

HB

361

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: March 26, 2002
To: Tam Cook, Leg Legal
From: Rynniva Moss, Legislative Aide *RW Moss*
Re: HB 361 Work Order#1317AF

The House State Affairs Committee passed out HB 361 version F with a conceptual amendment which on page 5, line 25 inserts language requiring the commissioner of administration to submit a progress report to the legislature during its regular session of 2004.

Representative Coghill is requesting a final CSHB 361(STA) with the above addition.

Thank you for your assistance.

22-LS1317F
Cook
3/20/02

CS FOR HOUSE BILL NO. 361()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE KOTT

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to pilot pay programs to attract and retain state employees in job
2 classes that are difficult to fill or require certain critical qualifications; and providing
3 for an effective date."

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

5 * Section 1. AS 14.25.220(6) is amended to read:

6 (6) "base salary"

7 (A) means the total remuneration payable under contract for a
8 full year of membership service, including addenda to the contract, but does
9 not include

10 (i) a bonus paid under a pilot pay program
11 established under AS 39.27.032; and

12 (ii) [,] for a member first hired on or after July 1, 1996,
13 [DOES NOT INCLUDE] remuneration in excess of the limitations set
14 out in 26 U.S.C. 401(a)(17);

1 (B) has the same meaning as "compensation" under
2 AS 39.35.680(8) when applied to a state legislator who elects membership
3 under AS 14.25.040(b);

4 * Sec. 2. AS 14.25.220(6) is amended to read:

5 (6) "base salary"

6 (A) means the total remuneration payable under contract for a
7 full year of membership service, including addenda to the contract, but does
8 not include

9 (i) a bonus paid under a pilot pay program established
10 under former AS 39.27.032; and

11 (ii) for a member first hired on or after July 1, 1996,
12 remuneration in excess of the limitations set out in 26 U.S.C.
13 401(a)(17);

14 (B) has the same meaning as "compensation" under
15 AS 39.35.680(8) when applied to a state legislator who elects membership
16 under AS 14.25.040(b);

17 * Sec. 3. AS 14.25.220(10) is amended to read:

18 (10) "compensation" means the total remuneration paid under contract
19 to a member for services rendered during a school year, including cost-of-living
20 differentials, payments for leave that is actually used by the member, the amount by
21 which the member's wages are reduced under AS 39.30.150(c), and the amount
22 deferred under an employer-sponsored deferred compensation plan or the tax shelter
23 annuity plan approved by the Department of Education and Early Development, but
24 does not include retirement benefits, welfare benefits, per diem, expense allowances,
25 workers' compensation payments, bonus payments under a pilot pay program
26 established under AS 39.27.032, or payments for leave not used by the member,
27 whether those leave payments are scheduled payments, lump-sum payments,
28 donations, or cash-ins; for purposes of AS 14.25.050, compensation paid includes any
29 payment made after June 30 of a school year for services rendered before the end of
30 the school year;

31 * Sec. 4. AS 14.25.220(10) is amended to read:

1 (10) "compensation" means the total remuneration paid under contract
2 to a member for services rendered during : school year, including cost-of-living
3 differentials, payments for leave that is actually used by the member, the amount by
4 which the member's wages are reduced under AS 39.30.150(c), and the amount
5 deferred under an employer-sponsored deferred compensation plan or the tax shelter
6 annuity plan approved by the Department of Education and Early Development, but
7 does not include retirement benefits, welfare benefits, per diem, expense allowances,
8 workers' compensation payments, bonus payments under a pilot pay program
9 established under former AS 39.27.032, or payments for leave not used by the
10 member, whether those leave payments are scheduled payments, lump-sum payments,
11 donations, or cash-ins; for purposes of AS 14.25.050, compensation paid includes any
12 payment made after June 30 of a school year for services rendered before the end of
13 the school year;

14 * **Sec. 5.** AS 23.40.075 is amended to read:

15 **Sec. 23.40.075. Items not subject to bargaining.** The parties may not
16 negotiate terms contrary to the

17 (1) reemployment rights for injured state employees under
18 AS 39.25.158;

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

20 (3) authority of the Department of Health and Social Services under
21 AS 47.27.035 to assign Alaska temporary assistance program participants to a work
22 activity considered appropriate by the Department of Health and Social Services; [OR]

23 (4) authority for agencies to create temporary positions under
24 AS 47.27.055(c); or

25 (5) pilot pay programs established under AS 39.27.032.

26 * **Sec. 6.** AS 39.27 is amended by adding a new section to read:

27 **Sec. 39.27.032. Pilot pay programs.** (a) Notwithstanding any contrary
28 provision of this chapter, the personnel board may adopt and amend the personnel
29 rules under AS 39.25.140 as it considers advisable to establish pilot pay programs for
30 job classes that a department or other state agency identifies as difficult to fill or as
31 requiring knowledge, skills, or abilities critical to the performance of its duties.

1 (b) A program established under (a) of this section may include payment of a
2 recruitment bonus, retention bonus, or other incentive that the personnel board
3 considers will help a department or other state agency compete for employees who
4 possess skills that are in high demand. The pilot pay program must be based on
5 criteria derived from and based on qualifications for a job class rather than on the
6 qualifications of a particular employee.

7 (c) Payment of a bonus may be conditioned on agreement of the employee to
8 complete a period of employment with the department or other state agency awarding
9 the payment.

10 (d) In establishing a program under (a) of this section, the personnel board
11 shall set a maximum amount that can be paid to an employee as a bonus.

12 (e) A payment under a program established under (a) of this section is not part
13 of the employee's pay rate, base salary, or gross earnings for purposes of

14 (1) overtime compensation;

15 (2) the teachers' retirement system under AS 14.25.010 - 14.25.200;

16 (3) the public employees' retirement system under AS 39.35.010 -
17 39.35.690; or

18 (4) determining the compensation and payments payable under
19 AS 23.30.005 - 23.30.400 (Alaska Workers' Compensation Act).

20 (f) In this section,

21 (1) "recruitment bonus" means a single payment as an incentive to
22 accept state employment in a job class that has a shortage of qualified applicants;

23 (2) "retention bonus" means a payment to retain a state employee with
24 skills that are in high demand.

25 * Sec. 7. AS 39.35.680(8) is amended to read:

26 (8) "compensation" means the remuneration earned by an employee
27 for personal services rendered to an employer, including employee contributions under
28 AS 39.35.160, cost-of-living differentials only as provided in AS 39.35.675, payments
29 for leave that is actually used by the employee, the amount by which the employee's
30 wages are reduced under AS 39.30.150(c), and any amount deferred under an
31 employer-sponsored deferred compensation plan, but does not include retirement

1 benefits, severance pay or other separation bonuses, welfare benefits, per diem,
2 expense allowances, workers' compensation payments, bonus payments under a
3 pilot pay program established under AS 39.27.032, or payments for leave not used
4 by the employee, whether those leave payments are scheduled payments, lump-sum
5 payments, donations, or cash-ins; for a member first hired on or after July 1, 1996,
6 compensation does not include remuneration in excess of the limitations set out in 26
7 U.S.C. 401(a)(17) (Internal Revenue Code);

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

9 (8) "compensation" means the remuneration earned by an employee
10 for personal services rendered to an employer, including employee contributions under
11 AS 39.35.160, cost-of-living differentials only as provided in AS 39.35.675, payments
12 for leave that is actually used by the employee, the amount by which the employee's
13 wages are reduced under AS 39.30.150(c), and any amount deferred under an
14 employer-sponsored deferred compensation plan, but does not include retirement
15 benefits, severance pay or other separation bonuses, welfare benefits, per diem,
16 expense allowances, workers' compensation payments, bonus payments under a pilot
17 pay program established under former AS 39.27.032, or payments for leave not used
18 by the employee, whether those leave payments are scheduled payments, lump-sum
19 payments, donations, or cash-ins; for a member first hired on or after July 1, 1996,
20 compensation does not include remuneration in excess of the limitations set out in 26
21 U.S.C. 401(a)(17) (Internal Revenue Code);

22 * **Sec. 9.** AS 23.40.075(5), AS 39.27.032, and sec. 10 of this Act are repealed.

23 * **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to
24 read:

25 REPORT. The commissioner of administration shall report to the governor and the
26 legislature by January 31, 2006, on the experience with each pilot pay program established
27 under this Act and its effectiveness in attracting and retaining skilled state employees.

28 * **Sec. 11.** Sections 1, 3, 5 - 7, and 10 of this Act take effect July 1, 2002.

29 * **Sec. 12.** Sections 2, 4, 8, and 9 of this Act take effect July 1, 2007.

HB 483 and HB 315

Conversation with Guy Bell, March 8 9:00 a.m. Fully insured product. Retirement and Benefits would RFP for a separate pool from the self-insured state pool. It would be a separate, non-third party arrangement and a stand alone contract. R & B estimates a \$90,000 to \$95,000.



Alaska Community Mental Health Services Association
3050 Fifth Avenue
Ketchikan, Alaska 99901

February 28, 2002

Representative John Coghill, Chair
House State Affairs Committee
Capitol Room 102
Juneau, AK 99801

Dear Representative Coghill:

We urge you to schedule a hearing at your earliest convenience for SSHB 315, regarding state health insurance for business/non-profits, sponsored by Representative Rokeberg. Our association, ACMHSA, strongly supports this legislation.

ACMHSA is a statewide association of non-profit mental health providers. Many of our members have endured three-fold increases in insurance premiums in the past few years. With our income sources remaining flat, demand for our services rising, and regulatory constraints increasing, our escalating insurance premiums need some creative remedy which we may find with passage of this legislation. We hope that a pooling structure, as would be established in the above legislation, would help us gain some control of this indispensable cost on services we provide.

We thank you in advance for your consideration of the above.

Sincerely,

Ron Adler, Chair
Alaska Community Mental Health Services Association

RA/kdw

cc: Representative Rokeberg

Ron Adler
Chair
3050 Fifth Avenue
Ketchikan, AK 99901
(907) 225-4135

Dave Newell
Vice Chair
1675 C Street, Suite 117
Anchorage, AK 99501
(907) 274-8281

Brenda Knapp
Secretary
P.O. Box 22090
Juneau, AK 99801
(907) 463-3303

Diana Strzok
Treasurer
2330 Nichols Street
Anchorage, AK 99516
(907) 279-6617

Bill Hogan
Member at Large
230 East Paulson, Suite 68
Wasilla, AK 99687
(907) 376-2411

Doug Feil
Member at Large
P.O. Box 806
Craig, AK 99921
(907) 826-3662

Chuck Bennett
Member at Large
P.O. Box 32839
Juneau, AK 99803
(907) 796-4123



Honorable John Coghill, Chair
House State Affairs Committee
Alaska Capitol, Room 102-A
Juneau, AK 99801-1182

March 14, 2002

RE: HB 315 (Rokeberg) - SUPPORT

Dear Chair Coghill:

On behalf of the 112,000 members of AARP in Alaska, we urge you and your colleagues on the House State Affairs Committee to support HB 315, authored by Representative Norman Rokeberg.

HB 315 will allow greater participation in insurance pooling by allowing employees of small businesses, employees of small non-profit organizations or members of small associations who have banded together for insurance purposes to join state employee coverage as a group. Alaska has over 19% of our population under 65 without any health insurance at this time. HB 315 will make it easier to reduce the number of our uninsured not only for health but for other types of group insurance. AARP believes that all Alaskans should have the benefit of insurance coverage and HB 315 will go a long way toward achieving this goal.

AARP recommends you and your Committee colleagues vote "AYE" when HB 315 appears before your Committee.

Should you have any questions about our position, please feel free to contact Marie Darlin (907.586.3637), Coordinator of the AARP Capitol City Task Force; Patrick Luby (907.762.3314), AARP Legislative Representative; or me (907.245.5259).

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Marguerite Stelson".

Marguerite Stelson
AARP Alaska
Executive Council Member for Advocacy
3009 Northwood Street
Anchorage, AK 99517-1871
907.245.5259 voice
907.245.5278 fax
ffmas@aurora.uaf.edu

cc: Rep. Peggy Wilson Rep. Jeannette James Rep. Harry Crawford

Rep. "Bud" Fate Rep. Gary Steveris Rep. Joe Hayes Rep. Norman Rokeberg
Alaska State Office | 3601 "C" Street, Suite 1420 | Anchorage, AK 99503 | Phone: 907-341-2277 | Fax: 907-341-2270 | www.aarp.org

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB 361
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: All
Title "An Act relating to pilot pay programs BRU All
attract and retain exceptional employees... Component All
Sponsor Rep. Kolt Component No. All
Requester (H)State Affairs

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	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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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	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0
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)

This legislation provides for programs to address short-term pay issues in recruitment & retention. Any costs will be funded within existing state agency budgets.

Prepared by: David Stewart Phone 465-4431
Division: Personnel Date/Time 2/4/02 2:41 PM
Approved by: Jim Duncan, Commissioner Date 2/4/2002
Agency: Department of Administration

Alaska State Legislature
House of Representatives

RULES COMMITTEE, CHAIR
COMMITTEE ON COMMITTEES
LABOR & COMMERCE COMMITTEE
MILITARY & VETERANS AFFAIRS
LEGISLATIVE COUNCIL



INTERIM:
10928 EAGLE RIVER RD., SUITE 141
EAGLE RIVER, AK 99577

SESSION:
ALASKA STATE CAPITOL
JUNEAU, AK 99801

Memorandum

To: Rep. John Coghill
From: Rep. Pete Kott *Pete*
Date: January 28, 2002

Regarding: HB 361
Pilot Pay Programs

Attached to this memorandum is a copy of HB 361, relating to the pilot pay programs to attract & retain exceptional state employees. I am also submitting my sponsor statement and a sectional analysis.

At this time, I would like to request a hearing in State Affairs, at the earliest opportunity.



Representative Pete Kott

JUNEAU OFFICE (907) 465-3777 TOLL FREE 1-800-861-KOTT(5688) FAX (907) 465-2819
EAGLE RIVER OFFICE (907) 694-8944 FAX (907) 694-8945 E-MAIL: representative_pete_kott@legis.state.ak.us
<http://www.akrepublicans.org/Kott.htm>



Alaska State Legislature

House of Representatives

RULES COMMITTEE, CHAIR
COMMITTEE ON COMMITTEES
LABOR & COMMERCE COMMITTEE
MILITARY & VETERANS AFFAIRS
LEGISLATIVE COUNCIL



Sponsor Statement

INTERIM:
10928 EAGLE RIVER RD., SUITE 141
EAGLE RIVER, AK 99577

SESSION:
ALASKA STATE CAPITOL
JUNEAU, AK 99801

HB 361

This bill provides options for the State of Alaska in its efforts to recruit and retain in-demand workers.

Alaska's current state employee pay plan is based entirely on a job classification system that is defined in law by the principle of "like pay for like work." This system serves the state well in maintaining pay equity but it doesn't allow the state to respond to the current competitive job market.

This legislation authorizes the Personnel Board to adopt regulations defining pilot programs for positions that a state agency has difficulty filling as well as recognizing exceptional employee performance. Payments made under this legislation would not be considered "base pay" nor is it included in retirement calculations. Any HB 344 bonuses would not be a part of collective bargaining during the pilot period. Further, the departments must absorb the expenses within their budget systems.

The pilot pay program options include:

- payment of a recruitment bonus
- excellence bonuses and retention bonuses or
- other bonuses or incentives that the Board determines will help a state agency compete for high demand job fields or for employees who perform exceptionally.

Last year the Alaska Legislature passed HB242 – Retiree Return, which partially addressed the issue of critical skill or knowledge loss through *retirement*. To date, 64 valuable retirees have returned to work for 26 employers statewide. Now, the State of Alaska seeks this additional tool in order to maintain a high quality public employee work force.

The pilot pay program would sunset on July 1, 2007.



Representative Pete Kott

JUNEAU OFFICE (907) 465-3777 TOLL FREE 1-800-861-KOTT(5688) FAX (907) 465-2819
EAGLE RIVER OFFICE (907) 694-8944 FAX (907) 694-8945 E-MAIL: representative_pete_kott@legis.state.ak.us
<http://www.akrepublicans.org/Kott.htm>



ALASKA STATE LEGISLATURE

REPRESENTATIVE
PETE KOTT
10928 Eagle River Rd Ste. 141
Eagle River, Alaska 99577
(907) 694-8944
FAX (907) 694-8945



While in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-3777
FAX (907) 465-2819

House of Representatives
House District 24

HB361

Sectional analysis

Section 1. Provides that an incentive paid under a pilot pay program established in sec. 6 of the bill is not "base salary" for purposes of the teachers' retirement program. This bill section takes effect July 1, 2002.

Section 2. Changes the language amended in sec. 1 to refer to a pilot pay program established under former law. This bill section takes effect July 1, 2007.

Section 3. Provides that an incentive paid under a pilot program established in sec. 6 of this bill is not "compensation" for purposes of teachers' retirement program. This bill section takes effect July 1, 2002.

Section 4. Changes the language amended in sec. 2 to refer to a pilot pay program established under former law. This bill section takes effect July 1, 2007.

Section 5. Makes a pilot pay program established under section 6 of this bill not subject to collective bargaining.

Section 6. Permits the personnel board to establish pilot pay programs for positions that a state agency has a difficult time filling and to recognize exceptional employee performance. A payment under a pilot pay program is not part of an employee's pay rate, base salary, or gross earnings for purposes of overtime compensation, the teachers' retirement system, the public employees' retirement system, or determining Workers' Compensation payments. This section takes effect July 1, 2002.

Section 7. Provides that a payment under a pilot pay program is not "compensation" for purpose of the Public Employees' Retirement System. This section takes effect July 1, 2002.

Section 8. Changes the language added in sec. 7 so that it refers to a pilot pay program established under former law. This section takes effect July 1, 2007.

Section 9. Repeals the change made in sec. 5, the provisions in sec. 6 permitting pilot pay programs, and the provisions in sec. 10 requiring a report. This section takes effect July 1, 2007.

Section 10. Requires the commissioner of administration to report by January 31, 2006 on the effectiveness of each pilot pay program established under the authority contained in sec. 6 of this bill.

Section 11 and 12. Establishes effective dates so that the authority to establish a pilot pay program starts at the beginning of the upcoming fiscal year and ceases on July 1, 2007.

Recruitment and Retention Difficulties

Job Classes with Recruitment and Retention Difficulties since January 1, 2001

In which job classes in your department has recruitment or retention been a problem?	Why is it difficult to fill or maintain the employees in these positions?	How long does it take to fill a position?	What impact have these vacancies had in your department and in the services your department delivers?	Department
Administrative Clerks	Noncompetitive salary/benefits	Varies by recruitment area.	High turnover, burnout of current employees	Law Health and Social Services Education
Accountants	Noncompetitive salary. Very few qualified candidates.	30+ days	Overtime, services not provided as efficiently	Administration
Accounting Clerks/Technicians	Small applicant pools with very few qualified candidates, noncompetitive salary	Varies by recruitment area.	Overtime, services not provided as efficiently, more training required, missed deadlines, quality of work suffers	Administration Law Health and Social Services Education
Administrative Assistant	Small applicant pools	3-12 months	Reduced services, stress/burnout of current employees, high recruitment costs	Labor
Administrative Managers	Noncompetitive salary/benefits, programs understaffed, lack of training opportunities	11+ weeks	Crisis management only, delays in nonemergency work, overtime, lack of training, potential loss of certification or federal funding	Health & Social Services
Adult Probation Officer II	Noncompetitive salary/benefits, programs understaffed, inequities in rural Alaska, lack of training opportunities	11+ weeks	Crisis management only, delays in nonemergency work, overtime, lack of training, potential loss of certification or federal funding	Health & Social Services
Attorneys	Noncompetitive salary/benefits, 9-12 month training requirement with subsequent assignment to a rural or bush office for 2 years, lack of interest in part-time positions	Up to 10 months	Caseloads suffer	Law
Boiler & Pressure Vessel Inspector	Specialized education/experience requirements, noncompetitive salary	3-12 months	Backlog of approximately 680 boiler and pressure vessels awaiting inspection	Labor
Biological job classes (Fish and Wildlife technicians and biologists, Fish Culturists, Fishery Biologists, Habitat Biologists and others.	Noncompetitive salary, federal government is biggest competitor	Retention issue; incumbents leave to federal jobs.	Overtime, delay or cancellation of major projects, noncompliance with statutes/regulations	Fish and Game
Communication Engineering Associates	Noncompetitive salaries, small applicant pools	30+ days	Overtime, rearranging of priorities	Administration
Computer Specialist Job Classes (Analysts/Programmers, Systems Programmers, Data Processing Managers, Microcomputer/Network Specialists/Technician II)	Noncompetitive salaries/benefits, small applicant pools, difficult finding applicants that know the older languages used on our mainframe computers	30+ days	Overtime, delay or cancellation of major projects, noncompliance with statutes/regulations	Administration Law (A/P only) Public Safety (A/P only) Labor (A/P only) Health and Social Services (A/P & M/N Spec/Tech only)

Contracting Officers	Small applicant pools, noncompetitive salary	10-21 days; major issue is retention; incumbents leave to other public and private-sector competitors	Overtime, services not provided as efficiently	Administration
Criminalists	Small applicant pools, noncompetitive salary	Fluctuates	Investigations into forensic evidence is not completed or delayed	Public Safety
Data Communications Specialists	Noncompetitive salaries, small applicant pools	30+ days	Overtime, rearranging of priorities	Administration
Disability Adjudicator Associate	Specialized education/experience requirements, noncompetitive salary	3-12 months	Reduced services, stress/burnout of current employees, high recruitment costs	Labor
Education Specialists/Administrators	Noncompetitive salary, 12 month positions opposed to 9 with school districts	1+ years	Heavy workloads, burnout	Education
Elevator Inspectors	Very few qualified applicants nationwide	3-12 months	Inspection cycle increased from one to two years and still has a growing backlog	Labor
Employment Counselor	Specialized education/experience requirements, noncompetitive salary	3-12 months	Reduced services, stress/burnout of current employees, high recruitment costs	Labor
Engineering Job Classes (Engineers, Engineering Assistants, Technical Engineers/Architects, etc.)	Noncompetitive salary	Retention issue; incumbents leave to federal jobs and private contractors.	Project delays	DOT/PF
Equipment Operators/Mechanics (Southwest District)	Local citizens do not qualify as specialized training and a commercial drivers license is required	local hire issues	Project delays	DOT/PF
Fish and Wildlife Aides	Seasonal work, declining applicant pools, salary level	Fluctuates	Enforcement missions are postponed or more difficult. Follow-up of complaints may be delayed. Fewer cases to prosecution.	Public Safety
Foresters	Noncompetitive salary, federal government recruitment competition	In/out of state recruitment, 20 to 30+ days	Overtime, delay or cancellation of major projects, noncompliance with statutes/regulations	DNR
Health Care Job Classes (Nurses, Health Program Managers, Mental Health Clinicians, Public Health Nurses, Public Health Specialists, Psychiatric Nursing Assistants, Patient Workers, Staff Psychiatrists, Licensed Practical Nurses, Medical Assistance Administrator)	Noncompetitive salary/benefits, programs understaffed, inequities in rural Alaska, lack of training opportunities	11+ weeks	Crisis management only, delays in nonemergency work, overtime, lack of training, potential loss of certification or federal funding	Health & Social Services (except LPN) Education (LPN, RN only) Administration (Medical Assistance Administrator only)
Human Resource job classes (Personnel Assistants, Personnel Specialists)	Office understaffed in comparison to other agencies (Law)			Law Education
Industrial Hygienist	Specialized education/experience requirements, noncompetitive salary	3-12 months	Struggling to meet inspection quotas as required by federal grants	Labor
Internal Auditors	Noncompetitive salary	90+ days	Backlog	Education
Labor Economist	Specialized education/experience requirements, noncompetitive salary	3-12 months	Reduced services, stress/burnout of current employees, high recruitment costs	Labor
Laboratory Technician II	Noncompetitive salary/benefits, programs understaffed, lack of training opportunities	11+ weeks	Crisis management only, delays in nonemergency work, overtime, lack of training, potential loss of certification or federal funding	Health & Social Services
Land Surveyors	Noncompetitive salary	Retention issue; incumbents leave to federal jobs and private contractors.	Project delays	DOT/PF
Law Office Assistant I/II	Noncompetitive salary	Varies with recruitment area.	Delays in work	Law
Librarians	Noncompetitive salary, specialized education requirement	up to 1 year	Delays in work	Education

Marine Job Classes (Steward, Oiler, Able Bodied Seaman, Junior Engineer)			Increase in overtime	DOT/PF
Microbiologist II	Noncompetitive salary/benefits, programs understaffed, lack of training opportunities	11+ weeks	Crisis management only, delays in nonemergency work, overtime, lack of training, potential loss of certification or federal funding	Health & Social Services
Natural Resource Officers	Noncompetitive salary, federal government recruitment competition	In/out of state recruitment, 20 to 30+ days	Overtime, delay or cancellation of major projects, noncompliance with statutes/regulations	DNR
Physical Therapist	Noncompetitive salary	1+ years	Physical Therapy not provided as required.	Administration
Public Assistance Analyst II	Noncompetitive salary/benefits, programs understaffed, lack of training opportunities	11+ weeks	Crisis management only, delays in nonemergency work, overtime, lack of training, potential loss of certification or federal funding	Health & Social Services
Publication Specialist	Small applicant pools	3-12 months	Reduced services, stress/burnout of current employees	Labor
Radio Dispatchers	Minimally qualified applicant pool, nonexistent in some locations, high turnover due to shift work, stress and exacting skill.	Fluctuates	Enforcement missions are postponed or more difficult. Follow-up of complaints may be delayed. Fewer cases to prosecution.	Public Safety
Research Analysts	Small applicant pools, noncompetitive salary/benefits	3-12 months	Reduced services, stress/burnout of current employees	Labor Health and Social Services
Retirement and Benefits Technicians	Quality of applicants has declined, noncompetitive salary	10-15 days	Overtime, services not provided as efficiently	Administration
Right of Way Agents			Project delays	DOT/PF
Secretary	Small, inexperienced applicant pools	3-12 months	Reduced services, stress/burnout of current employees	Labor
Social Services Job Classes (Social Services Program Administrator, Social Services Program Coordinator, Social Services Program Officer, Social Services Associate II, Social Workers, Children's Services Managers)	Noncompetitive salary/benefits, programs understaffed, inequities in rural Alaska, lack of training opportunities	11+ weeks	Crisis management only, delays in nonemergency work, overtime, lack of training, potential loss of certification or federal funding	Health & Social Services
State Archivist	Noncompetitive salary, specialized education requirement	up to 1 year of longer	Delays in work or program changes.	Education
State Trooper Recruits	Interest in law enforcement careers is declining nationwide. Many applicants fail to pass job requirements. Unique demands in Alaska (weather, isolation, housing, transfers, etc.)	Fluctuates	Enforcement missions are postponed or more difficult. Follow-up of complaints may be delayed. Fewer cases to prosecution.	Public Safety
Statistical Technician	Small applicant pools	3-12 months	Reduced services, stress/burnout of current employees	Labor
Youth Counselor I	Noncompetitive salary/benefits, programs understaffed, lack of training opportunities	11+ weeks	Crisis management only, delays in nonemergency work, overtime, lack of training, potential loss of certification or federal funding	Health & Social Services

Talking Points for Pilot Pay Proposed Legislation

As of September 30, 2001, just over 6% of the Executive Branch workforce is eligible to retire

Another 16.7% will be eligible in the next five years. → One fourth of the Executive Branch workforce will be eligible to retire in five years.

Nearly 200 job classes have been identified as "difficult to fill" because of salary and benefit issues.

90% of the Correctional Superintendents will be eligible to retire in five years.

- 81% of the Public Safety Lieutenants
- 64% of the Natural Resource Managers
- 60% of the supervisory Psychiatric Nurses
- 50% of the Ships' Masters for the Marine Highway system
- 35% of senior Juvenile Probation Officers
- 30% of senior Nurses

The current pay plan provides for pay rates based on "like pay for like work," with internal equity as the primary influence. Market adjustments must be factored over an entire class of work ("like work"). The legislative proposal before you provides for some flexibility in responding to changing market pressures and addressing the retention of critical job skills and knowledge.

Examples of pilot pay plans include:

Recruitment bonuses - a one-time payment as incentive to accept employment with the State of Alaska;

Retention bonus - a payment to retain a current state employee with needed or high-demand skills;

Excellence bonus - a payment to reward a state employee who has performed beyond normal expectations, who has performed exceptionally on mission-critical projects or works.

This proposal allows the Personnel Board to develop regulations adopting some, all or other pilot programs for to allow the state to more effectively compete for scarce or needed job skills and knowledge, and to retain valuable skills and knowledge in the workplace.

The proposal defines pilot pay programs adopted under it as exempt from collective bargaining. By retaining control over the definitions and duration of pilot programs, the Personnel Board can most accurately assess their effectiveness. To have the pay programs individually bargained could cause an ineffective program to remain active and only perhaps unused, while preventing the adoption and trial of more effective programs.

Turnover Rates

Boiler & Pressure Vessel Inspectors

- Department of Labor
- There's a backlog of approximately 680 boiler and pressure vessels awaiting inspection

State Trooper Recruits

- Department of Public Safety
- Enforcement missions are postponed or more difficult.
- Follow-up of complaints may be delayed.
- Fewer cases go to prosecution

Elevator Inspectors

- Department of Labor.
- The inspection cycle has increased from one to two years and still has a growing backlog

Nurse I

- Department of Health and Social Services
- Number of Positions - 4
- Average Annual Vacancy Rate 98-00 – 26%
- Turnover Rate 98-00 – 92%
- 50% of the recruitment attempts in the past 16 months did not result in hire.
- The turnover and vacancy rate results in them working in crisis management only, delays in nonemergency work, overtime, lack of training, potential loss of certification of federal funding.

Social Workers – Health and Social Services

Social Worker I

- Department of Health and Social Services
- Number of Positions - 18
- Average Annual Vacancy Rate 98-00 – 19%
- Turnover Rate 98-00 – 68%
- 51% of the recruitment attempts in the past 16 months did not result in hire.

Social Worker II

- Department of Health and Social Services
- Number of Positions - 29
- Average Annual Vacancy Rate 98-00 – 10%
- Turnover Rate 98-00 – 52%
- 25% of the recruitment attempts in the past 16 months did not result in hire.

Social Worker III

- Department of Health and Social Services
- Number of Positions - 115

- Average Annual Vacancy Rate 98-00 – 14%
- Turnover Rate 98-00 – 38%
- 32% of the recruitment attempts in the past 16 months did not result in hire.

Social Worker IV

- Department of Health and Social Services
- Number of Positions - 33
- Average Annual Vacancy Rate 98-00 – 19%
- Turnover Rate 98-00 – 47%

Social Worker V

- Department of Health and Social Services
- Number of Positions - 6
- Average Annual Vacancy Rate 98-00 – 13%
- Turnover Rate 98-00 – 50%

The turnover and vacancy rate results in them working in crisis management only, delays in nonemergency work, overtime, lack of training, potential loss of certification of federal funding.

Fishery Biologists

- Department of Fish and Game
- Number of Positions – 381
- Positions Vacant – 74
- Turnover Rate – 19%
- Results in delay or cancellation of major projects, noncompliance with statutes/regulations

ALASKA STATE LEGISLATURE

REPRESENTATIVE
PETE KOTT
10928 Eagle River Rd Ste. 141
Eagle River, Alaska 99577
(907) 694-8944
FAX (907) 694-8945



While in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-3777
FAX (907) 465-2819

House of Representatives
House District 24

HB361

Sectional analysis

Section 1. Provides that an incentive paid under a pilot pay program established in sec. 6 of the bill is not "base salary" for purposes of the teachers' retirement program. This bill section takes effect July 1, 2002.

Section 2. Changes the language amended in sec. 1 to refer to a pilot pay program established under former law. This bill section takes effect July 1, 2007.

Section 3. Provides that an incentive paid under a pilot program established in sec. 6 of this bill is not "compensation" for purposes of teachers' retirement program. This bill section takes effect July 1, 2002.

Section 4. Changes the language amended in sec. 2 to refer to a pilot pay program established under former law. This bill section takes effect July 1, 2007.

Section 5. Makes a pilot pay program established under section 6 of this bill not subject to collective bargaining.

Section 6. Permits the personnel board to establish pilot pay programs for positions that a state agency has a difficult time filling ~~and to recognize exceptional employee performance~~. A payment under a pilot pay program is not part of an employee's pay rate, base salary, or gross earnings for purposes of overtime compensation, the teachers' retirement system, the public employees' retirement system, or determining Workers' Compensation payments. This section takes effect July 1, 2002.

Section 7. Provides that a payment under a pilot pay program is not "compensation" for purposes of the Public Employees' Retirement System. This section takes effect July 1, 2002.

Section 8. Changes the language added in sec. 7 so that it refers to a pilot pay program established under former law. This section takes effect July 1, 2007.

ALASKA STATE PERSONNEL BOARD MEETING MINUTES

June 13, 2000

Training Room

Division of Personnel

619 E. Ship Creek Avenue

Anchorage, Alaska

Attendance:

In person:

Peter Hallgren, Chairperson

Chuck Borg, Member

Sharon Barton, Director of Personnel, Secretary to the Board

Dave Stewart, Division of Personnel

Sarah Felix, Asst. Attorney General, Counsel to the Board

Elizabeth Hickerson, Asst. Attorney General, Counsel to the Board on the Skvorc matter

Doug Carson, Division of Personnel

1. CALL TO ORDER:

Chairperson Hallgren called the meeting to order at 10:00 A.M. He introduced himself and Member Chuck Borg. The third seat on the Board is currently vacant. With two members present, there was a quorum.

2. APPROVAL OF AGENDA:

Chairperson Hallgren asked if there was any discussion of the draft agenda. Ms. Barton suggested that the Board might want to take up the proposed amendments to the Personnel Rules first so that the Board could open the floor for public comment. Ms. Barton advised the Board that there would be no telephonic comment since she had not received any requests for the bridge telephone number by the deadline set out in the public notice. Therefore, the only public comment would be if someone appeared at the meeting. Chairperson Hallgren stated that he would proceed on the agenda as written and if someone showed up at the meeting to comment on the proposed amendments to the Personnel Rules, he would take their comments at that time. The agenda was approved by affirmation.

3. ETHICS DISCLOSURES:

Chairperson Hallgren asked if any member had any ethics disclosures. Member Borg and Chairperson Hallgren indicated they did not. Chairperson Hallgren signed the ethics disclosure statements for the periods October, 1999 through December, 1999 and January, 2000 through March, 2000 and asked Mr. Carson to file these statements with the Department of Law. Mr. Carson stated that he would do so.

4. APPROVAL OF MINUTES:

Before taking up approval of the minutes of the previous meeting, the Board reviewed pending case logs. Upon returning to agenda item no. 4, Chairperson Hallgren asked if there was a motion to approve the minutes. Member Borg moved to approve the minutes of the September 21, 1999 meeting. Chairperson Hallgren seconded the motion. Chairperson Hallgren complimented former Personnel Manager, Mike McMullen, on preparation of the minutes stating that they provided an excellent recount of the September 21, 1999 meeting. Chairperson Hallgren noted that page 7 of the minutes indicated that notes provided by Harriet Lawlor from ASEA were attached to the minutes but he did not get a copy of the attachment. Ms. Barton stated she would get a copy of the notes and provide them to the Board. Chairperson Hallgren stated he had been interested in the attachment because he felt they could have helped to refresh his recollection on ASEA's position on the proposed amendments to the Personnel Rules. However, Chairperson Hallgren stated he understood ASEA's concerns had been addressed and therefore he did not need the notes. Chairperson Hallgren also noted on page 5 of the minutes that three proposed amendments to the Personnel Rules had been distributed at the meeting on September 21, 1999 and since the Board did not adopt the changes to the Personnel Rules at that meeting he wanted to know if those amendments had been incorporated into the package that was before the Board at this meeting. Ms. Barton replied that the proposed amendments had been incorporated into the package that was before the Board at this meeting. On voice vote the minutes were approved 2-0.

5. REVIEW PENDING CASE LOGS:

Before the Board took up review of pending case logs, Mr. Carson advised the Board he needed to supplement the packet he had previously prepared for the Board. Mr. Carson stated the packet he had prepared for the Board contained case logs for the months of January through May, 2000 and that he wanted to supplement the packet with case logs for the months of September through December, 1999. Chairperson Hallgren stated that based on his review of the case logs it appeared that there were no pending ethics cases. Mr. Carson replied that this was his understanding as well. Chairperson Hallgren asked whether those cases that had been either dismissed or closed would be taken up and Mr. Carson replied those cases were on the agenda under Item no. 6.

6. REVIEW CONFIDENTIAL CLOSED EXECUTIVE BRANCH ETHICS ACT CASES:

Before reviewing confidential closed Executive Branch Ethics Act cases, the Board heard the report of counsel on further Personnel Board proceedings on the Skvorc case. After hearing the report of counsel, the Board returned to Agenda Item No. 6. Chairperson Hallgren noted that one of the two cases in the packet he had reviewed remained confidential while the parties in the other case had stipulated to make the case public. Chairperson Hallgren asked Member Borg if he had any questions on the case

that remained confidential. Member Borg stated he did not have any questions. On that basis, and because he did not have any questions either, Chairperson Hallgren stated there was no need to go into executive session.

Chairperson Hallgren then asked if Member Borg had any questions about the Elaine Williams case. Member Borg said he did not have any questions. Chairperson Hallgren stated he appreciated this case being made public by stipulation because in summary it provided direction to State employees on how to avoid problems. Chairperson Hallgren stated the crux of many problems seemed to be cured by full and honest disclosure to their designated ethics supervisor. Member Borg asked who generally is an ethics supervisor and what level are they at in the State structure. Ms. Barton replied the answer to that question varies by Department and by entity such as Boards and Commissions. For example, Ms. Barton stated that, in the Department of Administration, a Deputy Commissioner is the designated ethics supervisor. Ms. Barton stated that while the role of ethics supervisor may be delegated to an Administrative Services Director it usually remains at a high level close to the Commissioner or Deputy Commissioner of a Department.

7. REPORT OF COUNSEL ON FURTHER PERSONNEL BOARD PROCEEDINGS IN THE SKVORC CASE:

Chairperson Hallgren stated that the Board had a Stipulation signed by the State and by Skvorc's attorney having to do with the remand by the Alaska Supreme Court to the Board. Chairperson Hallgren noted that Member Borg had a copy of the Stipulation. Chairperson Hallgren stated he found the Stipulation acceptable. Chairperson Hallgren asked if the parties had any preference for a hearing date before the Board. Board attorney Hickerson first asked if this matter should be taken up in executive session. Chairperson Hallgren stated that since the Board was dealing with a remand from the Supreme Court he did not believe the matter was confidential. Ms. Hickerson concurred and then proceeded to discuss potential dates for a hearing before the Board. Ms. Hickerson stated the parties wanted 45 minutes each for argument and requested that the Board set aside some time following argument for deliberation. Ms. Hickerson stated the parties felt the Board would have sufficient information at that time to deliberate and make a final decision.

Chairperson Hallgren then brought up the issue that his term was set to expire and therefore there was no guarantee he would be around for the hearing contemplated by the parties. Discussion ensued between Chairperson Hallgren and Ms. Barton about recent legislation that did away with the requirement that a person appointed to serve on the Personnel Board also had to serve on the PERS Board. Ms. Barton stated the Governor's Office was waiting until after the effective date of the legislation, which she believed to be July 1st, so that someone could be recruited to fill the vacancy without requiring them to make too heavy a commitment by having to serve on the PERS Board at the same time. Chairperson Hallgren stated he was not sure of the effective date of the legislation

and asked if someone could check. Ms. Barton replied that she would check and let him know.

Chairperson Hallgren stated he was happy to continue serving until he was replaced. However, he stated the way the Stipulation was put together made it easy for a replacement to come on board. Chairperson Hallgren asked Member Borg if setting the hearing for October 31, 2000 in Anchorage would be acceptable and Member Borg replied that October 31st was acceptable to him. Chairperson Hallgren stated he thought entering into deliberation immediately following the argument was the appropriate way to go and therefore the Board should set the better part of the day aside on October 31st for argument and deliberation.

Chairperson Hallgren then asked if the Board could have its attorney sit in on the deliberations. Ms. Hickerson said she would be available to do so. Chairperson Hallgren stated that, in the last hearing in which he had participated, he and Judge Buckalew had deliberated without an attorney and he was interested in having the Board's attorney sit in on the deliberations on this case. Chairperson Hallgren and Ms. Hickerson then engaged in some discussion about the A.G.'s office acting as both the Board's attorney and the prosecuting attorney in this case. Ms. Hickerson stated that both parties were fully aware of her involvement in this case and there have been no objections to her continued participation. In order to ensure full disclosure, Ms. Hickerson suggested that an order be prepared setting out the date for the hearing as well as the fact she would participate in the deliberations as the Board's attorney. Chairperson Hallgren moved to accept the Stipulation filed by the parties and issue an Order setting the hearing date for October 31st, requiring the parties to serve the documents mentioned in the Stipulation on the Board members individually as well as the Board's attorney, Ms. Hickerson, and advising the parties that the Board intends to have the Board's attorney sit in on the deliberations following the hearing. Member Borg seconded the motion. On voice vote, the motion was approved 2-0.

8. CONSIDER AMENDMENTS TO THE PERSONNEL RULES:

Chairperson Hallgren noted that no one had come to comment on the proposed amendments to the Personnel Rules. Chairperson Hallgren asked if anyone had called the number listed in the public notice in order to participate in the meeting. Mr. Carson replied that the telephone number in the notice was his number and that he had checked his voice mail at 8:30 a.m. this morning and no one had called to indicate that they wanted to comment on the proposed amendments.

Chairperson Hallgren stated that one of the reasons the Board held off on adopting the proposed amendments at the last meeting was that the enabling legislation had not yet been passed by the legislature. Chairperson Hallgren asked for a report on what had taken place since the last meeting. Ms. Barton stated that two important events had taken place since the last meeting. First, the enabling legislation had passed without any controversy. The effective date of the legislation is August 31, 2000. Second, the State

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was successful in negotiations with all 12 unions in incorporating the provisions of Workplace Alaska into the collective bargaining agreements.

Ms. Barton stated that Dave Stewart from the Division of Personnel was present to answer any questions the Board might have. Chairperson Hallgren asked if Member Borg had any other questions. Member Borg said he did not have any questions.

Chairperson Hallgren stated he understood there to be a preference for hiring Alaska residents all things being equal between an in-state applicant and an out-of-state applicant. Chairperson Hallgren asked what happened when the out-of-state applicant scores one point higher than the in-state applicant. Mr Stewart replied that in-state and out-of-state applicants are ranked separately with in-state applicants ranked above out-of-state applicants. If an in-state applicant qualifies for the job he/she will be given preference even if the out-of-state applicant scores higher. Ms. Barton added that the State requires its Departments to do a thorough in-state recruitment before going outside. Further, even if a Department conducts an out-of-state recruitment, if it gets an in-state applicant, there is a preference towards the in-state applicant.

Chairperson Hallgren asked about a change on page 36 concerning layoffs (2 AAC 07.405(a)), specifically the following change:

The name of a laid off former employee may be removed from the layoff list for any reason that an applicant would be disqualified, or if the employee's application for a refund of retirement contributions from the Public Employees Retirement System is processed, or if the employee retires under the Public Employees Retirement System or the Teachers Retirement System.

Chairperson Hallgren asked about the thought processes behind these changes. Mr. Stewart replied that under the collective bargaining agreements the State has with 12 different unions an employee who is laid off has a preferential right to rehire. These agreements also provide that an employee loses this preferential right if he/she requests a refund from PERS or retires. If an employee requests a refund of his/her contributions to PERS or retires the employee is no longer considered to be in lay-off status but has completely separated from State service. The proposed amendment to 2 AAC 07.405(a) is intended to bring the Personnel Rules in line with the State's obligations under its collective bargaining agreements and the definitions used by PERS.

Chairperson Hallgren asked about the veteran's preference language on page 25 of the proposed amendments. Mr. Stewart replied that Workplace Alaska changes the preference for veteran's from a point system to a percentage system. Chairperson Hallgren stated that he understood there to be a tension between the veteran's preference and the constitutional merit system of employment. Ms. Felix stated she believed veteran's preference language has survived constitutional challenge at the U.S. Supreme Court level.

Ms. Felix also stated that, at the last meeting, the Department of Law had had reservations about the Board taking action on the proposed amendments because the statutory changes necessary to implement Workplace Alaska had not been passed by the legislature. Now, however, House Bill 317, which made the necessary statutory changes, had been passed the legislature, and therefore the Department of Law no longer had any reservations about the Board taking action on the proposed amendments to the Personnel Rules.

After a brief recess, Chairperson Hallgren noted that it was 12:02 p.m. and that no one had shown up to comment on the proposed amendments to the Personnel Rules. Chairperson asked if there was a motion to adopt the proposed amendments to the Personnel Rules. Member Borg moved to adopt the proposed amendments to the Personnel Rules. Chairperson Hallgren seconded the motion. On voice vote, the motion was approved 2-0.

9. OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE BOARD:

There were not other matters for this meeting.

10. ADJOURNMENT:

Having completed the business agenda, Chairperson Hallgren adjourned the meeting at 12:05 P.M.

Respectfully submitted

Sharon Barton
Secretary to the Board

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: January 28, 2002

FURTHER REFERRALS: Finance

Date of Committee Action: 21st Mar 02

The STATE AFFAIRS Committee considered:

HB 361

HOUSE BILL NO. 361

PILOT PAY PROGRAM FOR STATE EMPLOYEES

"An Act relating to pilot pay programs to attract and retain exceptional state employees; and providing for an effective date."

Recommends it be replaced with CS HB 361 (STA) [] Same Title [] New Title
 For Senate Bills with new title: [] Technical Title [] New Title: HCR _____

- [] attach amendments
- [] add new referral to _____ Committee
- [] Letter of Intent _____ Committee

List of Abbrev. for Depts.:
 ADM
 CED
 COR
 CRT
 EED
 DEC
 DFG
 GOV
 HSS
 LAA
 LAW
 LWF
 MVA
 DNR
 DPS
 REV
 DOT
 UA

<u>NEW FISCAL NOTES</u>				
*For Chief Clerk's Office Use Only				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
<i>All</i>				✓

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
<i>Harry J Crawford Jr</i>	CRAWFORD			✓	
<i>John Steven</i>	STEVEN	X			
<i>Kenneth James</i>	JAMES	X		✓	
<i>Joseph F. Hays</i>	Fate Hays			✓	
Chair: <i>John G. ...</i>					
Chair: <i>John G. ...</i>	Coghill			✓	

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List of Abbrev. for Depts.:
 ADM
 CED
 COR
 CRT
 EED
 DEC
 DFG
 GOV
 HSS
 LAA
 LAW
 LWF
 MVA
 DNR
 DPS
 REV
 DOT
 UA

<u>NEW FISCAL NOTES</u>				
*For Chief Clerk's Office Use Only				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
<i>All</i>				✓

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
<i>Thomas L Crawford Jr</i>	CRAWFORD			✓	
<i>John Steven</i>	STEVEN	X			
<i>Kenneth James</i>	JAMES	X		dtt	
<i>Joseph F. Fote</i>	Fote			✓	
<i>Ed Hase</i>	HASE			✓	
Chair: <i>John Coghill</i>	Coghill			✓	