

HB

327

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

TONY KNOWLES, GOVERNOR

GOVERNMENTAL AFFAIRS SECTION
P.O. BOX 110300
DIMOND COURT HOUSE, 6TH FLOOR
JUNEAU, ALASKA 99811-0300
PHONE: (907)465-3600
FAX: (907)465-2520

May 7, 2002
Via Hand Delivery

Hon. John Coghill, Chair
House State Affairs Committee
Room 102, Capitol
Juneau, AK 99811

Re: HB 327

Dear Representative Coghill:

Thank you for the opportunity to testify on the above bill last Thursday. We write to provide some additional information with regard to whether there is any constitutional dimension to a broad application of the above bill, which provides for the continuation of pay and other benefits to employees of all state agencies under certain circumstances when they are called to active duty. We address concerns expressed on behalf of the University, and touch briefly on other matters.

Apparently there is some lingering doubt about whether the University of Alaska is subject to state laws setting employment standards. The answer is that they are.

It has been clear at least since the Alaska Supreme Court's decision in *University of Alaska v. National Aircraft Leasing, Ltd.*, 536 P.2d 121 (Alaska 1975) that the University is subject to legislative enactment:

"But the University is also subject to some executive and legislative control. . . . [T]he constitution provides that the regents of the University shall be appointed by the governor, subject to confirmation by the legislature. Furthermore, . . . formulation of University policy as well as the administration and disposition of University property are made subject to legislative enactment. . . .

536 P.2d at 124. The court went on to hold that while it enjoyed some degree of autonomy, the University was in fact a part of state government. 536 P.2d at 128.

To: Rep. Coghill, Chair, House State Affairs
Re: HB 327

May 7, 2002
Page 2 of 3

Subsequent decisions have re-affirmed that the University is subject to state laws. See *Carter v. Alaska Public Employees Association*, 663 P.2d 916, 919 (Alaska 1983)(University not immune from compliance with public records act); *University of Alaska v. Geistauts*, 666 P.2d 424, 427 (Alaska 1983)(open meeting act applies to tenure committee as subordinate unit of the University, a state agency). The University's status as a state agency has been contrasted with the independence of the Alaska Commercial Fishing & Agriculture Bank. *Alaska Commercial Fishing & Agriculture Bank*, 715 P.2d 707, 712 (Alaska 1986)

As discussed at prior hearings, certain other statutes apply to the University's operations. The procurement code requires that the board of regents adopt regulations substantially equivalent to those adopted by the Department of Administration. It must comply with the Public Employee Relations Act. AS 23.40.250(7) It must comply with AS 39.52.960(2) and 39.52.960(12).

Clearly there is no constitutional impediment to the inclusion of the University in the bill, even as originally written, for the regulation which that version calls for has the force of law. However, amendments before the committee permit the University, the Alaska Railroad, and the other branches of government, to employ their own procedures to accomplish the objectives of the legislation.

The Alaska Railroad is not a constitutional body but its federal origins have given it somewhat greater independence than the University. As counsel for the Alaska Railroad pointed out at the committee's last hearing, the railroad has its own collective bargaining statutes, although disputes under those statutes are heard by the Alaska Labor Relations Agency in the Department of Labor. AS 23.05.370. It has its own open meetings provisions. AS 42.40.170. It is governed by the procurement code under AS 36.30.015(e), which likewise requires the adoption of procedures in substantial compliance with those adopted by the Department of Administration. It is also covered by the executive branch ethics act under AS 39.52.960(2) and 39.52.960(12).

It is clear that the legislature can, and has, set standards in areas of importance which it has required all state agencies to comply. It has even included itself and the court system, co-equal branches of government, in holding certain of their operations to uniform standards, for example in the area of procurement and retirement.

In summary, the legislature is not legally compelled to omit these agencies and the other branches from this proposed statute. The legislation advocates uniform treatment of state agency employees. The legislature can adopt that approach if it wishes, or not. However, the legislature's decision as to which approach to take will be a policy choice - a decision whether employees of state agencies will receive equal treatment for those rare

To: Rep. Coghill, Chair, House State Affairs
Re: HB 327

May 7, 2002
Page 3 of 3

situations where there is a major activation of our nation's armed forces. There is no doubt that legislature is authorized to adopt the legislation.

Thank you again for the opportunity to comment. Please do not hesitate to contact this office if you have any additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kathleen Strasbaugh', with a long horizontal flourish extending to the right.

Kathleen Strasbaugh
Assistant Attorney General

cc: Clients

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 327
 () Publish Date: _____

Revision Date/Time (Note if correction): Rev 4/22/02 Dept. Affected: All
 Title "An act relating to state employees BRU All
 called to active duty..." Component All
 Sponsor Governor
 Requester House State Affairs Component No. All

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY2002) cost: 44.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The estimated FY 2002 cost above is based on expenses that would have been incurred on behalf of eight state employees activated to military service if an Administrative Order under the proposed legislation had been issued and if the Order directed the payment of supplemental wages and health insurance premium contributions for the period September 11, 2001 through June 30, 2002.

FY 2003 and out year funding is indeterminate since there is no way to predict the number of emergencies for which an Administrative Order under the legislation might be considered.

Prepared by: David Stewart
 Division: Division of Personnel
 Approved by: Jim Duncan, Commissioner
 Agency: Department of Administration

Phone 465-4431
 Date/Time 4/22/02 11:45 AM
 Date 4/22/2002

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

BILL NO. HB 327

ANALYSIS CONTINUATION

The FY 2002 cost is based on the following assumptions:

- (1) 41 State employees have been called to active duty since September 11, 2001;
- (2) 8 of those State employees called to active duty earned less salary in military service than in service to the State of Alaska;
- (3) These 8 State employees were engaged 100% of the time in military service;
- (4) The average period of active duty for the 8 affected employees, as of June 30, 2002, will be 120 days or 4 months 8 pay periods;
- (5) The composite monthly wage supplement amount for the 8 affected employees is \$6,346;
- (6) For the period of active duty, the total wage supplement would be \$25,384 (4 months @ \$6346);
- (7) The State of Alaska paid 100% of health insurance premium costs for the period 9/11/01 through 6/30/02;
- (8) The combined health insurance premium contribution would be \$18,400 (8 employees x \$575 x 4 months)
- (9) The total expense for 8 active duty employees for 120 days would be \$43,784.

For absences of 120 days or less, the use of a nonpermanent substitute is appropriate. The cost of a nonpermanent substitute for 120 days or less is the cost of wages. Nonpermanent employees employed longer than 120 days are eligible for wages, leave and health insurance costs.

The employer health premium contribution increases from \$575 to \$630 on July 1, 2002.

STATE OF ALASKA
DEPARTMENT OF ADMINISTRATION
OFFICE OF THE COMMISSIONER

TONY KNOWLES, GOVERNOR

*P.O. BOX 110200
JUNEAU, ALASKA 99811-0200
PHONE: (907) 465-2200
FAX: (907) 465-2135*

April 8, 2002

The Honorable John Coghill
House State Affairs Committee
Alaska State House
State Capitol
Juneau, Alaska 99801-1182

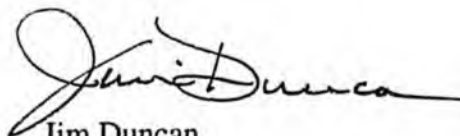
Dear Representative Coghill:

This letter is to request that you schedule HB 327, relating to State Employees who are called to Active Duty as Reserve or Auxiliary Members of the Armed Forces of the United States for a hearing before the House State Affairs Committee as soon as possible.

HB 327 will allow the Governor to ensure that state employees who are members of reserve and auxiliary military units, including the Alaska National Guard and Alaska Naval Militia, will not be financially penalized when called to active military duty in certain circumstances.

Your favorable consideration of this request will be appreciated.

Sincerely,



Jim Duncan
Commissioner

Attachments

cc: Mike Abbott
Legislative Office
Office of the Governor

STATE OF ALASKA
DEPARTMENT OF ADMINISTRATION
OFFICE OF THE COMMISSIONER

TONY KNOWLES, GOVERNOR

*P.O. BOX 110200
JUNEAU, ALASKA 99811-0200
PHONE: (907) 465-2200
FAX: (907) 465-2135*

HB 327, relating to State Employees who are called to Active Duty as Reserve or Auxiliary Members of the Armed Forces of the United States

HB 327 will allow the Governor to ensure that state employees who are members of reserve and auxiliary military units, including the Alaska National Guard and Alaska Naval Militia, will not be financially penalized when called to active military duty in certain circumstances.

The events of September 11, 2001 had many far-reaching impacts. An area of concern to the Governor was that sudden activation of military reservists and National Guard members who are employees of the State of Alaska could create financial and other hardships for the employees and for their families.

The intent of HB 327 is to allow the Governor by Administrative Order to reduce, or eliminate any hardships on the employee and the employee's family created by a drastic reduction in income, health insurance coverage, or any negative effects on future retirement benefits.

The effect of the bill is retroactive to September 11, 2001.

THE
FOLLOWING
DOCUMENT(S)
ARE
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COPIES

Effect of amendments. — The 1998 amendment, effective January 1, 1999, rewrote this section.

Sec. 42.40.720. Collective bargaining rights. The provisions of AS 23.40.070 — 23.40.260 do not apply to the corporation or to its employees. However, employees who are not executive officers may organize and form, join, or assist an organization to engage in collective bargaining through representatives of their own choosing and engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection. (§ 2 ch 153 SLA 1984)

Sec. 42.40.730. Railroad labor relations agency. (a) The Alaska labor relations agency, established in AS 23.05.360, is the sole railroad labor relations agency.

(b) The Alaska labor relations agency shall carry out the provisions of AS 42.40.730 — 42.40.890. (§ 2 ch 153 SLA 1984; am E.O. No. 77 § 4 (1990))

Sec. 42.40.740. Collective bargaining unit. The railroad labor relations agency shall decide in each case, in order to ensure employees the fullest freedom in exercising the rights guaranteed by AS 42.40.710 — 42.40.890 the unit appropriate for the purposes of collective bargaining, based on such factors as community of interest, wages, hours, and other working conditions of the employees involved, the history of collective bargaining, and the desires of the employees. Bargaining units shall be as large as is reasonable, and unnecessary fragmenting shall be avoided. (§ 2 ch 153 SLA 1984)

Sec. 42.40.750. Representatives and elections. (a) The railroad labor relations agency shall investigate a petition if it is submitted in a manner prescribed by the railroad labor relations agency by

(1) an employee or group of employees or an organization acting in their behalf alleging that 30 percent of the employees of a proposed bargaining unit

(A) want to be represented for collective bargaining by a labor or employee organization as exclusive representative; or

(B) assert that the organization that has been certified or is currently being recognized by the corporation as bargaining representative is no longer the representative of the majority of employees in an appropriate unit; or

(2) the corporation alleging that one or more organizations have presented to it a claim to be recognized as a representative of a majority of employees in an appropriate unit.

(b) If the railroad labor relations agency has reasonable cause to believe that a question of representation exists, it shall provide for a hearing upon due notice. If the railroad labor relations agency finds that there is a question of representation, it shall direct an election by secret ballot to determine whether or by which organization the employees desire to be represented and shall certify the results of the election. Nothing in this subsection prohibits the waiving of hearings by stipulation for the purpose of a consent election in conformity with the regulations of the railroad labor relations agency or an election in a bargaining unit agreed upon by the parties.

(c) The railroad labor relations agency shall determine who is eligible to vote in an election held under this section and shall adopt regulations governing the election. In an election in which none of the choices on the ballot receives a majority of the votes cast, a runoff election shall be conducted, the ballot providing for selection between the two choices receiving the largest number of valid votes cast in the election. If an organization receives the majority of the votes cast in the election, it shall be certified by the railroad labor relations agency as exclusive representative of all the employees in the bargaining unit. An election may not be held in a bargaining unit or in a subdivision of a bargaining unit if a valid election has been held within the preceding 12 months.

(d) Nothing in this chapter prohibits recognition of an organization as the exclusive representative by the corporation by mutual consent.

22 27 1996

Authority granted under this subsection shall be exercised in accordance with this chapter.

(b) Except as otherwise provided, all rights, powers, duties, and authority relating to the procurement of construction and procurements of equipment or services for the state equipment fleet and the control over construction of state facilities and the state equipment fleet vested in or exercised by an agency on January 1, 1988, are transferred to the commissioner of transportation and public facilities, subject to regulations adopted by the commissioner of administration. Notwithstanding AS 44.68.110, authority relating to disposals from the state equipment fleet is vested in the commissioner of transportation and public facilities, subject to regulations adopted by the commissioner of administration. Authority granted under this subsection shall be exercised in accordance with this chapter.

(c) Notwithstanding other provisions of law, all rights, powers, duties, and authority relating to the procurement of supplies, services, professional services, and construction and the disposal of supplies for the University of Alaska are transferred to the Board of Regents. To the maximum extent possible, authority granted under this subsection shall be exercised in accordance with this chapter. The Board of Regents shall adopt regulations under this subsection that are substantially equivalent to the regulations adopted by the commissioner of administration to implement this chapter. For the purposes of this subsection, unless the context otherwise requires, in this chapter

- (1) "agency" means a subunit of the University of Alaska;
- (2) "attorney general" means the president of the University of Alaska;
- (3) "chief procurement officer" means a person designated by the president of the University of Alaska whose qualifications are substantially equivalent to those provided in AS 36.30.010(a);
- (4) "commissioner," "commissioner of administration," or "commissioner of transportation and public facilities" means the Board of Regents or the president of the University of Alaska if so designated by the Board of Regents by regulations adopted under this subsection; and
- (5) "department" means the University of Alaska. (§ 2 ch 106 SLA 1986; am §§ 1, 2 ch 65 SLA 1987)

NOTES TO DECISIONS

Cited in *Bowers Office Prods., Inc. v. University of Alaska*, 755 P.2d 1095 (Alaska 1988); *Dick Fischer Dev. No. 2, Inc. v. Department of Admin.*, 778 P.2d 1153 (Alaska 1989); *Gunderson v. University of Alaska*, 922 P.2d 229 (Alaska 1996).

Sec. 36.30.010. Chief procurement officer. (a) The commissioner shall appoint to the partially exempt service the chief procurement officer of the state. The chief procurement officer must have at least five years of prior experience in public procurement, including large scale procurement of supplies, services, or professional services, and must be a person with demonstrated executive and organizational ability. The chief procurement officer may be removed by the commissioner only for cause. The term of office of the chief procurement officer is six years.

(b) Except as otherwise specifically provided in this chapter, the chief procurement officer shall

- (1) procure or supervise the procurement of all supplies, services, and professional services needed by an agency;
- (2) exercise general supervision and control over all inventories of supplies belonging to an agency and prescribe the manner in which supplies shall be purchased, delivered, stored, and distributed;
- (3) prescribe the time, manner, authentication, and form of making requisitions for supplies and services;

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Article 2. Public Employment Relations Act.

Section

- 70. Declaration of policy
- 75. Items not subject to bargaining
- 80. Rights of public employees
- 90. Collective bargaining unit
- 100. Representatives and elections
- 110. Unfair labor practices
- 120. Investigation and conciliation of complaints
- 130. Complaint and accusation
- 140. Orders and decisions
- 150. Enforcement by injunction
- 160. Power to investigate and compel testimony
- 170. Regulations
- 180. Penalty for violation of order or decision
- 190. Mediation
- 200. Classes of public employees; arbitration

Section

- 205. Family leave
- 210. Agreement; cost-of-living differential
- 212. Agreement with the Board of Regents
- 215. Monetary terms subject to legislative funding
- 220. Labor or employee organization dues and employee benefits, deduction and authorization
- 225. Exemption based on religious convictions
- 235. Public involvement in school district negotiations
- 240. Effect on certain units, representatives, and agreements
- 245. Postsecondary student involvement in collective bargaining
- 250. Definitions
- 260. Short title

Cross references. — For applicability of article to political subdivisions unless rejected by them, see § 4, ch. 113, SLA 1972 in the Temporary and Special Acts. For inability of municipal school districts or re-

gional educational attendance areas to reject application of this article, see § 11, ch. 1, SLA 1992 in the Temporary and Special Acts.

NOTES TO DECISIONS

Right of public employees in Alaska to bargain collectively was created by this article. Alaska Pub. Employees Ass'n v. Municipality of Anchorage, 555 P.2d 552 (Alaska 1976).

This article confers upon public employees the right to organize and bargain collectively with their employers and requires public employers to recognize collective bargaining units designated pursuant to this article. *Northwest Arctic Regional Educ. Attendance Area v. Alaska Lab. Serv. Employees, Local 71*, 591 P.2d 1292 (Alaska 1979), overruled on other grounds, *Alaska Com. Fishing & Agric. Bank v. O/S Alaska Coast*, 715 P.2d 707 (Alaska 1986).

This article allows political subdivisions of the state to reject its provisions for conduct of labor relations and to substitute their own provisions. Alaska Pub. Employees Ass'n v. Municipality of Anchorage, 555 P.2d 552 (Alaska 1976).

Applicability of article is the rule. — Under the present statute, applicability of this article is the rule, exemption the exception. *State v. City of Petersburg*, 538 P.2d 263 (Alaska 1975).

This article is expressly made applicable to home-rule municipalities, and thus municipalities are impliedly prohibited from refusing to negotiate with organizations selected by employees unless the exemption was timely enacted. *State v. City of Petersburg*, 538 P.2d 263 (Alaska 1975).

Applying a liberal construction to the powers of local government cannot override the express declaration of policy made a part of this article when coupled with considerations of the impact of the repeal of AS 23.40.010 and the different language used in the 1972 exemption provision, § 4, ch. 113, SLA 1972. *State v. City of Petersburg*, 538 P.2d 263 (Alaska 1975).

Article applicable unless state political subdivisions reject it. — The legislature provided for this article to be applicable to all political subdivisions of the state unless they rejected it rather than making the article inapplicable unless affirmative steps are

taken by these same subdivisions to adopt the act (see § 4, ch. 113, SLA 1972). *State v. City of Petersburg*, 538 P.2d 263 (Alaska 1975).

Section 4, ch. 113, SLA 1972, not temporary. — Had the legislature wanted § 4, ch. 113, SLA 1972, to be of temporary duration, it would have so indicated. *Anchorage Mun. Employees Ass'n v. Municipality of Anchorage*, 618 P.2d 575 (Alaska 1980).

Privatization permitted. — Nothing in this article restricts the state from reducing its workforce and laying off personnel for reasons of economy. More specifically, nothing in this article prohibits state agencies from resorting to privatization as a cost-cutting measure. *Moore v. State, DOT & Pub. Facilities*, 875 P.2d 765 (Alaska 1994).

When article may be rejected. — This article may be rejected when all evidence indicates that municipal governments exempted themselves solely for the purpose of retaining local control over their labor relations, and with the clear intent of continuing collective bargaining rather than to interfere with established employee rights. *Anchorage Mun. Employees Ass'n v. Municipality of Anchorage*, 618 P.2d 575 (Alaska 1980); *City of Sitka v. International Bhd. of Elec. Workers, Local 1547*, 653 P.2d 332 (Alaska 1982).

Rejection of this article in order to gain an undue advantage in a labor dispute or the negotiation of a new collective bargaining agreement constitutes a deliberate interference with the right of employees to organize and bargain collectively in derogation of the act's express declaration of policy. *Anchorage Mun. Employees Ass'n v. Municipality of Anchorage*, 618 P.2d 575 (Alaska 1980).

Rejection must be prior to substantial organizational activity by public employees. — It is evident from the wording of the exemption provision that the legislature intended to limit the freedom of the political subdivision to consider whether it wishes this article to apply to it by adopting the position that the article must be rejected prior to substantial orga-

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AMENDMENT #1

OFFERED IN THE HOUSE

BY

TO:

1 Page 1, line 10:

2 Delete "state"

3

4 Line 1, line 10, after the word "employees"

5 Insert: "of executive branch offices and departments"

6

7 Page 2, line 14:

8 Insert:

9 "(d) in this section, executive branch offices and departments are those listed in AS

10 44.17.005

11

12

13

14

15 The intent of this amendment is to exempt from HB 327 employees of the University of

16 Alaska, The Alaska Railroad Corporation, the Judicial Branch, and the Legislature.

ALASKA STATE HOUSE OF REPRESENTATIVES

Interim Address:
119 N. Cushman, Suite 211
Fairbanks, AK 99701
(907)-456-5081
Fax# (907)-456-8245



Session Contact:
(907)-465-3719
FAX# (907)-465-3258
State Capitol
Room 102

REPRESENTATIVE JOHN COGHILL

Memorandum

Date: April 26, 2002

To: Roxanne Stewart, Legislative Liason
Department of Administration

From: Rynniva Moss, Committee Aide
House State Affairs Committee

Re: HB 327

A handwritten signature in cursive script, appearing to read "Rynniva Moss".

Attached is an amendment proposed by Ann Ringstad with the University of Alaska. This addresses questions Representative Stevens and Representative Fate have concerning the University of Alaska and goes beyond that. I am sending it to legal and to all members of the committee. I already know that Representative Stevens has a problem and am unsure of the position of the rest of the committee.

I will discuss it with Representative Coghill and we came hopefully readdress it next week.

ALASKA STATE HOUSE OF REPRESENTATIVES

Interim Address:
119 N. Cushman, Suite 211
Fairbanks, AK 99701
(907)-456-5081
Fax# (907)-456-8245



Session Contact:
(907)-465-3719
FAX# (907)-465-3258
State Capitol
Room 102

REPRESENTATIVE JOHN COGHILL

Memorandum

Date: April 26, 2002
To: Barbara Craver, Legal Counsel
From: Rynnieva Moss, Committee Aide
House State Affairs Committee
Re: HB 327

A handwritten signature in cursive script, appearing to read "Rynnieva Moss".

Attached is an amendment proposed by Ann Ringstad with the University of Alaska. It appears to be creating new language in statute that would require definitions less broad than as written. Could you review it and comment.

Thank you for your assistance.

Bill History/Action Display



BILL: HB 327

SHORT TITLE: STATE EMPLOYEES CALLED TO MILITARY DUTY

BILL VERSION:

SPONSOR(S): RLS BY REQUEST OF THE GOVERNOR

CURRENT STATUS: (H) STA

STATUS DATE: 04/05/02

HEARING: (H) STA Apr 25 8:00 AM CAPITOL 102 TELECONFERENCE

TITLE: "An Act relating to state employees who are called to active duty as reserve or auxiliary members of the armed forces of the United States; and providing for an effective date."

[Full Text](#)

[Fiscal Notes](#)

Committee Action with Bill History

Jrn-Date	Jrn-Page	Action
01/16/02	1977	(H) READ THE FIRST TIME - REFERRALS
01/16/02	1977	(H) MLV, STA
01/16/02	1977	(H) FN1: ZERO(ADM/ALL DEPTS)
01/16/02	1977	(H) GOVERNOR'S TRANSMITTAL LETTER
04/05/02	2814	(H) MLV RPT 4DP 1AM
04/05/02	2814	(H) DP: KOTT, GREEN, HAYES, CHENAULT;
04/05/02	2814	(H) AM: MURKOWSKI
04/05/02	2815	(H) FN1: ZERO(ADM/ALL DEPTS)
04/05/02	2815	(H) REFERRED TO STATE AFFAIRS

[Similar Subject Match](#) or [Exact Subject Match](#)

- [LABOR](#)
- [LABOR RELATIONS](#)
- [MILITARY](#)
- [PUBLIC EMPLOYEES](#)
- [WAGES](#)
- [WARFARE](#)

Bill Root:

[Display Bill Root](#)



[TO REPORT PROBLEMS WITH BASIS INQUIRY](#)

[LIVE KTOO STREAMS](#)

[Return to Basis Main Menu \(22 Legislature\)](#)

[Return to Legislature Home Page](#)

SECTIONAL ANALYSIS OF SB 239 AND HB 327
(Re state employees called to active military duty)

Section 1 adds a new section to AS 39.90 (public officers and employees; miscellaneous provisions) to provide that the governor, by administrative order, may authorize state employees in the military reserve or auxiliary component, including the Alaska National Guard and the Alaska Naval Militia, and who are called to active duty, to continue to receive the equivalent of their state compensation and some or all of their state benefits. These benefits may include credited service in the state retirement system, membership in the supplemental employee benefits system, and group life and health insurance. The Department of Administration may adopt emergency regulations to implement the order, including regulations regarding the scope of compensation and benefits and any allocation between the state and the state employee of contributions relating to the benefits.

Section 2 amends the uncodified law provides that this act applies to existing collective bargaining agreements only if they are modified to accept the provisions of this act.

Section 3 makes this act retroactive to September 11, 2001.

Volume 02 Number 16
Thursday, January 24, 2002
ISSN 1523-5718

News In Brief

News Briefs
Employers Revisiting Military Leave, Survey Finds

Roughly three out of 10 employers have made adjustments to policies governing Military service since the Sept. 11 terrorist attacks, according to a BNA Web survey of 146 organizations.

Twenty-nine percent of surveyed employers have instituted more generous or Lenient provisions for military leave and reservists within the past few months, survey Results show. Greater leniency regarding military leave has been far more common among firms with 1,000 or more workers (49 percent) than in smaller establishments (21 percent). By industry, utilities (60 percent), manufacturers (41 percent), and service companies (38 percent) have been the most inclined to offer enhanced military leave benefits.

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- 1 Page 1, line 5:
2 Delete "Article 3."
3 Insert "Article 5."
4
5 Page 1, line 7:
6 Delete "Sec. 39.90.200."
7 Insert "Sec. 39.20.450." .
8
9 Following "certain":
10 Insert "executive branch"
11
12 Page 1, line 8, following "forces":
13 Insert "; adoption of regulations"
14
15 Page 1, line 10:
16 Delete "state employees"
17 Insert "state officers and employees in the executive branch of state government"
18
19 Page 1, line 13, following "receive":
20 Insert ", for up to ⁹⁰~~180~~ days,"
21
22 Page 2, line 5:
23 Delete "state employee"
24 Insert "state officer or employee"
25
26 Page 2, line 7, following "":
27 Delete "and"
28
29 Page 2, line 9, following "date":
30 Delete "."
31 Insert "; and"

1 Page 2, following line 9:

2 Insert the following new material:

3 "(3) remain in effect for no more than 180 days.

4 **Sec. 39.20.452. Application to other agencies.** Notwithstanding any other
5 provision of law, if the Department of Administration adopts regulations under
6 AS 39.20.450(b), the board of directors of the Alaska Railroad Corporation, the board of
7 regents of the University of Alaska, the administrator of the Alaska court system, and the
8 Legislative Council shall adopt procedures substantially similar to those regulations
9 regarding compensation and benefits for employees of their respective agencies under the
10 active duty circumstances, and for no more than the time period, described in
11 AS 39.20.450(a).

12 **Sec. 39.20.454. Definitions.** In AS 39.20.450 - 39.20.454,"

13

14 Page 2, line 10:

15 Delete "(c) In this section,"

16 Insert "(1)"

17

18 Page 2, line 13, following "agreement":

19 Delete "."

20 Insert ","

21

22 Page 2, following line 13:

23 Insert the following new material:

24 "(2) "executive branch" includes a department, an agency, an institution, a
25 board, a commission, an authority, a public corporation, the Alaska Pioneers' Home, and
26 any other unit of the executive branch of state government."

Auth: Barbara Craver

A M E N D M E N T

OFFERED IN THE HOUSE
STATE AFFAIRS COMMITTEE
TO: HB 327

BY _____

1 Page 1, following line 3, insert a new bill section to read:

2 **"* Section 1.** The uncodified law of the State of Alaska is amended by adding a new section to
3 read:

4 **INTENT.** It is the intent of the legislature that officers and employees of agencies of
5 state government who are members of reserve and auxiliary military units, including the Alaska
6 National Guard and Alaska Naval Militia, regardless of whether employed by the executive,
7 legislative, or judicial branch of state government, are not penalized regarding their salary and
8 benefits while on certain active duty, such as that during large-scale activations. It is further the
9 intent of the legislature that the provisions of this Act be applied in a substantially similar
10 manner across those branches of state government."

11

12 Renumber the following bill sections accordingly.

13

14 Page 1, line 1, following "state":

15 Insert "officers and"

16

17 Page 1, line 4:

18 Delete "AS 39.90"

19 Insert "AS 39.20"

20

21 Delete "a new section"

22 Insert "new sections"

STATE OF ALASKA

DEPARTMENT OF ADMINISTRATION

DIVISION OF PERSONNEL

May 1, 2002

TONY KNOWLES, GOVERNOR

P.O. BOX 110201
JUNEAU, ALASKA 99811-0201
PHONE: (907) 465-4430
FAX: (907) 465-2576

The Honorable Hugh Fate
Alaska House of Representatives
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

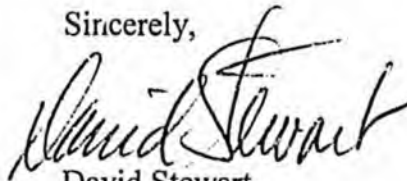
Dear Representative Fate:

I am pleased to provide the information you requested after the House Committee on State Affairs met yesterday April 30, 2002. You asked for a wage comparison listing for state employees who are reservists or who are members of the National Guard or Alaska Naval Militia. I have provided an Excel spreadsheet with that information.

As you can see from the data, there are 185 state employees who are active in the National Guard or Naval Militia. Most of those employees earn more from military pay than from their state wages: 135 earning more from military pay versus 50 earning more from state pay.

If you need additional information, or if I can provide further explanation of the information we have provided, please do not hesitate to contact me at 465-4431.

Sincerely,



David Stewart
Personnel Manager

	A	B	C	D	E	F	G	H	I
1	Guard/State Employee		Air/Army	Rank	Pay	Estimated Mthly Military Pay	Activated ?	State Pay	
2									
3									
4	OSBORN, DAVID WALTER	761-6200	Army	LTC	O5	\$ 6,852.00		\$ 2,138.00	\$ (4,714.00)
5	JOHNSON, BRIAN S	761-6200	Air	TSG	E6	\$ 4,248.00			\$ (4,248.00)
6	TILEY, THOMAS C	NO MATC	air	TSG	E6	\$ 4,248.00			\$ (4,248.00)
7	BARR, ROBERT C	DNR	Army	CPT	O3	\$ 5,976.00		\$ 2,297.00	\$ (3,679.00)
8	SELFE, STEPHEN CRAIG	761-6200	Army	SFC	E8	\$ 5,044.00	activated	\$ 1,694.00	\$ (3,350.00)
9	PAUL, PETER JAMES	451-2665	Army	SFC	E8	\$ 5,044.00		\$ 1,730.00	\$ (3,314.00)
10	TAYLOR, JESSICA S	NO MATC	air	SRA	E3	\$ 3,209.00			\$ (3,209.00)
11	CLARK, STEPHEN C	DOT	Air	LTC	O5	\$ 6,852.00	12/3/01- 8/30/02	\$ 3,958.00	\$ (2,894.00)
12	Luther, JOLUND BRYAN	224-8200	Army	LTC	O5	\$ 6,852.00		\$ 4,170.00	\$ (2,682.00)
13	JOHNSON, BRIAN L	761-6200	Air	TSG	E6	\$ 4,248.00		\$ 1,597.00	\$ (2,651.00)
14	GREEN, VINCENT	DNR	Army	SSG	E5	\$ 4,039.00	activated	\$ 1,420.00	\$ (2,619.00)
15	DAVIS, THOMAS	DNR	Air	TSG	E6	\$ 4,283.00		\$ 1,690.00	\$ (2,593.00)
16	OWENS, JOHN G	DOT	air	CPT	O3	\$ 5,976.00		\$ 3,436.00	\$ (2,540.00)
17	GORDON, SETH A	DNR	Army	SGT	E5	\$ 4,039.00		\$ 1,581.00	\$ (2,458.00)
18	LYNCH, AVON A	451-5933	Air	MSG	E7	\$ 4,599.00		\$ 2,266.00	\$ (2,333.00)
19	SIPPY, MICHELLE A	HESS	Air	TSG	E6	\$ 4,283.00	10/25/01- 10/24/02	\$ 2,013.00	\$ (2,270.00)
20	CHOLOK, DAVID J	DPS	Army	SSG	E5	\$ 4,039.00	activated	\$ 1,777.00	\$ (2,262.00)
21	SHELDEN, TRACY LYNN	428-6072	Army	SFC	E8	\$ 5,124.00		\$ 2,863.00	\$ (2,261.00)
22	MAHONEY, MATTHEW ALAN	269-8789	Army	SGT	E5	\$ 4,039.00		\$ 1,787.00	\$ (2,252.00)
23	HARVEY, DOUGLAS JOSEPH	CORR	Army	CPT	O3	\$ 5,976.00		\$ 3,755.00	\$ (2,221.00)
24	HARRELL, JAN L	DMVA	Air	TSG	E6	\$ 4,283.00	10/23/01- 10/22/02	\$ 2,072.00	\$ (2,211.00)
25	TALL, EDGAR IKE	761-6200	army	SGT	E5	\$ 4,039.00	activated	\$ 1,865.00	\$ (2,174.00)
26	WILSON, CLARENCE HERBERT	269-8663	army	SGT	E5	\$ 4,039.00	activated	\$ 1,951.00	\$ (2,088.00)
27	BUNYAN, CLIFFORD C	DNR	Army	SGT	E5	\$ 3,936.00		\$ 1,865.00	\$ (2,071.00)
29	LOEWEN, WALTER MATTHEW	465-3955	Army	1LT	O2	\$ 4,950.00	11-Dec	\$ 2,890.00	\$ (2,060.00)
30	CHOLOK, THOMAS J	DNR	Army	SSG	E5	\$ 4,039.00		\$ 2,003.00	\$ (2,036.00)
31	EAGER, DWAYNE R	DNR	Army	SGT	E5	\$ 4,039.00		\$ 2,003.00	\$ (2,036.00)
32	RANDALL, DANIEL LEE	465-3955	Army	SFC	E8	\$ 5,044.00	activated	\$ 3,032.00	\$ (2,012.00)
33	LANDCASTER, JOHN ORVILLE	NO MATC	Army	SFC	E8	\$ 5,044.00		\$ 3,084.00	\$ (1,960.00)

	A	B	C	D	E	F	G	H	I
34	GUMP, DAVID	DNR	Army	SGT	E5	\$ 4,039.00		\$ 2,143.00	\$ (1,896.00)
35	RANDALL, PAUL CLIFFORD	DPS	Army	MAJ	O4	\$ 6,565.00		\$ 4,669.00	\$ (1,896.00)
36	COLLINS, DAN E	COURTS	Army	MAJ	O4	\$ 6,565.00	activated	\$ 4,723.00	\$ (1,842.00)
37	BELL, ALBERT G	DNR	Army	SPC	E4	\$ 3,557.00		\$ 1,730.00	\$ (1,827.00)
38	TUNUTMOAK, BELINDA ANAROL	761-6200	army	SPC	E4	\$ 3,557.00	activated	\$ 1,730.00	\$ (1,827.00)
39	TUNUTMOAK, DAVID CHARLIE JI	761-6200	army	SPC	E4	\$ 3,557.00	activated	\$ 1,730.00	\$ (1,827.00)
40	ERICKSON JR, JOHN W	LAW	Air	CPT	O3	\$ 5,976.00	10/24/01- 11/2/01	\$ 4,257.00	\$ (1,719.00)
41	STAVALE, RICHARD L	ADM	air	MAJ	O4	\$ 6,565.00	10/3/01- 10/7/01	\$ 4,870.00	\$ (1,695.00)
42	CHOLOK, XAVIER E	DNR	Army	SPC	E4	\$ 3,557.00		\$ 1,865.00	\$ (1,692.00)
43	SAVAGE, JOSEPH SAM	761-6200	Army	SPC	E4	\$ 3,557.00	activated	\$ 1,865.00	\$ (1,692.00)
44	TUNUTMOAK, DANIEL JR.	761-6200	army	SPC	E4	\$ 3,557.00		\$ 1,865.00	\$ (1,692.00)
45	JOHNSON, THERESA A	REVI/ADM	Air	SSG	E5	\$ 3,971.00	10/3/01- 5/3102	\$ 2,321.00	\$ (1,650.00)
46	CRANE JR, SINKA	DNR	Army	SPC	E4	\$ 3,637.00	activated	\$ 2,003.00	\$ (1,634.00)
47	BACKEN, DEAN E	DOT	Army	SSG	E5	\$ 4,039.00		\$ 2,426.00	\$ (1,613.00)
48	BELL, TIMOTHY	DNR	Army	SPC	E4	\$ 3,557.00		\$ 1,951.00	\$ (1,606.00)
49	BRAUNEIS, MARK D	DMVA	Air	MSG	E7	\$ 4,599.00		\$ 3,015.00	\$ (1,584.00)
50	DARNELL, JOHN B	DMVA	Air	MSG	E7	\$ 4,599.00		\$ 3,015.00	\$ (1,584.00)
51	KAAIHUE, DOUGLAS E	249-1394	air	MSG	E7	\$ 4,599.00		\$ 3,015.00	\$ (1,584.00)
52	HARRIS, JASON E	F&G	Air	SSG	E5	\$ 3,936.00	11/1/01- 10/31/*02	\$ 2,414.00	\$ (1,522.00)
53	MARTINEZ, NANETTE S	428-6036	Air	SSG	E5	\$ 3,971.00		\$ 2,457.00	\$ (1,514.00)
54	NICOLSON, TROY THOMAS	428-6072	army	MSG	E7	\$ 4,702.00		\$ 3,208.00	\$ (1,494.00)
55	PALEMBAS, JAMES MICHAEL JR	LABOR	Army	CPT	O3	\$ 5,976.00		\$ 4,524.00	\$ (1,452.00)
56	FRUSTER, LINDA D	DMVA	Army	SGT	E5	\$ 4,119.00		\$ 2,699.00	\$ (1,420.00)
57	JOHNSON, DALE W	428-6072	Air	TSG	E6	\$ 4,248.00		\$ 2,863.00	\$ (1,385.00)
58	CARTE, ROBERT	DOT	Air	TSG	E6	\$ 4,248.00	activated	\$ 2,890.00	\$ (1,358.00)
59	GREEN, PETER B	DNR	Army	SPC	E4	\$ 3,557.00		\$ 2,200.00	\$ (1,357.00)
60	FULLER, DAVID K	DMVA	Army	SGT	E5	\$ 4,039.00	13 Nov-Mar 31	\$ 2,699.00	\$ (1,340.00)
61	LOOMIS, FRANKLIN LEE	428-6072	Army	SSG	E5	\$ 4,039.00		\$ 2,699.00	\$ (1,340.00)
62	HILL, SCOTT H	249-1394	Air	TSG	E6	\$ 4,248.00		\$ 2,914.00	\$ (1,334.00)
63	BROWN, SHAWN R	DNR	Army	CPL	E3	\$ 3,277.00		\$ 1,951.00	\$ (1,326.00)
64	MATHEWS, CORRY J	761-6200	Air	SRA	E3	\$ 3,174.00		\$ 1,865.00	\$ (1,309.00)

	A	B	C	D	E	F	G	H	I
65	DUPRAS,DENNIS V	DPS	Army	CPT	O3	\$ 5,976.00		\$ 4,669.00	\$ (1,307.00)
66	ZAMORA, WILLIAM EDWARD	DPS	army	CPT	O3	\$ 5,976.00		\$ 4,669.00	\$ (1,307.00)
67	ROMINSKE, KEITH ALAN	CORR	Army	SFC	E8	\$ 5,044.00		\$ 3,738.00	\$ (1,306.00)
68	HOYMAN, MICHAEL W	ADM	Army	sgt	e5	\$ 3,936.00	activated	\$ 2,673.00	\$ (1,263.00)
69	BARTLETT,BRENT	CORR	Army	Sgt	E5	\$ 4,039.00		\$ 2,778.00	\$ (1,261.00)
70	LEONARD, THOMAS R	269-0900	Air	MSG	E7	\$ 4,599.00		\$ 3,365.00	\$ (1,234.00)
71	ATWELL II,JOHN C	CORR	Army	SFC	E8	\$ 5,044.00		\$ 3,814.00	\$ (1,230.00)
72	NICHOLS, MIA N	269-8663	Air	SRA	E3	\$ 3,357.00		\$ 2,143.00	\$ (1,214.00)
73	DARNALL,JOHN M	LAW	Air	MAJ	O4	\$ 6,565.00	3/25/2002	\$ 5,368.00	\$ (1,197.00)
74	TRANQUILLA, JOSEPH J	269-8663	air	SRA	E3	\$ 3,174.00	activated	\$ 2,003.00	\$ (1,171.00)
75	MATCHIAN, CHRISTOPHER ROBI	761-6200	Army	PV1	E1	\$ 2,935.00		\$ 1,766.00	\$ (1,169.00)
76	DUDEK,MARK R	CORR	Army	SFC	E8	\$ 5,044.00		\$ 3,879.00	\$ (1,165.00)
77	MARSHALL, KENNETH M	224-8200	Air	SSG	E5	\$ 3,936.00	activated	\$ 2,778.00	\$ (1,158.00)
78	SCHWENKE, WILLIAM KALA	AJCN	Army	SSG	E5	\$ 4,039.00		\$ 2,888.00	\$ (1,151.00)
79	JOSEPH, JAMEY JACOB	269-8663	Army	PFC	E2	\$ 3,061.00	activated	\$ 1,951.00	\$ (1,110.00)
80	DOEHL,ROBERT A K	LAW	Air	LTC	O5	\$ 6,852.00		\$ 5,752.00	\$ (1,100.00)
81	ROACH, JEFFERY ALLEN	DOT	Army	CPT	O3	\$ 5,976.00		\$ 4,962.00	\$ (1,014.00)
82	WILES, JAMES S	249-1394	air	TSG	E6	\$ 4,248.00		\$ 2,236.00	\$ (1,012.00)
83	WILSON, PERRY L	NO MATC	air	SRA	E3	\$ 3,174.00		\$ 2,174.00	\$ (1,000.00)
84	MARTINEZ, MARIO R	428-6072	Air	SRA	E3	\$ 3,174.00		\$ 2,179.00	\$ (995.00)
85	MORGAN, ANDRE L	428-7000	Air	TSG	E6	\$ 4,248.00		\$ 3,270.00	\$ (978.00)
86	SOLOMON, WANDA J	HESS	air	SRA	E3	\$ 3,209.00		\$ 2,246.00	\$ (963.00)
87	PIOL, ANGEL MALANAO	465-3955	Army	SGT	E5	\$ 4,039.00		\$ 3,084.00	\$ (955.00)
88	EVAN JR,JOHN D	DPS	Army	PV2	E2	\$ 3,061.00		\$ 2,112.00	\$ (949.00)
89	MARCUM, JAMES DORWIN	246-3341	Army	SPC	E4	\$ 3,557.00		\$ 2,609.00	\$ (948.00)
90	LUMBA, RONALDO DRAMA	465-3708	Army	PV1	E1	\$ 2,935.00		\$ 1,993.00	\$ (942.00)
91	DENSLOW,DAVID B	DMVA	Air	SSG	E5	\$ 3,936.00		\$ 3,015.00	\$ (921.00)
92	CARVAJAL,ALAN A	DPS	Air	SMS	E8	\$ 4,941.00		\$ 4,029.00	\$ (912.00)
93	BLUME,MICHAEL D	CORR	Air	MSG	E7	\$ 4,599.00		\$ 3,695.00	\$ (904.00)
94	SUEL, NATHAN S	822-3309	air	SRA	E3	\$ 3,174.00		\$ 2,280.00	\$ (894.00)
95	HEALY, VICKI L	428-6072	Air	SSG	E5	\$ 3,971.00		\$ 3,097.00	\$ (874.00)
96	CASSITY,WILLIAM B	CORR	Air	MSG	E7	\$ 4,599.00		\$ 3,738.00	\$ (861.00)
97	COURTRIGHT,PAUL F	CORR	Air	MSG	E7	\$ 4,599.00		\$ 3,738.00	\$ (861.00)
98	GUTIERREZ,RAMON G	DMVA	Army	SFC	E4	\$ 3,557.00	activated	\$ 2,699.00	\$ (858.00)
99	COOPER,DEBRA A	DMVA	Air	SSG	E5	\$ 3,936.00		\$ 3,097.00	\$ (839.00)

	A	B	C	D	E	F	G	H	I
100	WHITE, TRENTON L	DOT	air	SSG	E5	\$ 3,936.00	10/24/01- 10/23/02	\$ 3,108.00	\$ (828.00)
101	MEANE, GEORGE DARVELT	269-2000	Army	SSG	E5	\$ 4,039.00	activated	\$ 3,255.00	\$ (784.00)
102	FRIESTONE, WESLEY R	DMVA	Air	TSG	E6	\$ 4,248.00		\$ 3,483.00	\$ (765.00)
103	HENDRIX, GREGORY	DOT	Air	MSG	E7	\$ 4,599.00		\$ 3,883.00	\$ (716.00)
104	HOGLAND, THOMAS EDWARD	DNR	Army	SGT	E5	\$ 4,039.00		\$ 3,328.00	\$ (711.00)
105	HANSON, MARK CHRISTOPHER	DOT	Army	SGT	E5	\$ 4,039.00	activated	\$ 3,336.00	\$ (703.00)
106	ROTKIS, PAUL D	249-1394	Air	SSG	E5	\$ 3,936.00		\$ 3,236.00	\$ (700.00)
107	JOHNSON, DALE LESLIE	428-6072	Army	SPC	E4	\$ 3,557.00		\$ 2,863.00	\$ (694.00)
108	ARTHUR, MICHAEL A	CORR	Air	SSG	E5	\$ 3,936.00		\$ 3,255.00	\$ (681.00)
109	BRONSON, MAGER	CORR	Army	SGT	E5	\$ 4,039.00		\$ 3,365.00	\$ (674.00)
110	HERMAN, ROBERT P	465-3955	Army	SSG	E5	\$ 4,039.00		\$ 3,414.00	\$ (625.00)
111	BAUTISTA, ARTURO P	HESS	Army	SGT	E5	\$ 4,039.00		\$ 3,436.00	\$ (603.00)
112	WOOTEN, MICHAEL G R	DPS	air	SSG	E5	\$ 3,936.00		\$ 3,352.00	\$ (584.00)
113	BOYER, JOHN C	DOT	Air	TSG	E6	\$ 4,248.00	activated	\$ 3,727.00	\$ (521.00)
114	MELENDEZ, FELIX FERNANDO	263-2119	Army	SFC	E8	\$ 5,044.00		\$ 4,524.00	\$ (520.00)
115	LEMIEUX, ROLAND J	269-0900	Air	SSG	E5	\$ 3,936.00		\$ 3,422.00	\$ (514.00)
116	HUGUELET, CHARLES T	LAW	Air	LTC	O5	\$ 6,852.00		\$ 6,378.00	\$ (474.00)
117	CHAPMAN, JON C	DOT	Army	CW4	W4	\$ 5,487.00		\$ 5,026.00	\$ (461.00)
118	HOOPES, DONNA WADINE	ADM	Army	2LT	O1	\$ 4,165.00		\$ 3,728.00	\$ (437.00)
119	BELL, BETTY A	COURTS	Army	SSG	E5	\$ 4,119.00		\$ 3,723.00	\$ (396.00)
120	AKERLEY, KENNETH G	DMVA	Air	TSG	E6	\$ 4,248.00		\$ 3,868.00	\$ (380.00)
121	PELOW, TODD A	DMVA	Air	TSG	E6	\$ 4,248.00		\$ 3,869.00	\$ (379.00)
122	BAUTISTA, ORLANDO P	DNR	Army	SPC	E4	\$ 3,557.00		\$ 3,208.00	\$ (349.00)
123	WALDEN, WILLIAM M	DOT	air	SSG	E5	\$ 3,936.00		\$ 3,593.00	\$ (343.00)
124	HERSEY, MICHAEL J	DOT	Air	TSG	E6	\$ 4,248.00	10/29/01- 10/28/02	\$ 3,955.00	\$ (293.00)
125	WANDELL, JARED DRIK	DOT	army	2LT	O1	\$ 4,165.00		\$ 3,883.00	\$ (282.00)
126	RIVERA, TAMMIE N	269-7936	Air	SSG	E5	\$ 3,971.00		\$ 3,695.00	\$ (276.00)
127	FOSTER, RUBEN A	CORR	Army	SPC	E4	\$ 3,557.00		\$ 3,358.00	\$ (199.00)
128	WINTERS, VICTOR M	DOT	air	LTC	O5	\$ 6,852.00		\$ 6,666.00	\$ (186.00)
129	WESTMORELAND, ANTHONY ST	CORR	army	SPC	E4	\$ 3,557.00		\$ 3,385.00	\$ (172.00)
130	HARRIS THEODORE M		Air	SRA	E3	\$ 3,174.00		\$ 3,006.00	\$ (168.00)
131	WITT, DAVID STANLEY	ADM	army	SGT	E5	\$ 4,039.00		\$ 3,882.00	\$ (157.00)
132	FERNANDEZ, SAL	CORR	Air	MSG	E7	\$ 4,599.00		\$ 4,478.00	\$ (121.00)
133	YADAO, MAURICIO TUMBAGA	465-3955	army	SGT	E5	\$ 4,039.00		\$ 3,927.00	\$ (112.00)

	A	B	C	D	E	F	G	H	I
134	BARTHOLOMEW,HAYDEN A	DEC	Air	SSG	E5	\$ 3,936.00	9/31/01- 9/30/02	\$ 3,828.00	\$ (108.00)
135	HOLMES, ROBERT N	F&C	Air	SRA	E3	\$ 3,174.00		\$ 3,097.00	\$ (77.00)
136	KOPECKY, PAUL L	CORR	Air	SRA	E3	\$ 3,174.00		\$ 3,100.00	\$ (74.00)
137	PAWLAK, RICKY A	DPS	Air	MSG	E7	\$ 4,559.00		\$ 4,500.00	\$ (59.00)
138	BERNOWSKI,ROBERT R III	CORR	Air	SRA	E3	\$ 3,174.00		\$ 3,147.00	\$ (27.00)
139	BUNDRIDGE,LEONARD O	DMVA	Air	SRA	E4	\$ 3,454.00		\$ 3,436.00	\$ (18.00)
140	JOHNSON, JAMES A	REV/ADM	air	SRA	E3	\$ 3,174.00	1-Oct	\$ 3,208.00	\$ 34.00
141	SUKHRAM, NOËL B	LABOR	air	SRA	E3	\$ 3,174.00		\$ 3,208.00	\$ 34.00
142	TWITCHELL, DAVID ADAMS	543-5200	army	SPC	E4	\$ 3,557.00		\$ 3,618.00	\$ 61.00
143	HAZELAAR, JOSEPH M	DPS	Air	SSG	E5	\$ 3,936.00	2/24/02- 5/27/02	\$ 4,029.00	\$ 93.00
144	STECZ, ROBERT P	DOT	air	SSG	E5	\$ 3,936.00		\$ 4,029.00	\$ 93.00
145	CARR,ROBERT W	DMVA	Air	SSG	E5	\$ 3,936.00	10/22/01- 10/21/02	\$ 4,064.00	\$ 128.00
146	SANDERSON, WILLIAM H	DOT	Air	SSG	E5	\$ 3,936.00		\$ 4,147.00	\$ 211.00
147	ALLEN,ALPHONZO W	DOT/PF	Air	SSG	E5	\$ 3,936.00		\$ 4,100.00	\$ 244.00
148	BAILEY,MICHAEL R	DOT/PF	Air	SSG	E5	\$ 3,936.00		\$ 4,180.00	\$ 244.00
149	NELSON, BRAD L	262-4453	Air	SSG	E5	\$ 3,936.00		\$ 4,180.00	\$ 244.00
150	SEGLA, ROBERT J	DOT	Air	SMS	E8	\$ 4,941.00	10/23/01- 10/22/02	\$ 5,214.00	\$ 273.00
151	LEE, IRENE M	DMVA	Air	TSG	E6	\$ 4,283.00		\$ 4,602.00	\$ 319.00
152	KECK, STEVEN CRAIG	HESS	Army	SGT	E5	\$ 4,039.00		\$ 4,382.00	\$ 343.00
153	GUZMAN, PAUL L	LABOR	Air	SRA	E3	\$ 3,174.00		\$ 3,564.00	\$ 390.00
154	CYR,JOHN R	DPS	Air	SSG	E5	\$ 3,936.00		\$ 4,332.00	\$ 396.00
155	BORDNER,TRAVIS L	DPS	Army	SGT	E5	\$ 4,039.00		\$ 4,500.00	\$ 461.00
156	SKAFLESTAD, ARLEN BOYD	DPS	Army	SGT	E5	\$ 4,039.00		\$ 4,500.00	\$ 461.00
157	CHISHOLM, TYRONNE N	DPS	Air	SRA	E3	\$ 3,174.00		\$ 3,743.00	\$ 569.00
158	GERRISH,JOHN M	DOT	Army	CW2	W2	\$ 4,584.00		\$ 5,169.00	\$ 585.00
159	MURPHY JOSEPH	283-3125	Army	SPC	E4	\$ 3,557.00		\$ 4,145.00	\$ 588.00
160	MAIER, RICHARD A	474-2555	Air	MSG	E7	\$ 4,599.00		\$ 5,214.00	\$ 615.00
161	BERNSTINE,MICHAEL J	CORR	Army	SPC	E4	\$ 3,557.00		\$ 4,181.00	\$ 624.00
162	WARZEWICK, MICHAEL	HESS	army	SPC	E4	\$ 3,557.00	14-18 Dec	\$ 4,288.00	\$ 731.00
163	YOUNG, HARRY N JR	DEC	air	SSG	E5	\$ 3,936.00		\$ 4,780.00	\$ 844.00
164	WEBB, JOHN B	465-4489	air	A1C	E3	\$ 3,174.00		\$ 4,021.00	\$ 847.00
165	HUDSON, DAVID RAY	DPS	Army	CSM	E9	\$ 5,582.00	activated	\$ 6,448.00	\$ 866.00

	A	B	C	D	E	F	G	H	I
166	APRIL, ANTHONY	DPS	Air	SSG	E5	\$ 3,936.00		\$ 4,844.00	\$ 908.00
167	FUSSEY, PAUL L	DPS	Air	SSG	E5	\$ 3,936.00		\$ 4,844.00	\$ 908.00
168	IAGULLI, JAMES V	DOT	Air	SRA	E3	\$ 3,174.00	12/6/01- 12/5/02	\$ 4,230.00	\$ 1,056.00
169	STOREY, ALLEN R	DPS	air	CMS	E9	\$ 5,479.00		\$ 6,666.00	\$ 1,187.00
170	DAVIS, PATRICK L	DPS	Air	SSG	E5	\$ 3,936.00		\$ 5,410.00	\$ 1,474.00
171	WILLIAMS, EDWARD L	ADM	air	TSG	E6	\$ 4,248.00		\$ 5,740.00	\$ 1,492.00
172	GIBSON, MICHAEL J	DMVA	Army	SPC	E4	\$ 3,557.00		\$ 5,068.00	\$ 1,511.00
173	GIBBENS, BRETT S	DPS	Army	SGT	E5	\$ 4,039.00		\$ 5,613.00	\$ 1,574.00
174	HOSACK, CHARLES RAY	ADM	Army	CW4	W4	\$ 5,487.00		\$ 7,164.00	\$ 1,677.00
175	THOMPSON, MICHAEL ALAN	?	army	MAJ	O4	\$ 6,565.00		\$ 8,821.00	\$ 2,256.00
176	WILLIAMS, DAVID W	DOT	air	SSG	E5	\$ 3,936.00	activated	\$ 6,412.00	\$ 2,476.00
177	RUSH, MELVIN WAYNE	DMVA	Army	CW3	W3	\$ 5,026.00		\$ 9,100.00	\$ 4,074.00
178	STILWELL, ROBERT EUGENE	NO MATC	army	CW2	W2	\$ 4,584.00		\$ 9,100.00	\$ 4,516.00
179	REPNOW, KELLY LEE	?	Army	SSG	E5	\$ 4,039.00		\$ 9,100.00	\$ 5,061.00
180	WALLACE, JOHN LAWRENCE	465-4734	army	SGT	E5	\$ 4,039.00		\$ 9,100.00	\$ 5,061.00
181	TACKETT, RICKY PATRICK	NO MATC	army	SPC	E4	\$ 3,557.00		\$ 9,100.00	\$ 5,543.00
182	KORENEK, STEPHEN DUANE	DMVA	Army	BG	O7			\$ 7,375.00	\$ 7,375.00
183	CHASE, JAMES H	DMVA	Army	SSG	E5	\$ 4,039.00		\$ 6,378.00	
184	HILL, JOHNNIE W IV	745-2150	Air	SRA	E3	\$ 3,174.00			
185	MCCORMACK, RAMONA	NO MATC	Air	MSG	E7	\$ 4,634.00			
186	MCPECK, SEAN PAUL	NO MATC	Army	SGT	E5	\$ 4,039.00			
187	OATES, PHILLIP EDWIN	428-6003	Army	BG	O7			\$ 7,379.00	
188	WEISS, KENNETH A	CORR	air	1LT	O2	\$ 4,950.00	10/3/01- 10/22/01	12/12/01-2/16/02	

Alaska State Legislature

Legislative Affairs Agency

Office of the Executive Director

Terry Miller Legislative Office Building, Room 217

Mailing Address: State Capitol, Rm 3 Juneau, Alaska 99801-2197 Phone (907)465-3800 Fax (907)465-3234



MEMORANDUM

TO: Rynnieva Moss, Committee Aide
House State Affairs Committee

FROM: Pamela A. Varni *PJV*
Executive Director

DATE: April 30, 2002

SUBJECT: HB 327

HB 327 would allow the Governor to issue an administrative order authorizing state employees who are members of a reserve or auxiliary component of the armed forces of the United States, including the Alaska National Guard and the Alaska Naval Militia, and who are called to active duty by the appropriate state or federal authority, to continue to receive the equivalent of their state compensation and some or all of their state benefits.

The Legislative Affairs Agency does not identify employees by their military reserve or auxiliary status. In any given year we may have a small number, estimate up to three, individuals who would qualify for pay and benefits under this proposed legislation.

If the bill passes in its original version, without exempting the Legislature, we would estimate zero fiscal impact on the Legislature because we would continue to issue pay and benefits to the employee from funds appropriated for the position in the budget. Although we would undoubtedly spend other available funds to hire individuals to perform the job functions of the person called to active duty, we would absorb the costs.

Alaska Railroad Corporation



MEMORANDUM

September 19, 2001
Anchorage, Alaska

Post-It® Fax Note	7671	Date	5/1	# of pages	2
To	Rannicua Moss	From	Wendy Lindstrom		
Co./Dept		Co.	ARRC		
Phone #	265-3258	Phone #	265-2498		
Fax #	465-3258	Fax #			

To: ARRC Managers and Supervisors

From: Pam Barbeau, Benefits and Records Manager

Subject: Employees Called to Active Military Duty

As a result of the current national emergency, some armed forces Reservists and National Guard members around the country and here at the ARRC have already been called to active duty and more are likely to follow. We understand and support the need for those individuals to be absent from their civilian duties at this time.

It's important for managers and supervisors, as well as Employee Services staff, to be aware of and comply with Federal law concerning the protection of civilian job rights and benefits for veterans and Reservists. In addition, to help manage our own resources, we need to follow a few procedures in the event that employees are called to duty.

The law requires employees to provide their employers with advance notice of military service *unless* military necessity prevents giving notice or it is otherwise "impossible or unreasonable". Notice may be written or oral, and provided by the employee or an officer of the service branch. In our current situation it is possible that you may have little if any advance notice from your employee and that you may not see written orders.

When you do learn that an employee has been called to active duty, you should notify Employee Services (Pam Barbeau or Barbara Rogers) immediately. Although the employee may use his or her annual leave account during military leave, most will probably want to be placed in military leave without pay. You will need to initiate a Personnel Action, Form 105, to place the employee on military leave. Employee Services must provide timely notice of the employee's and his/her family's right to purchase continued health insurance coverage (COBRA). We will also use the information to assist managers with staffing needs in the absence of the called-up employees.

If there is time, it would be appropriate to provide the departing employee with a copy of the enclosed Fact Sheet. Additional information on job rights for veterans and Reserve component members is available at the U.S. Department of Labor website, www.dol.gov/vets or by contacting me at 265-2537.

Enclosure

ARRC Alaska National Guard Participation

# of Employees in the National Guard	17
Average Hourly Rate	19.43
Monthly Wage	3,368
Benefits	1,274
Total per Employee	4,641
Total Monthly Cost for ARRC	78,904

Potential Impact of HB327

Retroactive Impact (for 90 day call-up)

Salary for 7 Employees on Active Duty	74,147
Health Insurance	5,430
Other Benefits @ 15%	11,122
Total	90,699
Estimated Recovery (\$1600 per month per employee)	33,600
ARRC Retroactive Cost	57,099

Prospective Impact (for 90 day call-up)

17 employees in Alaska Guard	
171 employees are veterans	
Estimated Number of Employees Called to Active Duty	25
Estimated Salary Cost for those employees	328,120
Health Insurance	45,000
Other Benefits @ 15%	49,218
Total	422,338
Estimated Recovery (\$1600 per month per employee)	120,000
Estimated ARRC Cost	302,338

#s don't include replacement costs