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JUNEAU, ALASKA

Alaska State Legislature

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT
Pouch AG/Mail Stop 0123
Juneau, Alaska 99811
(907) 465-4442

Senator Bill Ray
Chairman

TO: All Commission Members
FROM: Teresa B. Cramer, Administrative Assistant *TC*
DATE: June 17, 1980
RE: Fate of Legislation Sponsored by the Blue Ribbon Commission

SB 499 and HB 909 - Four new positions for the Division of Personnel

Neither bill passed, but the four positions were added to the FCCS HB 556, the operating and capital budget, which was then incorporated into HB 1002 and adopted by both houses at the end of the session.

SB 500 and HB 907 - Legislative Review of Collective Bargaining Agreements

Neither of these bills left the house of origin. House State Affairs proposed a Committee Substitute, but it did not reach the House floor.

SB 501 and HB 906 - Veteran's Preference

The House adopted a Committee Substitute, deleting the language in the bill which required that the preference be used within three years of discharge from the service. The Senate State Affairs Committee did not act on either the House or the Senate Versions. However, the legislature did adopt the Revisor's Bill, SB 277, which includes language amending AS 39.25.150(23) to specify the date which ends the period in which eligibility for an employment preference may be earned for military service during the Viet Nam hostilities. The bill passed the legislature on May 29th.

SB 502 and SCS HB 908 - Merit Principle of Employment. Chapter 46, Session Laws of Alaska, 1980

The Senate amended the House bill by changing the language relating to retention of employees and to discipline. The amended version states that permanent employees have a right to retention based on the adequacy of their performance and that reasonable efforts of a temporary duration must be made before separating an employee from state service because of poor performance. The House concurred in the Senate amendments.

All Commission Members
Page 2
June 17, 1980

SCR 49 and HCR 57 - Procedures Manual by the Division of Budget and Management

Both houses passed HCR 57 without amendment. The Governor read the Resolution on May 13, 1980.

SCR 50 and HCR 56 - Extension of the Life of the Blue Ribbon Commission

Both houses passed SCR 50 together with the second Senate Fiscal Note and it was transmitted to the Governor on May 31, 1980.

BILLS SPONSORED BY BLUE RIBBON COMMISSION

Senate Bill No. 499
House Bill No. 909

Making a special appropriation to the Department of Administration for new positions in the Division of Personnel to process applications for state employment; and providing for an effective date.

Senate Bill No. 500
House Bill No. 907

Relating to collective bargaining; and providing for an effective date.

Senate Bill No. 501
House Bill No. 906

Relating to the veterans' service preference under the state personnel system.

Senate Bill No. 502
House Bill No. 908

Relating to the merit principle in state employment.

Senate Concurrent Resolution No. 49
House Concurrent Resolution No. 57

Relating to the preparation and distribution by the Division of Budget and Management, Office of the Governor, of a personnel procedures manual.

Senate Concurrent Resolution No. 50
House Concurrent Resolution No. 56

Extending the life of the Blue Ribbon Commission on the State Personnel Act.



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Senator Bill Ray
Chairman

TO: Senator Bill Ray, Chairman

FROM: Teresa B. Cramer, Administrative Assistant *Jerry*

DATE: March 10, 1980

RE: Meeting with Bruce Cummings and Mike Mitchell.

Mike Mitchell, a research assistant to Senator Mulcahy, is gathering information on the Blue Ribbon Commission bills which are before the Senate State Affairs Committee. He asked Bruce Cummings to meet with him to talk about the commission's recommendations. Mr. Cummings asked that I sit in on the meeting. The following is a summary of the comments and suggestions which he made:

SB 499: Appropriating funds for 4 positions in the Division of Personnel.

It presently takes an average of 6 weeks for the Division of Personnel to process an application. They received approximately 3000 applications in December, 1979. In January, 1980, they opened 6 of the 170 or 180 registers which had been closed and received a total of 4500 applications during the month - an increase of 50%. Based on that experience, Mr. Cummings felt that even with 4 additional positions he could not promise to open all the state's registers without adding significantly to the time which it takes to process each application.

He also indicated that he disagrees philosophically with open recruitment for all of the state's job classes.

Some job classes have so many names already on the eligible list and so few vacancies during the year, that for a large number of those on the list, there is little likelihood of even being offered an opportunity for an interview, much less being offered a position. For example, there are about 300 names on the Fish Biologist I register and last year the Department of Fish and Game had only 10 vacancies in that job class.

Mr. Cummings indicated that he felt that, in those kinds of situations, it was unfair to the applicants to appear to be indicating that there was a vacancy for which they might apply. Getting on a register does not mean that there is a vacancy but applicants frequently fail to understand that and become disillusioned with the state employment system when they sit on registers for a year or two without hearing anything. In addition, the state spends time and money processing those applications which in reality are not likely to significantly improve the candidate pool for a particular job class. Also, open recruitment makes it possible for a program manager hiring for a position to "preselect" the person whom he

or she wishes to hire. In a closed recruitment situation, the manager would have to select from those who had previously shown an interest in that job class. When open recruitment is possible, the manager can request a list, determine that the person in whom he or she is interested is not on the list, advise that person to apply for the job class, wait a bit, ask for a second list because there were no satisfactory applicants on the first one, and work the register to reach the "preselected" person. This is much more difficult in a closed recruitment situation, since the Division of Personnel has to be convinced to open a job class to accept new applications, and they can then examine the department's experience with the register more closely.

Mr. Cummings indicated that he would welcome the addition of 4 new positions, but that unless he were advised otherwise by the legislature he did not plan to open all of the registers should they be funded. Instead, he indicated that he would use them to improve the time it takes to process those applications which the division presently receives, and to help set up registers for people interested in nonpermanent positions. There is an unanticipated need for additional staff to do this. The Department of Fish and Game was looking for a nonpermanent clerk typist in Juneau and was unable to find anyone on the clerk typist register who was willing to accept the nonpermanent position. Therefore, a special register needs to be created for nonpermanent clerk typists and a recruitment effort launched to fill it.

Mr. Cummings did indicate that should he be directed by the legislature to open all of the job classes, he would, of course, follow that public policy decision. However, for the reasons indicated above, he does recommend against that policy.

SB 500: Collective Bargaining and legislative review.

Mr. Cummings had little comment on this bill, recommending that Mike Mitchell talk with Sandy Withers, instead. He did say, however, that based on his experience in trying to negotiate a Local 71 contract this year, he believes that there are serious problems in setting up a hard and fast schedule for presentation of agreements to the legislature. He said that he supported the provisions concerning the funding of multi-year contracts which are set out in the second section of the bill.

SB 501: Veterans' Preference System.

Mr. Cummings indicated that he believed it was good public policy to set a cut-off date for the ending of eligibility for service in the Vietnam conflict, and that he does not care particularly what date is selected.

On the question of limiting eligibility for a veteran's preference for three years after discharge, he indicated that that was a public policy question on which he would be happy to follow whatever policy the legislature chose to adopt. He did note that since the ranking on some registers is quite tight, the five points granted to veterans can make a significant difference in where an applicant ranks.

Mike asked whether I had researched the veterans' preference system in other states. I told him I had not, although, when reading materials from Michigan I had noticed that a 3 year cut-off had been recommended there as well.

Would a review of other states laws be helpful?

SB 502: Merit principle of employment.

Mr. Cummings supported spelling out the concepts included within the merit principle of employment, particularly since this will then apply to union contracts negotiated by the state. Because of that use, however, he was concerned that some of the terms used in the bill might be subject to ambiguity, so that unions might disagree as to the meaning of the term. He gave as examples the phrase "open consideration of qualified applicants for initial appointment" in lines 12-13. "Open consideration" might be subject to different interpretation, and therefore, might permit a hiring hall system to continue. Another example concerns the third paragraph, lines 18-19, relating to separation of those employees whose work cannot be corrected. The bill does not include a statement that reasonable efforts only need to be made to correct inadequate performers. Therefore, it is quite possible that a union would insist that a nonperforming employee could not be terminated, since the employer could have done more to improve that employee's performance.

Rather than try to change the language of the bill, Mr. Cummings suggested that a Letter of Intent be attached which would address these issues. The language first and third paragraphs of the bill are taken from the federal standards. Mr. Cummings suggested that the Letter of Intent make clear that they reflect the intent of the federal standards and should be interpreted and implemented with that in mind.

TBC:sp

Introduced: 2/26/80
Referred: State Affairs and
Finance

Funding Information
General Fund \$92,600
Other Funds -0-
\$92,600

BY THE RULES COMMITTEE BY
REQUEST OF THE LEGISLATIVE
COUNCIL (for the Blue
Ribbon Commission on the
State Personnel Act)

1 IN THE SENATE

2 SENATE BILL NO. 499

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-
7 ment of Administration for new positions in the divi-
8 sion of personnel to process applications for state
9 employment; and providing for an effective date."

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

11 * Section 1. The sum of \$92,600 is appropriated from the general fund to
12 the Department of Administration for creation of four new positions in the
13 division of personnel to process applications for state employment.

14 * Sec. 2. The unexpended and unobligated portion of the appropriation
15 made by this Act lapses into the general fund June 30, 1981.

16 * Sec. 3. This Act takes effect July 1, 1980.
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Senator Bill Ray
Chairman

TO: Senator Bill Ray, Chairman

FROM: Teresa B. Cramer, Administrative Assistant *TC*

DATE: February 27, 1980

RE: Senate Bill 499

Making a special appropriation to the Department of Administration for new positions in the Division of Personnel to process applications for state employment; and providing for an effective date.

Senate Bill 499 implements Recommendation 10 of the Blue Ribbon Commission's Report to the Alaska Legislature concerning keeping the state job registers open for recruitment.

This bill appropriates \$92,600 for the Division of Personnel in the Department of Administration to increase their staff to enable them to process additional applications from persons seeking employment with the state. The breakdown of the funding request is as follows:

Personal Services

1. Personnel Technician I (2 positions) @ \$2,102/mo.
x 12 months = \$25.2K per annum x 2 = \$50.4K
2. Clerk II (2 positions) @ \$1676/month x 12 months
= 20.1K per annum x 2 = \$40.2K

Equipment & Commodities

Desk, chair, miscellaneous supplies @ \$500 each x 4 = \$2K

For the five year period ending June 30, 1979, the number of applications received by the Division of Personnel increased 106.9%, from 28,993 to 59,991. During that same period, staff increased to process the applications at a rate of only 12.8%, from 282 man-months to 318 man-months. (In addition 2 CETA positions were assigned, which increases the man-months to 342 and the rate of growth to 21.3%.) This disparity of growth placed the division in a crunch, and, in order to keep the division's head above water, it was decided that some of the job classifications should be closed and no new applications accepted for those classes. The division intended that each of the 173 classes would be opened for at least 30 days each year.



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Senator Bill Ray
Chairman

TO: Senator Bill Ray, Chairman

FROM: Teresa B. Cramer, Administrative Assistant *TBC*

DATE: February 27, 1980

RE: House Bill 909

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House Bill 909 implements Recommendation 10 of the Blue Ribbon Commission's Report to the Alaska Legislature concerning keeping the state job registers open for recruitment.

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Commission members were concerned that closing the registers denied Alaskans the opportunity to compete for jobs in the state and that the best qualified candidate interested in an opening might be unable to apply for the position. While recognizing that the division's workload is excessive, the commission believes that an alternative solution should be found. Therefore, the commission recommends that the legislature fund these four positions so that recruitment for the classes which have been closed can be reopened without overwhelming the staff.

TBC:sp

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TBC:sp

Introduced: 2/26/80
Referred: Finance

Funding Information

General Fund \$92,600
Other Funds -0-
\$92,600

BY THE RULES COMMITTEE BY
REQUEST OF THE LEGISLATIVE
COUNCIL (for the Blue
Ribbon Commission on the
State Personnel Act)

1 IN THE HOUSE

2 HOUSE BILL NO. 909

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

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M E M O R A N D U M

To: Teresa B. Cramer
Administrative Assistant
Blue Ribbon Commission on
the State Personnel Act

Date: February 14, 1980

From: Bruce A. Cummings
Director
Division of Personnel
Department of Administration

Subject: BRC Recommendation 10

You have asked that I provide you with the fiscal data needed to fund the four positions advocated for addition to this division by Recommendation 10 of the "Report of the Blue Ribbon Commission on the State Personnel Act" (dated January 9, 1980). On the presumption that a budget amendment to implement this recommendation may not exceed four positions, I am identifying direct costs as noted below for FY 81. However, I am also attaching a memorandum from Carole Burger, Chief, Recruitment and Examining, which I believe presents a more accurate projection of the manpower required to implement Recommendation 10 without a corresponding deterioration in the level of application processing service currently provided.

My funding request is:

Personal Services

1. Personnel Technician I (2) @ \$2,102 mo.
x 12 = \$25.2K per annum x 2 = \$50.4K
2. Clerk III (2) @ \$1,676 mo x 12 = \$20.1K
per annum x 2 = \$40.2K

Equipment & Commodities

Desk, Chair, Miscellaneous Supplies @ \$500 ea. x 4 = \$2K

Personal services costs are based on FY 81 rates, for 12 man months. Should the appropriation be effective prior to 7/1/80, please compute personal services costs at \$4,204 per month for two Technician positions, and \$3,352 per month for the two Clerk positions.

I appreciate that at this late date it is unlikely that Recommendation 10, or any other Commission recommendation, can be altered. However, I must note my strong professional opinion that it is not in the best business interests of the State to keep all job classifications open for continuous recruitment, without regard for the adequacy of existing registers. If possible, I ask that the attached comments from Ms. Burger be included in any further information on this subject which may be presented to Senator Ray.

Teresa B. Cramer
February 14, 1980
Page 2

Notwithstanding our reservations regarding Recommendation 10, I wish to assure you that this agency will make every effort to comply with legislative policy in this area.

Attachment

cc: Sue Greene
Deputy Commissioner
Department of Administration
(with attachment)

STATE
of ALASKA

MEMORANDUM

TO: ☐ Bruce Cummings
Director
Division of Personnel
Department of Administration

DATE: February 14, 1980

FILE NO:

TELEPHONE NO:

FROM:

Carole J. Burger
Carole J. Burger
Chief
Recruitment & Examining Section
Division of Personnel
Department of Administration

SUBJECT:

Continuous Recruitment

In view of the recommendations of the Blue Ribbon Commission I feel it is only a matter of time before this division is compelled to open recruitment for all job classes on a continuous basis. Therefore, it is imperative that you and all others concerned are aware of the impact this decision will have on our ability to process the anticipated volume of applications resulting from this decision.

I cannot recommend open continuous recruitment as the best course of action. Without increased resources to meet the increased demand for service, we will, at best, be able to only partially meet the needs. At worst, we could face a total system breakdown. My recommendation that recruitment should be scheduled based on employee needs, available workforce, projected turnover and the like still stands. I believe it to be counter-productive and poor management practice to expend the resources to recruit applicants far in excess of State needs. It is not necessary to reiterate here the reasons for this division's decision to close recruitment for certain job classes. They are fully explained in the attached report.

Should it be the decision that continued recruitment is the policy this division will pursue, I will of course do everything possible to carry out that policy. To this end, I propose the following staff increases, based on application flow and performance data over the last five years, be requested:

Anticipated volume of applications based on average 20% increase per year for the five year period ending June 30, 1979.

	<u>Juneau</u>	<u>Anchorage</u>	<u>Fairbanks*</u>
FY 80 (Providing cont. recruitment)	60,800	10,800	1,500
FY 81	72,000	13,000	1,800

* Estimated - no full year data available for Fairbanks.

February 14, 1980

Past experience has shown that a fully trained, full-time examiner can process approximately 7,000 applications per year (this figure allows for vacations and illness, but does not include turnover requiring training time for new examiners). The addition of 4.5 examining positions will enable this division to examine the anticipated volume of applications with minimal "lag time." Lag time is defined as the average time in work days from receipt of application until an examiner completes review of that application. Current experience shows that without EDP support, minimal lag time with a manual processing system (including clerical time for receiving, logging, pulling necessary information and distributing) is four to seven work days. More realistically, turnover and lower productivity during training will result in an estimated average lag time of nine to ten working days.

Examining Positions (Personnel Technicians):

	<u>Juneau</u>	<u>Anchorage</u>	<u>Fairbanks</u>	
Current	6.5	1	.5	
New positions required *	3.5	1	--	Total Increase
TOTAL	10	2	.5	4.5

* Anticipates a total volume of 86,800 applications in FY 1981.

It must be kept in mind that an increase in application volume also increases the clerical support necessary to receive, record, distribute, file, place candidates on eligible lists, schedule and administer examinations and other myriads of duties associated with our current manual system.

Again, historical staffing and productivity data indicates the following clerical support/application volume ratio necessary to handle the massive paper flow.

<u>Clerical Support/Applications</u>	<u>Current Positions All Offices</u>	<u>New Positions Required*</u>
Examining 1/ 6,000	9	5
Files 1/10,000	5.5	3
Certifications 1/15,000	5	1
TOTAL	19.5	9

* Anticipates a total volume of 86,800 applications in FY 1981.

While this is an estimate and it is probable that we could "make do" with fewer clerical positions, it is totally unrealistic to plan on an increased examining staff without a substantial increase in clerical support, particularly in view of the lack, at this time, of electronic processing capability.

February 14, 1980

It is obvious from this data that proper staffing is critical if we are to be able to receive and process applications with any degree of timeliness. The result of inadequate staffing would be an increase in lag time. This increase would be greater than a strict numerical progression. As lag time increases, so do the volume of inquiries seeking information about the progress of individual applications. Staff time required to locate the application and respond to the individual is taken away from the needed examining function, causing even greater delays and more inquiries. A vicious cycle ensues whereby examining time is drastically reduced. With an anticipated volume of 86,800 applications and with current staff, we could expect an average lag time of approximately 30 to 40 working days.

One additional factor that must be kept in mind is the equipment and space necessary to store and file the incoming applications as well as desks and other equipment for new staff. Presently, we neither have the funds for new equipment nor available space to add desks, files, etc.

Finally, I would recommend that continuous recruitment be phased in over a period of several months. This is to avoid the chaotic situation inherent in opening all job classes at the same time without adequate staff trained to process the applications.

CJB/ch

RECRUITMENT PRACTICES

ALASKA DIVISION OF PERSONNEL & LABOR RELATIONS

I thank you for the opportunity to comment on our program budget situation in regard to examining applicants for State employment.

The volume of applications in recent years has increased at an annual rate of 20%. As this volume increase has been going on, additional demands to document all actions to show compliance with union contracts and equal employment regulations have also increased. Requested increases in staff and resources to meet these demands have received limited sympathy and less support.

For the five-year period ending June 30, 1979, the annual rate of applications increased from 28,993 to 59,991. An increase of 106.9%. During the same period staff increases to cope with the volume went from 282 man months to 318. An increase of 12.8%.* Certainly some internal efficiencies and adjustments have been made to cope with the increased applications. However, without increased staff the needs could only be partially met.

During this period the number of vacant permanent positions and appointments have been decreasing. In several occupational areas we were, and are continuing to spend resources to examine applicants which far exceed the State's needs. Such action defies justification consistent with any sound business principles.

Serious problems on timely response to applicants began to develop.

During 1978 the measured time from receipt of an application until an Examiner reviewed it was averaging up to a month. This delay caused applicants to increase their inquiries seeking acknowledgement that their application had, indeed, been received. Staff time required to locate the application and respond to the individual was taken away from the needed examining function, which caused even greater delays and more inquiries. Thus a vicious cycle began, which, if allowed to continue, would have lead to an ultimate total system breakdown. Considerable thought was given to alternatives. These considered included:

1. GREATER DELEGATION TO OPERATING DEPARTMENTS. Although the personnel staffs of several departments expressed a desire for the authority, none of them believed they could adequately take on the increased work without

* Two CETA positions have also been assigned to the application filing work unit which increases the man months to 342; and a growth rate of 21.3%.

an increased staff. There was also concern that applicants would become more confused as the variety of places and the necessary procedures to apply for State employment increased.**

2. GREATER USE OF DATA PROCESSING SUPPORT. The Division of Data Processing did not have the staff or the resources to give assistance without reimbursement. The Division of Personnel and Labor Relations' requests for funds for this purpose have been turned down.

3. REVISE RECRUITMENT PRACTICES. This option appeared to be mostly within the control of the Division and was selected.

Reasons considered in selecting this option included:

1. The most common public and private recruitment practices are based on the employer's need for employees. The State's previous practice of examining applicants for everything at all times was highly unusual.

2. Examining applicants for jobs where no identified need existed or eligibles far in excess of the State's identified needs already existed, appeared wasteful of resources and denied an opportunity to concentrate on jobs that were difficult to fill.

3. During summer and fall months high numbers of applications are received from individuals seeking immediate employment. Many of the applicants have recently arrived in the State and their commitment to remain is highly questionable. A majority of these applications were for jobs that eligibles already exceeded needs. It was desirable to decrease the number of impulse and transient applicants.

4. Some efficiency of batch processing could be gained.

The recruitment closures were not what is typically considered a recruitment closure by public employers. The most typical cycle is to open recruitment for a specific time, close recruitment "until further notice," establish an eligible list and not reopen recruitment until that list is exhausted. The Division of Personnel and Labor Relations' closures announced when recruitment would be reopened and followed a self-imposed constraint that no job class would be closed for longer than eleven months.

** Since the establishment of the Department of Highways, the authority to recruit, examine and certify for several engineering job classes has been delegated to that Department and its successor; the Department of Transportation and Public Facilities. A 1977 Legislative Audit of the Division of Personnel recommended that all examining and certification functions should be centralized in the Division of Personnel for reasons of greater efficiency and less duplication. The delegation has not been rescinded.

The closures applied only to those jobs where an excessive supply of eligibles existed. Of over 900 job titles for which an individual could apply, only 173 were rescheduled for recruitment during the winter months. At the time of closure the 173 job classes covered 1,055 positions, of which 197 were vacant. During the previous year 527 appointments had been made. The eligible lists contained 12,883 applicants.

Allegations of union contract violations were resolved when an arbitrator ruled that the State's action did not violate the General Government or the Supervisory agreements between the State and the Alaska Public Employees Association.

Closure notices were issued in March, May, and September.

Through the first ten months of 1979, the number of applications received for examination were 1,300 less than the same period of 1978. A decline of 2.8%. However, without exercising some control over recruitment, an additional 10,830 applications were expected.

The average time from receipt until review by an Examiner for the period of June through October was nine working days less in 1979, than for the same period of 1978. This was a 54.0% reduction in time.

The scheduling of recruitment for certain job classes for specific months of the year makes it possible to take advantage of efficiencies of batch processing. An Examiner can review and rate 500 applications for Fisheries Biologist I received at one time much more rapidly than the same number of applications spread out over a twelve month period.

There is no basis to believe that this change in recruitment practices will of itself, have any impact on Equal Employment Opportunity practices. The Division of Equal Employment Opportunity has cited data which indicates that women and minorities are underrepresented in many job classes. Because the recruitment closures are so recent the E.E.O. data can only reflect the results of the previous unrestricted recruitment practices. The change in recruitment practices can be viewed as an opportunity to concentrate on affirmative action recruitment where needed without having to contend with numerous unsolicited applications which have resulted in a workforce that is not representative of the percentage of women and minorities in the labor market. The success of the recently completed recruitment program which concentrated on soliciting applications from minorities and women for "State Trooper Recruit" illustrates this point.

COMPARISON OF APPLICATIONS RECEIVED
AND LAG TIME

<u>MONTH</u>	1978		1979			
	<u>APPLICATIONS</u>	<u>LAG TIME</u>	<u>APPLICATION</u>	<u>DIFFERENCE FROM 1978</u>	<u>LAG TIME</u>	<u>DIFFERENCE FROM 1978</u>
March	4,756	N/A	6,089	+1,333	22.0	N/A
April	3,051	N/A	4,401	+1,350	21.1	N/A
May	4,722	N/A	4,714	- 8	20.0	N/A
June	5,792	19.0	3,965	-1,827	14.5	- 4.5
July	5,124	18.1	3,748	-1,376	8.7	- 9.4
August	4,931	16.4	4,180	- 751	4.5	-11.9
September	5,045	15.8	4,591	- 454	6.4	- 9.4
October	<u>6,206</u>	<u>15.0</u>	<u>4,073</u>	<u>-2,133</u>	<u>4.6</u>	<u>-10.4</u>
TOTALS	39,627		35,761	(3,866)		
AVERAGE		16.89			7.74	-9.12

LAG TIME is defined as the average time in work days from receipt of application until an Examiner completes review of that application.

FIVE YEAR EXPERIENCE
POSITIONS, APPLICATIONS
AND STAFF

<u>FY YEAR</u>	<u>POSITIONS</u>	<u>APPLICATIONS</u>	<u>WORK MONTHS EXAMINING STAFF</u>
1975	9,358	28,993	282
1976	9,025	38,685	282
1977	9,322	45,775	282
1978	9,486	50,904	306
1979	10,125	59,991	318

"POSITIONS" includes all classified and partially exempt positions within the executive branch as of June 15, of year indicated.

"WORK MONTHS EXAMINING STAFF" Those man months authorized for the budget year for recruitment, examination and certification of applicants for State employment.

MEMORANDUM



The Honorable William Hudson
Commissioner
Department of Administration

DATE

October 29, 1979

FILE NO

TELEPHONE NO

FROM:

Jerry Reinwand, Chairman
Governor's Budget Review Committee

SUBJECT

Policy Budget Comments

My memo of October 15 forwarded several comments concerning your policy budget submission. The following comment was erroneously omitted and should be considered as part of the original memo:

The BRC is concerned that the practice of closing selected employment registers is violative of sound EEO and public management practices. We recognize the desire of the Division of Personnel to resolve what fairly may be described as a paper management crisis, however, we strongly recommend that in the interest of preserving our EEO standing and insuring our ability to retain the most competent individuals in public employment, that other alternatives be thoroughly considered.

DIRECTOR'S OFFICE

NOV 5 1979

DIV. OF PERSONNEL
& LABOR RELATIONS



JUNEAU, ALASKA

Alaska State Legislature

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT
Pouch AG/Mail Stop 0123
Juneau, Alaska 99811
(907) 465-4442

Senator Bill Ray
Chairman

TO: Senator Bill Ray, Chairman

FROM: Teresa B. Cramer, Administrative Assistant *TC*

DATE: February 27, 1980

RE: Senate Bill 499

Making a special appropriation to the Department of Administration for new positions in the Division of Personnel to process applications for state employment; and providing for an effective date.

Senate Bill 499 implements Recommendation 10 of the Blue Ribbon Commission's Report to the Alaska Legislature concerning keeping the state job registers open for recruitment.

This bill appropriates \$92,600 for the Division of Personnel in the Department of Administration to increase their staff to enable them to process additional applications from persons seeking employment with the state. The breakdown of the funding request is as follows:

Personal Services

1. Personnel Technician I (2 positions) @ \$2,102/mo.
x 12 months = \$25.2K per annum x 2 = \$50.4K
2. Clerk II (2 positions) @ \$1676/month x 12 months
= 20.1K per annum x 2 = \$40.2K

Equipment & Commodities

Desk, chair, miscellaneous supplies @ \$500 each x 4 = \$2K

For the five year period ending June 30, 1979, the number of applications received by the Division of Personnel increased 106.9%, from 28,993 to 59,991. During that same period, staff increased to process the applications at a rate of only 12.8%, from 282 man-months to 318 man-months. (In addition 2 CETA positions were assigned, which increases the man-months to 342 and the rate of growth to 21.3%.) This disparity of growth placed the division in a crunch, and, in order to keep the division's head above water, it was decided that some of the job classifications should be closed and no new applications accepted for those classes. The division intended that each of the 173 classes would be opened for at least 30 days each year.

Commission members were concerned that closing the registers denied Alaskans the opportunity to compete for jobs in the state and that the best qualified candidate interested in an opening might be unable to apply for the position. While recognizing that the division's workload is excessive, the commission believes that an alternative solution should be found. Therefore, the commission recommends that the legislature fund these four positions so that recruitment for the classes which have been closed can be reopened without overwhelming the staff.

TBC:sp

Introduced: 2/26/80
Referred: State Affairs and
Finance

Funding Information
General Fund \$92,600
Other Funds -0-
\$92,600

BY THE RULES COMMITTEE BY
REQUEST OF THE LEGISLATIVE
COUNCIL (for the Blue
Ribbon Commission on the
State Personnel Act)

1 IN THE SENATE

2 SENATE BILL NO. 499

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-
7 ment of Administration for new positions in the divi-
8 sion of personnel to process applications for state
9 employment; and providing for an effective date."

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

11 * Section 1. The sum of \$92,600 is appropriated from the general fund to
12 the Department of Administration for creation of four new positions in the
13 division of personnel to process applications for state employment.

14 * Sec. 2. The unexpended and unobligated portion of the appropriation
15 made by this Act lapses into the general fund June 30, 1981.

16 * Sec. 3. This Act takes effect July 1, 1980.
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Introduced: 2/26/80
Referred: State Affairs and
Labor and Management

BY THE RULES COMMITTEE BY REQUEST
OF THE LEGISLATIVE COUNCIL (for
the Blue Ribbon Commission on the
State Personnel Act)

1 IN THE SENATE

2 SENATE BILL NO. 500

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to collective bargaining; and pro-
7 viding for an effective date."

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

9 * Section 1. AS 23.40.210 is amended by adding a new subsection to read:

10 (b) When an agreement is entered into between an organization and
11 the state, the agreement shall be submitted to the legislature within 30
12 days after convening of a regular session for approval of the monetary
13 terms by appropriation or for rejection by concurrent resolution. The
14 legislature may not adjourn a regular session until it has accepted or
15 rejected the monetary terms of an agreement submitted under this sub-
16 section. The monetary terms of an agreement may not take effect unless
17 approved by appropriation by the legislature as provided in this sub-
18 section.

19 * Sec. 2. AS 23.40.215 is amended by adding a new subsection to read:

20 (b) When the monetary terms of an agreement for more than one year
21 are approved by an appropriation and the agreement makes no provision
22 for reopening and negotiating adjustments in those monetary terms during
23 the life of the agreement, the appropriation shall be for the entire
24 cost of the monetary terms to be expended in successive fiscal years in
25 accordance with those terms over the life of the agreement, and its
26 enactment shall constitute a contract by the state not to repeal or
27 diminish the appropriation during the life of the agreement.

28 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
29 070(c).

#



JUNEAU, ALASKA

Alaska State Legislature

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT
Pouch AG/Mail Stop 0123
Juneau, Alaska 99811
(907) 465-4442

Senator Bill Ray
Chairman

TO: Senator Bill Ray, Chairman

FROM: Teresa B. Cramer, Administrative Assistant *TBC*

DATE: February 27, 1980

RE: Senate Bill 500

Relating to collective bargaining; and providing for an effective date.

Senate Bill 500 addresses the issue of legislative involvement in the collective bargaining process and implements Recommendation 4 of the Blue Ribbon Commission's Report to the Alaska Legislature.

ANALYSIS OF BILL

The purpose of this bill is to provide a system for legislative consideration of the monetary terms of the collective bargaining contracts negotiated by the state and its employees's organizations.

Section one of the bill amends the Public Employment Relations Act to implement the system of review. It provides that

- the monetary terms of collective bargaining agreements must be approved by the legislature in order for those terms to take effect;
- agreements between the employee organizations and the state shall be submitted to the legislature within the first 30 days of a regular session;
- legislative review is limited to the monetary terms of the agreements;
- the legislature approves those terms by passing the appropriation bills to fund the agreements;
- the legislature may reject the monetary terms by adopting a Concurrent Resolution; and
- the legislature may not adjourn a regular session until it has either accepted or rejected the monetary terms of any collective bargaining agreements which have been brought before it.



JUNEAU, ALASKA

Alaska State Legislature

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT
Pouch AG/Mail Stop 0123
Juneau, Alaska 99811
(907) 465-4442

Senator Bill Ray
Chairman

TO: Senator Bill Ray, Chairman

FROM: Teresa B. Cramer, Administrative Assistant *TBC*

DATE: February 27, 1980

RE: Senate Bill 500

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Senate Bill 500 addresses the issue of legislative involvement in the collective bargaining process and implements Recommendation 4 of the Blue Ribbon Commission's Report to the Alaska Legislature.

ANALYSIS OF BILL

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Section one of the bill amends the Public Employment Relations Act to implement the system of review. It provides that

- the monetary terms of collective bargaining agreements must be approved by the legislature in order for those terms to take effect;
- agreements between the employee organizations and the state shall be submitted to the legislature within the first 30 days of a regular session;
- legislative review is limited to the monetary terms of the agreements;
- the legislature approves those terms by passing the appropriation bills to fund the agreements;
- the legislature may reject the monetary terms by adopting a Concurrent Resolution; and
- the legislature may not adjourn a regular session until it has either accepted or rejected the monetary terms of any collective bargaining agreements which have been brought before it.

Section two of the bill addresses funding for multi-year collective bargaining agreements. It provides that the legislative appropriation which will establish legislative approval for the monetary terms is to be an appropriation for the entire life of the agreement. The legislative enactment constitutes a contract by the state not to repeal or reduce the appropriation during that time. This provision for multi-year funding applies only to agreements which make no provision for reopening and negotiating adjustments to the monetary terms during the life of the agreement.

Section three of the bill provides that the bill takes effect immediately.

DISCUSSION

The commission considered the question of how to provide a more active role for the legislature in considering the fiscal impact of collective bargaining agreements while retaining a viable negotiating system within the executive branch. The commission considered that for the legislature to negotiate directly with the public employee organizations would be excessively time-consuming, and that therefore this task was more appropriately left to the Division of Labor Relations of the Department of Administration. The commission believes that the system proposed in this bill is the most appropriate vehicle for legislative review.

The commission recommends that action on the agreements submitted to the legislature be taken expeditiously. This would insure that if the legislature rejected an agreement, there would remain time within the session for the parties to renegotiate, should they choose to do so. If they agreed to an alternative agreement, the second agreement could be submitted for legislative review of the monetary terms. Nothing in this bill precludes the parties from taking any other action they might deem appropriate, including seeking approval of a strike by an organization's membership.

Should this bill be enacted, an interim system would have to be agreed to by the parties for contracts presently in force.



JUNEAU, ALASKA

Alaska State Legislature

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT
Pouch AG/Mail Stop 0123
Juneau, Alaska 99811
(907) 465-4442

Senator Bill Ray
Chairman

TO: Senator Bill Ray, Chairman

FROM: Teresa B. Cramer, Administrative Assistant

ABC

DATE: February 27, 1980

RE: House Bill 907

Relating to collective bargaining; and providing for an effective date.

House Bill 907 addresses the issue of legislative involvement in the collective bargaining process and implements Recommendation 4 of the Blue Ribbon Commission's Report to the Alaska Legislature.

ANALYSIS OF BILL

The purpose of this bill is to provide a system for legislative consideration of the monetary terms of the collective bargaining contracts negotiated by the state and its employees' organizations.

Section one of the bill amends the Public Employment Relations Act to implement the system of review. It provides that

- the monetary terms of collective bargaining agreements must be approved by the legislature in order for those terms to take effect;
- agreements between the employee organizations and the state shall be submitted to the legislature within the first 30 days of a regular session;
- legislative review is limited to the monetary terms of the agreements;
- the legislature approves those terms by passing the appropriation bills to fund the agreements;
- the legislature may reject the monetary terms by adopting a Concurrent Resolution; and
- the legislature may not adjourn a regular session until it has either accepted or rejected the monetary terms of any collective bargaining agreements which have been brought before it.

Section two of the bill addresses funding for multi-year collective bargaining agreements. It provides that the legislative appropriation which will establish legislative approval for the monetary terms is to be an appropriation for the entire life of the agreement. The legislative enactment constitutes a contract by the state not to repeal or reduce the appropriation during that time. This provision for multi-year funding applies only to agreements which make no provision for reopening and negotiating adjustments to the monetary terms during the life of the agreement.

Section three of the bill provides that the bill takes effect immediately.

DISCUSSION

The commission considered the question of how to provide a more active role for the legislature in considering the fiscal impact of collective bargaining agreements while retaining a viable negotiating system within the executive branch. The commission considered that for the legislature to negotiate directly with the public employee organizations would be excessively time-consuming, and that therefore this task was more appropriately left to the Division of Labor Relations of the Department of Administration. The commission believes that the system proposed in this bill is the most appropriate vehicle for legislative review.

The commission recommends that action on the agreements submitted to the legislature be taken expeditiously. This would insure that if the legislature rejected an agreement, there would remain time within the session for the parties to renegotiate, should they choose to do so. If they agreed to an alternative agreement, the second agreement could be submitted for legislative review of the monetary terms. Nothing in this bill precludes the parties from taking any other action they might deem appropriate, including seeking approval of a strike by an organization's membership.

Should this bill be enacted, an interim system would have to be agreed to by the parties for contracts presently in force.

Original sponsor: Rules/Legislative Council

Offered: 4/14/80
Referred: Rules

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2

CS FOR HOUSE BILL NO. 907

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

ELEVENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

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

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

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* Section 1. AS 23.40.210 is amended by adding a new subsection to read:

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(b) When an agreement is entered into between an organization and the state, the agreement shall be submitted to the legislature for approval of the monetary terms by appropriation or for rejection of the monetary terms. The monetary terms of an agreement may not take effect unless approved by appropriation by the legislature.

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* Sec. 2. AS 23.40.215 is amended by adding a new subsection to read:

16

(b) When the monetary terms of an agreement for more than one year are approved by an appropriation and the agreement makes no provision for reopening and negotiating adjustments in those monetary terms during the life of the agreement, the appropriation shall be for the entire cost of the monetary terms to be expended in successive fiscal years in accordance with those terms over the life of the agreement, and its enactment shall constitute a contract by the state not to repeal or diminish the appropriation during the life of the agreement.

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* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-070(c).

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Introduced: 2/26/80
Referred: State Affairs

BY THE RULES COMMITTEE BY
REQUEST OF THE LEGISLATIVE
COUNCIL (for the Blue
Ribbon Commission on the
State Personnel Act)

1 IN THE HOUSE

2 HOUSE BILL NO. 907

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to collective bargaining; and pro-
7 viding for an effective date."

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

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12 days after convening of a regular session for approval of the monetary
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14 legislature may not adjourn a regular session until it has accepted or
15 rejected the monetary terms of an agreement submitted under this sub-
16 section. The monetary terms of an agreement may not take effect unless
17 approved by appropriation by the legislature as provided in this sub-
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21 are approved by an appropriation and the agreement makes no provision
22 for reopening and negotiating adjustments in those monetary terms during
23 the life of the agreement, the appropriation shall be for the entire
24 cost of the monetary terms to be expended in successive fiscal years in
25 accordance with those terms over the life of the agreement, and its
26 enactment shall constitute a contract by the state not to repeal or
27 diminish the appropriation during the life of the agreement.

28 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
29 070(c).

Introduced: 2/26/80
Referred: State Affairs

BY THE RULES COMMITTEE BY
REQUEST OF THE LEGISLATIVE
COUNCIL (for the Blue
Ribbon Commission on the
State Personnel Act)

1 IN THE SENATE

2 SENATE BILL NO. 501

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the veterans' service preference
7 under the state personnel system."

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

9 * Section 1. AS 39.25.150(23) is amended to read:

10 (23) the granting of employment preference rights to a veteran
11 at each time he applies for employment, not within the area of promo-
12 tion, when he possesses the necessary qualifications in the job classi-
13 fication for which he applies under this chapter; the term "veteran"
14 means a person with 90 days or more active service in the armed forces
15 of the United States who has been honorably discharged after having
16 served during any period between April 6, 1917, and December 1, 1919,
17 between September 16, 1940, and December 31, 1947, or between June 27,
18 1950, and November 7, 1975 [A DATE TO BE DETERMINED BY THE LEGISLATURE
19 WHICH SHALL BE ON OR ABOUT SIX MONTHS AFTER THE TERMINATION OF HOSTILI-
20 TIES INVOLVING FORCES OF THE UNITED STATES IN VIET NAM]; the term
21 "disabled veteran" means a veteran who is rated by the United States
22 Veterans' Administration as having at least a 10 percent service-
23 connected disability; in the examination to determine the qualification
24 of applicants for entrance into the classified service under merit
25 system examination, five additional points shall be added to the passing
26 grade of a veteran who was discharged from the armed forces of the
27 United States for three years or less before the date of application
28 for employment and 10 additional points shall be added to the passing
29 grade of a disabled veteran; if a position in the classified service is

1 eliminated, employees shall be released in accordance with rules which
2 give due effect to all factors; if all job qualifications are equal, the
3 veteran shall be given preference over the nonveteran and the veteran
4 shall be kept on the job.
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JUNEAU, ALASKA

Alaska State Legislature

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT
Pouch AG/Mail Stop 0123
Juneau, Alaska 99811
(907) 465-4442

Senator Bill Ray
Chairman

TO: Senator Bill Ray, Chairman

FROM: Teresa B. Cramer, Administrative Assistant *TBC*

DATE: February 27, 1980

RE: Senate Bill 501

Relating to the veterans' service preference under the state personnel system.

Senate Bill 501 addresses Recommendation 12 of the Blue Ribbon Commission's Report to the Alaska Legislature, concerning the veterans' preference system in the State Personnel Act.

This bill proposes two changes in the veterans' preference system statute. The first, a housekeeping measure, designates November 7, 1975, as the final date for eligibility for preference as a veteran of the Vietnam era. This date was selected on the basis of President Ford's proclamation that the Vietnam era ended on May 7, 1975. See attached copy.

The second change limits eligibility for veterans' preference points to a period of three years following discharge from the armed forces of the United States. The majority of the commission considered three years to be a reasonable period to assist veterans in their readjustments to civilian life and in their reentry into the civilian work force.

TBC:sp

No. 4373

May 9, 1975, 40 F.R. 20257

**FIXING TERMINAL DATE RESPECTING SERVICE IN THE ARMED
FORCES ENTITLING PERSONS TO CERTAIN
VETERANS BENEFITS**

**BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION**

The Congress has provided that entitlement to certain veterans benefits be limited to persons serving in the Armed Forces during the period, beginning August 5, 1964, referred to as the Vietnam era. The President is authorized to determine the last day on which a person must have entered the active military, naval or air service of the United States in order for such service to qualify as service during that period.

The signing of the cease-fire agreements and implementing protocols on January 27, 1973, between the United States of America and the Republic of Vietnam, on the one hand, and the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam on the other hand, has terminated active participation by the Armed Forces of the United States in the Vietnam conflict.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, by virtue of the authority vested in me by Section 101(29) of Title 38 of the United States Code, do hereby proclaim, for the purposes of said Section 101(29), that May 7, 1975, is designated as the last day of the "Vietnam era."

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of May in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD

Original sponsor: Rules/Legislative Council

Offered: 3/27/80
Referred: Rules

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 906

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the veterans' service preference
7 under the state personnel system."

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

9 * Section 1. AS 39.25.150(23) is amended to read:

10 (23) the granting of employment preference rights to a veteran
11 at each time he applies for employment, not within the area of promo-
12 tion, when he possesses the necessary qualifications in the job classi-
13 fication for which he applies under this chapter; the term "veteran"
14 means a person with 90 days or more active service in the armed forces
15 of the United States who has been honorably discharged after having
16 served during any period between April 6, 1917, and December 1, 1919,
17 between September 16, 1940, and December 31, 1947, or between June 27,
18 1950, and November 7, 1975 [A DATE TO BE DETERMINED BY THE LEGISLATURE
19 WHICH SHALL BE ON OR ABOUT SIX MONTHS AFTER THE TERMINATION OF HOSTILI-
20 TIES INVOLVING FORCES OF THE UNITED STATES IN VIET NAM]; the term
21 "disabled veteran" means a veteran who is rated by the United States
22 Veterans' Administration as having at least a 10 percent service-
23 connected disability; in the examination to determine the qualification
24 of applicants for entrance into the classified service under merit
25 system examination, five additional points shall be added to the passing
26 grade of a veteran and 10 additional points shall be added to the
27 passing grade of a disabled veteran; if a position in the classified
28 service is eliminated, employees shall be released in accordance with
29 rules which give due effect to all factors; if all job qualifications

1 are equal, the veteran shall be given preference over the nonveteran and
2 the veteran shall be kept on the job.
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Introduced: 2/26/80
Referred: State Affairs

BY THE RULES COMMITTEE BY
REQUEST OF THE LEGISLATIVE
COUNCIL (for the Blue
Ribbon Commission on the
State Personnel Act)

1 IN THE HOUSE

2 HOUSE BILL NO. 906

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

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26 grade of a veteran who was discharged from the armed forces of the
27 United States for three years or less before the date of application
28 for employment and 10 additional points shall be added to the passing
29 grade of a disabled veteran; if a position in the classified service is

1 eliminated, employees shall be released in accordance with rules which
2 give due effect to all factors; if all job qualifications are equal, the
3 veteran shall be given preference over the nonveteran and the veteran
4 shall be kept on the job.
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JUNEAU, ALASKA

Alaska State Legislature

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT
Pouch AG/Mail Stop 0123
Juneau, Alaska 99811
(907) 465-4442

Senator Bill Ray
Chairman

TO: Senator Bill Ray, Chairman

FROM: Teresa B. Cramer, Administrative Assistant *TBC*

DATE: February 27, 1980

RE: House Bill 906

Relating to the veterans' service preference under the state personnel system.

House Bill 906 addresses Recommendation 12 of the Blue Ribbon Commission's Report to the Alaska Legislature, concerning the veterans' preference system in the State Personnel Act.

This bill proposes two changes in the veterans' preference system statute. The first, a housekeeping measure, designates November 7, 1975, as the final date for eligibility for preference as a veteran of the Vietnam era. This date was selected on the basis of President Ford's proclamation that the Vietnam era ended on May 7, 1975. See attached copy.

The second change limits eligibility for veterans' preference points to a period of three years following discharge from the armed forces of the United States. The majority of the commission considered three years to be a reasonable period to assist veterans in their readjustments to civilian life and in their reentry into the civilian work force.

TBC:sp

No. 4373

May 9, 1975, 40 F.R. 20257

**FIXING TERMINAL DATE RESPECTING SERVICE IN THE ARMED
FORCES ENTITLING PERSONS TO CERTAIN
VETERANS BENEFITS**

**BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION**

The Congress has provided that entitlement to certain veterans benefits be limited to persons serving in the Armed Forces during the period, beginning August 5, 1964, referred to as the Vietnam era. The President is authorized to determine the last day on which a person must have entered the active military, naval, or air service of the United States in order for such service to qualify as service during that period.

The signing of the cease-fire agreements and implementing protocols on January 27, 1973, between the United States of America and the Republic of Vietnam, on the one hand, and the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam on the other hand, has terminated active participation by the Armed Forces of the United States in the Vietnam conflict.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, by virtue of the authority vested in me by Section 101(29) of Title 38 of the United States Code, do hereby proclaim, for the purposes of said Section 101(29), that May 7, 1975, is designated as the last day of the "Vietnam era."

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of May in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD

STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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

MEMORANDUM

December 7, 1978

SUBJECT: Work Order #5791: Constitutional and Federal
Requirements on a Merit System.

TO: Senator Bill Ray, Chairman
Legislative Council Commission
on the State Personnel Act

FROM: Richard A. Bradley 
Legislative Counsel

The "blue ribbon" commission established under L.R. 27, 1978 has asked that I provide it with an exploration of the meaning of the term "merit system" in the context of the Alaska Constitution and of Federal law. For purposes of this analysis, I have divided my comments into three parts: First, an analysis of the constitutional debates; second, some brief comments on the usual understanding of the meaning of the term, and third, any Federal requirements that need to be considered.

I. The 1955 Constitutional Convention Debates.

The 1955 debates reflect that the drafters of the constitution had a good understanding of the characteristics of a merit system. The debate at the convention on what became Article XII, Section 6 focused on only two questions:

(1) Shall the language read that

The legislature shall establish a system
under which the merit principle will govern
the employment of persons by the State

or shall it read

The legislature may establish a
system [etc.]

and

(2) If the section is phrased in the latter formulation, whether it is needed in the constitution at all.

The initial debate on the section appears at pages 2798 - 2800 of the Proceedings of the Alaska Constitutional Convention. In these pages, the earlier, original formula of "shall" was changed to "may."

The reasons for the change reflect a concern that "shall" would oblige the legislature at statehood to establish a merit system immediately. Use of "may" would reflect, under this hypothesis, a decision by the Convention that such a system would be useful, but also that it would not need to be implemented immediately.

Thus Delegate Johnson [at 2799] stated that the Territorial Legislature had been concerned about the situation for a number of years but had been unable to adopt a measure:

If you put in the word "shall" it seems to me that then [the legislature is] confronted with the necessity of doing it right now and not getting a good system. [Id., at 2799.]

Delegate Taylor stated that there was a modified merit system in effect at that time as to ESC and Health and Welfare employees; as to the use of certain Federal funds, a merit system was required. [Id., at 2799.] Delegate Nordale noted that there was no Territorial merit system. Rather, the merit system then applicable to the listed agencies was derived from Federal law. [Id., at 2800.]

She continued:

As far as the working of a civil service system, there are always exempted positions such as part-time employment and various types of employment that usually, I imagine, are always exempted; and it does not ordinarily apply to elected or appointed officials and there is a certain group at the top level of government that are completely exempt from the operation of a civil service system. Many others are classified, and there are the other exemptions at the lower level. [Id., at 2800.]

The more substantive debates occurred later on a motion to rescind the action substituting "may" for "shall." [Id., at

Senator Bill Ray
Page 3
December 12, 1978

2887 - 2895.] Thus Delegate Sundborg described the merit principle at 2887 - 2888:

I don't think anybody is, in principle, opposed to the merit system. * * * It is a system by which persons who are to be employed by the state are employed on the basis of their ability rather than who they might know or what pull they might have or how they voted in a recent election. * * * Persons who desire employment are treated alike. They are given written and oral examinations to determine whether they are qualified for the positions to which they aspire. There is a regular integrated program of salaries as between various positions so that not the legislature, not the head of an agency, can say that this person shall get so many dollars per year and that one so many, without any reference to what the person is doing or what he is producing. The converse of the merit principle is the spoils system, and anyone who doesn't want to have a merit principle incorporated in our state government system must, I think, be in favor of a spoils system.

Responding to debate, Delegate McCutcheon asked :

How does Mr. Barr substantiate his assertion that this is keeping employees out of politics. * * * You are not inferring that this is a small Hatch Act?

Delegate Barr responded [at 2889 - 2890]:

It is setting up a framework of government for the state and it is dealing with the employees and the officers of the state only; and it was felt that it would be better to have a merit system to keep the employees out of politics. It was recognized, of course, that the governor should have his appointees serve as department heads, so he could work with his own team.

Delegate Ralph Rivers discussed the application of a merit system to temporary employees [at 2890]:

I would like to speak on the point of law: would this necessarily cover temporary employees. * * * This language speaks only of the establishment of employment by a merit principle. Now, I regard that as a general directive to establish a merit system, but all the details would be spelled out by the legislature, and I

Senator Bill Ray
Page 4
December 12, 1978

want the record to show that if I vote for the word "shall" it is not on the theory that every temporary employee is going to be under the merit system. It is going to be on the theory that the legislature has the power to spell out the details.

Delegate McLaughlin spoke on the general question [at 2891 - 2892]:

I would concur in the statement made by Mr. Sundborg as to the merit principle. If we substitute here the word "shall" all we are doing, in substance, is providing that we won't be under a spoils system. I think, perhaps, there is a misapprehension in the Convention as to what the merit principle consists of. The merit principle, in substance, merely determines that political considerations will not be the determinant for the selection, and all we are doing is repudiating the idea of the spoils system. From somewhat limited knowledge, I know in most states of the Union, not only do they have, if they so desire, if you adopt this can you have a large exempt class, but you can have many varieties of what they call classifications and not necessarily even that. But you can have classifications classifying all applicants for service into various categories, some of them not requiring examinations, some possibly limited, but you can adopt the merit principle without examination, and it is certainly not my intent when I vote for "shall" to blanket in any large group of individuals permanently into the civil service. Another problem that has arisen is the question many people complain about embedding public employees into their jobs. You have poor civil service systems and you have good ones. That is something that should be left entirely to the legislature. When you vote for "shall" you merely vote for the principle that you are opposed to the spoils system, and if you are in favor of some method of selection whereby you won't have on your payrolls people whose only obligation to government is to vote for those in power on election day. They shall be secure in their jobs, and not subject to political dismissal.

Delegate Sundborg spoke last [at 2894]:

May I close, briefly? Mr. President, I think practically everything that can be said about this has been said. I can say definitely that it is in language

which I think is identical with this or at least is very similar to that of the three agencies which now operate on the merit principle in our Territory which were ordered to do so by the federal government, and that system, the Alaska Merit System, does provide exemptions of all temporary employees, all part-time employees and the heads of agencies. * *

* On this matter of perpetuating in their jobs, people who will not be sympathetic or will not be able to do the work as the heads of the agencies desire, any employee under a merit system can be discharged for cause. A man isn't frozen into his job permanently just because he is hired under a merit system. If he isn't working in the way that the head of the agency and the merit agency of the state requires, according to job specifications, he can be relieved of his responsibilities in very short order, and that is as it should be.

In summary, several points relative to the constitutional mandate that a merit system be established may be made:

Though not all positions in state government need be covered under a merit system, the law establishing the system should be the source of the exceptions. Thus part-time employees or temporary employees may be excluded; elected or appointed officers are necessarily excluded.

Appointments to positions are based on the tested ability of employees rather than on whom they may have known.

Salaries are based on the nature of the work, as established by the classification of the position.

Employees have tenure during the time they are efficient and perform their work well, without regard to political considerations.

II. General Understanding of the Meaning of Merit System.

When a merit system bill was introduced in the First Legislature, it was referred to the Legislative Council for interim review. Its analysis of the meaning is brief and to the point:

A merit system is designed essentially to promote efficiency in government through the continuity of

Senator Bill Ray
Page 6
December 12, 1978

employment of qualified personnel. At the same time it can serve to protect the employee, guarding him against political raid and allowing him job tenure as long as he meets the qualifications for his position and performs in an efficient manner. [Staff Memorandum on House Bill 188, First Legislature; December 9, 1959.]

Note that House Bill 188 was described in the December 9, 1959 Memorandum of the Legislative Council Staff as comprehending both personnel practices and merit principles.

I understand that Ken Humphries has provided the Commission with an analysis of other merit systems; I agree that his analysis is accurate on the characteristics of merit systems.

Public Law 91-648, 84 Stat. 1909, the Inter-governmental Personnel Act of 1970, contains a generally agreed-on list of merit principles:

- (1) recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment;
- (2) providing equitable and adequate compensation;
- (3) training employees, as needed, to assure high-quality performance;
- (4) retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected;
- (5) assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, or religious creed and with proper regard for their privacy and constitutional rights as citizens; and
- (6) assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

I believe that all of these principles are contained within the debate quoted earlier in this memorandum with the possible

Senator Bill Ray
Page 7
November 12, 1978

exception of training which, at least in my view, is more a good personnel practice than a merit principle.

III. Federal Requirements.

The Federal government imposes no requirements on state government generally or on the state government in Alaska as to its views on the desired constituent parts of a merit system.

Rather the Federal government imposes its view that certain state or local agencies shall abide by the merit principle, regardless of their practices generally, when they employ individuals in "various grant-in-aid and other intergovernmental programs using Federal funding." See the notice of proposed rule-making at 43 Fed. Reg. 20996 [May 16, 1978], proposing regulations which will be located at 5 CFR §900.61 et seq.; the regulations will replace earlier regulations found at 45 CFR part 70.

The proposed rule making sets out various principles which will guide state action. Because the proposals seem fairly clear [and have some 38 years' history], it does not seem necessary to comment on them individually.

The appendix to the proposed rule-making, 43 Fed. Reg. at 21103, sets out the various Federal programs which are viewed as subject to the merit principles.

If I can assist further, please advise.

RAB:jdm

Introduced: 2/26/80
Referred: State Affairs and Labor &
Management

BY THE RULES COMMITTEE BY
REQUEST OF THE LEGISLATIVE
COUNCIL (for the Blue
Ribbon Commission on the
State Personnel Act)

1 IN THE SENATE

2 SENATE BILL NO. 502

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the merit principle in state em-
7 ployment."

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

9 * Section 1. AS 39.25.010 is amended by adding a new subsection to read:

10 (b) The merit principle of employment includes the following:

11 (1) recruiting, selecting, and advancing employees on the
12 basis of their relative ability, knowledge, and skills, including open
13 consideration of qualified applicants for initial appointment;

14 (2) regular integrated salary programs based on the nature of
15 the work performed;

16 (3) retention of employees on the basis of the adequacy of
17 their performance and provision for correction of inadequate performance
18 and separation of those employees whose inadequate performance cannot be
19 corrected;

20 (4) equal treatment of applicants and employees with regard
21 only to consideration within the merit principles of employment; and

22 (5) selection and retention of an employee's position secure
23 from political influences.
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JUNEAU, ALASKA

Alaska State Legislature

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT
Pouch AG/Mail Stop 0123
Juneau, Alaska 99811
(907) 465-4442

Senator Bill Ray
Chairman

TO: Senator Bill Ray, Chairman

FROM: Teresa B. Cramer, Administrative Assistant *TC*

DATE: February 27, 1980

RE: Senate Bill 502

Relating to the merit principle in state employment.

Senate Bill 502 addresses Recommendation 1 of the Blue Ribbon Commission's Report to the Alaska Legislature concerning recognition of the components of the merit principle of employment.

The Alaska Constitution directs, in Article XII, Section 6, that "(t)he legislature shall establish a system under which the merit principle will govern the employment of persons by the state." The constitution does not identify the components of the "merit principle." During the constitutional debates, the delegates identified concepts which they believed were encompassed by that term. See Proceedings of the Alaska Constitution Convention, pages 2886-2895. The legislature incorporated those concepts into the State Personnel Act which was adopted in 1961, but did not identify specifically the essential elements. This bill places the five components of the merit principle identified during the Constitution Convention in the State Personnel Act.

Since the Public Employment Relations Act requires that all collective bargaining agreements conform to the merit principle of employment, the designation of these components of the merit principle would serve to insure that the parties to collective bargaining agreements were on notice as to the state's interpretation of that language.

These five principles are consistent with the federal Standards for a Merit System of Personnel Administration, 44 F.R. 10238. The federal standards must be met for employment of persons in any federal grant-in-aid program. In addition, to the five areas addressed in this bill, the federal standards include a merit principle which requires that employees be trained as needed to assure high quality performance.

TBC:sp



JUNEAU, ALASKA

Alaska State Legislature

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT
Pouch AG/Mail Stop 0123
Juneau, Alaska 99811
(907) 465-4442

Senator Bill Ray
Chairman

TO: Senator Bill Ray, Chairman

FROM: Teresa B. Cramer, Administrative Assistant *TBC*

DATE: February 27, 1980

RE: House Bill 908

Relating to the merit principle in state employment.

House Bill 908 addresses Recommendation 1 of the Blue Ribbon Commission's Report to the Alaska Legislature concerning recognition of the components of the merit principle of employment.

The Alaska Constitution directs, in Article XII, Section 6, that "(t)he legislature shall establish a system under which the merit principle will govern the employment of persons by the state." The constitution does not identify the components of the "merit principle." During the constitutional debates, the delegates identified concepts which they believed were encompassed by that term. See Proceedings of the Alaska Constitution Convention, pages 2886-2895. The legislature incorporated those concepts into the State Personnel Act which was adopted in 1961, but did not identify specifically the essential elements. This bill places the five components of the merit principle identified during the Constitution Convention in the State Personnel Act.

Since the Public Employment Relations Act requires that all collective bargaining agreements conform to the merit principle of employment, the designation of these components of the merit principle would serve to insure that the parties to collective bargaining agreements were on notice as to the state's interpretation of that language.

These five principles are consistent with the federal Standards for a Merit System of Personnel Administration, 44 F.R. 10238. The federal standards must be met for employment of persons in any federal grant-in-aid program. In addition, to the five areas addressed in this bill, the federal standards include a merit principle which requires that employees be trained as needed to assure high quality performance.

Passed out of Senate State Affairs w/
individual recommendations

4/23/80

Original sponsor: Rules/Legislative Council

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 SENATE CS FOR HOUSE BILL NO. 908

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the merit principle in state em-
7 ployment."

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

9 * Section 1. AS 39.25.010 is amended by adding a new subsection to read:

10 (b) The merit principle of employment includes the following:

11 (1) recruiting, selecting, and advancing employees on the
12 basis of their relative ability, knowledge, and skills, including open
13 consideration of qualified applicants for initial appointment;

14 (2) regular integrated salary programs based on the nature of
15 the work performed;

16 (3) retention of employees with permanent status on the basis
17 of the adequacy of their performance, reasonable efforts of temporary
18 duration for correction in inadequate performance, and separation for
19 cause;

20 (4) equal treatment of applicants and employees with regard
21 only to consideration within the merit principles of employment; and

22 (5) selection and retention of an employee's position secure
23 from political influences.

Introduced: 2/26/80
Referred: State Affairs

BY THE RULES COMMITTEE BY
REQUEST OF THE LEGISLATIVE
COUNCIL (for the Blue
Ribbon Commission on the
State Personnel Act)

1 IN THE HOUSE

2 HOUSE BILL NO. 908

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the merit principle in state em-
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15 the work performed;

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17 their performance and provision for correction of inadequate performance
18 and separation of those employees whose inadequate performance cannot be
19 corrected;

20 (4) equal treatment of applicants and employees with regard
21 only to consideration within the merit principles of employment; and

22 (5) selection and retention of an employee's position secure
23 from political influences.
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STATE OF ALASKA

THE LEGISLATURE

1980

Source

HCR 57

Legislative
Resolve No.

22



Relating to preparation and distribution by the division of budget and management, Office of the Governor, of a personnel procedures manual.

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

WHEREAS classification of positions within the state personnel system can be cumbersome, which leads to delays in filling positions and in implementing new programs; and

WHEREAS the responsibility for performing functions involved in classification is in some instances not clearly assigned; and

WHEREAS duplication of effort and confusion as to the respective roles of various agencies work to the detriment of the state and present or prospective state employees; and

WHEREAS clarification of functions and procedures would be advantageous;

BE IT RESOLVED by the Alaska State Legislature that the Governor is respectfully requested to direct the division of budget and management to immediately prepare and distribute a procedures manual to assist personnel officers and other managers in understanding the process and to identify which agency to consult when questions arise.



JUNEAU, ALASKA

Alaska State Legislature

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT
Pouch AG/Mail Stop 0123
Juneau, Alaska 99811
(907) 465-4442

Senator Bill Ray
Chairman

TO: Senator Bill Ray, Chairman

FROM: Teresa B. Cramer, Administrative Assistant *TBC*

DATE: February 27, 1980

RE: House Concurrent Resolution 57

Relating to the preparation and distribution by the Division of Budget and Management, Office of the Governor, of a personnel procedures manual.

House Concurrent Resolution 57 implements Recommendation 9 of the Blue Ribbon Commission's Report to the Alaska Legislature by requesting that the Division of Budget and Management prepare and distribute a procedures manual for use in the classification and re-classification process.

Before a new position can be filled, the Division of Budget and Management must authorize the expenditure of funds for the salary and the Division of Personnel in the Department of Administration must classify it. The department in which the position occurs is responsible for preparing the documents to support these activities. There are no written guides for the departmental personnel to use in that preparation. This Concurrent Resolution asks the Division of Budget and Management to prepare a procedures manual for the use of the departments in this process.

There are some areas in the establishment of a new position or the reclassification of an existing position over which both the Division of Personnel and the Division of Budget and Management appear to have jurisdiction. This overlap can lead to confusion for the departmental staff responsible for preparation of the documents. The confusion can lead to delays in establishing the position and therefore to delays in implementing new programs. Where time is of the essence, these delays can frustrate the purpose of legislatively enacted programs.

Therefore the commission recommends that the legislature request the Division of Budget and Management to prepare and distribute a procedures manual to assist the departmental personnel officers and program managers in the steps necessary to establish a new position or to reclassify an existing position. The manual should identify which agency to consult when questions arise.

TBC:sp

Introduced: 2/26/80
Referred: State Affairs

BY THE RULES COMMITTEE BY
REQUEST OF THE LEGISLATIVE
COUNCIL (for the Blue
Ribbon Commission on the
State Personnel Act)

1 IN THE HOUSE

2 HOUSE CONCURRENT RESOLUTION NO. 57

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 Relating to preparation and distri-
6 bution by the division of budget and
7 management, Office of the Governor,
8 of a personnel procedures manual.

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

10 WHEREAS classification of positions within the state personnel system
11 can be cumbersome, which leads to delays in filling positions and in im-
12 plementing new programs; and

13 WHEREAS the responsibility for performing functions involved in classi-
14 fication is in some instances not clearly assigned; and

15 WHEREAS duplication of effort and confusion as to the respective roles
16 of various agencies work to the detriment of the state and present or pros-
17 pective state employees; and

18 WHEREAS clarification of functions and procedures would be advantageous;

19 BE IT RESOLVED by the Alaska State Legislature that the Governor is
20 respectfully requested to direct the division of budget and management to
21 immediately prepare and distribute a procedures manual to assist personnel
22 officers and other managers in understanding the process and to identify
23 which agency to consult when questions arise.



JUNEAU, ALASKA

Alaska State Legislature

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT
Pouch AG/Mail Stop 0123
Juneau, Alaska 99811
(907) 465-4442

Senator Bill Ray
Chairman

TO: Senator Bill Ray, Chairman

FROM: Teresa B. Cramer, Administrative Assistant *TBC*

DATE: February 27, 1980

RE: Senate Concurrent Resolution 49

Relating to the preparation and distribution by the Division of Budget and Management, Office of the Governor, of a personnel procedures manual.

Senate Concurrent Resolution 49 implements Recommendation 9 of the Blue Ribbon Commission's Report to the Alaska Legislature by requesting that the Division of Budget and Management prepare and distribute a procedures manual for use in the classification and re-classification process.

Before a new position can be filled, the Division of Budget and Management must authorize the expenditure of funds for the salary and the Division of Personnel in the Department of Administration must classify it. The department in which the position occurs is responsible for preparing the documents to support these activities. There are no written guides for the departmental personnel to use in that preparation. This Concurrent Resolution asks the Division of Budget and Management to prepare a procedures manual for the use of the departments in this process.

There are some areas in the establishment of a new position or the reclassification of an existing position over which both the Division of Personnel and the Division of Budget and Management appear to have jurisdiction. This overlap can lead to confusion for the departmental staff responsible for preparation of the documents. The confusion can lead to delays in establishing the position and therefore to delays in implementing new programs. Where time is of the essence, these delays can frustrate the purpose of legislatively enacted programs.

Therefore the commission recommends that the legislature request the Division of Budget and Management to prepare and distribute a procedures manual to assist the departmental personnel officers and program managers in the steps necessary to establish a new position or to reclassify an existing position. The manual should identify which agency to consult when questions arise.

TBC:sp

Introduced: 2/26/80
Referred: State Affairs and
Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE LEGISLATIVE
COUNCIL (for the Blue
Ribbon Commission on the
State Personnel Act)

1 IN THE SENATE

2 SENATE CONCURRENT RESOLUTION NO. 49

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 Relating to preparation and distri-
6 bution by the division of budget and
7 management, Office of the Governor,
8 of a personnel procedures manual.

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

10 WHEREAS classification of positions within the state personnel system
11 can be cumbersome, which leads to delays in filling positions and in im-
12 plementing new programs; and

13 WHEREAS the responsibility for performing functions involved in classi-
14 fication is in some instances not clearly assigned; and

15 WHEREAS duplication of effort and confusion as to the respective roles
16 of various agencies work to the detriment of the state and present or pro-
17 spective state employees; and

18 WHEREAS clarification of functions and procedures would be advantageous;

19 BE IT RESOLVED by the Alaska State Legislature that the Governor is
20 respectfully requested to direct the division of budget and management to
21 immediately prepare and distribute a procedures manual to assist personnel
22 officers and other managers in understanding the process and to identify
23 which agency to consult when questions arise.

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SCR 49 HCR 57
 Title Prepare & Distribute Personnel Procedure Manuals
 Requested by Senator Mulcahy Date _____

II. FISCAL DETAIL

Agency Affected AdministrationProgram Category Affected General GovernmentBRU, Program, or Subprogram(s) Affected Personnel

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

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

Written procedures required of the Division of Personnel pursuant to the State Personnel Act currently exist and would only require minor modification to incorporate instructions issued by the Division of Budget and Management pursuant to the Executive Budget Act.

IV. DATE 3/18/80 PREPARED BY Judy CrondahlAGENCY AdministrationPHONE 465-2277

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named) Senator Ray

Office of the Governor

33-001 (Rev. 12/78) Keith Specking
Rod Mourant

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

MAR 12 1980

I. REQUEST

Bill/Resolution No. SCR 49

Title Relating to preparation and distribution ... Date March 10, 1980

Requested by Senator Mulcahy

II. FISCAL DETAIL

Agency Affected Office of the Governor

Program Category Affected Executive Operations

BRU, Program, or Subprogram(s) Affected Budget and Management Services

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

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES	0					
200 TRAVEL	0					
300 CONTRACTUAL	0					
400 COMMODITIES	0					
500 EQUIPMENT	0					
600 LAND & STRUCTURES	0					
700 GRANTS, CLAIMS, ETC.	0					

TOTAL

FUNDING (Thousands of Dollars)

GENERAL FUND	0					
FEDERAL FUNDS	0					
OTHER (Specify Fund Source)	0					

POSITIONS

FULL TIME	0					
PART TIME	0					
TEMPORARY	0					

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

In order to prepare and distribute a Procedures Manual on Budget and Management's role in personnel functions and establishment of positions, no additional funding is required.

IV. DATE 3/10/80

PREPARED BY Rod Mourant and Ron Lehr

AGENCY Office of the Governor

Original: Legislative Finance

PHONE 465-3544

cc: Budget and Management

Prime Sponsor (First Legislator Named)

SENATE JOURNAL SUPPLEMENT

3/10/80

Monday

No. 16

FISCAL NOTE

SCR
50

I. REQUEST
Bill/Resolution No. SCR 50
Title Extending Life of Blue Ribbon Commission on State Personnel Act
Requested by Legislative Finance Date 2/28/80

II. FISCAL DETAIL
Agency Affected Legislative Affairs
Program Category Affected General Government
BRU, Program, or Subprogram(s) Affected Legislative Council
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)
EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES		72.2				
200 TRAVEL		15.7				
300 CONTRACTUAL		4.7				
400 COMMODITIES		1.1				
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		93.7				

FUNDING (Thousands of Dollars)

GENERAL FUND		93.7				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		2				
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)
Continuation of present staff and activity:
One Admin. Assoc. full-time \$46,984
One Secretary full-time 25,215
w/benefits 72,199
Travel - Staff and Commission 15,700
Contractual 4,700
Commodities 1,100
Total \$93,700 (105)

IV. DATE March 10, 1980 PREPARED BY John C. Sackott
AGENCY Senate Finance Committee
PHONE 465-3753
Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

SENATE JOURNAL SUPPLEMENT

3/6/80

Thursday

No. 14

FISCAL NOTE

I. REQUEST SCR 50
 Bill/Resolution No. SCR 50
 Title Extending Life of Blue Ribbon Commission on State Personnel Act
 Requested by Legislative Finance Date 2-28-80

II. FISCAL DETAIL Legislative Affairs
 Agency Affected Legislative Affairs
 Program Category Affected General Government
 BRU, Program, or Subprogram(s) Affected Legislative Council
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)
EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES		72.2			
200 TRAVEL		25.7			
300 CONTRACTUAL		6.7			
400 COMMODITIES		1.1			
500 EQUIPMENT					
600 LAND & STRUCTURES					
700 GRANTS, CLAIMS, ETC.					
TOTAL		105.7			

FUNDING (Thousands of Dollars)

GENERAL FUND		105.7			
FEDERAL FUNDS					
OTHER (Specify Fund Source)					

POSITIONS

FULL TIME		2			
PART TIME					
TEMPORARY					

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

Continuation of present staff and activity: One Admin Asst full-time \$46,984
 One Secretary full-time 25,215
 v/benefits 72,199
 Travel -- Staff and Commission 25,740
 Contractual 6,700
 Commodities 1,100
 TOTAL \$105,639 (105)

IV. DATE 3/4/80

PREPARED BY Richard C. Boag, Director
 LEGISLATIVE AFFAIRS AGENCY
 PHONE 465-3850

Introduced: 2/26/80
Referred: State Affairs

BY THE RULES COMMITTEE BY
REQUEST OF THE LEGISLATIVE
COUNCIL (for the Blue
Ribbon Commission on the
State Personnel Act)

1 IN THE SENATE

2 SENATE CONCURRENT RESOLUTION NO. 50

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 Extending the life of the Blue Ribbon
6 Commission on the State Personnel
7 Act.

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

9 WHEREAS in 1978 the legislature through Legislative Resolve No. 27
10 authorized the Legislative Council, in cooperation with the director of
11 personnel, to form a "blue ribbon" commission to study the State Personnel
12 Act; and

13 WHEREAS the commission was formed as authorized by the resolution, made
14 its report to the First Session of the Eleventh Legislature, and, in response
15 to the commission's request for additional time to study problems it had
16 identified, was funded by the legislature for a second year; and

17 WHEREAS additional time is needed to study the complex, interrelated
18 problems which the commission has identified;

19 BE IT RESOLVED by the Alaska State Legislature that the Blue Ribbon
20 Commission on the State Personnel Act is authorized to continue to perform
21 the assignments made to it by 1978 Legislative Resolve No. 27 through June 30,
22 1981.



JUNEAU, ALASKA

Alaska State Legislature

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT

Pouch AG/Mail Stop 0123
Juneau, Alaska 99811
(907) 465-4442

Senator Bill Ray
Chairman

TO: Senator Bill Ray, Chairman

FROM: Teresa B. Cramer, Administrative Assistant *TBC*

DATE: February 27, 1980

RE: Senate Concurrent Resolution 50

Extending the life of the Blue Ribbon Commission on the State
Personnel Act.

Senate Concurrent Resolution 50 addresses Recommendation 19 and 20 of the Blue Ribbon Commission's Report to the Alaska Legislature and asks the legislature to continue the commission's existence through June 30, 1981.

The Blue Ribbon Commission on the State Personnel Act has taken significant steps in its consideration of the complex problems in the personnel system of the state. However, the commission has not yet reached conclusions in a number of these areas, most significantly, in the questions of whether to centralize or to decentralize authority for personnel actions, in concluding a thorough review of statutes affecting personnel matters, and evaluation of the Personnel Rules. The commission believes that its work has been worthwhile and that a hasty tinkering with this area could do considerable harm. Therefore it hopes that the legislature will endorse its considered approach by extending its life through June 30, 1981.

For a more complete discussion of the commission's work, see the 1980 Report of the Blue Ribbon Commission on the State Personnel Act of the Eleventh Alaska State Legislature, Second Session.

TBC:sp



JUNEAU, ALASKA

Alaska State Legislature

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT
Pouch AG/Mail Stop 0123
Juneau, Alaska 99811
(907) 465-4442

Senator Bill Ray
Chairman

TO: Senator Bill Ray, Chairman

FROM: Teresa B. Cramer, Administrative Assistant *TBC*

DATE: February 27, 1980

RE: House Concurrent Resolution 56

Extending the life of the Blue Ribbon Commission on the State
Personnel Act.

House Concurrent Resolution 56 addresses Recommendation 19 and 20 of the Blue Ribbon Commission's Report to the Alaska Legislature and asks the legislature to continue the commission's existence through June 30, 1981.

The Blue Ribbon Commission on the State Personnel Act has taken significant steps in its consideration of the complex problems in the personnel system of the state. However, the commission has not yet reached conclusions in a number of these areas, most significantly, in the questions of whether to centralize or to decentralize authority for personnel actions, in concluding a thorough review of statutes affecting personnel matters, and evaluation of the Personnel Rules. The commission believes that its work has been worthwhile and that a hasty tinkering with this area could do considerable harm. Therefore it hopes that the legislature will endorse its considered approach by extending its life through June 30, 1981.

For a more complete discussion of the commission's work, see the 1980 Report of the Blue Ribbon Commission on the State Personnel Act of the Eleventh Alaska State Legislature, Second Session.

TBC:sp

Introduced: 2/26/80
Referred: Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE LEGISLATIVE
COUNCIL (for the Blue
Ribbon Commission on the
State Personnel Act)

1 IN THE HOUSE

2 HOUSE CONCURRENT RESOLUTION NO. 56

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 Extending the life of the Blue Ribbon
6 Commission on the State Personnel
7 Act.

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

9 WHEREAS in 1978 the legislature through Legislative Resolve No. 27
10 authorized the Legislative Council, in cooperation with the director of
11 personnel, to form a "blue ribbon" commission to study the State Personnel
12 Act; and

13 WHEREAS the commission was formed as authorized by the resolution, made
14 its report to the First Session of the Eleventh Legislature, and, in response
15 to the commission's request for additional time to study problems it had
16 identified, was funded by the legislature for a second year; and

17 WHEREAS additional time is needed to study the complex, interrelated
18 problems which the commission has identified;

19 BE IT RESOLVED by the Alaska State Legislature that the Blue Ribbon
20 Commission on the State Personnel Act is authorized to continue to perform
21 the assignments made to it by 1978 Legislative Resolve No. 27 through June 30,
22 1981.



JUNEAU, ALASKA

Alaska State Legislature

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT
Pouch AG/Mail Stop 0123
Juneau, Alaska 99811
(907) 465-4442

Senator Bill Ray
Chairman

TO: Senator Bill Ray, Chairman

FROM: Teresa B. Cramer, Administrative Assistant *TBC*

DATE: July 2, 1980

RE: Conversation with Bruce Cummings

I met with Bruce Cummings at his suggestion to review what progress the Division of Personnel is making towards the Blue Ribbon Commission's recommendations from our 1980 report. The following summarizes his comments.

Recommendation 1. Merit Principles. The legislature passed SCS HB 908 identifying the merit principles and adding them to the State Personnel Act. He views this as a very helpful change for the state. It clarifies the reasons why he cannot give some departments or individuals special treatment and may make his insistence on treating all alike easier to justify to those who approach him for special treatment.

Recommendation 2. Keeping positions in the classified service. He agrees with the commission position that any positions which are removed from collective bargaining should be kept in the classified service.

Recommendation 3. Exempt and Partially Exempt services. Bruce wholeheartedly supports the commission's recommendation that the placement of positions in the exempt and partially exempt services be reviewed.

Recommendation 4. Legislative role in Collective Bargaining. This is a matter for the Division of Labor Relations to comment on.

Recommendation 5. Merit Increase program. The collective bargaining contracts now all contain some provision for merit increases or seniority raises for their employees, so the question is no longer one which the Division of Personnel is involved with. The Division of Labor Relations handles any issues which arise under the contract terms. It has been his experience that no matter what kind of system is in place for merit increases or other pay raises, there are always problems with how it is administered. There are other more effective management tools for encouraging employees to perform well.

Recommendation 6. Cost of Living Adjustments. This is a collective bargaining issue.

Recommendation 7. Membership on the Personnel Board, the Labor Relations Agency, and the Public Employees Retirement Board. As a result of legislation passed last session, the Personnel Board members have been made members of the

Deferred Compensation Board and of the Supplemental Benefits Board. With these added responsibilities, those individuals may be over-extended, and therefore it is appropriate for their duties to be reviewed.

Recommendation 8. Departmental rank for Employee Relations. The Hammond administration continues to hold the opinion that employee relations should remain part of the Department of Administration.

Recommendation 9. Budget and Management Procedures Manual. I spoke with Jim Stey, Deputy Director of the Division of Budget and Management last week. He said that the division will begin working on the manual after they have finished processing the new budget and that it would not be done for several weeks. Bruce Cummings indicated that his division still hears complaints about problems with the processing of the papers for position classifications and reclassifications by Budget and Management.

Delegation of classification authority to departments. Bruce said that the division is continuing to expand their delegation to departments. He is in the process of developing a program in which the departments will be offered an opportunity to take on classification authority for positions within their departments paid at Range 18 or lower, provided that they have at least one other position in the same classification. It will be up to the departmental personnel officers to decide whether to accept the delegation or not. There will also be a classification workshop scheduled in the fall to assist personnel officers in making classification decisions. The Division of Personnel would retain an auditing role for the departmental decisions. The program would be reviewed after 6 months operation to consider whether it was working properly.

Recommendation 10. Four positions for the Division of Personnel. The legislature added four positions to the division, and they will be used initially to process the backlog of applications. Bruce has asked the Recruiting and Examining Section to review their experience with register closures to evaluate whether it saves time or increases the time taken to process applications.

Recommendation 11. One application for each job class. The division is developing an innovative computerized application process for the clerical classes in which one application can be used to apply for some 40 different positions. The computer would be able to score the applications, shortening the processing time required for getting the successful applicants on the registers. Since a substantial number of the applications the division receives are in the classes covered by this system, getting the system operational should mean that it will take less time for other applicants to have their applications processed and their names to appear on registers. If the computer program works, it can be expanded to include other classes as well.

One spin-off of the computer program is that a number of classifications have been identified which might be consolidated, thereby reducing the number of job classifications used by the state.

Recommendation 12. Veteran's Preference System. The legislature set a date for the end of the Viet Nam hostilities in the Revisor's bill.

Recommendation 13. Block Scoring. The division uses each review of its rating devices (either written examinations or evaluations of training and experience) to establish the blocks for a block scoring system for the job class. Bruce wants to eventually be able to use a block scoring system for all job classes.

Recommendation 14. Review of Unique or Unusual Circumstances. To implement this recommendation would require a change in the Personnel Rules. Bruce has some concern that moving in this direction (requiring more Division of Personnel involvement in the personnel actions of the departments) is counter to the direction most of the other Blue Ribbon Commission recommendations are going in.

Recommendation 15. Interviews for the top five applicants. Bruce has no objections to this recommendation - it is something that has to be carried out at the departmental (or program manager) level.

Recommendation 16. Not Recommended for Rehire. Like recommendation 14, this recommendation would require more Division of Personnel involvement in the personnel actions of the departments rather than moving towards decentralizing. In addition, supervisors can write recommendations to effectively recommend that an employee not be rehired without directly saying so, and therefore having the division review those which state specifically that an employee should not be rehired would not protect those others. The unions through their grievance procedures can better protect an employee from unfair recommendations than can the Division of Personnel.

Recommendation 17. Audits of the Personnel System. Bruce supports this recommendation and would like to see the division move in this direction, especially as the delegation of personnel responsibilities to the departments increases.

Recommendation 18. Graduated System of Penalties. This is a complicated area, and one in which providing more stringent structures will not really help in the process. The unions can protect employees from unreasonable penalties, and the contracts limit what the state can do, anyway, so this area is one which he sees as a collective bargaining issue.

Recommendation 19. Comprehensive revision of the laws affecting personnel. Bruce supports this recommendation, and thinks it would be helpful for the commission to do this.

Recommendation 20. Revision of the Personnel Rules. Bruce supports this recommendation.

PAULKNER, BANFIELD, DOOGAN & HOLMES
SUITE 201, 311 FRANKLIN ST. PHONE (907) 886-3210
JUNEAU, ALASKA 99801

1 SUPERIOR COURT FOR THE STATE OF ALASKA
2 FIRST JUDICIAL DISTRICT AT JUNEAU
3 ALASKA PUBLIC EMPLOYEES)
4 ASSOCIATION,)
5 Plaintiff,)
6 vs.)
7 STATE OF ALASKA; WILLIAM R.)
8 HUDSON, in his capacity as)
9 Commissioner of)
10 Administration; and JAY S.)
11 HAMMOND, Governor of the)
12 State of Alaska,)
13 Defendants.) Civil Action No. 1 JU-79-538

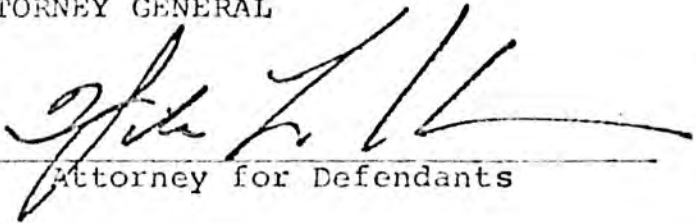
14 ACCEPTANCE OF SERVICE

15 STATE OF ALASKA)
16) ss.
17 FIRST JUDICIAL DISTRICT)

18 I, the undersigned, being first duly sworn, depose and
19 say:

20 I am the attorney for the defendants named in this
21 civil action. I hereby acknowledge receipt and accept service
22 of a copy of the Complaint and of the Summons filed and issued
23 in the above-entitled court and cause on the date set forth in
24 the below notarization of my signature hereto.

25 AVRUM M. GROSS
26 ATTORNEY GENERAL

27 By 
28 Attorney for Defendants

29 SUBSCRIBED AND SWORN to before me this 7th day of
30 May, 1979.

31 Notary Public for Alaska.
32 My Commission expires: 9/14/80

1
2 SUPERIOR COURT FOR THE STATE OF ALASKA
3 IN THE DISTRICT COURTS
4 FIRST JUDICIAL DISTRICT AT JUNEAU
5 JUN 11 1979

6 ALASKA PUBLIC EMPLOYEES ASSOCIATION,)
7 Plaintiff,)
8 vs.)
9 STATE OF ALASKA; WILLIAM R. HUDSON,)
10 in his capacity as Commissioner of)
11 Administration; and JAY S. HAMMOND,)
12 Governor of the State of Alaska,)
13 Defendants.)
14 No. 14-79-538

15
16 COMPLAINT

17 The Alaska Public Employees Association complains and
18 alleges as follows:

19 1. Plaintiff, Alaska Public Employees Association
20 (hereinafter "APEA"), is a nonprofit Alaska corporation in
21 good standing, having paid its annual corporate tax and having
22 filed its annual report for the last fiscal year. APEA is an
23 organization representing public employees in collective
24 bargaining with the State of Alaska and pursuant to the Public
25 Employment Relations Act (AS 23.40). APEA is the exclusive
26 bargaining representative for State employees in the General
27 Government and Supervisory Bargaining Units.
28 2. As bargaining representative for the General Government
29 Unit, APEA negotiated a collective bargaining agreement on
30 behalf of the aforesaid bargaining unit with the State of Alaska.
31 The Agreement Between the State of Alaska and the Alaska Public
32 Employees Association Covering General Government Unit Employees,
1977-1979, was signed on May 2, 1977, and provides that it
shall be effective from January 1, 1977; through December 31,
1979. The contract was executed for the State of Alaska by the

1 then Commissioner of Administration, B. B. Allen, and by the
2 spokesman and negotiators for the State of Alaska. A copy of
3 the agreement with the General Government Bargaining Unit is
4 attached as Appendix "A".

5 3. As bargaining representative for the Supervisory Unit,
6 APEA negotiated an Agreement Between the State of Alaska and
7 Alaska Public Employees Association Covering Supervisory Unit
8 Employees 1979. The agreement was signed on December 28, 1978,
9 by B. B. Allen, Commissioner of Administration, and by the
10 spokesperson and negotiators for the State of Alaska. It
11 provided that the agreement became effective on January 1,
12 1979, and would remain in effect until December 31, 1979. A
13 copy of this agreement is attached as Appendix "B".

14 4. This action is brought by APEA on behalf of the super-
15 visory and general government employees covered by the aforesaid
16 collective bargaining agreements.

17 5. Defendant State of Alaska is the employer of the
18 employees whom the plaintiff represents, and, as such, has the
19 responsibility to abide by the agreements negotiated with
20 plaintiff.

21 6. Defendant William R. Hudson is Commissioner of the
22 Department of Administration and has overall responsibility for
23 the administration of the collective bargaining agreements
24 negotiated by the State of Alaska.

25 7. Jay S. Hammond is the governor of the State of Alaska
26 and the chief executive officer of the State.

27 COUNT I

28 8. Article 24, Section 1, of the General Government
29 Agreement sets forth salary schedules for General Government
30 employees, including provisions for cost of living increases
31 based on the Consumer Price Index.

32 9. In 1977 the legislature had the General Government

1 Agreement before it and appropriated funds sufficient to pay
2 all salaries, benefits and other obligations of the State under
3 the contract, including a prepaid cost of living increase for
4 1978.

5 10. In reliance upon that legislative action, ratification
6 and endorsement of the contract, the General Government employees
7 continued to work, providing services to the State of Alaska,
8 and did not seek to negotiate different contractual terms,
9 exercise their right to strike or enforce the other rights
10 granted to them by AS 23.40. The State of Alaska accepted the
11 services of these employees and the benefits of these services
12 and promised to pay for those services as provided in the
13 General Government Agreement.

14 11. In 1978 the legislature again reviewed the General
15 Government contract and appropriated all necessary funds to
16 meet the State's obligations under the contract, including cost
17 of living increases based on the Consumer Price Index. The
18 General Government employees again relied on their contract
19 with the State and the action of the legislature as alleged
20 in paragraph 10.

21 12. In 1979 bills were introduced in the Alaska Legis-
22 lature to appropriate funds to cover moneys due and owing for
23 1978 and 1979. The House of Representatives passed the necessary
24 appropriations. The Senate took no action.

25 13. The State of Alaska entered the agreement with the
26 General Government employees with full knowledge of its terms.
27 It elected to base the salaries of the employees on a formula
28 tied to changes in the cost of living index rather than
29 providing for salaries at a fixed dollar level, or salaries
30 calculated on a particular percentage change from salaries under
31 an earlier contract, or salaries based on any other factor or
32

1 formula. The legislature was aware of the terms of the General
2 Government Agreement and twice endorsed and ratified those terms.
3 The State accepted the services of its employees with full
4 knowledge of the terms of this agreement. The employees relied
5 on this State action as alleged in paragraph 10. If the cost
6 of living had not increased or had increased by only a small
7 amount, the State's employees would have been bound to accept
8 salaries based on the contractual terms agreed to by the State.
9 In 1978, however, through no fault of the employees, the cost
10 of living increased substantially. As a result, the State now
11 seeks to renege on its agreement and, despite having entered
12 into an agreement and having received the services agreed to,
13 it now refuses to pay the employees as agreed either for past
14 services rendered or for future services. The State is bound
15 by its contractual agreements and the specific provisions of the
16 contracts must be enforced.

17 COUNT II

18 14. Article 18, Section 1, of the Supervisors' Agreement
19 sets forth the salary schedule for Supervisory employees,
20 including provision for 3.5% increases which are within approved
21 Presidential wage guidelines. Other articles of the contract
22 provide for other pay and benefits to Supervisory employees.

23 15. Based on this agreement, entered in late 1978, the
24 Supervisory employees continued to work after January 1, 1979,
25 and the State of Alaska accepted the services of those employees.
26 These services were provided in reliance on the contract agreed
27 to by the State of Alaska. The Supervisory employees, in
28 reliance on that agreement, did not attempt to negotiate
29 different contractual terms, exercise their right to strike, or
30 to exercise other rights granted to them in AS 23.40.

31 16. In 1979 a bill was introduced in the Alaska Legislature
32 to appropriate funds to provide salaries and benefits as called

1 for in the Supervisory contract. The House of Representatives
2 passed the necessary appropriations. The Senate took no action.

3 17. The State of Alaska, having entered into an agreement
4 with the Supervisory employees, and having accepted their services
5 rendered in reliance on the agreement, is now bound to abide by
6 the terms of its contract.

7 COUNT III

8 18. APEA repeats and realleges the allegations in
9 paragraphs 1 through 17 of this complaint.

10 19. The Alaska Legislature has already appropriated
11 sufficient funds to pay all or part of the agreed salaries and
12 benefits of the General Government and Supervisory employees,
13 specifically including the salaries and cost of living increases
14 for services already rendered.

15 20. The Governor and the Department of Administration
16 may not let these appropriations lapse or refuse to use those
17 moneys to pay the amounts due under the contract. The State is
18 required to abide by the terms of the contract and to use those
19 appropriated moneys to carry out the terms of its collective
20 bargaining agreements.

21 COUNT IV

22 21. APEA repeats and realleges the allegations in para-
23 graphs 1 through 20 of this complaint.

24 22. If the moneys appropriated by the Alaska Legislature
25 are not sufficient to pay all the employees of the State of
26 Alaska at the present level of service as required by the
27 contracts which the State has entered, the State is required to
28 reduce its obligations by reducing the amount of services it
29 receives rather than by refusing to honor its salary commit-
30 ments to the employees.

31 COUNT V

32 23. APEA repeats and realleges the allegations in para-

1 graphs 1 through 22 of this complaint.

2 24. The Governor of the State of Alaska and his adminis-
3 tration have failed to use their best efforts to obtain
4 legislative appropriations.

5 25. The Governor of the State of Alaska has publicly stated
6 his disagreement with the collective bargaining process and with
7 the provisions of AS 23.40. He has failed to act in good faith
8 to support, explain and seek legislative appropriations to fund
9 the provisions of the collective bargaining agreements entered
10 into by his administration. His actions reflect a determination
11 to subvert the collective bargaining process rather than to
12 enforce the laws of the State of Alaska as required by the
13 Alaska Constitution.

14 26. The Governor is bound to seek administrative alter-
15 natives and remedies to the fullest extent of his power to
16 enable and ensure compliance by the State of Alaska with its
17 collective bargaining agreements. The Governor may not simply
18 default on his obligations because of legislative inaction. If,
19 despite the Governor's best efforts at the executive level, the
20 State is unable to fulfill its contractual commitments, then
21 the Governor is obliged to call a special session of the
22 legislature to seek legislative action to enable the State to
23 comply with its collective bargaining agreements.

24 COUNT VI

25 27. APEA repeats and realleges the allegations in para-
26 graphs 1 through 26 of this complaint.

27 28. The State of Alaska, having accepted the services
28 of its employees rendered in good faith and in reliance upon
29 the contracts agreed to by the State of Alaska, will be unjustly
30 enriched if it is allowed to retain the benefits of those
31 services without paying the employees as agreed for those
32 services. The employees are entitled to be paid the reasonable

1 value for their services as set forth in those contracts.

2 COUNT VII

3 29. APEA repeats and realleges the allegations in para-
4 graphs 1 through 28 of this complaint.

5 30. The State of Alaska (including its employees and
6 agents in both the executive and legislative branches) is
7 estopped from taking any action or presenting any argument
8 which would facilitate default on its collective bargaining
9 agreements upon which its employees have relied and pursuant
10 to which they have already provided services.

11 COUNT VIII

12 31. APEA repeats and realleges the allegations in para-
13 graphs 1 through 30 of this complaint.

14 32. The State of Alaska may not refuse to honor its
15 collective bargaining agreements or take any action to facilitate
16 default on its collective bargaining agreements because to do so
17 would violate the United States and Alaska Constitutions,
18 including the Fourteenth Amendment to the United States
19 Constitution; Article I, Section 7, of the Alaska Constitution
20 prohibiting the taking of property without due process of law;
21 Article I, Section 1, of the Alaska Constitution guaranteeing
22 equal protection of the laws and the right of every individual
23 to the rewards of his own industry; and the prohibitions on
24 impairment of contracts in Article I, Section 10, of the United
25 States Constitution and Article I, Section 16, of the Alaska
26 Constitution.

27 WHEREFORE, the Alaska Public Employees Association asks
28 this court to enter an order requiring:

29 1. Specific performance by the State of Alaska of its
30 obligations under the General Government and Supervisory
31 contracts;
32

2. In the alternative, the payment of monetary damages for breach of said contracts;

3. In the alternative, requiring the State of Alaska to pay non-monetary damages or compensation for breach of said contracts;

4. Such other legal and equitable relief, including the entry of appropriate mandatory equitable orders, as will ensure maximum compliance by the State of Alaska with said contracts; together with costs, attorney fees and such other relief as may be just and proper.

DATED this 7th day of May, 1979.

FAULKNER, BANFIELD, DOOGAN & HOLMES

William B. Rozell, of Attorneys
for Alaska Public Employees
Association.