	competitive assessment devices , when appropriate, that will fairly evaluate the capacity and fitness of the person assessed to discharge the duties of the position in which employment is sought;	Reflects vacancy-based position 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	Change word "examination" to word "assessment;"	Reference to current practice; assessment rather than examination.

	whenever practicable and in the best interest of the state service and promotion shall be by competitive 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	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>permanent appointment without competitive examination; provisional employment under this 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>Section 5 Page 5 Line 17</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>Section 6 Page 5 Line 21</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 7 Page 5 Line 25 – end of section</p>	<p>AS 39.25.159(a) Veteran's Preference</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 8 Page 6 Line 24 – end of section</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 9 Page 7 Line 17</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 10 Page 7 Line 23</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 11 Page 7 Line 27</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 12 Page 8 Line 1</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 13 Page 8 Line 13 to end of section</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 14 Page 8 Line 28 & 30	<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 15 Page 9 Line 20	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 16 Page 9 Line 31	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 17 Page 10 Line 1			This section prevents the Personnel Board from adopting regulations relative to the use of WorkPlace Alaska until these

			statutory changes are made.
Section 18 Page 10 Line 7		Requests an immediate effective date.	

Thank you, Mr. Chair, for the opportunity to provide this testimony. If you have questions, please do not hesitate to contact me.