

LEG. FINANCE - BILLS 1979 - 1980 1242

CSSB 22am

1040



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James A. Smith
Signature of Camera Operator

3/20/90
Date

(11)

COMMITTEE REPORT

HOUSE

FURTHER:

April 17, 1979

Date: _____

Mr. Speaker:

The Committee on FINANCE has had CSSB 22 (Rules) am

"An Act extending the benefits of group insurance to certain temporary employees of the state and its governmental units; eff. date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
- and recommends _____ new title
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

COMMITTEE REPORT HOUSE

FURTHER: FINANCE

April 3, 1979

Date: 4-11-79

Mr. Speaker:

The Committee on STATE AFFAIRS has had CSSB 22 (Rules) am

"An Act extending the benefits of group insurance to certain temporary employees of the state and its governmental units; eff. date."

under consideration and (a majority of the committee) (~~the committee~~) reports ~~it back with the following recommendations:~~ *it be*

- do pass do not pass
- do pass with attached amendments(s)
- replaced with ^{House} CS for CSSB 22 ~~(22)~~ same title new title
- and recommends expand the bill with individual recommendations
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

W. Will
John Smith
Bob Paul

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

Bob Paul *No Pass*
Ray [unclear] *Do Not Pass*
Terry [unclear] *Do Not Pass*

W. Will
 CHAIRMAN

Original sponsor: Ray

1 IN THE SENATE BY THE FINANCE COMMITTEE
2 HOUSE CS FOR CS FOR SENATE BILL NO. 22 (Finance)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 ELEVENTH LEGISLATURE - FIRST SESSION
5 A BILL

6 For an Act entitled: "An Act relating to government employment; and provid-
7 ing for an effective date."

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

9 * Section 1. LEGISLATIVE FINDINGS AND INTENT. The legislature finds and
10 declares that certain inconsistencies and abuses in the hiring of nonperma-
11 nent employees have jeopardized the integrity and efficiency of the merit
12 system as well as the morale of employees. The legislature intends to curb
13 the widespread administrative practice of using nonpermanent state employment
14 to evade departmental accountability and mask poor planning. The legislature
15 further intends that nonpermanent employees be used only to the extent that
16 it is impractical to meet the need with permanent employees and that the
17 burden of proof shall fall upon the department or agency which proposes
18 nonpermanent hire.

19 * Sec. 2. AS 39.25.150(9) is amended to read:

20 (9) nonpermanent [TEMPORARY] appointments to positions in the
21 state service in accordance with AS 39.25.195 - 39.25.200 [WHICH ARE
22 DETERMINED TO BE OF A SEASONAL OR TEMPORARY NATURE];

23 * Sec. 3. AS 39.35.680(21)(C)(iii) is amended to read:

24 (iii) casual or [,] emergency [OR TEMPORARY]
25 workers or nonpermanent employees as defined in AS 39.25.200;

26 * Sec. 4. AS 39.25 is amended by adding new sections to article 6 to read:

27 Sec. 39.25.195. APPOINTMENT OF NONPERMANENT EMPLOYEES. (a) An
28 individual may not be appointed as a nonpermanent employee in the state
29 service without prior written approval of the director except as an

1 emergency employee.

2 (b) Every appointment to state service except an emergency appoint-
3 ment, shall be made from an applicable eligible list or dispatching
4 register unless in appropriate circumstances the director has waived
5 this requirement.

6 (c) No appointment of a nonpermanent employee may be made unless
7 the request for authorization is approved by the director, adequate
8 money is available for the anticipated duration of the appointment, and
9 the director determines that

10 (1) the hiring department or agency has certified that the
11 legislature has appropriated money for the work in question knowing that
12 it is to be performed by a nonpermanent employee;

13 (2) the hiring department or agency has certified that there
14 is an immediate need to fill an authorized, permanent position and it is
15 impractical either to establish the position or to make certification
16 within a reasonable time;

17 (3) the hiring department or agency has certified that an
18 immediate need exists and the director determines that the hiring depart-
19 ment or agency could not reasonably have been expected to anticipate and
20 meet through the creation of a permanent position; or

21 (4) the hiring department or agency has certified that a
22 program or project exists and the director determines that the needs for
23 employees can most appropriately be met through the use of program or
24 project employees.

25 (d) The director may not authorize the appointment of a nonperma-
26 nent employee if he determines that

27 (1) the need for the nonpermanent employee can practicably be
28 met through establishing and filling an authorized permanent position;

29 (2) the need for the nonpermanent employee would be more

1 appropriately met through an emergency appointment; or

2 (3) the need for the nonpermanent employee is not immediate
3 and could reasonably have been anticipated and met by the appointing
4 authority through the creation and filling of a permanent position.

5 (e) A nonpermanent employee may not be placed on the state payroll
6 unless the director has first approved the personnel action for the
7 employee's appointment.

8 (f) Nothing in this section prevents the director from adopting
9 regulations to provide for timely substitution for permanent employees
10 on medical or personal leave or other situations in which the appoint-
11 ment of an emergency or permanent employee would be inappropriate or
12 when delay in making a temporary replacement would cause serious interrup-
13 tion.

14 (g) A department or agency may not use nonpermanent employees to
15 perform a given work assignment for more than 120 calendar days in a
16 12-month period. A department or agency may not employ any individual
17 as a nonpermanent employee for more than 120 calendar days in a 12-month
18 period. In appropriate circumstances the director may authorize an
19 extension of the limit imposed by this subsection if he finds that there
20 is an immediate need for the extension. The limit imposed by this
21 subsection does not apply to program or project employees or to substi-
22 tutes appointed under (f) of this section.

23 (h) The director shall present a report on nonpermanent and emer-
24 gency hiring practices in state government to the legislature within the
25 first 10 days of each regular legislative session. A hiring department
26 or agency shall certify to the director within 15 working days following
27 the appointment its reasons for appointing an emergency employee. The
28 report shall include information on the number of nonpermanent employees
29 authorized under this section and the number of emergency employees

1 hired in each department, a description of the procedures used in autho-
2 rizing the hiring of nonpermanent employees, and any recommendations for
3 legislation required to implement the intent of this section.

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5 director determines that an employee has been appointed as a result of a
6 false certification under AS 39.25.195, he shall immediately notify the
7 head of the affected department or agency in writing and the department
8 or agency shall terminate the employee from state service within one
9 working day after receipt of notice.

10 Sec. 39.25.198. CIVIL LIABILITY. A person who makes a false
11 certificate under AS 37.25.195 is personally liable in a civil action to
12 an individual terminated under AS 37.25.197 for any resultant damages
13 and for punitive damages of an amount not to exceed three times the
14 gross monthly salary at which the nonpermanent employee was appointed.

15 Sec. 39.25.200. DEFINITIONS. In AS 39.25.195 - 39.25.200,

16 (1) "certified" means signed by the head of a department or
17 agency or by a responsible person designated by him;

18 (2) "director" means the director of the division of person-
19 nel and labor relations;

20 (3) "emergency employee" means an employee appointed for a
21 period not to exceed 30 calendar days, whose appointment was made under
22 conditions requiring immediate action to carry on work that is required
23 in the public interest;

24 (4) "nonpermanent employee" means a person who is employed in
25 state service in a position which is not in the exempt or partially
26 exempt service and who is not a permanent or an emergency employee;

27 (5) "permanent employee" means an employee who has been
28 appointed to an authorized, permanent full-time or part-time or perma-
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1 process of completing or has successfully completed the required proba-
2 tionary service in that position;

3 (6) "program or project employee" means a nonpermanent em-
4 ployee, including a student intern, who is employed in state service
5 with prior written understanding that employment in that position will
6 continue for at most the duration of a specified program or project
7 which is not a regular and continuing function of a department or agency
8 and which has an established probable date of termination.

9 * Sec. 5. AS 39.30.100(1)(A) is repealed and re-enacted to read:

10 (A) an employee, except an emergency employee, who has
11 served with the same governmental unit as

12 (i) a permanent full-time employee for 30 days or
13 more;

14 (ii) a permanent part-time employee for 30 days or
15 more; or

16 (iii) a temporary employee for 30 days or more, who
17 is presently employed with that governmental unit, and who has
18 served as a temporary employee of the state for a total of 180
19 days or more in any consecutive three-year period; however, a
20 temporary employee employed by a municipality participating in
21 the provisions of AS 39.30.090 need not be provided coverage.

22 * Sec. 6. This Act takes effect January 1, 1980.
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FISCAL NOTE

I. REQUEST
 Bill/Resolution No. House CS for CS for Senate Bill No. 22
 Title Group Insurance Extended to Temporary Employees of the State & Political Sub.
 Requested by _____ Date _____

II. FISCAL DETAIL
 Agency Affected Administration - Division of Retirement and Benefits
 Program Category Affected Retirement and Benefits (OTHER BENEFITS)
 BRU, Program, or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)
EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES		19.6	20.8	22.0	23.3	24.7
200 TRAVEL						
300 CONTRACTUAL		50.0	5.0	5.0	5.0	5.0
400 COMMODITIES		0.3	0.3	0.3	0.3	0.3
500 EQUIPMENT		0.5				
600 LAND & STRUCTURES						
700 TRS STATE MATCH						
100 BENEFITS		851.0	1021.2	1225.4	1470.5	1764.6
TOTAL		921.4	1047.3	1252.7	1499.1	1794.6

FUNDING (Thousands of Dollars)

GENERAL FUND		765.6	861.6	1030.1	1232.3	1474.5
FEDERAL FUNDS		39.6	47.2	56.5	67.8	81.4
VETERAN'S FUND		1.7	2.1	2.5	2.9	3.5
FISH & GAME FUND		5.2	6.2	7.4	8.8	10.6
HIGHWAY FUND		11.2	13.3	16.0	19.2	23.0
AIRPORT FUND		24.9	29.7	35.7	42.8	51.3
CAPITAL FUND		73.2	87.2	104.5	125.3	150.3
PERS						
TRS						

POSITIONS

FULL TIME		1	1	1	1	1
PART TIME						
TEMPORARY						

- III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)
1. Estimate that 668 temporary State employees will qualify for benefits under this bill.
 2. Assume no change in the number of temporary State employees qualifying for benefits in future years.
 3. Estimate FY 80 group insurance benefits will cost \$106.16 per month per employee increasing at 20% annually.
 4. Administrative costs as attached.
 5. Assume that House CS for CS for Senate Bill 22 is incorporated as a section of CSSB 198.

IV. DATE 4/26/79 PREPARED BY Paul B. Arnoldt, Director
 AGENCY Division of Retirement & Benefits
 PHONE 465-4460

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named) Senator Ray
 Office of the Governor (Keith Specking)

ATTACHMENT

The following administrative funds would be required to implement the provisions of House CS for CS for Senate Bill No. 22.

1. Personal Services - one permanent full-time position Accounting Clerk III (range 10) - salary and merit increases at 6% per year.

FY 80 monthly salary	\$1,254 X 12 = \$15,048
Plus benefits at 30.23%	= \$ 4,549
	\$19,597

2. Contractual Services - data processing costs to key data from time cards for temporary employees for the last three years in order to establish eligibility; to design and implement a system for identifying eligibility for temporary employees; and to operate/maintain a system in future years.

FY 80	= \$50,000
Succeeding FY's	= \$ 5,000

3. Miscellaneous Expenses - initial cost office equipment and annual commodity and replacement costs.

FY 80	= \$ 800
Succeeding FY's	= \$ 300

These funds should be appropriated to the Division of Finance, Department of Administration, William C. Mullin, Director, 465-2240.

Original sponsor: Ray

1 IN THE SENATE

BY THE FINANCE COMMITTEE

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3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

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13 the widespread administrative practice of using nonpermanent state employment
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21 period not to exceed 30 calendar days, whose appointment was made under
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17 is presently employed with that governmental unit, and who has
18 served as a temporary employee of the state for a total of 180
19 days or more in any consecutive three-year period; however, a
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21 the provisions of AS 39.30.090 need not be provided coverage.

22 * Sec. 6. This Act takes effect January 1, 1980.
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14 (ii) a permanent part-time employee for 30 days or
15 more; or

16 (iii) a temporary employee for 30 days or more, who
17 is presently employed with that governmental unit, and who has
18 served as a temporary employee of the state for a total of 180
19 days or more in any consecutive three-year period; however, a
20 temporary employee employed by a municipality participating in
21 the provisions of AS 39.30.090 need not be provided coverage.

22 * Sec. 6. This Act takes effect January 1, 1980.
23
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Original sponsor: Ray

1 IN THE SENATE BY THE FINANCE COMMITTEE
2 HOUSE CS FOR CS FOR SENATE BILL NO. 22 (Finance)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 ELEVENTH LEGISLATURE - FIRST SESSION
5 A BILL

6 For an Act entitled: "An Act relating to government employment; and provid-
7 ing for an effective date."

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

9 * Section 1. LEGISLATIVE FINDINGS AND INTENT. The legislature finds and
10 declares that certain inconsistencies and abuses in the hiring of nonperma-
11 nent employees have jeopardized the integrity and efficiency of the merit
12 system as well as the morale of employees. The legislature intends to curb
13 the widespread administrative practice of using nonpermanent state employment
14 to evade departmental accountability and mask poor planning. The legislature
15 further intends that nonpermanent employees be used only to the extent that
16 it is impractical to meet the need with permanent employees and that the
17 burden of proof shall fall upon the department or agency which proposes
18 nonpermanent hire.

19 * Sec. 2. AS 39.25.150(9) is amended to read:

20 (9) nonpermanent [TEMPORARY] appointments to positions in the
21 state service in accordance with AS 39.25.195 - 39.25.200 [WHICH ARE
22 DETERMINED TO BE OF A SEASONAL OR TEMPORARY NATURE];

23 * Sec. 3. AS 39.35.680(21)(C)(iii) is amended to read:

24 (iii) casual or [,] emergency [OR TEMPORARY]
25 workers or nonpermanent employees as defined in AS 39.25.200;

26 * Sec. 4. AS 39.25 is amended by adding new sections to article 6 to read:

27 Sec. 39.25.195. APPOINTMENT OF NONPERMANENT EMPLOYEES. (a) An
28 individual may not be appointed as a nonpermanent employee in the state
29 service without prior written approval of the director except as an

1 emergency employee.

2 (b) Every appointment to state service except an emergency appoint-
3 ment, shall be made from an applicable eligible list or dispatching
4 register unless in appropriate circumstances the director has waived
5 this requirement.

6 (c) No appointment of a nonpermanent employee may be made unless
7 the request for authorization is approved by the director, adequate
8 money is available for the anticipated duration of the appointment, and
9 the director determines that

10 (1) the hiring department or agency has certified that the
11 legislature has appropriated money for the work in question knowing that
12 it is to be performed by a nonpermanent employee;

13 (2) the hiring department or agency has certified that there
14 is an immediate need to fill an authorized, permanent position and it is
15 impractical either to establish the position or to make certification
16 within a reasonable time;

17 (3) the hiring department or agency has certified that an
18 immediate need exists and the director determines that the hiring depart-
19 ment or agency could not reasonably have been expected to anticipate and
20 meet through the creation of a permanent position; or

21 (4) the hiring department or agency has certified that a
22 program or project exists and the director determines that the needs for
23 employees can most appropriately be met through the use of program or
24 project employees.

25 (d) The director may not authorize the appointment of a nonperma-
26 nent employee if he determines that

27 (1) the need for the nonpermanent employee can practicably be
28 met through establishing and filling an authorized permanent position;

29 (2) the need for the nonpermanent employee would be more

1 appropriately met through an emergency appointment; or

2 (3) the need for the nonpermanent employee is not immediate
3 and could reasonably have been anticipated and met by the appointing
4 authority through the creation and filling of a permanent position.

5 (e) A nonpermanent employee may not be placed on the state payroll
6 unless the director has first approved the personnel action for the
7 employee's appointment.

8 (f) Nothing in this section prevents the director from adopting
9 regulations to provide for timely substitution for permanent employees
10 on medical or personal leave or other situations in which the appoint-
11 ment of an emergency or permanent employee would be inappropriate or
12 when delay in making a temporary replacement would cause serious interrup-
13 tion.

14 (g) A department or agency may not use nonpermanent employees to
15 perform a given work assignment for more than 120 calendar days in a
16 12-month period. A department or agency may not employ any individual
17 as a nonpermanent employee for more than 120 calendar days in a 12-month
18 period. In appropriate circumstances the director may authorize an
19 extension of the limit imposed by this subsection if he finds that there
20 is an immediate need for the extension. The limit imposed by this
21 subsection does not apply to program or project employees or to substi-
22 tutes appointed under (f) of this section.

23 (h) The director shall present a report on nonpermanent and emer-
24 gency hire practices in state government to the legislature within the
25 first 10 days of each regular legislative session. A hiring department
26 or agency shall certify to the director within 15 working days following
27 the appointment its reasons for appointing an emergency employee. The
28 report shall include information on the number of nonpermanent employees
29 authorized under this section and the number of emergency employees

1 hired in each department, a description of the procedures used in autho-
2 rizing the hiring of nonpermanent employees, and any recommendations for
3 legislation required to implement the intent of this section.

4 Sec. 39.25.197. TERMINATION OF NONPERMANENT EMPLOYEES. When the
5 director determines that an employee has been appointed as a result of a
6 false certification under AS 39.25.195, he shall immediately notify the
7 head of the affected department or agency in writing and the department
8 or agency shall terminate the employee from state service within one
9 working day after receipt of notice.

10 Sec. 39.25.198. CIVIL LIABILITY. A person who makes a false
11 certificate under AS 37.25.195 is personally liable in a civil action to
12 an individual terminated under AS 37.25.197 for any resultant damages
13 and for punitive damages of an amount not to exceed three times the
14 gross monthly salary at which the nonpermanent employee was appointed.

15 Sec. 39.25.200. DEFINITIONS. In AS 39.25.195 - 39.25.200,

16 (1) "certified" means signed by the head of a department or
17 agency or by a responsible person designated by him;

18 (2) "director" means the director of the division of person-
19 nel and labor relations;

20 (3) "emergency employee" means an employee appointed for a
21 period not to exceed 30 calendar days, whose appointment was made under
22 conditions requiring immediate action to carry on work that is required
23 in the public interest;

24 (4) "nonpermanent employee" means a person who is employed in
25 state service in a position which is not in the exempt or partially
26 exempt service and who is not a permanent or an emergency employee;

27 (5) "permanent employee" means an employee who has been
28 appointed to an authorized, permanent full-time or part-time or perma-
29 nent seasonal position in the classified service and who is in the

1 process of completing or has successfully completed the required proba-
2 tionary service in that position;

3 (6) "program or project employee" means a nonpermanent em-
4 ployee, including a student intern, who is employed in state service
5 with prior written understanding that employment in that position will
6 continue for at most the duration of a specified program or project
7 which is not a regular and continuing function of a department or agency
8 and which has an established probable date of termination.

9 * Sec. 5. AS 39.30.100(1)(A) is repealed and re-enacted to read:

10 (A) an employee, except an emergency employee, who has
11 served with the same governmental unit as

12 (i) a permanent full-time employee for 30 days or
13 more;

14 (ii) a permanent part-time employee for 30 days or
15 more; or

16 (iii) a temporary employee for 30 days or more, who
17 is presently employed with that governmental unit, and who has
18 served as a temporary employee of the state for a total of 180
19 days or more in any consecutive three-year period; however, a
20 temporary employee employed by a municipality participating in
21 the provisions of AS 39.30.090 need not be provided coverage.

22 * Sec. 6. This Act takes effect January 1, 1980.
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5949
Chenoweth

Original sponsor: Ray

Offered: 4/17/79
Referred: Finance

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 22

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act extending the benefits of group insurance to
7 certain employees of the state and of certain govern-
8 mental units; and providing for an effective date."

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

10 * Section 1. AS 39.30.100(1)(A) is repealed and re-enacted to read:

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16 more; or

17 (iii) a temporary employee for 30 days or more, who
18 is presently employed with that governmental unit, and who has
19 served as a temporary employee of the state for a total of 180
20 days or more in any consecutive three-year period; however, a
21 temporary employee employed by a municipality participating in
22 the provisions of AS 39.30.090 need not be provided coverage.

23 * Sec. 2. This Act takes effect July 1, 1979.
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Original sponsor: Ray

Offered: 3/21/79

1 IN THE SENATE

BY THE RULES COMMITTEE

2 CS FOR SENATE BILL NO. 22 (Rules) am
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 ELEVENTH LEGISLATURE - FIRST SESSION

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7 certain temporary employees of the state and its
8 governmental units; and providing for an effective
9 date."

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13 permanent part-time employment with the same governmental unit for
14 30 days or more, or who is presently employed and has served in
15 temporary employment for 30 days with the same governmental unit
16 and for 180 cumulative days or more with the state in any consecu-
17 tive 3 year period, except an emergency [OR TEMPORARY] employee,
18 and

19 * Sec. 2. This Act takes effect July 1, 1979.
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COMMITTEE COPY

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. CS Senate Bill 22
 Title Group Insurance Extended to Temporary Employees of the State & Political Subdivision
 Requested by Senate Finance Committee Date 3/20

II. FISCAL DETAIL
 Agency Affected Administration - Division of Retirement and Benefits
 Program Category Affected Retirement and Benefits (OTHER BENEFITS)
 BRU, Program, or Subprogram(s) Affected 02-96-8-01-02-00
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)
EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 TRS STATE MATCH						
100 BENEFITS		(1034.5)	(1241.4)	(1489.7)	(1787.6)	(2145.1)
TOTAL		(1034.5)	(1241.4)	(1489.7)	(1787.6)	(2145.1)

FUNDING (Thousands of Dollars)

GENERAL FUND	(847.3)	(1016.8)	(1220.1)	(1464.2)	(1756.8)
FEDERAL FUNDS	(47.6)	(57.1)	(68.5)	(82.2)	(98.7)
VETERAN'S FUND	(2.1)	(2.5)	(3.0)	(3.6)	(4.3)
FISH & GAME FUND	(6.2)	(7.4)	(8.9)	(10.7)	(12.9)
HIGHWAY FUND	(13.4)	(16.1)	(19.4)	(23.2)	(27.9)
AIRPORT FUND	(30.0)	(36.0)	(43.2)	(51.8)	(62.2)
CAPITAL FUND	(87.9)	(105.5)	(126.6)	(151.9)	(182.3)
PERS					
TRS					

POSITIONS NONE

FULL TIME					
PART TIME					
TEMPORARY					

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

1. Estimate that 9% of permanent part-time and permanent full-time employees terminate State service between 30 and 180 days. These 800 employees would no longer be eligible for State group insurance.
2. Estimate that an average of 190 State temporary employees will qualify for benefits based on 1978 average monthly actuals.
3. Assume constant membership in work force each fiscal year.
4. Actual cost to provide group insurance benefits is \$117.77 per month per employee during FY 79. Estimate that cost to provide group insurance will increase 20% each year based upon historical experience.
5. Cost impact on political subdivisions (approximately 50 subdivisions) not included.

IV. DATE 3/20/79 PREPARED BY Paul B. Arnoldt, Director
 AGENCY Division of Retirement & Benefits
 PHONE 465-4460

APPENDIX

The following administrative funds would be required to implement the provisions of SB 22.

1. Personal Services - one permanent full-time position
Accounting Clerk III (range 10) - salary and merit
increases at 6% per year.

FY 80 monthly salary	\$1,254 X 12 = \$15,048
Plus benefits at 30.23%	= <u>\$ 4,549</u>

\$19,597

2. Miscellaneous Expenses - initial cost office equipment
and annual commodity and replacement costs.

FY 80	= \$ 800
Succeeding FY's	= \$ 300

These funds should be appropriated to the Division of Finance, Department of Administration, William C. Mullin, Director, 465-2240.

THE LEGISLATURE OF THE STATE OF ALASKA
ELEV'NTH LEGISLATURE

Allen
D. Lell

FISCAL NOTE

I. REQUEST
Bill/Resolution No. Senate Bill 22
Title Group Insurance Extended to Temporary Employees of the State & Political Subdivision
Requested by _____ Date _____

II. FISCAL DETAIL
Agency Affected Administration - Division of Retirement and Benefits
Program Category Affected Retirement and Benefits
BRU, Program, or Subprogram(s) Affected Other Benefits (Health/Life Insurance)
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)
EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES		19.6	20.8	22.0	23.3	24.7
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES		0.3	0.3	0.3	0.3	0.3
500 EQUIPMENT		0.5				
600 LAND & STRUCTURES						
700 TRS STATE MATCH						
100 BENEFITS		1765.4	2118.5	2542.2	3050.6	3660.8
TOTAL		1785.8	2139.6	2564.5	3074.2	3685.8

FUNDING (Thousands of Dollars) NONE

GENERAL FUND	1466.2	1756.2	2104.4	2522.0	3023.1
FEDERAL FUNDS	81.2	97.5	116.9	140.3	168.4
VETERAN'S FUND	3.5	4.2	5.1	6.1	7.3
FISH & GAME FUND	10.6	12.7	15.3	18.3	22.0
HIGHWAY FUND	23.0	27.5	33.0	39.7	47.6
AIRPORT FUND	51.2	61.4	73.7	88.5	106.2
CAPITAL FUND	150.1	180.1	216.1	259.3	311.2
PERS					
TRS					

POSITIONS

FULL TIME	1	1	1	1	1
PART TIME					
TEMPORARY					

- ANALYSIS (See Fiscal Note Preparation Instructions, Section III)
1. Estimate that an average of 1041 State temporary employees will qualify for benefits based on 1978 average monthly actuals.
 2. Assume constant members in temporary work force in each fiscal year.
 3. Actual cost to provide group insurance benefits is \$117.77 per month per employee during FY 79.
 4. Estimate that the cost to provide group insurance benefits will increase 20% per annum.
 5. Administrative costs as attached.
 6. Cost for coverage of political subdivisions (approximately 50 subdivisions) participating in group insurance not included; recommend that the Alaska Municipal League, 204 Franklin St., Juneau, AK 99801-1325, be contacted for input.

IV. DATE 1/26/79 PREPARED BY Paul B. Arnoldt, Director
AGENCY Division of Retirement & Benefits
PHONE 465-4460

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named) Senator Ray
Office of the Governor (Keith Seckine)

ALASKA STATE LEGISLATURE

6. E. LEVENTH Legislature .. FIRST Session

SENATE .. BILL .. NO. 22 ..

By RAY ..

"An Act extending the benefits of group insurance to certain temporary employees of the state and its governmental units; and providing for an effective date."

group insurance to temporary employees of state

Introduced in the Senate ... 1/16 ... 19...79

HISTORY IN THE SENATE

19	79	Read first time and referred to Committee on
1	16	Labor & Management and Finance
3	7	Reported back with <i>to Dept</i> recommendation that <i>1 do pass if amnd. 1 no rec. 1 needs substitute</i>
3	15	<i>to Fin for replu CS. new 1-8 note + 7 do</i>
3	28	<i>Call Calendar 3/29</i>
3	22	Read second time and returned to Rules
5	29	Read 2 nd time and <i>CS 55622 (Rls) adopted Nov 3/30 in 240</i>
3	30	<i>amended, add</i>
4	2	<i>further amended & advanced</i>
3	30	Read third time and
4	2	<i>Personnel taken up & returned to 2nd year amnd.</i>
4	2	Read 3 rd time &
3	30	PASS <i>ed</i> Effective Date
		Yeas 14 Yeas
		Nays 4 Nays
		Absent 1 Absent
		Excused 1 Excused
3	30	<i>Reconsideration</i>
4	2	PASS <i>ed</i> Effective Dat.
		Yeas 17 Yeas
		Nays 3 Nays
		Absent Absent
		Excused Excused
4	2	Reported correctly engrossed
		Signed by President
		Sent to House
		<i>Roger Mulligan</i> SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19	79	Read first time and referred to Committee on
<i>Apr 3</i>		<i>State Affairs Finance</i>
		Reported back with recommendation that
		Read second time and
		Read third time and
		PASS Effective Date
		Yeas Yeas
		Nays Nays
		Absent Absent
		Excused Excused
		Reconsideration
		PASS Effective Date
		Yeas Yeas
		Nays Nays
		Absent Absent
		Excused Excused
		Reported correctly engrossed
		Signed by Speaker
		Returned to Senate
		CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19	Received from House
	To enrolling
	Reported correctly enrolled
	Sent to Governor
 by Governor
	Filed with Lt. Governor
	Chapter No.

Original sponsor: Ray

Offered: 4/17/79
Referred: Finance

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE
2 HOUSE CS FOR CS FOR SENATE BILL NO. 22
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act extending the benefits of group insurance to
7 certain employees of the state and of certain govern-
8 mental units; and providing for an effective date."

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

10 * Section 1. AS 39.30.100(1)(A) is repealed and re-enacted to read:

11 (A) an employee, except an emergency employee, who has
12 served with the same governmental unit as

13 (i) a permanent full-time employee for 30 days or
14 more;

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16 more; or

17 (iii) a temporary employee for 30 days or more, who
18 is presently employed with that governmental unit, and who has
19 served as a temporary employee of the state for a total of 180
20 days or more in any consecutive three-year period; however, a
21 temporary employee employed by a municipality participating in
22 the provisions of AS 39.30.090 need not be provided coverage.

23 * Sec. 2. This Act takes effect July 1, 1979.

24
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Original sponsor: Ray

Offered: 3/21/79

1 IN THE SENATE

BY THE RULES COMMITTEE

2

CS FOR SENATE BILL NO. 22 (Rules) am

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

ELEVENTH LEGISLATURE - FIRST SESSION

5

A BILL

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For an Act entitled: "An Act extending the benefits of group insurance to certain temporary employees of the state and its governmental units; and providing for an effective date."

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16

and for 180 cumulative days or more with the state in any consecu-

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18

and

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* Sec. 2. This Act takes effect July 1, 1979.

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Original sponsor: Ray

Offered: 3/15/79
Referred: Rules

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2

CS FOR SENATE BILL NO. 22

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

ELEVENTH LEGISLATURE - FIRST SESSION

5

A BILL

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13

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14

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15

[OR TEMPORARY] employee, and

16

* Sec. 2. This Act takes effect July 1, 1979.

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Introduced: 1/16/79
Referred: Labor and
Management and Finance

1 IN THE SENATE

BY RAY

2 SENATE BILL NO. 22

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

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memo

RE: HCS CSSB 22 (Finance)

TO: Vicki Wilson

FR: Jack Chenoweth

In the drafting of this Finance CS, your instructions were to change "temporary" at page 5, line 16 to "nonpermanent." I have not done so --

(1) AS 39.30, which this section repeals and re-enacts, draws a distinction between "permanent" and "temporary", and not between "permanent" and "nonpermanent" as is the case with AS 39.25 and AS 39.35, altered in the other provisions of the bill. If the change requested was merely to achieve uniformity, it is unnecessary;

(2) "Nonpermanent" would not have a definition within AS 39.30 if the one word change were made. "Nonpermanent" elsewhere in the bill refers to state employees (see page 4, line 24). "Temporary" employment in AS 39.30 covers not only employment with the state but also employment with other governmental units, including non-municipal political subdivisions and the North Pacific Fishery Council. To substitute "nonpermanent" for "temporary" would have the effect of disqualifying "nonpermanent" employees of municipalities, other political subdivisions, and the North Pacific Fishery Council. Was this intended?

Unless I hear otherwise from someone down there, I will run this version of the bill -- saying "temporary" and not "nonpermanent" at page 5, line 16 -- and have the final version delivered to you by 9 a.m. Please call me at x3837 if you have other instructions.

Thank you.

*Vicki - I called
Jack & told him
the bill
will be delivered by
9 am*

Original sponsor: Ray

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8 money is available for the anticipated duration of the appointment, and
9 the director determines that

10 (1) the hiring department or agency has certified that the
11 legislature has appropriated money for the work in question knowing that
12 it is to be performed by a nonpermanent employee;

13 (2) the hiring department or agency has certified that there
14 is an immediate need to fill an authorized, permanent position and it is
15 impractical either to establish the position or to make certification
16 within a reasonable time;

17 (3) the hiring department or agency has certified that an
18 immediate need exists and the director determines that the hiring depart-
19 ment or agency could not reasonably have been expected to anticipate and
20 meet through the creation of a permanent position; or

21 (4) the hiring department or agency has certified that a
22 program or project exists and the director determines that the needs for
23 employees can most appropriately be met through the use of program or
24 project employees.

25 (d) The director may not authorize the appointment of a nonperma-
26 nent employee if he determines that

27 (1) the need for the nonpermanent employee can practicably be
28 met through establishing and filling an authorized permanent position;

29 (2) the need for the nonpermanent employee would be more

1 appropriately met through an emergency appointment; or

2 (3) the need for the nonpermanent employee is not immediate
3 and could reasonably have been anticipated and met by the appointing
4 authority through the creation and filling of a permanent position.

5 (e) A nonpermanent employee may not be placed on the state payroll
6 unless the director has first approved the personnel action for the
7 employee's appointment.

8 (f) Nothing in this section prevents the director from adopting
9 regulations to provide for timely substitution for permanent employees
10 on medical or personal leave or other situations in which the appoint-
11 ment of an emergency or permanent employee would be inappropriate or
12 when delay in making a temporary replacement would cause serious disrup-
13 tion.

14 (g) A department or agency may not use nonpermanent employees to
15 perform a given work assignment for more than 120 calendar days in a
16 12-month period. A department or agency may not employ any individual
17 as a nonpermanent employee for more than 120 calendar days in a 12-month
18 period. In appropriate circumstances the director may authorize an
19 extension of the limit imposed by this subsection if he finds that there
20 is an immediate need for the extension. The limit imposed by this
21 subsection does not apply to program or project employees or to substi-
22 tutes appointed under (f) of this section.

23 (h) The director shall present a report on nonpermanent and emer-
24 gency hire practices in state government to the legislature within the
25 first 10 days of each regular legislative session. A hiring department
26 or agency shall certify to the director within 15 working days following
27 the appointment its reasons for appointing an emergency employee. The
28 report shall include information on the number of nonpermanent employees
29 authorized under this section and the number of emergency employees

1 hired in each department, a description of the procedures used in autho-
2 rizing the hiring of nonpermanent employees, and any recommendations for
3 legislation required to implement the intent of this section.

4 Sec. 39.25.197. TERMINATION OF NONPERMANENT EMPLOYEES. When the
5 director determines that an employee has been appointed as a result of a
6 false certification under AS 39.25.195, he shall immediately notify the
7 head of the affected department or agency in writing and the department
8 or agency shall terminate the employee from state service within one
9 working day after receipt of notice.

10 Sec. 39.25.198. CIVIL LIABILITY. A person who makes a false
11 certificate under AS 37.25 195 is personally liable in a civil action to
12 an individual terminated under AS 37.25.197 for any resultant damages
13 and for punitive damages of an amount not to exceed three times the
14 gross monthly salary at which the nonpermanent employee was appointed.

15 Sec. 39.25.200. DEFINITIONS. In AS 39.25.195 - 39.25.200,

16 (1) "certified" means signed by the head of a department or
17 agency or by a responsible person designated by him;

18 (2) "director" means the director of the division of person-
19 nel and labor relations;

20 (3) "emergency employee" means an employee appointed for a
21 period not to exceed 30 calendar days, whose appointment was made under
22 conditions requiring immediate action to carry on work that is required
23 in the public interest;

24 (4) "nonpermanent employee" means a person who is employed in
25 state service in a position which is not in the exempt or partially
26 exempt service and who is not a permanent or an emergency employee;

27 (5) "permanent employee" means an employee who has been
28 appointed to an authorized, permanent full-time or part-time or perma-
29 nent seasonal position in the classified service and who is in the

1 process of completing or has successfully completed the required proba-
2 tionary service in that position;

3 (6) "program or project employee" means a nonpermanent em-
4 ployee, including a student intern, who is employed in state service
5 with prior written understanding that employment in that position will
6 continue for at most the duration of a specified program or project
7 which is not a regular and continuing function of a department or agency
8 and which has an established probable date of termination.

9 * Sec. 5. AS 39.30.100(1)(A) is repealed and re-enacted to read:

10 (A) an employee, except an emergency employee, who has
11 served with the same governmental unit as

12 (i) a permanent full-time employee for 30 days or
13 more;

14 (ii) a permanent part-time employee for 30 days or
15 more; or

16 (iii) a temporary employee for 30 days or more, who
17 is presently employed with that governmental unit, and who has
18 served as a temporary employee of the state for a total of 180
19 days or more in any consecutive three-year period; however, a
20 temporary employee employed by a municipality participating in
21 the provisions of AS 39.30.090 need not be provided coverage.

22 *Sec. 6. This Act takes effect January 1, 1980.
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28
29

Original sponsor: Ray

IN THE SENATE

BY THE FINANCE COMMITTEE

HOUSE CS FOR CS FOR SENATE BILL NO. 22 (Finance)

IN THE LEGISLATURE OF THE STATE OF ALASKA

ELEVENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to government employment; and providing for an effective date."

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

* Section 1. LEGISLATIVE FINDINGS AND INTENT. The legislature finds and declares that certain inconsistencies and abuses in the hiring of nonpermanent employees have jeopardized the integrity and efficiency of the merit system as well as the morale of employees. The legislature intends to curb the widespread administrative practice of using nonpermanent state employment to evade departmental accountability and mask poor planning. The legislature further intends that nonpermanent employees be used only to the extent that it is impractical to meet the need with permanent employees and that the burden of proof shall fall upon the department or agency which proposes nonpermanent hire.

* Sec. 2. AS 39.25.150(9) is amended to read:

(9) nonpermanent [TEMPORARY] appointments to positions in the state service in accordance with AS 39.25.195 - 39.25.200 [WHICH ARE DETERMINED TO BE OF A SEASONAL OR TEMPORARY NATURE];

* Sec. 3. AS 39.35.620(21)(C)(iii) is amended to read:

(iii) casual or [] emergency [OR TEMPORARY] workers or nonpermanent employees as defined in AS 39.25.200;

* Sec. 4. AS 39.25 is amended by adding new sections to article 6 to read:

Sec. 39.25.195. APPOINTMENT OF NONPERMANENT EMPLOYEES. (a) An individual may not be appointed as a nonpermanent employee in the state service without prior written approval of the director except as an

1 emergency employee.

2 (b) Every appointment to state service except an emergency appoint-
3 ment, shall be made from an applicable eligible list or dispatching
4 register unless in appropriate circumstances the director has waived
5 this requirement.

6 (c) No appointment of a nonpermanent employee may be made unless
7 the request for authorization is approved by the director, adequate
8 money is available for the anticipated duration of the appointment, and
9 the director determines that

10 (1) the hiring department or agency has certified that the
11 legislature has appropriated money for the work in question knowing that
12 it is to be performed by a nonpermanent employee;

13 (2) the hiring department or agency has certified that there
14 is an immediate need to fill an authorized, permanent position and it is
15 impractical either to establish the position or to make certification
16 within a reasonable time;

17 (3) the hiring department or agency has certified that an
18 immediate need exists and the director determines that the hiring depart-
19 ment or agency could not reasonably have been expected to anticipate and
20 meet through the creation of a permanent position; or

21 (4) the hiring department or agency has certified that a
22 program or project exists and the director determines that the needs for
23 employees can most appropriately be met through the use of program or
24 project employees.

25 (d) The director may not authorize the appointment of a nonperma-
26 nent employee if he determines that

27 (1) the need for the nonpermanent employee can practicably be
28 met through establishing and filling an authorized permanent position;

29 (2) the need for the nonpermanent employee would be more

appropriately met through an emergency appointment; or

(3) the need for the nonpermanent employee is not immediate and could reasonably have been anticipated and met by the appointing authority through the creation and filling of a permanent position.

(e) A nonpermanent employee may not be placed on the state payroll unless the director has first approved the personnel action for the employee's appointment.

(f) Nothing in this section prevents the director from adopting regulations to provide for timely substitution for permanent employees on medical or personal leave or other situations in which the appointment of an emergency or permanent employee would be inappropriate or when delay in making a temporary replacement would cause serious disruption.

(g) A department or agency may not use nonpermanent employees to perform a given work assignment for more than 120 calendar days in a 12-month period. A department or agency may not employ any individual as a nonpermanent employee for more than 120 calendar days in a 12-month period. In appropriate circumstances the director may authorize an extension of the limit imposed by this subsection if he finds that there is an immediate need for the extension. The limit imposed by this subsection does not apply to program or project employees or to substitutes appointed under (f) of this section.

(h) The director shall present a report on nonpermanent and emergency hire practices in state government to the legislature within the first 10 days of each regular legislative session. A hiring department or agency shall certify to the director within 15 working days following the appointment its reasons for appointing an emergency employee. The report shall include information on the number of nonpermanent employees authorized under this section and the number of emergency employees

hired in each department, a description of the procedures used in authorizing the hiring of nonpermanent employees, and any recommendations for legislation required to implement the intent of this section.

Sec. 39.25.197. **TERMINATION OF NONPERMANENT EMPLOYEES.** When the director determines that an employee has been appointed as a result of a false certification under AS 39.25.195, he shall immediately notify the head of the affected department or agency in writing and the department or agency shall terminate the employee from state service within one working day after receipt of notice.

Sec. 39.25.198. **CIVIL LIABILITY.** A person who makes a false certificate under AS 37.25.195 is personally liable in a civil action to an individual terminated under AS 37.25.197 for any resultant damages and for punitive damages of an amount not to exceed three times the gross monthly salary at which the nonpermanent employee was appointed.

Sec. 39.25.200. **DEFINITIONS.** In AS 39.25.195 - 39.25.200,

(1) "certified" means signed by the head of a department or agency or by a responsible person designated by him;

(2) "director" means the director of the division of personnel and labor relations;

(3) "emergency employee" means an employee appointed for a period not to exceed 30 calendar days, whose appointment was made under conditions requiring immediate action to carry on work that is required in the public interest;

(4) "nonpermanent employee" means a person who is employed in state service in a position which is not in the exempt or partially exempt service and who is not a permanent or an emergency employee;

(5) "permanent employee" means an employee who has been appointed to an authorized, permanent full-time or part-time or permanent seasonal position in the classified service and who is in the

process of completing or has successfully completed the required probationary service in that position;

(6) "program or project employee" means a nonpermanent employee, including a student intern, who is employed in state service with prior written understanding that employment in that position will continue for at most the duration of a specified program or project which is not a regular and continuing function of a department or agency and which has an established probable date of termination.

* Sec. 5. IS 39.30.100(1)(A) is repealed and re-enacted to read:

(A) an employee, except an emergency employee, who has served with the same governmental unit as

(i) a permanent full-time employee for 30 days or more;

(ii) a permanent part-time employee for 30 days or more; or

(iii) a temporary employee for 30 days or more, who is presently employed with that governmental unit, and who has served as a temporary employee of the state for a total of 180 days or more in any consecutive three-year period; however, a temporary employee employed by a municipality participating in the provisions of IS 39.30.090 need not be provided coverage.

* Sec. 6. This Act takes effect January 1, 1980.

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. House CS for CS for Senate Bill No. 22
 Title Group Insurance Extended to Temporary Employees of the State & Political Sub.
 Requested by _____ Date _____

II. FISCAL DETAIL
 Agency Affected Administration - Division of Retirement and Benefits
 Program Category Affected Retirement and Benefits (OTHER BENEFITS)
 BRU, Program, or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)
EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES		19.6	20.8	22.0	23.3	24.7
200 TRAVEL						
300 CONTRACTUAL		50.0	5.0	5.0	5.0	5.0
400 COMMODITIES		0.3	0.3	0.3	0.3	0.3
500 EQUIPMENT		0.5				
600 LAND & STRUCTURES						
700 TRS STATE MATCH						
100 BENEFITS		851.0	1021.2	1225.4	1470.5	1764.6
TOTAL		921.4	1047.3	1252.7	1499.1	1794.6

FUNDING (Thousands of Dollars)

GENERAL FUND	765.6	861.6	1030.1	1232.3	1474.5
FEDERAL FUNDS	39.6	47.2	56.5	67.8	81.4
VETERAN'S FUND	1.7	2.1	2.5	2.9	3.5
FISH & GAME FUND	5.2	6.2	7.4	8.8	10.6
HIGHWAY FUND	11.2	13.3	16.0	19.2	23.0
AIRPORT FUND	24.9	29.7	35.7	42.8	51.3
CAPITAL FUND	73.2	87.2	104.5	125.3	150.3
PERS					
TRS					

POSITIONS

FULL TIME	1	1	1	1	1
PART TIME					
TEMPORARY					

- III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)
1. Estimate that 668 temporary State employees will qualify for benefits under this bill.
 2. Assume no change in the number of temporary State employees qualifying for benefits in future years.
 3. Estimate FY 80 group insurance benefits will cost \$106.16 per month per employee increasing at 20% annually.
 4. Administrative costs as attached.
 5. Assume that House CS for CS for Senate Bill 22 is incorporated as a section of CSSB 198.

IV. DATE 4/26/79 PREPARED BY Paul B. Arnoldt, Director
 AGENCY Division of Retirement & Benefits
 PHONE 465-4460

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named) Senator Ray
 Office of the Governor (Keith Specking)

ATTACHMENT

The following administrative funds would be required to implement the provisions of. House CS for CS for Senate Bill No. 22.

1. Personal Services - one permanent full-time position Accounting Clerk III (range 10) - salary and merit increases at 6% per year.

FY 80 monthly salary	\$1,254 X 12 = \$15,048
Plus benefits at 30.23%	= \$ 4,549
	\$19,597

2. Contractual Services - data processing costs to key data from time cards for temporary employees for the last three years in order to establish eligibility; to design and implement a system for identifying eligibility for temporary employees; and to operate/maintain a system in future years.

FY 80	= \$50,000
Succeeding FY's	= \$ 5,000

3. Miscellaneous Expenses - initial cost office equipment and annual commodity and replacement costs.

FY 80	= \$ 800
Succeeding FY's	= \$ 300

These funds should be appropriated to the Division of Finance, Department of Administration, William C. Mullin, Director, 465-2240.

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS for Senate Bill 22 (Rules)
 Title Group Insurance Extended to Temporary Employees of the State & Political
 Requested by _____ Date _____ Subdivisions _____

II. FISCAL DETAIL

Agency Affected Administration - Division of Retirement and Benefits
 Program Category Affected Retirement and Benefits (OTHER BENEFITS)
 BRU, Program, or Subprogram(s) Affected 02-96-8-01-02-00
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)
EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 TRS STATE MATCH						
100 BENEFITS		322.2	386.6	464.0	556.8	668.1
TOTAL		322.2	386.6	464.0	556.8	668.1

FUNDING (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
GENERAL FUND		264.0	316.6	380.1	456.2	547.2
FEDERAL FUNDS		14.8	17.8	21.3	25.6	30.7
VETERAN'S FUND		0.6	0.8	0.9	1.1	1.3
FISH & GAME FUND		1.9	2.3	2.8	3.3	4.0
HIGHWAY FUND		4.2	5.0	6.0	7.2	8.7
AIRPORT FUND		9.3	11.2	13.5	16.1	19.4
CAPITAL FUND		27.4	32.9	39.4	47.3	56.8
PERS						
TRS						

POSITIONS

NONE

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

1. Estimate that an average of 190 State temporary employees will qualify for benefits based on 1978 average monthly actuals.
2. Assume constant membership in work force each fiscal year.
3. Actual cost to provide group insurance benefits is \$117.77 per month per employee during FY 79. Estimate that cost to provide group insurance will increase 20% each year based upon historical experience.
4. Cost impact on political subdivisions (approximately 50 subdivisions) participating under State's group insurance program not included; recommend contacting the Alaska Municipal League, 204 Franklin St., Juneau, AK, 586-1325 for impact.

IV. DATE 3/20/79 PREPARED BY Paul B. Arnoldt, Director
 AGENCY Division of Retirement & Benefits
 PHONE 465-4460

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 Office of the Governor (Keith Specking)
 33-001 (Rev. 12/78)

STATE
of ALASKA

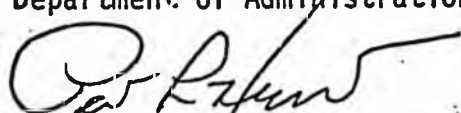
MEMORANDUM

TO: Paul B. Arnoldt, Director
Division of Retirement & Benefits
Department of Administration

DATE: March 20, 1979

FILE NO:

TELEPHONE NO:

FROM: 
Patrick L. Hunt, Director
Division of Personnel and
Labor Relations
Department of Administration

SUBJECT: Negotiability of Insurance

This is to state, for the record, that Health Insurance for temporary employees is a negotiable item. The matter has been addressed frequently in negotiations. In the Local #71 agreement the issue was settled through an hourly payment in lieu of benefits for their temporary members.

This is not to say the State has had or will have any great enthusiasm for the concept. Conversely, there are many items to which the State unsuccessfully seeks union agreement. Certainly cashing in on the really high priority items at the bargaining table and seeking lower priority demands thorough legislation strikes at the very heart of free and effective collective bargaining in the public sector.

PLH/bc
078068 P5-Z

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 9, 1979

SUBJECT: Effect of statutory or regulatory changes on future public employee collective bargaining agreements. (Work Order No. 6427)

TO: Ken Humphreys, Policy Analyst
Division of Research

FROM: Kenneth M. Rosenstein, Legislative Counsel *KMR*

You have asked what effect a change in the statutes or regulations relating to public employment would have on a public employee collective bargaining agreement negotiated after the change.

Statutory or regulatory changes not affecting wages, hours, or other terms and conditions of employment, i.e., matters not subject to collective bargaining under AS 23.40.070 - 23.40.260, would apply to future agreements, and may not be superceded by such agreements.

Statutory changes affecting matters subject to collective bargaining may be superceded by a collective bargaining agreement unless the statute itself provides to the contrary. The effect of such a statute would be to remove the matters it addresses from the ambit of collective bargaining. Regulations adopted under such a statute would have a similar effect. Only collective bargaining agreements concluded after the effective date of such a statute would be required to comply with its terms. It would have no effect on agreements existing at the time it went into effect.

A regulation attempting to remove a certain matter from the ambit of collective bargaining would be ineffective for that purpose without a clear expression from the legislature that the matter was no longer subject to collective bargaining, or a delegation of the legislature's power to determine the scope of collective bargaining.

Ken Humphreys
Page 2
March 9, 1979

In other words, under current law, it is the province solely of the legislature to determine the permissible scope of collective bargaining with respect to public employees. Moreover, any reduction of that scope would apply only to agreements negotiated after the legislature has acted and not to agreements existing at the time of legislative action.

KMR:nem

Original sponsor: Ray

Offered: 4/17/79
Referred: Finance

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 22

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act extending the benefits of group insurance to
7 certain employees of the state and of certain govern-
8 mental units; and providing for an effective date."

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

10 * Section 1. AS 39.30.100(1)(A) is repealed and re-enacted to read:

11 (A) an employee, except an emergency employee, who has
12 served with the same governmental unit as

13 (i) a permanent full-time employee for 30 days or
14 more;

15 (ii) a permanent part-time employee for 30 days or
16 more; or

17 (iii) a temporary employee for 30 days or more, who
18 is presently employed with that governmental unit, and who has
19 served as a temporary employee of the state for a total of 180
20 days or more in any consecutive three-year period; however, a
21 temporary employee employed by a municipality participating in
22 the provisions of AS 39.30.090 need not be provided coverage.

23 * Sec. 2. This Act takes effect July 1, 1979.

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Original sponsors: Ferguson and Rodey

Offered: 4/12/79
Referred: Rules

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 198

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the hiring of nonpermanent em-
7 ployees in the state personnel system; and providing
8 for an effective date."

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

10 * Section 1. LEGISLATIVE FINDINGS AND INTENT. The legislature finds and
11 declares that certain inconsistencies and abuses in the hiring of nonperma-
12 nent employees have jeopardized the integrity and efficiency of the merit
13 system as well as the morale of employees. The legislature intends to curb
14 the widespread administrative practice of using nonpermanent state employment
15 to evade departmental accountability and mask poor planning. The legislature
16 further intends that nonpermanent employees be used only to the extent that
17 it is impractical to meet the need with permanent employees and that the
18 burden of proof shall fall upon the department or agency which proposes
19 nonpermanent hire.

20 * Sec. 2. AS 39.25.150(9) is amended to read:

21 (9) nonpermanent [TEMPORARY] appointments to positions in the
22 state service in accordance with AS 39.25.195 - 39.25.200 [WHICH ARE
23 DETERMINED TO BE OF A SEASONAL OR TEMPORARY NATURE];

24 * Sec. 3. AS 39.35.680(21)(C)(iii) is amended to read:

25 (iii) casual or [,] emergency [OR TEMPORARY]
26 workers or nonpermanent employees as defined in AS 39.25.200;

27 * Sec. 4. AS 39.25 is amended by adding new sections to article 6 to read:

28 Sec. 39.25.195. APPOINTMENT OF NONPERMANENT EMPLOYEES. (a) An
29 individual may not be appointed as a nonpermanent employee in the state

service without prior written approval of the director except as an emergency employee.

(b) Every appointment to state service except an emergency appointment, shall be made from an applicable eligible list or dispatching register unless in appropriate circumstances the director has waived this requirement.

(c) No appointment of a nonpermanent employee may be made unless the request for authorization is approved by the director, adequate money is available for the anticipated duration of the appointment, and the director determines that

(1) the hiring department or agency has certified that the legislature has appropriated money for the work in question knowing that it is to be performed by a nonpermanent employee;

(2) the hiring department or agency has certified that there is an immediate need to fill an authorized, permanent position and it is impractical either to establish the position or to make certification within a reasonable time;

(3) the hiring department or agency has certified that an immediate need exists and the director determines that the hiring department or agency could not reasonably have been expected to anticipate and meet through the creation of a permanent position; or

(4) the hiring department or agency has certified that a program or project exists and the director determines that the needs for employees can most appropriately be met through the use of program or project employees.

(d) The director may not authorize the appointment of a nonpermanent employee if he determines that

(1) the need for the nonpermanent employee can practicably be met through establishing and filling an authorized permanent position;

1 (2) the need for the nonpermanent employee would be more
2 appropriately met through an emergency appointment; or

3 (3) the need for the nonpermanent employee is not immediate
4 and could reasonably have been anticipated and met by the appointing
5 authority through the creation and filling of a permanent position.

6 (e) A nonpermanent employee may not be placed on the state payroll
7 unless the director has first approved the personnel action for the
8 employee's appointment.

9 (f) Nothing in this section prevents the director from adopting
10 regulations to provide for timely substitution for permanent employees
11 on medical or personal leave or other situations in which the appoint-
12 ment of an emergency or permanent employee would be inappropriate or
13 when delay in making a temporary replacement would cause serious interrup-
14 tion.

15 (g) A department or agency may not use nonpermanent employees to
16 perform a given work assignment for more than 120 calendar days in a
17 12-month period. A department or agency may not employ any individual
18 as a nonpermanent employee for more than 120 calendar days in a 12-month
19 period. In appropriate circumstances the director may authorize an
20 extension of the limit imposed by this subsection if he finds that there
21 is an immediate need for the extension. The limit imposed by this
22 subsection does not apply to program or project employees or to substi-
23 tutes appointed under (f) of this section.

24 (h) The director shall present a report on nonpermanent and emer-
25 gency hire practices in state government to the legislature within the
26 first 10 days of each regular legislative session. A hiring department
27 or agency shall certify to the director within 15 working days following
28 the appointment its reasons for appointing an emergency employee. The
29 report shall include information on the number of nonpermanent employees

authorized under this section and the number of emergency employees hired in each department, a description of the procedures used in authorizing the hiring of nonpermanent employees, and any recommendations for legislation required to implement the intent of this section.

Sec. 39.25.197. TERMINATION OF NONPERMANENT EMPLOYEES. When the director determines that an employee has been appointed as a result of a false certification under AS 39.25.195, he shall immediately notify the head of the affected department or agency in writing and the department or agency shall terminate the employee from state service within one working day after receipt of notice.

Sec. 39.25.198. CIVIL LIABILITY. A person who makes a false certificate under AS 37.25.195 is personally liable in a civil action to an individual terminated under AS 37.25.197 for any resultant damages and for punitive damages of an amount not to exceed three times the gross monthly salary at which the nonpermanent employee was appointed.

Sec. 39.25.200. DEFINITIONS. In AS 39.25.195 - 39.25.200,

- (1) "certified" means signed by the head of a department or agency or by a responsible person designated by him;
- (2) "director" means the director of the division of personnel and labor relations;
- (3) "emergency employee" means an employee appointed for a period not to exceed 30 calendar days, whose appointment was made under conditions requiring immediate action to carry on work that is required in the public interest;
- (4) "nonpermanent employee" means a person who is employed in state service in a position which is not in the exempt or partially exempt service and who is not a permanent or an emergency employee;
- (5) "permanent employee" means an employee who has been appointed to an authorized, permanent full-time or part-time or perma-

1 nent seasonal position in the classified service and who is in the
2 process of completing or has successfully completed the required proba-
3 tionar service in that position;

4 (6) "program or project employee" means a nonpermanent em-
5 ployee, including a student intern, who is employed in state service
6 with prior written understanding that employment in that position will
7 continue for at most the duration of a specified program or project
8 which is not a regular and continuing function of a department or agency
9 and which has an established probable date of termination.

10 * Sec. 5. This Act takes effect January 1, 1980.

Original sponsors: Ferguson and Rodey

Offered: 4/12/79
Referred: Rules

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 198

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the hiring of nonpermanent em-
7 ployees in the state personnel system; and providing
8 for an effective date."

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

10 * Section 1. LEGISLATIVE FINDINGS AND INTENT. The legislature finds and
11 declares that certain inconsistencies and abuses in the hiring of nonperma-
12 nent employees have jeopardized the integrity and efficiency of the merit
13 system as well as the morale of employees. The legislature intends to curb
14 the widespread administrative practice of using nonpermanent state employment
15 to evade departmental accountability and mask poor planning. The legislature
16 further intends that nonpermanent employees be used only to the extent that
17 it is impractical to meet the need with permanent employees and that the
18 burden of proof shall fall upon the department or agency which proposes
19 nonpermanent hire.

20 * Sec. 2. AS 39.25.150(9) is amended to read:

21 (9) nonpermanent [TEMPORARY] appointments to positions in the
22 state service in accordance with AS 39.25.195 - 39.25.200 [WHICH ARE
23 DETERMINED TO BE OF A SEASONAL OR TEMPORARY NATURE];

24 * Sec. 3. AS 39.35.680(21)(C)(iii) is amended to read:

25 (iii) casual or [,] emergency [OR TEMPORARY]
26 workers or nonpermanent employees as defined in AS 39.25.200;

27 * Sec. 4. AS 39.25 is amended by adding new sections to article 6 to read:

28 Sec. 39.25.195. APPOINTMENT OF NONPERMANENT EMPLOYEES. (a) An
29 individual may not be appointed as a nonpermanent employee in the state

service without prior written approval of the director except as an emergency employee.

(b) Every appointment to state service except an emergency appointment, shall be made from an applicable eligible list or dispatching register unless in appropriate circumstances the director has waived this requirement.

(c) No appointment of a nonpermanent employee may be made unless the request for authorization is approved by the director, adequate money is available for the anticipated duration of the appointment, and the director determines that

(1) the hiring department or agency has certified that the legislature has appropriated money for the work in question knowing that it is to be performed by a nonpermanent employee;

(2) the hiring department or agency has certified that there is an immediate need to fill an authorized, permanent position and it is impractical either to establish the position or to make certification within a reasonable time;

(3) the hiring department or agency has certified that an immediate need exists and the director determines that the hiring department or agency could not reasonably have been expected to anticipate and meet through the creation of a permanent position; or

(4) the hiring department or agency has certified that a program or project exists and the director determines that the needs for employees can most appropriately be met through the use of program or project employees.

(d) The director may not authorize the appointment of a nonpermanent employee if he determines that

(1) the need for the nonpermanent employee can practicably be met through establishing and filling an authorized permanent position;

1 (2) the need for the nonpermanent employee would be more
2 appropriately met through an emergency appointment; or

3 (3) the need for the nonpermanent employee is not immediate
4 and could reasonably have been anticipated and met by the appointing
5 authority through the creation and filling of a permanent position.

6 (e) A nonpermanent employee may not be placed on the state payroll
7 unless the director has first approved the personnel action for the
8 employee's appointment.

9 (f) Nothing in this section prevents the director from adopting
10 regulations to provide for timely substitution for permanent employees
11 on medical or personal leave or other situations in which the appoint-
12 ment of an emergency or permanent employee would be inappropriate or
13 when delay in making a temporary replacement would cause serious interrup-
14 tion.

15 (g) A department or agency may not use nonpermanent employees to
16 perform a given work assignment for more than 120 calendar days in a
17 12-month period. A department or agency may not employ any individual
18 as a nonpermanent employee for more than 120 calendar days in a 12-month
19 period. In appropriate circumstances the director may authorize an
20 extension of the limit imposed by this subsection if he finds that there
21 is an immediate need for the extension. The limit imposed by this
22 subsection does not apply to program or project employees or to substi-
23 tutes appointed under (f) of this section.

24 (h) The director shall present a report on nonpermanent and emer-
25 gency hire practices in state government to the legislature within the
26 first 10 days of each regular legislative session. A hiring department
27 or agency shall certify to the director within 15 working days following
28 the appointment its reasons for appointing an emergency employee. The
29 report shall include information on the number of nonpermanent employees

authorized under this section and the number of emergency employees hired in each department, a description of the procedures used in authorizing the hiring of nonpermanent employees, and any recommendations for legislation required to implement the intent of this section.

Sec. 39.25.197. TERMINATION OF NONPERMANENT EMPLOYEES. When the director determines that an employee has been appointed as a result of a false certification under AS 39.25.195, he shall immediately notify the head of the affected department or agency in writing and the department or agency shall terminate the employee from state service within one working day after receipt of notice.

Sec. 39.25.198. CIVIL LIABILITY. A person who makes a false certificate under AS 37.25.195 is personally liable in a civil action to an individual terminated under AS 37.25.197 for any resultant damages and for punitive damages of an amount not to exceed three times the gross monthly salary at which the nonpermanent employee was appointed.

Sec. 39.25.200. DEFINITIONS. In AS 39.25.195 - 39.25.200,

(1) "certified" means signed by the head of a department or agency or by a responsible person designated by him;

(2) "director" means the director of the division of personnel and labor relations;

(3) "emergency employee" means an employee appointed for a period not to exceed 30 calendar days, whose appointment was made under conditions requiring immediate action to carry on work that is required in the public interest;

(4) "nonpermanent employee" means a person who is employed in state service in a position which is not in the exempt or partially exempt service and who is not a permanent or an emergency employee;

(5) "permanent employee" means an employee who has been appointed to an authorized, permanent full-time or part-time or perma-

1 nent seasonal position in the classified service and who is in the
2 process of completing or has successfully completed the required proba-
3 tionary service in that position;

4 (6) "program or project employee" means a nonpermanent em-
5 ployee, including a student intern, who is employed in state service
6 with prior written understanding that employment in that position will
7 continue for at most the duration of a specified program or project
8 which is not a regular and continuing function of a department or agency
9 and which has an established probable date of termination.

10 * Sec. 5. This Act takes effect January 1, 1980.

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House CS for CS for Senate Bill No. 22
 Title Group Insurance Extended to Temporary Employees of the State & Political Sub.
 Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected Administration - Division of Retirement and Benefits
 Program Category Affected Retirement and Benefits (OTHER BENEFITS)
 BRU, Program, or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES		19.6	20.8	22.0	23.3	24.7
200 TRAVEL						
300 CONTRACTUAL		50.0	5.0	5.0	5.0	5.0
400 COMMODITIES		0.3	0.3	0.3	0.3	0.3
500 EQUIPMENT		0.5				
600 LAND & STRUCTURES						
700 TRS STATE MATCH						
100 BENEFITS		851.0	1021.2	1225.4	1470.5	1764.6
TOTAL		921.4	1047.3	1252.7	1499.1	1794.6

FUNDING (Thousands of Dollars)

GENERAL FUND	765.6	861.6	1030.1	1232.3	1474.5
FEDERAL FUNDS	39.6	47.2	56.5	67.8	81.4
VETERAN'S FUND	1.7	2.1	2.5	2.9	3.5
FISH & GAME FUND	5.2	6.2	7.4	8.8	10.6
HIGHWAY FUND	11.2	13.3	16.0	19.2	23.0
AIRPORT FUND	24.9	29.7	35.7	42.8	51.3
CAPITAL FUND	73.2	87.2	104.5	125.3	150.3
PERS					
TRIS					

POSITIONS

FULL TIME		1	1	1	1	1
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

1. Estimate that 668 temporary State employees will qualify for benefits under this bill.
2. Assume no change in the number of temporary State employees qualifying for benefits in future years.
3. Estimate FY 80 group insurance benefits will cost \$106.16 per month per employee increasing at 20% annually.
4. Administrative costs as attached.
5. Assume that House CS for CS for Senate Bill 22 is incorporated as a section of CSSB 198.

IV. DATE 4/26/79 PREPARED BY Paul E. Arnoldt, Director
 AGENCY Division of Retirement & Benefits
 PHONE 465-4460

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named) Senator Ray
 Office of the Governor (Keith Specking)

ATTACHMENT

The following administrative funds would be required to implement the provisions of House CS for CS for Senate Bill No. 22.

1. Personal Services - one permanent full-time position Accounting Clerk III (range 10) - salary and merit increases at 6% per year.

FY 80 monthly salary	\$1,254 X 12 = \$15,048
Plus benefits at 30.23%	= \$ 4,549
	<u>\$19,597</u>

2. Contractual Services - data processing costs to key data from time cards for temporary employees for the last three years in order to establish eligibility; to design and implement a system for identifying eligibility for temporary employees; and to operate/maintain a system in future years.

FY 80	= \$50,000
Succeeding FY's	= \$ 5,000

3. Miscellaneous Expenses - initial cost office equipment and annual commodity and replacement costs.

FY 80	= \$ 800
Succeeding FY's	= \$ 300

These funds should be appropriated to the Division of Finance, Department of Administration, William C. Mullin, Director, 465-2240.

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. House CS for CS for Senate Bill No 22
 Title Group Insurance Extended to Temporary Employees of the State & Political Subdivisions
 Requested by _____ Date _____

II. FISCAL DETAIL
 Agency Affected Administration - Division of Retirement and Benefits
 Program Category Affected Retirement and Benefits (other benefits)
 BRU, Program, or Subprogram(s) Affected 02-96-8-01-02-00

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES		19.6	20.8	22.0	23.3	24.7
200 TRAVEL						
300 CONTRACTUAL		50.0	5.0	5.0	5.0	5.0
400 COMMODITIES		0.3	0.3	0.3	0.3	0.3
500 EQUIPMENT		0.5				
600 LAND & STRUCTURES						
700 TRS STATE MATCH						
100 BENEFITS		993.7	1192.4	1430.9	1717.0	2060.4
TOTAL		1064.1	1218.5	1458.2	1745.6	2090.4

FUNDING (Thousands of Dollars)

GENERAL FUND		884.2	1002.5	1199.2	1434.9	1717.4
FEDERAL FUNDS		45.7	54.9	65.8	79.0	94.8
VETERAN'S FUND		2.0	2.4	2.9	3.4	4.1
FISH & GAME FUND		6.0	7.2	8.6	10.3	12.4
HIGHWAY FUND		12.9	15.5	18.6	22.3	26.8
AIRPORT FUND		28.8	34.6	41.5	49.8	59.8
CAPITAL FUND		84.5	101.4	121.6	145.9	175.1
PERS						
TRS						

POSITIONS

FULL TIME		1	1	1	1	1
PART TIME						
TEMPORARY						

- III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)
1. Estimate that 780 temporary state employees will qualify for benefits under this bill.
 2. Assume no change in the number of temporary state employees qualifying for benefits in future years.
 3. Estimate FY 80 group insurance benefits will cost \$106.16 per month per employee increasing at 20% annually.
 4. Administrative costs as attached.

IV. DATE April 13, 1979 PREPARED BY Paul B. Arnoldt, Director
 AGENCY Division of Retirement & Benefits
 PHONE 465-4460

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named) Senator Ray

ATTACHMENT

The following administrative funds would be required to implement the provisions of House CS for CS for Senate Bill No. 22.

1. Personal Services - one permanent full-time position Accounting Clerk III (range 10) - salary and merit increases at 6% per year.

FY 80 monthly salary	\$1,254 X 12 = \$15,048
Plus benefits at 30.23%	= \$ 4,549

\$19,597

2. Contractual Services - data processing costs to key data from time cards for temporary employees for the last three years in order to establish eligibility; to design and implement a system for identifying eligibility for temporary employees; and to operate/maintain a system in future years.

FY 80	= \$50,000
Succeeding FY's	= \$ 5,000

3. Miscellaneous Expenses - initial cost office equipment and annual commodity and replacement costs.

FY 80	= \$ 800
Succeeding FY's	= \$ 300

These funds should be appropriated to the Division of Finance, Department of Administration, William C. Mullin, Director, 465-2240.

STATE
of ALASKA

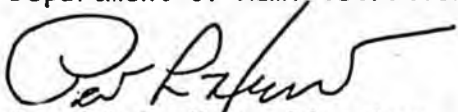
MEMORANDUM

TO: Paul B. Arnoldt, Director
Division of Retirement & Benefits
Department of Administration

DATE: March 20, 1979

FILE NO:

TELEPHONE NO:

FROM: 
Patrick L. Hunt, Director
Division of Personnel and
Labor Relations
Department of Administration

SUBJECT: Negotiability of Insurance

This is to state, for the record, that Health Insurance for temporary employees is a negotiable item. The matter has been addressed frequently in negotiations. In the Local #71 agreement the issue was settled through an hourly payment in lieu of benefits for their temporary members.

This is not to say the State has had or will have any great enthusiasm for the concept. Conversely, there are many items to which the State unsuccessfully seeks union agreement. Certainly cashing in on the really high priority items at the bargaining table and seeking lower priority demands thorough legislation strikes at the very heart of free and effective collective bargaining in the public sector.

PLH/bc
078068 P5-Z

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-165-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 9, 1979

SUBJECT: Effect of statutory or regulatory changes on future public employee collective bargaining agreements. (Work Order No. 6427)

TO: Ken Humphreys, Policy Analyst
Division of Research

FROM: Kenneth M. Rosenstein, Legislative Counsel *KMR*

You have asked what effect a change in the statutes or regulations relating to public employment would have on a public employee collective bargaining agreement negotiated after the change.

Statutory or regulatory changes not affecting wages, hours, or other terms and conditions of employment, i.e., matters not subject to collective bargaining under AS 23.40.070 - 23.40.260, would apply to future agreements, and may not be superceded by such agreements.

Statutory changes affecting matters subject to collective bargaining may be superceded by a collective bargaining agreement unless the statute itself provides to the contrary. The effect of such a statute would be to remove the matters it addresses from the ambit of collective bargaining. Regulations adopted under such a statute would have a similar effect. Only collective bargaining agreements concluded after the effective date of such a statute would be required to comply with its terms. It would have no effect on agreements existing at the time it went into effect.

A regulation attempting to remove a certain matter from the ambit of collective bargaining would be ineffective for that purpose without a clear expression from the legislature that the matter was no longer subject to collective bargaining, or a delegation of the legislature's power to determine the scope of collective bargaining.



RECORDS



CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

3/20/90
Date

COMMITTEE REPORT
SENATE

FURTHER:

3/7,79

Date: March 15, 1979

Mr. President:

The Committee on FINANCE has had SB 22
extending benefits of group insurance to certain temporary employees of the
state

under consideration and (a majority of the committee) (the committee)
reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for SP 22 same title
 new title
- and recommends Do Pass
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

CHAIRMAN

Original sponsor: Ray

Offered: 3/15/79
Referred: Rules

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 22

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act extending the benefits of group insurance to
7 certain temporary employees of the state and its
8 governmental units; and providing for an effective
9 date."

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

11 * Section 1. AS 39.30.100(1)(A) is amended to read:

12 (A) an employee who has served in permanent full-time,
13 permanent [OR] part-time, or temporary employment with the same
14 governmental unit for 180 [30] days or more, except an emergency
15 [OR TEMPORARY] employee, and

16 * Sec. 2. This Act takes effect July 1, 1979.
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Introduced: 1/16/79
Referred: Labor and
Management and Finance

Finance Committee
~~BY RAY~~

1 IN THE SENATE

2 CS SENATE BILL NO. 22

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act extending the benefits of group insurance to
7 certain temporary employees of the state and its
8 governmental units; and providing for an effective
9 date."

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

11 * Section 1. AS 39.30.100(1)(A) is amended to read:

12 (A) an employee who had served in permanent full-time,
13 permanent [OR] part-time, or temporary employment with the same
14 governmental unit for ¹⁸⁰~~30~~ days or more, except an emergency [OR
15 TEMPORARY] employee, and

16 * Sec. 2. This Act takes effect July 1, 1979.

#. 322,000

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. CS Senate Bill 22
 Title Group Insurance Extended to Temporary Employees of the State & Political Subdivisions
 Requested by _____ Date _____

II. FISCAL DETAIL
 Agency Affected Administration - Division of Retirement and Benefits
 Program Category Affected Retirement and Benefits (OTHER BENEFITS)
 BRU, Program, or Subprogram(s) Affected 02-96-8-01-02-00
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)
EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 TRS STATE MATCH						
100 BENEFITS		(1034.5)	(1241.4)	(1489.7)	(1787.6)	(2145.1)
TOTAL		(1034.5)	(1241.4)	(1489.7)	(1787.6)	(2145.1)

FUNDING (Thousands of Dollars)

GENERAL FUND	(847.3)	(1016.8)	(1220.1)	(1464.2)	(1756.8)
FEDERAL FUNDS	(47.6)	(57.1)	(68.5)	(82.2)	(98.7)
VETERAN'S FUND	(2.1)	(2.5)	(3.0)	(3.6)	(4.3)
FISH & GAME FUND	(6.2)	(7.4)	(8.9)	(10.7)	(12.9)
HIGHWAY FUND	(13.4)	(16.1)	(19.4)	(23.2)	(27.9)
AIRPORT FUND	(30.0)	(36.0)	(43.2)	(51.8)	(62.2)
CAPITAL FUND	(87.9)	(105.5)	(126.6)	(151.9)	(182.3)
PERS					
TRS					

POSITIONS NONE

FULL TIME					
PART TIME					
TEMPORARY					

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

1. Estimate that 9% of permanent part-time and permanent full-time employees terminate State service between 30 and 180 days. These 800 employees would no longer be eligible for State group insurance.
2. Estimate that an average of 190 State temporary employees will qualify for benefits based on 1978 average monthly actuals.
3. Assume constant membership in work force each fiscal year.
4. Actual cost to provide group insurance benefits is \$117.77 per month per employee during FY 79. Estimate that cost to provide group insurance will increase 20% each year based upon historical experience.
5. Cost impact on political subdivisions (approximately 50 subdivisions) not included.

IV. DATE 3/20/79 PREPARED BY Paul B. Arnoldt
 AGENCY Division of Retirement & Benefits
 PHONE 465-4450

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 Office of the Governor (Keith Specking)

COMMITTEE REPORT
SENATE

1/16/79

FURTHER: FINANCE

Date: 3-7-79

Mr. President:

The Committee on LABOR & MANAGEMENT has had SB 22
extending benefits of group insurance to certain temporary employees of the state

under consideration and (a majority of the committee) (the committee)
reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back ^{and} without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

2/ Bill Ray IF AMENDED

3/ Collette needs substitute

1/ [Signature]
CHAIRMAN no rec

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

*Allen
D. Lill*

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill 22
Title Group Insurance Extended to Temporary Employees of the State & Political Subdivisions
Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected Administration - Division of Retirement and Benefits
Program Category Affected Retirement and Benefits
BRU, Program, or Subprogram(s) Affected Other Benefits (Health/Life Insurance)
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES		19.6	20.8	22.0	23.3	24.7
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES		0.3	0.3	0.3	0.3	0.3
500 EQUIPMENT		0.5				
600 LAND & STRUCTURES						
700 TRS STATE MATCH						
100 BENEFITS		1765.4	2118.5	2542.2	3050.6	3660.8
TOTAL		1785.8	2139.6	2564.5	3074.2	3685.8

FUNDING (Thousands of Dollars) NONE

	1466.2	1756.2	2104.4	2522.0	3023.1
GENERAL FUND					
FEDERAL FUNDS	81.2	97.5	116.9	140.3	168.4
VETERAN'S FUND	3.5	4.2	5.1	6.1	7.3
FISH & GAME FUND	10.6	12.7	15.3	18.3	22.0
HIGHWAY FUND	23.0	27.5	33.0	39.7	47.6
AIRPORT FUND	51.2	61.4	73.7	88.5	106.2
CAPITAL FUND	150.1	180.1	216.1	259.3	311.2
PERS					
TRS					

POSITIONS

	1	1	1	1	1
FULL TIME					
PART TIME					
TEMPORARY					

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

1. Estimate that an average of 1941 State temporary employees will qualify for benefits based on 1978 average monthly actuals.
2. Assume constant members in temporary work force in each fiscal year.
3. Actual cost to provide group insurance benefits is \$117.77 per month per employee during FY 79.
4. Estimate that the cost to provide group insurance benefits will increase 20% per annum.
5. Administrative costs as attached.
6. Cost for coverage of political subdivisions (approximately 50 subdivisions) participating in group insurance not included; recommend that the Alaska Municipal League, 204 Franklin St., Juneau, AK 99901-1325, be contacted for input.

IV. DATE 1/26/79 PREPARED BY Paul B. Arnoldt, Director
AGENCY Division of Retirement & Benefits
PHONE 465-4460

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named) Senator Ray
Office of the Governor (Keith Specking)

Requested by Senator Labor & Mgmt

APPENDIX

The following administrative funds would be required to implement the provisions of SB 22.

1. Personal Services - one permanent full-time position Accounting Clerk III (range 10) - salary and merit increases at 6% per year.

FY 80 monthly salary	\$1,254 X 12 =	\$15,048
Plus benefits at 30.23%		= \$ 4,549
		<u>\$19,597</u>

2. Miscellaneous Expenses - initial cost office equipment and annual commodity and replacement costs.

FY 80	= \$	800
Succeeding FY's	= \$	300

These funds should be appropriated to the Division of Finance, Department of Administration, William C. Mullin, Director, 465-2240.

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE.

I. REQUEST

Bill/Resolution No. CS for Senate Bill 22 (Rules)
 Title Group Insurance Extended to Temporary Employees of the State & Political
 Requested by _____ Date _____ Subdivisions _____

II. FISCAL DETAIL

Agency Affected Administration - Division of Retirement and Benefits
 Program Category Affected Retirement and Benefits (OTHER BENEFITS)
 BRU, Program, or Subprogram(s) Affected 02-96-8-01-02-00
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 TRS STATE MATCH						
100 BENEFITS		322.2	386.6	464.0	556.8	668.1
TOTAL		322.2	386.6	464.0	556.8	668.1

FUNDING (Thousands of Dollars)

GENERAL FUND	264.0	316.6	380.1	456.2	547.2
FEDERAL FUNDS	14.8	17.8	21.3	25.6	30.7
VETERAN'S FUND	0.6	0.8	0.9	1.1	1.3
FISH & GAME FUND	1.9	2.3	2.8	3.3	4.0
HIGHWAY FUND	4.2	5.0	6.0	7.2	8.7
AIRPORT FUND	9.3	11.2	13.5	16.1	19.4
CAPITAL FUND	27.4	32.9	39.4	47.3	56.8
PERS					
TRS					

POSITIONS

NONE

FULL TIME					
PART TIME					
TEMPORARY					

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

1. Estimate that an average of 190 State temporary employees will qualify for benefits based on 1978 average monthly actuals.
2. Assume constant membership in work force each fiscal year.
3. Actual cost to provide group insurance benefits is \$117.77 per month per employee during FY 79. Estimate that cost to provide group insurance will increase 20% each year based upon historical experience.
4. Cost impact on political subdivisions (approximately 50 subdivisions) participating under State's group insurance program not included; recommend contacting the Alaska Municipal League, 204 Franklin St., Juneau, AK, 586-1325 for impact.

Paul B. Arnoldt

IV. DATE 3/20/79 PREPARED BY Paul B. Arnoldt, Director
 AGENCY Division of Retirement & Benefits
 PHONE 465-4460

Original: Legislative Finance
 Budget and Management
 cc: Prime Sponsor (First Legislator Named)
 Office of the Governor (Keith Specking)

STATE
of ALASKA

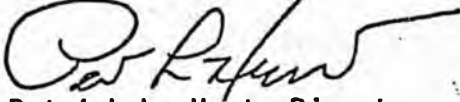
MEMORANDUM

TO: Paul B. Arnoldt, Director
Division of Retirement & Benefits
Department of Administration

DATE: March 20, 1979

FILE NO:

TELEPHONE NO:

FROM: 
Patrick L. Hunt, Director
Division of Personnel and
Labor Relations
Department of Administration

SUBJECT: Negotiability of Insurance

This is to state, for the record, that Health Insurance for temporary employees is a negotiable item. The matter has been addressed frequently in negotiations. In the Local #71 agreement the issue was settled through an hourly payment in lieu of benefits for their temporary members.

This is not to say the State has had or will have any great enthusiasm for the concept. Conversely, there are many items to which the State unsuccessfully seeks union agreement. Certainly cashing in on the really high priority items at the bargaining table and seeking lower priority demands thorough legislation strikes at the very heart of free and effective collective bargaining in the public sector.

PLH/bc
078068 P5-Z

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 9, 1979

SUBJECT: Effect of statutory or regulatory changes on future public employee collective bargaining agreements. (Work Order No. 6427)

TO: Ken Humphreys, Policy Analyst
Division of Research

FROM: Kenneth M. Rosenstein, Legislative Counsel *KMR*

You have asked what effect a change in the statutes or regulations relating to public employment would have on a public employee collective bargaining agreement negotiated after the change.

Statutory or regulatory changes not affecting wages, hours, or other terms and conditions of employment, i.e., matters not subject to collective bargaining under AS 23.40.070 - 23.40.260, would apply to future agreements, and may not be superceded by such agreements.

Statutory changes affecting matters subject to collective bargaining may be superceded by a collective bargaining agreement unless the statute itself provides to the contrary. The effect of such a statute would be to remove the matters it addresses from the ambit of collective bargaining. Regulations adopted under such a statute would have a similar effect. Only collective bargaining agreements concluded after the effective date of such a statute would be required to comply with its terms. It would have no effect on agreements existing at the time it went into effect.

A regulation attempting to remove a certain matter from the ambit of collective bargaining would be ineffective for that purpose without a clear expression from the legislature that the matter was no longer subject to collective bargaining, or a delegation of the legislature's power to determine the scope of collective bargaining.

Ken Humphreys
Page 2
March 9, 1979

In other words, under current law, it is the province solely of the legislature to determine the permissible scope of collective bargaining with respect to public employees. Moreover, any reduction of that scope would apply only to agreements negotiated after the legislature has acted and not to agreements existing at the time of legislative action.

KMR:nem

Fiscal Note

CSSB 22

30 days \$1,785.8

90 days 691.

120 days 615

180 days 322

Call amount

4460