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BLUE RIBBON COMMISSION ON THE STATE PERSONNEL ACT
Pouch AG
Juneau, Alaska 99811
465-4442

TO: Blue Ribbon Commission Members

FROM: Teresa B. Cramer, Administrative Assistant

DATE: January 23, 1979

RE: Issues Summary, Categories of Employees Subcommittee

RESTRUCTURING THE STATE'S CATEGORIES OF EMPLOYEES

The Committee may wish to consider a major overhaul of the categories of employees in order both to eliminate abuses in the use of temporary employees and to better respond to the state's staffing needs. Niel Thomas' memo of January 8, 1979, provides an analysis of the needs which temporaries are filling and of one alternative. Copies of that memo have been distributed to members. More copies are available from the staff, if needed.

STATUTES AND REGULATIONS

STATUTE: The personnel rules shall provide for: (9) temporary appointments to positions in the state service which are determined to be of a seasonal or temporary nature AS39.25.150.

PERSONNEL RULES

PERSONNEL RULE 1: Definitions. "Temporary Position" means a position established with an anticipated duration of less than six months.

PR5 06.0: Temporary appointments shall, when practicable, be made from eligible lists. If the Director has found it impracticable to make certification because of non-availability of eligibles, he may authorize the temporary appointment of a qualified individual designated by the appointing authority. No appointment shall exceed six months except where the Director grants an extension of a temporary appointment because of extenuating circumstances...The period of temporary service shall not be counted as part of the probationary period in case of subsequent appointment to a permanent position.

PR6 02.6: Probationary Periods. Duration: Time served on emergency or temporary employment shall not be counted as part of the probationary period.

PR10.05.6: Leaves of Absence. Temporary Leave: The provisions of this rule do not apply to: Temporary employees hired for periods of less than 12 consecutive months.

PR11 04.2: Separation and Demotion. No permanent employee or probationary employee in the classified service shall be laid off while there are emergency, provisional or temporary employees serving in the same position classification in the same agency or organizational unit or in other position classifications performing work to which the permanent or probationary employee could reasonably be assigned.

PR11 04.7: In the case of emergency, temporary, provisional, part-time or other limited employment of employees from layoff or eligible lists, the appointing authority shall indicate to the employee and the Director...the approximate date of termination of employment.

PR11 05.1: Dismissal. Employees who do not hold permanent status may be dismissed at any time at the discretion of the appointing authority. The employee shall be advised in writing of the reason for the dismissal...If the dismissal was due to discrimination based on race, color, sex, religion or political beliefs, the right of appeal exists.

PR11 07.0: Termination. Termination means the release from employment of a temporary or emergency employee upon completion of his term of service or the need for his services.

TEMPORARY EMPLOYEES

1. Lack of benefits. Of the benefits provided to permanent employees by the state, temporary employees are entitled to receive only holiday pay and unemployment insurance. Temporaries are not eligible for court leave, administrative leave, personal leave, hazard pay or retirement benefits. Even if a temporary employee is subsequently placed in a permanent position, he or she does not receive retroactive credit towards either retirement or seniority.

Temporary employment does not entitle employees to be placed on promotional registers. Since the state has a policy favoring filling positions by promotions, this penalizes temporary employees who may have worked for a substantial period of time for the state. (The question of whether the state should continue its policy on promotions is raised in the Classification, Certification and Recruitment Memorandum.)

If temporary employees did, in fact, work only for a short time in one position, then it might be inappropriate for the state to provide leave benefits. Temporaries would then be hired only where there were deadlines that could not otherwise be met, and if they were out on leave, the department would have to pay, not only their salary, but also the salary of a second replacement temporary.

Because the state does not have to pay for as many fringe benefits to temporaries as it does for permanent employees, it is cheaper for departments to hire temporaries. Program managers may therefore leave permanent positions vacant and hire temporaries instead so as to be able to increase the staff available to work on a project. For the same reason, departments may use temporary employees instead of permanent seasonal employees for recurrent seasonal needs. Some departments have a substantial number of such employees and would probably need a supplemental appropriation to fund benefits if they made use of the permanent seasonal category.

The Local No. 71 collective bargaining agreement addresses the lack of benefits provided to temporary employees. Members who are working as temporaries receive a wage supplement of $1.32 per hour for the first 120 days of work in a temporary position. After the 120 days, they shift from the entry level wage group into a higher level wage group.

REMEDY: Does the Commission wish to recommend that any of the following benefits be provided to temporary employees:

a) Court, administative, or personal leave;

b) Hazard pay;

c) Credit towards retirement benefits;

d) Right to placement or promotional registers based on temporary employment;

e) A wage supplement; or

f) Retroactive credit towards leave or retirement benefits or for seniority if placed in a permanent position?

If so, when should an employee be entitled to receive them?

2. Vacant permanent positions. The legislature reviews the number of vacant PCN's when it considers a department's budget requests. As a rule, those PCN's which have been vacant for more than six months are removed from the budget, unless the department can justify the delay in hiring. There is evidence that despite this policy, a number of PCN's are remaining vacant for several years.

REMEDY: Does the Commission wish to recommend more stringent review of vacant PCN's. If so, who should make this review, and what should be the result of the findings?

3. Time limits on employment of temporaries. The Personnel Rules provide that temporary employees can be employed in one position for a maximum of six months, with extensions possible in extenuating circumstances. PR5 06.0, implementing AS39.23.150(9). (The statute does not set any limit on the period of temporary employment.) Union contracts modify the rule. Local No. 71 members may serve as temporaries a maximum of 120 days before they are entitled to receive a bonus in addition to the $1.32 mentioned in Issue 1 , page 3). The APEA collective bargaining agreement limits employment of its members as temporaries to six months.

The six-month term is seen as excessively long by some. It invites departments to use temporary employees instead of hiring permanent full-time, part-time or seasonal employees, and permits them to evade the merit system established for hiring permanent employees.

On the other hand, some temporary employees and some program managers see the term as inadequate. The time required to establish a new position can cut into the time available for completion of a project, so managers may have no choice but to hire temporaries. If the project lasts longer than six months, then the manager is forced to train a new employee in the middle of the work. One witness suggested that some of the time required for implementation of a new program could be avoided if the legislature requested that departments present P402's for all positions created by a new program at the same time that the budget for the program was being considered.

REMEDY: Does the commission wish to recommend legislation to shorten or lengthen the time a temporary may be employed in one department?

Does the Commission wish to recommend the creation of a new category of Project Employee? (See discussion in the January 8, 1978 memorandum from Niel Thomas, and Issue 8, page 8, herein.)

Does the Commission wish to suggest to the legislature that they request P402's from departments to consider during their consideration of the budget for new programs?

NOTE: The Classification, Certification and Recruitment Subcommittee has before it the issue of time required to classify positions.

4. Category for federal program enrollees. Employees under both the CETA (Comprehensive Service Employment Program) and the SCSEP (Senior Community Service Employment Program) are

presently classified as temporaries, although this classification creates some problems. Both programs are aimed at providing employment opportunities for underemployed groups of people.

a) SCSEP program. The state's practice of categorizing SCSEP enrollees as temporary employees appears to violate some of the federal regulations governing the program. (The regulations require that no limit be placed on the length of employment, that the employer provide a procedure for dispute resolution for enrollees, and that fringe benefits be administered uniformly to all enrollees working for that employer.)

To remedy this situation, APEA suggests that enrollees be placed in the permanent part-time category with designated PCN's set aside for that purpose. The terms of employment would be negotiated by APEA, the Division of Personnel, and the Office on Aging, particularly to provide for exemptions from the state's certification and examination competition requirements.

Another possibility is to place enrollees in the partially exempt service, which would allow for the provision of fringe benefits, but would exempt them from the selection requirements of the classified service. It would not provide for access to the grievance procedures set out in Rule 12, since they apply only to members of the classified service, nor would enrollees be APEA members and entitled to participate in the bargaining contract's grievance procedures.

b) CETA program. The federal regulations implementing the CETA program set the maximum salary which the federal government will provide for an enrolleee at $1,039 per month. The state may supplement that amount, should it wish to do so. Testimony was presented on the experiences of one CETA enrollee working at a correctional center. She indicated that she was doing the same work as the Correctional Officer I's employed at the institution, but that they were not part of the CETA program and therefore received significantly higher wages than she did. She knew of an instance where a CETA enrollee was supervising a non-CETA state employee who was much higher paid than the supervisor.

REMEDY: Does the Commission wish to recommend that a separate category for enrollees of these kinds of programs be established? If not, does the Commission wish to recommend whether the temporary category of employees should be used for them?

CETA program: Does the Commission wish to recommend that some measures be taken to address the salary differences:

1. Provide by stature that a program must supplement CETA funds with state funds to insure equity of salaries between its employees?

2. Ask the Alaskan congressional delegation to seek a cost-of-living adjustment from the federal government to reflect the higher cost of living in Alaska?

5. Hiring temporary employees from the registers. Although the Personnel Rules require that temporary appointments shall, when practicable, be made from the eligible lists, (PR5 06.0), most of the temporary employees who testified before the Commission were not hired from the registers. Requiring departments to abide by the rule and to hire temporaries from the registers could eliminate some of the abuses associated with temporary hiring practice. Abuses include hiring people who would not meet the minimum qualifications of a vacant permanent position so that they develop minimum qualifications and be placed in the position; hiring people from out-of-state as temporaries so that they can establish residency and be placed in permanent positons; and using the temporary period to add to the probationary period of permanent employment. Hiring from the register takes some time. Steps include request for and receipt of the register from the Division of Personnel; notification to eligibles on the register of the vacancy; interviews of those interested in the position; and selection from among the applicants. In some instances, program managers may not be able to leave a position vacant for the length of time required.

REMEDY: Does the Commission wish to recommend that legislation be adopted requiring that temporary employees be hired from the register except when there are no eligible lists available for that position?

QUESTION: Does the Commission wish to recommend that the existing Personnel Rules be more stringently enforced by the Division of Personnel? (Note that the Subcommittee on Classification, Certification and Recruitment is considering whether to require that the top five interested eligibles on the register be offered an apportunity for a meaningful interview before a position is filled. Classification, Certification and Recruitment Summary, Issue 9, page 10. It is also considering recommendations on enhancing the Division of Personnel's auditing role, Issue 10, page 12.)

6. Due process rights for temporary employees. Under the Personnel Rules, temporary employees have only a limited right to pursue grievances. The grievance procedures set out in Rule 12 are available to "any employee occupying a position in the classified service who has a grievance relating to his position, working conditions or employment over which the Executive Head of his department may lawfully exercise discretion". However, Rule 6 04.0 limits the rights of probationary employees to appeal or have a hearing for a dismissal, except where the dismissal was due to discrimination based on race, color, sex, religion, national origin, or political beliefs. The Division of Person-

nel has reasoned that temporary employees have less status than probationary employees, and that therefore if probationary employees' right to appeal adverse decisions are limited, then the right of temporary employees must also be limited.

The Personnel Board appeals procedure set out in AS39.25.170 has been administratively construed to apply to employees having a permanent status, rather than a probationary status, except in cases where dismissal of a probationary employee is due to racial, religious or political discrimination. Whaley v. State, 438, P.2d 718 (1968). Therefore, it is probably also unavailable to temporary employees.

Under collective bargaining agreements, the right of temporary employees to use the grievance procedures is limited as well. In the past, APEA did pursue grievances for temporary employees within their bargaining unit. However, the Division of Personnel began, about a year ago, to hold the association to the letter of the agreement. Under language that had been in the contract since at least 1973, the definition of employee did not include temporary employees.

Art. 1, Sec. 2(c) "Employee" in this Agreement means a person in the state service who is paid a salary or wage and holds probationary, permanent, or provisional status.

Grievances were defined as "any controversy or dispute arising between APEA or an employee of the bargaining unit and the Employer". Article X, Section 1. Given the language, an arbitrator upheld the Division's position, that grievance rights were not available to temporary employees, even though that language had not been challenged by the department in previous grievances on the behalf of temporaries within the unit.

The Local 71 contract provides that temporary employees have the right to grieve on contract terms and penalty pay, but that only permanent or probationary employees have a right to arbitration procedures.

NOTE: The Subcommittee on Merit System/Collective Bargaining is also considering this topic, which is repeated here. It is Issue number 8 of their summary.

QUESTION: Does the Commission wish to recommend that temporary employees be afforded due process rights beyond those presently provided for in cases of discrimination based on race, color, sex, religion, national origin or political beliefs?

7. Union membership for temporary employees. Several of the temporary employees who testified before the Commission objected

to having to belong to unions. Temporary employees indicated that they felt that the union was not representing their interests. APEA representatives pointed out that a considerable amount of their lobbying effort last session had been directed at securing fringe benefits for temporaries. Temporary employees benefit from the salaries negotiated for all employees. In addition, members of Local 71 received a wage supplement, as noted above, for employment as temporaries.

The Public Employees Relations Act does not require that all employees within a unit belong to the association which has organized that unit. In fact, it requires that non-association employees having bona fide religious objections to membership in an association be permitted to contribute an amount equal to the dues to the union, which then must contribute that amount to charity. The contracts in force with the state have agency shop clauses, reached through negotiation, which require that non-exempted employees join the union within 30 days of employment.

QUESTION: Does the Commission wish to consider this issue?

8. Project category employees. It is difficult to plan for permanent positions in programs funded through federal grants whose receipt is not guaranteed from year to year. Program managers are not authorized to fill those positions until after funding is definite. This leads to the employment of temporaries in those positions. An alternative would be to create a new category for project employees. The employees would understand that their continued employment would be dependent upon the receipt of funds for the project.

REMEDY: Does the Commission wish to recommend the creation of a category of employee for special projects?

9. Pool of on-call permanent employees. The state could develop a pool of skilled, permanent employees who would be on call to the various departments to fill in during vacations and to be available during unexpected vacancies or periods of peak work. The departments would have to work with the Division of Personnel to identify which classifications are used enough to benefit from a pool. Certainly clerical needs could be filled from a pool, and perhaps accounting. Some positions could be set aside for people interested in working part-time.

QUESTION: Does the Commission wish to recommend the creation of a pool of permanent employees in frequently used classifications to be available to departments as needed? If so, who should be responsible for hiring and pay?

10. Contractual employees. The Subcommittee decided at its organizational meeting to reserve the question of the state's contracting practices for later consideration.

CATEGORIES OF EMPLOYEES
Capitol Building, Juneau
November 15, 1979

MINUTES

Frank Flavin, Vice Chairman, called the subcommittee meeting to order. Following roll call, Mr. Flavin introduced Bill Mullin, Director of the Division of Finance in the Department of Administration. Mr. Mullin presented the following summary of his division's role in professional service contracting.

Professional service contracts have always been reviewed by the Department of Administration. Shortly after statehood, the review function was placed in the hands of the Division of Budget and Management. It was then given to the Division of Internal Audit, and then finally to the Division of Finance. The review is typically to determine that contracting services and funding are included in agencies' budgets. If the dollars are not specifically enumerated in an agency's budget, the agency is asked to justify the expenditure to either the division or the Department of Administration. Frequently, agencies submit justification along with requests for authorization to enter into contract negotiations. If the request is reasonable, then it is approved. If not, the matter is brought to the attention of the division director and possibly before the Commissioner for consultation. The Division of Finance also reviews travel requests, equipment expenditures, etc., to verify that these items are identified and provided for in agency budgets, or if the need is justified.

In the mid 1960's, considerable efforts by the Division of Budget and Management led to the adoption of a standard contract form. In the early 1970's, the Department of Administration became concerned about contracting practices, and the Commissioner decided that the department should receive advance notice of an agency's intentions to contract for services. This led to the development of a new form known as the ATEN, which is a request for authorization to enter negotiations. This form was designed to put the Department of Administration on notice when an agency wished to negotiate with a vendor for services. In 1971, ATEN's were sent to the Governor's Office for review, and this practice continued through 1976. The Governor's Office then decided that its review was no longer required, and contracting review became the responsibility of the Department of Administration.

At one point, the Internal Revenue Service challenged the state on an allegation that contractual employees were not performing independent business and should actually be on the state's payroll. This allegation led to a reevaluation of the state's contracting practices. In some instances, there were people on contracts who should have been state employees, and they were placed on the state's payroll. In the majority of cases, the state asserted that the contracts were appropriate. The IRS investigation ended last year, and the state's position was successful--it has not had to pay additional IRS or social security taxes.

The function of reviewing contracts was turned over to the Division of Internal Audit in 1975 or 1976, when the Division of Budget and Management was moved to the Governor's Office. In 1977, the function was placed with the Division of Finance.

When the Division of Internal Audit received the review function, it expanded the contracting authorization form, adopted state purchasing regulations and printed information and instructions concerning procedures on the new contract form. When the contract review was transferred to the Division of Finance, it set a tentative work plan for adopting additional guidelines for agencies on how to determine contracting needs, how to execute negotiations, and how to control actual contracting services. These guidelines were issued in July, 1978, and have not been revised since that date.

The Division of Finance determined that contracts should be reviewed by a committee rather than by a single staff member, and this led to the establishment of a contract review committee consisting of the contract review officer of the Division of Finance, the Deputy Director of Supply and Preaudit, and the Director of the Division of General Services and Supply. All professional service contracts and all requests for authorization to enter negotiations are handled by the Contract Review Committee. In unclear cases, the committee may question the agency and receive oral presentations providing justification for entering into negotiations for services not identified in an agency's budget. The contract review officer is responsible for logging in documents, correspondence, bookkeeping and transmittal of finalized contracts to the committee.

Mr. Mullin stated that the division needs a standardized contract form. The original form created in the 1960's was never printed. It was recorded on Mag Cards, and the cards have been changed over the years by each agency. In 1978, the Attorney General's Office, in conjunction with the Division of Finance, drafted a contract form which was only agreed upon two months ago. The form will be printed before the end of the fiscal year.

Mr. Mullin asked if there were any questions, and Frank Flavin asked whether contracting regulations would be placed under the Administrative Procedures Act. Mr. Mullin responded that it has been considered, and as the regulations now exist, they would not meet A.P.A. standards. There is also a separate question as to whether they should be placed under the A.P.A. because they are agency guidelines and have no external impact. Mr. Flavin noted that they do impact vendors throughout the state, and the vendors' ability to compete in the bidding process. Mr. Mullin elaborated that the regulations do provide for various procedures depending on the value of the contract. If a contract is for less than $300, an agency may contract without going through the process. Contracts for services costing from $300-2,000 must be requested on a standard form and be signed by both parties. If a request is for over $2,000, an agency must submit an ATEN form. A request for proposal (RFP) must be submitted for all contracts exceeding $20,000.

Pat Murphy asked whether there are any standards for determining whether an individual is an employee or a contractor and who makes that decision. Mr. Mullin responded that the IRS was prohibited by the U.S. Congress from making that determination. Congresss has been working on establishing a law spelling out guidelines for the last few years, and by 1981 expects to have made some determinations. There are no provisions in the statutes covering the topic, and the only guidelines are common-law determinations. Initially, agencies make the decision of whether there is justifiable need for contracting services. The Division of Finance does occasionally, however, reject proposals following its investigations. The questionnaire on the back of the ATEN form is designed to alert agencies to that question.

Mr. Murphy asked whether Mr. Mullin was aware that 42 out of 45 contracted individuals in the Department of Education had been found, at one time, to be performing duties of classified state employees. He asked how these employees ended up on contracts and why they slipped through the division's review process. Mr. Mullin responded that these individuals were on the state's payroll and were thus paying state and federal taxes in accordance with the law while they were on contract. Some of the employees were certificated teachers, who are exempt by statute. Others were administrators prescribing courses for teachers, and there is not much distinction between these two functions. There was nothing illegal or unusual about contracting for these services.

Mr. Murphy stated that anything other than a strict review procedure creates conflicts between special-interest groups, their memberships, the agencies and the Governor's Office. He added that there are many reasons for contracting out work, such as good management policy. Mr. Murphy again asked if there is really a review procedure or standards for these actions. Mr. Mullin explained that there is no written policy either in the law or in the regulations that mandates when the state shall enter into contracts or when an employee shall be placed on the state's payroll.

Mr. Flavin pointed out that the Attorney General has issued an opinion that the Department of Transportation and Public Facilities is an independent contracting agency. He asked if contracts from that department are still subject to Division of Finance regulations. Mr. Mullin explained that he is not familiar with the department's procedures, but they are exempted by law from review of architectural and engineering studies contracts, which are probably the bulk of their contracting services. The Division of Finance does review at least some of their contracts and ATEN's. Since the department receives federal monies, their contracting review procedures must meet federal standards.

Lois Jund asked Mr. Mullin to shed some light on the problems observed in contracting in the Division of Data Processing. Mr. Mullin responded that he knows of only one individual contracted by the Division of Data Processing in Juneau who is a former state employee. This individual opened his own business, and the division currently holds contracts with the firm for the services of three employees.

There were no further questions, and Mr. Flavin thanked Mr. Mullin on behalf of the commission for his assistance.

On the topic of exempt positions which were enumerated in Terry Cramer's memo, Mr. Flavin asked what the philosophy is for placing positions in the exempt and partially exempt services. Ken Kareen explained that initially, judges were placed in the exempt service, and their administrative staff was placed in the partially exempt service. Because of disagreements concerning salary ranges (partially exempt and classified positions are set in the state's classification and pay plans) all judicial branch employees were moved to the exempt service. He added that in the judges opinion, the separation of powers doctrine forbad the executive branch through its classification actions from dictating to the judicial branch concerning its employees. The judicial branch has adopted its own merit system.

Ms. Jund commented that psychiatrists in the Department of Health and Social Services were placed in the exempt service because of difficulties in recruiting professionals in that particular field and because they command compensation above normal salary ranges. This is also the case for other classifications, such as those of petroleum geologists and engineers. Mr. Kareen stated that some licensed professionals, such as medical doctors, will not accept jobs that require paying union dues because they already pay professional association dues.

Mr. Flavin reviewed the list of positions in the exempt service, and noted that several commissions were exempt. Sue Greene explained that this is in all probability because these agencies wish to maintain the appearance of not being run or influenced by the administration, and being exempt gives them a sort of "symbolic autonomy". This is the case with both the Commercial Fisheries and Post Secondary Education Commissions. Mr. Flavin commented that this autonomy may be valid at the commissioner level, but possibly not for employees. Mr. Murphy asserted that the reason both commissions were placed in the exempt service was simply a matter of someone failing to properly proofread a 50-page bill.

Mr. Flavin asked if the subcommittee wished to recommend that lower-level positions be subject to the merit system of the classified service. He suggested that the subcommittee might present the legislature with examples of positions that might be placed in the classified service so that legislators could make their own determinations. Ms. Jund stated that she would like to hear why certain positions are in the exempt service. She added that she could understand the placement of the D-2 Commission in the exempt service, but could not understand why clerk typists and document processing clerks would be exempt.

Mr. Kareen stated that although there is an Attorney General's analysis of reasons for placement of the Post Secondary Education Commission in the exempt service, there probably isn't anyone to justify the placement of other positions in the services. Mr. Murphy agreed that even incumbents are not aware of the reasons they are in particular services. Mr. Flavin responded that the subcommittee might wish to note its concern in the report to the legislature. Terry Cramer commented that the only partially exempt position that seemed questionable was that of the regional loan manager. Nobody could see any reason for the position being partially exempt, other than its traditional tracking of the PCN. Mr. Kareen said that at the time of statehood, the Governor designated positions to the partially exempt service, and justification was not required. A great many of the positions in the Department of Commerce loan program were designated to the partially exempt service.

Ms. Jund asked whether it would be appropriate to recommend that positions in the partially exempt service be placed under the merit system of the classified service, but excluded from bargaining.

Mr. Flavin pointed out that guidelines do not have the force of law unless promulgated under A.P.A. regulations. Mr. Murphy elaborated that the Personnel Rules are considered guidelines and can be disregarded. Mr. Murphy asked whether a lawsuit brought by an employee or applicant on violations of procedures in the Personnel Rules would be valid. Could the court force compliance? Mr. Flavin responded that the Personnel Rules are a separate case because they are statutorily promulgated by the Personnel Board. Mr. Kareen asserted that there needs to be some latitude for delivering services to the taxpayer in the most efficient and cost-effective manner, and this includes making use of private enterprise or contractors if necessary. Mr. Flavin responded that latitude is often mistaken for license.

Mr. Murphy asked for Mr. Flavin's point of view on promulgating contracting regulations through the A.P.A. Mr. Flavin explained that the Ombudsman's Office does receive complaints from vendors who believe that they can offer a similar service for less and who ask why they were not given an opportunity to bid on a project. The office also receives complaints from state employees who believe they could do the job. Mr. Flavin added that there is a significant amount of abuse of contracting privileges, but not a great amount. Currently, committments vary from agency to agency, and there is very little auditing done in some agencies. Mr. Kareen noted that there are only a few people who will flagrantly violate the regulations, and creating more specific regulations will place a greater burden upon people who are conscientious. There will always be errors and mistakes, as well as a few who will try to get away with what they can.

Mr. Flavin commented that the question only concerned the status of the regulations, not the content. Enforcing regulations already in existence might be a better alternative than making new guidelines and would be more effective if the regulations had the force of law. Mr. Murphy moved that the subcommittee recommend that the full commission be informed of the possibility of making the internal regulations on contracting procedures subject to the Administrative Procedures Act of the State of Alaska. There were no objections.

Mr. Kareen suggested that since the subcommittee had completed its business, that it set a date in the near future for termination. Mr. Flavin agreed that if nothing is assigned to the subcommittee for consideration before the next commission meeting, it should advise the full commission that its tasks are completed.

The meeting was adjourned.

MEMBERS IN ATTENDANCE

Frank Flavin, Vice Chairman
Lois Jund
Doryce Eggleston (for Lynda McCurry)
Pat Murphy
Ken Kareen (for Sandra Withers)

OTHERS IN ATTENDANCE

Sue Greene
Bill Mullin (guest speaker)

CATEGORIES OF EMPLOYEES
Capitol Building, Juneau
October 17, 1979

MINUTES

In the absence of Representative Buchholdt and Frank Flavin, Lynda McCurry chaired the meeting. Ms. McCurry referred to the issue of contractual services and employees discussed at the last meeting. Terry Cramer pointed out that the legislative resolution creating the commission specifically directs members to address the feasibility of establishing "a method for regularizing the hiring of specialists who, because of higher comparable salaries in the private sector for the skills involved, must be paid at levels in excess of the salary schedule".

Ken Kareen explained that the state is supposed to use Internal Revenue Service guidelines to distinguish between employees and contractors. Exceptions are made for attorneys and for part-time medical doctors. Teacher contracts are covered by special provisions, and they are technically the only contract employees in the state. All others are considered contractors.

Pat Murphy described his experiences with state contracts used by the Department of Education. In 1971, the Department of Education was delegated the authority to contract out for teacher services, and this privilege was abused when employee services were contracted even though they did not fulfill teaching requirements. Mr. Murphy commented that it took four or five months to straighten out the problem after bringing it to the Commissioner's attention. He added that there are also problems arising in the Division of Data Processing. There are 35 PCN's in the Division, and 16 are vacant because they are being filled with contract employees. There appears to be a question of contracting for services that can be performed by classified employees.

Mr. Kareen explained the procedure for justifying the need for contractual services: When an agency intends to contract for services, it must fill out a form requesting authorization. The request is submitted to the Division of Finance for presentation before a committee of three individuals for consideration. No contract is binding until approved by the Division of Finance. Construction contracts let on bids are exempted from this process. Mr. Kareen added that Mr. Murphy's concerns are universal between any management and union, whether private or public. Mr. Murphy asserted that the issue should be reviewed, citing the Department of Education as an example of 40-45 positions being placed back in the classified service following the 1971 review of contracts. The issue is not necessarily a union/management question, and it should be considered by the commission.

Ms. McCurry pointed out that data-entry services were contracted out for some time by the Division of Data Processing. She asked if there is a cost analysis done prior to contracting. Lois Jund stated that the Department of Administration makes a determination on whether they will approved contracting from what agencies submit. The problem in the Division of Data Processing became evident when that division could not finish a project in time to meet federal deadlines. There was insufficient staff to get the job done, and the division recommended contracting for services. Pat Murphy responded that at least some of the Data Processing contractors were state employees who were terminated and immediately place under contract with the Division.

Ken Kareen explained that development and modification of soft-ware is also considered a contractual job in the Division of Data Processing. John Pugh commented that contracting has also increased recently in the Department of Health and Social Service's Medicaid Program. Mr. Pugh added that he believes there should be some procedure for determining whether contracting is in the best interests of the state. Mr. Kareen commented that contractual services are identified in agency budgets, and inquiries on such expenditures vary from one legislative session to the next. However, the issue is never really ignored because the costs must be justified in the budget process. The subcommittee decided to ask the Director of the Division of Finance to address members on his division's practices in approving contracts. There was no further discussion on the topic.

Referring to the memos on partially exempt positions, Terry Cramer stated that the last memo distributed showed positions placed in that service. There was general agreement that a list of exempt positions would contain the positions on which the subcommittee has questions. Lois Jund commented that the partially exempt list did not appear to be complete. She knew of additional Division Directors in the Department of Health and Social Services who did not appear on the list. Mr. Kareen pointed out that Directors, Deputy Directors and their secretaries are in the partially exempt service by statutory definition. There are criteria set out in the statutes giving the Personnel Board authority to extend the partially exempt service. Positions responsible for the formulation or implementation of policy and those whose duties are not susceptible to normal methods of recruitment and examination may be placed in the partially exempt service.

Pat Murphy mentioned that changes to the classified and partially exempt services handled by the Personnel Board are performed without any advance notice to either the bargaining units or to incumbents. He objected to the methods in which positions are being moved from the classified to partially exempt service. When the Older American Program General Government Unit positions in the Department of Health and Social Services were placed in the partially exempt service, APEA wasn't notified of the action until two weeks after it was taken. Mr. Kareen explained that the Division of Personnel received verbal directions from the Personnel Board following the incident to notify unions and incumbents of such actions in the future. Mr. Murphy pointed out that the Personnel Board consists of volunteers who have no formal staff to perform such functions. Mr. Kareen stated that the statutes were written from a model over 20 years old which did not anticipate collective bargaining in the state. The allocation of positions to the classified or partially exempt service is treated by the Act as a management prerogative. The Commissioner of Administration is petitioned for changes in services, and he/she submits the proposal to the Personnel Board, which has discretion as to whether a notice of the change is posted. The Division of Personnel has always understood that hearings are held at the Personnel Board's discretion. In a few instances, Mr. Kareen mentioned that the Personnel Board has called an incumbent in a position being changed, but that has not been an established procedure. Mr. Murphy commented that in one situation, a Director was moved from the classified to partially exempt service and was then terminated the following day. The procedure can be used to the detriment of state employees.

Lynda McCurry suggested recommending that a procedure manual be written for the Personnel Board. Mr. Murphy stated that it would be helpful to have guidelines for everyone to follow. Terry Cramer pointed out that the Personnel Board has the authority to adopt its own rules of procedure, which are exempt from the Administration Procedures Act. John Pugh stated that the Personnel Board has the authority to adopt its own procedures.

Mr. Kareen asserted that there is another area in the service which is recognized by the federal government as partially exempt: employees who don't promulgate or interpret policy but who must advocate existing policy. There is no provision in the statutes for placing these employees in the partially exempt service. Mr. Pugh responded that the subparagraph permitting positions with responsibility for policy implementation would include those required to advocate the policy.

Mr. Pugh stated that it is critical to reconcile the clash between rights granted to management under the Personnel Act with rights granted to unions under the P.E.R.A. Unions have a right to those positions which fall within their units as established by the Labor Relations Agency. Therefore, they have an interest in changes of positions within each unit from classified to partially exempt. Mr. Kareen commented that in comparison to other states, Alaska has a very low percentage of partially exempt employees. He added that there is concern about excluding career employees with major responsibilities in administering contracts from collective bargaining practices. Mr. Pugh commented that he doesn't believe that this mid-level management group should be removed from the classified service, although it should be prohibited from collective bargaining. Those employees are career service employees. There are dangers to politicizing those positions--they need protection from removal every time a new boss comes in. They should therefore remain in the classified service. In addition, incumbents in positions whose service is changed by the legislature should have appeal rights to the Personnel Board. Ms. Jund asserted that there is a need for another service providing the benefits of the classified service but not collective bargaining. Terry Cramer commented that Mike McMullen in the Classification and Pay Section had informed her of five state employees who are in this situation. However, their right to bargain has not been affected: The Labor Relations Agency held that they were not within any existing units, but they were not forbidden from organizing a separate bargaining unit.

The subcommittee decided to examine the list of exempt positions before making a recommendation on the partially exempt service. There were no objections. Ms. McCurry adjourned the meeting.

MEMBERS IN ATTENDANCE

Lynda McCurry
Pat Murphy
Lois Jund
Ken Kareen (for Sandra Withers)

OTHERS IN ATTENDANCE

Doryce Eggleston
Bob Mourant
John Pugh

CATEGORIES OF EMPLOYEES
Capitol Building, Juneau
October 5, 1979

MINUTES

Frank Flavin, Vice Chairman, called the meeting to order and asked members if there were issues other than those outlined in the September 26 summary they wished to address. There were no additions.

On the nonpermanent hire law, Mr. Flavin asked if part-time temporaries are limited to 120 days of employment or the equivalent in hours. He also asked if the law applies to exempt employees. The law limits part-time temporaries to 120 calendar days as it does full-time temporaries (nonpermanents). Ken Kareen responded that it does not apply to partially-exempt or exempt employees.

On the issue of state practices in obtaining services or goods by contract, Mr. Flavin pointed out that there are two components to the issue: contractual employees and contractual services. Darlene Livermore stated that the state is drastically expanding areas of contracting and cited the Division of Data Processing as an example of where this is taking place. Mr. Flavin commented that he has found instances where contracted employees should actually be employed by the state, under Internal Revenue Service regulations. Ken Kareen explained that the the Division of Finance in the Department of Administration monitors contracting practices. The procedure calls for their authorization before a contract is negotiated and again before a contract is entered. The standards for distinguishing between someone whose services are contracted for and a state employee are the same as those followed by the IRS. Mr. Kareen believes that the number of contracts entered into by the state has diminished. The Division of Personnel doesn't usually get involved in the procedure. However, in some instances, the Division of Finance does request input from the division. The Department of Education did request assistance from the Division of Personnel on teachers' contracts when there was some question as to the legitimacy of the practices.

Mr. Flavin asserted that the subcommittee could recommend that there be more enforcement of contracting regulations. Mr. Kareen explained that the Division of Personnel does not monitor contracts and not all agencies are subject to review by the Division of Finance.

Darlene Livermore stated that the Division of Finance is responsible for reviewing only monetary terms of contracts to verify that they are consistant with IRS standards. Mr. Flavin asked if the forms used by the Division of Finance question whether services could be performed by a state employee. Mr. Kareen explained that there are different forms, and one is used only by the Department of Education for teachers. At one point, the Department of Education form was used improperly for administrative employees.

Ms. Livermore pointed out that there are former employees of the Division of Data Processing who are now performing the same functions for the division under contracts. Mr. Kareen stated that these employees are now working for contractors used by the state. John Pugh asserted that the Division of Data Processing is a good example of an agency that is contracting for personnel services ineffectively. Mr. Flavin suggested that monitoring contracting practices could be another function of a Department of Employee Relations. Abusing contracting privileges is already illegal, but there is an apparent lack of monitoring and enforcement.

Ms. Livermore commented that some collective bargaining contracts contain provisions regarding contracting and subcontracting. In response to Mr. Flavin's question on the extent of state policy, Mr. Kareen stated that policies differ from agency to agency. Mr. Pugh cited a need for planning of future personnel and program requirements. This should be done on a long-term basis as a cost saving mechanism. Mr. Kareen pointed out that there is another committee studying the practices of the Division of Data Processing.

Mr. Flavin asked whether there are personnel planners to perform such functions. Ms. Livermore replied that there are people who specialize in staffing. Mr. Kareen stated that each manager in the state has responsibility for program planning. The state does not employ any manpower specialists because in addition to the knowledge of personnel planning, they must have expertise in various fields. The state is too small to support such a function. Mr. Flavin commented that there is a need in the budget process for review of new projects to justify their objectives. He asked whether the Division of Budget and Management could question personnel projections and examine the cost efficiency factors. Mr. Pugh observed that presently, only monetary terms are considered in determining what is most economical for a single fiscal year. There is no consideration given to long-term planning of staff and funding requirements. Ms. Livermore pointed out that the federal system has a personnel management office that provides specialists who consult with agencies on program objectives.

Mr. Pugh asked what type of studies are required prior to the authorization of contracts. Mr. Kareen responded that one collective bargaining contract provides that a study be performed to verify the ability of the contractor to provide services at less cost to the state than could state employees. Otherwise, there must be justification through the budget process that contracts are more economical. Mr. Kareen commented that the theory of obtaining the best and most economical services is good. However, it is difficult to identify how services can be accomplished and the costs of alternatives. The ideal would be providing the highest quality and quantity of service to the public at the least expense. He added that there will always be disagreement on whether the proper choice was made. John Pugh suggested that there needs to be more than a study of the financial aspects of contracts. The best alternative for one year isn't necessarily the best alternative in the long run. Mr. Kareen commented that many agencies operate with federal monies and therefore cannot plan for a long-term program.

The subcommittee took no position on the issue.

On the issue of excluding policy-making supervisors from collective bargaining, Ms. Livermore stated that there are many employees in the partially exempt service who have little policy-making authority, but are excluded from bargaining. A number of these positions were assigned to the partially exempt service by legislative action that was not based on policy-making criteria. In the Limited Entry Program, for example, there are 40 or 50 employees who are classified as such without those responsibilities. Mr. Flavin stated that there are some supervisors in the classified service who should be in the partially exempt service. He suggested that the subcommittee review both services. Mr. Pugh commented that any changes made in those services would require statutory revisions.

Mr. Kareen explained that there are three ways in which positions are placed in the various services. The State Personnel Act initially placed legislative and court system employees in the exempt service. Employees in the Office of the Governor, unless their positions are federally funded, are in the partially exempt service, as are attorney members of the Attorney General's Office. Commissioners are exempt, and their secretaries are partially exempt.

The second method by which positions are placed in the exempt or partially exempt service is as a result of case-by-case legislative action. The legislature enacts laws which state that a certain position (s) will be exempt or partially exempt. For example, the Director of the Division of Personnel and Labor Relations was recently placed in the partially exempt service. The legislature does not appear to follow clear standards in making its decisions about which service positions should be in.

The third method is created by the State Personnel Act. By action of the Personnel Board, following petitioning of the Commissioner of the Department of Administration, a position may be moved from the partially exempt to the classified service or the other way around. The petition must demonstrate that certain criteria are met before the Personnel Board may act. The Personnel Board has no jurisdiction to change the status of those positions which have been placed in one service by legislative action. Ms. Livermore added that the employees of the Limited Entry Commission has all been placed in the exempt service by legislative action. Mr. Flavin recommended that the subcommittee initiate a study on the numbers of positions in the partially exempt and exempt service to determine placement patterns. The staff was directed to present an overview on the subject.

On another issue, Mr. Kareen stated that someone from the Legislative Affairs Agency had searched through the statutes to isolate references to the personnel system. The results were lengthy, and he feels that the Personnel Act is not codified well. He added that the Personnel Act makes no mention of those scattered positions which are to be in the partially exempt and exempt services. Mr. Flavin moved that the subcommittee recommend that all personnel sections in the statutes be codified into a cohesive form located in one chapter. There were no objections, and the motion passed.

The subcommittee addressed the issue of initiating a study of PCN's remaining vacant for excessive lengths of time. Mr. Pugh stated that because of underfunding in many agencies, there would be difficulty in studying vacant PCN's at this time. Lynda McCurry pointed out that vacant PCN's are going to be used when reclassifying temporaries under the nonpermanent hiring law. Mr. Flavin suggested that the subcommittee table the issue until it has seen the reaction to the new law.

Mr. Flavin adjourned the meeting at 9:30.

MEMBERS IN ATTENDANCE

Frank Flavin, Vice Chairman
Lynda McCurry
Darlene Livermore (for Pat Murphy)
Ken Kareen (for Sandra Withers)

OTHERS IN ATTENDANCE

Doryce Eggleston
Bob Mourant
John Pugh

WORK SESSION SUMMARY
CATEGORIES OF EMPLOYEES SUBCOMMITTEE
Anchorage, January 26 & 27, 1979

The following are points raised in response to an APEA proposal passed out at the meeting (copy attached):

POINTS RAISED

1. Restricting temporary employment time to 60 days would be too restrictive on departments. A more appropriate solution would be to audit departmental use of temporaries.

2. Legislative finance committees should be informed of the problems inherent in using temporaries, so that they will be willing to create additional permanent positions.

3. The Department of Health and Social Services' policy on hiring temporaries was discussed. A subcommittee will review the policy and make a presentation. Appointed to the subcommittee were John Pugh, Lynda McCurry and Ken Humphreys. In the review, the subcommittee should research the possibility of requiring that temporaries be assigned salary ranges comparable to those assigned to similar permanent classifications.

4. There was discussion of the effects of Kelly vs. Hammond: What effect will the case have on legislative authority? Can the legislature require that departments create and fill permanent rather than temporary positions? Ken Humphreys will research the question and report to the subcommittee.

5. There was discussion on problems within the CETA program. CETA employees are being used by the state as an inexpensive work force. However, under federal regulations, CETA's cannot replace permanent employees. A letter was received from Jean S. Conway dated January 8, 1978 (copy attached). Also attached is a copy of CETA regulations.

The subcommittee adjourned and reconvened on Saturday afternoon. The following are motions adopted:

MOTIONS ADOPTED

1. Pat Murphy moved that the subcommittee recommend legislation on temporaries be introduced this session. The motion was adopted: One member opposed.

2. Don Fisher moved that the subcommittee shall recommend that a maximum time limit be required on temporary employment. The motion was adopted: Two members opposed.

There was discussion on the question of whether the Commission should recommend modification of the Collective Bargaining Act. It was decided that subcommittee proposals should be presented as joint legislative resolutions to have the effect of a policy statement, except where statute amendment is clearly

necessary.

3. Don Fisher moved that all temporaries shall be hired from eligibility lists (registers). The motion was adopted: One member opposed.

4. Pat Murphy moved that the number of temporaries shall be limited to 10% of the previous fiscal year's man-months worked, based on permanent classified positions within each department. The motion was adopted. Three members opposed.

Paddy Moriarty amended the motion that the number of temporaries shall be limited according to future figures, after futher research. The amendment was adopted. Three members opposed.

5. Representative McKinnon moved that the subcommittee shall adopt a resolution to support the bill sponsored by Senator Ray on retroactive retirement benefits for permanent employees for prior temporary employment. The motion was adopted. Two members opposed.

6. Pat Murphy moved that the subcommittee shall adopt a resolution to support legislation introduced in the Senate recommending health insurance benefits for all employees after 30 days in service with the State of Alaska. The motion was adopted. Two members opposed.

DISCUSSION

The subcommittee discussed requiring Division of Personnel authorization before any department could hire a temporary. Justification for hiring a temporary rather than a permanent employee would be required, as is currently required by the Department of Health and Social Services. Pat Hunt and Ken Kareen will present their evaluation of the proposal at a later subcommittee meeting.

The subcommittee work session was chaired by Representative McKinnon.

CATEGORIES OF EMPLOYEES
Work Session Summary
February 23, 1979

Representative McKinnon chaired the work session. A summarization follows:

SUBCOMMITTEE DISCUSSION

Ken Humphreys presented a revised copy of the Temporary Hire Bill, pointing out changes that had been made to the draft in accordance with amendments discussed at the last work session.

Pat Hunt asked what would happen if a department tried to have a permanent position authorized but the legislature refused to fund the position: Would the director be able to authorize the department to hire a temporary for this position, assuming the department had other funds availabe? Mr. Humphreys explained that the bill, as drafted, might prohibit the hiring of temporaries in such cases. Authorization could be granted if either the legislature authorized the work to be done by temporaries or if an urgent program need unexpectedly developed and permanent staff could not handle the workload. (Page 2, line 3, subsection (1) and line 10, subsection (3).) However, the Director could find under subsection (3) that the department could not reasonably meet the program need through a permanent position since the authorization was denied and therefore could permit hiring a temporary. These cases would have to be addressed as they arise, considering the individual facts. In addition, if the department had requested that new positions be created, but the Governor refused to include them in the budget, the director might then be able to provide for them. If funding is made available for personal service, but the legislature refuses to authorize permanent positions, then the director will have to authorize the department to hire temporaries.

If the legislature provides a personal services appropriation to a department, then this act sets a priority on permanent positions, and the department should hire permanent employees instead of temporaries.

Pat Murphy questioned whether only the legislature can create a permanent position. He referred to Kelly vs. Hammond, where a position was authorized by the executive branch. Representative McKinnon clarified Mr. Murphy's reference, stating that the Office of Management and Budget may authorize a permanent position during the legislative interim, which automatically becomes a request for a new permanent position for the next legislative session.

Discussion followed on a proposed effective date for the draft bill. There was a general concensus that the subcommittee recommend to the Commission that the effective date be September 30, 1979. This would not coincide with the peak temporary employment period and would allow sufficient time for notification of departments.

Niel Thomas brought up the topic of violations of the 120-day limit on temporary employment. He asked what provision is made for federally funded programs and projects which exceed that time frame. Ken Humphreys expressed doubt that the limit would be violated because the director would have the authority to decide whether a temporary position could be extended, as would be the case in projects of limited duration exceeding 120 days. In this instance, an employee would have to be informed of the duration of the project in advance. The civil liability section (page 3, line 19) applies only to appointments of temporaries and not to violations of the time limit set.

The topic of benefits provided to temporaries was introduced by Niel Thomas: What is the subcommittee's intent? Pat Murphy explained that a bill is in the House State Affairs Committee which, if passed, would provide medical (health) insurance to temporaries after a 90-day employment period. The bill originally read after a 30-day employment period, but has been changed by the Committee. There was general agreement that the topic should be addressed at the Commission work session.

The Legislative Affairs Agency has researched the question of what effect changes in the Personnel Act (AS39.25) have on the scope of collective bargaining. Their informal opinion is that if the Personnel Act amendment is clearly intended to apply, then it would control contract negotiations in the future, though it would not amend existing contracts. If the draft temporary hire bill were introduced and passed by the legislature, then it would establish the limits within which collective bargaining could occur. A contract could further limit the times permitted. Personnel Rules are changes which are made without legislative action and therefore do not affect the scope of collective bargaining, except to the extent that the rules are implementation of statutory direction. Representative McKinnon requested a memo from Legislative Affairs on that subject.

Frank Flavin moved that the subcommittee recommend to the Commission that the Personnel Rules be made subject to the Administrative Procedures Act (A.P.A.). This would open the process and would provide the legislature with an opportunity to consider changes made in the rules. A member of the public (or an employee of the state or a union representing employees) could petition for a rule change, but the department cannot be required to propose rules. There is no recourse if the department refuses to act on a suggested change.

The A.P.A. requires that a notice of intent to adopt rules be given and that an opportunity for testimony be provided, although that opportunity can be in the form of accepting written comments only. The comment time is a minimum of 30 days. Then, before the rules can become effective, they must be filed with the Lieutenant Governor's office for 30 days. In emergency situations, the department can adopt emergency rules which have effect for 60 days, and also begin the process of adopting permanent rules. If the rules govern only the internal management policy, then they are exempted from the process. To the extent the rules affect the general public, they would not be exempt. The Department of Law provides advice to the other departments on what is and is not exempt, but the departments are free (as is any attorney's client) to ignore that advice. The question arises only when the department has labeled a rule as an internal matter and someone has challenged that ruling.

VOTE: Four (4) were in favor. One (1) opposed.

IN ATTENDANCE

Representative McKinnon, Chairman
Frank Flavin
Pat Hunt
Pat Murphy
Niel Thomas

OTHERS IN ATTENDANCE

Ken Kareen
Darlene Howard
Janet Bradley
Bob Mourant
Ken Humphreys
John Pugh

WORK SESSION SUMMARY
CATEGORIES OF EMPLOYEES SUBCOMMITTEE
Anchorage, January 26 & 27, 1979

The following are points raised in response to an APEA proposal passed out at the meeting (copy attached):

POINTS RAISED

1. Restricting temporary employment time to 60 days would be too restrictive on departments. A more appropriate solution would be to audit departmental use of temporaries.

2. Legislative finance committees should be informed of the problems inherent in using temporaries, so that they will be willing to create additional permanent positions.

3. The Department of Health and Social Services' policy on hiring temporaries was discussed. A subcommittee will review the policy and make a presentation. Appointed to the subcommittee were John Pugh, Lynda McCurry and Ken Humphreys. In the review, the subcommittee should research the possibility of requiring that temporaries be assigned salary ranges comparable to those assigned to similar permanent classifications.

4. There was discussion of the effects of Kelly vs. Hammond: What effect will the case have on legislative authority? Can the legislature require that departments create and fill permanent rather than temporary positions? Ken Humphreys will research the question and report to the subcommittee.

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The subcommittee adjourned and reconvened on Saturday afternoon. The following are motions adopted:

MOTIONS ADOPTED

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The subcommittee work session was chaired by Representative McKinnon.

CATEGORIES OF EMPLOYEES
Work Session Summary, February 6, 1979

Representative Joe McKinnon chaired the work session. A brief summary of the subcommittee discussion follows:

A. Review and discussion of the draft bill on hiring of temporary employees.

1. Add language to subsection 2 (c) (2), page 2, line 6, concerning the hiring of temporaries where new positions have been created but have not yet been authorized by the Division of Budget and Management and the Division of Personnel to read:

(2) there is an urgent need to fill an authorized permanent position and it is impractical to complete the establishment of that position, or there is an urgent need to fill a vacant, permanent position and it is impractical to make certification within a reasonable time because of a lack of eligibles for that position; or

2. The penalty section (page 3, line 6) was discussed briefly. The approach is to establish a rebuttable presumption that an illegally hired temporary can recover from the supervisor who authorized the hire personally for the amount of past wages.

3. Goals of the bill: (1) to provide maximum controls on the hiring of temporaries without (2) stepping over the bounds of the separation of powers, and (3) without ham-stringing the executive branch from operating its programs effectively.

4. Technical amendments were suggested:

Page 1, line 17, add "permanent seasonal" to "permanent full-time and permanent part-time".

Page 3, line 5, substitute the word "terminate" for the word "dismiss".

Page 3, line 18, substitute the word "employee" for the word "person".

5. There was discussion of the effect of the bill. It may serve to aid collective bargaining negotiation, since there will be one readily identifiable person authorizing all temporary positions.

The bill would give considerable discretion to the Director of the Division of Personnel and Labor Relations in making a determination that a temporary position should be authorized. The Director is required to consider the standards provided, but there is no review of his decision.

There was concern expressed that the review of requests for temporary employees by the Director must be immediate, so that delays do not occur.

Ken Humphreys will redraft the bill and bring it to the next subcommittee meeting for further consideration.

B. Imposing a maximum on the number of temporaries a department may hire.

It was suggested that the subcommittee propose that a limit of 10% of the departmental PCN's be established.

Opposition to the proposal pointed out that this should be left in the collective bargaining arena.

If the Director of the Division of Personnel and Labor Relations is required to report each year on the number of temporary employees he has authorized, then there will be review and consideration of the issue each year.

It is more important to evaluate the effectiveness of departmental hiring practices than to focus on the numbers of temporaries hired.

C. Imposing a maximum time limit on the length of temporary service.

Mr. Murphy moved that a section be added to the work draft of the bill on temporary hiring to set a maximum of 120 days on the service of a temporary, with a provision that under extenuating circumstances, justified to the Director in writing, he may approve the extension of that time limit.

Mr. Spray proposed an amendment: That the issue of time limits of temporary employment be left in the arena of collective bargaining.

Mr. Murphy objected to the proposed amendment on the grounds that it was a new motion, not an amendment.

VOTE: A vote was taken on Mr. Murphy's motion. It was adopted four (4) to two (2).

D. Scope of Commission activity: Concern was expressed that the Commission avoid intrusion into collective bargaining issues. The Commission risks jeopardizing its effectiveness and credibility if it enters into this area, and may create increasing divisiveness both internally and within the legislature. Commision time would be better spent on other matters.

E. Issue of Contract Employees: When the subcommittee considers this issue, it should request information from the Department of Transportation and Public Facilities on Deputy Commissioner Scoogil's memo stating that the department should limit the size of the state work force by contracting out jobs where possible.

F. Issue of Vacant Permanent Positions: Staff was requested to check with Jay Hogan, Director of the Division of Legislative Finance, on the computer programming which his division is implementing to track vacant PCN's.

G. Scope of Exempt and Partilly Exempt Categories: There was some discussion of this topic. The subcommittee should consider this subject at a later time.

STAFF NOTE:

Terry Cramer checked with Jay Hogan, Director of the Division of Legislative Finance, on the computer program to track vacant PCN's. He indicated that the program should be completed in about six months. It has been held in abeyance because of a change in computers. When completed, the program will track the source of the money used to fund a position and whether the position is vacant.

BLUE RIBBON COMMISSION ON THE STATE PERSONNEL ACT
Categories of Employees Subcommittee
Anchorage Legislative Information Office
January 4, 1979

MINUTES

The Categories of Employees Subcommittee hearing was called to order by Representative McKinnon. Public testimony was invited.

PUBLIC TESTIMONY

Jim Thiele, a temporary employee with the Department of Fish and Game, presented his views on the six-month limitation of temporary employment as specified in the new APEA union contract. Mr. Thiele explained that it is not economically feasible to live the whole year on six-month's salary. He feels that his position could be classified as a permenent seasonal category since it is recurrent. The new limitation on temporaries in the APEA contract denies individuals the right to return to employment within a department for a period of six months after termination from that department. The explanation provided Mr. Thiele on why the Department of Fish and Game did not reclassify his position to permanent seasonal was that each PCN number must be approved by the legislature. He does not believe temporary employees consider receiving fringe benefits as necessary as having opportunities for employment available.

Mr. Thiele is on a number of registers, but has never been hired from one. After being tested for a Fisheries Biologist I position, he worked as temporary in that classification for two years. When he took a reexamination, he received a lower score despite his additional two years of experience. Another inequity in the testing process was highlighted when Mr. Thiele took two tests, Game Biologist I and II, and scored much higher on the more difficult test for Game Biologist II. Mr. Thiele, in answer to Frank Flavin's question on whether he would prefer to become a full-time employee, stated that he preferred to have the flexibility available to temporaries.

Pam Rogers, a permanent employee with the Planning and Research Division of the Department of Natural Resources, expressed her concerns regarding the lack of opportunities available to temporaries to fill permanent positions. Temporaries working within the department are not considered for employment in newly classified permanent positions because many are not within the top five on registers, even though they have experience in working in the department. Ms. Rogers believes that time spent in temporary positions should be counted towards the probationary period for permanent postions.

On the topic of registers within the state, Ms. Rogers stated that supervisors are circumventing the eligible lists to hire temporaries. Upon initial hire in temporary positions, individuals are being promised permanent positions as soon as funding is approved and PCN's are created. These temporaries are hired at salary ranges that are inconsistent with their level of skill. People already employed by a department are given preference over others on registers in hiring.

Pat Kirschner, an employee with the Planning and Classification Section of the Department of Natural Resources, asked committee members if, after the six-month temporary has ended, whether an employee can work for another state department as a temporary. She had heard many conflicting rumors. Niel Thomas answered that you can be employed by the state again within another department. Representative McKinnon believed that was part of the new contract provisions. He stated that in the past, a temporary could go from one position to another within the department after the period had expired. Ms. Kirschner expressed her desire to continue working in a section where she is familiar with the work for more than six months.

Ms. Kirschner sees the move to severely limit the temporary employment period, or to do away with it altogether, as being undesirable. Even if additional permanent positions were created, her department would still have to use temporaries on various projects that are not recurrent but do last longer than six months. Representative McKinnon agreed that there is a valid need within the Department of Natural Resources for temporaries because of the fluctuating time periods of projects. The duration of these projects is dependent upon the time needed for completion and the funding available. As an alternative to temporary employment without benefits, Ms. Kirschner suggests that promotions and merit increases be available to temporary employees based on performance and longevity of the individual's employment on the project. Niel Thomas commented that a "project" category would also be valuable to employees within the Department of Fish and Game.

Ms. Kirschner concluded by stating that she prefers a nine-month period for temporaries, because the individuals could at least survive economically on that basis. The six-month period presents economic problems for specialists who are limited by their expertise in a particular position in only one department.

Jim Curatolo, a temporary employee with the Department of Fish and Game, presented his belief that temporaries are being taken advantage of more than ever because of restrictions imposed by the new union contract. He stated that many temporaries work in that capacity because they find it preferable to work only nine months a year, gaining experience and skills that would otherwise be unavailable to them.

Mr. Curatolo believes that salary ranges for temporaries are much lower than those of permanent employees, regardless of skills and qualifications. Temporaries can provide for their own benefits and retirement if they are compensated with higher salaries.

As previous witnesses testified, Mr. Curatolo would like to continue working on his present project for an extended amount of time. He is aware of another project that will be available after his six months has ended, but because it is within the same department, he will not be eligible. The project he is working on is federally subsidized with OCS funding. Niel Thomas asked how Mr. Curatolo's position would be classified if he were working as a permanent employee. Mr. Curatolo explained that his is a Biologist II position, but that he is being paid at a Biologist I level. Representative McKinnon asked whether the proposal for the project could have included provision for a permanent position which would terminate at the end of the project.

Mr. Curatolo said that he would rather have the option of choosing the project he wants to work on each year, and that if a permanent seasonal position classification was authorized, this choice would be eliminated. Representative McKinnon asked whether he would be required to return to the project he had last worked on. Niel Thomas asked whether there would be a number of positions within the same classification which he might apply for. Mr. Curatolo responded that his experience in a particular project would lead to being employed in the same position.

Frank Flavin inquired whether the six-month temporary period was a product of APEA bargaining or if it was a decision between the state and the Legislature. Representative McKinnon noted that judging by testimony heard, temporaries are being misused and are not given the benefits of permanent employees. Using temporaries is a way of avoiding application of merit principles. Instead of improving the abusive treatment of temporaries, the APEA contract has created many additional difficulties. Niel Thomas added that it seems there is a need for a "project" category which would not apply to seasonal recurrent positions and would allow the position to last for the duration of the project.

Claude Hoffman, a Cadastral Engineer with the Department of Natural Resources, presented his opinions as a Program Manager. Mr. Hoffman supervises 31 employees. He is involved in a departmental survey that has been funded with $7 million by the Legislature for 12 months. Permanent positions were authorized by the Legislature at the end of the last session. Mr. Hoffman has been hiring temporaries for the program who are capable of doing the job. Many of his professional staff were in the top five on the registers and were temporaries within the department. Mr. Hoffman believes that he has been hiring temporaries fairly and placing them in permanent status whenever possible. He has reduced the number of temporaries in his department by 80% over the past six months. Despite the reduction, he must retain some temporary positions, and would like to be able to offer temporary employees the same benefits as permanent employees. Mr. Hoffman does not believe that program managers should hire temporaries and promise permanent position when they are unsure whether that is a possibility. He prefers to have permanent employees in the department, but because of the process involved in writing out P402's, having them put into the budget and approved by the Division of Personnel, creating PCN's and getting registers, this is very difficut when there are immediate deadlines set. These "crash" programs leave very little time to plan for the department's employment needs. Mr. Hoffman suggests that a possible solution would be in having the Division of Personnel work jointly with the department in preparing a budget package to include positions in permanent, seasonal and temporary employment categories.

Niel Thomas asked if there would be any problem in hiring temporaries from the registers. Mr. Hoffman replied that a major problem is the time involved in the processing of paperwork to and from Juneau. Mr. Thomas suggested that temporary positions could be reduced to very short terms, with exceptions for employment on specific projects to permit time to have permanent positions classified. Mr. Hoffman also pointed out that in order to get qualified people, Department of Natural Resources had to advertise state-wide. Mr. Thomas stated that some type of incentive for Personnel to move as fast as possible in classifying permanent positions would be helpful. Mr. Hoffman agreed that the Division has problems in the extensive workload involved in filling new positions. His department has the budget for positions, but is unable to expedite the creation of permanent positions, and has had to use temporaries in the mean time.

Niel Thomas inquired whether Mr. Hoffman believes there are too many classifications. Mr. Hoffman replied that was not a problem in his department's series of positions. Frank Flavin asked what Mr. Hoffman's opinions were regarding the registers. Mr. Hoffman answered that he is please with registers and the way applicants are placed on them. He also believes they provide an adequate selection.

Mr. Hoffman also expressed his ideas on the ranking of individuals on the registers. He believes that there are inequities in scoring which result from different personnal analysts within the Division of Personnel using a variety of scoring standards. He suggested that evaluation of applications be based on qualifications and skills gained during work rather than on number of years in service. Mr. Hoffman stated that he had spent quite a bit of time with the Division of Personnel earlier in the year, and the staff members there had probably been rated on longevity and been hired from the top five on the register.

Frank Flavin asked whether working with the top five or with the top one-third on the registers would be preferable. Mr. Hoffman responded that working with the top five is not difficult. Normally, one or two eligibles will decline to take a position because of special duties they cannot handle. Sometimes, Mr. Hoffman does have to go below the top five to fill a vacancy because some applicants refuse the positions and others are still on the register although they have found employment.

Niel Thomas asked where Mr. Hoffman reports in the department. Mr. Hoffman answered that he reports to the Assistant Commissioner, who oversees three divisions. Niel Thomas asked if he had been instructed in Equal Employment Opportunity and Affirmative Action matters. Mr. Hoffman replied that the basics had been covered. Representative McKinnon inquired concerning whether restrictions are placed on hiring temporaries for new positions. Mr. Hoffman answered that no restrictions were put upon hiring of temporaries, and he initially hired temporaries and had positions classifications changed to permanent. Many temporaries have left because they were unable to get on the top of registers to be hired as permanent. He does not believe in using unethical methods to come in below budget and is not tempted in hiring temporaries to cut down on spending.

Ed Levy, an Engineering Technician with the Department of Transporation and Public Facilities, offered a different perspective. He is the only permanent seasonal employee working in his division. The majority of the employees within the division are college students who cannot complete the six-month period of seasonal employment because they have to return to school in the fall. These temporaries are being trained by the division, but cannot achieve permanent seasonal status even though they return each year. Local 71 will send them back out to the department annually because they are familiar with particulars of the work, but does not allow their classification as permanent seasonal because they are not able to finish the season. This problem is causing financial difficulties for temporaries because they are not credited with their time in service and cannot go beyond initial temporary wages. Representative McKinnon asked what happens when the students return to school. Mr. Levy explained that the division fills in as best it can until the end of the season. College students feel that they are being used by Local 71 and that they are paying dues for nothing. Mr. Thomas asked if Mr. Levy would lose his job as a permanent seasonal if he left in September. Mr. Levy answered affirmatively, and added that the Local 71 contract does not permit an employee to be considered as permanent seasonal unless the individual can work the entire duration of the season.

Patricia Fowler, a permanent employee with the Department of Natural Resources, is an Associate Planner. She presented her complaints regarding the time it takes to get on a register and the difficulties in trying to be promoted to a higher classification. Ms. Fowler was promoted from her position as a temporary Research Analyst II to her present classification. If she had wanted to try for a permanent position as a Research Analyst II, she would have been unable to get on the top of the register because her specialty is planning. Four to six weeks after Ms. Fowler applied for the position of Associate Planner, she tried to find out what her status was concerning the application. She was unable to get an answer.

Ms. Fowler pointed out that in the past, temporaries had been employed by the department for up to 18 months. This practice is only now beginning to change. Ms. Fowler began as a temporary employee and worked towards getting a permanent position. Methods suggested by her colleagues included making herself invaluable to the department. Experience as a temporary, according to Ms. Fowler, is not considered in the placement of temporaries in permanent classifications. Because of the turnover in temporaries, the department has to train employees over and over again. She has observed that in order to place temporary employees into permanent positions, her department notifies the top five applicants on the register, but discourages interest in the positions to be able to get to the people they want. Ms. Fowler has personally responded to notifications, only to be told that the position is extremely undesirable. Temporaries are one way of getting around the register.

Ms. Fowler continued, commenting on the fact that offices with a large number of temporaries are subject to recurrent turnover and have organizational problems. Most temporaries have no future with a department, and because they are aware of this, they have no incentive to perform well.

Niel Thomas asked what Ms. Fowler's position is within the department. Ms. Fowler replied that she is a Coordinator for A95, which is a permanent position where she works on casual management. Mr. Thomas also asked how the duties of the position were presented to her when she began as a temporary. She replied that the person occupying the position prior to her arrival had taken a leave of absence. Ms. Fowler took over her functions within the office and was never asked if she wanted permanent employment. She was never informed by the department that there was a vacant permanent position available. Ms. Fowler, like many temporary employees does not like short-term positions. She enjoys being able to get involved in her work and not having to spend her time constantly seeking permanent employment. She was informed at the time of her hire as a temporary that the duration of her employment would not exceed four to six weeks. At that time, she thought that it would be highly unlikely that the position would be for such a short period of time. Other employees in the department explained to her that everyone there had started out as a temporary, and that supervisors liked hiring temporaries because it gave them additional opportunity to observe an employee's performance. Ms. Fowler added that it is very difficult to terminate permanent employees because supervisors don't want to go through grievance proceedings. Another discrepancy that Ms. Fowler had noted was that permanent postions at higher ranges are not being filled. Temporaries are being hired to fill these positions at lower ranges to make up for budget limitations.

Brent Petrie, Chief of the Water Department Section of the Department of Natural Resources, testified regarding problems he has witnessed as a program manager. The problems he addressed were in hiring, administrative budgets, and putting in proposal for changes. Mr. Petrie has worked as a temporary, permanent, supervisory and general government unit employee during his tenure with the state. He currently is working under a program supplemented by a federal grant, where temporary employees are needed for more than 30 days. Some temporary positions can last for up to nine months. To put temporaries into permanent classifications, he must identify funds available. Federal programs run for specific projects that may only last for a year. By the time Budget and Management and Legislative Finance have approved the permanent classifications, only six months may be left in the fiscal year. The program would need temporaries, in that instance, for the six months spent in getting approval for permanent positions. It is difficult to plan for positions in recurrent federal grant programs subsidized by discretionary state funds since the formula application must be approved annually by Budget and Management.

Niel Thomas inquired concerning Mr. Petrie's definition of discretionary funding. Mr. Petrie explained that this funding is generally used in contracted projects. Temporary employees often do a variety of jobs on short-term projects of up to nine months. It is very difficult to get permanent classifications based on discretionary funding. Some funds are coming in annually, in which case estimates can be made of tasks to be accomplished. Mr. Petrie added that he would prefer to create permanent classifications for this need. Budget and Management can authorize the classification of positions through confirmation that funds are available. Program managers are reluctant to spend the time involved.

Mr. Petrie offered an example of the time it takes to have a permanent classification created. He wrote a P402 in May of 1978, and it took until December before he could actually request a register. Something had to be done in the interim to provide the staffing necessary to handle the project. Pressure is applied by the Legislature to complete projects on schedule, but the task is made very difficult by the lengthy procedures involved in processing paperwork through the state. Mr. Petrie suggested that the Legislature should examine a package including P402's and the departmental budget to expedite the implementation of new programs.

Mr. Petrie suggested that when a large grant or appropriation comes through, the Division of Personnel might consider adding to its staff with funds appropriated from the agency's project budget to process P402's for that program. Representative McKinnon commented that this is a fairly common practice in other states. Projects created by the Legislature are forcing departments to submit large amounts of paperwork to the Division of Personnel.

Another suggestion presented by Mr. Petrie was to create a means of compensating temporary employees for their lack of benefits through a pro-rated hourly salary adjustment that would increase depending upon the duration of employment. Mr. Petrie thought that by staggering the paperwok submitted to the Division, some of the delays might be avoided. Frank Flavin pointed out that there may be too many categories of employees and that a solution would be to combine categories. He also suggested that benefits of permanent employees be available to temporaries after 90 days.

Mr. Petrie listed a number of problems the commission should consider:

1) lower salary ranges and lower classifications put on temporary employees

2) discouraging employees from accepting positions so as to reach applicants below the top five on the register

3) Unqualified applicants being placed on registers because personnel analysts lack knowledge of skills needed for positions and their dependency on the descriptions supplied in P402's

4) inconsistent evaluations and ratings of applicant skills and experience

Representative McKinnon questioned whether the department could more accurately describe job classifications. Mr. Petrie replied that they could if personnel officers in both the Department and the Division of Personnel conferred with program managers to create lists of qualifications and backgrounds essential to the work involved. Niel Thomas asked if he was referring to the decentralization of personnel functions into individual departments. Mr. Petrie believes that the personnel offices of the departments could handle this function with additional staff.

Mr. Petrie asked how someone would go about applying to departments and how applicants could be consistently rated by each department. Niel Thomas answered that applicants would probably not know where to go and that an information pamphlet would have to be written with instructions on how to go about applying for a job. Frank Flavin pointed out that this would leave audit functions the responsibility of the Division of Personnel.

Mr. Petrie concluded his testimony by stating that he will encourage others to testify at the January 27 meeting in Anchorage.

Peggy Merritt, a temporary Game Biologist I with the Department of Fish and Game, agreed with previous testimony offered by her colleagues within the Department. In regard to recruitment, Ms. Merritt has found that the Division of Personnel often evalautes applicants incorrectly. In one case, an applicant who knew very little about the special skills involved in working in a certain position was on the top of the register. The department was forced to hire someone very low on the register to find an applicant with the skills necessary. She suggested applicants be judged by a peer group and not by the Division of Personnel. Her supervisor would like her to stay on longer than six months, but she cannot regardless of the inefficiency resulting from her termination.

There is one PCN for Game Biologist I for that division, and the position was moved to Nome. Her supervisor, who has been in the same division for many years, has been unable to get a permanent classification for anyone else in the division. The funding is unavailable, yet there is a great need for someone who is familiar with new scientific methods to renovate the archaic practices still used by the division.

Niel Thomas asked what percentage of temporaries in the department are women. She replied that there is one woman working as a permanent Game Biologist and approximately six women temporaries elsewhere in the department. Mr. Thomas also asked if the department has a hard time reaching applicants with skills necessary for the job. Ms. Merritt explained that some of the most qualified applicants are very low on registers, although their peers would rate them very highly.

Ms. Merritt continued, explaining that she resents the cut off of temporary employment to six months when the job still needs to be completed. Because of budget cuts, permanent positions are no longer available and termination of temporaries is now mandatory because of the APEA contract. The union has taken action that temporary employees do not approve of and never voted on.

One other problem not mentioned previously is the nonexistence of hazard pay for temporaries. Ms. Merritt travels by air continuously in hazardous conditions, yet receives no additional compensation as do permanent employees. Niel Thomas asked if she is paid for actual hourly work. Ms. Merritt responded that once above a certain pay range, extra hours put in on the job are not compensated. Ms. Merritt would like to be compensated for this lack of benefits.

Ruth Moulton, an employee with the Department of Natural Resources, presented her questions to the committee members: Why are temporaries being penalized to eliminate abuses within the personnel system? Aren't the unions, Division of Personnel and the Legislature aware of the fact that employees become more and more valuable with time spent in positions? Representative McKinnon explained that the APEA contract with the Division of Personnel and Labor Relations sets out the rules which departments must follow. Frank Flavin stated that none of these parties has the unilateral ability to change the policies. Representative McKinnon continued by explaining that there are laws in the books stating that temporaries cannot receive benefits, retirement and annual leave. Temporaries benefit from salary increases negotiated by unions and from lobbying efforts to increase fringe benefits available to them. Therefore, they do receive some return for their dues. Ms. Moulton replied that her best interests have not been represented by the union. Frank Flavin noted that the union is concerned with the supervisory abuse of temporary employees and has tried to eliminate this problem by limiting the duration of temporary employment. Temporary employees are not receiving benefits and are working unlimited amounts of time. Ms. Moulton pointed out that one advantage of being a temporary is in being able to go from one position to another, thereby gaining valuable experience.

IN ATTENDANCE

Representative Joe McKinnon, Chairman
Frank Flavin, Vice Chairman
Niel Thomas

BLUE RIBBON COMMISSION ON THE STATE PERSONNEL ACT
CATEGORIES OF EMPLOYEES SUBCOMMITTEE
Fairbanks North Star Public Library
December 12, 1978

MINUTES

The meeting was called to order by Frank Flavin, Vice Chairperson. Public testimony was invited.

PUBLIC TESTIMONY

Mr. Daniel Brewster spoke regarding his wife's problems in paying union dues. She had worked as a temporary for four summers, and each time she was hired for a temporary position, she was required to fill out documents indicating how she wished her union dues paid. She chose to have them deducted by the state. However, each time the state deduction was a month behind. She received letters from the union threatening termination of membership if the difference was not made up, which would result in the loss of her position. Eventually, she became disgusted with the system and refused to pay, which resulted in her termination, despite the good evaluations she had received for her job performance. Mr. Brewster stated that he believes that it is unfair to force an employee to pay dues when they are not being represented by the union.

Bob Mourant explained that the union has been working to secure better benefits for temporary employees and that it is required by law to represent all members of the bargaining unit. Darlene Howard indicated that each time service of a temporary is terminated, they are considered a new employee when hired by another section. APEA must then rely upon documentation from the state to continue membership. The reason for the delay in sending out new membership contracts is because of the time involved in the state's processing these reports. Ms. Howard continued to say that thus far, APEA has successfully negotiated holidy pay and higher pay rates for temporaries at the bargaining table.

Bob Sanderlin, a temporary Fish Biologist I with the Department of Fish and Game, suggested that temporaries being hired by the department could be put in permanent seasonal status because the positions are recurrent, but require less than a full year's work. In some instances, the jobs do require more than the time limit placed on temporary employment, resulting in having to train two people for one job and the loss of experienced workers.

Changing these temporary positions to permanent seasonal jobs would create an additional cost of 15% to the state for benefits such as retirement, medical insurance, time-off and sick leave. The department and the Division of Budget and Management have refused to request reclassification of these positions because they find it less expensive to use temporaries. However, APEA has taken action on this question.

Charles Fields, a former employee with the Division of Aviation, approached the committee with one of his recent experiences. He had been laid off from his position as a Civil Engineering Assistant because his time as a temporary employee was not credited for the purpose of seniority, which would have averted his being laid off. He stated that the experience he gained as a temporary was considered in evaluating his qualifications for the position. He applied for a permanent position with the state but his subordinate was hired because the subordinate's Veteran's preference was considered and was of sufficient value to place him slightly above Mr. Fields. Mr. Fields had accumulated a total of 17 months of temporary service with the state during the years he worked as a temporary. He was told that the reason that temporary time could not be considered for seniority was that the hiring process was not competitive for temporaries. He disagreed with that because he was required to pass an examination and his performance was evalauted before he was given raises during his temporary assignments.

Bob Sanderlin spoke again concerning the Kodiak Temporary Employees Advisory Committee. He had asked for a list of all the temporaries employed by the Department of Fish and Game in the state. Pat Hunt stated that because that would in effect be providing them with a list of union members, he would have to talk with the Executive Secretary of APEA before releasing the list. Mr. Sanderlin has had difficulty in finding this information, which would be used to send out questionnaires to all temporaries.

David Valesko testified that he had lost retirement credit for his time as a temporary employee, even though he went directly from a temporary position into a permanent position. Therefore, he lost a longevity bonus. Ken Spray explained that Local No. 71 now has a contract with the state which credits the 120 days of temporary employment to permanent status if there is a direct shift from one to another.

<u>COMMITTEE DISCUSSION</u>

There being no more testimony from witnesses, the committee discussed its functions and future tasks. Ken Spray suggested the committee create recommendations for a report to the legislature in February. Terry Cramer presented the tentative schedule for the Project Train seminar on February 6 and 7.

Frank Flavin questioned what type of submission should be put together for this year's project. Niel Thomas suggested that something should be put together immediately on the inequities of temporary employment. The staff will prepare a summary of the issues heard to date for the next meeting, focusing on the problem of temporary employment. Ken Humphreys' research paper on other states' statutes will be used for back-up data.

Frank Flavin also suggested that the various categories of temporary employment be looked at individually, rather than as one group. In response, Pat Hunt stated that one of the major concerns of the committee is temporary employment. He questioned what the committee intends to recommend on temporary employment. There are currently nine bargaining units in operation covering temporaries. He believes the committee must address the conflict between union contract provisions, personnel rules and state statutes.

Ken Spray pointed out the benefit of the 120-day temporary employment period negotiated by the union. He doesn't want to see the union's power taken away by legislative action.

Frank Flavin concluded that the Commission should work out the best personnel management system for temporary employment and then make adjustments in response to political and regulatory input.

Representative Buchholdt brought up the question of retroactive reimbursement for temporary employment toward retirement benefits. Should the Committee create a cut-off date?

Since the personnel rules do not apply to the partially exempt, and since classified employees are covered by union contract, the committee should consider increasing application of the rules to the partially exempt. Also, not to be overlooked, are the benefits of flexibility which the temporary employee position provides for EEO hiring.

It was requested that all committee members provide a list of questions and issues they wish to see addressed for a work session to be scheduled at a later date.

IN ATTENDANCE

Frank Flavin, Chairperson
Representative Thelma Buchholdt
Pat Hunt
Lynda McCurry
Darlene Howard (for Pat Murphy)
Ken Humphreys (for Myrt Charney)
Ken Spray
Niel Thomas
Robert Mourant (for John Pugh)

See Steven Reed's testimony, Categories of Employees Subcomm. Anchorage - November 30

LAWS OF ALASKA

1978

Source **Chapter No.**

FCCS SCS CSHB 720 181

AN ACT

Relating to the disposal of state land; and providing for an effective date.

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

* Section 1. DESIGNATION OF LAND FOR DISPOSAL. (a) The director of the division of lands in the Department of Natural Resources shall, no later than November 1, 1978, designate 30,000 acres of state land for disposal under the homesite entry program established in AS 38.08 and the open-to-entry program established in AS 38.05.077.

(b) Not less than 25 per cent of the former mental health land described in sec. 3(a) of this Act which is located within a municipality entitled to select land under AS 29.18 shall be designated for disposal in fiscal year 1979 under AS 38.04.020 enacted in sec. 5 of this Act. A municipality may select that former mental health land to satisfy its entitlement under AS 29.18 but title to the land may not be transferred to the municipality by the director until the governing body of the municipality certifies that disposal programs will be undertaken by the municipality which will meet the needs of persons residing in the municipality.

* Sec. 2. ASSESSMENT OF SUPPLY AND DEMAND OF LAND. (a) The director of the division of lands in the Department of Natural Resources shall assess the supply and demand for land under the homesite entry program established in AS 38.08 and the open-to-entry program established in AS 38.05.077. The assessment shall be based on applications submitted by persons in the state who are eligible to participate in those disposal programs. The applications shall be made on forms supplied by the division of lands which shall be available to the public at each district office of the division of lands in the state. The applications shall contain provisions so that each person may indicate a preference for the type of disposal program that best suits his

needs. To the extent possible, the director of the division of lands shall determine by region of the state which disposal program or combination of programs specified in this subsection is suited to the differing needs of eligible persons residing in that region.

(b) The closing date for the initial determinations of eligibility is October 1, 1978. The director of the division of lands in the Department of Natural Resources shall determine the eligibility of persons submitting applications and before November 1, 1978, advise them whether they are eligible to participate in disposals under AS 38.08 or AS 38.05.077. Persons determined to be ineligible shall be advised of the reason for their disqualification and the actions they may take to establish eligibility. The director shall compile a master list of all persons found to be eligible to participate in the disposals specified in (a) of this section. The master list shall be revised at regular intervals after the initial determination period so that it accurately reflects the eligibility of applicants.

(c) The director of the division of lands shall present to the legislature the plan for the disposal of land under the programs specified in (a) of this section. The plan shall be submitted not later than the 15th day of the First Session of the Eleventh Legislature. The plan shall set out the location of the land for disposal and the amount of acreage to be included in each program.

* Sec. 3. REDESIGNATION AND DISPOSAL OF MENTAL HEALTH LAND. (a) Land granted to the state under the Mental Health Enabling Act of 1956, 70 Stat. 709, and patented to or approved for patent to the state on July 1, 1978 and land designated as mental health land which was received by the state in exchange for land granted under that federal land grant is redesignated as general grant land and shall be managed and disposed of by the Department of Natural Resources under applicable provisions of law.

(b) The redesignation of mental health land in (a) of this section does not affect the validity of a deed, contract for sale, lease, easement, right-of-way, permit, mineral lease disposal, or a reservation for public use of that land by statute, in effect before July 1, 1978 or land management actions including use classifications under AS 38.05.300, and interagency land management assignments of that land made by the Department of Natural Resources before July 1, 1978.

* Sec. 4. AS 37 is amended by adding a new chapter to read:

CHAPTER 14. MENTAL HEALTH FUND.

Sec. 37.14.010. MENTAL HEALTH FUND ADVISORY BOARD CREATED. (a) There is created in the Department of Revenue the Mental Health Fund Advisory Board composed of the director of the division of mental health, the chairman of the Mental Health Advisory Council, and the commissioner of the Department of Revenue.

(b) The board shall elect a chairman from the membership of the board. Members serve without compensation but are entitled to per diem and travel expenses authorized by law for other boards.

Sec. 37.14.020. POWERS AND DUTIES OF BOARD. The board has the following powers and duties:

(1) to hold regular meetings and special meetings considered necessary;

(2) to have prepared an annual accounting of the total principal and income of the mental health fund established in sec. 30 of this chapter;

(3) to prepare long-range investment plans for the fund established in sec. 30 of this chapter.

Sec. 37.14.030. MENTAL HEALTH FUND ESTABLISHED. (a) There is established as a separate fund the mental health fund.

(b) The principal of the fund consists of sums transferred under sec. 70 of this chapter.

(c) The income of the fund consists of the interest and dividends earned from investments of the fund under sec. 60 of this chapter.

Sec. 37.14.040. DUTIES OF COMMISSIONER OF REVENUE. The commissioner of revenue is the treasurer of the fund and shall

(1) act as official custodian of the cash and securities belonging to the fund and provide adequate safe deposit facilities for them;

(2) receive cash belonging to the fund;

(3) collect the principal on securities acquired for the fund and deposit it in the fund;

(4) collect interest and dividends earned on investments of the fund and credit the income account of the fund;

(5) invest and reinvest the principal of the fund in accordance with sec. 60 of this chapter.

Sec. 37.14.050. FUND UTILIZATION. The principal of the fund shall be retained in the fund for investment as specified in sec. 60 of this chapter. The income of the fund may not be appropriated for a purpose other than the support of the state mental health program.

Sec. 37.14.060. INVESTMENTS. (a) The commissioner of revenue, with the approval of the board, may invest the principal of the fund in the same manner specified in AS 39.35.110 for the investment of surplus pension funds.

(b) The commissioner of revenue may

(1) invest and reinvest the principal of the fund;

(2) sell, exchange, convey, transfer, or otherwise dispose of an investment of the fund by private

contract or at public auction;

(3) vote upon a stock, bond, or other security; give a general or special proxy or power of attorney with or without power of substitution; exercise a conversion privilege, subscription right, or other option and make payments incidental to it; consent to or participate in a corporate reorganization or other change affecting corporate securities, delegate discretionary power, pay an assessment or charge in connection with the delegation; and generally exercise any of the powers of an owner with respect to stocks, bonds, securities, or other investments held in the fund;

(4) make, execute, acknowledge, and deliver documents of transfer and conveyance and instruments necessary or appropriate to carry out the powers granted;

(5) register investments held in the fund in the name of the board;

(6) do all acts whether or not expressly authorized which are considered proper for the protection of the investments held in the fund.

Sec. 37.14.070. CONTRIBUTIONS. During each fiscal year the commissioner of the Department of Revenue shall transfer to the fund a sum equal to one and one-half per cent of the total receipts derived from the management of state land, including amounts paid to the state as proceeds of sale or annual rent of surface rights, mineral lease rentals, royalties, royalty sale proceeds, and federal mineral revenue sharing payments or bonuses.

Sec. 37.14.080. DEFINITIONS. In this chapter,

(1) "board" means the Mental Health Fund Advisory Board;

(2) "fund" means the mental health fund established in sec. 30 of this chapter.

* Sec. 5. AS 38 is amended by adding a new chapter to read:

CHAPTER 4. POLICY FOR USE AND CLASSIFICATION OF STATE LAND SURFACE.

ARTICLE 1. PUBLIC AND PRIVATE LAND USE.

Sec. 38.04.005. POLICY. (a) In order to provide for maximum use of state land consistent with the public interest, it is the policy of the State of Alaska to plan and manage state-owned land to establish a balanced combination of land available for both public and private purposes. The choice of land best suited for public and private use shall be determined through the inventory, planning, and classification processes set out in secs. 60 - 70 of this chapter.

(b) In classifying state land for private use and settlement purposes, the director shall make adequate provision for public open space which is accessible to communities so that natural areas are easily reached from all communities and settled areas. The amount of that land shall be sufficient to meet existing and projected needs for accessible public recreation land. Special care shall be taken to preserve public access to public water and to retain state ownership of sufficient land which combine high value for recreation and other public purposes with accessibility to settled areas. This classification for public purposes does not constitute dedication to open space, but the division's management of land so classified shall be in a manner to preserve the identified values.

(c) In allocating land for private use and public retention, the requirements of future generations shall be considered. To this end, a supply of state land of a variety of types and locations shall be reserved to provide an opportunity for future decisions.

(d) Private land use rights are integral to the material well-being of the people of Alaska and our society.

(e) Involvement of municipalities and local residents is essential in the decision-making process which leads to making state land available for private use.

Sec. 38.04.010. PUBLIC INTEREST IN MAKING LAND AVAILABLE FOR PRIVATE USE. (a) The primary public interest in conveying rights to state land surface to private parties is to make them available to individuals and other persons for direct use in areas classified as suitable for these purposes. In making state land available for private use, the director shall seek to guide year-round settlement to areas where public services already exist, or can be extended with reasonable economy, or where development of a viable economic base is probable.

(b) State land which is located beyond the range of existing schools and other necessary public services, or which is located where development of sources of employment is improbable, may be made available for seasonal recreational purposes or for low density settlement, with sufficient separation between residences so that public services will not be necessary or expected.

Sec. 38.04.015. PUBLIC INTEREST IN RETAINING STATE LAND IN PUBLIC OWNERSHIP. The primary public interests in retaining areas of state land surface in public ownership are

(1) to make them available on a sustained-yield basis for a variety of beneficial uses including subsistence, energy development, aquaculture, forestry, grazing, sport hunting and fishing, hiking, snowmobiling, skiing, and other activities of a type which can generally be made available to more people and conducted more successfully if the land is in public rather than private ownership;

(2) to facilitate mining and mineral leasing by managing appropriate public land for surface uses which are compatible with subsurface uses;

(3) to protect critical wildlife habitat and areas of special scenic, recreational, scientific, or other environmental concern;

(4) to restrict development in hazardous locations such as floodplains and avalanche zones; and

(5) to guide the location of settlement and development to minimize public costs and maximize social and economic benefits.

ARTICLE 2. LAND AVAILABILITY FOR PRIVATE USE.

Sec. 38.04.020. TIMING AND AMOUNT. On a continuing or annual basis, the director shall make available for private use an array of state land suitable for a variety of uses. During fiscal year 1979, the director shall make available a minimum of 50,000 acres, not more than 10 per cent of which may be made available for leasing and 30,000 acres of which shall be for disposal under the homesite entry program established under AS 38.08 and the open-to-entry program established under AS 38.05.077 based upon a statewide assessment of supply and demand for land conducted under sec. 2 of this Act. Annually thereafter, the following three options for the state land availability program shall be submitted to the legislature along with the administration's budget: an increased-level program, a current-level program, and a reduced-level program. At least one option shall include at least 50,000 acres.

Sec. 38.04.025. VARIETY OF USES. In making state land available for private use, the director shall endeavor to accommodate persons with a current need and anticipated use for the land. To this end, the director shall assess the nature of the supply and demand for state land in different regions and locations of the state, taking into account the supply of available land under other ownership, and shall make land available in locations and under programs suited to the differing needs of prospective users throughout the state.

Sec. 38.04.030. LAND AVAILABILITY PROGRAMS. Programs which may be used by the director to make the state's land surface available for private use under this section include sale of whole or partial rights to the fee simple estate, including conveyance of agricultural use rights; leasing; open-to-entry; homesiting; homesteading; permitting for construction and occupation of cabins in isolated locations on land retained in state ownership; and other methods as provided by law.

Sec. 38.04.035. CRITERIA FOR PROGRAM SELECTION. In determining which land availability program is appropriate for state lands in different locations, the director shall be guided by the following criteria:

(1) To cover public costs associated with private land use and to provide the public with a fair return for publicly owned property, conveyance of state land to private parties should be at fair market value except where otherwise authorized by statute, or by an administrative regulation the adoption of which is specifically permitted by statute.

(2) Sale or lease programs should be used where land is readily accessible to a major community center or

where, because of a prime location on waterfront or a transportation route or some other location characteristic, land has relatively high real estate value.

(3) Sale programs are preferred but lease programs should be used

(A) where special land use controls are required and there is a high public interest in having certain types of land used for particular purposes;

(B) when the intended use is a temporary one;

(C) in commercial or industrial situations when a leasehold can provide cash flow advantages to the lessee;

(D) when a unique location with special public values is involved, as in a deep water port, hydroelectric site, or aquaculture facility;

(E) where current demand for private use is high, but projections suggest that, in the future, the land may be more valuable for public use, as in accessible waterfront recreation areas.

(4) For enabling isolated cabin development in remote locations where survey and conveyance is impractical, a system for cabin permits on public land may be used.

(5) Limited or conditional title may be granted when the state's best interest so dictates. Among other things, title limitations may include grants of agricultural interest only, retention of development rights, and retention of scenic or other easements. A conditional title may be tied to a development schedule or other standards of performance.

Sec. 38.04.040. AVAILABILITY OF SCHOOL LAND AND UNIVERSITY LAND. School land and university land may be made available at fair market value for private use under the purposes of this chapter; however, any action to do so shall be in accordance with statutes pertaining to these lands and the authority of the Board of Education and the Board of Regents of the University of Alaska.

Sec. 38.04.045. SURVEY AND SUBDIVISION. (a) State land to be conveyed in fee simple or less than fee simple estate shall be subdivided so that lots and tracts are of a size which fits the requirements of individual users and reflects the physical characteristics of the land, except that in locations where there is an inadequate margin between the demand for and the supply of vacant land, the state may make land available for private acquisition in parcels that are larger than required for individual use.

(b) Before the conveyance of surface rights to state land, an official cadastral survey shall be accomplished, unless a comparable, acceptable survey exists that has been conducted by the federal Bureau of Land Management. The rectangular survey section corner positions shall be monumented and shown on a cadastral survey plat approved by the state. However, for those areas where the state may wish to convey surface estate outside of an official cadastral survey grid, the director may waive monumentation of all individual section corner positions and substitute an official control survey with control points being monumented at approximately two-mile intervals and shown on control survey plats approved by the state. No portion of land to be conveyed may be located more than two miles from such a survey control monument. The lots and tracts in state subdivisions shall be monumented and the cadastral survey and plats for the subdivision shall be approved by the state. Where land is located within a municipality with planning, platting, and zoning powers, plats for state subdivisions shall comply with local ordinances and regulations in the same manner and to the same extent as plats for subdivisions by other landowners. State subdivisions shall be filed in the district recorder's office. The requirements of this section do not apply to land made available through a cabin permit system, material sales, or short-term leases; however, for short-term leases the lessee must comply with local subdivision ordinances unless waived by the municipality under procedures specified by ordinance.

Sec. 38.04.050. ACCESS TO PRIVATE USE AREAS. Wherever state land is surveyed for purposes of private use, adequate rights-of-way and easements shall be reserved as necessary for access and, where appropriate, for power and telephone service to each parcel of land. Where necessary and appropriate for the use intended, the director shall arrange for the development of surface access as part of the land availability program. The direct cost of local access development shall be borne by the recipient of the land unless otherwise provided by state statutes or regulations.

Sec. 38.04.055. ACCESS THROUGH PRIVATE USE AREAS. The director shall reserve easements and rights-of-way on and across land which is made available for private use as necessary to reach or use public water and public and private land.

ARTICLE 3. INVENTORY, PLANNING, AND CLASSIFICATION.

Sec. 38.04.060. INVENTORY. (a) The commissioner shall prepare and maintain on a continuing basis an inventory of all state land and water and their resource and other values, giving priority to areas of potential settlement, economic development, and critical environmental concern. This inventory shall be kept current so as to reflect changes in conditions and to identify new and emerging resource and other values.

(b) The commissioner's inventory shall include land and water under interagency assignment of land management authority and land and water proposed for such an assignment. That land and water must be reviewed at regular intervals to analyze current and proposed uses as these uses relate to alternative uses for all or part of the land and to determine the uses which best provide for the public interest.

(c) As funds and manpower are made available, the commissioner shall provide local and federal governments and major private landowners with data from the inventory for the purpose of planning and managing the uses of land in proximity to state land.

Sec. 38.04.065. LAND USE PLANNING AND CLASSIFICATION. (a) The commissioner shall, with local governmental and public involvement in accordance with AS 38.05.305, develop, maintain and, when appropriate, revise land use plans which provide, by regions or areas, for the use of the state-owned land.

(b) In the development and revision of land use plans, the commissioner shall

(1) use and observe the principles of multiple use and sustained yield;

(2) consider physical, economic, and social factors affecting the region or area and involve other agencies and the public in achieving a systematic interdisciplinary approach;

(3) give priority to planning and classification in areas of potential settlement and critical environmental concern;

(4) rely, to the extent that it is available, on the inventory of the state land, its resources, and other values;

(5) consider present and potential uses of state land;

(6) consider the supply, resources, and present and potential use of land under other ownership within the area or region of concern;

(7) plan for compatible surface and mineral land use classifications; and

(8) provide for meaningful participation in the planning process by affected local governments, state and federal agencies, adjacent landowners, and the general public.

(c) As a basis for more detailed land use planning and classification, the commissioner shall develop regional land use plans for the use of all state land. These regional plans shall identify and delineate

(1) areas of settlement and settlement impact, where land must be classified for various private uses and for public recreation, open space, and other public uses desirable in and around settlement; and

(2) areas which must be retained in state ownership and planned and classified for various uses and purposes in accordance with sec. 15 of this chapter.

(d) Official regional or area plans and subsequent amendments adopted by the commissioner after public and local governmental participation shall be signed and dated by the commissioner. Land classifications shall be made in accordance with these official plans.

(e) Land shall be classified as provided in AS 38.05.-300.

(f) Decisions about the location of easements and rights-of-way, other than for minor access, shall be integrated with land use planning and classification for the appropriate area or region.

(g) Land use plans adopted by the commissioner under this section shall be consistent with local governmental land use plans to the maximum extent he determines to be consistent with the state interests and the purposes of this chapter.

Sec. 38.04.070. MANAGEMENT CATEGORIES. State land classified for uses and purposes involving retention in public ownership may be included in the following management categories:

(1) state public reserve lands: areas of public land to be managed for a wide variety of compatible uses and purposes in accordance with the principles of multiple use and sustained yield; land designated to this category may include, but need not be limited to, state forest reserves and state wildlife reserves as well as land classified for public purposes within settlement impact areas;

(2) state parks: areas with special recreational, scenic, cultural, historical, wilderness, or similar values, to be managed primarily for the public use and enjoyment of these values;

(3) state trails: a system of public historic or recreational trails;

(4) wild and scenic rivers: a system of rivers and adjacent state land with special natural, scenic, and recreational values located within or adjacent to a wild and scenic river area managed as part of the national system of wild and scenic rivers in accordance with the federal Wild and Scenic Rivers Act (82 Stat. 906; 16 U.S.C. 1271 et seq.);

(5) state public domain: land within areas designated on regional plans as settlement and settlement impact which are not part of the management categories listed in (1) - (4) of this section; through classification, this land may be made available for private use, settlement, and development as well as for public uses associated with settlement and development.

ARTICLE 4. GENERAL PROVISIONS.

Sec. 38.04.900. REGULATIONS. (a) The commissioner shall adopt under the Administrative Procedure Act (AS 44.62) regulations he believes are necessary to carry out the purposes of this chapter. Within 120 days after the effective date of this Act, the director shall submit to the commissioner draft regulations implementing this chapter and revising regulations in effect on the effective date of this Act pertaining to planning, classification, management, and disposal of the state's surface estate in land. New and revised regulations shall be integrated in a single comprehensive draft compatible with the structure of the Alaska Administrative Code. In preparing this draft, the director shall seek to simplify and clarify regulations governing land planning, classification, management, and disposal.

(b) A municipality has standing to petition the commissioner for the adoption of a regulation, or for the amendment or repeal of an existing regulation, or to appeal a decision of the commissioner with respect to classification, management, or disposal of land made under authority of a regulation adopted under (a) of this section with respect to state land outside the corporate boundaries of the municipality to protect any interest which the municipality is authorized to regulate outside its boundaries under AS 29.48.037.

(c) If the regulations adopted by the commissioner under (a) of this section fail to provide for a process by which decisions of the commissioner may be appealed, an interested person may petition for reconsideration of a decision. The petition shall contain the information required to be submitted by AS 44.62.220 and shall be acted upon by the commissioner in the manner provided in AS 44.62.230. For purposes of this section, a municipality is an interested person with respect to its interests in land defined in (b) of this section.

Sec. 38.04.910. DEFINITIONS. In this chapter, unless the context otherwise requires,

(1) "commissioner" means the commissioner of the Department of Natural Resources;

(2) "director" means the director of the division of lands of the Department of Natural Resources;

(3) "fair market value" means the price at which a willing seller and a willing buyer will trade;

(4) "multiple use" means the management of state land and its various resource values so that it is used in the combination that will best meet the present and future needs of the people of Alaska, making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; it includes

(A) the use of some land for less than all of the resources, and

(B) a combination of balanced and diverse resource uses that takes into account the short-term and long-term needs of present and future generations for renewable and nonrenewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific, and historic values;

(5) "official cadastral survey" means a United States public land survey or a survey executed under survey instructions issued by the division for the purpose of preparing a cadastral survey plat, and approved and accepted by the division for the state's official records;

(6) "official control survey" means a position marked on the ground by triangulation or traverse stations established in conformity with standards adopted by United States Coastal and Geodetic Survey for first, second and third order work, whose geodetic positions have been rigidly adjusted on the North American datum of 1927 and approved by the division;

(7) "short-term lease" means a lease for a term of five years or less;

(8) "state park" means an area of state land designated by law to be managed for public use and enjoyment of recreational, scenic, cultural, historical, wilderness, and similar values, including but not limited to areas designated under

(A) AS 41.20.050 - 41.20.060, roadside rests and recreational beaches;

(B) AS 41.20.130 - 41.20.160, 41.20.330 - 41.20.345, ch. 61 SLA 1966, and ch. 26 SLA 1967, state recreation areas;

(C) AS 41.20.170 - 41.20.320, state parks; and

(D) AS 41.35.030, state monuments and historic sites;

(9) "state trail" means an area designated by law to be managed as a public historic or recreational trail including but not limited to

(A) trails designated under AS 41.20.070 - 41.20.120, wilderness trails and campsites; and

(B) trails and footpaths designated under AS 41.20.355 - 41.20.375;

(10) "sustained yield" means the achievement and maintenance in perpetuity of a high level annual or regular periodic output of the various renewable resources of the state lands consistent with multiple use;

(11) "wild and scenic river" means a free-flowing river or stream designated as provided in the federal Wild and Scenic Rivers Act (82 Stat. 906; 16 U.S.C. 1271-1287).

* Sec. 6. AS 38.05 is amended by adding a new section to read:

Sec. 38.05.057. LAND DISCOUNT PROGRAM. (a) The director shall grant to eligible persons a discount on the purchase price of land sold for residential use under this chapter at the rate of five per cent of the purchase price of the land purchased for each full year that the purchaser is a resident of the state. A discount granted under this section may not exceed 50 per cent of the total purchase price of the land or a value of $25,000, whichever amount is less. A discount may be used by an eligible veteran to purchase land offered at a restricted sale under sec. 67 of this chapter.

(b) To be eligible for a discounted purchase price under (a) of this section, a person shall

(1) have been physically present in the state for the 12-month period before the sale, except for brief intervals, military service, attendance at an educational or training institution or for absence for good cause;

(2) maintain a place of residence in the state;

(3) be registered to vote in the state;

(4) not have claimed residence in any other state for any purpose during the 12-month period immediately before the sale;

(5) show by all attending circumstance that his intent is to make Alaska his continuous residence; and

(6) have attained the age of 18 at the date of sale.

(c) A person seeking to establish eligibility for a discount under this section shall present proof meeting the criteria set out in (b) of this section to the director. A person who submits information to the director under this section knowing it to be false is guilty of a felony and, upon conviction, is punishable by imprisonment for not more than five years, or by a fine of not more than $50,000, or by both.

(d) A person is entitled to not more than one discount on the purchase price of land under this section in his lifetime. A discount granted under this section may be applied only to the acquisition of surface rights to state land. A discount may not be applied to costs such as survey costs, road development costs, utility assessments, or other costs as determined by the director which are reimbursable to the state. In all cases, a cash down payment of at least five per cent of the price of the land shall be made at the time of acquisition.

(e) The commissioner may adopt regulations to implement the provisions of this section.

* Sec. 7. AS 38.08.010(a) is repealed and re-enacted to read:

(a) The director shall designate, classify and make available for homesite entry state land in amounts and at times as required in AS 38.04.020 or as may otherwise be required by law.

* Sec. 8. AS 38.08.010 is amended by adding a new subsection to read:

(d) The director shall, to as great an extent as possible, classify land for homesite entry based upon the distribution of population in the state.

* Sec. 9. AS 38.08.020 is amended to read:

Sec. 38.08.020. OFFERING OF LAND FOR HOMESITE ENTRY. The director shall publish notice of the availability of the land for at least three consecutive weeks through the electronic media and in at least three newspapers of general circulation in the state, at least one of which, if possible, shall be a newspaper of general circulation in the vicinity of the available land.

* Sec. 10. AS 38.08.030(a)(2) is amended to read:

(2) submit proof acceptable to the commissioner that he is a resident of the state at the time of application, and that he has been a resident of the state for not less than three years immediately preceding the date his application was submitted, or that he has been a resident for 20 years cumulatively;

* Sec. 11. AS 38.08.060(a)(2) is amended to read:

(2) erects a habitable, permanent, single-family dwelling on the homesite, which meets all applicable state and local regulations, within five years of the date of issuance of the homesite entry permit; for the purposes of this paragraph, mobile homes are not considered to be permanent dwellings unless they are placed on a permanent foundation;

* Sec. 12. AS 38.08.110 is amended to read:

Sec. 38.08.110. REGULATIONS. The commissioner shall adopt regulations in accordance with AS 44.62.180 - 44.62.-290 to carry out the purposes of this chapter, including, but not limited to, regulations relating to easements and access routes.

* Sec. 13. AS 38.50.040 is amended to read:

Sec. 38.50.040. LAND SUBJECT TO EXCHANGE. Except as otherwise provided in this chapter, the director is authorized to convey for purposes of exchange any state land or interest in land regardless of the authority under which the land or interest was obtained by the state. The conveyance of university land and school land shall be approved in the manner prescribed in AS 38.05.030.

* Sec. 14. AS 38.50.110(a)(6) is amended to read:

(6) mail the notice to the appropriate board or other entity or person with approval authority as indicated in sec. 40 of this chapter and AS 38.05.030, when university land or school land is involved in the proposed exchange;

* Sec. 15. AS 38.05.035(a)(13), 38.05.365(8), and AS 38.08.-010(b)(1), (2), (3) and (5) are repealed.

* Sec. 16. Sections 3, 4, 13 and 14 of this Act and the

repeal of AS 38.05.035(a)(13) and 38.05.365(8) contained in sec. 15 of this Act take effect July 1, 1978.

* Sec. 17. Sections 1, 2, 5, and 6 - 12 of this Act and the repeal of AS 38.08.010(b)(1) - (3) and (5) contained in sec. 15 of this Act take effect immediately in accordance with AS 01.10.-070(c).

Approved by the Governor: July 18, 1978
Actual Effective Date: Secs. 3, 4, 13 and 14, July 1, 1978;
Secs. 1, 2, 5 - 12, and 15, July 19, 1978

STATE OF ALASKA
DEPARTMENT OF HEALTH & SOCIAL SERVICES

POLICY AND PROCEDURE MANUAL

EFFECTIVE DATE January 1, 1979
APPROVED BY Helen D. Beirne
Commissioner

DIVISION Administrative Services
SECTION Personnel
Chapter No. ____ Title Recruitment, Appointment & Separation
Subject Selection & Appointment of Temporaries

SUPERCEDES P & P No. 210-2 (& *memos below)
DATED February 2, 1978
(Please Destroy)

I. PURPOSE: To establish uniform policy and procedure to govern the selection and appointment of temporaries (including Rule 5 07.0 emergency appointments) within this department.

II. DELEGATION OF AUTHORITY TO APPOINT:

Subject to the provisions of governing bargaining unit agreements, Personnel Rules 5 06.0 and 5 07.0 and the guidance in Sections III and IV, below, division directors and separate office heads, or their written designees, are authorized to make temporary (including Rule 5 07.0 emergency) appointments within the Budget Request Units (BRU) for which responsible.

III. POLICY: A. A temporary appointment shall be considered only when a permanent/probationary appointment, or promotion to fill the requirement is made infeasible by one of the following:

1. Clearly defined tasks have evolved that must be accomplished in order to achieve the goals/objectives set forth in the approved program of the BRU; such tasks cannot be done by authorized employees of the BRU; the BRU has the necessary funds to cover the cost of the temporary employee; and the classification required is not one that has been requested in the BRU and denied by the Legislature for the current fiscal year.

2. An emergency situation exists whereby a new program for which funds are available to the BRU must be undertaken immediately; hiring and employment must occur before a permanent position (or register) can be made available; emergency appointment procedure under Personnel Rule 5 07.0 will not suffice; and a permanent position has been (or is being) requested which will be filled from a register within 30 days of the availability of the position/register.

3. A critical situation exists in a BRU caused by unusually heavy workload, prolonged absence of authorized permanent staff, imposition of revised program requirements

*Memo Subject	Date
Temporary Hire (P&P 210-2)	5/17/78
Temporary Hire (P&P 210-2)	7/26/78

beyond the capability of existing staff or a similar exigency beyond the control of the BRU, and the BRU has the funds to cover the cost of a temporary employee to alleviate the problem.

B. The Labor, Trades and Craft (LTC) bargaining unit agreement and this P&P shall govern the hire of temporaries for classifications covered by the LTC agreement.

C. Personnel Rule 5 06.0, the applicable bargaining unit agreement and this P&P shall govern the hire of temporaries for classifications covered by the Confidential, General Government and Supervisory bargaining unit agreements.

D. Personnel Rule 5 06.0 provides that "Temporary appointments shall, when practicable, be made from eligible lists. If the Director [of Personnel and Labor Relations] has found it impracticable to make certification because of non-availability of eligibles, he [the Director of Personnel and Labor Relations] may authorize the temporary appointment of a qualified individual designated by the appointing authority..."

E. Personnel Rule 5 06.0 also provides that extension of a 6 months temporary appointment requires approval of the Director of Personnel and Labor Relations. Extension of temporary appointment for classifications in the Confidential, General Government or Supervisory units shall be authorized only upon approval of a written request through program channels to the Commissioner's Office setting forth full justification for the extension and its duration. The combined period of such extension and the period for which originally appointed shall not exceed 9 months.

F. Article XIII, Section 8 of the LTC unit agreement provides that there shall be no extension of the 120 day maximum temporary appointment for classifications governed by the agreement except by mutual agreement of the State and the Union. The Department of Health and Social Services shall not seek exception to the 120 day LTC temporary hire maximum.

G. Division of Personnel and Labor Relations SOP 05-75-002, Section VII provides that "An employee who separated in good standing while holding a permanent or probationary position may be reemployed in the same class without examination or certification. Reemployment must take place within three years of the date of ...separation. Reemployment may be in a lower class in the same class series or in a parallel class series if approved in advance by the Director of Personnel...".

IV. PROCEDURE:

A. Hire of Temporaries Other Then LTC - With the exceptions set forth in paragraphs D, F and G below, which provide for temporary hire under specified circumstances without the use of a register, an authorized individual of the division or separate office will request a register for temporary employment from the servicing personnel office, work the register when received and make a selection in the same manner as for a permanent/probationary appointment. The "Rule of 5" shall apply to temporary appointment. When the selection has been made, the annotated and certified register will be attached to the completed Form 06-5418 (attachment #1) and forwarded to the servicing personnel office for issuance of an appointing Personnel Action Form.

B. Hire of LTC Temporaries - Upon receipt of authorization to hire a temporary whose classification is within the LTC unit, the servicing personnel officer will contact the appropriate Union hiring hall to request dispatch of candidates to the employing office unit/institution. If the Union is unable to furnish names of prospective temporaries within time limits prescribed in the agreement, the employing official will be so informed and furnished guidance by the servicing personnel office for further action to fill the requirement.

C. Duration of Temporary Appointments - It is the responsibility of the division or separate office concerned to assure that a temporary is hired for the absolute minimum period necessary to accomplish the functions for which hired and is terminated when the work assignment has been completed, or when the period of temporary hire approved under this P&P expires, whichever occurs first. The servicing personnel office will closely monitor the period of hire for all temporaries and take timely and appropriate action to effect termination upon completion of the number of days shown in item No. 4 of Form 06-5418, or of any extension of period of temporary hire approved under Section III, Paragraph E, above.

D. Rehire of a Former Employee as a Temporary

1. Rehire in a temporary status of a former permanent or probationary employee who meets the prerequisites of Paragraph G of Section III above may be accomplished without a register when such former employee is not on the applicable register but:

(a) Is qualified as an Alaskan under the definition of Personnel Rule 1 (i.e. "Alaskan means a person whose domicile is within...Alaska... Domicile means the true and permanent home of a person, from which he has no present intention of removing and to which he intends to return whenever he is away...");

(b) Has submitted a signed application to the hiring official which stipulates a desire for appointment to a classification held in permanent/probationary status within the preceding three years;

(c) The DHSS servicing personnel officer has confirmed in advance of such job offer and hire that the applicant for temporary appointment was a permanent/ probationary employee of the State in the applied for classification and was separated from such employment in good standing within the preceding three years. CAUTION: The hiring official shall request that the DHSS servicing personnel officer make this determination prior to any job offer.

2. The DHSS Personnel Officer will determine, in coordination with DPLR, for DHSS servicing personnel officers at their request, whether (c) above is applicable.

3. The DHSS Form 06-5418 will be accompanied by the signed application of the appointee and will be annotated in the "Certificate" block as follows:

"In lieu of hire from a register this appointment is of a former permanent/probationary employee who meets the prerequisites of Section III, Paragraph G and Section IV, Paragraph D, P&P 210-2"

E. Temporary Appointment of Former State Employee Above Step A -

When a former State employee was separated in good standing from a given classification within the three years preceding the date that the former employee is to be hired on a temporary basis in the same class, an appointing authority has the option of hiring the former employee at A step, the highest step held, or any step in between A step and the highest step held in such classification.

F. Temporary Appointment When Register is Incomplete -

When a permanent position (PCN) cannot be filled because the register for the PCN has been found incomplete under Rule 5 03.5 and the prerequisites below have been met, the appointing authority may approve the hire of a temporary for not to exceed ninety days, without the use of a register. The prerequisites to be met are as follows:

1. A request to subfill the PCN with a probationary appointment has been considered under Rule 5 03.7 and the appointing authority has determined that:

a. Such action would generate a genuine emergency by excessively delaying provision of essential program services (as contrasted with generation of a worrisome but non-critical work backlog); or

b. A subfill classification could not do enough of the duties of the PCN to adequately carry out the mission of the work unit for the time required by a subfill incumbent to achieve eligibility for the higher classification of the position. If an incomplete register is declined and a subfill register requested by the appointing authority, the Division of Personnel and Labor Relations (DPLR) will take action in the following order of priority:

i. If deemed feasible by DPLR, forward to the appointing authority a register with names of persons on registers for classifications <u>related</u> to the classification of the PCN but of the <u>same range</u> as the PCN to be filled; <u>or</u>

ii. Request the appointing authority for a written description of the job content of the lower classification and range to be used in subfilling the PCN to be filled. (DPLR needs such information to be assured that the subfill appointee will neither be expected nor required to perform duties other than those included within the class specification for the classification of the subfill. Time may be saved when requesting a subfill register if the description of the duties of the position when subfilled is forwarded with the request for such register.)

2. When it has been determined under Subparagraph 1a or 1b above by the appointing authority that subfilling a PCN for which there is an incomplete register would present a genuine emergency, the appointing authority may authorize a temporary appointment for not to exceed ninety days under Section III, Subparagraph A 3 above to alleviate "A critical situation [that] exists in the [the] BRU caused by...emergencies beyond the control of the BRU..."

. . . .

3. Simultaneously with issuance of the authorization for appointment without use of a register, the appointing authority shall take the following action:

a. Request, through the servicing personnel officer, that DPLR implement emergency recruitment procedures in the applicable classification and geographical area to obtain candidates to fill the PCN on a probationary/permanent basis. Attach to the Form 06-5418 the request for recruitment prepared as a memorandum to the Director of Division of Personnel and Labor Relations, through the servicing personnel office, and identify therein the requesting agency BRU and eight digit code against which the costs of advertisements are to be allocated. DPLR officials will expedite such a request to make a register available within sixty days listing the eligible respondents to DPLR recruiting action.

b. Request the local Employment Center for referral of qualified applicants and make a selection from this source if possible.

c. If a selection could not be made from among referrals from the local Employment Center, consider any other available sources for temporary hires;

d. In addition to the narrative justification for the temporary hire required in Form 06-5418, include the date, PCN and classification of the applicable incomplete register and state "This temporary hire is authorized without a register for not to exceed ninety days or until PCN ___ is filled by a probationary/permanent appointee, whichever occurs first, and the individual hired as a temporary has been, or will be, informed of that fact".

G. Emergency Appointment for Thirty Days or Less -

1. Personnel Rule 5 07.0 governs emergency hire for not to exceed 30 days. Rule 5 07.0 is extremely limited in its application and must be carefully reviewed to determine whether it is applicable in a given case. When the division director or separate office head determines that Rule 5 07.0 is applicable, Form 06-5418 will be used to request the servicing personnel office to appoint an individual who meets the minimum qualifications of the classification without use of a register. Full justification to DPLR for the emergency hire as prescribed by Rule 5

07.0 must be attached to the properly completed Form 06-5418 when the servicing personnel office is requested to make the appointment. Also, the Form 06-5418 will be annotated under the subject to add "EMERGENCY under Rule 5 07.0".

2. Occassionally, the hire of a temporary for a period of 30 days or less is dicated by emergency circumstances which fail to meet the criteria of Rule 5 07.0 for emergency appointment but are of a degree of urgency which precludes selection from a register because the processing time required would impose an unacceptable delay in the appointment. In such a case, the division director or separate office head may request the appointment of an individual who meets the minimum qualification for the classification, without the use of a register. Such (quasi-emergency) temporary appointment will be for a period not to exceed 30 calendar days and will be authorized with the understanding that there will be no extension or repetition of such appointment of that individual in that work unit. To request an appointment under this provision, the appointing authority will submit, to the servicing personnel office, the properly completed Form 06-5418, citing "P&P 210-2, Section IV, Paragraph G" following the narrative justification, accompanied by a signed copy of the appointee's signed application for temporary appointment in the applicable classification. If the tasks to be performed that necessitate the appointment will require more than the authorized maximum of 30 calendar days to accomplish, the division director or separate office head shall, simutaneously with the submission of a request for such temporary appointment, also submit a request for a register from which to select an individual for temporary appointment under Paragraph A, above, or for permanent/probationary appointment.

H. DHSS Servicing personnel officers will critically review each request for temporary appointment to insure that the provisions of Personnel Rule 6 06.0 and this Policy and Procedure are strictly followed. Personnel officers are authorized and required to return requests for appointment which are contrary to this P&P.

attachment
06-5418

TO: DHSS Personnel Officer

Date: ____________________

☐ SERO, Juneau

☐ SCRO, Anchorage

☐ NRO, Fairbanks

Subject: Authorization to Appoint Temporary Employee

FROM: ______________________________
Division Director/Separate Office Head

Under authority contained in Section III, Policy and Procedure 210-2, dated February 9, 1978, you are authorized and requested to issue an appointing Personnel Action for the following named individual:

1. Name ______________________________ 2. Soc. Sec. No. ____________
3. Address ______________________________ 4. Days not to exceed ________
5. Classification ______________________________ 6. Range/Step ____________
7. Duty Station Location ______________________________ 8. Effective Date ____________
9. Collocation/Distribution Code ____________ 10. Project Ledger ____________
11. BRU ______________________________ 12. Section/Office ____________
13. Add to: BPR Page No. ____ dated ________

NARRATIVE JUSTIFICATION

(Describe tasks to be performed, why it is necessary to appoint a temporary employee in lieu of a permanent/probationary employee, and provide an estimate of work days required to complete tasks.)

CERTIFICATION

I certify the temporary appointee named above was selected from an eligible register as required by Personnel Rule 5.06.0. The register from which the named temporary appointee was selected is attached. Further, that sufficient Personal Services (Code 100) funds are available within the BRU/Component appropriation level to pay the salary of this temporary employee for the period authorized (not to exceed 6 months for Confidential, General Government and Supervisory or 120 days for Labor, Trades and Crafts) and that the Legislature did not disapprove or deny funding of a like type position in the current year budget.

____
Division Director/Separate Office Head

Attachment: Register dated __________

06-5418 (2-78)

Ombudsman

MEMO

Date: January 26, 1979

To: Members, Blue Ribbon Commission on the Personnel Act

From: Paddy Moriarty
Deputy Ombudsman

Subject: Ombudsman position on APEA's 1/22/79 proposal

At the meeting of the Subcommittee on Categories of Employees this morning, it was requested that Subcommittee members express their agreement or disagreement with an APEA recommendation of January 22, 1979, proposing specific statutory changes.

For the record, the Ombudsman is in support of this proposal (See Mr. Flavin's January 11 memo attached). Mr. Flavin would prefer that the APEA proposal #2 read: (6) the procedure for certifying eligibles to any position in state service other than interim or emergency positions.

The specific language in APEA's proposal #3 and #4 may need some further review, but in substance and intent it has Ombudsman support. Perhaps an administrative appeal mechanism could be devised to address those few exceptions mentioned at this morning's meeting which do not fall within language in #3 or #4. It will not be possible to draft these sections to encompass each set of meritorious special circumstances.

Attachment

Ombudsman

MEMO

Date: Jan. 11, 1979

To: Interested Folks

From: Frank Flavin

Subject: Eliminating the concept of temporary employees

1) add to AS 39.25.150 (6) so it reads:

   (6) the procedure for certifying eligibles ~~for~~ to any position~~s~~ in the state service other then interim or emergency positions.

   OR

   (6) the procedure for certifying eligibles for full-time, part time, project or seasonal positions in state service.

2) Expand AS 39.25.150 (8) to read:

   (8) emergency appointments to positions in the state service for a period not to exceed thirty days, made under conditions necessitating immediate action to provide for carrying on work that must be continued in the public interest. Successive emergency appointments or more than three emergency appointments for one person within one calendar year are prohibited.

3) Eliminate reference to temporary and seasonal appointments in AS 39.25.150 (9) and replace it with an interim appointment concept:

   (9) interim appointments to positions in the state service for a period not to exceed sixty days, made where appropriate eligible lists are unavailable. Successive interim appointments to the same position are prohibited. No position in the state service shall be filled through ~~an~~ interim appointments for a period in excess of sixty days. Interim appointments may be made without competitive examination.

4) Repeal AS 39.25.150 (10) dealing with provisional appointments.

Anch-
1/26/79

TBC

MEMO

TO: Blue Ribbon Commission - Subcommittee, Categories of Employees

Patrick E. Murphy

FROM: Patrick E. Murphy, Executive Director, Alaska Public Employees Association

Ombudsman's Office, TOO

DATE: 1/22/79

SUBJECT: Recommendations for Subcommittee Adoption

In a memo dated November 24, 1978, titled Position on Temporary Employees, APEA set forth some of the problems felt to be of major concern as it related to temporary employees. APEA still feels the problems set forth in that memo are valid and that immediate measures should be taken to correct the inequities.

Therefore APEA makes the following proposal relating to the issue of temporary abuses:

Exempt Local 71 EEs; Marine Transport EEs

1. That two categories of employees exist within the classified state service system.

   A. Permanent employee: to encompass the current categories of permanent full-time, permanent part time and permanent seasonal.

   B. Interim employees: to encompass the current categories of temporary, short-term.

2. Amend AS 39.25.150(6) to read: (6) the procedure for certifying eligibles for permanent full-time, part-time, project or seasonal positions in state service.

3. Amend AS 39.25.150(8) to read: (8) emergency appointments to positions in the state service for a period not to exceed thirty days, made exclusively under conditions necessitating immediate action to provide for the publics' safety and health. Successive emergency appointments or more than three emergency appointments for one person within one calendar year are prohibited.

4. Delete AS 39.25.150(9) as presently written and replace with: (9) interim appointments to positions in the state service, for a period not to exceed sixty (60) days, which are determined to be of a non-reoccuring, nature. Successive interim appointment to the same position are prohibited. No position in the state service shall be filled through an interim appointment for a period in excess of sixty days. Interim appointments must meet minimum qualifications and may be made without competitive examination.

5. Repeal AS 39.25.150(10) dealing with provisional appointments.

might include

emergency situation in fish hatchery

recurring short term (3 hrs) 2-4x per month
DH - hourly perm part time - have to have one person for each PCN

The following sections of Title 39 would also require modification to conform to the proposed changes in Chapter 25.

AS 39.20.270 Court Leave - change to read: shall be granted to an employee who is classified as <u>delete</u>, [full-time whether permanent or temporary] <u>add</u> <u>a permanent employee</u>

AS 39.20.310 Exceptions (7) delete [temporary employees hired for periods of less than 12 consecutive months] add: <u>interim employees hired for periods of less than 60 days</u>

AS 39.30.100 Definitions in § 90 of this chapter

(1) "eligible employee means"
(A) An employee who has served in permanent full-time or part-time employment with the same governmental unit for 30 days or more except an emergency or <u>delete</u> [temporary] <u>add</u> <u>interim</u> employee

It is the position of APEA that limiting the span of temporary employment to a maximum of 60 days provides adequate management flexibility in times of high work load, on set of new programs and provides lead time for personnel classifications. Most important the shorter time period emphasizes the need of the program planning, development of sound personnel administration and management. It will also serve to promote the identification of truly reoccuring seasonal position needs and encourage utilization of seasonal and part-time employment.

If action is taken to limit temporary employment to 60 days, the need to secure additional fringe benefits becomes moot.

Thank you for your consideration.

PEM/DSH/lb

BLUE RIBBON COMMISSION ON THE STATE PERSONNEL ACT
CATEGORIES OF EMPLOYEES SUBCOMMITTEE
Legislative Information Office, Anchorage
November 30, 1978

MINUTES

The meeting was called to order by Representative McKinnon, Chairperson. Public testimony was invited. A summary of the points raised follows.

QUESTIONS AND ISSUES PRESENTED

1. Temporary employees working within a bargaining unit are required to belong to the appropriate union.

   A. Temporaries have to pay the same union dues as permanent employees but do not receive the same benefits.

   B. Employees who have philosophical disagreements with belonging to unions are required to join the appropriate union to hold a state job.

Discussion

Unions are required by law to represent all employees within the bargaining units which they represent. Union negotiating and lobbying efforts benefit both permanent employees and temporary employees, at least on the issues of salary levels. Recent APEA efforts resulted in securing holiday pay for temporary employees. Over half of the lobbying effort of APEA last legislative session was spent trying to persuade the legislature to extend to temporary employees the health and annual leave benefits provided to permanent employees of the state. The legislation passed the House but not the Senate.

   C. Have temporary employees been polled on the union's negotiating priorities?

   D. Have temporary employees ever been represented on the governing board of APEA?

   E. Can members of the union have a prioritized list of the union's bargaining positions?

   F. Has a temporary employee ever served as a member of the union negotiating team?

   G. There should be a board position for a temporary employee to represent directly the concerns of other temporaries.

Discussion

Before new contract proposals are drafted, APEA polls all of its members, including temporary employees, on negotiating priorities. The questionnaire indicates the employment status of the person answering, so that issues can be identified according to class of employment. The union uses results of the questionnaire in preparing its proposals.

There is nothing to prevent a temporary employee from holding office in the APEA, although Ms. Howard is not aware of any temporary employee who has ever been elected to the board. Under the present by-laws, a temporary could be an active union member only during the time of employment for the state.

2. Benefits for temporaries.

   A. No medical leave or retirement benefits.

   B. No job security.

   C. Temporary employment does not apply to the probationary period, even if the temporary employee is hired as a permanent for the same job.

   D. Union contracts can address the inequities of benefits for temporary employees.

Discussion

Lack of medical, leave and retirement benefits can only be addressed through the legislature, and, as indicated above, APEA spent considerable effort last session attempting to have legislation passed to do so. By union contract, APEA members can have one-third of their time as a temporary applied towards the probationary period required of a permanent position provided that there is no break in service and that the jobs are the same.

Local No. 71, Public Employees union, has negotiated to increase the wages of temporary employees to compensate for the lack of benefits. Temporaries receive an additional $1.32 per hour during the first 120 days they work as temporaries. If that period is extended by agreement, then the base salary of the temporary shifts from Level A of the wage scale to Level B. This system discourages the state from hiring temporaries for positions which should be classified as permanent. The union has found cases in which the state has ignored the union contract provisions about increased pay and has had to force compliance through arbitration.

3. Time limitations on length of temporary jobs.

   A. A limit of six months as a temporary was recently instituted for positions within the APEA bargaining unit. The limit used to be nine months.

   B. Local No. 71 has negotiated a 120-day limit to temporary employment, with extensions possible by mutual agreement between the union and the state.

Discussion

The new time limit for APEA members has caused a problem where supervisors were misinformed and therefore misinformed temporaries. The problem came about partly because there were a number of new supervisors in that particular job in a short period of time.

For discussion of the Local No. 71 system, see discussion under (2) above, Benefits for temporaries.

4. Promises to temporary employees about being hired for future permanent positions.

A. Division of Personnel does not always classify a new position as the program manager may have expected.

B. The better practice is to make no promises about permanent hire to temporary employees.

Discussion

If a program manager promises a permanent position to a temporary employee and then learns that the Division of Personnel has classified that position at a lower range than expected, then the temporary must wait while the position is reclassified. The time required for that process may extend beyond the time the temporary is permitted to work. That will cause the temporary to lose the cross-over of time served toward probationary period.

No promises should be made to temporary employees about permanent employment beyond a committment to consider them as any candidate with similar experience and skills will be considered. This is to ensure that the program manager is not locked into a committment and therefore unable to hire someone more qualified, should such an applicant appear on the register at the time of permanent hire.

5. Compensation for temporary employees who take time from work to testify before this commission.

Some supervisors are refusing to consider the time that their temporary employees spend testifying to the committee as time spent working for the state. Therefore, some temporaries were unable to attend the meetings. The APEA representative in Anchorage will work with the employees who did attend and with their supervisors to ensure that they are compensated for their time. If she is unable to do so, she will advise the commission.

6. None of the temporary employees who addressed the committee had been required to be on the register before being hired for their present positions.

7. The use of temporary employees in positions for which there are permanent funds available.

> **A. Local No. 71 has identified some 500 unfilled permanent positions within the scope of its bargaining units which it believes should be filled or deleted from the budget.**

Discussion

Local No. 71 believes that the state is hiring temporary employees rather than filling presently vacant permanent positions in significant numbers. The union secured from the Division of Personnel and Labor Relations a list showing vacant PCN's within its bargaining unit. It has identified some 500 such vacancies, some of which have been vacant since the early 1970's. (A copy of the list is available from the commission staff.)

Some of the 500 positions may be funded through the Capital Improvement Funds, and therefore, the statistics may be skewed to that extent. Sue Greene of the Governor's office indicated that perhaps 100 of the positions might be CIF positions.

Local No. 71 has received requests for temporary employees within the job classes covered by the permanent-position vacancies on the list.

The Legislative Budget and Audit Committee is programming a computer to provide information on all PCN's vacant for more than a reasonable length of time. The legislature can then delete the position from the agency's budget, should it wish to do so. There is presently a monthly list prepared by the Division of Personnel which shows all of the vacant PCN's in the state and indicates the date of vacancy. Mr. Kareen estimated that approximately 20% of the PCN's are vacant at any one time.

> B. Departments contract with private firms for work which could be performed by state employees. Contracting costs more to the state and increases the risk that public services will be jeopardized through a strike.

Discussion

Departments can contract with private firms for work which state employees could perform as well without any oversight by the Division of Personnel. In some cases, contractors with the state fail to fulfill all of the contract committments, leaving the state to hire its own employees to pick up the slack. For example, one contract called for the private contractor to provide janitorial services. When the contractor failed to do so, the state had to hire a member of Local 71 to fill the gap. One private contractor submitted two bids for a construction job, one based upon using his own equipment, and the other, at about $40,000 less, based on using the state's equipment. The higher cost bid was accepted, but then the contractor used the state's equipment to perform the work.

In some cases, the higher cost of subcontracting with private firms results from the higher wages charged by members of private industry unions.

Since state statutes place limitations on public service unions' right to strike, which are not placed on unions operating in the private industry field, there is greater danger that projects will be impeded by strikes when the state contracts with employers using private industry members than when the state hires its own employees.

Albert Baffone charged that the state of Alaska was following a policy of reducing the size of the Local 71 membership with the aim of drying up that union.

8. Problems with the use of CETA program employees within the Department of Corrections.

A. As temporary employees, CETA's within the Department of Corrections are limited to a nine-month period of service and receive no benefits, as permanent employees do.

B. CETA employees are taking the place of permanent employees within the Department, in violation of federal regulations.

C. Some CETA's are placed in supervisory positions over permanent employees who are paid at a higher salary rate than the CETA's.

D. CETA's are paid much less than permanent employees doing the same job.

E. Because of the Department of Correction's reorganization of staff, the state has frozen the Correctional Officer I register, and CETA's cannot apply for permanent positions.

The Comprehensive Employment Training Act is a federal legislative program aimed at providing people who are members of groups which traditionally have difficulty finding jobs with experience to enable them to find permanent employment. Federal regulations prohibit replacing permanent employees with those paid through the CETA program. The federal government provides $1,039 maximum per month in salary for those employed under the program. States using the program are free to supplement that salary if they desire.

The Division of Corrections has a number of CETA employees, classified as temporary employees by the state, who are paid at a salary range 9. The positions were meant to be Media Appreciation and Recreation Aides. However, because the Ridgeview

Correctional Center (where approximately 27 CETA's work) is severely understaffed, the CETA employees have been doing the work of Correctional Officer I's, who are classified at SR 13. These positions have just been reclassified from SR 11. CETA's are paid $2.00 less per hour than Correctional Officer I's. Since CETA's are classified as temporary employees, they have no benefits or job security. There is nothing in the federal legislation requiring that CETA's be classified as temporaries. There are non-CETA temporary employees who are paid at the Correctional Officer I salary range. There are CETA employees working in supervisory roles over Correctional Officer I's who make substantially more than they do, which is bad management practice.

Niel Thomas suggested that the commission should consider recommending that the legislature provide a supplement to CETA funds so that departments are required to pay appropriate salaries for the CETA's they employ. The federal government could also be asked to provide a wage supplement to the salary money it provides to Alaska, since the Alaskan cost of living is so much higher than the cost of living in the lower 48 states.

Aggravating the other problems faced by the CETA's employed in the Division of Corrections is the fact that the Division is undergoing reclassification of Correctional Officer positions. No job applications are being accepted for the positions of Correctional Officer I, so CETA's whose period of temporary employment must end because the six or nine-month period has elapsed cannot get on the register for a permanent position in the field in which they have been working.

The Division of Corrections has answered these problems by deciding to employ no more CETA's rather than by trying to keep the program and provide an opportunity for the underemployed to gain skills and experience to make them employable by adjusting the inequities in the present system.

At one time, there were a number of CETA positions within the bargaining unit of Local No. 71. However, by contract, the state was required to pay each CETA employee the existing wage rate for any union member. The state no longer has any CETA positions within the bargaining unit.

The CETA regulations require that people employed under that program receive equal treatment with other employees similarly situated. That language has been interpreted by the state to mean treatment comparable to any other temporary employee. The Municipality of Anchorage, which has a substantial number of CETA's, treats them as permanent employees entitled to all the benefits provided other permanent employees.

9. Problems of Program Managers in staffing programs.

    1. Time to get permanent positions filled from register and yet to meet legislative directives.

2. Treatment of temporary employees.

Discussion

Because creating new positions and hiring form the register takes a considerable amount of time, departments cannot use that system when given legislative directive to remedy a problem quickly. Last session, the legislature passed HB720, directing that by November 1, 1978, the Department of Natural Resources designate 30,000 acres of state land for disposal under the homesite entry program and the open-to-entry program. The act included other directions, and the legislature appropriated funds for 100 new positions for the department. By the time that the legislation had passed (it was approved by the Governor on July 18, 1978), enough time did not remain to both meet the legislative deadline and also to hire permanent employees from the register to fill the new positions. Temporary employees were hired and the department at the same time began the process of creating new permanent positions. (P402's had to be prepared for each new position describing the particular duties of the employee in this job, even though most fell within existing job classes.)

In order to allow the department to staff the program quickly, the Division of Personnel set aside all other tasks for four to six days to speed the paperwork. There was some delay in the Division of Budget and Management, which had to sort through four different appropriation bills affecting this program to ensure that proper authorization existed to establish these positions.

Departments may have short term projects to handle which require particular expertise. If the department lacks the time to be able to hire a permanent employee, it will hire a temporary while beginning the paperwork to establish a permanent position. The project may last beyond the six-month limit on the employment of a temporary, but it is quite possible that the permanent position may not yet be authorized. This hinders the department in the operation of its programs.

When hiring temporaries for professional positions, there is a problem using the register. Most professional people who are good candidates for a particular position are likely to already be employed and will be unwilling to leave a permanent job, with the benefits and protections it affords, for a temporary position, even if there will be a permanent position to replace the temporary one. Furthermore, it is bad management practice to advise any temporary employee that she or he will be hired for a future permanent position, since not only is there the possibility that the permanent positions will be established at a lower salary range than the department expects, but also, by the time that the department is authorized to fill the permanent position, there may be someone more qualified on the register whom the department will prefer to hire.

When filling a temporary position, the registers may be of some assistance in locating possible employees. Mr. Reed stated that it was his practice to call for a register, to review the applications of those on the register and to contact those whom he did not know personally to inquire whether they were interested in the temporary position available. Those whose situation he knew, he would not contact unless he expected them to want a change.

WITNESSES

1. Barbara Eakin, temporary Administrative Assistant II with the Division of Lands of the Department of Natural Resources since July 31, 1978. The Division of Lands is in the process of seeking classification of a permanent position of Accounting Clerk III for which she expects to be "strongly considered."

2. Karen Holser, a temporary Water Technician with the South Central Division of Water Section of the Department of Natural Resources. She is working under a program created by HB720 to reduce the backlog in water rights applications. The legislature authorized 52 permanent positions, all of which have been filled. In addition, the department created temporary positions funded from money made available problable through the vacancy of permanent positions.

3. Ruth Moulton, a temporary employee of the Division of Planning and Classification of the Department of Natural Resources. She has held temporary positions with the state three times and prefers to work as a temporary employee.

4. Al Baffone, Business Manager of Local No. 71 of the Public Employees Union.

5. Helen Collier, a temporary employee under the Comprehensive Employment Training Act (CETA), working as a Media Appreciation and Recreational Aide with the Department of Corrections.

6. Barbara Kelly, a temporary Accounting Clerk I with the Division of Lands of the Department of Natural Resources.

7. Steven Reed, Chief of the Planning and Classification Division of the Department of Natural Resources. He has held the position for one year.

8. Bob Dawkins, Journeyman Plumber with the state.

9. Eleanor Andrews, Field Representative with the Anchorage APEA.

INVITED WITNESS

Frank Flavin advised the Committee that he had invited Mike Smith, Assistant Commissioner/Director of Lands with the Department of Natural Resources. Mr. Smith was unable to attend.

Materials Distributed:

APEA Interoffice Memo on Categories of Employees

IN ATTENDANCE

Representative Joseph McKinnon
Representative Richard Eliason
Ombudsman Frank Flavin
Darlene Howard (for Pat Murphy)
Ken Humphreys (for Myrt Charney)
Ken Kareen (for Pat Hunt)
Lynda McCurry
Greg O'Claray
John Pugh
Ken Spray
Niel Thomas

MINUTES

CATEGORIES OF EMPLOYEES SUBCOMMITTEE HEARING
November 16, 1978

The Subcommittee on Categories of Employees met at 9:00 a.m., Thursday, November 16, 1978, in Room 123 A of the State Capitol Building, Representative Joseph McKinnon, Chairperson, presiding.

Representative McKinnon suggested that the subcommittee identify short and long-term goals.

TOPICS IDENTIFIED

1. Use of Temporary Employees: The use of temporaries circumvents the merit system because departments are not required to hire from the register. Temporaries do not receive most state employee benefits and are therefore cheaper to employ. Departments can hire individuals as temporaries in order to allow them to fulfill experience or residency requirements and then hire them as permanent employees.

2. Contractual Employees: The same kinds of abuses (by-passing of tests, eligibility lists and mininum job qualifications) that occur in the use of temporaries can occur when departments contract out work that could be done by permanent employees.

3. Categories of State Employees: Is it appropriate for the state to have all of the categories presently in use--permanent full-time, permanent part-time, permanent seasonal, probationary, emergency, temporary and contractual?

4. Proliferation of Unique Job Classifications: Alaska has an excessive number of classifications when compared with other states having a similar number of state employees.

5. Equal Pay for Equal Work: Job categories which were created many years ago tend to be set at lower salary ranges than those created more recently, even though they may require the same kinds of training, experience and responsibilities. The salary ranges of some positions, such as secretarial, are tied to the salary range of the employee's supervisor rather than the requirements of the job.

6. Delays in processing applications to get on eligibility registers.

7. University of Alaska employees and court system employees are outside the state's merit system because of constitutional provisions.

8. Effect of the Rule of Five on Affirmative Action: Where EEO problems exist, affirmative action hiring can be accomplished by establishing EEO compliance as a justification for looking below the top five candidates.

9. The state's system of reclassifying positions.

SUGGESTIONS ON OPERATION OF THE COMMISSION

1. The Committee Structure: Care should be taken that problems are not overlooked because they fail to fall within existing committee structure. After more public input, the committee structure should be examined to consider modifications. Is the Merit System/Collective Bargaining Subcommittee necessary?

2. Adequate input from program managers who have particular knowledge of problems in the state's personnel system needs to be gathered. The Commission should consider preparing a questionnaire for distribution to state employees.

3. A crash course or dictionary on the terminology and paper flow in the personnel system for commission members. Staff will work on this.

JOB CATEGORIES IN THE STATE PERSONNEL SYSTEM

1. Trainees are generally employed in short term, probationary positions in which the employee involved is trained for a particular permanent job classification. Individuals employed under a federal program in which there is no assurance of continued funding (for example, the CETA program) are also classified as trainees.

2. Permanent seasonal positions are used where the job is needed for less than the full year, and departments concerned expect the individual to return to fill that job from year to year. For example, Fish & Game has salmon counters who are permanent seasonal employees. If the department does not expect to have the same individual returning to the job from year to year, then the department lists the job as a temporary position. The Personnel Division encourages departments to use the permanent seasonal category, but since there are adequate applicants for temporary jobs, departments with budget limitations will use the temporary category.

3. Emergency employees are appointed by some departments only where there is danger to life or property. Others will use an emergency appointment where it saves them money. An emergency appointment is authorized for 30 days with three one-month extensions possible. The employee does not have to meet the minimum qualifications, and the department can appoint to any job classification it wishes. Division of Personnel is notified of the appointment after it has been made. There are two categories of recurring emergency appointments: escorts for mental patients and for prisoners.

4. The temporary employee category was designed to meet the short-term needs of an agency. It can be used where a permanent position becomes vacant, and the agency needs to have someone to do the work during the selection process. Temporaries usually do only part of the work assigned to the permanent position.

A temporary position lasts for a period of six months with a possible three-month extension. Unlike emergency appointments, temporary employees must meet the minimum qualifications of the job class to which they are appointed, and the duties they are to perform must be consistent with the duties of that job classification.

The Division of Personnel does a post-audit of the departments temporary positions. Presently, the division examines about 10% of the positions. The division has the authority to remove a person improperly filling a temporary position. It gives notice to the department involved, and the department has two weeks to correct the error (for example, by reclassifying the positon to one for which the holder has the necessary minimum qualifications), or to let the employee go.

In making temporary appointments, the department is not required to consult the register for the job classification. The Department of Health & Social Services is the only department that has a policy of hiring temporary employees from the register. A system could be established to accomodate a requirement that departments hire temporaries from the register, though it would require some time to ensure that applicants on the temporary register were willing to be considered for temporary positions and to speed up the process of providing registers to departments.

Sometimes departments are put in a position of having to use temporaries because of a delay in receiving federal funds. The department makes timely application for a program to the federal government indicating, for example July 1 as the starting date of the state program. The department gets no formal response from the federal government until August 15--45 days into the program's life. In order to get the program going quickly, the department hires temporaries immediately, rather than take additional time to advertise and screen applicants for permanent positions. The department may have received verbal assurances that the funding would be approved prior to receipt of the formal approval. It could therefore have gambled on formal approval being granted, and could have begun hiring for permanent positions to permit program operation as soon as federal funds were received. However, if the federal money did not appear, the state would have to pay for salaries it had not intended to finance. Emergency appointments are not used in the same way, as an alternative to permanent appointments.

Mr. Thomas suggested that the use of emergency appointments could be expanded, but the requirements for temporary appointments should be tightened. If an agency had a vacant secretarial position, it could hire someone instantly for the five days it would take to hire a secretary from the register.

APEA has gathered information on the use of temporaries by the state, which show that many of the needs temporaries are filling are permanent needs, either seasonal or full-time. Pat Murphy presented the following data:

	TOTAL # OF TEMPS	DEPT. OF FISH & GAME	DEPT. OF LABOR
July, 1978	1,701	522	93
July, 1977	1,863	508	158
July 1976	1,887	500	112

In answer to a question about whether those needs are year-long or seasonal, Mr. Murphy provided the following figures:

	TOTAL # OF TEMPS	DEPT. OF FISH & GAME
November, 1977	1,146	163
November, 1976	1,196	177
November, 1975	1,148	109

Mr. Murphy asserted that the Department of Fish & Game appears to have a recurring need for some 500 to 525 permanent employees each summer, and the Department of Labor some 100 to 150 permanent employees.

Mr. Kareen pointed out that a temporary position stays on the payroll, whether or not it is filled by an employee, until the department fills out papers indicating that position is no longer needed. Wages are drawn only according to the time sheets turned in to the Division of Finance. Mr. Murphy indicated that his figures were not checked for whether the position was actually filled.

Mr. Murphy stated that he had no problems with managers having discretion to hire temporaries for 45 to 60 days, but did have problems with 6 to 9 month terms.

Mr. Kareen asked whether there was anything that precluded APEA from negotiations on the length of time of a temporary position. Mr. Murphy explained that Mr. Hunt held the position that the length of temporary employment was statutory, and therefore non-negotiable.

PUBLIC TESTIMONY

Eileen Maki, a Public Health Nurse I (PHN I) working at the Juneau Health Center, spoke. She identified problems of concern to PHN's.

1.) Classification: At present, Public Health Nurse I's are classified at Range 14, Public Health Nurse II's at Range 15, and Public Health Nurse III's at Range 17. Public Health Nurse Trainees are at Range 12. In February, 1978, the Chief of the Section of Nursing requested that all PHN's prepare P402's describing their duties and justifying reclassification of those positions to higher salary ranges. The deadline for delivering the P402's to each nurse's supervisor was March 17. The forms were reviewed, and in early April, they were sent to the Section of Nursing for further review and for the development of a uniform job description for each job class. They apparently remained in the Section of Nursing for about six months, until the end of October or the beginning of November.

On November 3, Ms. Maki and another PHN I from the Juneau Health Center, Constance Trollan, met with Mike McMillan, a Personnel Analyst with the Division of Personnel. Mr. McMillan told then that he had just received the requests for reclassification and that he would not be able to perform his evaluation until after the Division of Budget & Management had identified funding for the potential increase of the Health & Social Services budget.

At the November 3 meeting, Ms. Maki and Ms. Trollan discussed with Mr. McMillan the discrepancy between the salary ranges assigned PHN's and those assigned other positions in state employment, such as institutional nurses. In particular, they questioned Mr. McMillan about the classification of Physician's Assistants to Range 17, while PHN I's are at Range 14.

The justification for classifying Physician's Assistants reads, in its entirety:

> This new class aligns internally with the class of Associate Attorney I at SR-17. It also aligns with SR-17 pay-wise for similar jobs in private industry. (Memo from Daniel H. Morrissey, Chief, Classification and Employee Development, Division of Personnel & Labor Relations, and Lee Antrim, Personnel Analyst, April 15, 1976)

Mr. McMillan checked the PHN files kept by the Division of Personnel for a classification analysis for PHN I's to compare with that of the Physician's Assistant. Apparently, none exists, since Mr. McMillan was unable to find one.

Ms. Maki explained the educational and training requirements for PHN I's and Physician's Assistants. A PHN must have a B.A. in Nursing from a school accredited by the National League of Nursing, with course work in the public health field. She or he must be licensed as a Registered Nurse by the State of Alaska. A PHN is authorized to practice within her area of expertise without the supervision of an M.D., including diagnosis and treatment of some conditions. In addition, she or he is responsible for nursing kinds of care for some of the patients, beyond the responsibilities of Physician's Assistants. Physician's Assistant is required by the state to have a Certificate of Competency from an Physician's Assistants Program. The state does not examine the source of the certificate to evaluate its program nor is a college degree required. Some have been military medical programs, others have more extensive training. The state does not have an examination and licensing program for Physician's Assistants, as it does for Registered Nurses. Physician's Assistants are allowed to diagnose and treat conditions within the level of their training and are required to be supervised by an M.D.

Some discrepancy in range assignments may result from the fact that the PHN classification has existed since statehood, while the Physician's Assistant classification was only recently created. Of more concern is the fact that apparently all of the Physician's Assistants employed by the state are men, and all of the PHN's are women.

2. Career Ladder: At present, there is no career ladder in the PHN's field, since there are only a limited number of supervisory positions and the itinerant PHN is located only in rural areas. To advance beyond the PHN I level, an employee is forced to relocate.

The Trainee position cannot be considered an entry-level position for PHN I, since advancement to that level requires a B.A. with public health course work. Experience cannot be considered a substitute.

There is a PHN Trainee in Ketchikan who has just completed a training program in Women's Health Care, but despite the added skill she brings to her job, she remains a PHN Trainee because she lacks a four-year degree.

COMMITTEE DISCUSSION

1. Reclassification procedures: Mr. Kareen explained that the Division of Personnel policy requiring identification of funding sources before proceeding with a review of the reclassification requests was established when Joe Henry was Commissioner of the Department of Administration. Because of the magnitude of the reclassification of PHN's, the Division of Personnel can only proceed after it receives approval from the Governor's Division of Budget & Management, which will first get approval from the department in question. This ensures that the Governor is informed of the fiscal impact of proposed changes. Given its present level of staffing, the Division of Personnel can only afford to do a limited number of reclassification studies, and this system provides some insurance that those on which further action will be taken receive priority. The Division of Personnel does not have the authority to change this system unilaterally.

A member of the audience pointed out that a budget document justifying the requested reclassifications should be prepared by the department and sent with the P402's to the Division of Personnel for transmittal to the Division of Budget & Management and that if this were not done, that Budget & Management might refuse to act. Mr. Thomas pointed out that in private industry, this kind of insistance on paper flow would not hold up a valid personnel action.

Representative McKinnon asked whether a department could reclassify a position to become effective at the beginning of the next fiscal year if funding were approved by the legislature. Mr. Murphy answered that that was proposed for the position of Pioneer Home Aides, but the Commissioner of Administration refused to allow it.

It was proposed that the system be changed to provide that the Division of Personnel have the responsibility for initiating reclassifications where inequities exist. Personnel should make its recommendations to the Division of Budget & Management, which would have the responsibility for identifying funding needs. If Budget & Management determined that sufficient funds were not available in the department, then it would prepare a supplemental appropriation for submission to the legislature. Once the Division of Personnel decides that a reclassification is valid, the those positions should have to be appropriately reclassified.

At a minimum, the Division of Personnel should make recommendations on all reclassification requests submitted to it so that the Division of Budget & Management has sufficient information on which to make its decision. APEA has found a number of instances in which Budget & Management refused to ask for additional funding for what were valid reclassifications, and therefore, the legislature was never presented with the question on funding for its consideration.

2. Potential State liability for failure to reclassify: If the PHN's of the state choose to bring suit under the Federal Equal Pay Act, the state would face a potential liability in the neighborhood of $2.5 million. Assuming 50 PHN's at Range 14 earn an average of $20,000 annually, the total present salary of PHN's is $1 million. If PHN's were reclassified to Range 17 (the Physician's Assistant range) averaging $26,000 annually, the total salaries would be $1.3 million. The Federal Equal Pay Act allows consideration of the salary levels of the past two years, and if the plaintiff/employee proves willful misconduct, damages may be awarded for the pst three years. In addition, the court may award attorney's fees and interest to successful litigants. In some cases, attorneys will work on a contingent-fee basis. Instead of charging clients by the hour for time spent on the case and requiring payment as the case progresses, an attorney will charge clients a predetermined percentage of the judgement in the event the case is successful. This enables clients who cannot afford to pay attorney's fees in advance to bring suit.

The state should recognize that there is a chance that if suit were brought, the state could lose. In private industry, that kind of potential liability is enough to cause the employer to ensure that appropriate changes are made so that the employees affected do not choose to sue.

One of the reasons that the state does not respond in the same manner is the budgetary system of paying for judgements. Payment for judgements against the state is proposed by an Attorney General's bill, which the legislature rarely scrutinizes. On the other hand, increased funds for reclassifications of positions within a department become part of the department's operating budget, which the legislature may examine and question in some detail. The system therefore makes it easier to pay a more expensive judgement than for the department to act on its own initiative at a lower overall cost.

Pat Murphy pointed out that the legislature appropriates money for permanent positions (PCN's) as part of the general appropriation. Therefore, permanent positions do not decrease the funds available for departmental programs. However, temporary positions are not part of that general appropriation, and funding for temporary employees may have to come from program funds.

3. Legislative budgetary process: Representative McKinnon noted that the House automatically, in most instances, adds the necessary funds for reclassifications to the maintenance budget. Legislative oversight should not hinder valid reclassifications.

Senator Ray cautioned that a decision by a department to reclassify positions does not bind the legislature to fund all of those positions. The legislature cannot reclassify the positions, but it can refuse to fund some of them, causing the department to have to decrease the number of its employees in order to pay the increased amount.

4. Letter to the Governor: Representative McKinnon, as Chairperson of the subcommittee, will write Governor Hammond requesting his position on the reclassification difficulties experienced by the PHN's. The staff will assist in drafting the letter.

5. Future subcommittee meetings: The next subcommittee meetings will focus on temporary employees. Later meetings will consider the reclassification question.

IN ATTENDENCE

Senator Bill Ray
Representative Joe McKinnon
Ombudsman Frank Flavin
Niel Thomas
Linda McCurry
Ken Kareen (for Patrick Hunt)
Patrick Murphy
Darlene Howard (Alternate for Patrick Murphy)
Ken Humphreys (for Myrt Charney)

11/30/78
Categories of Employees

LOCATION	CLASSIFICATION	PCN	VACANT SINCE
Anchorage	Compliance Officer, WG IA	072004P	5/30/78
Anchorage	Compliance Officer, WG IA	072006P	7/27/78
Anchorage	Compliance Officer, WG IA	072033P	1/10/78
Anchorage	Compliance Officer, WG IA	072051P	6/9/78
Anchorage	Bldg Maint Foreman, WG I	252556P	9/27/77
Anchorage	Electrician, WG II	252790S	8/11/78
Anchorage	Electrician, WG II	253733P	8/11/78
Anchorage	Electrician, WG II	252517P	7/27/77
Anchorage	Electrician, WG II	252518P	7/27/77
Anchorage	Electrician, WG II	252519P	5/10/76
Anchorage	Electrician, WG II	252522P	5/10/76
Anchorage	Maint Mechanic WG II	105050P	10/28/77
Anchorage	Equip Operator, WG III	252760S	5/10/77
Anchorage	Equip Operator, WG III	252866P	6/9/78
Anchorage	Equip Operator, WG III	253740S	8/11/78
Anchorage	Equip Operator, WG III	253744S	8/11/78
Anchorage	Equip Operator, WG III	252524S	5/10/78
Anchorage	Equip Operator, WG III	252525S	5/10/78
Anchorage	Equip Operator, WG III	252526S	4/27/78
Anchorage	Equip Operator, WG III	252527P	8/10/77
Anchorage	Equip Operator, WG III	252529S	5/10/78
Anchorage	Equip Operator, WG III	252531S	4/12/77
Anchorage	Equip Operator, WG III	252533S	7/11/78
Anchorage	Equip Operator, WG III	252535S	4/12/77
Anchorage	Equip Operator, WG III	252536S	5/10/78
Anchorage	Equip Operator, WG III	252537P	1/10/78
Anchorage	Equip Operator, WG III	252538S	4/12/77
Anchorage	Equip Operator, WG III	252539P	5/10/78
Anchorage	Equip Operator, WG III	252542P	7/27/77
Anchorage	Equip Operator, WG III	252543S	5/10/78
Anchorage	Equip Operator, WG III	252547S	4/12/77
Anchorage	Heavy Duty Mech, WG III	252826P	8/9/76
Anchorage	Heavy Duty Mech, WG III	253747P	11/28/77
Anchorage	Heavy Duty Mech, WG III	252921P	6/9/78
Anchorage	Heavy Duty Mech, WG III	252922P	8/11/78
Anchorage	Heavy Duty Mech, WG III	253557P	7/1/76
Anchorage	Heavy Duty Mech, WG III	253558P	7/1/76
Anchorage	Trades Leadman, WG III	253741P	8/11/78
Anchorage	Engineering Tech, WG III	242999P	10/10/77
Anchorage	Engineering Tech, WG III	243900P	10/10/75
Anchorage	Engineering Tech, WG III	243902P	7/27/78
Anchorage	Engineering Tech, WG III	243907P	4/10/76
Anchorage	Party Chief, WG III	243905P	10/28/77
Anchorage	Party Chief, WG III	243906P	8/1/74
Anchorage	Party Chief, WG III	243908P	7/26/76
Anchorage	Mechanic, WG IV	252925P	12/12/77
Anchorage(Kulis)	Maint Man, WG IV	090016P	9/10/77
Anchorage	Maint Man, WG IV	105015S	6/9/78
Anchorage	Maint Man, WG IV	252570P	6/11/76
Anchorage	Equip Operator, WG IV	105034S	10/28/77
Anchorage	Instrumentman, WG IV	242752S	7/10/76
Anchorage	Instrumentman, WG IV	063910P	10/28/77
Anchorage	Hwy Engr Tech, WG IV	242745P	4/10/76
Anchorage	Hwy Engr Tech, WG IV	242746P	7/9/77
Anchorage	Hwy Engr Tech, WG IV	242747P	1/10/77
Anchorage	Hwy Engr Tech, WG IV	242753P	12/10/75
Anchorage	Hwy Engr Tech, WG IV	242759P	10/10/77
Anchorage	Hwy Engr Tech, WG IV	242764S	6/9/78
Anchorage	Hwy Engr Tech, WG IV	242769P	11/11/77
Anchorage	Hwy Engr Tech, WG IV	243706[illegible]	6/9/78
Anchorage	Matls Lab Tech, WG IV	243911P	5/28/75
Anchorage	Matls Lab Tech, WG IV	243912P	4/10/76
Anchorage	Matls Lab Tech, WG IV	243914P	11/11/76
Anchorage	Matls Lab Tech, WG IV	243916P	8/10/77
Anchorage	Painter, WG IV	252890S	1/12/73

LOCATION	CLASSIFICATION	PCN	VACANT SINCE
Anchorage	Storekeeper, WG IV	025092P	2/25/75
Anchorage	Driller, WG V	243730P	9/27/72
Anchorage	Engineering Tech, WG V	253917P	9/26/75
Anchorage	Engineering Tech, WG V	253919P	10/10/75
Anchorage	Engineering Tech, WG V	253922P	10/10/75
Anchorage	Hwy Engr Tech, WG V	242750S	5/30/78
Anchorage	Hwy Engr Tech, WG V	242772S	12/10/76
Anchorage	Hwy Engr Tech, WG V	242775P	4/10/76
Anchorage	Hwy Engr Tech, WG V	242777P	4/26/76
Anchorage	Hwy Engr Tech, WG V	242779S	6/19/78
Anchorage	Hwy Engr Tech, WG V	242780P	1/10/79(?)
Anchorage	Hwy Engr Tech, WG V	242781S	10/28/77
Anchorage	Hwy Engr Tech, WG V	242783S	11/11/77
Anchorage	Hwy Engr Tech, WG V	242785S	9/27/77
Anchorage	Hwy Engr Tech, WG V	243708P	9/10/76
Anchorage	Hwy Engr Tech, WG V	243729S	5/27/77
Anchorage	Housekeeping Spvsr, WG V	027463P	3/10/77
Anchorage	Labor Foreman, WG VI	103561P	7/27/77
Anchorage	Cook WG VI	064573P	8/11/78
Anchorage	Matls Lab Tech, WG VI	243732P	10/10/77
Anchorage	Head Chainman, WG VI	242826S	6/9/78
Anchorage	Head Chainman, WG VI	243924P	4/26/76
Anchorage	Equip Operator, WG VII	105056S	10/10/76
Anchorage	Equip Operator, WG VII	242808P	4/26/76
Anchorage	Trades Helper, WG VII	105035S	9/10/76
Anchorage	Trades Helper, WG VII	242811P	4/16/76
Anchorage	Cook, WG VII	027482P	5/10/77
Anchorage	Cook, WG VII	027483P	5/10/77
Anchorage	Cook, WG VII	027484P	5/10/77
Anchorage	Cook, WG VII	027517P	8/1/78
Anchorage	Cook, WG VII	027518P	8/1/78
Anchorage	Cook, WG VII	027519P	8/1/78
Anchorage	Cook, WG VII	027520P	8/1/78
Anchorage	Cook, WG VII	065099P	12/29/77
Anchorage	Engineering Tech, WG VII	248928P	11/11/77
Anchorage	Engineering Tech, WG VII	248929P	4/12/75
Anchorage	Engineering Tech, WG VII	248931P	10/28/77
Anchorage	Hwy Engr Tech, WG VII	242794S	11/11/77
Anchorage	Hwy Engr Tech, WG VII	242787S	10/10/77
Anchorage	Hwy Engr Tech, WG VII	242799S	7/11/78
Anchorage	Hwy Engr Tech, WG VII	242800P	10/28/77
Anchorage	Hwy Engr Tech, WG VII	242801S	10/10/77
Anchorage	Hwy Engr Tech, WG VII	242806S	9/1/77
Anchorage	Hwy Engr Tech, WG VII	243733S	5/27/77
Anchorage	Matls Lab Tech, WG VII	240798S	4/26/76
Anchorage	Matls Lab Tech, WG VII	243926P	10/10/77
Anchorage	Matls Lab Tech, WG VII	243927P	4/26/76
Anchorage	Stockhandler, WG VII	025094P	6/5/76
Anchorage	Rear Chainman, WG VII	242786S	10/10/77
Anchorage	Rear Chainman, WG VII	243925P	4/10/76
Anchorage	Laborer, WG VIII	105017S	8/27/76
Anchorage	Laborer, WG VIII	105018S	9/10/76
Anchorage	Laborer, WG VIII	105037S	9/9/74
Anchorage	Laborer, WG VIII	105054S	11/26/74
Anchorage	Laborer, WG VIII	252734P	8/11/78
Anchorage	Laborer, WG VIII	252893S	3/31/73
Anchorage	Laborer, WG VIII	252894S	1/10/75
Anchorage	Laborer, WG VIII	252895S	11/15/74
Anchorage	Laborer, WG VIII	252896S	1/26/75
Anchorage	Custodial Worker, WG VIII	090140P	5/30/78
Anchorage	Custodial Worker, WG VIII	252735P	2/11/78
Anchorage	Housekeeping Aide, WG VIII	027464P	3/10/78
Anchorage	Housekeeping Aide, WG VIII	027503P	8/1/78
Anchorage	Cook, WG IX	027485P	5/10/77
Anchorage	Clothing Clerk, WG IX	064295P	6/9/78
Anchorage	Hwy Engr Tech, WG IX	242790S	6/9/78

LOCATION	CLASSIFICATION	PCN	VACANT SINCE
Anchorage	Hwy Engr Tech, WG IX	242815S	6/27/78
Anchorage	Hwy Engr Tech, WG IX	242816S	9/27/77
Anchorage	Hwy Engr Tech, WG IX	242818S	7/10/76
Anchorage	Hwy Engr Tech, WG IX	242819S	7/27/78
Anchorage	Hwy Engr Tech, WG IX	242821S	9/1/77
Anchorage	Hwy Engr Tech, WG IX	242822S	7/27/77
Anchorage	Hwy Engr Tech, WG IX	242823S	9/10/77
Anchorage	Hwy Engr Tech, WG IX	242827S	6/9/78
Anchorage	Hwy Engr Tech, WG IX	242828S	12/10/76
Anchorage	Hwy Engr Tech, WG IX	242829S	12/10/76
Anchorage	Hwy Engr Tech, WG IX	243740S	10/28/77
Anchorage	Sr. Food Service Wkr, WG IX	027521P	8/1/78
Anchorage	Sr. Food Service Wkr, WG IX	027522P	8/1/78
Anchorage	Sr. Food Service Wkr, WG IX	065228P	7/27/77
Anchorage	Matls Lab Tech, WG IX	242817P	4/26/76
Anchorage	Matls Lab Tech, WG IX	243731S	10/10/77
Anchorage	Matls Lab Tech, WG IX	243736S	10/28/77
Anchorage	Matls Lab Tech, WG IX	243737P	5/24/76
Anchorage	Matls Lab Tech, WG IX	243742S	5/27/77
Anchorage	Janitor, WG IX	027451P	6/27/78
Anchorage	Janitor, WG IX	027454P	5/27/77
Anchorage	Janitor, WG IX	027500P	8/1/78
Anchorage	Janitor, WG IX	027501P	8/1/78
Anchorage	Janitor, WG IX	027502P	8/1/78
Anchorage	Janitor, WG IX	253562P	8/27/77
Anchorage	Janitor, WG IX	253563P	7/27/78
Anchorage	Janitor, WG IX	253569P	1/10/78
Anchorage	Janitor, WG IX	253571P	8/9/76
Anchorage	Janitor, WG IX	253576P	11/28/77
Anchorage	Janitor, WG IX	253578P	11/11/77
Anchorage	Janitor, WG IX	253579P	8/27/77
Anchorage	Janitor, WG IX	253587P	8/9/76
Anchorage	Housekeeping Aide, WG X	027465P	3/10/77
Anchorage	Housekeeping Aide, WG X	027466P	3/10/77
Anchorage	Housekeeping Aide, WGX	027467P	3/10/77
Anchorage	Housekeeping Aide, WG X	027504P	8/1/78
Anchorage	Housekeeping Aide, WG X	027505P	8/1/78
Anchorage	Housekeeping Aide, WG X	027506P	8/1/78
Anchorage	Housekeeping Aide, WG X	027507P	8/1/78
Anchorage	Housekeeping Aide, WG X	027508P	8/1/78
Anchorage	Housekeeping Aide, WG X	027509P	8/1/78
Anchorage	Housekeeping Aide, WG X	027510P	8/1/78
Anchorage	Housekeeping Aide, WG X	027512P	8/1/78
Anchorage	Housekeeping Aide, WG X	027513P	8/1/78
Anchorage	Housekeeping Aide, WG X	027514P	8/1/78
Anchorage	Housekeeping Aide, WG X	027515P	8/1/78
Anchorage	Housekeeping Aide, WG X	027516P	8/1/78
Anchorage	Food Service Worker, WG X	027489P	5/10/77
Anchorage	Food Service Worker, WG X	027490P	5/10/77
Anchorage	Food Service Worker, WG X	027491P	5/10/77
Anchorage	Food Service Worker, WG X	027492P	5/10/77
Anchorage	Food Service Worker, WG X	027493P	5/10/77
Anchorage	Food Service Worker, WG X	027494P	5/10/77
Anchorage	Food Service Worker, WG X	027523P	8/1/78
Anchorage	Food Service Worker, WG X	027524P	8/1/78
Anchorage	Food Service Worker, WG X	027525P	8/1/78
Anchorage	Food Service Worker, WG X	027526P	8/1/78
Anchorage	Food Service Worker, WG X	027527P	8/1/78
Anchorage	Food Service Worker, WG X	027528P	8/1/78
Anchorage	Food Service Worker, WG X	027529P	8/1/78
Anchorage	Housekeeping Aide, WG X	027511P	8/1/78
Anchorage	Food Service Worker, WG XI	027530P	8/1/78
Anchorage	Food Service Worker, WG XI	027531P	8/1/78
Anchorage	Food Service Worker, WG XI	027532P	8/1/78
Anchorage	Food Service Worker, WG XI	027533P	8/1/78
Anchorage	Food Service Worker, WG XI	027534P	8/1/78
Anchorage	Food Service Worker, WG XI	027535P	8/1/78
Anchorage	Food Service Worker, WG XI	027536P	8/1/78

LOCATION	CLASSIFICATION	PCN	VACANT SINCE
Barrow	Equip Operator, WG III	255871P	8/16/78
Bethel	Equip Operator, WG III	253746P	8/11/78
Cantwell	Equip Operator, WG IV	255832S	1/26/75
Cape Rodney	Electrician, WG II	252757P	8/25/75
Cold Bay	Maint Man, WG IV	115131P	7/16/78
Cordova	Hwy Engr Tech, WG IV	249794S	10/10/77
Craig	Equip Operator, WG III	257805S	1/10/75
Craig	Rear Chainman, WG VII	247809S	8/27/77
Dillingham	Equip Operator, WG III	252828S	7/16/78
Dillingham	Maint Man, WG IV	115130P	6/27/78
Ernestine	Equip Oprator, WG III	259739P	8/11/78
Fairbanks	Hwy Maint Foreman, WG I	255779P	4/28/77
Fairbanks	Maint Mechanic, WG II	255788P	1/28/78
Fairbanks	Equip Operator, WG III	255853P	11/10/76
Fairbanks	Equip Operator, WG III	255854P	11/10/76
Fairbanks	Equip Operator, WG III	255855S	11/10/76
Fairbanks	Equip Operator, WG III	255856S	11/10/76
Fairbanks	Equip Operator, WG III	255857P	11/10/76
Fairbanks	Equip Operator, WG III	255558S	6/25/75
Fairbanks	Equip Operator, WG III	255559P	7/11/78
Fairbanks	Equip Operator, WG III	255564S	4/10/76
Fairbanks	Equip Operator, WG III	255565S	5/10/78
Fairbanks	Heavy Duty Mech, WG III	255782P	9/24/76
Fairbanks	Heavy Duty Mech, WG III	255944P	6/16/78
Fairbanks(College)	Matls Lab Tech, WG III	240778P	4/10/78
Fairbanks(College)	Matls Lab Tech, WG III	240779P	5/10/78
Fairbanks	Matls Lab Tech, WG III	245915P	11/28/77
Fairbanks	Matls Lab Tech, WG III	246709P	10/27/76
Fairbanks	Matls Lab Tech, WG III	246712P	5/12/75
Fairbanks	Mechanic, WG IV	255917P	6/9/78
Fairbanks	Mechanic, WG IV	255924P	5/30/78
Fairbanks	Mechanic, WG IV	255945P	6/16/78
Fairbanks	Mechanic, WG IV	255946P	6/16/78
Fairbanks	Maintenance Man, WG IV	064528P	10/28/77
Fairbanks	Maintenance Man, WG IV	255790P	7/11/78
Fairbanks	Maintenance Man, WG IV	255791P	2/11/78
Fairbanks	Maintenance Man, WG IV	255569P	10/28/77
Fairbanks(College)	Equip Operator, WG IV	240737P	7/26/76
Fairbanks	Equip Operator, WG IV	255715S	11/15/74
Fairbanks	Equip Operator, WG IV	255742S	7/11/78
Fairbanks	Equip Operator, WG IV	255759S	7/11/78
Fairbanks	Equip Operator, WG IV	255783P	2/11/77
Fairbanks	Equip Operator, WG IV	255859S	5/10/77
Fairbanks	Equip Operator, WG IV	255860S	1/10/75
Fairbanks(College)	Driller, WG IV	240736P	10/10/76
Fairbanks	Carpenter, WG IV	255731P	11/11/77
Fairbanks	Stationery Fireman, WG IV	255925P	4/13/78
Fairbanks	Hwy Engr Tech, WG IV	245749S	2/26/77
Fairbanks	Hwy Engr Tech, WG IV	245754S	6/11/76
Fairbanks	Hwy Engr Tech, WG IV	245760S	6/10/77
Fairbanks	Hwy Engr Tech, WG IV	245761S	10/27/76
Fairbanks	Hwy Engr Tech, WG IV	245763S	10/10/77
Fairbanks	Hwy Engr Tech, WG IV	245765S	10/10/76
Fairbanks	Hwy Engr Tech, WG IV	245767S	9/11/78
Fairbanks	Hwy Engr Tech, WG IV	245771S	8/10/77
Fairbanks	Hwy Engr Tech, WG IV	245772S	10/10/76
Fairbanks	Hwy Engr Tech, WG IV	245755S	6/11/76
Fairbanks	Hwy Engr Tech, WG IV	245879P	6/25/76
Fairbanks	Hwy Engr Tech, WG IV	245881P	8/27/76
Fairbanks	Hwy Engr Tech, WG IV	245882S	5/30/78
Fairbanks(College)	Matls Lab Tech, WG IV	240780P	1/10/75
Fairbanks(College)	Matls Lab Tech, WG IV	240781P	7/12/75
Fairbanks(College)	Matls Lab Tech, WG IV	240785S	5/30/78
Fairbanks	Matls Lab Tech, WG IV	245919P	8/11/78
Fairbanks	Matls Lab Tech, WG IV	246715S	9/27/77

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Fairbanks(College)	Hwy Engr Tech, WG V	240739P	3/26/77
Fairbanks	Hwy Engr Tech, WG V	245883S	9/26/75
Fairbanks	Hwy Engr Tech, WG V	245770S	6/9/78
Fairbanks	Hwy Engr Tech, WG V	245773S	4/10/76
Fairbanks	Hwy Engr Tech, WG V	245774S	9/10/77
Fairbanks	Hwy Engr Tech, WG V	245776P	3/10/77
Fairbanks	Hwy Engr Tech, WG V	245778S	9/10/75
Fairbanks	Hwy Engr Tech, WG V	245780P	2/26/77
Fairbanks	Hwy Engr Tech, WG V	245783S	10/28/77
Fairbanks	Hwy Engr Tech, WG V	245785S	6/11/76
Fairbanks	Hwy Engr Tech, WG V	245787P	6/11/76
Fairbanks	Hwy Engr Tech, WG V	245884S	5/30/78
Fairbanks	Hwy Engr Tech, WG V	245885P	9/11/71
Fairbanks	Hwy Engr Tech, WG V	245887S	4/28/77
Fairbanks	Cook, WG VI	065889P	11/1/72
Fairbanks	Cook, WG VI	255784S	11/28/72
Fairbanks	Matls Lab Tech, WG VI	245992P	10/28/77
Fairbanks	Matls Lab Tech, WG VI	246716P	11/28/77
Fairbanks(College)	Matls Lab Tech, WG VI	240840P	8/16/78
Fairbanks	Storekeeper, WG VI	255608P	7/11/78
Fairbanks	Equip Operator, WG VII	255785P	1/26/75
Fairbanks	Trades Helper, WG VII	245931P	8/11/78
Fairbanks	Engineering Tech, WG VII	245923P	7/27/78
Fairbanks	Rear Chainman, WG VII	245925P	10/28/77
Fairbanks	Hwy Engr Tech, WG VII	245789S	9/27/77
Fairbanks	Hwy Engr Tech, WG VII	245794S	9/10/76
Fairbanks	Hwy Engr Tech, WG VII	245799S	5/30/78
Fairbanks	Hwy Engr Tech, WG VII	245811S	11/26/76
Fairbanks	Hwy Engr Tech, WG VII	245892P	2/26/77
Fairbanks	Hwy Engr Tech, WG VII	245895S	2/26/77
Fairbanks	Hwy Engr Tech, WG VII	246714S	12/12/77
Fairbanks	Hwy Engr Tech, WG VII	246717S	10/10/77
Fairbanks(College)	Matls Lab Tech, WG VII	240784S	9/10/77
Fairbanks(College)	Matls Lab Tech, WG VII	240786S	3/10/77
Fairbanks	Laborer, WG VIII	255867P	7/27/77
Fairbanks	Engineering Tech, WG IX	245928P	4/16/74
Fairbanks	Hwy Engr Tech, WG IX	245766S	6/27/78
Fairbanks	Hwy Engr Tech, WG IX	245800S	10/10/77
Fairbanks	Hwy Engr Tech, WG IX	245810S	9/10/77
Fairbanks	Hwy Engr Tech, WG IX	245815S	10/10/76
Fairbanks	Hwy Engr Tech, WG IX	245820S	8/11/78
Fairbanks	Hwy Engr Tech, WG IX	245821S	4/28/77
Fairbanks	Hwy Engr Tech, WG IX	245826S	6/11/76
Fairbanks	Hwy Engr Tech, WG IX	245828S	9/27/77
Fairbanks	Food Service Worker, WG X	027292P	8/11/78
Gardiner Creek	Equip Operator, WG IV	255858S	12/11/74
Girdwood	Equip Operator, WG VII	253701P	8/10/77
Glennallen	Maint Man, WG V	259789P	5/10/78
Glennallen	Equip Operator, WG VII	259708S	6/28/73
Glennallen	Custodial Worker, WG VIII	090143P	7/9/77
Haines	Rear Chainman, WG VII	247782P	11/28/77
Haines	Hwy Engr Tech, WG VII	247804P	11/11/77
Homer	Mechanic, WG IV	252954P	11/26/76
Homer	Maint Man, WG IV	115132P	7/16/78
Hyder	Hwy Maint Foreman, WG I	257784P	10/10/77
[illegible]	Bldg Maint Foreman, WG I	257756P	1/10/78
Juneau	Equip Operator, WG III	257755P	5/30/78
Juneau	Equip Operator, WG III	257758S	7/27/78
Juneau	Maint Man, WG IV	090149P	8/1/78
Juneau	Matls Lab Tech, WG IV	247779P	8/10/77
Juneau	Hwy Engr Tech, WG IV	247772P	11/10/76
Juneau	Hwy Engr Tech, WG IV	247783P	1/28/78
Juneau	Hwy Engr Tech, WG IV	247787P	4/10/76
Juneau	Hwy Engr Tech, WG IV	247828P	10/27/76
Juneau	Storekeeper, WG IV	121197P	5/10/78
Juneau	Equip Operator, WG IV	257761S	7/27/77
Juneau	Instrumentman, WG IV	067813S	10/10/77
Juneau	Instrumentman, WG IV	067786P	7/27/77
Juneau	Instrumentman, WG IV	067784P	10/28/77
Juneau	Hwy Engr Tech, WG V	247805P	11/11/77

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Juneau	Storekeeper, WG VI	071505P	10/28/77
Juneau	Head Chainman, WG VI	247799P	11/28/77
Juneau	Head Chainman, WG VI	247797P	11/11/77
Juneau	Head Chainman, WG VI	247803P	12/10/76
Juneau	Head Chainman, WG VI	247807S	10/28/77
Juneau	Matls Lab Tech, WG VII	247829P	11/10/76
Juneau	Hwy Engr Tech, WG VII	247789S	9/10/77
Juneau	Hwy Engr Tech, WG VII	247808P	12/12/77
Juneau	Hwy Engr Tech, WG VII	247811P	9/27/77
Juneau	Laborer, WG VIII	257772P	8/11/78
Juneau	Laborer, WG VIII	257734P	7/11/78
Juneau	Bldg Custodian, WG VIII	257736P	12/12/77
Juneau	Hwy Engr Tech, WG IX	247815P	7/11/78
Juneau	Hwy Engr Tech, WG IX	247816S	10/10/77
Juneau	Hwy Engr Tech, WG IX	247820S	10/28/77
Juneau	Hwy Engr Tech, WG IX	247830P	10/10/77
Juneau	Engineering Tech, WG IX	247742P	3/11/74
Juneau	Janitor, WG IX	071504P	10/10/77
Kenai	Compliance Officer, WG IA	072021P	5/10/78
Kenai	Complaince Officer, WG IA	242766S	6/9/78
Ketchikan	Hwy Engr Tech, WG IV	247773P	10/27/76
Ketchikan	Hwy Engr Tech, WG IV	247774P	4/26/76
Ketchikan	Hwy Engr Tech, WG IV	247792P	11/11/77
Ketchikan	Equip Operator, WG IV	257783P	8/11/78
Ketchikan	Hwy Engr Tech, WG VII	247806S	10/10/77
King Salmon	Equip Operator, WG III	252758S	8/25/78
King Salmon	Equip Operator, WG III	252772P	5/10/78
King Salmon	Equip Operator, WG III	252775P	7/27/78
Kodiak	Equip Operator, WG III	252813S	4/28/77
Kodiak	Equip Operator, WG III	252817S	8/11/78
Kodiak	Equip Operator, WG VII	252819P	2/11/78
Kotzebue	Heavy Duty Mech, WG III	258710P	5/10/78
Manley Hot Springs	Hwy Maint Foreman, WG I	253806S	8/11/78
Minto	Equip Operator, WG III	255780S	8/27/77
Moose Pass	Equip Operator, WG III	253725P	7/27/78
Naknek	Mech Leadman, WG III	252759P	8/1/76
Nelchina	Equip Operator, WG VII	259755S	12/10/71
Nenana	Equip Operator, WG IV	255771P	2/27/78
Ninilchik	Equip Operator, WG VII	252830S	9/10/73
Nome	Mech Leadman, WG III	258903P	8/9/76
Nome	Equip Operator, WG IV	258729S	11/11/77
Nome	Hwy Engr Tech, WG VII	248716S	9/27/77
Nome	Hwy Engr Tech, WG IX	248720S	9/10/76
Palmer	Storekeeper, WG VIII	027381P	12/23/76
Palmer	Food Service Worker, WG X	027383P	4/13/78
Palmer	Custodial Worker, WG X	027355P	4/12/77
Paxson	Equip Operator, WG III	259765P	8/11/78
Petersburg	Hwy Engr Tech, WG V	247800P	6/9/78
Petersburg	Hwy Engr Tech, WG IX	247817S	9/27/72
Ruby	Hwy Maint Foreman, WG I	255844S	3/13/75
Seward	Equip Operator, WG III	253759P	7/27/78
Seward	Cook, WG VII	051099P	5/10/78
Sitka	Matls Lab Tech, WG III	247983P	10/28/77
Sitka	Mechanic, WG IV	257924P	1/10/78
Sitka	Hwy Engr Tech, WG IV	247778S	11/26/76
Sitka	Hwy Engr Tech, WG V	247814S	10/28/77
Sitka	Engineering Tech, WG VII	247905P	8/27/74
Sitka	Custodial Worker, WG VIII	027155P	8/11/78
Sitka	Hwy Engr Tech, WG IX	247818S	9/10/77
Sitka	Housekeeping Aide, WG X	027168P	8/9/76
Slana	Equip Operator, WG IV	259777S	7/9/77
Soldotna	Hwy Engr Tech, WG IV	242763P	3/26/77
Tazlina	Equip Operator, WG IV	259754S	9/28/73
Tazlina	Mechanic, WG IV	259917P	6/9/78
Tazlina	Equip Operator, WG VII	259756S	12/27/74
Tazlina	Trades Helper, WG VII	249928S	4/28/77
Tazlina	Hwy Engr Tech, WG IX	249741P	12/20/71
Teller	Equip Operator, WG IV	258733S	10/10/77

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Thompson Pass	Equip Operator, WG III	259728P	5/10/78
Thompson Pass	Equip Operator, WG III	259729S	5/10/78
Thompson Pass	Equip Operator, WG IV	259734S	7/27/77
Thompson Pass	Equip Operator, WG IV	259732S	5/10/78
Thompson Pass	Equip Operator, WG IV	259731S	5/10/78
Thompson Pass	Equip Operator, WG IV	259730P	5/10/78
Thompson Pass	Cook, WG VI	259735S	5/10/78
Thompson Pass	Cook, WG VII	259737S	5/10/78
Thompson Pass	Equip Operator, WG VII	259736S	5/27/77
Thompson Pass	Equip Serviceman, WG VII	259923S	4/27/78
Tok	Mech Leadman, WG III	255940P	7/11/78
Tok	Mechanic, WG IV	255942P	8/11/78
Valdez	Equip Operator, WG III	249831P	10/10/76
Valdez	Equip Operator, WG III	259780P	3/16/78
Valdez	Maint Man, WG IV	259784S	8/27/72
Valdez	Equip Operator, WG IV	249821P	7/27/72
Valdez	Equip Operator, WG IV	249834S	4/10/76
Valdez	Hwy Engr Tech, WG IV	249725P	11/28/72
Valdez	Hwy Engr Tech, WG IV	249779S	6/27/78
Valdez	Hwy Engr Tech, WG IV	249791S	7/27/78
Valdez	Hwy Engr Tech, WG IV	249799S	7/11/78
Valdez	Hwy Engr Tech, WG IV	259618P	6/27/78
Valdez	Hwy Engr Tech, WG V	249727S	4/10/76
Valdez	Hwy Engr Tech, WG V	249728S	3/27/76
Valdez	Hwy Engr Tech, WG V	249776P	7/6/70
Valdez	Hwy Engr Tech, WG V	249777P	5/30/72
Valdez	Hwy Engr Tech, WG V	249784S	7/27/78
Valdez	Hwy Engr Tech, WG V	249796S	5/30/78
Valdez	Hwy Engr Tech, WG V	249801S	7/11/78
Valdez	Matls Lab Tech, WG VI	249820P	5/8/71
Valdez	Equip Operator, WG VII	259781P	3/16/78
Valdez	Hwy Engr Tech, WG VII	249730S	11/10/76
Valdez	Hwy Engr Tech, WG VII	249781S	9/10/77
Valdez	Hwy Engr Tech, WG VII	249797S	7/11/78
Valdez	Hwy Engr Tech, WG VII	249812S	7/9/77
Valdez	Hwy Engr Tech, WG VII	249822S	10/28/77
Valdez	Laborer, WG VIII	249731S	9/9/74
Valdez	Laborer, WG VIII	249808P	11/14/71
Valdez	Laborer, WG VIII	249809P	12/10/71
Valdez	Laborer, WG VIII	249810P	12/10/71
Valdez	Laborer, WG VIII	249835S	11/28/72
Valdez	Laborer, WG VIII	259782P	3/16/78
Valdez	Laborer, WG VIII	259785P	3/16/78
Valdez	Laborer, WG VIII	259786P	3/16/78
Valdez	Hwy Engr Tech, WG IX	249732P	9/14/72
Valdez	Hwy Engr Tech, WG IX	249733S	9/10/75
Valdez	Hwy Engr Tech, WG IX	249734S	12/10/71
Valdez	Hwy Engr Tech, WG IX	249740S	10/16/71
Valdez	Hwy Engr Tech, WG IX	249742S	11/14/71
Valdez	Hwy Engr Tech, WG IX	249774S	7/27/78
Valdez	Hwy Engr Tech, WG IX	249792S	8/11/78
Valdez	Hwy Engr Tech, WG IX	249825S	5/27/77
Yakutat	Equip Operator, WG III	257744S	4/13/78
Yakutat	Equip Operator, WG VII	257794S	3/10/77
Yakutat	Equip Operator, WG VII	257793S	4/13/78