

ALASKA LEGISLATURE SPECIAL COMMITTEE/SUBJECT FILES 8672

2804 SCOMM 122: COMMISSION ON PRIVATIZATION. . , 1999

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Quality Assessment Program
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Division of Public Health

Peter Nakamura, MD, MPH

Division Director

Mission

To use the best available scientific knowledge to set public health policy and ensure provision of services which guarantee the health of all Alaskans, so that they can live full lives with optimum well-being.

Bureau of Vital Statistics

The Bureau records, safeguards, and certifies copies of records of vital events (births, adoptions, marriages, divorces, and deaths) for residents of and visitors to Alaska. The Bureau also compiles, analyzes, and publishes statistical data obtained from records of vital events.

Community Health and Emergency Medical Service Certification and Licensing

This Section provides certification for Emergency Medical Technicians (EMTs), instructors, and air and land ambulance services. Staff directs overall planning, education, and coordination for comprehensive statewide emergency medical services and trauma care systems, rural and primary health care services, and health promotion and prevention efforts statewide. Grants and consultation for community health training and community based health promotion programs are provided. The Section also conducts behavioral risk factor surveys and health professional and student recruitment and placement activities.

Medicaid Services Unit

This Unit directs statewide outreach and access to services efforts to ensure the maximum numbers of income eligible children and pregnant women are enrolled in the Medicaid program and receiving needed services. Staff serves as the liaison between

Division of Medical Assistance and program staff within the Division of Public Health providing services financed by the Medicaid Program. The Public Health Improvement process initiative is directed from this unit, in coordination with the Director's Council.

Epidemiology

The Section of Epidemiology is responsible for surveillance, epidemic response, investigation, and control of acute and chronic diseases and injuries through defining causal factors, identifying and directing control measures, and providing a basis for policy development, program planning and evaluation. Epidemiology has long been considered the essential science of public health, and a strong assessment and surveillance system based on epidemiologic principles is a fundamental part of a technically competent public health activity.

Maternal, Child and Family Health

This Section provides leadership and support at the state and local level, working in collaboration with other government and private agencies, to develop comprehensive systems of care for all women and children in the state, with a focus on the most vulnerable populations. Priority is given to activities that assist communities in developing service capacity at the local level. Nearly all services provided by the Section are delivered by community-based grantees and contractors. Community-grantees and contractors deliver nearly all services provided by the Section. The Women, Infants, and Children (WIC) Program, provides food and nutrition education programs for at risk, low income women and young children. The Infant Learning Program is for young children at risk of developing or already experiencing developmental disabilities and their families. Both programs serve thousands of Alaskan families every month. Healthy Families Alaska, a child abuse and neglect prevention program, Family Planning and Pregnancy Support services for low income women and teens, the Alaska Family Violence Project and Adolescent Health programs administered by the Section targeted to serve high risk groups. Ongoing educational efforts, such as the Back-to-Sleep campaign to prevent Sudden Infant Death Syndrome (SIDS) deaths, utilize the latest scientific knowledge to assist in ensuring all Alaskan women and children are as safe and healthy as possible.

Public Health Nursing

Public Health Nurses are the "public health safety net" in Alaska. Their goals are to improve the health and well being of Alaskans and reduce health care costs through early detection and prevention of health problems. Direct services are provided to individuals, families, and communities through four regional offices, 20 health centers and itinerant services to 250 communities. Services to individuals and families include immunization; family planning; pregnancy testing; prenatal monitoring and postnatal home visits; well child exams; Medicaid outreach, screening, and referral; special clinics; support of Section of Maternal, Child, and Family Health Programs; tuberculosis screening, surveillance, and follow-up; STD/HIV testing and counseling. Services to communities include: community assessment; health promotion and education; communicable disease investigation; and development of collaborative relationships with other agencies at the community, regional, and State level in order of local public health significance. Fees for public health nursing services are charged.

only for adult services, based on a sliding fee scale. No one is denied service due inability to pay.

Medical Examiner

The State Medical Examiner's (SME) office conducts autopsies and cause of death investigations for criminal, medically unexplained, accidental, and unattended deaths. The SME also provides testimony in criminal cases, and provides training for death scene investigation to coroners, State Troopers, and local police.

State Laboratories

The State Public Health Laboratories provide tests aimed at detecting disease patterns and trends to assess a community's well-being. The laboratories also provide new specialized services that are otherwise not available. Public health laboratories provide essential services for disease surveillance and prevention, as well as recognition and re-emerging infectious disease agents that threaten the public health and well-being. Public health laboratories are a critical resource in the investigation of disease outbreaks and efforts to bring them under control.

Division Contacts

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The Department's logo was designed by Alaskan a Jane Terzis. It depicts a polar view of the world as Alaska's circumpolar location. The image of a man, woman, and child highlight the Department's mission services to Alaskan families and communities.

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at (907) 262-4624 as soon as possible.

AGENDA

Meeting	HSS Privatization Subcommittee	Start Time	11:00 AM
Purpose	Progress	Stop Time	1:00 PM
Date	7 Sep 99	Place	Various LIOs

PERSONS ATTENDING Subcommittee members, Privatization Commission Staff, HSS Department Staff

1	2
3	4
5	6
7	8
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11	12
13	14
15	16
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ITEMS TO BE DISCUSSED

1	Roll Call w/ brief introduction (30 sec ea)	X
2	a) Statutes, by Department b) # employees, per Division (handout)	
3	Department/Division presentations (12 - 15 min ea) a) Medical Assistance b) Public Assistance c) d)	
4	a) Sub groups b) Work tasks	
5	Comments/Discussion	
6	Other Business	
7	Adjourn	

MEETING NOTES

1
2
3

HESS

Subject: FW: FW: Advisory Council Volunteers

Date: Tue, 31 Aug 1999 13:28:53 -0800

From: Silvia Villamides <silviav@anhc.org>

To: "representative_john_cowdery@legis.state.ak.us" <Representative_John_Cowdery@legis.state.ak.us>

-----Original Message-----

From: Silvia Villamides [SMTP:silviav@anhc.org]
Sent: Tuesday, August 31, 1999 10:05 AM
To: 'Silvia Villamides'
Subject: RE: FW: Advisory Council Volunteers

Good morning:

I've been in class all last week until yesterday, this morning - I received your schedule of meetings - I apologize - but I can't attend the meeting schedule for today, please send me any minutes or information - Thanks,

-----Original Message-----

From: Silvia Villamides [SMTP:silviav@anhc.org]
Sent: Thursday, July 22, 1999 3:27 PM
To: 'Representative John Cowdery'
Subject: RE: FW: Advisory Council Volunteers

Good afternoon:

I had faxed my CV to you but, I forgot to let you know which committee I would like to serve on. That committee will be Health & Social Services. Please confirm you receiving my fax.

Thanks,

-----Original Message-----

From: Representative John Cowdery
[SMTP:Representative_John_Cowdery@legis.state.ak.us]
Sent: Wednesday, July 14, 1999 10:29 AM
To: Silvia Villamides
Subject: Re: FW: Advisory Council Volunteers

Silvia -

Thank you for your interest with the Privatization Commission. If you could please supply me with your contact information, a curriculum vitae and which committee you would like to serve on. I am assuming it is Department of Health and Social Services, but I would like you to confirm that.

Thank you -

John Cowdery
269-0223 fax



ALASKA STATE LEGISLATURE

REPRESENTATIVE GARY DAVIS

September 24, 1999

Representative John Cowdery
State Capitol, Room 204
Juneau, AK 99801-1182

Dear Representative Cowdery:

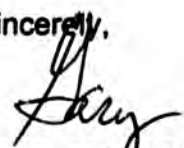
During the last legislative session, you signed a letter encouraging members of the Alaska Health Foundation, recently incorporated as a nonprofit called the Community Care Foundation, to continue their efforts toward developing a state health plan for Alaska. Your support is most appreciated by the foundation.

There have been substantial developments impacting the goal of establishing the Alaska Health Plan of which you should be apprised. The Community Care Foundation has assumed responsibility for the privatization of the Alaska Telemedicine Project, which was originally developed by a consortium involving AT&T, University of Alaska, and Providence Hospital of Anchorage. The foundation is in the process of finalizing an agreement with the Alaska State Medical Association, which would make telemedicine available to every practicing physician in Alaska. Additionally, discussions toward a collaborative arrangement between the private and public sector are occurring. The sponsors of the Federal Telehealth Project and the Alaska Telemedicine Project are investigating ways in which the two systems can improve health and medical care delivery in Alaska.

The Community Care Foundation Board of Directors believes the establishment of a statewide telehealth system will be the first step in creating and eventually implementing the Alaska Health Plan. The statewide system will serve as the platform for plan administration involving premium collection and maintenance of enrollment records, financial reporting, benefit eligibility, service utilization, claims processing, and the like. With substantive progress underway, they believe it is necessary to involve interested legislators, providers, and government representatives to jointly prepare the final design and strategies for implementation of the Alaska Health Plan.

A meeting of the foundation board, members of the Alaska Department of Health and Social Services, health care provider representatives, and the Alaska citizenry has been scheduled for 9:00 a.m., October 14 at the Anchorage Legislative Information Office at 716 West 4th Avenue, Suite 200. The purpose of the meeting is to further the development of the Alaska Health Plan and help define mutual goals and methods so that this citizen-driven initiative can continue. Please consider participating in this meeting. You may advise Jerry Near, president of the foundation, of your interest in attending. He may be reached at 262-4461 or P.O. Drawer 448, Soldotna, Alaska 99669.

Sincerely,


Representative Gary Davis



and Delivery of Government Services

Co-Chairs:

Representative John Cowdery
Senator Jerry Ward

Senator Al Adams

Bill Allen

Representative Tom Brice

Tom Fink

William Prosser

Helvi Sandvik

Kathryn Thomas

Don Valesko

George Wuerch

FAX COVER SHEET

To:

Number:

From:

Number:

Date:

Subject:

of pages including cover:

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Notes:

From fax # 269-0223

Department of Health & Social Services Subcommittee Memb

Andress	Kathy	283-8118	Blo Cycle Alaska
Taurianan	Mike	262-5777	Northern Test Lab
Andrews	Mark	459-3953	Tanana Chiefs
Brown	Kelly	452-2307	ASEA /AFSCME. Local 52
Caswell	Lynn	258-1091	Catholic Social Services
Clarke	Janet	465-2499	Dept Health & Social - Dept Contact
Derr	Laraine	463-3573	AK Hospital & Nursing Home Assoc.
Eldridge	Barry	283-7152	Barry Management
Foutz	Paul	272-4850	O'Connor & CO., P.C.
Franz	Charlie	235-0253	Homer Hospital
Hagevig	Rosemary	586-9018	Catholic Community Services, Exec Director
Harper	Michael	243-2984	Kuskokwim Corporation
Keller	Wes	694-1015	Representative Dysons Office - SOA
Kibby, Esq.	Richard	563-5083	
Lindstrom	Elmer	465-3068	Dept Health & Social - Dept Contact
Lorenz	Clyde	456-8245	Families First
Majewske	Marie	N/A	North East Community Center
Maltman	David	269-8995	HESS
Morris	Ed		
Moss	Rynnieva	456-8245	Rep Coghill
O'Neil	Gloria	265-5996	CEO, Cook Inlet Tribal Council
Price	Mike		
Short	Sarah	562-8630	Families First
Trafford Calder	Scott	456-8245	Safe Families Inc.
Villamides	Sylvia	258-6526	Anchorage Neighborhood Health
Vitale	Vincent	258-7030	Attorney At Law

NATIONAL CENTER FOR POLICY ANALYSIS

LUCAS HOUSE

Privatization Issues**Wisconsin Study:
Privatizing Welfare Administration**

The Wisconsin Works (W-2) program revolutionized expectations about public assistance recipients by requiring them to work. A new study notes that W-2 has also radically overhauled the administrative structure of public assistance by partially privatizing its administration and introducing performance measures.

- Under the old federal Aid to Families with Dependent Children (AFDC) program, private entities were prohibited from determining eligibility or performing case management functions.
- In Wisconsin, county workers had a monopoly on the delivery of program benefits, and the state reimbursed them for whatever costs were incurred -- which gave them no incentives to reduce costs.
- The federal Temporary Assistance for Needy Families (TANF) program which replaced AFDC last year allows states to contract with "charitable, religious, or private organizations" for benefits administration.

Wisconsin took advantage of this option, and initially the W-2 plan proposed competitive bidding for welfare management throughout the state, and therefore its potential privatization.

- But due to objections from public employees, counties were given the chance to earn the "right of first selection"-- that is, to administer W-2 without facing competition if they met caseload reduction, job placement and expenditure targets.
- Of the state's 72 counties, 67 ultimately earned the right of first selection; but six counties chose not to exercise their rights,

leaving 11 counties open for competitive bidding.

- **Private vendors ended up winning the bidding process in nine of the 11 counties, and roughly 70 percent of the state's W-2 caseload is handled by private entities, both for-profit and not-for-profit.**

Over the first two years of W-2, the state is saving at least \$10.25 million -- the difference between what the state is paying private vendors and what it would have had to pay all the counties to administer the program.

Source: David Dodenhoff, "Privatizing Welfare in Wisconsin: Ending Administrative Entitlements -- W-2's Untold Story," WPRI Report, Vol. 11, No. 1, January 1998, Wisconsin Policy Research Institute, P.O. Box 487, Thiensville, Wis. 53092, (414) 241-0514.

For Text go to <http://www.wpri.org/reports.htm>



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© 1997 NCPA**

STATE OF ALASKA**TONY KNOWLES, GOVERNOR****DEPARTMENT OF HEALTH & SOCIAL SERVICES****Office of the Commissioner****350 Main Street, Room 229****P.O. Box 110601****Juneau, Alaska 99811-0601****Phone: (907) 465-3030****Fax: (907) 465-3068****ROUTINE** ☐**URGENT** ☐**CONFIDENTIAL** ☐**FAX COVER PAGE****DATE:** 10/8/99**TOTAL PAGES:** 29**TO:** Marco Pignatelli**FAX:** 269-0223**PHONE:** was forwarded via email**FROM:**

- ☐ Karen Perdue, Commissioner
☐ Russ Webb, Deputy Commissioner
☐ Jay Livey, Deputy Commissioner
☒ Elmer Lindstrom, Special Assistant

- ☐ Ralph Thomas, Special Assistant
☐ Nancy Cashen, Executive Secretary
☐ Linda Cryan, Secretary
☐ Gayle Byrne, Secretary

NOTE: Please See email.**PLEASE CALL (907) 465-3030 IF TRANSMISSION IS UNCLEAR OR INCOMPLETE**

STATE OF ALASKA

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF FAMILY AND YOUTH SERVICES

TONY KNOWLES, GOVERNORP.O. BOX 110630
JUNEAU, ALASKA 99811-0630
PHONE: (907) 465-3170

MEMORANDUM

Date: October 8, 1999

TO: Marco Pignalberi

FROM:  Tim Spengler
Field Liaison

SUBJECT: DFYS' Review Process

The Department of Administration's Citizens' Foster Care Review Board was de funded during the legislative session last year. Prior to being disbanded, the Review Board was operating in Anchorage only although they were in the process of trying to expand to Fairbanks. The idea was that local review panels would ultimately be implemented state wide as specified in AS 47.14 Article 3..

The Division of Family and Youth Services has a number of family and children's conferences. While we retain the six month review process (similar to conducted by the Citizen's Foster Care Review Board), we have added both a three month and a nine month conference. We feel that this 3-6-9 approach to family conferences better serves families and children.

I am sending a hard copy from our Policy and Procedures manual which describes in detail our conference schedule. It talks about the purpose of each conference, who is involved, etc. This is also available on the DFYS web site (along with the rest of our policies and procedures).

Please let us know if you desire more information about our conferences.

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SECTION: 3.1

3.1 FAMILY AND CHILDREN CONFERENCES

INTRODUCTION:

- a. All children and families with open cases will be reviewed at child and family conferences at appropriate times throughout the time it is open, as indicated in this section. The purpose of the division's case conferencing system is to ensure that children's situations are reviewed in a timely and consistent manner, to ensure that decisions are based on the best interests of the child, address the health and safety of the child, and expedite permanency for the child. This intent is facilitated by involving applicable parties in the process. Conferences differ in the specific purpose of the conference, the participants, and the content depending on the length of time the child has been in custody.
- b. The conferences include the following: one completed within the first 90 days; at 6 months, and at 9 months. All conferences may be used to consolidate other local or community review processes for agencies providing services to the family/child.

Following is a short description of each type of conference, and a chart indicating the time lines.

1. Family and Children Early Conference is held within 90 days of the probable cause finding for all children who are in custody and in out-of-home placement. The purpose is to assist in meeting the statutory requirements for the timelines for permanency and concurrent planning, for providing services to families, identifying potential barriers that may hinder service provisions to families, and for children not to linger in the system. (see section 3.1.2 Family and Children Early Conference for additional information)
2. Child and Family 6 months Conference is held every six months on children who are placed out-of-home. The purpose is to review the continued necessity for and appropriateness of the placement, the extent of compliance with the case plan, and the extent of progress made towards alleviating or mitigating the causes necessitating placement in foster care. All Child and Family 6 months conferences must have public members, who have completed their required training. (see section 3.1.3 Administrative Review for additional information).
3. Permanency Planning Conference is held between 9 and 10 months of custody, or sooner if the permanency planning goal for a child is changed. For all children in out-of-home care, a staffing must be held in preparation for the permanency court hearing which is held at 12 months. If there has been a prior removal of the child

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from the home, a permanency planning conference must be held within six months of the second removal. The purpose is to recommend the permanency planning goal and appropriate permanent placement home for the child. When the worker recommends that the child's permanency planning goal be changed to adoption or when a termination petition must be filed by law, or when guardianship is the permanent plan but the parties do not agree with the plan, specific termination related issues must be addressed, and if termination is considered a determination must be made whether or not termination is in the child's best interest. (see section 3.1.4 Permanency Planning Conference for additional information).

4. Placement Decision Conference (optional) is held as soon as adoptive or guardianship home studies are completed and ready for review by the staffing team and there are multiple options for permanent placement, or when there are no options. The conference is held separately from the permanency placement conference, if needed, but is often combined; for example when home studies have been done at the time of the permanency planning conference. The purpose is to designate the permanent adoptive or guardian home for a child. (see section 3.1.5 Placement Decision Conference for additional information).
5. Out-of-preference placements of Native children without tribal approval will be reviewed every 30 days until the child is placed with a family that meets the ICWA placement preferences; or the tribe approves, in writing, the out-of-preference placement which brings the placement into compliance as a second preference placement for foster care under ICWA; or the child's placement is designated as the permanent placement (adoptive, guardian or permanent foster care) at the Permanency Planning Conference or Placement Decision Conference. The issue may be addressed at any case conference, as appropriate, or at a specially scheduled formal staffing, or may be reviewed informally by the worker and supervisor and/or ICWA specialist. It is recommended that a representative from the child's tribe also be invited to the review. (see section 3.1.6 Out-of-Preference Review for additional information).

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Overview of DFYS Child and Family Conferences and Court Reviews

Time Line	Event	Applies to all children in custody	Additional for children in out-of-home care
Custody Date	File petition within 24 hours of taking custody	X	
Within 48 hours of petition	Probable cause hearing	X	
Every 30 days after placement	Out-of-preference review ²		X
Within 60 days of probable cause hearing	Pre-trial conference	X	
Within 90 days of probable cause finding	Family and Children Early Conference		X
Within 120 days of probable cause finding	Adjudication hearing	X	
Shortly after adjudication	Disposition hearing (predisposition report due 10 days prior to hearing)	X	
Within 6 months of removal and every six months thereafter	Child and Family 6 months Conference		X
At 9-10 months after removal or whenever the permanency planning goal changes, or when filing of a TPR petition is required	Permanency Planning Conference		X
When adoptive/guardian home studies are completed and there are multiple options for permanent placement, or no options.	Placement Decision Conference (Optional)		X
Within 12 months of probable cause finding, and every 12 months thereafter; and within 30 days of when the court has determined that reasonable efforts for reunification no longer are required or when the court approved permanency plan changes	Permanency hearing ³ (permanency hearing report due 10 days prior to hearing)		X
Within 12 months of the disposition order and annually thereafter	Annual review of supervision order ⁴ (report on annual review due 10 days prior to hearing)	X	
When child has been in foster care for 15 out of the last 22 months, or the court has determined that reasonable efforts for reunification are no longer required	File petition for termination of parental rights		X
Within 6 months of TPR petition	Termination hearing		X
Before custody expires (usually after 2 years and annually thereafter)	Extension of custody hearing (petition due 30 days, and report due 30 days prior to expiration of custody)	X	

² Applies only to Native children in an out-of-preference placement. The review may be done either at a formal staffing or in an informal review.

³ Applies to children under a (c)(1) order

⁴ Applies to children under a (c)(2) order

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3.1.1 CASE PLAN AND SERVICE LEVEL REVIEW

AUTHORITY: AS 47.10 Children in Need of Aid

POLICY: The case plan must be reviewed and, if needed, revised, at every formally required conference. The service level must be reviewed and, if relevant, modified and changed, at least prior to each six months review, and may be reviewed at any formally required conference. The service level and case plan will also be reviewed at any time a new report of harm is substantiated, or there is any other major change in case status.

PROCEDURE:

a. **Review of Case Plan:**

1. Discuss and assess the current appropriateness of the case plan with the family, Indian custodian, where applicable, and the child's tribe where the child is a Native child. Review the specific tasks.
 - A. Has each party complied? If not, what prevented achievement?
 - B. Have time frames been met?
 - C. Have resources been utilized?
 - D. If the child has been residing in the home, have enough goals been met that the children continue to be safe in the home, and has a minimally sufficient level of care been achieved? If so, and:
 - i. if the child is not in custody, the case can be closed by mutual agreement.
 - ii. if the child is in custody, a recommendation to the court can be made to close the case by mutual agreement.
2. If high risk child abuse incidents have surfaced while the family is cooperating with the case plan and the child is not in custody, it may be necessary to petition for court custody.

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3. Do not add new goals in an attempt to make a "perfect" family; goals should only be rewritten or added when new problems that directly relate to safety and minimally sufficient level of care have surfaced.
 4. Obtain signatures from parents or Indian custodian, worker, tribal representative, if the child is Native, and children if age appropriate. Give copies to all. When parents participate in the review but refuse to sign, indicate this on the signature line.
 5. If some goals are met, but others are not, or new child abuse/neglect concerns have surfaced, add the new goals to the plan, and include time lines. Ask the parents to initial and date the changes.
 6. Supervisory review. All case plans done on families where children are in their own home are reviewed every 6 months with the Supervisor. See Administration Chapter, section 6.8.3 Supervisory Case Review.
- b. Service Level Review: Determine whether the service level must be increased, may be decreased, or remain the same based on progress towards case plan goals and/or problems hindering progress. Service levels are not to be revised in response to temporary case crisis. Consider the following factors in the service level review:
1. new reports of abuse/neglect - collateral verification;
 2. compliance with case plan;
 3. personal observations of family - change in family dynamics.

Service levels will be adjusted as follows:

4. increase service level from low or medium if:
 - A. a child has been removed from the home and return is anticipated before the next service level review.
 - B. new reports of abuse or neglect have been substantiated since last service level review.
 - C. the family is uncooperative with recommended service plan, or no progress is being made.

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5. Maintain service level if:

- A. the family is cooperating with the case plan, and the risk level remains the same.**
- B. a child has been removed from the home, and return before the next service level review is not anticipated.**
- C. the perpetrator has been removed from the home and return before the next service level review is not anticipated.**

6. Reduce service level from the original assessment if:

- A. satisfactory services are being provided by an alternative community resource and the family is cooperative and appropriately using the resources, and/or services have been provided at the most recent service level for at least one review period and progress is satisfactory. Four months is the minimum review period.**
- B. family problems identified in the original case plan have been resolved or stabilized to the degree that overall risk to the victim(s) has been reduced.**

Once the service level has been reviewed, make appropriate changes, submit the service level review form to the supervisor along with any supporting documentation and obtain supervisory sign-off. The supervisor will ensure that the information is entered into the Prober database.

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3.1.2 FAMILY AND CHILDREN EARLY CONFERENCE

AUTHORITY: AS 47.05.065(5)(c) Legislative Findings Related to Children, AS 47.10.080 Judgments and Orders, AS 47.10.086 Reasonable Efforts, P. L. 96-272 Adoption Assistance and Child Welfare Act of 1980, P. L. 105-89 Adoption and Safe Families Act of 1997

POLICY: The Division has as a goal to hold a Family and Children Early Conference, within 90 days of the probable cause finding for all children who are in custody and in out-of-home placement. The purpose of reviewing cases early is to assist in meeting the statutory requirements for the timelines for permanency and concurrent planning, for providing services to families and identifying potential barriers that may hinder service provisions to families, and for children not to linger in the system. Case reviews confirm the parents' and the Division's mutual accountability for children. Case conferences provide the opportunity to make sure the parents understand that termination of parental rights can be the consequence of parental failure to follow through with services and make the necessary changes in behavior within the new mandated time frames. When possible, conferences will be combined with other purposes. Each region will have designated review facilitators.

PROCEDURE:

- a. Cases to be reviewed: The goal is to hold the first conference within 90 days of the probable cause finding for all children who are in custody and in out-of-home placement.
- b. Participants:
 1. The following persons must be invited to participate in the conference:
 - A. Parents and/or Indian custodian;
 - B. Worker;
 - C. Supervisor;
 - D. Secondary workers;
 - E. GAL/CASA;
 - F. Tribal representative (for Native children);
 - G. Regional ICWA Specialist (for Native children);
 - H. Foster parents or residential care providers
 - I. Regional Adoption Specialist (for the following types of cases):
 - children under 2 years of age;
 - children who are victims of serious sexual or physical abuse requiring medical treatment;
 - children with prior removals;
 - when reasonable efforts are not required under AS 47.10.086(c); and

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- any case the supervisor deems appropriate.
2. Optional invitation (at the discretion of the worker):
 - A. Attorneys;
 - B. AG; Assistant Attorney Generals
 - C. Service providers (including health, mental health, medical, educational);
 - D. Extended family (address confidentiality issue at the beginning of the review);
 - E. Multi-Disciplinary Team member (from investigation)
 - c. Notification: All the identified invitees (both mandatory and optional) will be notified of the conference at least 10 working days prior to the conference. Notification may be provided in written format, by fax with verification, or orally. Oral notification by telephone or in person will be recorded on the ROC notes in the case file. If notification is provided in writing, a copy of the notification letter will be filed in the case file. At the time of notification, whatever form the notification takes, an explanation will be made as to the purpose, intent, and importance of the conference.
 - d. Content of the Conference: The following issues will be addressed at the conference:
 1. information gathering;
 2. case plan review and update;
 3. placement/visitation issues;
 4. safety of the child;
 5. paternity issues;
 6. locate absent parents;
 7. ICWA compliance, where appropriate;
 8. reasonable and active efforts for services to the family;
 9. IV-E eligibility (has determination been made/has worker complied with requirements to submit application/provide additional documentation);
 10. concurrent goal (determine whether concurrent planning is appropriate for the child(ren)).
 - e. Expected Outcome of the Conference:
 1. Parents will understand time frame requirements for children in custody, the child's need for permanency, and the consequences of lack of progress in resolving issues which brought their children into care;
 2. child's developmental needs are identified and plans for services are clear;
 3. all parties will review case plan and progress on all aspects of the plan realized to date;
 4. all parties will make a determination whether concurrent planning is appropriate for the case;
 5. visitation plan will be reviewed and approved;

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6. compliance with the Indian Child Welfare Act will be reviewed and documented;
7. all parties will have a comprehensive understanding of individual and family needs;
8. all parties will identify barriers that may hinder service provision to the child and family.

f. Documentation:

1. The worker will bring the following documentation to the review:
 - A. Face Sheet (06-9701);
 - B. Legal Face Sheet and History (06-9713);
 - C. Case Plan (06-9699);
 - D. Placement Search (06-9719);
 - E. Placement Documentation (06-9720)
 - F. Foster Care Plan and Agreement (06-9735); and
 - G. Review Checklist.

The documentation should be as current as possible, and will, as appropriate, be updated at the review.

2. Documentation of the family and children early conference will address the content and the outcome of the meeting. A form/checklist (form # 06-97???) will be used to record who participated in the review, what was addressed, and which decisions were made. The original of the form/checklist will be filed in the case file, and copies provided to the supervisor, the regional early children and family conference designee [?], and for Native children also to the Regional ICWA Specialist and the child's tribal representative. The documentation listed under f.1 above is part of the record of the review and will be filed with the review form.
3. Documentation of notification: Oral notification by telephone or in person will be recorded in the ROC notes in the case file. If notification is provided in writing, a copy of the notification letter will be filed in the case file.

- g. Follow-Up of the Conference:** Copies of the review form will be provided to the supervisor, the ICWA specialist and the child's tribal representative (if the child is Native), and the Regional Adoptions Specialist(if invited to the review). Supervisors will review recommendations from conference with the worker as part of the Supervisory Case Review. The worker will follow through with the recommendations and decisions from the conference. The follow-through and progress will be addressed at the next staffing or review which is held on the case.

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3.1.3 CHILD AND FAMILY 6 MONTHS CONFERENCE

AUTHORITY: AS 47.10.080(l) Judgments and Orders, P. L. 96-272 Adoption Assistance and Child Welfare Act of 1980, P. L. 105-89 Adoption and Safe Families Act of 1997

POLICY: For all children in custody and out-of-home placement the Division will schedule a review of the child and family's case plan to ensure the health and safety of the child. It will be conducted before an established panel that includes members of the general public no later than six months from the date of the most recent removal from the parental home and no later than six months from the date of the last conference. Case plan reviews must continue every six months until the child is returned home. When parental rights are terminated, six months conferences must continue until an adoption is finalized. If the child is a Native child, the case plan review of placement shall include the child's tribe.

PROCEDURE:

- a. This procedure ensures that each child in care has a case plan that targets health and safety issues, that rights of children and parents are protected, and that services are being provided to either reunify the family or achieve an alternate permanent placement. These conferences also provide an organized forum for discussing difficult situations. Six months conferences may be used to consolidate other local or community review processes for agencies providing services to the child and/or family.
 1. Review and update the case plan with the family (unless their rights are terminated or they refuse involvement), the Indian custodian, the child's tribe if the child is Native, and with the children, prior to the case review. Parents or Indian custodians and children should be informed that the case plan conference is an opportunity for them to have input on the case plan and make changes as appropriate.
 2. A six-month Service Level Review (06-9704) is also required. If risk level changes, the service level will also change, and this must be reflected in the case plan. (See instructions in section 3.1.1.a Case Plan and Service Level Review).
 3. Reassess possible IV-E eligibility. See Administration Chapter, section 6.2.1.3 Federal Support - IV-E and Medicaid.
 4. Children on runaway status must be reviewed as scheduled.

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5. When children who were in custody but placed at home re-enter care, review dates are based on the latest removal.

b. Review Panel:

1. The panel must include at least three (3) persons, at least one of whom is not responsible for case management or provision of services to the child or family. Members of the general public who complete 18 hours of approved training must be present at the 6 month conference. Federal law requires that a public member be included in the review panel.
2. Conferences for Native children will incorporate additional requirements under ICWA, including additional documentation requirements and participation by tribal representatives and/or Native people serving as cultural consultants.

3. Other Participants in the Review:

A. The following persons must be invited to participate in the review:

- i. Parents or Indian custodian - If parents do not live in the city where the review will take place, they have the option of participating via written comments or by telephone. Proceed without them if they do not attend and proof of written notice is on file;
- ii. GAL;
- iii. Foster Parents and Residential Care Provider - Have option of participating via phone or written comments.
- iv. Child's tribe - the tribe must be included even if they have not intervened. Proceed without them if they cannot attend and there is proof the tribe received advance written notice of the review.

B. Optional:

- i. Attorneys: parents may invite their attorneys to attend. The worker may invite the division attorney if a parent's attorney is planning to attend.
- ii. Children: child may attend at the discretion of the worker.
- iii. Others: any other person involved in the case plan may be invited at the discretion of the worker.

- c. **Scheduling:** Regional offices must ensure that each field office maintains a calendaring system for all children in out-of-home placement which provides notice to supervising workers of upcoming conference dates. Responsibility for the tracking system will be assigned to a single staff person for all cases (or by units for larger offices). Workers are responsible for verifying the accuracy of the scheduling upon review of their case load.

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- d. Notification: The parents or Indian custodian, GAL, foster parents, residential care provider, and child's tribe must be notified by mail at least ten days prior to the review. Notice should include time, date, and place of review with an explanation that the date is firm and that parties may participate in writing or by phone if they are unable to attend. A letter providing notice will be used. Every effort will be made to contact tribes telephonically or by fax as mail often does not get to remote areas in time for the review.
- e. Required Content Items: The conference must address the following:
1. the continued necessity for and appropriateness of the placement;
 2. the extent of compliance with the initial and/or concurrent case plan;
 3. the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care or residential care;
 4. the health and safety of the child.

In addition, a likely date must be projected by which the child may be returned home or another permanent placement is made, including adoption.

f. Required Documentation:

1. The worker will bring the following documentation to the conference:
 - A. Face Sheet (06-9701);
 - B. Legal Face Sheet and History (06-9713);
 - C. Case Plan (06-9699);
 - D. Placement Search (06-9719);
 - E. Placement Documentation (06-9720)
 - F. Foster Care Plan and Agreement (06-9735); and
 - F. Review Checklist.
2. The documentation should be as current as possible, and will, as appropriate, be updated at the review.

g. Suggested Process:

1. Facilitator introduces participants and explains reason for conference. The confidentiality of the proceedings will be discussed at this time and a signed Confidentiality Agreement (06-9463) received from anyone who is not bound by confidentiality laws and regulations in their employment.

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2. Case plans are distributed to participants.
3. The worker presents a brief case history, including reasons for placement, type of placement, whether the child is placed in the least restrictive setting and in close proximity to parents. The case plan is also reviewed as to whether the child's needs are being met (both appropriate setting and services), whether services are being provided to reunify the family or reach another permanent planning goal, and whether case plan goals are being met or need to be redeveloped. Particular attention should be addressed to continued appropriateness of the permanent plan goal and date of expected achievement. Visitation plans, placement change notices, and other required procedures may also be reviewed. The panel is responsible for inquiring on number of home and foster home visits conducted during the review period.
4. The panel elicits comments and discussion from everyone in attendance. Particular care is taken to include birth parents and the child, and to emphasize rehabilitative services to reunite the family, or, if no longer feasible, permanency planning for the child.
5. The panel generally represents an objective viewpoint and an opportunity for creative problem-solving for the worker and family. It also reviews the plan to ensure that it is workable and realistically attainable, with specific goals and measurable outcomes and that it meets P. L. 96-272 guidelines.
6. The panel must address the issues listed in c. above.
7. In cases where part or all of the family moves to a location in a different venue, the issue of whether venue should be changed should be dealt with at the six month case review staffing. A recommendation should be given to the worker by the panel. (See section 6.6.1, Case Transfers, for information on transferring cases in such situations.)
8. The committee acts as resource to workers for identifying and locating family members and Native foster and adoptive homes. They may be available to help at any time, including original placement ideas, or when complicated litigation is involved.
9. A panel member, or worker, per regional policy, completes the Placement Panel Review (06-9709) at the conference. All panel members sign the form. When parents participate in the conference but refuse to sign, indicate this on the signature line. A copy of the form is sent to the worker and his/her supervisor.

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It is expected that recommendations will be implemented prior to the next conference or the worker will be able to justify non-compliance.

h Procedures for ICWA cases:

1. Follow all of the above procedures.
2. Review ICWA placement preference adherence, tribal notification, whether appropriate remedial services are actively being offered, role of Indian custodian, availability of culturally-appropriate resources not yet utilized, and potential expert witnesses.
3. Emphasize permanency planning.
4. The committee acts as a resource to workers for identifying and locating family members and Native foster and adoptive homes. Committee members may be available to help at any time, including original placement ideas, or when complicated litigation is involved.

i. Maintenance of Required Case Documentation: The case conference is the best opportunity for updating educational and medical records on the child, as required by federal regulations. Educational and health records are part of the case plan and must be maintained, updated, and provided to the foster parents at each placement. Copies of the records must be filed in the case record. Care providers who participate in person should be asked to bring the child's Placement Packet so the needed information can be copied, or mailed in for copying if they cannot participate in person.

j. Follow-Up of the Conference: Copies of the review form will be provided to the supervisor, the ICWA specialist and the tribal representative (if the child is Native), and the Regional Adoptions Specialist(if invited to the review). Supervisors will review recommendations from the group case conference with the worker as part of the Supervisory Case Review. The worker will follow through with the recommendations and decisions from the conference. The follow-through and progress will be addressed at the next staffing or review which is held on the case.

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3.1.4 PERMANENCY PLANNING CONFERENCE

AUTHORITY: AS 47.10.010 Jurisdiction, AS 47.10.086 Reasonable Efforts, AS 47.10.088 Termination of Parental Rights and Responsibilities, P. L. 105-89 Adoption and Safe Families Act of 1997

POLICY: A Permanency Planning Conference must be held between 9 and 10 months of when custody began or whenever the permanency planning goal for a child is changed. For all children in out-of-home care, a conference must be held in preparation for the permanency court hearing. If there has been a prior removal of the child from the home, a permanency planning conference must be held within six months of the second removal and not to exceed twelve months from the time of the last removal. The conference will recommend the permanency planning goal and appropriate permanent placement home for the child.

For Native children, the worker will inform the child's tribe any time when the worker has made a decision to recommend placing the child in a permanent placement. The worker and the child's tribe will work together to identify potential permanent placement no later than one (1) year after the initial placement and together they will staff the permanency planning.

PROCEDURES:

a. Composition of the Permanency Planning Conference:

1. The Permanency Planning Conference must include a Regional Representative. Preferably, this will be the Regional Permanency Planning Specialist, but it may be the Regional Adoption Specialist, Children's Services Manager, or other regional designee. The conference must also include the child's worker and the worker's supervisor. If the child is Native, the child's tribe must be invited in advance to participate in decision-making. It is preferable to include the Regional ICWA Specialist, as well.
2. The conference may also invite the parent and child (as appropriate), and for information purposes only, other professionals having knowledge of the child, such as the GAL, the therapist, school counselor, foster parents, residential care providers, elders from the child's tribal community., If the child is developmentally disabled and soon to be released from custody, the adult services worker should be included.

b. Scheduling:

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1. A Permanency Planning Conference for a child who has been returned to foster care for a second time should take place within 6 months of the return to care.
 2. At any time that the worker assesses the permanency goal and would like to recommend that it be changed, the worker will request a Permanency Planning Conference. Family support services must be provided to the family, unless the court has determined that reasonable or active (for Native children) efforts to return the child home are no longer required. Efforts towards reunification and evidence of clear communication with the parent(s) that termination of parental rights may be an early consequence must be documented for the team to concur with an early recommendation for a change to adoption or guardianship, as a Permanency Planning goal.
 3. The conference may review the case as frequently as needed; i.e., to consider and recommend placement resources; but in all cases the team will review the case in six months if no permanent placement has occurred.
 4. A conference member will be designated in each office to arrange the Permanency Planning Conferences. Most often it will be the Permanency Planning Specialist and/or the Adoption Specialist. The worker will contact the designated member to arrange a Permanency Planning Conference and indicate who they will invite. In some areas, the regional monitoring system will notify the worker that a Permanency Planning Conference must be held unless the child is returning home immediately.
- c. Notification: The parents or Indian custodian, GAL, foster parents, residential care provider, and child's tribe must be notified by mail at least ten days prior to the conference. Notice should include time, date, and place of conference with an explanation that the date is firm and that parties may participate in writing or by phone if they are unable to attend. A letter providing notice will be used. Every effort will be made to contact tribes telephonically or by fax as mail often does not get to remote areas in time for the conference.
- d. Permanency planning goal options include:
1. reunification;
 2. emancipation;
 3. permanent foster care;

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4. guardianship; or

5. adoption;

e. Required Documentation:

1. The worker will bring the following documentation to the review:

- A. Face Sheet (06-9701);
- B. Legal Face Sheet and History (06-9713);
- C. Case Plan (06-9699);
- D. Placement Search (06-9719);
- E. Placement Documentation (06-9720);
- F. Foster Care Placement Plan and Agreement (06-9735);
- G. Social History; and
- H. Review Checklist.

2. The documentation should be as current as possible, and will, as appropriate, be updated at the review.

f. Process for the Conference:

- 1. The confidentiality of the proceedings will be discussed and a signed Confidentiality Agreement (06-9463) received from anyone who is not bound by confidentiality laws and regulations in their employment.
- 2. The worker will present the case and permanency planning recommendations to the conference members. This presentation must include a social history which includes worker contact history with the child and family, services, and interventions which occurred in the case. The social history of the child will provide valuable information which will facilitate planning. The completed Placement Search (06-9719) and Placement Documentation (06-9720) must be brought to the staffing.
- 3. All the participants in the conference will be given the opportunity to be heard.
- 4. The conference members will recommend the permanency planning goal for the child. The members will consider all available information, outline the steps needed for achieving the goal, and offer pertinent suggestions to the worker as needed in carrying out the plan.
- 5. The conference members will review the thoroughness of the relative search and determine if further search needs to be undertaken. Relative searches will normally

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not extend past the first six months of custody, although the Permanency Planning conference members can extend the search if all possibilities have not been explored. Placement should not be delayed due to an incomplete relative search. The Placement Search (06-9719) and Placement Documentation (06-9720) are required for all placements and will be reviewed at the staffing. The conference members will also make the final decision regarding the appropriateness of a relative resource to meet the child's needs.

6. For Native children, the conference members must approve, in conjunction with the child's tribe, any placement outside the placement preferences. This approval cannot be given until the thorough relative search is completed and the conference members are assured that the child's tribe has received notice and adequate time to offer a placement.
7. Based on the information provided, the conference members will recommend the appropriate permanent placement for the child, although this recommendation may occur at a later staffing. If permanent foster care is selected as the permanent plan instead of adoption or guardianship, the reasons for the decision must be documented. Permanent foster care is not an acceptable goal for children thirteen or under. If the permanency planning team determines that permanent foster care is the best goal for a child thirteen or under, approval by the Children's Services Manager is required.
8. When appropriate based on the best interests of the children, the members must consider and approve any proposed separation of siblings in adoptive placements.
9. Legal-risk placements will be considered and approved by the Permanency Planning Conference or at an earlier conference when in the best interests of the child's need for attachment and permanency (See section 3.15.3 Legal Risk Placements).
10. During a permanency planning conference, if the decision to proceed with termination is considered, the following termination issues need to be addressed. When the plan is guardianship but the parties do not agree with the plan, these issues also need to be addressed in order to determine that the Division has completed enough to proceed with a contested guardianship:
 - A. The AG's opinion about whether the division has met the legal requirements and has a sound legal case for termination of parental rights.
 - B. Review of case history, current situation and progress or lack of progress made.

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- C. Review of services that have been offered and whether or not they have been successful. Have reasonable efforts (non-Native children) or active efforts (Native children) been made?
 - D. Have parents been made aware that termination is a possible end result? Both in writing (case plan, letter, court document) and in person?
 - E. How has the child been harmed by the parent's behavior?
 - F. Visitation history and quality of the legal parent-child relationship.
 - G. Is it in the best interests of the child to terminate the parent-child relationship?
 - H. Is the child adoptable?
11. If filing a petition for TPR is required because the child has been placed out of home for 15 out of the last 22 months, the issue of whether there is a compelling reason not to file a petition will be addressed. See section 4.4 (h) Termination of Parental Rights.
12. The conference's recommendation will be recorded on the Permanency Planning Conference Recommendation form (06-9718) which is signed by the team's members.
- c. Recruitment of a Permanent Placement:
- 1. Recruitment efforts for a permanent placement may be made concurrently with reasonable efforts to return a child home, but must start at the latest when reunification is no longer the plan, and no permanent placement resource has been identified. For children with a permanent plan of adoption, recruitment efforts must start at the latest when a petition for termination of parental rights has been filed.
 - 2. The conference members will recommend the child be listed on the Alaska Adoption Exchange as soon as adoption is identified as the goal and no placement resource is immediately identified at the conference. If it is anticipated that it may be difficult to find a placement, the members may choose to list the child on both the Alaska Exchange and the Northwest Adoption Exchange immediately. If no response has been received when a child has been on the Alaska Exchange for three months, legally free children will be placed on the Northwest Exchange automatically (see section 3.16 Alaska Adoption Exchange). For Native children, the

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members will look first to the child's tribe and Native non-profit social service organizations for a placement resource and will only look at the Alaska Adoption Exchange if the tribe and organization cannot identify a placement within the ICWA preferences.

3. Other recruitment efforts may also be employed for children who are free for adoption, for example newspaper or television ads, adoption parties, or trial visits.
 4. Efforts to locate a permanent placement must be documented in the case file, including child specific recruitment efforts such as use of adoption exchanges.
- f. Adoption or Guardianship Subsidy Determination: If adoption or guardianship is recommended, the conference members will also make a determination regarding the child's eligibility for an adoption or guardianship subsidy, i.e. the child meets the legal definition of special needs and it does not appear possible to locate a placement without a subsidy. (See Administration Chapter, sections 6.2.2.6.A Adoption Subsidies and 6.2.2.6.B Guardianship Subsidies).

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3.1.5 PLACEMENT DECISION CONFERENCE (OPTIONAL)

AUTHORITY: AS 47.10.010 Jurisdiction, AS 47.10.086 Reasonable Efforts, AS 47.10.088 Termination of Parental Rights and Responsibilities, P. L. 105-89 Adoption and Safe Families Act of 1997

POLICY: The purpose of Placement Decision Conferences is to designate the permanent adoptive or guardian home for a child. The staffing is held as soon as adoptive or guardianship home studies are completed and ready for review by the staffing team and there are multiple options for permanent placement, or when there are no options. The staffing is held separately from the permanency placement staffing, if needed, but is often combined; for example when home studies have been done at the time of the Permanency Planning Conference. The purpose is to designate the permanent adoptive or guardian home for a child.

PROCEDURES:

- a. A Placement Decision Conference is held as soon as adoptive or guardianship home studies are completed and ready for review by the staffing team. If home studies have been done at the time of the Permanency Planning Conference, the two conferences are combined.
- b. Participants:
 1. Worker,
 2. Supervisor,
 3. Adoption/Permanency Planning Specialist,
 4. GAL;
 5. Child's tribal representative, if applicable;
 6. ICWA Specialist, if applicable.
- c. Content: The following issues will be addressed:

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1. Review of adoption/guardianship studies and discussion of families being considered;
 2. Recommendation regarding relative placement (for all children) and ICWA placement preferences (for Native children), if not addressed and finalized at the Permanency Planning Conference. Discussion of good cause reasons to waive relative placement (for all children) or ICWA placement preferences (for Native children), if not addressed and finalized at the Permanency Planning Conference. For Native children, if the adoptive/guardian placement is out-of-preference, written approval from the tribe is requested. Tribes do provide tribal resolutions approving the placement in some cases. If the tribe does not approve the placement, yet the remainder of the placement staffing team agree that the placement is in the child's best interest, a judicial finding of good cause to deviate from the ICWA placement preferences may be requested from the court."
 3. Recommendation regarding placement with sibling or separation of siblings, if not addressed and finalized at the Permanency Planning Conference.
 4. Designation of adoptive/guardian family.
- e. Expected Outcome of the Conference: Designation of a permanent adoptive or guardian home.
- f. Documentation: The recommendations and decisions made at the conference will be documented in the case file.
- g. Follow-Up: The worker will follow through with the recommendations and decisions from the conference. The follow-through and progress will be addressed at the next conference or review which is held on the case.

STATE OF ALASKA
DEPARTMENT OF HEALTH & SOCIAL SERVICES
DIVISION OF FAMILY & YOUTH SERVICES

PROGRAM: CHILD PROTECTIVE SERVICES
CHAPTER: 6.0 ADMINISTRATION
SECTION: 3.1.6

3.1.6 OUT-OF-PREFERENCE REVIEW (ICWA CASES ONLY)

AUTHORITY: P. L. 95-608 Indian Child Welfare Act of 1978 (ICWA), ICWA State-Tribal Agreement

POLICY: Out-of-preference placements of Native children without tribal approval will be reviewed every 30 days for the purpose of monitoring these cases and documenting efforts to bring the cases into ICWA compliance.

The issue may be addressed at any case conference, as appropriate, or at a specially scheduled formal staffing, or may be reviewed informally by the worker and supervisor and/or ICWA specialist. It is recommended that a representative from the child's tribe also be invited to the review.

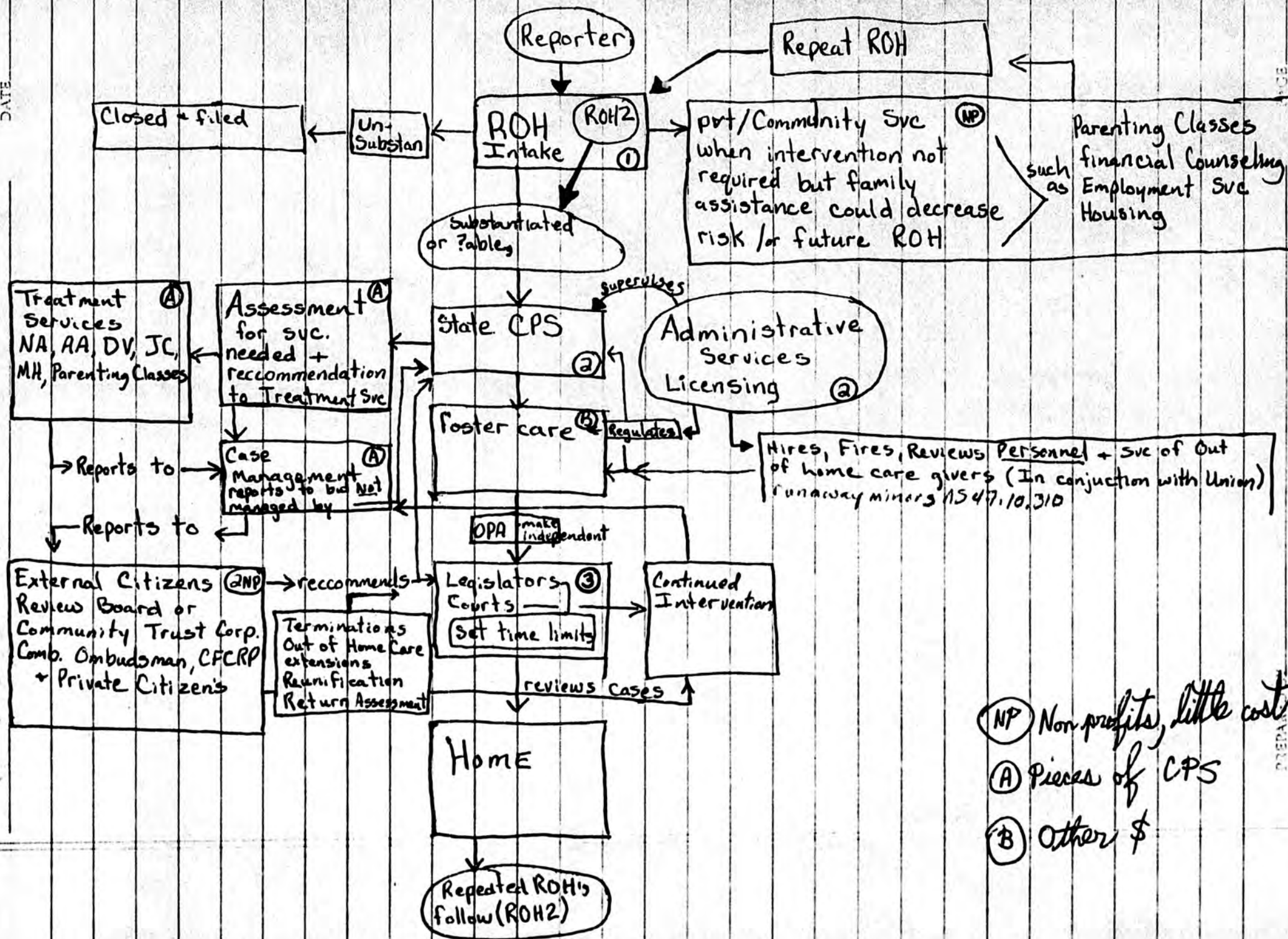
PROCEDURES:

- a. When Native children are placed outside of the ICWA placement preferences without tribal approval, the issue is addressed at any case conference, as appropriate, or at a specially scheduled formal staffing, or is reviewed informally by the worker and supervisor and/or ICWA specialist. Reviews are done every 30 days until:
 1. The child is placed with a family that meets the ICWA placement preferences; or
 2. The tribe approves, in writing, an out-of-preference placement which brings the foster care placement into compliance as a second preference placement under ICWA; or
 3. The child's placement is designated as the permanent placement (adoptive, guardian or permanent foster care family) at the permanent placement staffing or Placement Decision Conference.
- b. **Participants:** At a minimum, the worker and supervisor must participate in the review. It is recommended that a representative from the child's tribe also be invited.
- c. **Content:** The following issues will be addressed:
 1. ICWA compliance issues regarding the child's placement, and

STATE OF ALASKA
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2. Recommendations regarding how to bring the case into ICWA compliance.
 3. When a foster home or pre-adoptive placement is out of compliance, written approval from the tribe is to be requested. Written approval is also requested in an adoptive placement. Tribes do provide Tribal Resolutions approving the adoptive placements in some cases. If the tribe does not support the adoptive placement choice, yet the remainder of the placement staffing team agree that the placement is in the child's best interest, a judicial finding of good cause to deviate from the ICWA placement preferences may be requested from the court.
- d. Expected Outcome of the Review: Placement of the child within the ICWA placement preferences will be expedited.
 - e. Documentation: The recommendations and decisions made at the review will be documented in the case file.
 - f. Follow-Up: The worker will follow through with the recommendations and decisions from the review. The follow-through and progress towards compliance with the ICWA placement preferences will be addressed at the next out-of-preference review which will be done if compliance has not been achieved in 30 days.



- (NP) Non profits, little cost
 (A) Pieces of CPS
 (B) Other \$

SCOMM

122:53

*Anchorage Times***DEC's gambit****[TOP] [NEXT]****Voice of the Times**

ALASKANS SHOULD be outraged that the state Department of Environmental Conservation is slashing its food-safety program and reducing the number of employees in its water quality division.

As reported in the Anchorage Daily News last weekend, the DEC eliminated 11 jobs, including a number of safety inspectors. The article quoted Janis Adair, DEC's director of environmental health, as saying there's "a very good chance that public health will be at risk" as a consequence of the cuts.

The question is: Why?

The DEC said, and the newspaper story reported, that the job cuts were necessary because the Legislature trimmed \$678,000 from the agency's budget for fiscal year 2000, which began July 1. Let's review the facts.

The budget passed by the Legislature and signed by the governor authorizes DEC spending of \$47.4 million for the fiscal year. That's a half-million-dollar increase over last year's \$46.9 million DEC budget.

In short, the Legislature approved more, not less, money for DEC. The only "cut" was the reduction in the amount of additional money DEC asked for. But even if the Legislature truly had cut the department's budget and necessitated a staff reduction, there would remain a serious question about the administration's decisions.

Why were positions eliminated that at least one administrator believes will result in the public's health being placed at risk?

There are almost 500 people employed at the DEC. This year's budget authorizes 477 permanent positions and nine temporary or part-time ones.

Do each of these 475 remaining jobs have a more critical responsibility than that of the safety inspectors who were let go? How many paper-pushing bureaucrats are among those staying put? Back before the pipeline boom, in 1973, DEC had only 54 employees statewide and an annual budget of \$1.3 million. Yet it accomplished its job of safeguarding public health.

By 1989, with the state's population doubled and an oil pipeline to monitor, DEC's budget had increased 20-fold, to \$24 million a year. That budget was sufficient to protect the public's health. Today, a decade later, with its budget doubled to \$47 million and a statewide empire, DEC tells us it can no longer fulfill its responsibilities to safeguard the public health - unless its budget grows even larger.

We don't buy it. It smells too much like a publicity stunt.

Even if voters agree the time has come to use some of the excess earnings of the Permanent Fund to run government, the state still must cut spending to bridge the \$1 billion-a-year budget gap. Those responsible for making cuts must not lose sight of their basic mission of protecting the public's best interest.

*To: Kathryn Thomas, Marco Pignatelli
from: Pamela LaBolle 269-0223*

ADN Letters to Editor**Bring back 'pioneering spirit'**

I watch as the state pioneers its way into a great monster, wiping out private enterprise to do it. Now they want more money to keep growing.

I say, give the government back to the people by putting private enterprise back to work and cutting the size of state government dramatically.

To mention a few: Eliminate all state surveyors and their new trucks and contract out needed work. Eliminate all specialty equipment and contract it out. Eliminate all printing press equipment and contract it out. It would create hundreds of new jobs for ex-state employees. How this list could go on!

Alaska people would have pioneering spirit again by watching small, private enterprise growing again.

- Alex Kime
Cooper Landing

TO: Kathryn Thomas, Marco Agnolbeni
269-0223
From: Pamela La Bolle

Legislative Research Services

Alaska State Legislature
Legislative Affairs Agency
Division of Legal and Research Services

State Capitol
Juneau, AK 99801-1182
Phone: 907-465-3991
Fax: 907-465-3908

October 14, 1999

Memorandum

TO: Representative John Cowdery

FROM: Kathleen L. Wakefield
Legislative Analyst

RE: OSHA Inspections

You asked if any states use private sector employees to carry out OSHA inspections. According to the National Conference of State Legislatures, states may use private sector employees for follow-up consultations after an OSHA inspection is done, but not for the inspection itself (the consultation is a free, on-site meeting to help employers correct any OSHA violations in the workplace). According to OSHA, one of the requirements of a federally approved state OSHA program is that the state will maintain a "sufficient number of qualified enforcement personnel."

Currently, 23 states and jurisdictions, including Alaska, have federally-approved state OSHA programs which cover both public and private sector employees.² Plans in Connecticut and New York cover only public sector employees.

I hope you find this information useful. Please do not hesitate to contact us if you have questions or need additional information.

¹ "What is a State OSHA Program?" Occupational Safety & Health Administration, U.S. Department of Labor, <http://www.osha-slc.gov/iso/osp/faq.html>.

² According to OSHA, the following states and jurisdictions have approved plans covering both the public and private sectors: Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virgin Islands, Washington, and Wyoming. "State Occupational Safety and Health Plans," Occupational Safety & Health Administration, U.S. Department of Labor, <http://www.osha-slc.gov/iso/osp/faq.html>.

Department of Labor															
FY00 Enacted Budget															
BRU_Short_Name	Comp_Short_Name	AI/Ap	Form	PS	Travel	Contract	Commod	Equip	Land/Bld	Grant	Misc	Total	PFT	PPT	Temp
Employment Security	Employment Services	AP	N	8,146.0	197.5	1,905.9	139.8	120.0		500.0		11,009.2	122.0	26.0	
Employment Security	Unemployment Insurance	AL	N	11,362.7	248.3	4,276.2	251.1	392.8		350.0		16,881.1	167.0	65.0	
Employment Security	Alaska Work Programs	AL	N												
Employment Security	Work Services	AL	N	1,420.4	15.0	274.7	5.0	5.0				1,720.1	26.0		
Employment Security	State Training Employment Prog	AL	N			4,046.1						4,046.1			
Employment Security Total				20,929.1	460.8	10,502.9	395.9	517.8	0.0	850.0	0.0	33,656.5	315.0	91.0	0.0
Administrative Services	Data Processing	AL	N	2,792.8	70.4	2,196.6	87.5	151.5				5,298.8	39.0	1.0	2.0
Administrative Services	Management Services	AL	N	1,894.7	29.7	308.4	50.1	34.1				2,317.0	35.0	1.0	
Administrative Services	Labor Market Information	AL	N	2,113.0	66.3	619.3	70.1	50.4				2,919.1	38.0		
Administrative Services Total				6,800.5	166.4	3,124.3	207.7	236.0	0.0	0.0	0.0	10,534.9	112.0	2.0	2.0
Office of the Commissioner	Unallocated Reduction	AP	N	-71.9	-14.8							-86.7			
Office of the Commissioner	Commissioner's Office	AL	N	383.3	22.2	51.3	8.7	1.8				467.3	5.0		
Office of the Commissioner	Alaska Labor Relations Agency	AL	N	270.2	19.3	29.4	4.9	0.4				324.2	4.0		
Office of the Commissioner Total				581.6	26.7	80.7	13.6	2.2	0.0	0.0	0.0	704.8	9.0	0.0	0.0
Workers' Compensation	Fishermens Fund	AL	N	139.3	22.3	90.3	5.7	4.0		1,039.4		1,301.0	3.0		
Workers' Compensation	Workers' Compensation	AL	N	1,952.9	43.0	224.3	53.0	0.9		204.6		2,478.7	35.0	3.0	
Workers' Compensation	Second Injury Fund	AL	N	160.8	2.0	73.1	5.2	8.0		2,609.8		2,858.9	3.0		
Workers' Compensation Total				2,253.0	67.3	387.7	63.9	12.9	0.0	3,853.8	0.0	6,638.6	41.0	3.0	0.0
Labor Standards and Safety	Wage and Hour Administration	AL	N	1,087.1	54.5	196.5	23.1	3.9				1,365.1	21.0		
Labor Standards and Safety	Mechanical Inspection	AL	N	1,278.0	130.2	285.3	23.3	0.7			-36.2	1,681.3	20.0		
Labor Standards and Safety	Occupational Safety and Health	AL	N	2,231.9	161.3	474.9	57.7	5.6				2,931.4	36.0		
Labor Standards and Safety	Alaska Safety Advisory Council	AL	N	33.7	8.7	49.3	15.0					106.7		1.0	
Labor Standards and Safety Total				4,630.7	354.7	1,006.0	119.1	10.2	0.0	0.0	-36.2	6,084.5	77.0	1.0	0.0
Grand Total				35,194.9	1,075.9	15,101.6	800.2	779.1	0.0	4,703.8	-36.2	57,619.3	554.0	97.0	2.0

Department of Labor FY00 Enacted Budget								
BRU Short Name	Comp Short Name	1002 Fed Rcpts	1003 G/F Match	1004 Gen Fund	1005 GF/Prgm	1007 I/A Rcpts	1031 Sec Injury	1032 Dis Fisher
Employment Security	Employment Services	9,570.8				591.8		
Employment Security	Unemployment Insurance	16,537.8				343.3		
Employment Security	Alaska Work Programs							
Employment Security	Work Services		130.9			1,589.2		
Employment Security	State Training Employment Prog							
Employment Security Total		26,108.6	130.9	0.0	0.0	2,524.3	0.0	0.0
Administrative Services	Data Processing	3,758.7				1,452.4		
Administrative Services	Management Services	1,884.2	260.1			172.7		
Administrative Services	Labor Market Information	1,251.5	71.2	435.7		1,083.7		
Administrative Services Total		6,894.4	331.3	435.7	0.0	2,708.8	0.0	0.0
Office of the Commissioner	Unallocated Reduction			-86.7				
Office of the Commissioner	Commissioner's Office	79.1		383.2		5.0		
Office of the Commissioner	Alaska Labor Relations Agency			324.2				
Office of the Commissioner Total		79.1	0.0	620.7	0.0	5.0	0.0	0.0
Workers' Compensation	Fishermens Fund							1,301.0
Workers' Compensation	Workers' Compensation			2,403.8	29.9	45.0		
Workers' Compensation	Second Injury Fund					5.9	2,853.0	
Workers' Compensation Total		0.0	0.0	2,403.8	29.9	50.9	2,853.0	1,301.0
Labor Standards and Safety	Wage and Hour Administration			1,343.5		21.6		
Labor Standards and Safety	Mechanical Inspection			515.1	755.7	410.5		
Labor Standards and Safety	Occupational Safety and Health	1,777.2	1,131.1			23.1		
Labor Standards and Safety	Alaska Safety Advisory Council				106.7			
Labor Standards and Safety Total		1,777.2	1,131.1	1,858.6	862.4	455.2	0.0	0.0
Grand Total		34,859.3	1,593.3	5,318.8	892.3	5,744.2	2,853.0	1,301.0

Department of Labor						
FY00 Enacted Budget						
BRU_Short_Name	Comp_Short_Name	1049 Trng/Bldg	1053 Invest Loss	1054 Empl Trng	1061 CIP Rcpts	1108 Stat Desig
Employment Security	Employment Services	572.5				274.1
Employment Security	Unemployment Insurance					
Employment Security	Alaska Work Programs					
Employment Security	Work Services					
Employment Security	State Training Employment Prog			4,046.1		
Employment Security Total		572.5	0.0	4,046.1	0.0	274.1
Administrative Services	Data Processing				87.7	
Administrative Services	Management Services					
Administrative Services	Labor Market Information					77.0
Administrative Services Total		0.0	0.0	0.0	87.7	77.0
Office of the Commissioner	Unallocated Reduction					
Office of the Commissioner	Commissioner's Office					
Office of the Commissioner	Alaska Labor Relations Agency					
Office of the Commissioner Total		0.0	0.0	0.0	0.0	0.0
Workers' Compensation	Fishermens Fund					
Workers' Compensation	Workers' Compensation					
Workers' Compensation	Second Injury Fund					
Workers' Compensation Total		0.0	0.0	0.0	0.0	0.0
Labor Standards and Safety	Wage and Hour Administration					
Labor Standards and Safety	Mechanical Inspection					
Labor Standards and Safety	Occupational Safety and Health					
Labor Standards and Safety	Alaska Safety Advisory Council					
Labor Standards and Safety Total		0.0	0.0	0.0	0.0	0.0
Grand Total		572.5	0.0	4,046.1	87.7	351.1

LABOR
10/13/99

Inspectors have hi attrition rate

* Do any states use private inspectors to carry out
OSHA inspection.

MEMORANDUM

State of Alaska

Department of Labor and Workforce Development

Division of Vocational Rehabilitation



Central Office

To: Dwight Perkins
Deputy Commissioner

Date: September 24, 1999

e-mail:

Phone: 465-

Fax: 465-2856

From: Dave Quisenberry
Acting Director

Subject: Privatization

You have asked whether it is possible for the division's counseling staff to be privatized. Although it is not feasible for State counselors, substantial privatization is already occurring in the purchase of services from community rehabilitation programs.

There are many prescriptive requirements for the State to receive funds under the Rehabilitation Act to assist individuals with disabilities towards the goal of employment. The Act (Title IV of the Workforce Investment Act of 1998, PL 105-220) requires the State to designate an agency to operate the State Plan for Vocational Rehabilitation. Section 101(a)(2)(B) of the Act requires the State to designate an agency or division as the sole agency to administer the State Plan for Vocational Rehabilitation. In Alaska, this designation is the Division of Vocational Rehabilitation within the Department of Labor and Workforce Development. As part of its requirements, the division must insure that it:

- (I) "is primarily concerned with vocational rehabilitation..of individuals with disabilities, and is responsible for the vocational rehabilitation program of the designated state agency;
- (II) has a full-time director (and)
- (III) has a staff employed on the rehabilitation work of the organizational unit all or substantially all of whom are employed full time on such work..."

Throughout the Rehabilitation Act, reference is made to the Designated State Unit as the sole entity authorized to make programmatic and resource commitments on behalf of individuals with disabilities. Examples:

Sec. 102 Eligibility and Individualized Plan for Employment

(a)(6) "The *designated State unit* shall determine whether an individual is eligible for vocational rehabilitation services under this title ..."

(b) Development of an Individualized Plan for Employment

"If an individual is determined to be eligible for vocational rehabilitation services as described in subsection (a), *the designated State unit* shall complete the assessment for determining eligibility and vocational rehabilitation needs, and shall provide the individual...options for developing an individualized plan for employment.."

(C) Signatories

"An Individualized plan for employment shall be –

- (i) agreed to, and signed by, such eligible individuals or, as appropriate, the individual's representative; and
- (ii) approved and signed by a qualified rehabilitation counselor *employed by the designated State unit.*"

The division did respond to a request for information on privatization for Subcommittee Report – SB 33 in August 1999. Contained in that report included information requested where the division identified privatization practices. I've included for your review, relevant information provided in that report.

Identify Existing Privatization Practices, if any. Evaluate them for effectiveness and public accountability.

Vocational Rehabilitation has formed a strong partnership with private rehabilitation service providers. The Rehabilitation Act requires the program to use services provided by private community rehabilitation programs (CRP) for consumers who need such services to assist them in obtaining or maintaining employment. In federal fiscal year 98 the division paid \$860.9 to private service providers. This is an extremely effective means of providing a comprehensive rehabilitation program. State rehabilitation counselors work with the consumers to develop independent employment plans, including services purchased from private providers, and services which need to be provided directly by the counselor such as counseling and guidance. To receive federal funding the program must employ qualified counselors who determine the consumers' eligibility for services and assist them in developing employment plans.

Please let me know if additional information is necessary.

**MEMORANDUM
DEPARTMENT OF LABOR**

STATE OF ALASKA

Probelde

TO: Dwight Perkins
Deputy Commissioner

DATE: September 23 , 1999

THRU:

FILE: mispriv.doc

PHONE: 465-4855

FROM: Al Dwyer
Director

SUBJECT: Privatization of MIS

You have requested my comments concerning the privatization of the Mechanical Inspection Section (MIS) inspection functions. My comments are based on my experience as an employee of the MIS from 1982 through 1995. During that period I served as a State Electrical Inspector from 1982 to 1990, Assistant Chief from 1990 to 1993 and Chief of the section until my appointment as the Division Director in 1996. My day-to-day experiences dealing with contractors and local governments on code and licensing enforcement issues will I hope, provide you with enough information to assist the committee in making their recommendations.

MIS History

- 1955 - Boiler and Pressure Vessel (B/PV) Section created.
- 1969 - Electrical Inspection program created by Legislature no positions funded
- 1972 - Plumbing Inspection program created by Legislature, no positions funded
- FY 77 - Program receipt authority granted to fund 4 Electrical Inspectors
- FY 78 - Program receipts fund 3 Plumbing Inspectors
- FY 78 - Elevator program created with funding for 1 Elevator Inspector
- FY 84 - Amusement ride program transferred to MI from Public Safety with no funds for Inspectors

Secondary Inspector Functions

Since before 1975, MIS has enforced the construction industry licensing laws. By statute, this function was shared with the Department of Commerce. This shared responsibility made sense and still does. Our inspectors visit or attempt to visit every construction job in the state. It made fiscal sense to add this secondary function to our electrical and plumbing inspector's duties. Therefor, they were trained to enforce the complicated construction industry licensing laws. Since the B/PV and elevator inspectors generally visit existing installations where there are no contractors, they were not utilized for this purpose.

Since 1974, MIS has administered and enforced the certificate of fitness licensing program utilizing the electrical and plumbing inspectors. This program generates revenue.

The inspectors from each program are tasked with creating examinations based on the most recently adopted code (usually every 3 years) which are used to license journeyman level tradesmen in the electrical, plumbing and boiler operator trades.

B/PV Program

I think that most people are aware of what happens to a building whenever a boiler or pressure vessel blows up so I won't waste space explaining why the program exists.

Scope

Generally, MIS does not inspect places of residence with less than 6 families.

Where it has jurisdiction, MIS is responsible for ensuring that all boilers and pressure vessels are safe and properly constructed and used. This includes any repairs or modifications to them. MIS must issue certificates of operation to the owners of B/PV's and suspend or revoke them if the device is unsafe or not operated in a safe manner. They must enforce the applicable codes. They must keep a record of each device and the type, dimensions, maximum allowable working pressure, age, condition, location, and the date of the last recorded internal inspection.

Inspectors

Before being employed by the DOL as deputy inspectors, the statute requires that they must pass the National Board of Boiler and Pressure Vessel Inspector examination. Another statute allows the DOL to appoint insurance company and owner-user company employees as special inspectors. Before they can be appointed, they must pass the National Board examination. Special inspectors must report their findings to MIS. At the present time, insurance inspectors and owner-user inspectors inspect about half of the devices in the state.

B/PV Privatization

Privatization of this program would require very little adjustment. We already have the statutes in place that allow special inspectors (AS 18.60.240). They would have to be amended to require that unless the owner-user employs a National Board inspector, they must have insurance. The insurance company would then provide the inspections and inform DOL whenever they drop a policy. At the present time, we contact insurance companies and owner-users whenever they are late with their inspection reports.

To the extent that B/PV inspections are delegated to owner-user and insurance company employees, municipality employees could also receive delegation with an amendment to the statute. MIS would handle the inspection information the same way it does now with the owner-users and insurance companies.

Another statute change would allow private or self-employed inspectors to perform these inspections. I think this approach would be cost prohibitive. The travel and per diem required would drive the cost per inspection through the roof. Inspector liability insurance would also be a cost factor.

Program Management

Years ago it was made clear to MIS that no matter what the cost of providing the B/PV inspection, the charge to the owner would never be different than what we would charge for a similar B/PV inspection in Anchorage. To deal with this problem, we make every attempt to get the most out of our travel dollars by performing as many B/PV inspections as possible during each trip. There are many B/PV's that are located in remote areas where the expense of getting there and back far exceeds the inspection fee. How could we expect private industry to accept losses like that?

Another approach that MIS developed was to utilize our 3 plumbing inspectors to inspect small cast iron boilers. MIS provided special training for them and required them to pass an examination designed to test their knowledge on the code requirements for cast iron boilers. I must add here that their cooperation and willingness to be trained and perform these additional inspections without complaint was most appreciated. This approach will dramatically decrease our backlog of inspections.

Some additional concerns if privatized:

- Loss of a positive cash flow to the GF
- Will increase the cost to the public.
- Oversight issues

The statutes could be repealed and all liability for the program removed from the state. It should be noted here that the State of Kansas dropped its oversight of B/PV's for two years before re-enacting the law. The reasons were: increased cost to the owner-user and lack of oversight by any entity after the insurance company cancelled a policy because the B/PV owner failed to abate violations. The cancellation cured the insurance company's liability but did nothing to ensure public safety.

Elevator Program

Our elevator inspectors have always come to us from the industry. They were in most cases, at the installer journeyman level.

Scope

In addition to elevators, this program includes the inspections of escalators, dumb waiters, inclined lifts, moving walks, wheelchair lifts, stairway chairlifts and recreational devices such as tramways, ski lifts and amusement rides. This FY budget forced the layoff of one elevator inspector which leaves one. In order to deal with this, MIS has submitted a regulation change to allow biennial instead of annual inspections for elevators.

Inspection Delegation

We have for many years, had a memorandum of understanding with the Municipality of Anchorage which authorizes them to inspect elevators within their service areas at no cost to the state. MIS has extended that MOU to include all elevators within their municipal boundaries. This has worked out well and they employ qualified inspectors. Anchorage sends MIS quarterly reports. This practice could be extended to any community willing to pay for the program. The down side for delegating this program is that except for Anchorage, there are not enough elevators to pay for the program i.e.; Fairbanks has 170, Juneau has 118 and Ketchikan has 46. At a fee of \$120/inspection there is not much revenue.

Electrical Program

Our electrical inspectors come to us from the industry and are at least at the journeyman level. Most of our electrical inspectors are also electrical administrators (master electricians). Since most people understand the dangers of electricity, I do not see the need for explaining why the program exists.

Scope

The statute states that the department "may" inspect. There is no requirement that an installation be inspected. The scope of this program includes the inspection of new installations and alterations to existing installations at places of employment or in public structures in the state. "Public structures"

are defined as hotels, resident housing with more than one rental unit, restaurants, taverns, lodging houses, children's homes, auditoriums, town halls, or any structures designed or used for public assembly whether publicly or privately financed. Records are kept on each violation to ensure proper abatement. Penalties are charged to installers who refuse to abate a violation. An integral part of their duties is to check installers for current certificates of fitness. Our inspectors also monitor the workmanship of installers who repeatedly violate the code. The inspector presents his case to the division director who decides if a Certificate of Fitness should be cancelled. The inspector must also give code workshops to installers whenever there is a code update. This occurs every 3 years. The code updates usually are for 8 hours.

There are no fees charged for electrical code enforcement unless a violation is not abated. In extreme cases, a fine is charged at the rate of \$1000/violation/day.

Privatization Issues

MIS avoids performing inspections in communities where qualified electrical inspectors are employed by the local government. In most cases, MIS inspectors work well with the local inspectors. MIS is an information source for local jurisdictions. Unfortunately, there are not very many communities who can provide electrical inspections. Most communities experience little construction activity so little in fact, that they provide no inspection services. Frequently the only person qualified to inspect in most communities is the installer or his best friend. Our program is focused on the bush communities i.e.; in communities where there are no inspections.

There are national organizations that certify electrical inspectors. It could be possible to deputize these people to perform the service. But, as stated above in the B/PV program, the travel and per diem costs required to perform electrical inspections statewide are at a level where it would not be profitable for a private inspector. The B/PV issues regarding cost per inspection and oversight would also apply to this program.

At the present time there is a statute that allows the Commissioner to delegate electrical inspection authority on request to power companies. This is not a common request.

Elimination of this program would greatly effect revenues derived from the inspector's certificate of fitness, construction contractor and electrical/mechanical administrator enforcement activities. There would be no enforcement of these licensing programs.

Plumbing Program

Like our electrical inspectors, our plumbing inspectors are from the plumbing industry. They are all at least journeyman plumbers. As stated above under the B/PV section, we are in the process of training and testing two of these inspectors to perform cast iron boiler inspections. One of our plumbing inspectors has already passed the National Board test and is a full-fledged B/PV inspector who doubles as a plumbing inspector. Like our electrical inspectors, the plumbing inspectors must provide code classes to installers whenever a new edition of the code is adopted.

Scope

The statute requires the state to administer the plumbing code in every city, community or borough which have a population of 2500 or more. The MIS does not interfere with any community who enforces the code unless their enforcement is less stringent than the code.

With some exceptions, the code applies to all new work in relocated buildings, and to any alteration, repairs, or reconstruction of buildings. MIS "may" inspect work installed, removed, altered, or replaced on any plumbing, gas or drainage piping, plumbing fixture, water heater, or water treatment equipment in a building or other location.

Although the department is authorized by statute to charge a fee, the fees are too low to pay for the paper work. In extreme cases, fines are charged for non-abatement of violations at the same rate as the electrical program (\$1000/violation/day).

Privatization Issues

The electrical program issues apply to the plumbing program as well.

MEMORANDUM

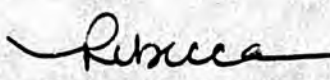
STATE OF ALASKA DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

PROBABLY NOT

TO: Dwight Perkins, Deputy Commissioner

DATE: 9/27/99

PHONE: 465-2712


FROM: Rebecca Gamez, ESD Director

SUBJECT: Privatization Issues

Per your request, here are specific responses to inquiries by the Legislative Privatization Subcommittee as to whether the Employment Services and Unemployment Insurance programs of the Department of Labor and Workforce Development can be privatized in the future, such as in five years. The Employment Security Division (ESD) of the Alaska Department of Labor is composed of federally-funded programs that provide employment and unemployment insurance services to Alaskans.

Employment Services The first category, employment services, is authorized and funded by the Wagner-Peyser Act of 1933 to administer a labor exchange program that most effectively responds to the needs of the state's employers and jobseekers. (20 CFR s.652.3). The services provided under the Act range from employee job search and placement, including testing, counseling, assessment and referral to employers, services for workers experiencing layoffs, developing and providing labor market and occupational information, evaluation of programs, and administering the work test for the state unemployment compensation system. (29 USC s. 49f(a)).

In August 1998, the federal Workforce Investment Act (WIA) was signed into law (PL 105-220). One of five titles of the WIA contains amendments to the Wagner-Peyser Act, retaining both separate authorization and funding stream for employment services. The WIA requires that the public labor exchange services authorized under the Wagner-Peyser Act be part of the one-stop system, and that these services be incorporated into the five-year strategic plan required under the WIA.

Regarding privatization, The U.S. Department of Labor has maintained that the delivery of employment services under the Wagner-Peyser Act, (developing and prescribing "minimum standards of efficiency", as stated in the W-P Act), must be executed by merit-staffed employees. A federal court has upheld this interpretation. (State of Michigan v. Alexis M. Herman (No. 5:98-CV-16) issued May 15, 1998, U.S. District Court for the Western District of Michigan).

Unemployment Insurance Program Similarly, the USDOL requires that only merit-staffed employees administer the UI program, and failure to do so would cause the USDOL to deny certification of the Alaska UI grant, thus eliminating administrative funds necessary for it's operation. Specifically, section 303(a)(1) of the Social Security Act (SSA) requires the merit-staff system, while both the SSA and the Privacy Act of 1974 place stringent federal limitations on the release of confidential information, such as individual tax, wage and benefit information, to any third party. This reinforces the requirement of a merit-staffed system to administer all aspects of this program.

I trust that these specific answers and citations are responsive to your request for further information. Please contact me if I can be of further assistance.

MEMORANDUM

STATE OF ALASKA DEPARTMENT OF LABOR and WORKFORCE DEVELOPMENT Administrative Services Division

TO Dwight Perkins, Deputy Commissioner
Department of Labor and
Workforce Development

DATE September 24, 1999

FILE Privatize-2.doc

THROUGH:

PHONE 465-6035

FROM Chris Miller, Chief *CM*
Research and Analysis

SUBJECT Privatization of Data
collection

Could R&A privatize the collection of wage, labor and occupational information?

The answer to that question is: It depends.

Research and Analysis currently evaluates all non-federal projects to determine the most efficient means to do the work within the contractual requirements of the funding agency and the time constraints of the project. We have utilized private contractors for data entry, printing and for special survey projects and will continue to do so.

However, federal law prohibits the privatization of federally funded work done in Research and Analysis. The federal Wagner-Peyser Act, which is the primary source of federal funds to Research and Analysis from the Employment and Training Administration and the Bureau of Labor Statistics states that funds can only be given to state agencies with "merit staff". This portion of the Act has been recently upheld in federal court (STATE OF MICHIGAN, v. United States Department of Labor). Our contract with the BLS fund further stipulates,

"A state agency shall not subgrant or contract substantive program work under the Cooperative Agreement with out the permission of the BLS. Substantive program work includes the sampling, data collection, estimation, and validation activities under the Cooperative Agreement."

The BLS has stated that it would not provided funds to Research and Analysis if it were to subcontract out work.

On top of these federal prohibitions, just the logistics alone would prove very cumbersome. Data collection for the BLS fed/state statistical programs is done at both the federal and state levels. Processing occurs both in Washington DC and Juneau. The BLS pays for direct telecommunication from our office to their computers in Washington DC. This line is not only used to pass collected data, but to access processing systems that transform the sample data into estimates and other forms of information. The BLS regards much of the data within its system as highly confidential. To insure data security there are firewalls on both ends of this line. I am sure that you can appreciate that access to the BLS computer system is not under my span of control.

Finally, confidentiality of certain administrative and other records held by the state could also be an issue that might preclude any efficiency gained from privatization. The policy of giving confidential records to the private sector needs to be carefully considered.



Date : JUN 10 1999

LMI Administrative Memorandum No. S-99- 1

MEMORANDUM FOR: STATE AGENCY ADMINISTRATORS
BLS REGIONAL COMMISSIONERS

FROM : 
ROBERT A. GADDIE
Acting Associate Commissioner
Office of Field Operations

SUBJECT : 2000 Labor Market Information Cooperative Agreement

1. **Purpose:** This is to transmit the 2000 LMI Cooperative Agreement (CA) application materials to State agencies for the operation of the LMI cooperative statistical programs and activities, and alert State agencies to those areas of the CA that have changed.
2. **Summary of Changes:** In addition to some minor editorial corrections and routine updates of reference dates, we have made other, more significant changes to the CA. These are described below, organized by Part and Section of the CA.

PART I, ADMINISTRATIVE REQUIREMENTS

Section D., Regulations and Reference Documents

DOL Grant Interim Final Rules were published in the *Federal Register* on Thursday, March 25, 1999. They amend 29 CFR Part 96, *Audit Requirements for Grants, Contracts and Other Agreements*. Also, *Audits of States, Local Governments and Non-Profit Organizations* was published as a new regulation (29 CFR 99) codifying the revised OMB Circular A-133.

Section E., Program Funding

We have added language about MLS funding.

Section S., Confidentiality

This section has been modified slightly to bring it into conformance with BLS policy.

5. **MASS LAYOFF STATISTICS (MLS)**

Detailed information on permanent job cutbacks, including the resultant unemployment registered at the State and area levels; the identification of substantial layoffs and plant closures from the perspective of dislocated worker legislation and the identification of declining industries.

B. AUTHORIZING LEGISLATION

The BLS is authorized to collect labor market information pursuant to the 1884 statute (29 USC 1), an Act to Establish the Bureau of Labor, as amended. Section 14 of the Wagner-Peyser Act (29 USC 49 f(a)(3)(D)) authorizes the Secretary of Labor to reimburse the States to provide data for national statistical programs. Some programs such as OES are authorized by the Job Training Partnership Act (29 USC 1501), which amended the Wagner-Peyser Act.

The BLS uses a cooperative agreement to fund cooperative statistical programs because of the agency's ongoing involvement in the programs, pursuant to the Federal Grant and Cooperative Agreement Act of 1977 (31 USC 6301-08). The specific statistical programs funded through the LMI Cooperative Agreement are described in more detail in the work statements in Part III, Application Materials.

C. ELIGIBLE APPLICANTS

Eligible applicants are State agencies designated by the Governor pursuant to the Workforce Investment Act of 1998, or their equivalents in non-State jurisdictions. The BLS may select an alternative applicant if a State agency declines to apply for cooperative agreement funding or otherwise substantially fails to meet BLS application and performance requirements.

D. REGULATIONS AND REFERENCE DOCUMENTS

The LMI programs are administered in accordance with the program operating manuals cited in the work statements, and with:

- Title 29 Part 93 of the Code of Federal Regulations (hereinafter cited as 29 CFR 93), *New Restrictions on Lobbying* (Federal Register, Vol. 55, No. 38, February 26, 1990);
- Title 29 Part 96 and 99 of the Code of Federal Regulations (hereinafter cited as 29 CFR 96 and 99), *Audit Requirements for Grants, Contracts and Other Agreements*. (Federal Register, Vol. 64, No. 57, March 25, 1999);
- Title 29 Part 97 of the Code of Federal Regulations (hereinafter cited as 29 CFR 97), *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*, which reflects the Final (Common) Rule, as adopted by the Department of Labor, implementing OMB Circular A-102, as revised (Federal Register, Vol. 60, No. 75, April 19, 1995);

29 CFR 97.32(g)(1)-(3). Pursuant to those standards, specifically, 29 CFR 97.32(g)(1), the BLS reserves the right to transfer title of any ADP equipment, purchased with Cooperative Agreement funds, upon termination of financial assistance or when the equipment is no longer needed by the State agency.

P. PROCUREMENT

Except as noted below, when procuring property and services under the Cooperative Agreement, a State agency shall follow the same policies and procedures it uses for procurements from its non-Federal funds. The State agency shall ensure that every purchase order or other contract includes any clauses required by Federal statutes and executive orders and their implementing regulations [29 CFR 97.36(a)].

- ☐ Pursuant to the provisions of OMB Circular A-87, a State agency shall request BLS approval prior to the procurement of ADP equipment, whether by rental-purchase agreement or other method of procurement, except as provided in LMI Administrative Memorandum S-89-4;
- ☐ A State agency shall not subgrant or contract substantive program work under the Cooperative Agreement without the permission of the BLS. Substantive program work includes the sampling, data collection, estimation, and validation activities under the Cooperative Agreement.

Q. CLOSEOUTS AND AUDITS

Appropriate LMI Memorandums on closeouts and audits will provide specific guidance on the requirements of 29 CFR 97.50, regarding closeout, and 29 CFR 96, regarding the Single Audit Act.

If, by virtue of an AAMC, a CA extends beyond the end of the fiscal year of funding, a two-step closeout process is required. A State agency shall perform a partial closeout (i.e., financial reconciliation) of the base programs (CES, LAUS, OES, ES-202) at the end of the fiscal year of funding. A State agency shall perform a final closeout of all base programs and AAMCs either

- ☐ ninety (90) days after the last AAMC ends, or;
- ☐ ninety (90) days after the end of the fiscal year in which the last AAMC ends.

The State agency has the option of deciding when the final closeout is to be performed; however, the State agency must notify the Regional Office before the end of the fiscal year of funding which option it has selected.

R. RECORDS

1. RETENTION

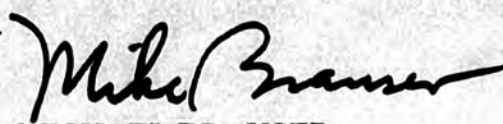
A State agency shall retain records in accordance with 29 CFR 97.42, Retention and Access Requirements for Records. Subject to the qualifications set forth in 29 CFR 97.42(b), a State agency shall retain all records pertinent to the Agreement, including financial and statistical records and supporting documents, for a period of three years after the close of the

U. S. Department of Labor Employment and Training Administration 1111 Third Avenue, Suite 900 Seattle, WA 98101-3212	DATE June 24, 1999
	CLASSIFICATION One-Stop LMI
	EXPIRATION DATE June 30, 2000

DIRECTIVE : SESA BULLETIN NO. 4-99

TO : REGION X STATE EMPLOYMENT SECURITY AGENCIES

Alaska - Rebecca Gamez, Director ✓
 Idaho - Roger B. Madsen, Director
 Oregon - Virlena Crosley, Director
 Washington - Carver Gayton, Commissioner

FROM : 
 MICHAEL BRAUSER
 Regional Administrator

SUBJECT : Allocations and Information for Program Year 1999 Cost Reimbursable Grants:
One-Stop Labor Market Information Funds

1. **Purpose.** To provide planning information for Program Year (PY) 1999 One-Stop Labor Market Information (LMI) grant funds.
2. **References.** The Wagner-Peyser Act, Section 7(d); 29 CFR Parts 93, 96, 97 and 98; SESA Bulletin No. 5-98; and OMB Circular A-87.
3. **Background.** Authorization for the cost reimbursable grant is provided in the Wagner-Peyser Act, Section 7(d). Funds are being provided to State Employment Security Agencies (SESAs) to support One-Stop LMI activities.

For PY 1999, \$37 million will be allocated for One-Stop LMI core products and services to the fifty States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands. This allocation is an increase of \$9 million over last year; however, this figure includes the former JTPA State and Local Planning Grant funds that amounted to about \$5 million per year and had gone under a separate title with a separate funding code. (There will no longer be a separate code for State and Local planning funds which will now be absorbed into the annual Core Products code.)

\$27 million in administrative formula grants will be obligated to States for the development of core One-Stop LMI product and services. Another \$10 million of this funding source will be obligated as the One-Stop LMI contribution towards the continued cost of the

MEMORANDUM

**DEPARTMENT OF LABOR
And Workforce Development**

STATE OF ALASKA

Labor Standards & Safety Division

**TO: Dwight Perkins
Deputy Commissioner**

DATE: September 24 , 1999

THRU:

FILE: ASAC1.doc

PHONE: 465-4855

**FROM: Al Dwyer
Division Director**

SUBJECT: Privatization ASAC

The Alaska Safety Advisory Council (ASAC) works in cooperation with official and unofficial organizations, individuals and groups to marshal resources toward reducing accidental deaths and injuries and to promote safety, health and wellness for all Alaskans. Their highest profile function is the Governor's Safety and Health Conference, which they offer every year. Approximately 350 people attend the conference.

The DOL&WD are investigating the possibility of privatizing the safety conference planning and implementation. The ASAC will still be a part of the process and, except for the funds required to implement the conference, will remain part of the DOL&WD budget. There are some personnel problems that need to be resolved before we can finalize the plan.

MEMORANDUM
DEPARTMENT OF LABOR

STATE OF ALASKA
Labor Standards & Safety Division

TO: Dwight Perkins
Deputy Commissioner

DATE: September 24 , 1999

THRU:

FILE: priv1.doc

PHONE: 465-4855

FROM: Al Dwyer
Division Director

SUBJECT: AKOSH Questions

This is in response to questions concerning AKOSH which were asked by the privatization committee.

1. What are the rates of pay for Industrial Hygienists and Compliance Officers??

Ans: CO: Range 49 Local 71 yearly salary & benefits: \$66.0 to \$78.0 (depends upon years of service & location).

IH: Range 19 GGU yearly salary & benefits: \$62.0 to \$78.0 (depends upon years of service & location).

2. Why do AKOSH inspectors perform fewer inspections than MIS inspectors??

Ans: The paper work required by MIS inspectors usually consists of one piece of paper which lists the violations of one code found on the installation of one system or type of work i.e., separate reports from each inspection discipline (plumbing, electrical, boilers etc). Most MIS inspections take less than one day to complete. Each MIS inspection program requires a specialist in that program. Each MIS program has its own code. These codes are very technical and require the inspectors to be specialists in their field.

AKOSH has certain inspection functions that require specialists but the average AKOSH inspection covers every aspect of worker safety i.e., machine guards, trip hazards, hazardous materials, toxic air, extension cords, proper lighting levels, adequate guard rails, structural integrity of floors & roofs, employee safety training, proper emergency egress, ladder use, the list is almost endless. Every site inspection must include a check of all of these items. The time it takes to perform a safety inspection depends on the size of the workplace. Some inspections take 2 weeks some 3 days. After the inspection is completed, forms must be filled out. The average paperwork required for each safety enforcement inspection consists of approximately 50 pages and takes close to 30 days to complete. Health enforcement cases average 150 pages and take close to 45 days to complete. This requires the inspector to research the regulation as well as all federal interpretations of the applicable rules. Sometimes samples need to be sent out to a lab for analysis. The inspector has to wait for their findings and add that information to his report. This takes time. It is for those reasons that the feds allow the inspectors 30 days to complete their reports.

During the last FY, in addition to their normal workload, AKOSH investigated 8 fatalities. A fatality takes many months to complete the necessary reports. In some instances, a fatality may

have to be referred to the District Attorney for criminal prosecution. If so, the case could drag on for a year or more. There is really no way to compare MIS inspections with AKOSH inspections. They are apples and oranges.

3. What is the feasibility of privatizing the consultation functions of AKOSH??

Ans: The consultation functions are broken into two programs; public and private sector. States without a state OSH program do not have any consultation services for the public sector. The feds fund public and private sector consultation programs in states with approved OSH programs at different rates. The private sector is funded 90% and the public sector at 50% by the feds.

In addition to funding state-plan consultation programs, the feds have also funded universities to provide consultation services. We are not aware of any federally funded private entities who provide OSHA consultation services. There are many private safety professionals who for a fee provide this service. Many large employers employ a safety professional to ensure their compliance with OSHA requirements.

Privatization of consultation functions already exists. The reason employers utilize AKOSH is that it is free and, enforcement personnel are not allowed to visit the job site for one year unless there is a safety complaint, fatality or lost time accident

Agency: Department of Labor

BRU / Division: Labor Standards & Safety

Components: Wage and Hour
 Mechanical Inspection
 Occupational Safety and Health
 Alaska Safety Advisory Council

FUNDING

Expenditures

(FY 2000 Authorized)	Federal	GF/Match	GF	GF/PR	I/A	Exp Total
Wage and Hour			1,343.5		21.6	1,365.1
Mechanical Inspection			465.1	755.7	410.5	1,631.3
Occupational Safety and Health	1,777.2	1,131.1			23.1	2,931.4
Safety Advisory Council				106.7		106.7
LS&S Total	1,777.2	1,131.1	1,808.6	862.4	455.2	6,034.5

Revenues

GF/PR Revenues	FY 2000 Estimate	FY 2000 Auth	Difference
Mechanical Inspection	888.2	755.7	132.5
Safety Advisory Council	111.7	106.7	5.0 **

** Note: Excess receipts go back to the Council for next year's conference via front section carryforward language.

STATUTORY PROVISIONS (Summary)

Division of Labor Standards and Safety	AS 23.10.075
Wage and Hour	AS 23.05; AS 23.10
Mechanical Inspection	AS 18.60; AS 18.62
Occupational Safety & Health	AS 18.60; AS 18.63; AS 18.31 and 29 CFR 1952.240
Safety Advisory Council	AS 18.60.830-840

LS&S Missions and Goals (SB 169, Sec. 85)

Division of Labor Standards and Safety. (a) The mission of the Division of Labor Standards and Safety is to provide assistance and oversight to both employees and employers in the state by ensuring safe and healthy working conditions, just compensation, and legal employment practices, and to provide public and consumer protection by ensuring the integrity and safety of various mechanical systems and equipment.

(b) The mission of the Wage and Hour administration in the Division of Labor Standards and Safety is to

- (1) assist employers by responding to their questions concerning the application of the wage and hour statutes and regulations to their unique business situations;
- (2) ensure that employees are justly compensated for work;
- (3) safeguard workers from unscrupulous employment practices; and

(4) ensure that children are not exploited in dangerous occupations.

(c) The mission of the Mechanical Inspection Section in the Division of Labor Standards and Safety is to protect employers and employees by

(1) providing oversight and inspection for hazards related to boilers, pressure vessels, elevators, escalators, wheelchair lifts, recreational devices, electrical and plumbing installations statewide;

(2) testing and licensing people associated with some of the activities set out in (1) of this subsection.

(d) The mission of the Occupational Safety and Health Administration in the Division of Labor Standards and Safety is to work in partnership with Alaska employers and workers toward eliminating workplace injuries, illnesses, and deaths, and to assist employers in complying with state and federal regulations relating to occupational safety and health.

(e) The mission of the Alaska State Advisory Council in the Division of Labor Standards and Safety is to work with organizations, individuals, and groups that are interested in the promotion of safety to reduce accidental death and injury.

Number of Employees (FY 2000 Authorized)

Wage and Hour	21 PFT
Mechanical Inspection	19 PFT
Occupational Safety & Health	36 PFT
Safety Advisory Council	1 PPT

Wage and Hour, Mechanical Inspection, and Occupational Safety and Health program/field staff have to meet the job specifications required for them to perform investigative and consultation activities pertinent to the individual program. Some of the activity specific job types are as follow:

Wage and Hour Investigators (11)

Electrical Inspector (3)

Elevator Inspector (1)

Plumbing Inspector (3)

Boiler/Pressure Vessel Inspector (3)

Industrial Hygienist (9) (5 Safety / 4 Consultation)

Occupational Safety Compliance Officers (12) (6 Safety / 6 Consultation / 1 Discrimination)

Each section also has management staff to oversee the specific job categories that are not counted above.

Technology Used to Perform Mission

Program staff use the department's Local Area Network to access databases relevant to the individual program as well as general communications between regional offices, other divisions and departments. The Mechanical Inspection section uses a network database for licensing information; Occupational Safety and Safety provides case file information to FED OSHA through a NCR server/system.

The Mechanical Inspection staff use various testing equipment and standard tools for inspecting mechanical devices. Occupational Safety and Health compliance and enforcement staff use various types of highly specific laboratory equipment for measuring noises, air particles, etc. and safety gear and equipment at the

job site that are required by law. Most program staff use cameras and other standardized tools necessary to carry out their functions.

Privatization Practices

The inspection of tramways has been wholly privatized due to lack of state resources. There are currently only two privately licensed tramway inspectors in the state. One is employed by Alyeska Resort, Girdwood, AK, and he is limited to inspecting the assets of his employer. The other is an insurance company representative who is limited to inspecting devices insured by his company or associated brokeraged companies. Although these services have been privatized, there are not enough actively licensed inspectors to meet the need.

The second area privatized, is the inspection of boilers and pressure vessels. In addition to the three State of Alaska inspectors, there are 35 licensed private sector inspectors licensed in the State. These individuals are either employed by owner-operators of large systems or by insurance companies. The employees working for owner-operator companies are limited by their National Board Commission restrictions to inspecting only vessels owned and operated by their employers.

**MECHANICAL INSPECTION SECTION
FISCAL YEAR 99 INCOME THROUGH JUNE 1999**

Prepared 7/1/99

	Current Month	End Month	YTD	% to Date	YTD	YTD
Electrical C/F	\$34,600	\$31,265	\$367,240	160%	\$230,008	\$416,708
Plumbing C/F	\$15,680	\$9,675	\$132,335	192%	\$69,083	\$132,420
Asbestos Abate	\$13,250	\$10,660	\$83,440	174%	\$48,000	\$48,260
Explosive / Land	\$700	\$1,200	\$8,900	99%	\$9,000	\$7,725
Hazardous Waste	\$1,930	\$7,200	\$34,460	119%	\$29,000	\$45,490
Elevator Revenue	\$7,450	\$7,109	\$73,177	133%	\$55,085	\$67,115
Blr/PV Revenue	\$41,774	\$35,846	\$338,515	107%	\$315,524	\$320,996
Subtotal	\$115,384	\$102,955	\$1,038,067	137%	\$755,700	\$1,036,714
	(\$4351)	(\$240)	(\$5,343)			(\$4,734)
TOTAL	\$114,949	\$102,715	\$1,032,724		\$755,700	\$1,031,980

ACCOUNTS RECEIVABLE

Blr/PV Current-59 days	\$28,100
Blr/PV 60-119 Days	\$4,800
Blr/PV 120 days plus	\$3,698
 Elevator Current - 59 days	\$7,993
Elevator 60-119 Days	\$0
Elevator 120 days plus	\$0

TOTAL ACCOUNTS RECEIVABLE

\$45,591

Prepared by Cindy Walrod
Verified by Cindy Spelleccy

FD-6299.xls

Form No. 307 258 1015

F. 02/03

all other funding sources not listed above
FUNDING CODES/NAMES CURRENTLY IN USE AS OF 10/7/98

FUND CODE	AKSAS CODE	SHORT NAME	LONGNAME
1000	51005	Restrtd GF	Restricted General Fund
1001	51020	CBR Fund	Constitutional Budget Reserve Fund
1002	51010	Fed Rcpts	Federal Receipts
1003	68510	G/F Match	General Fund Match
1004	68515	GF Receipt	General Fund Receipts
1005	51060	GF/PRGM	GF/Program Receipts
1006	51340	GF/MHTIA	General Fund/Mental Health Trust
1007	51015	I/A Rcpts	Inter-Agency Receipts
1008	51020	G/O Bonds	General Obligation Bonds
1009	51025	Rev Bonds	Revenue Bonds
1010	51030	UA/INT INC	U/A Interest Income
1011	51376	AACTP Fund	Alaska Advance College Tuition Pymnt Fund
1012	51265	Rail Enrgy	Railbelt Energy Fund
1013	51377	A/D RLF	Alcoholism & Drug Abuse Revolving Loan Fund
1014	51120	DC/HF Acct	Donated Commodity Handling Fee Account
1015	51290	UA/DFASVC	U/A Dormitory/Food Auxiliary Service
1016	51378	Fed Incent	Federal Incentive Payments
1017	51390	Ben Sys	Benefits Systems Receipts
1018	51392	EV Oil Set	Exxon Valdez Oil Spill Settlement Fund
1019	51397	Reforest	Reforestation Fund
1020	51345	Grain Fund	Grain Reserve Loan Fund
1021	51035	Agric Loan	Agricultural Loan Fund
1022	51320	Corp Rcpts	State Corporation Receipts
1023	51040	FICA Acct	FICA Administration Fund Account
1024	51045	Fish/Game	Fish and Game Fund
1025	51375	Endow Inc	Science & Technology Endowment Income
1026	51050	Hwy Capitl	Highway Working Capital Fund
1027	51055	Int Airprt	International Airport Revenue Fund
1028		Pre90 PRGM	Pre-FY90 Program Receipts
1029	51065	P/E Retire	Public Employees Retirement Fund
1030	60180	School Fnd	School Fund (Cigarette Tax)
1031	51075	Sec Injury	Second Injury Fund Reserve Account
1032	51080	Dis Fisher	Disabled Fishermans Reserve Account
1033	51085	Surpl Prop	Surplus Property Revolving Fund
1034	51090	Teach Ret	Teachers Retirement System Fund
1035	51095	Vet Loan	Veterans Revolving Loan Fund
1036	51100	C/F Loan	Commercial Fishing Loan Fund
1037	68515	GF/MH	General Fund/Mental Health
1038	51110	UA/STF SVC	U/A Student Tuition/Fees/Services
1039	51115	UA/ICR	U/A Indirect Cost Recovery

Budget Guide: Swiss Army Knife of Budget Handbooks

FUNDING CODES/NAMES CURRENTLY IN USE AS OF 10/7/98

FUND CODE	AKSAS CODE	SHORT NAME	LONGNAME
1040	51360	R E Surety	Real Estate Surety Fund
1041	51373	PF Earning	Permanent Fund Earnings Reserve Account
1042	51125	Jud Retire	Judicial Retirement System
1043	51130	P/L 81-874	Public Law 81-874
1044	51391	Debt R Fnd	Debt Retirement Fund
1045	51135	Nat Guard	National Guard Retirement System
1046	51140	Stdnt Loan	Student Revolving Loan Fund
1047	51145	Title XX	Title 20 - OR - Title XX
1048	51150	Univ Rcpt	University Restricted Receipts
1049	51155	Trng/Bldg	Training and Building Fund
1050	51160	PFD Fund	Permanent Fund Dividend Fund
1051	51387	R.D.I.F.	Rural Development Initiative Fund
1052	51370	Oil Resp	Oil/Hazardous Prevention & Response Fund
1053	51393	ILT FUND	Investment Loss Trust Fund
1054	51394	Empl Trng	State Employment & Training Program
1055	51395	IA/OIL HAZ	Inter-agency Rcpts/Oil & Hazardous Waste
1056	51396	ES Ext Fnd	Electrical Service Extension Fund
1057	51180	Small Bus	Small Business Loan Fund
1058	51185	Trsm Loan	Tourism Revolving Loan Fund
1059	51190	Corr. Ind.	Correctional Industries Fund
1060		OF(Pre'84)	Other Funds (Pre-FY '84 Only)
1061	51200	CIP Rcpts	Capital Improvement Project Receipts
1062	51350	PPL Fund	Power Project Loan Fund
1063	51210	NPR Fund	National Petroleum Reserve Fund
1064	51215	House Loan	Housing Assistance Loan Fund
1065	51355	RERL Fund	Rural Electrification Revolving Loan Fund
1066	51225	P/S Fund	Public School Fund
1067	51230	MRL Fund	Mining Revolving Loan Fund
1068	51235	CCRL Fund	Child Care Revolving Loan Fund
1069	51240	HDRL Fund	Historical District Revolving Loan Fund
1070	51245	FERL Fund	Fisheries Enhancement Revolving Loan Fund
1071	51250	AERL Fund	Alternative Energy Revolving Loan Fund
1072	51255	RECL Fund	Residential Energy Conservation Loan Fund
1073	51260	PDRL Fund	Power Development Fund
1074	51270	BFRL Fund	Bulk Fuel Revolving Loan Fund
1075	51205	AKCWL Fund	Alaska Clean Water Loan Fund
1076	51380	AMHS Fund	Marine Highway System Fund
1077	51381	IFC GGB	Indv/Foundt'n/Corp Gifts/Grants/Bequests
1078	51382	Sr Hsg Ln	Senior Housing Loan Fund
1079	51383	Storg Tank	Storage Tank Assistance Fund
1080	51384	Sch Const	School Construction Fund
1081	51385	IS Fund	Information Services Fund

FUNDING CODES/NAMES CURRENTLY IN USE AS OF 10/7/98

FUND CODE	AKSAS CODE	SHORT NAME	LONGNAME
1082	51386	VR Fund	Vessel Replacement Fund
1083	51398	Educ Fac	Education Facilities Maint & Construct
1084	51399	Alyeska	Alyeska Settlement Fund
1085	51400	RIT	Railbelt Intertie Reserve
1086	51401	SEEF	Southeast Energy Fund
1087	51402	Muni Grant	Municipal Matching Grant Fund
1088	51403	Uni Grant	Unincorporated Matching Grant Fund
1089	51404	Power Cost	Power Cost Equalization
1090	51405	4 Dam Pool	Four Dam Pool Transfer Fund
1091	0	GF-Desgntd	General Funds - Designated
1092	51410	MHTAAR	Mental Health Trust Settlement Income
1093	51207	Clean Air	Clean Air Protection Fund
1094	51410	MHT Admin	Mental Health Trust Administration
1095	0	Med Facil	Medical Facilities Authority Fund
1096	0	Duplicate	Do Not Use
1097	0	AETNA Res	Group Health & Life Benefits Fund
1098	51414	ChildTrEm	Children's Trust Fund Earnings
1099	0	ChildTrPm	Children's Trust Fund Principal
1100	51415	ADWF	Alaska Drinking Water Fund
1101	51416	AREO Rcpts	AK Aerospace Dev Corporation Receipts
1102	51406	AIDEA Rcpts	AK Industrial Dev & Export Authority Receipts
1103	51407	AHFC Rcpts	AK Housing Finance Corporation Receipts
1104	51417	MBB Rcpts	Alaska Municipal Bond Bank Receipts
1105	51373	PFund Rcpt	Alaska Permanent Fund Corporate Receipts
1106	55520	P-Sec Rcpt	AK Post-Secondary Education Commis Receipts
1107	51418	AEA Rcpts	Alaska Energy Authority Corporate Receipts
1108	51063	Stat Desig	Statutory Designated Program Receipts
1109	51064	Test Fish	Test Fisheries Receipts
1110	51066	APUC Rcpts	Alaska Public Utilities Commission Receipts
1111	51420	FishFndInc	Fisherman's Fund Income
1112	51421	IntAptCons	International Airports Construction Fund
1113	51419	AHFC Bonds	AK Housing Finance Corporation Bonds
1114	51413	EVOS Rest	Exxon Valdex Oil Spill Restoration Fund
1115		ITDF	International Trade and Development Earnings
1116		Dis Relief	Disaster Relief Fund
1117		VocSmBus	Vocational Small Business Fund
1118		Pioneers	Pioneers Homes Receipts
1119		Tobac Setl	Tobacco Settlement Receipts
1120		Motor Fuel	Motor Fuel Tax Increase
1121		Multi Funds	Multiple Funds Used in Prior Years (do not use)

TRANSACTION REPORT

P. 01

AUG-31-1999 TUE 04:17 PM

BROADCAST

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
AUG-31	03:58 PM	92797171	30"	1	SEND	OK	157	
	03:59 PM	919075864129	31"	1	SEND	OK	157	
	04:17 PM	919077466678	**' **"	0	SEND	BUSY <i>resent to</i>	157	
	04:00 PM	93491605	27"	1	SEND	OK	157	
	04:01 PM	97619349	31"	1	SEND	OK	157	
	04:02 PM	919074652784	45"	1	SEND	OK	157	
	04:03 PM	95637222	31"	1	SEND	OK	157	
	04:04 PM	93495472	27"	1	SEND	OK	157	

TOTAL : 3M 42S PAGES: 7



and Delivery of Government Services

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NOTICE OF SUBCOMMITTEE MEETINGS

Subcommittee Name: **DEPARTMENT OF LABOR**
 Chairperson: Valerie Baffone
 Phone: 276-7211
 Fax: 279-7171

Committee Members:

Valerie Baffone	Jim Spalding
John Cowdery	Dwight Perkins
Romer Derr	Bill Watterson
Kay Slack	Jerry DesJarlais
Clark Smith	

Date:

Wednesday, September 1, 2:30 P.M.
 New Meeting * Tuesday, September 7, 2:30 P.M. * New Meeting
 Cancelled * Wednesday, September 8, 2:30 P.M. * Cancelled
 Wednesday, September 15, 2:30 P.M.

Department of Labor Subcommittee Membership							
Baffone	Valerie	276-7211	279-7171	Local 71	71val@pobox.alaska.net	349-1111	
Cowdery	John	269-0222	269-0223	Alaska State Legislature - House	Representative_John_Cowdery@legis.state.ak.us		Anchorage
Derr	Romer	586-3190	586-4129	Plumbing & Heating			Juneau
Slack	Kay	746-3060	746-6678	K. Slack Associates	kayslack@alaska.net		Palmer
Smith	Clark	868-2239	349-1605	Aurora Electric	csmith@auroraelec.com	563-3090	
Spalding	Jim	761-9218	761-9349	Matanuska Electric Association	avalon9@aol.com		
Perkins	Dwight	465-2700	465-2784	Dept of Labor - Dept Contact	dwight_perkins@labor.state.ak.us		Juneau
Watterson	Bill	563-7441	563-7222	Watterson Construction	wcc@alaska.net	243-3280	
DesJarlais	Jerry	344-2644	349-5472	Summit Paving	summit@arctic.net	529-9111	



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Wednesday, September 15, 2:30 P.M.

Wednesday, September 22, 2:30 P.M.

Wednesday, September 29, 2:30 P.M.

Wednesday, October 6, 2:30 P.M.

Wednesday, October 13, 2:30 P.M.

Wednesday, October 20, 2:30 P.M.

Place:

Legislative Information Office

716 W. 4th Avenue

Second Floor Conference Room

Juneau & Mat-Su LIO Teleconference On-line

If you have any questions please call Representative John Cowdery's office at 269-0222 or Senator Wards office at 269-0106.

The web site has a current list of members and schedule of meetings posted daily!

www.privatizealaska.org

716 W. 4th Ave. Anchorage, AK 99501

Senator Jerry Ward: 907-269-0107 Fax 907-269-0109

Representative John Cowdery: 907-269-0222 Fax 907-269-0223

Department of Labor and Workforce Development
Division of Vocational Rehabilitation
Subcommittee Report –

I. *Agency & Department Name:*

Department of Labor and Workforce Development, Division of Vocational Rehabilitation

II. *BRU & Component Names as listed in state budget:*

Vocational Rehabilitation BRU

Client Services
Vocational Rehabilitation Administration
Independent Living Rehabilitation
Disability Determination
Special Projects
Assistive Technology
Americans with Disabilities Act (ADA)

III. *Total Budget, all funds / identify fund sources*

Total Budget FY 00	\$23,624.9
Federal Funds	\$18,762.2
General Fund Match	\$ 2,155.9
General Funds	\$ 1,821.5
General Fund Program	\$ 4.9
Interagency Receipts	\$ 665.4
Voc Small Business	\$ 215.0

IV. *Total Revenue derived / net cost/ income to state*

Vocational Rehabilitation Basic Support Program: Alaska is eligible to receive the minimum federal allotment of \$7,736,247 if the state meets its required maintenance of effort (MOE) by contributing state funds of \$3,735,400. Currently Alaska is short of the MOE by \$ 433.4 and will lose a like amount of federal funds if other sources are of MOE are not found.

Business Enterprise Program: Vending machine commissions are paid to the program by private vending machine companies operating vending sites on public property. By statute (AS 23.15.130) these funds can only be used for the Business Enterprise Program to assist persons who are blind or who have other severe disabilities in operating vending sites. The FY 00 budget appropriates \$215.0 from this funding source.

Federal Training Grant: Funds are granted for the professional development of vocational rehabilitation staff. The FY 00 budget includes an appropriation for \$50.7 federal funds and the required state general fund match of \$5.6.

Independent Living Part B: Federal formula grant funds are awarded to the state to provide independent living services for individuals with significant disabilities to enable them to live and work independently in the community of their choice. FY 00 budget appropriates \$387.8 federal funds, required general fund match of \$34.7. General funds of \$ 529.7 are also appropriated for this program.

Independent Living Older Blind: Federal competitive grant funds of \$208.0 are awarded to the state to provide independent living services for individuals who are age 55 or older and who experience blindness. Required state match of \$23.1 is also included in the budget.

Disability Determination: The state receives federal funds from the Social Security Administration to adjudicate claims for disability benefits under Title II and Title XVI of the Social Security Act. Federal funds of \$4,855.9 are in the FY 00 budget. No state funds are required.

Assistive Technology: Federal competitive grant funds were awarded to the state to provide support systems for change and advocacy in developing and implementing a consumer responsive and comprehensive statewide program of technology related assistance for individuals with disabilities of all ages. This was a 10-year grant due to expire 6/30/00, which was extended for 3 years. The FY 00 budget includes an appropriation for \$747.7. No state funds are required.

Alaska Transition Initiative: Federal competitive 5 year grant was awarded to the state to develop a statewide service delivery system for transition so that youth with disabilities will transition successfully for school to adult life. The FY 00 budget includes an appropriation for \$500.5. No state funds are required.

Supported Employment: Federal formula funds are awarded to the state to provide services to individuals with the most severe disabilities who require supported employment to enter or retain competitive employment. The FY 00 budget includes an appropriation of \$400.0. No state funds are required.

V. *Identify Constitutional and Statutory Provisions Governing Agency Operations*

Workforce Investment Act – Title IV Rehabilitation Act Amendments of 1998
Randolph-Sheppard Act
Americans with Disabilities Act
Technology Related Assistance for Individuals With Disabilities Act
Individuals with Disabilities Education Act
34 CFR Parts 76 – 80, 85, 326, 345, 361, 350, 362, 363, 365, 366, and 395.

AS 47.80.300 (State Independent Living Council)
 AS 23.15.010 – 320 (Vocational Rehabilitation)
 AS 39.52.120 (state ethics)
 AS 44.62.310 (open meetings)
 AS 36.30 (procurement)
 4 AAC 54 (Vocational Rehabilitation)
 2 AAC.12 (procurement)

VI. *Agency Mission, Goals and Objectives / do reality check*

SB 169 states: The mission of the Division of Vocational Rehabilitation is to assist individuals with disabilities to overcome barriers to employment and maintain suitable employment.

This statement should be expanded to read: The mission of the Division of Vocational Rehabilitation is to assist individuals with disabilities to overcome barriers to employment and encourage independence and integration into their communities.

VII. *Number of Employees / Identify Specialized Expertise Needed for Mission*

The division has a total of 125 positions. Vocational rehabilitation counselors are required to obtain certification as Certified Rehabilitation Counselor (CRC). To be eligible for CRC the individual must have a Masters degree.

VIII. *Describe Technology Used to Perform Mission / Identify Specialized Equipment Needed for Mission*

The program purchases assistive equipment and devices needed by consumers with disabilities to enable them to work or to live independently. This can include simple devices such as a grab bar for a shower to a sophisticated talking computer. Employees with disabilities are provided specialized equipment if needed to perform their job. This includes a variety of accommodations such as large screen computers or flashing lights for telephones.

IX. *List Existing Agency Contracts including amount, contractor, purpose, term, and procurement method.*

Contracts with medical doctors for consultation services:

Doug Smith	\$5,700	7/1/99 – 6/30/00
Majorie Smith	\$39,250	"
Robert Hunter	\$475	"
Aron Wolf	\$2,500	"
Jay Caldwell	\$35,150	"
Shirley Fraser	\$4,940	"

Ronald Feigin	\$48,070	7/1/99-6/30/00
Gerald Morris	\$14,820	"
Heasoo Kang	\$11,400	"
Wandal Winn	\$109,440	"
Jeffrey Partnow	\$2,280	"
John Koivunen	\$5,415	"

All medical contracts were awarded based on AS 36,30.850(b)(4), which does not require competition.

Contract for interpreting services for deaf individuals:

Robin Price	\$46,800	7/15/99 – 6/30/00
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The competitive process was used to select this contractor.

X. *Identify Existing Privatization Practices, if any. Evaluate them for effectiveness and public accountability.*

Vocational Rehabilitation has formed a strong partnership with private rehabilitation service providers. The Rehabilitation Act requires the program to use services provided by private community rehabilitation programs (CRP) for consumers who need such services to assist them in obtaining or maintaining employment. In federal fiscal year 98 the division paid \$860.9 to private service providers. This is an extremely effective means of providing a comprehensive rehabilitation program. State rehabilitation counselors work with the consumers to develop independent employment plans, including services purchased from private providers, and services which need to be provided directly by the counselor such as counseling and guidance. To receive federal funding the program must employ qualified counselors who determine the consumers' eligibility for services and assist them in developing employment plans.

The division grants all independent living funds to private non-profit organizations that directly provide independent living services. This has resulted in the expansion of independent living services statewide using the expertise of independent living specialist employed by those organizations. The division continues to monitor these grants to insure that high quality services are provided to consumers. Following are the private organizations receiving grants for FY 00:

Access Alaska – Fairbanks	Specialized Services	\$ 15,410
AK Center for Blind Adults	"	\$ 12,858
Arctic Access	"	\$ 3,828
Deaf Community Services	"	\$ 9,857
Kenai Peninsula. IL Center	"	\$ 17,362
Southeast Alaska Independent Living (SAIL)"		\$ 20,988

Access Alaska – Anchorage	Specialized Services	\$ 45,300
Access Alaska – Anchorage	IL Center Services	\$249,286
Access Alaska – Fairbanks1	“	\$236,938
Arctic Access	“	\$ 36,865
Kenai Peninsula IL Center	“	\$161,600
SAIL	“	\$ 37,719
SAIL	Older Blind Services	\$ 15,586*
Access Alaska – Fairbanks	“	\$ 15,586*
AK Center for Blind Adults	“	\$ 15,586*
Kenai Peninsula IL Center	“	\$ 15,586*

*The grantees providing services for older blind individuals will be awarded additional grant funds of \$37,500 each for FY 00.

XI. *Make recommendations per section 5 in SB 33, suggestions for new legislation.*

Section 5 provides a comprehensive approach to assess privatization of government services. An extremely important role for the state Vocational Rehabilitation program has been to ensure high quality services provided by qualified professionals through monitoring and evaluating services provided by staff as well as private service providers. Standards must be maintained.

XII. *Explain rationale for each recommendation, the number of votes for/ against it.*

XIII. *List problems or barriers to implementing proposed privatization.*

Federal law contains restrictions for the receipt of federal funds for vocational rehabilitation. Funds cannot be awarded directly to a private for profit entity.

I. Department of Labor and Workforce Development

II. BRU: Workers' Compensation

Components: Workers' Compensation
Second Injury Fund
Fishermen's Fund

III. Total Budget: Workers' Compensation – \$2,478.7
1004 GF – \$2,403.8
1005 P/R – \$29.9
1007 I/A – \$45.0

Second Injury Fund – \$2,858.9
1007 I/A – \$5.9
1031 SIF – \$2,853.0

Fishermen's Fund – \$1,301.0
1032 FF – \$1,301.0

Total (all funds):

1004 GF – \$2,403.8
1005 PR – \$29.9
1007 I/A – \$50.9
1031 SIF – \$2,853.0
1032FF – \$1,301.00

Grand Total (all funds) – \$6,638.60

IV. Total Revenue Derived:

Workers' Compensation – FY00
Restricted Revenue: \$45.0 I/A, \$29.9 GF P/R

Second Injury Fund – FY00
Unrestricted Revenue: \$3,087.9 Second Injury Fund
Restricted Revenue: \$5.9 I/A

Fishermen's Fund – FY00
Unrestricted Revenue: \$1,340.6 Disable Fishermen's Res. Acct.

V. Workers' Compensation: AS 23.30, 8 AAC 45, 8 AAC 46
Second Injury Fund: AS 23.30
Fishermen's Fund: AS 23.35, 8 AAC 55

VI. Sec. 84. Division of Workers' Compensation. The mission of the Division of Workers' Compensation is to: