

**HB**

**458**





## **REPRESENTATIVE BILL HUDSON** Alaska State Legislature

Room 502 • State Capitol, Juneau, Alaska 99801 (907)465-3744 Fax: 465-2273

### **Sponsor Statement for HB 458** Probationary Periods for state employees

**"An Act relating to periods of probation for state employees; and providing for an effective date."**

This bill will allow the flexibility to extend probationary periods as needed.

The practice of extending employee probationary periods by agreement with employee unions is one of long standing, and has allowed all parties the flexibility to deal with employees on an individual basis. Most employees serve six or twelve month probationary periods. In instances where correctional officers or state trooper recruits are involved, the Alaska Police Standards Council allows up to 14 months probation.

A recent trial court decision found that AS 39.25.150(7), the legal requirement for probationary periods, was inflexible in its definition and application. Further, the Court found that even collectively bargained extensions were invalid if such an extension made the probationary period longer than 12 months.

This bill does not seek to change the requirement for, or the standard lengths of, probationary periods. The language change proposed by this bill provides for only the flexibility to extend a probationary period beyond 12 months in cases where such an extension is warranted and agreed upon by the parties involved.

#### **Sectional Analysis:**

Sec. 1. Allows an exception to AS 30.25.150(7), of the State Personnel Act, Personnel Rules. The change would allow an extended period of probation if set out in a collective bargaining agreement under AS 23.40; which defines labor organizations.

Sec. 2. Makes the change effective immediately.



# STATE OF ALASKA

## DEPARTMENT OF ADMINISTRATION

DIVISION OF PERSONNEL

April 11, 2002

TONY KNOWLES, GOVERNOR

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JUNEAU, ALASKA 99811-0201  
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The Honorable Bill Hudson  
Alaska House of Representatives  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182

APR 10 2002

Dear Representative Hudson:

At a recent meeting of the House State Affairs Committee, members and Chairman Coghill asked your office and the Administration to contemplate an amendment to House Bill 458, State Employee Probationary Periods, to include state employees who are not covered by collective bargaining.

I have reviewed the Personnel Act, AS 39.25 for definitions and inclusions. I find that there are only four positions in state service who are unrepresented by collective bargaining and who are also covered by the Rules guaranteeing a probationary period. Those positions are the employees of the Alaska Labor Relations Board. One of the positions is an Administrative Clerk III, with a 6-month probationary period; three of the positions have probationary periods of 12 months, but are occupied by long-term employees.

Other state employees who are not covered by collective bargaining are specifically excluded from serving probationary periods.

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

# Alaska State Legislature

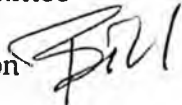


REPRESENTATIVE BILL HUDSON  
House Finance Committee

State Capitol  
Juneau, Alaska  
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## MEMORANDUM

TO: Representative John Coghill, Chairman  
House State Affairs Committee

FROM: Representative Bill Hudson 

SUBJECT: HB 458 Hearing Request

DATE: March 19, 2002

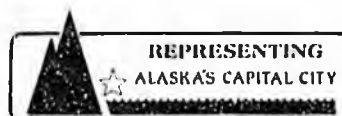
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I respectfully request that you schedule HB 458 before the House State Affairs Committee at your earliest possible convenience.

Attached is my sponsor statement which includes a brief sectional analysis.

If you have any questions regarding this request please contact my staff member handling this legislation, Melanie Lesh at 465-4230.

Thanks for your consideration.





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**HOUSE BILL NO. 458**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE HUDSON

Introduced: 2/19/02

Referred: State Affairs

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to periods of probation for state employees; and providing for an  
2 effective date."

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

4 \* **Section 1.** AS 39.25.150(7) is amended to read:

5 (7) a period of probation not to exceed one year before an appointment  
6 to a position becomes permanent, unless the period of probation is extended as set  
7 out in a collective bargaining agreement under AS 23.40; however, [EXCEPT  
8 THAT] a permanent employee receiving a promotional appointment retains permanent  
9 status in the service and job class from which appointed for the duration of the  
10 probationary period and may be demoted to a former class without right of appeal,  
11 notwithstanding AS 39.25.170, but, if the employee is dismissed from the service, the  
12 appeal rights under AS 39.25.170 apply;

13 \* **Sec. 2.** This Act takes effect immediately under AS 01.10.070(c).