

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILE 8672
1354 SCOMM 51 BLUE RIBBON COMM. ON STATE PERSONNEL ACT 1978-1983

Natural Resources would be inadvisable. */ The initial bill establishing the Commission, HB 830, stated explicitly that "[i]t is the intent of the legislature that the state's regulatory responsibilities and the exercise of its police powers with respect to oil and gas development be vested in an independent regulatory commission, and that the exercise of these powers be separated in fact and appearance from the exercise of the state's power as owner or proprietor of oil and gas resources." (Emphasis added.) While the bill as finally enacted did not include this statement of legislative intent, it is clear from the several statutory references to independence and the explicit delineation of the relationship between the Commission and the Department of Natural Resources that the earlier statement accurately reflects the legislative intent underlying AS 31.05.

The basic problem seems to be that, in your view at least, the Division of Budget and Management and the Department of Administration are not honoring the spirit of the statutory language regarding independence. From a purely legal standpoint, we do not believe that those agencies,

*/ We note that the Commission's budget request currently appears under the Department of Natural Resources cover program in the budget submitted by the Governor, HB556. By memo dated February 7, 1980 to Ron Lehr, we have suggested that an appropriate amendment be prepared to move the Commission's request out of the Department of Natural Resources program. It is our understanding that this will be done.

having statutory responsibility to make the very decisions you complain of, can legally be compelled to change those decisions. We can only suggest that, in the spirit of comity and cooperation, you work directly with the Division of Budget and Management and the Department of Administration to reach some accommodation.

In addition, we suggest that you make yourself available to the legislature during its deliberations on the budget. As indicated, the legislature may make whatever changes in the governor's proposed budget it considers necessary.

We hope we have addressed your concerns. An obvious problem is that there is no legal answer to what is, at bottom, a political question. While we share your concerns regarding the appearance of independence for reasons of our own, we do not believe the Division of Budget and Management and the governor can be compelled to submit a proposed budget to the legislature in a form different from the form which they have determined is appropriate. Similarly, we do not believe the Department of Administration can be legally compelled to establish any particular system of accounts. If there is a solution to the problems you perceive, it lies in negotiation between the Commission and the Division of Budget and Management and the Department of Administration.

Alaska Commercial Fisheries Entry Com'n — 10/29/80 meeting

§ 16.43.030

ALASKA STATUTES

§ 16.43.070

(b) The governor shall designate one member of the commission as chairman of the commission. The member designated shall serve as chairman for a term of two years, and may be designated chairman for successive two-year terms. (§ 1 ch 79 SLA 1973)

Sec. 16.43.030. Term of office; vacancy. (a) The members of the commission shall be appointed for terms of four years. Initial appointments shall be as follows: one member for two years, one member for three years, and one member for four years. The governor may remove a commissioner from office for cause including but not limited to incompetence, neglect of duty, or misconduct in office. A commissioner, to be removed for cause, shall be given a copy of the charges against him and afforded an opportunity to be publicly heard in person or by counsel in his own defense upon not less than 10 days notice. If a commissioner is removed for cause, the governor shall file with the lieutenant governor a complete statement of all charges made against the commissioner and his findings based on the charges, together with a complete record of the proceedings.

(b) A vacancy on the commission shall be filled by appointment by the governor and the appointment shall be confirmed by the legislature in joint session. A member selected to fill a vacancy shall hold office for the balance of the full term for which his predecessor on the commission was appointed.

(c) A vacancy on the commission does not impair the authority of a quorum of commissioners to exercise all the powers and perform all the duties of the commission. (§ 1 ch 79 SLA 1973)

Sec. 16.43.040. Quorum. Two members of the commission constitute a quorum for the transaction of business, for the performance of a duty or for the exercise of a power of the commission. (§ 1 ch 79 SLA 1973)

Sec. 16.43.050. Qualifications. The commission shall consist of three members with a broad range of professional experience, none of whom has a vested economic interest in an interim-use permit, entry permit, commercial fishing vessel or gear, or in any fishery resource processing or marketing business. (§ 1 ch 79 SLA 1973)

★ **Sec. 16.43.060. Compensation of members of the Alaska Commercial Fisheries Entry Commission.** Members of the commission are in the exempt service and shall receive an annual salary as established under AS 39.23 (§ 1 ch 79 SLA 1973; am § 5 ch 47 SLA 1974; am § 1 ch 148 SLA 1976; am § 2 ch 263 SLA 1976)

Effect of amendments. — The 1974 amendment rewrote this section.

The first 1976 amendment deleted "payable in equal monthly installments" from the end of the section.

The second 1976 amendment substituted "as established under AS 39.23" for "equal to that of a district court judge payable in equal monthly installments."

Sec. 16.43.070. Legal Counsel. The attorney general is the legal counsel for the commission. He shall advise the commission in legal matters arising in the discharge of its duties and represent the commission in suits to which it is a party. However, the commission may retain additional legal counsel as appropriate. (§ 1 ch 79 SLA 1973)

§ 16.43.080

FISH AND GAME

§ 16.43.100

Sec. 16.43.080. Employment of personnel. (a) The commission may employ those persons necessary to carry out the purposes of this chapter. Employees of the commission are in the exempt service under AS 39.25.110.

(b) In addition to its staff of regular employees, the commission may contract for and engage the services of consultants, experts and hearing officers as necessary. (§ 1 ch 79 SLA 1973)

Article 2. Powers and Duties of the Commission.

Section

100. General Powers

110. Regulations and hearing procedures

Section

120. Application of Administrative Procedure Act

Sec. 16.43.100. General powers. (a) To accomplish the purposes set out in § 10 of this chapter the commission shall:

- (1) regulate entry into the commercial fisheries for all fishery resources in the state;
- (2) establish priorities for the application of the provisions of this chapter to the various commercial fisheries of the state;
- (3) establish administrative areas suitable for regulating and controlling entry into the commercial fisheries;
- (4) establish, for all types of gear, the maximum number of entry permits for each administrative area;
- (5) designate, when necessary to accomplish the purposes of this chapter, particular species for which separate interim-use permits or entry permits will be issued;
- (6) establish qualifications for the issuance of entry permits;
- ★ (7) issue entry permits as provided in §§ 210 — 220 of this chapter;
- ★ (8) establish, for all types of gear, the optimum number of entry permits for each administrative area;
- (9) administer the buy-back program provided for in §§ 310 — 320 of this chapter to reduce the number of outstanding entry permits to the optimum number of entry permits;
- (10) provide for the transfer and reissuance of entry permits to qualified transferees;
- (11) provide for the transfer and reissuance of entry permits for alternative types of legal gear, in a manner consistent with the purposes of this chapter;
- (12) administer the collection of the annual fees provided for in § 160 of this chapter;
- (13) administer the issuance of commercial fishing vessel licenses under AS 16.05.490;
- (14) issue educational entry permits to applicants who qualify under the provisions of §§ 275—285 of this chapter.

(b) The commission may do all things necessary to the exercise of its powers under this chapter, whether or not specifically designated in this chapter. (§ 1 ch 79 SLA; § 14 ch 105 SLA 1977; am § 3 ch 123 SLA 1978)

Effect of amendments.—The 1977 amendment, effective January 1, 1978, added paragraph (14) to subsection (a).

The 1978 amendment, effective July 9, 1978, added paragraph (15) to subsection (a).

- ★ (8) issue interim-use permits as provided in §§ 210-220 of this chapter;

BLUE RIBBON COMMISSION ON THE STATE PERSONNEL ACT
Capitol Building, Juneau
August 19, 1980

MINUTES

Senator Ray, Chairman, called the meeting to order at 1:35 p.m. The commission continued its discussion of the State Personnel Act begun at its meeting on Monday, August 18th.

AS 39.25.140 (Amendment of the personnel rules). Senator Ray pointed out the distinction between those rules governing the internal management of agencies and those rules which affect the public and should be considered matters of public policy. Rules which affect the public should be subject to public review before being adopted or amended. He suggested that subsection (e) be amended to limit the exemption from the Administrative Procedures Act to those rules affecting only the internal management of state agencies. A new subsection should be added requiring that those rules which affect the public must be enacted pursuant to the APA. He also directed the staff to ask the Attorney General's office and the legal staff of the Legislative Affairs Agency to prepare opinions on what legal authority the rules have.

Darlene Livermore pointed out that most of the collective bargaining agreements which the state has entered contain a clause which says that if there is a conflict between the contract terms and the Personnel Rules, then the contract terms govern. Only if the contract is silent on a subject do the Personnel Rules apply to employees who are members of collective bargaining units. Since almost all of the classified employees in the state are members of collective bargaining units, the Personnel Rules have a very limited application. Because of this, most state employees are probably not even aware that the state has Personnel Rules.

Senator Ray pointed out that the political climate is not necessarily favorable to the present public employee collective bargaining situation and that it is possible that the governor or some legislators will sponsor legislation to change the present system. Therefore, it is appropriate to be concerned about the personnel system.

The commission discussed the distinction between exempt, partially exempt and classified employees. There are about 500 employees in the partially exempt service and 5 employees in the classified service who are not members of collective bargaining units. Senator Ray asked for reasons for preserving both the partially exempt and exempt services. Bruce Cummings replied that partially exempt positions are appropriate where the work performed is essentially similar to other kinds of positions in the state. For example, the salary and job title and most of the duties of a clerk typist in the Office of the Governor are comparable to other clerk typists. However, it is appropriate for the Governor to be able to appoint and dismiss the employee with greater ease than if the position were covered by the protections of the classified service.

Positions are appropriately placed in the exempt service when the salaries which must be offered to attract skilled employees are not included in the

state's pay plan, when the position is not expected to last long or requires unique responsibilities, and for the political appointments which the chief executive needs to be able to make for policy reasons.

The classified service provides salary integrity and protections from arbitrary hiring or firing decisions.

AS 39.25.150 (Scope of the rules). The commission discussed cleaning up the language of this section to delete material more appropriately included in the rules. Bruce Cummings pointed out that subsection (2) does not make provision for paying employees pursuant to a valid collective bargaining agreement, although the state has interpreted the language to permit paying employees based on pay plans adopted under union contracts. The commission agreed that language should be proposed to address this problem. Darlene Livermore added that while she agrees that the section should be cleaned up, she thinks it is important to preserve the statements of principles which are presently there, such as "like pay for like work."

On the question of crediting work experience as an alternative to formal education, and on the question of tests, Bruce Cummings explained that the laws requires employers to be able to demonstrate that any tests for employment are consistently able to predict that those who receive good scores are more likely to be successful employees than those who receive lower scores. The state is trying to develop validated tests, but it is a difficult process and there are only three employees in the division who are assigned to that project. The state has fewer than 15 tests which would be likely to withstand a challenge in court. Furthermore, the tests which the state is discarding for the validated tests have been, in fact, irrelevant. For example, there was an excellent accountant in the Division of Finance who was marked for promotion. He took the old exam five times and failed it each time. When the new, validated exam was ready he took it and was number one on the register.

Senator Ray pointed out that there is another problem - that of being sure that the job description is kept current so that the job classification actually reflects the duties of the position. The state needs a full scale desk audit program.

AS 39.25.153 (Personnel Rules for certain departments). Lynda McCurry reported that the personnel officers in the departments continue to believe that they can perform their jobs better if they are the employees of the departments in which they work rather than the employees of a centralized Division of Personnel. The Division of Personnel has recently begun to decentralize several personnel functions to the departmental personnel offices.

Bruce Cummings raised questions about subsection (b) which gives the departmental personnel officers authority to adopt regulations for those positions unique to their departments. At present those powers have not been exercised, but if they were, the state could find that there were significantly different working conditions for groups of employees based only on which department they worked for. Consistency is important, not only for morale of the employees but also because the state has to comply with the terms of the collective bargaining agreements it enters.

Delegating greater authority to the departmental personnel officers increases the importance of auditing. In the 1980 Report the commission recommended that annual audits be performed either by the Division of Personnel or by some other agency. Mr. Cummings has thought about the question and believes it would be better for a third party to perform the audit since the Division of Personnel needs to remain effective as a service agency, rather than being perceived in a policing role. The division would, of course, work closely with whoever did the audit to provide information and expertise as requested.

Senator Ray suggested that the subsection might be changed to enable departmental personnel officers to adopt only rules which relate to the internal management of the department for classes which are unique to the department.

Don Fisher raised the question of setting up a system for a periodic review of the Personnel Rules to insure that they accurately reflect the changing policies and procedures of the state. Senator Ray directed the staff to investigate the feasibility of doing so.

AS 39.25.155 (Vocational substitution program). Bruce Cummings pointed out that the positions which fall within the program have all been placed in the Local 71 bargaining unit. The program is therefore no longer used, since Local 71 members are hired through a union-operated hiring hall. The union system does not include the kinds of minimum qualifications which the state uses in evaluating applicants.

Lois Jund asked whether subsection (g) which establishes a one-year residency requirement was still legal. Mr. Cummings replied that it wasn't.

AS 39.25.160 (Prohibitions). Senator Ray suggested that subsection (e) should provide that partially exempt employees as well as classified employees are required to resign from their positions in the state service when they seek nomination or become candidates for state or national elective political office.

Bruce Cummings indicated that the Rules do require a partially exempt employee to resign, even though the statute does not.

AS 39.25.170 (Hearings and appeals). Senator Ray asked whether an employee could require that hearing be open to the public. Bruce Cummings replied that the Personnel Rules do give the employee this right. Senator Ray suggested amending the section.

AS 39.25.180 (Status of present employees). Senator Ray pointed out that the first three subsections of this section are obsolete.

AS 39.25.195-200 (Nonpermanent law). The law has not yet been in effect for a full year and therefore it is too early to consider whether it needs to be changed. The commission should review figures on positions which used to be temporary and are now seasonal as a result of the procedures created by the nonpermanent law at a later time.

AS 39.25.210 (Penalties). The commission will consider later the question of implementing a graduated penalty schedule, whether there should be administrative penalties set out in the statute and whether it is appropriate that

being found guilty of a willful violation of the Rules leads to conviction of a misdemeanor.

AS 39.10.010 (Nepotism prohibited). The commission agreed that a stronger statute prohibiting nepotism should be prepared for its review.

Senator Ray directed the staff to prepare a work draft of a revision of the State Personnel Act with the help of the Legislative Affairs Agency legal division. The commission will meet when the draft has been completed, which should be in one month.

Senator Ray adjourned the meeting at 2:55 p.m.

MEMBERS IN ATTENDANCE

Senator Bill Ray, Chairman
Don Fisher, Vice Chairman
Bruce Cummings
Duncan Fowler (for Frank Flavin)
Representative Jack Fuller
Lois Jund
Darlene Livermore (for Cherie Shelley)
Lynda McCurry
John Pugh

OTHERS IN ATTENDANCE

Bob Maurant

BLUE RIBBON COMMISSION ON THE STATE PERSONNEL ACT
Tuesday, August 19, 1980
State Capitol, Juneau, Alaska

TAPE LOG

The following is an approximate log of events.

Tape 3 - (1:30 - 2:24 p.m.)

0352 - 0920 Discussion of AS 39.25.140 - .153

0921 Put new tape on.

Tape 4 - (2:25 - 2:55 p.m.)

0000 - 0350 Discussion of AS 39.25.144 and other related statutes

0351 MEETING ADJOURNED AT 2:55 p.m.

BLUE RIBBON COMMISSION ON THE STATE PERSONNEL ACT
Capitol Building, Juneau
August 18, 1980

MINUTES

Senator Ray, Chairman, called the meeting to order at 10:00 a.m. He asked for testimony from the public. Julie Issac called the commission's attention to a problem that she is having with the state's retirement system.

Mrs. Issac retired in 1976, at which time the Retirement Division on four separate occasions had advised her that she was eligible for more than nine years of credited service with the state. As the result of an amendment to the laws three months after she retired, she was also told she would receive credit for an additional three years of military service. Her benefits were calculated on that basis. In 1979 Mrs. Issac received a letter from the Retirement Division advising that their original computations had been in error. She had been credited with 4½ years of service to which she was not entitled, part of which was for employment with the University of Alaska. Furthermore, she had received over \$5000 in overpayments which would have to be paid back to the state. In the beginning of January, 1980, the division began reducing her retirement check by \$100 per month to be credited towards the overpayment, in addition to having reduced her check because of the decrease in the years of credited service.

Mrs. Issac was advised that she could appeal the division's decision to the Retirement Board at their next meeting. She was unable to attend but a friend did read a letter to the board which preserved her appeal rights. Following that hearing, Mrs. Issac asked that the state waive collection of the debt. According to its interpretation of the statutes, the only ground upon which the division can waive repayment is hardship. The division therefore required that she submit information not only about her own financial situation but also about her husband's. Mrs. Issac questioned why her husband's information should be considered since it is her retirement credit which is under question.

Mrs. Issac added that the basis for denying her period of employment with the University of Alaska was a regulation adopted by the Retirement Division in 1978 - two years after she retired. Without credit for the University of Alaska employment, she needs an additional 13 months state employment in order to claim her territorial service.

Early in July, Mrs. Issac wrote to Commissioner Hudson asking for assistance in finding employment with the state so that she could work for the time needed to then receive credit for her territorial service. She was no longer eligible to be placed on the state's rehire lists because more than 2 years had elapsed since she left state employment. She has also asked the Governor's office for assistance in finding a position in which she can earn the necessary service credits. Mrs. Issac pointed out that she had been a loyal and responsible state employee but that she believes that the state has treated her shabbily and that she is becoming bitter.

Lois Jund stated that while she was at the Department of Health and Social Services, several people had talked with her about receiving similar notices from the Division of Retirement. Bruce Cummings explained that while

he was working in the retirement division he noticed that there was a constant flow of files with errors. Therefore, the director of the division ordered a wholesale audit of all of the PERS and TRS records. Any with errors would be adjusted as of the date of the audit. Although he had no sure figures, Mr. Cummings estimated that 3 to 5% of the files contained errors. Because the retirement statutes require that any errors in benefits be corrected, the division does not have the authority to write off any overpayments which a retired person may have received. He suggested that the legislature consider giving the retirement boards authority to waive recoupment of overpayments in certain situations.

Duncan Fowler pointed out that Mrs. Issac's case raises two questions. First, whether the state ought to be prohibited from seeking repayment because she had based her retirement plans on information provided by the state and over 3 years had elapsed since then. The second problem is with the state's investigation into her husband's financial situation when considering whether to grant her a hardship waiver. Lois Jund pointed out that in the federal retirement system there is a statute of limitations and that they can only seek to correct errors which occurred within the past two years.

Dick Smith said that Mrs. Issac has two complaints against the state: being charged with an overpayment which resulted from the state's errors and being denied 4½ years of credited service. It appears that because the Retirement Board is considering her appeal, there can be no immediate appeal to the courts, although, on the basis of the information which she has provided it seems likely that she would be successful in court. He suggested that it would be appropriate to change the retirement statutes to provide for a statute of limitations against attempts by the division to collect for errors which it caused. Bruce Cummings added that since there are between 80 and 90 other employers who participate in PERS and TRS, any changes should be carefully drafted to apply only to the state's employees.

Mr. Smith added that the second part of Mrs. Issac's problems - denial of service credits for her work with the University of Alaska - is harder to remedy since the University is a separate entity according to the state constitution. The University voluntarily joined the retirement system in 1978, but before that work with the University did not apply to the state's retirement system.

Senator Ray suggested that there should also be some recourse for an employee who wanted to return to work for the state to build up retirement credits. Bruce Cummings explained that if there was a 2-year statute of limitations for asserting overpayments, then an employee would still have rehire rights and would therefore be entitled to preference for any vacancy in the job class from which she or he retired. Mrs. Issac also asked that if the commission sponsored any legislation that it be made retroactive to resolve her problems as well as helping other employees.

Senator Ray asked whether the commission approved sending a letter to the Retirement Board concerning the commission's suggestions for future legislation. There was no objection. Staff was directed to work with Deputy Commissioner Smith on a draft of the letter.

The commission began consideration of the memorandum on public inquiries.

Issue 1. Posting of promotional opportunities on bulletin boards. Darlene Livermore explained that APEA and PSEA take different approaches to protecting their members' interests in access to promotional opportunities.

Issue 2. Postsecondary Education Commission. Senator Ray pointed out that whether these positions should be in the exempt or classified service raises the ongoing question of ease of hiring versus protection of the rights of employees. This question will be discussed during the review of the State Personnel Act.

Issue 3. Delay in processing applications. Bruce Cummings explained that the division received some 5,500 applications in July, and that this volume has partly caused the delay. In addition, all of the processing is done manually at present. The division hopes that the number of applications will decrease in August. There has been no turnover in the division staff for the last three months, which should also help reduce the time to process applications. They are implementing a system of block scoring for all job classifications in which that is possible and also hoping to move toward an automated record keeping system. However, if the volume of applications continues to increase, it may not be possible to decrease the time.

Mr. Cummings explained some of his division's long-range plans for speeding up the application process. They are investigating a computerized automatic classification tracking system, but first the state job classification system has to be restructured. This system does not read applications, establish whether the minimum qualifications are met, nor does it score the examinations. However, the state is also investigating a self-administered training and experience rating system which appears to work with the clerical classes but not others. An additional problem in the classification computer system is that it is not designed to fit into the IBM equipment which the state presently uses and therefore there is a conversion problem.

Senator Ray moved that the commission write to the Commissioner of Administration asking him to outline what he thinks needs to be done to shorten the application process time to a more reasonable period. The motion passed without objection.

Issue 5. Geographical cost of living differentials. The commission noted that this is a matter which is addressed in the collective bargaining contracts.

Issue 6. Employee credits. Bruce Cummings explained that employee credits are designed to encourage retention and promotion of state employees and to discourage breaks in service. The system awards these extra points only to permanent classified employees. John Pugh pointed out that the system can work against employees who for family reasons are forced to move from one area of the state to another without having a new job lined up, although they intend to remain in state service if they can find employment. They lose their points as soon as they resign from one job, even though they may return to work within a short period of time. The same thing happens to classified employees who accept employment in the partially exempt or

service. They lose their accumulated credits upon resigning from the classified position. Lois Jund suggested that the commission recommend that the state do away with the system of employee credits. Senator Ray proposed that the staff research the advantages and disadvantages of employee credits and other bonus point systems and report to the commission.

Senator Ray asked whether there were any statistics on the number of permanent seasonal positions created for positions which had been previously filled by temporary employees and how many nonpermanent positions there were. Bruce Cummings replied that it is not yet available. Senator Ray pointed out that the newspapers had reported 1100 new positions created by the budget but that in fact from the information presented to the Finance Committee he thought that there were no more than 300. The rest were already in existence because of Revised Programs which had been started before the new fiscal year or through converting CIP positions.

Senator Ray adjourned the meeting at 11:42 for lunch.

The commission reconvened at 1:30 p.m. and began discussion of the Revision of the State Personnel Act memorandum. Only those sections in which there was discussion will be noted.

AS 39.25.040. Director of personnel. The staff was directed to find out what the statutes say about the position of the Director of Labor Relations and the actual duties of the director.

AS 39.25.060. Personnel board. Senator Ray pointed out that this section includes unnecessary language and should be cleaned up. He asked whether there was a need for the Personnel Board since most of their original functions are now performed through collective bargaining. Mr. Cummings replied that there are still five employees who are in the classified service but not members of any bargaining unit. The State Personnel Act and the Personnel Rules govern all of the terms and conditions of their employment. In addition, some of the members of the Confidential Employees Association have petitioned the Labor Relations Agency to be taken out of the CEA unit, which would add them to this group of five. The Personnel Board adopts the Personnel Rules and amendments and some body is needed to continue to do that. Senator Ray asked the staff to contact the Personnel Board to ask whether they should continue in operation.

AS 39.25.080. Public records. Mr. Cummings explained that the Personnel Rules which implement this section provide for confidentiality for personal information about state employees. The public does have access to information about who is a state employee, where he works, how much he is paid, and how long he has been employed. Confidential records include information about an employee's family and performance evaluations, although any state supervisor who is considering hiring a present state employee does have access to the whole personal file. Every employee can see his entire file at any time and have copies of anything in the file. Secret files are forbidden.

Senator Ray suggested that the statute be changed to specify which information is open to the public and which information is to be kept confidential rather than relying on the Personnel Rules to set those standards. Mr. Cummings mentioned that there are a number of conflicting laws on this subject already.

AS 39.25.110. Exempt service. The commission discussed the groups who are made members of the exempt service and agreed that the section should be recodified. Duncan Fowler suggested that the commission should hear from those entities which have employees in the exempt service to learn whether there are positions which should be transferred to the classified or partially exempt service. Senator Ray also directed the staff to inquire of Greg O'Claray whether there is still a reason for the employees of the ferry system to be in the exempt service.

AS 39.25.120. Partially exempt service. The commission discussed specific language changes which should be made to clean up this section. In addition, Duncan Fowler suggested that the commission should develop a policy statement for the exempt service comparable to the policy statement found in AS 39.25.130 concerning the partially exempt service. Mr. Cummings explained that positions in the partially exempt service are similar to other state jobs and therefore can be placed in the job classification plan and paid according to the pay plan but they are not susceptible to ordinary methods of recruitment or they require greater flexibility in hiring and dismissal than do positions in the classified service.

On the other hand, exempt service positions are not subject to either the state's classification plan or the pay plan. They are generally meant to be jobs which are so unique or of such short duration that it is more appropriate not to try to fit them into the system. The Division of Personnel makes no attempt to develop a job description for exempt positions, to classify them, or to set the salary for them. There is a need for both the exempt and the partially exempt service, in addition to the classified service. Lois Jund added that the state really has four services: the exempt, the partially exempt, the classified service which participates in collective bargaining with the state, and the classified service positions which are not unionized.

AS 39.25.130. Extension of partially exempt and classified services. Senator Ray suggested eliminating the reference to dates in this section.

AS 39.25.140. Amendment of personnel rules. Senator Ray suggested that the law should provide two methods for adoption of the Personnel Rules. Those Rules which affect the public policy should be adopted through the Administrative Procedures Act. Those Rules which are matters of internal management only, could be adopted without the procedural requirements of the APA.

The commission will meet to review a proposed draft of a revised State Personnel Act in September.

Senator Ray adjourned the meeting at 3:45 p.m.

MEMBERS IN ATTENDANCE

Senator Bill Ray, Chairman
Don Fisher, Vice Chairman
Bruce Cummings
Duncan Fowler (for Frank Flavin)
Representative Jack Fuller
Lois Jund
Darlene Livermore (for Cherie Shelley)
Lynda McCurry
John Pugh
Dick Smith

OTHERS IN ATTENDANCE

Bob Maurant

ADDENDUM: Correction for the Merit System/Collective Bargaining and Full Commission minutes of November 15, 1979 - Frank Flavin was present at the meeting. It had been erroneously recorded that he had been absent.

BLUE RIBBON COMMISSION ON THE STATE PERSONNEL ACT
Monday, August 18, 1980
State Capitol, Juneau, Alaska

TAPE LOG

Tape 1 - (10:00 - 11:42 a.m.)

0000 - 0014 Senator Ray called the meeting to order. He then asked for public testimony.

0015 - 0350 Julie Issac testified on problems with the state retirement system.

0351 - 0486 Commission members questioned Mrs. Issac.

0487 - 0500 Mrs. Issac was excused. Further discussion by Commission members followed.

0501 - 0512 Senator Ray introduced the Public Inquiries memo - starting with:

0513 - 0530 Issue 1. (Darlene Livermore spoke on this matter.)

0531 - 0680 Issue 2. (Bruce Cummings began discussion.)

0681 - 0850 Issue 3. (Bruce Cummings spoke on this matter.)

0851 - 0870 Issue 4 & 5.

0871 - 0900 Issue 6. (John Pugh began discussion.)

0900 - 0910 Issue 7. (Terry Cramer explained this one.)

0915 - ADJOURNED FOR LUNCH AT 11:42 (Put new tape on.)

Tape 2 - (1:30 - 3:00 p.m.)

0000 - 0045 Terry Cramer introduced the Revision of State Personnel Act.

0046 - 0180 Discussion of AS 39.25.080 - personnel record being confidential.

0181 - 0338 More discussion of AS 39.25.080.

0339 - 0383 Discussion of AS 39.25.110.

0384 - 0563 Discussion of AS 39.25.110 - 120.

0564 - 0793 Discussion of AS 39.25.120(22) and (23).

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0794 - 0925 Discussion of exempt and partially exempt services.

0926 - ADJOURNED FOR 10 MINUTES - (Put new tape on.)

Tape 3 - (3:15 - 3:45 p.m.)

0000 - 0350 Further discussion of Revision of State Personnel Act.

0351 ADJOURNED AT 3:45 p.m.

BLUE RIBBON COMMISSION ON THE STATE PERSONNEL ACT
Capitol Building, Juneau
January 9, 1980

MINUTES

Senator Ray, Chairman, called the meeting to order at 1:35 p.m. He asked for testimony from the public. Connor Sorenson addressed the commission on the issue of how the Division of Personnel computes credit for graduate study when evaluating applicants. The individual for whom he was concerned applied for a position which required 7 years of experience. The job announcement indicated that graduate study could be substituted for the experience on a year for year basis. Although the person had more than 7 years of graduate study, the Division of Personnel indicated that a formula must be applied to the education which resulted in education being worth less than the 7 years of experience. The division therefore found that the person did not qualify for the position.

Ken Kareen explained that the division does evaluate the amount of graduate study an applicant has on a semester or quarter hour basis. To be credited with one year of undergraduate study, an applicant must have either 28 semester hours or 45 quarter hours. To receive credit for one year of graduate study, an applicant must show 24 semester hours. Mr. Sorenson replied that this was not the policy which had reduced his friend's credited years of education.

Senator Ray asked Mr. Sorenson to provide the staff with additional information on the situation and directed the staff to find out whether there were any discrepancies and to establish what the division's practices are in rating the educational background of applicants.

The commission considered the second revised draft of the report and made changes. The commission voted without objection to release the report as amended.

Senator Ray adjourned the meeting at 2:40 p.m.

MEMBERS IN ATTENDANCE

Senator Bill Ray, Chairman
Don Fisher, Vice Chairman
Bruce Cummings
Lois Jund
Ken Kareen
Bob Mourant
Pat Murphy

BLUE RIBBON COMMISSION ON THE STATE PERSONNEL ACT
Capitol Building, Juneau
December 12, 1979

MINUTES

Senator Ray, Chairman, called the meeting to order at 1:30 p.m.. The members reviewed the draft of the Introduction and the first chapter of its report to the Alaska State Legislature. The commission also considered the revised draft of the report. Changes and corrections were made.

The commission decided to meet on Wednesday, January 9th at 1:30 p.m. for a final consideration of the report.

If possible, the staff should be notified of any changes which the members wish to suggest before then.

Senator Ray adjourned the meeting at 2:45 p.m..

MEMBERS IN ATTENDANCE

Senator Bill Ray, Chairman
Don Fisher, Vice Chairman
Doryce Eggleston (for Lynda McCurry)
Frank Flavin
Ken Kareen (for Sandra Withers)
Pat Murphy
Greg O'Claray
John Pugh

BLUE RIBBON COMMISSION ON THE STATE PERSONNEL ACT
State Office Building, Juneau
November 28, 1979

MINUTES

Senator Ray, Chairman, called the meeting to order and introduced Alexander "Bill" Gillespie, a Finance Officer employed by the Department of Education. Mr. Gillespie was invited to the meeting to address a complaint filed by Lillian Austin regarding a "not recommended for rehire" evaluation she received from the Department of Education.

Ms. Austin filed a complaint with the Human Rights Commission stating that: "I have applied and am eligible for Accounting Clerk II & III positions with Respondent (the State of Alaska), Tlingit & Haida Central Council, Sealaska, and the Bureau of Indian Affairs but have not been hired. I believe that my last evaluation by Respondent which rated me as unsatisfactory and not recommended for rehire is the reason that I am not being hired. I hereby certify that Respondent has violated AS 18.80.220 by unfairly providing me with an unsatisfactory evaluation. I have been employed in different capacities by Respondent for nine years and was rated as satisfactory until the last evaluation which occurred four months after a transfer. I was criticized for not getting along with co-workers, two Caucasian females; but to my knowledge the co-workers were not criticized for not getting along with me. These same co-workers also did not get along with an Oriental co-worker who eventually transferred to another department. I am an Alaska Native female."

Senator Ray stated that the commission is interested in receiving an explanation of the situation because a "black mark" such as not recommending for rehire is a very severe action that usually precludes any chance of being rehired - either in private or state employment.

Mr. Gillespie explained that he is familiar with Ms. Austin as a former employee of the Department of Education. Although he was not Ms. Austin's immediate supervisor, Mr. Gillespie believed that the recommendation had been phrased differently: Ms. Austin was recommended for rehire in a less complex job. Senator Ray responded that if this could be proven with documentation, the problem would be alleviated. Mr. Gillespie elaborated that this information could be found on Ms. Austin's evaluation in Department of Personnel files.

Senator Ray instructed the staff to obtain Ms. Austin's personnel file from the Department of Personnel. Terry Cramer explained that this would be possible if Ms. Austin signed an authorization form to release such confidential material. Senator Ray asked whether the personnel files could be altered. Mr. Gillespie replied that this would be highly unlikely once they are in the personnel system.

Senator Ray pointed out that Ms. Austin had supplied sworn testimony about her evaluation. He asked how she terminated her employment. Mr. Gillespie responded that one day, Ms. Austin became very agitated, told him that she was leaving, and walked out of the office, without supplying a letter of resignation.

Greg O'Claray asked whether Ms. Austin's evaluation was written after she left, or if it was discussed with her. Mr. Gillespie responded that it was written following her termination in 1978. She received a copy

of the evaluation and could have discussed it with her supervisor, Merle Flemming, or could have placed a rebuttal in her personnel file.

Ken Kareen asked if there had been any difficulties or complaints about Ms. Austin prior to her termination. Mr. Gillespie replied that she had never spoken with him about any problems and, to his knowledge, had never spoken with anyone else. Mr. Kareen asked how her resignation was recorded on the final evaluation and personnel action. Mr. Gillespie did not recall. Mr. Kareen stated that an employee is normally expected to give 14 days notice, although the requirement can be waived.

Senator Ray again commented that the commission's concern is whether Ms. Austin was not recommended for rehire. Mr. Gillespie stated that everyone must fill out a termination form when leaving, and Ms. Austin's form must be in her personnel file. In order to receive her last paycheck, Ms. Austin would have had to return to the office, although she probably went to see the departmental personnel officer.

Senator Ray stated that the staff would contact Ms. Austin and investigate the situation. He added that black listing is a very drastic step to take against an individual, especially in Juneau. Ms. Austin must have had a good working relationship with someone after being employed by the state for nine years. Ms. Austin points out that her co-workers were never criticized for not getting along with her. Senator Ray concluded that it is easy to ignore this type of situation. He thanked Mr. Gillespie for attending the meeting, and Mr. Gillespie departed.

Senator Ray recessed for an executive conference, and the staff left the room.

Senator Ray called the meeting to order. Mr. O'Claray moved that the commission extend permanent employee benefits to the staff effective with the hiring of new personnel. There were no objections, and the motion passed.

The commission reviewed the Certification, Classification and Recruitment section of the draft report and corrected errors, made other changes, and added sections on review of recommendations against rehiring terminating state employees and on comprehensive classification guides.

The commission decided to meet next on Wednesday, December 12 at 1:30. Senator Ray adjourned the meeting at 4:00.

MEMBERS IN ATTENDANCE

Senator Bill Ray, Chairman
Don Fisher, Vice Chairman
Lois Jund
Greg O'Claray
Frank Flavin
Ken Kareen (for Sandra Withers)

OTHERS IN ATTENDANCE

Alexander Gillespie

BLUE RIBBON COMMISSION ON THE STATE PERSONNEL ACT
Capitol Building, Room 124, Juneau
October 17, 1979

MINUTES

Senator Bill Ray, Chairman, called the meeting to order. He said that the commission's report to the legislature should contain recommendations on which there is a consensus. He added that each member is welcome to submit a minority report on any issue. The staff was directed to prepare a draft of the report to be reviewed by the commission at its next meeting.

Senator Ray asked if any conclusions had been drawn on the issue of the partially exempt and exempt services. He was advised that the Categories of Employees subcommittee is waiting for additional information on positions in the exempt service before making any recommendations.

Senator Ray asked whether there is evidence of problems with the nonpermanent law. Lynda McCurry stated that it will be difficult to implement the procedures set out in the law, but it will force action that should have been taken long ago. John Pugh added that it will alleviate the problem of by-passing the registers by hiring temporaries and will increase equal opportunity amongst applicants.

Senator Ray stated that there should be a section in the report addressing problems with maintaining open registers. He added that he hopes the commission will be able to make some recommendations on the issue. Pat Murphy pointed out that the Certification, Classification and Recruitment subcommittee voted in favor of recommending that the Division of Personnel receive additional funding for recruitment and examination functions. Senator Ray stated that the report should also recommend that departments request only needed positions in the budget submitted to the legislature. Legislators require more input from agencies on their operating needs.

Members discussed other topics, including: the veteran's preference system, conflicting roles of supervisors who are also union representatives, meeting equal employment opportunity goals, and providing aggrieved employees with protection from those implicated in grievances.

Senator Ray scheduled the next commission meeting for Thursday, November 15. He adjourned the meeting at 4:10.

MEMBERS IN ATTENDANCE

Senator Bill Ray, Chairman
Lois Jund
Lynda McCurry
Pat Murphy
John Pugh
Ken Kareen (for Sandra Withers)

OTHERS IN ATTENDANCE

Doryce Eggleston
Bob Maurant

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT
Capitol Building, Juneau
October 5, 1979

MINUTES

Senator Ray, Chairman, called the meeting to order and requested reports on subcommittee recommendations.

CATEGORIES OF EMPLOYEES SUBCOMMITTEE

The Categories of Employees subcommittee voted to recommend to the full commission that all personnel sections of the Alaska Statutes be codified into a cohesive form located in one chapter. The commission voted to pass the recommendation without objection.

Ken Kareen mentioned that the implementation of the nonpermanent law initially sponsored by the commission would be delayed in some areas, but all departments would be in compliance by January 1, 1980. Previous issues relating to temporary employees were reviewed. Senator Ray elaborated that nonpermanents will not receive fringe benefits, health insurance or retroactive credit for retirement under the law and that the commission should not address those issues.

On the topic of contracting, Senator Ray asked if the commission should recommend that rules be adopted to prohibit state employees or corporations composed of state employees from subcontracting with the state while employed by the state. Frank Flavin pointed out that this is already in the Personnel Rules and is considered a "conflict of interest". Complaints have been received about how state contracting is handled and the rule that bids do not have to be solicited on jobs costing less than \$2,000. John Pugh pointed out that many of the problems have been cleared up. The state's practice of contracting for services which could be performed by state employees should be left to collective bargaining between the state and the employee unions. Senator Ray stated that he would provide the staff with additional information on the subject if he receives any more complaints.

The subcommittee requested the staff to study the exempt and partially exempt classes in the state and to present a list of those positions and their locations as soon as possible.

The issue of reviewing all vacant PCN's had been brought up during subcommittee discussion. One area of concern is the legislature's "red lining" of vacant positions that have not been filled because of classification and recruitment time delays. John Pugh added that there may be a number of vacant PCN's this year because of underfunding for personal

services. Ken Kareen suggested that the problems may dwindle, because under the nonpermanent law, permanent position dollars cannot be used for hiring temporaries and therefore vacancies in permanent positions may be reduced.

CERTIFICATION, CLASSIFICATION & RECRUITMENT SUBCOMMITTEE

The Certification, Classification and Recruitment Subcommittee voted to recommend to the full commission that the Division of Personnel move towards broader classifications. Ken Kareen elaborated that the Division has been in the process of doing so since the beginning of the year. The commission voted in favor of recommending this to the Division.

Regarding the topic of closing recruitment, John Pugh stated that it was a difficult issue for the subcommittee. If there are no eligibles on registers willing to work in rural locations, appointing authorities must first work the registers and then request authority to recruit locally, which can be a time consuming process. Sandra Withers stated that there are complaints whether the registers are open or closed. To keep registers open, there must be sufficient staff to examine and test applicants in the Division of Personnel. Maintaining access to promotional lists in classes in which the registers are closed has been taken to arbitration. Ms. Withers stated that it would take another four staff members in the Division of Personnel to handle open recruitment at all times.

John Pugh suggested that the commission request that the legislature appropriate more funds to increase the Division's staff. Greg O'Claray concurred that additional staff should be funded and registers should remain open, giving the state the opportunity to choose from the most qualified when a vacancy opens. Sandra Withers pointed out that the new nonpermanent law will inundate the Division with applications from temporaries trying to get on registers for permanent positions, and nonpermanents will have to be hired off registers in accordance with the law. There was a general consensus that recruitment should remain open and that the Division of Personnel should be provided with additional staff funding.

Frank Flavin commented that there appears to be too much paper work involved in the application process and that one solution would be to reduce the submissions to one per applicant, regardless of the number of classes she or he was applying for. Ken Kareen responded that the Division has alleviated some problems by offering to give passing grades for lower classifications within a series to applicants who have passed an advanced level test. In many cases this is not possible because at various levels of classifications, different skills are required, and different tests must be used to evaluate those skills.

Applicants who want to be placed on registers by this method are placed in a single group. The division does not try to rank them with the applicants who were tested for the lower level position. Mr. Kareen elaborated that the Division has abolished 183 classes by merging them with other similar classes or by eliminating them completely. There are now fewer than 1,300 classes in the state.

Mr. Flavin suggested that the commission design the ideal personnel system for 1981, burn everything in existence now and start out all over again. John Pugh asked if the Division has tried using a single application for multiple classifications. Ken Kareen explained that the Division had tried accepting up to five class titles on a single application. The number of positions applied for increased, and the staff still had to review each title separately. Staff members ended up making extra copies of applications themselves to avoid confusion. Sandra Withers elaborated on the ideal system, which would be computerized so that information could be keyed in, applications could be tracked, and classifications for which an individual qualified would print out. Ken Kareen commented that the Department of Transportation and Public Facilities has been working on a system for evaluating and classifying all the planner classes in the department. To date, the department has had to bring in consultants, psychologists and an expert in data processing, and they still don't have a workable system.

Senator Ray asked what role the Division of Budget and Management plays in the classification process. Sandra Withers replied that the Division of Personnel cannot work on a position before there is assurance that it has been funded. The Personnel Rules provide this method for monitoring compliance with legislative changes in the budget. The Division of Budget and Management certifies the availability of funds and has done so since the office was physically located in the Department of Administration. At that time it was an interdepartmental review. The subcommittee had directed the commission staff to invite representatives of the Budget and Management and Governor's office to attend its next meeting (October 11).

Returning to the topic of multiple applications, Ken Kareen commented that the Division of Personnel has come very close to having a production line set up in its offices to handle the large volume of applications. All applications for one classification are gathered together and evaluated at one time. Greg O'Claray observed that the public feels that there is too much paperwork and it doesn't perceive the requirements of the Division of Personnel as reasonable. Sue Greene asked how the Division should be perceived--as an employment agency or as a group of employees performing state functions. The Division's resources are restricted. Is it unreasonable to make things easier for state employees? How far should the Division go to please the public? Which is the top priority--performing services for the user departments or providing

services to the public? There have been many changes in the time needed to perform evaluations of applications in the past few years, but there have been no increases in the number of staffing services. Ken Kareen stated that the state has more records than any private industry would dream of because of it is required to account for its actions.

Senator Ray scheduled the next commission meeting for Thursday October 11, and adjourned the meeting at 4:20.

MEMBERS IN ATTENDANCE

Senator Bill Ray, Chairman
Frank Flavin
Sue Greene (for Commissioner Hudson)
Lynda McCurry
Darlene Livermore (for Pat Murphy)
Greg O'Claray
John Pugh
Sandra Withers

OTHERS IN ATTENDANCE

Doryce Eggleston
Ken Kareen
Bob Maurant

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT
September 26, 1979

I. ISSUES BEFORE THE COMMISSION ON WHICH NO SUBCOMMITTEE HAS ACTED:

At the February 24 meeting of the commission, the following motion was made and then tabled to be placed on the agenda of the next commission hearing:

AS39.25.153 should be amended to read as follows:

Section 39.25.153 Personnel Rules for Departments

- (a) Each department shall appoint a personnel officer to be located within that department.
- (b) The personnel officer specified in (a) of this Section shall adopt regulations providing for the activities specified in Secs. 39.25.150 (1)-(10), (13)-(18), (20), and (22) of this Chapter for those classes of employees which are not common to other departments. The determination as to the classes of employees which are common to the various departments shall be made pursuant to regulations adopted by the director.
- (c) The personnel officers within the departments specified in (a) of this Section are subject to all provisions of this Chapter not in conflict with this Section.
- (d) The Governor may exempt any department with (a) of this Section containing less than 200 employees from the provisions of this Section.
- (e) All regulations adopted pursuant to this Section are subject to the Administrative Procedures Act (AS 44.62).

II. CLASSIFICATION, CERTIFICATION AND RECRUITMENT SUBCOMMITTEE

A. Issues on which the subcommittee has acted.

1. Creation of a department of employee relations. The full commission voted to sponsor legislation on this issue. See SB 256.

2. Adoption of the Personnel Rules in accordance with the requirements of the Administrative Procedures Act. This recommendation is accomplished by language in SB 256, which deletes the exemption from the requirements of the APA presently granted to the Personnel Rules. See Section 4, page 3, lines 26-29.

3. Use of a block scoring system for the evaluation of applicants. At the February 23 meeting of this subcommittee, members recommended that the full commission recommend that the state move away from a rule of five system towards a system of block scoring. The question of the number of blocks to use within the scoring system was left to the discretion of the Department of Administration.

B. Issues pending before the subcommittee.

1. Centralization or decentralization of personnel officers. What authority for independent action in classifying and reclassifying positions should the departmental personnel officers hold? Should they be granted greater authority in other areas? If the commission supports decentralization, what provisions should be made for departments whose personnel offices are not equipped to perform the extra work? What provision should be made for departments which abuse the added responsibility? Should personnel officers be employees of the departments in which they work, of the Division of Personnel and Labor Relations, or of some other entity?

2. Classification of positions. If the problems in the classification process are not resolved by the subcommittee's recommendations on issue one above, are there other solutions to the length of time it takes to have a position classified?

3. Review of existing classifications. Should the Division of Personnel be asked to undertake a comprehensive study of the existing classifications in order to eliminate duplications, particularly in the number of classifications which appear to be unique to one department?

Should the division consolidate generally similar classifications into broader classifications, thereby reducing the number of classes within the state? On the other hand, should the classifications be made more specific (and the number of classes increased) so that the eligible lists are less likely to contain unqualified applicants? How would a change in the number of job classes affect the time it takes to classify new positions? What effect would increasing or decreasing the number of classifications have on the time it takes to certify eligibles? Should the state review its classes to insure effective career ladders for its employees? Are minimum qualifications reasonable?

4. Certification of eligibles. Should the commission address the topic of closing recruitment for some positions? If so, should the policy of limiting recruitment by closing the application periods for some positions continue? Should that policy be extended to other positions? Can the time for certifying eligibles to the registers be shortened by other methods?

5. Multiple applications for job series. Should the Division of Personnel continue to require a separate application for each job within a series? What effect on the time it takes to certify eligibles would changing the present policy have?

6. Validation of tests. Should the Division of Personnel be asked to make a greater effort to validate the written tests administered to applicants? If so, should tests which have not been validated continue to be used in the evaluation of applicants? Are additional funds necessary to meet this objective?

7. Veteran's preference system. Should the present system which gives veterans a five point bonus when they apply for initial entry into state employment be changed?

8. Regional registers. Most of the state's eligibility registers are maintained on a state-wide basis, in conformance with PR 4 02.0. Should the registers be kept on a regional basis instead? Should local offices of the Division of Personnel located within the regions maintain those registers? Would this shorten the time required for an applicant to be certified and placed on a register?

9. Interviews for the top five interested applicants. Should either the Personnel Act or the Personnel Rules provide that each of the top five interested applicants for a position be offered an opportunity for a meaningful interview, either in person or by telephone (transportation to be at the applicant's expense)? If the commission chooses to support a system of block scoring for applicants, should interviews for each of the interested applicants within the top block be required? (See issue IIA3 above.)

10. Requiring that agencies fill authorized permanent positions with permanent employees only. If state agencies could not use non-permanent employees to fill newly created positions, then the classification process would have to be made faster in order for the agencies to be able to meet legislative deadlines imposed at the same time that the positions were created. Forbidding the employment of nonpermanents would provide more accurate budget information, since nonpermanents could not be hired at lower-than-budgeted pay so that the departments "earned the difference" to be used for whatever purposes management saw fit. Should the commission address this issue?

11. Training. The staff will present a proposed position paper on training to the commission for discussion and review as soon as it is drafted.

12. Promotion and equal employment opportunity. Should the commission consider the effect of the state's policy favoring promotion on equal employment opportunity? If so, should some exception to the use of promotional registers be made for members of minority groups to increase their representation in advanced positions in the state?

13. Documentation procedures for work on tasks above class specifications. Should procedures be recommended to implement documentation of work in tasks above job class specifications?

14. Increasing the audit role of the Division of Personnel. The commission recommended in its report that the Division of Personnel increase its auditing role of departmental personnel practices in order to reduce abuses and, to accomplish that, that applicants be provided with the name of a person whose duty it is to investigate and resolve abuses. Should a new position be established to accomplish this goal?

15. Annual audits of the personnel system. Who should perform the audit; who should determine the scope; and, to whom should the auditors report?

16. Creating more effective disciplinary measures for violation of the Personnel Rules. Since the present system for disciplining state employees who violate the personnel rules (particularly those in supervisory roles whose actions as supervisors are improper) are not effective, should some other system be developed or can changes be made in the present system to make it effective?

17. Comprehensive revision of the State Personnel Act. The commission reported that the State Personnel Act is poorly structured. Should a comprehensive revision be undertaken, and if so, by whom?

18. Comprehensive revision of the Personnel Rules. Should a revision be undertaken, and if so, by whom?

III. MERIT SYSTEM/COLLECTIVE BARGAINING SUBCOMMITTEE

A. Issue on which the subcommittee has acted.

1. Creation of a Department of Employee Relations. See SB 256.

2. Exempting members of collective bargaining unions from the scope of the Personnel Rules. At the February 23 meeting, the subcommittee recommended that the commission introduce legislation to exempt members of collective bargaining units from the scope of the Personnel Rules. (See work draft attached.) The full commission has not considered this matter.

B. Issues pending before the subcommittee.

1. Role of the legislature in collective bargaining. Should the legislature's role in the bargaining process be changed? If so, should the legislature take part in bargaining sessions directly or through legislative committee, through a legislative employee, or by some other legislative entity; should the legislature have an opportunity to review and approve collective bargaining contracts before they become effective?

2. Should policy-making supervisors be excluded from collective bargaining rights?

3. Should Alaska adopt a management rights clause? If so, what rights should be reserved to management discretion?

4. Should the Public Employment Relations Act be amended to specify what effect collective bargaining agreements have on conflicting statutes?

5. Cost of living adjustments. Should cost of living adjustments be limited to lump sum increases, or should percentage increases be permitted, as is the present practice? Should the Public Employment Relations Act be amended to address this question?

6. Merit Increases. Should merit increases be in the form of a percentage increase in salary or in a one-time lump sum? If the latter, should the lump sum be constant (e.g. \$500 or \$1,000) or should it be a percentage of the employee's current salary? Who should decide which employees receive merit increases? What standards should apply? How should merit increases be funded? Should personal evaluations be performed on all employees or only on those performing above or below average?

7. Amplification of merit principles in the Public Employment Relations Act. What principles are essential to Alaska's concept of employment practices based on merit principles? Should these principles be set out in the state statutes?

8. Membership of the Labor Relations Agency, the Personnel Board and the Retirement Board. Should the statutory requirements that the membership on the LRA and the Retirement Board include the three members of the Personnel Board be changed?

9. Staff for the Labor Relations Agency. Should the Labor Relations Agency have a staff of its own? If so, what positions should be created and should they be classified employees?

10. Methods of adopting the Personnel Rules and the departmental standard operating procedures. The Personnel Rules would have to be adopted in accordance with the Administrative Procedures Act if SB 256 is adopted in its present form. Should the system by which the departmental standard operating procedures be changed? If so, how?

IV. CATEGORY OF EMPLOYEES SUBCOMMITTEE

A. Issue on which the subcommittee has acted.

1. Temporary employees. (Now nonpermanent employees.) See Chapter 67, SLA, 1979. The statute does not address the issue of whether

nonpermanents should be eligible to receive fringe benefits such as health insurance, earned leave or retirement benefits.

2. Support of retroactive credit towards retirement for work as a temporary when subsequently hired as a permanent employee. SR 26. This position was adopted at the January 26 meeting of the subcommittee.

3. Support for health insurance for temporary employees after 30 days in state service. See SB 22. This position was adopted by the subcommittee at the January 26 meeting.

4. At the February 23 meeting, the subcommittee decided to recommend to the commission that the Personnel Rules be adopted in conformance with the Administrative Procedures Act. Section 4, page 3, lines 26-29 of SB 256 accomplishes this.

B. Issues pending before the subcommittee.

1. State practices in obtaining services or goods by contract.

2. Scope of membership in the exempt and partially exempt service.

3. Investigation of PCN's which remain vacant for excessive lengths of time.

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT
Public Hearing
Capitol Building, Juneau
September 12, 1979

MINUTES

Senator Bill Ray, Chairman, called the hearing to order and presented a telegram from Wasilla to commission members regarding complaints about the 120-day limit on temporary employment. It was decided by members that no action could be taken because of legislation passed on nonpermanent hire. Also presented was a letter from Catherine Hubbard concerning summer employment for students going to school outside of the state. (See attached copies of correspondence.) Don Fisher stated that the Division of Personnel permits submission of applications from students outside of the state, and therefore this shouldn't be a problem.

Senator Ray requested public testimony, and there being no response, brought up the topic of collective bargaining. Is the legislature going to continue giving the responsibility of negotiations to the Department of Administration? What will be the method for transmittal of agreements to the legislature for consideration? One proposed change involves requiring that all contracts expire on July 1. At some time prior to adjournment, there would be a deadline by which the Department of Administration and the unions would have to make a presentation to the legislature on negotiated agreements. The legislature would then have the option of approving or disapproving the contracts, and the unions would take whatever action they required to meet their interests.

Senator Ray asked whether the commission would like to make recommendations on the topic. Ken Spray responded that the problems recently encountered could be a catalyst for the establishment of a Department of Employee Relations. Senator Ray stated that the bill in question (SB256) did not receive affirmative action during the last session, and the consensus was that a separate department was unnecessary. However, the fiasco of the regular and special sessions may have changed some opinions. Mr. Spray suggested that the commission support its passage once again.

Senator Ray elaborated on the legislature's desire to take a more active role in the collective bargaining process. Alternatives under consideration include having the legislature directly responsible for the negotiations on behalf of the state, either through staff hired for that purpose or through a standing committee. However, when the legislature was responsible for negotiating with unions in the past, the outcome depended on which organization contributed the most to lobbying efforts. The system was unsuccessful at that time, and the legislature voted to opt out of direct involvement in negotiations. The current system was successful until this last year. He suggested that some legislators consider the added cost of the second and third years of multi-year contracts to be like paying for a "dead horse".

Senator Ray requested public testimony, and Maria Iverson, Leasing Officer with the Division of General Services and Supply, responded. On the topic of collective bargaining versus the merit system, Ms. Iverson stated that she believes employee unions are necessary to correct management neglect of employee needs and morale.

Ms. Iverson went on to discuss a public notice she had seen posted regarding a new APEA by-law giving the union president the right to fire members who do not honor picket lines. She said that other issues of concern to her and other state employees include the widespread discrimination and retaliation actions of management happening when employees speak out on issues. She added that there is a need for incentive programs to encourage talented state workers.

Senator Ray questioned the ability of any union to fire an individual for crossing a picket line. If this were true, management rights would be negated, as well as constitutional rights to express opinions. The state hires in accordance with the merit system, and a union has neither the right to hire nor fire employees. Senator Ray asked Pat Murphy to speak to the issue. Mr. Murphy stated that it was not true to his knowledge and that the notice may have been posted by someone other than an APEA representative. He added that in any case, by-laws have no control over an employee unless they are included in contract provisions.

Ms. Iverson stated that she has reviewed many laws on equal employment opportunity and human rights, and there is little in the Personnel Rules addressing those issues. She said provisions should be adopted to punish supervisors who willfully discriminate against women and minorities. Anyone found guilty of discrimination should be fired, be banned from further state employment for two years, and be made liable for punitive damages. She added that women in all levels of employment, from clerks to managers, are being discriminated against.

Senator Ray observed that complaints have been received stating that women are given advantages over men in the state. Frank Flavin responded that there is a lack of disciplinary actions to punish those who are proven to be discriminating against minorities. Taxpayers pay for rewards in discrimination cases, not the individuals responsible. The state needs to put a new emphasis on making those who discriminate illegally responsible for their actions.

Senator Ray pointed out that the greater percentage of personnel officers in the state are women, and they must therefore have control over discrimination in the hiring and firing of women. Lynda McCurry responded that personnel officers do not have authority to hire or fire. Ms. Iverson asserted that even top administrators often cannot do anything about discriminatory actions. Mr. Flavin pointed out that the Division of Equal Employment Opportunity only conciliates problems, and the Human Rights Commission cannot take disciplinary action. The only one who can take action is a supervisor or manager. Mr. Murphy commented

that if it is proven that an individual is engaged in discriminatory practices, and the case can be substantiated, this would be just cause for dismissal under the present Personnel Rules. The method is available, but proving discrimination is difficult. Senator Ray suggested that the women on the commission form a subcommittee to look into the matter. Ms. Iverson expressed concern over the operation of the Word Processing Center. Ms. Greene responded that both the Commissioner of Administration and Sandra Withers are reviewing the operation of the center. Senator Ray stated that the operation is successful in one department and not in the other. Ms. Iverson added that she constantly finds errors in work done by the center and that production rates and quality are poor. Ms. Iverson also objects to the piece-rate standards set by the center and the lack of monetary rewards or incentives to perform well.

Senator Ray noted that the commission has discussed the merit system and the monetary aspects of merit increases. One remedy is to award merit increases in lump sums for outstanding service as decided by a board composed of members from various agencies. The commission is still reviewing the relationship between the merit system and collective bargaining. Ms. Greene pointed out that there is incentive award legislation still in committee, but that there is a question about whether funding will be provided.

Peggie Loken addressed the commission regarding her concerns on the merit system, and suggested that pending legislation on incentive awards may resolve many problems. Senator Ray commented that the legislature considers merit increases as a double-dip for state employees. He feels that if the merit system exists, it should be directed towards hiring practices and performance incentives and suggests that performance evaluations only be submitted on below or above average employees. Requests for increases could then be submitted to an incentive board for consideration. Ms. Loken asserted that there is great concern about granting increases to "chair warmers" for average service.

Ms. Loken stated that there are too many job classifications for the state to accommodate. The system can be circumvented in numerous ways. Senator Ray pointed out that this problem is not unique to Alaska. The commission has also heard testimony that the present classifications are too broad. Ms. Loken stated that some employees are getting paid for functions they are not performing. Individuals can also be performing tasks well above what they are being compensated for. As an example of this problem, Ms. Loken said that it might take two or three months to fill a supervisory position through registers, and when the position is filled, subordinates are responsible for training the supervisor. She also mentioned that examinations do not test for skills actually needed to perform jobs. Ms. Loken concluded that the system doesn't encourage productivity and wastes time and effort in hiring employees.

Senator Ray commented that III's on registers may be willing to accept II vacancies, but they are considered over-qualified and never notified of such vacancies. He added that there are many applicants applying for as many registers as possible, thus flooding the system. Ms. Loken commented that "running" the registers is already excessively time consuming. She added that she would never succeed in hiring an individual if she had to consider all applicants on registers in a job series. Senator Ray asked Ms. Loken if she felt that there are too many classifications that are inconsistent with actual job functions. As an example, Ms. Loken said that accountants are performing work that does not meet class specifications. Senator Ray suggested that the reason behind this is that in prior years, the need for an accountant was valid. Although the duties have changed, the position has not been reclassified and the agency has maintained this classification to justify its existence to the legislature.

Ms. Greene explained that there is a backlog in reviews of classifications and job descriptions in the Division of Personnel. Mr. Spray commented that it is disturbing to have classifiers in the Classification and Pay Section downgrading positions in which they lack elemental knowledge of the work. He added that he has heard that the problem is in funding and that employees are being demoralized.

Mr. Flavin stated that improvements can be made in the certification area. One subcommittee came up with a recommendation to have block scoring for eligible lists. He added that there is no way to prove who is more qualified within a certain range or category, and the block scoring approach would allow supervisors more flexibility in hiring eligibles.

Cynthia Butler presented testimony on her experiences in trying to get a job in the state system as a double minority--black and female. She submitted her first applications almost a year ago and is now on 26 registers. Ms. Butler suggested that this might be evidence of problems with the system, and especially with having three sets of eligibility lists used in hiring applicants: open competitive, departmental and interdepartmental. The employer has the option of hiring from any of the three lists, which makes it difficult for new people to get into state service. Ms. Withers responded that departmental and interdepartmental promotional lists are composed of persons eligible for promotion and that they are a necessary part of the merit system.

Ms. Butler gave an example of an instance where a white male with a Bachelor's degree and a test score of 85 received a job she had interviewed for, despite the fact that her score was 95 and she has a Master's degree with honors from Yale University. Ms. Butler believes that the applicant was hired over her because he had been in Alaska some three months longer than she and was not female or black. Ms. Butler's response to this episode was a feeling of abuse and frustration. She stated that she was hoping that it would not be necessary to continue waging a "civil rights battle".

Ms. Butler continued, explaining that she is currently working two jobs as a part-time administrative assistant with the state and as a full-time nurse in the evenings. Between the two jobs, she said that she is still not making enough to live and that this is a sad commentary on the personnel system. Ms. Butler added that she had testified before the commission previously regarding her difficulties with the system.

Certification of eligibles and testing are two areas cited by Ms. Butler as needing attention. Her experiences indicate that the people who evaluate an applicant's experience respond to familiar "buzz words" and lack the technical knowledge of at least some fields of work to properly score an application. For one job classification for which she applied, she was given no credit for having a masters degree in that field, because the title of her academic program was not the commonly used title, which the evaluator would have recognized. The evaluator suggested that Ms. Butler write her resume and application for the layperson, rather than using technical terms. Ms. Butler suggested that an applicant should be able to explain qualifications for technical positions with appropriate technical terms. A resume should not have to be written at an eighth-grade level to be understood by the evaluators. She added that she has also found the state tests are not job related.

Mr. Flavin asked whether she had been offered interviews during her search for a job with the state. Ms. Butler replied that she had had one or two, but of rather unusual character. The positions she applied for were in the health field. She was told that she would be interviewed by one doctor, but received an appointment with another. During her conversation with this second doctor, he asked her a number of "baiting" questions, and the placement of chairs in which they sat suggested that he was trying to intimidate her. He made comments such as "Natives have taken over too much" and "You have three strikes against you: you're a health planner and a Yalie". She did not reply in kind.

Ms. Butler's next encounter in interviewing for a job was an invitation to dinner at the house of the first doctor. He informed her that the department had hired someone else. These were the two interviews which she had during her search for employment with the state.

Ms. Withers pointed out that being on 26 eligible lists does not mean that there are vacancies in all of those classes. There is a low turnover rate in higher salary ranges, and often a list is open for recruitment because there are so few applicants on registers. She added that the Division of Personnel does publish lists of vacancies, but because of the extensive time and work required to create the list, it is difficult to keep current. Ms. Butler presented a different opinion: She believes that she has not been hired because she had not been in Alaska long enough and employers perceive her as being an aggressive and outspoken black female.

Pearl Ancheta, an employee with the Department of Health and Social Services, presented testimony concerning eligible lists and how they discriminate against minorities. She expressed concern over Personnel Rule 4 01.3, which states that the Director of the Division of Personnel may prepare an appropriate list for a vacancy for which there are not appropriate eligible lists from one or more existing related lists. Senator Ray responded that under the merit system, incentives must be given to employees to progress in state service. Ms. Ancheta questioned whether giving preferential treatment to employees was in accordance with equal employment opportunity philosophy. Senator Ray asserted that the EEO system must give equal opportunities to people applying for positions as well as to employees within the system.

Aaron Isaacs, Director of the Division of Equal Employment Opportunity, addressed the commission. He stated that the responsibility of the Division is not only for people in government, but for those trying to get into government employment. Senator Ray responded that competitive lists as well as interdepartmental lists provide equal opportunities. Mr. Flavin suggested that discrimination problems can be attributed to lack of disciplinary measures and the attitudes of people working registers; or, in other words, the "male and pale" syndrome. He stipulated that there is nothing wrong with the lists: Personnel responsibilities of providing equal employment opportunities are being shunted aside and not given proper emphasis. Senator Ray agreed that there is apparently a weakness in supervisory personnel.

Ms. Greene stated that there is a need to monitor supervisory decisions in the hiring process. The Division of Equal Employment Opportunity offers training to supervisors on its policies and procedures which is mandatory for some and optional for others. Mr. Spray commented that the commission should meet with the Chief of the Classification and Pay Section of the Division of Personnel.

Senator Ray pointed out that there is also a problem of supervisors not recommending employees for rehire and issuing unsatisfactory evaluations, as was the case with Charles Dockery in the Division of Data Processing. Again, Mr. Flavin suggested that these problems support an the establishment of a Department of Employee Relations.

Ms. Withers observed that the downgrading of positions is considered negatively, but it is a possibility when identifying actual work being performed by employees. Senator Ray suggested that desk audits may be needed for every position in the system. Ms. Butler asked if there is any way to make sure that any eligible minority person would be considered for any vacant position. In a recent survey taken in the Department of Health and Social Services, Ms. Butler found that only one minority person is employed above range 22, and only about 15% of all departmental employees are minorities.

Marie Darlin, a member of the Juneau Intergovernmental Training Council, testified regarding employee training in state government. (See attached statement.) The Council's main concern is providing education, training and employee development within government. The Council has been in operation since 1967, and with the help of a grant from the Civil Service Commission, some attempts have been made to develop training programs in the state.

Senator Ray asked whether supervisors have guidelines and why they need additional training. Ms. Darlin explained that people need only meet minimum qualifications to be hired, but they have to be trained in the special aspects of jobs. In addition, training teaches employees new developments in their fields and makes them more capable and efficient. She also pointed out that there are no state forms to record an employee's on-the-job or special training. There is training going on, but there is no criteria established to measure results. Senator Ray cited the Word Processing Center as an example of an agency that has established forms for recognition of training and on-the-job performance. Ms. Darlin commented that these are subjective performance evaluations from supervisors.

Senator Ray stated that when the legislature, and especially the Finance Committee, looks at a request for training funds, there is a feeling that an employee should be capable of performing job functions when hired without additional training. He suggested that the staff prepare a draft position paper on the issue of the value and need for training of state employees for submission to the legislature. The commission will review it at a future meeting.

Ms. Darlin stated that training has been addressed in labor agreements and affirmative action plans, but that is the only place where upward mobility and career ladders are addressed. Lynda McCurry suggested that a subcommittee investigate the need for training further. Mr. Isaacs pointed out that the nature of EEO's responsibility is to educate supervisors and managers on the ever-changing nature of laws and regulations. New people in state government must be informed of the technical aspects of equal employment opportunity.

Mr. Fisher added that supervisors in charge of programs have to continue necessary training, even without specific allocations in the budget. He cited data processing as a good example of a field where individuals must keep up-to-date on new aspects of the job. Mr. Flavin observed that the legislature creates training needs whenever they change the laws.

Mr. Spray stated that in hiring program managers, Wisconsin places more emphasis on management skills than on knowledge of actual job functions. Ms. Greene pointed out that the question is what should be expected from supervisors and what status is intended to be given to them: What do we ask of them and how much would be expected in the private sector without additional training and instruction? Don Fisher reiterated that employees need to remain current on new skills, concepts and duties.

In answer to a question on the Intergovernmental Training Council, Ms. Darlin stated that it is composed of state, local and federal agency staff. The objective of the Council is to coordinate training resources available in government agencies. There are not very many individuals responsible for training programs, and training is normally given low priority. Once a year, the Council tries to hold a session in cooperation with the Office of Personnel Management for people in government.

Senator Ray asked what the merit system provides for and what recommendations the commission should make regarding eligible lists: Should we recommend that all lists be open competitive in light of testimony heard? Ms. Withers responded that one merit principle states that employees shall be promoted and encouraged to perform above average. The Personnel Act incorporates the merit principles into the state personnel system. Senator Ray directed the staff to research the merit system and merit principles referred to in the Constitutional Convention in Alaska.

There being no further testimony, Senator Ray adjourned the hearing at 11:30.

Senator Ray called the afternoon session to order at 1:30 and asked if anyone wished to present testimony. There being no response, Senator Ray mentioned a vacancy on the commission and suggested inviting Lois Jund to join. There was unanimous consent.

On the issue of the role of the legislature in collective bargaining, Senator Ray invited discussion on the following recommendation:

1. All contracts should go into effect as of July 1.
2. Notice should be given to the legislature of the findings of the negotiating teams by March 15.
3. The legislature would have to act on the results of the negotiations within 30 days or by the end of the session, whichever came first. The system could provide either that a contract did not take effect unless approved by the legislature, or that the contract would become effective unless disapproved.

Ms. Greene suggested that the commission consider the administration's proposal making the monetary terms of the contract take effect as of July 1, but permit the other terms to take effect whenever the parties specified. Mr. Spray added that effective dates of contracts are a topic of negotiation. He also pointed out that this system may preclude reflection of the quarterly Consumer Price Index in the pay scales negotiated for state employees, since the CPI is figured on a calendar year rather than a fiscal year.

Mr. Spray added that if there was a sudden rise in inflation, state employees would suffer if the contracts did not provide for a pay scale which responded to the CPI. Senator Ray suggested that the legislature might be willing to approve lump sum cost-of-living increases based on figures from the previous quarter.

Mr. Flavin asked where these suggestions originated: Are they from the public or the legislature? He commented that they appear to originate from legislators, negotiators, labor organizations and the administration. Public testimony should be asked for.

Senator Ray noted other areas of legislative concern. One is the issue of cost-of-living adjustments. Many legislators feel that those increases should be in lump sums rather than in a percentage increase. In addition, there is a problem in the funding of multi-year contracts. Can one legislature bind another to continue appropriating money for the later years of a contract? The issue is being researched. Legislators are not in favor of retroactive contract terms and would prefer that all contracts take effect at the beginning of the fiscal year following legislative review.

Returning to the issue of the legislature's role in collective bargaining, Senator Ray listed other proposals which the commission might consider:

1. Return the responsibility of negotiations to the legislature, either through a legislative committee or through staff hired for that purpose.
2. Hire legislative staff to sit with the Department of Administration and the public employee unions in the bargaining process.
3. Require approval by the voters for each contract before it takes effect.
4. Do away with collective bargaining altogether.
5. Present neither recommendations nor proposed legislation on the issue.
6. Recommend that the legislature retain the present system.

Ms. Greene asked if there had been any commission meetings to receive public testimony on the issue. If not, she stated that she hoped the commission would clarify these options and solicit public opinion. Ms. Greene also stated that the administration is backing a proposal for monetary terms to become effective as of July 1, following contract negotiations. Mr. Murphy asked if the commission could work on the proposals from the administration as a starting point. Mr. Spray pointed out that the bill introduced by the House State Affairs Committee during the special session addressed these proposals.

Mr. Murphy moved: If it is the intention of the Blue Ribbon Commission to study changes in the Collective Bargaining Act to make it more compatible, that we consider the two bills proposed by the administration and the Ad Hoc Committee to use in work sessions and for public testimony to come up with a bill to make a change. A vote was taken, and the motion failed.

Ms. Greene suggested that the administration's proposals could be used as a springboard for the commission, but not to limit the discussion to those two. She was also unsure if the commission had decided to make any specific recommendations. Mr. Flavin stated that he was not in favor of presenting only two options to the public and moved that hearings be held on all of the options enumerated. Mr. Fisher spoke in favor of the motion.

Ms. Withers asked what the purpose of the Collective Bargaining subcommittee was and whether this would be within their functions. Senator Ray responded that the issue of collective bargaining is past the point of just subcommittee involvement. He stated that the legislature is appreciative of the commission's efforts and that we have been commended for our activities. The legislature has also made it abundantly clear that collective bargaining and the merit system are concerns we should address. The commission can go forward and create alternative recommendations to present to legislators who do not understand collective bargaining.

Mr. Spray asserted that the merit system should be the number one topic for commission consideration. Senator Ray replied that collective bargaining is the number one issue at the moment but that the merit system deserves attention as well. Ms. Withers pointed out that provisions for a merit system are contained in the state constitution. Senator Ray instructed the staff to research the meaning of the merit system as discussed at the Constitutional Convention.

Phil McMurry, an employee with the Department of Transportation and Public Facilities, presented testimony on the merit system. He stated that after being employed by the state for three years, he and others in the department believe that the merit system should be maintained. In his opinion, cost-of-living increases are important in keeping salaries in balance with inflation, and merit increases are supposed to provide incentives to increase employee productivity.

On the question of merit increases versus seniority ranking, Mr. McMurry stated that the seniority system does have merit. He approved of the way APEA's general government unit contract states that the merit increase and evaluation system will be modified to make it more meaningful to employees. He believes that the longer an individual remains in service, the greater her or his value. He added that a seniority system that rewards longevity makes sense, but increases should not be given without consideration of productivity. Senator Ray asked if Mr. McMurry believed that merit increases should be part of the collective bargaining

process. Mr. McMurry replied that the more contained in contracts, the better. For example, Mr. McMurry suggested that discrimination should be addressed in contracts. Then, an individual would have access to grievance procedures in case of discriminatory actions, rather than having to file a complaint with the Human Rights Commission.

Senator Ray said that the biggest opposition to the merit increase system is due to the way the statutes are presently drafted. Increases are almost automatic and left to the supervisor's discretion. Labor organizations have argued that increases should be incentives to achieve high performance standards. Mr. McMurry asserted that there is a need for better procedures and rules for supervisors to follow. Currently, supervisors discuss performance standards with employees only when writing annual evaluations. This often causes frustration on the employee's behalf, especially when the evaluation is inconsistent with the employee's views. Senator Ray stated that evaluations should be made on either unsatisfactory or above average performance. If there was disagreement on an unsatisfactory evaluation, then the matter could be referred to a commission or board for final decision. Mr. McMurry again pointed out that the only time employees receive feedback from supervisors is at evaluation time. He feels there is a need for better communication between supervisors and employees.

Mr. McMurry stated that in some instances, supervisors must receive approval of evaluations written on subordinates from their supervisors. This often leads to rewritten evaluations and hard feelings. Ms. McMurry pointed out that this relates to the real concern of the lack of funding for both training and merit increases. She stated that personal satisfaction and communication between supervisors and subordinates is needed to improve morale. The present evaluation system has its drawbacks, and we should look at expansion of the system to make it more valuable. Ms. McMurry added that the probationary period could be used more effectively to weed out unsatisfactory performers and suggested that this, as well as consistent application of personnel rules, should be priorities of the commission.

Ms. Withers commented that three terms were being discussed: merit increases, the merit system and merit principles. One of the merit principles of the federal system is that there must be systematic job-related evaluations of employees. Mr. Fisher pointed out that as bad as the evaluation system is, it does require that the employer review and discuss employee performance. However, supervisors are not prepared to do so. Senator Ray asked how employees who are average performers should be provided for. He said that it is not a question of rewarding good employees or punishing bad, but a question of where to draw the line. Mr. Fisher responded that supervisors are inconsistent in evaluations and in making determinations as to who is and who isn't outstanding. Senator Ray again questioned where the line should be drawn. Ms. Withers commented that if this were to become a bargainable item, the legislature would have to grant negotiating authority to the administration.

Ms. Greene stated that there must be concrete criteria for evaluations, which means developing agreed-upon standards of employee performance. That entails skill development in evaluating performance and giving supervisors direction on how to evaluate. Mr. Flavin commented that we could do away with the evaluation forms because they have become automatic. Thus, the process that has changed from a management responsibility to a Personnel requirement could be fitted to each agency in accordance with management needs. This would create a need for stronger audits by the Division of Personnel for enforcement. Mr. Flavin believes that evaluation forms are worthless in most instances, and a personal memo to an employee would be an improvement. Senator Ray responded that judging by personal experiences, he believes communicating with employees is a much better approach. Mr. Spray commented that there should be some method to get away from the negative aspects of the evaluation process, such as supplying better instructions on how to use them. Ms. McCurry pointed out that the probationary period evaluation of employees takes a lot of time and consideration, and it doesn't have to be negative. It can be an effective means of presenting agency objectives and the performance standards expected of an employee. Mr. Flavin thought that beefing up the evaluation of supervisors could solve some problems.

Mr. McMurry told commission members that when his supervisor gets letters of commendation from agency users, he makes it a policy to show them to employees. He also writes personal comments on evaluations, which are very helpful and informative. Supervisors perceive evaluations as a yearly task, but keeping in touch with employees requires more than an annual form. Senator Ray asked if the commission wants to recommend that each state employee get a quarterly "report card". Ms. Withers responded that each employee should have a reasonable expectation of the status on their job, and supervisors are obligated to supply this information. A "report card" or another form is not the key. She stated that the answer is in establishing better communications between people. Senator Ray noted that supervisors are not taking that facet of their jobs into consideration. Mr. Flavin suggested that this was another argument substantiating the need for a Department of Employee Relations responsible for audit functions. Mr. Murphy concurred that there is a need to improve the personnel structure with a strong audit function.

Mr. Fisher pointed out that one of the items asked on evaluation forms is whether position descriptions are correct. In his experience, he has found P402's dating back to the 1960's. He asked why the descriptions are not more current if they are being reviewed annually. Ms. Greene responded that there is a backlog on classification revisions, and it is recognized as a problem. Ms. Withers added that the reason for the position description is to show what an employee is actually doing. It is assumed that supervisors filling out evaluations will inform the Division of Personnel of changes in duties. Senator Ray suggested that the scope of audits be defined. Mr. Fisher elaborated on the different types of audits: operational, program and personnel audits. The topic was left to future consideration.

On the topic of merit increases, Don Fisher said that they are currently a management prerogative. Mr. Murphy pointed out that other unions have chosen to incorporate merit increases into longevity bonus programs. He added that APEA's membership wants to maintain merit increases, and this may mean placing the Personnel Rules into contract provisions. Merit increases are currently addressed in the contract, but if the legislature decides that there is a conflict between bargaining and granting increases, the unions should be allowed the option of bargaining on increases. Mr. Murphy asserted that Pat Hunt, when serving on the commission, agreed that the Personnel Rule provisions should be included in contracts. Senator Ray commented that neither the administration nor the Governor believe the two are compatible. It is the commission's responsibility to explore the two and define the problems that exist.

Senator Ray pointed out that conditions during next year's legislative session are ripe for changes, due to it being an election year. He added that he would like the commission to receive recommendations from the public to present to the legislature. Mr. Murphy stated that during his last meeting with Pat Hunt, they discussed Oregon and New Hampshire statutes that exclude employees who are members of collective bargaining units from the scope of the Personnel Rules. The contracts must be consistent with merit principles. He said that this is an issue that will be negotiated. Senator Ray pointed out that there are many different positions on the subject in other states.

Mr. Flavin asked how members would like to plan the next meeting. Senator Ray responded that the staff would prepare a list of proposals made by subcommittees that have not yet been acted upon. The date was set for Friday, October 5. Subcommittees will meet prior to a full commission meeting.

Ms. McCurry appointed Doryce Eggleston, Personnel Officer in the Department of Public Safety, as her official alternate.

Senator Ray adjourned the meeting.

MEMBERS IN ATTENDANCE

Senator Bill Ray, Chairman
Don Fisher, Vice Chairman
Frank Flavin
Sue Greene (for Commissioner Hudson)
Sandra Withers
Lynda McCurry
Pat Murphy
Ken Spray

OTHERS IN ATTENDANCE

Doryce Eggleston
Darlene Livermore

TELEGRAM

NCA ALASKA COMMUNICATIONS, INC.

FLIGHT NO. 142

JUNEAU, ALASKA 99802

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JUNEAU AK 99801

WE, THE UNDERSIGNED, AS TEMPORARY EMPLOYEES ARE OPPOSED TO THE 120 DAY WORK LIMIT FOR FOR TEMPORARIES. WE FEEL WE SHOULD HAVE BEEN INFORMED OF THE MEETINGS HELD CONCERNING THIS REVISION BEFORE SEPTEMBER 10, THE DATE WE FIRST HEARD OF THEM. WE ARE CERTAIN THERE ARE OTHER TEMPORARY EMPLOYEES THAT HAVE NO KNOWLEDGE OF THIS MATTER AND WOULD BE OPPOSED IF THEY KNEW. WE FEEL THAT IF THIS REVISION GOES INTO EFFECT IT WILL, REQUIRE CONSTANT RETRAINING OF TEMPORARIES, REDUCE THE QUALITY OF TEMPORARIES WORKING FOR THE STATE, QUALIFIED PERSONS WHO WORK FOR THE STATE AS TEMPORARIES WILL BE FORCED TO SEEK FULL TIME EMPLOYMENT ELSEWHERE, REDUCE THE NUMBER OF ALASKANS WORKING FOR THE STATE, NO ONE CAN LIVE FOR A YEAR IN ALASKA ON FOUR MONTHS EMPLOYMENT, INCREASE UNEMPLOYMENT IN THE STATE, ENCOURAGE SUMMER WORKERS TO COME UP FROM THE LOWER 48. WE ALSO FEEL THAT IF THIS REVISION DOES GO THROUGH PROVISION SHOULD BE MADE FOR ADDITIONAL FOUR MONTH EXTENTIONS TO THE DEPARTMENTS THAT REQUIRE IT.

JILL CUNNINGHAM, DAN MIELKE, RON JOSEPHSON, VIRGINIA RENFROE,
LORAN WALDRON, BRAUN KOPSACK, LEE CHENEY

P.O. Box 1032
Auke Bay, Alaska 99821
September 7, 1979

Senator Bill Ray, Chairman
Blue Ribbon Commission on the State Personnel Act
Pouch AG, Mail Stop 0123
Juneau, Alaska 99811

Dear Senator Ray:

The purpose of this letter is to offer a couple suggestions concerning the hiring practices of the State of Alaska. The two suggestions that I have are student exemptions related to temporary hiring and that agencies respond to all job applications submitted to them.

Part b, sec. 39.25.195 of the proposed Act HCS GSSB 198, chapter 67 says that every appointment for state service shall be made from an applicable eligible list or dispatching register, except for emergencies. This law would eliminate college students seeking summer employment. The time required to get on the register is approximately six weeks, a goodly portion of the summer season. This law would discriminate against Alaskan students and the states future professionals. Because of this, I strongly recommend that students (especially college) be exempt from this law.

My second recommendation is that all state agencies respond to all job applications that they receive, even if a form letter is sent. When an individual applies for a job it takes time, effort, and money. Common courtesy dictates that a response is made, even from the government.

Although the Alaskan student is a minority, we are a part of Alaska's future, therefore, I urge you to consider my recommendations.

Sincerely,

C.A. Hubbard

Catherine A. Hubbard, a life-long
Alaskan resident and student



JUNEAU

INTERGOVERNMENTAL

TRAINING

COUNCIL

September 12, 1979

TO: The Blue Ribbon Commission

RE: Employee Development and Training

Our training council wishes to express to your group the following concerns:

State government seems to be giving less and less attention and priority to employee development and training.

A few years ago an attempt was made to develop and training system for the State and yet none of that was ever implemented.

Currently with no coordinated system for state training efforts:

1. Supervisors and Departments have no guidelines for their training efforts.
2. No recognition of training accomplished or attended is given when no permanent records are kept in the employee's file. (other than what a dept. might elect to do on their own)
3. There is no requirement that training being done by each dept. is being evaluated against any objectives or criteria to show value received.
4. Employees changing careers or jobs are provided no assurance that they will be given help in learning new methods or skills. If a grievance is filed by them should they be terminated, against what standard of performance has the supervisor evaluated them?

Training will still be done by the different departments, particularly those with federal funds and perhaps federal requirements that certain training be done, and the study done by Becky Smith for the Dept. of Education shows that much could be gained from a coordinated effort of State training and employee development.

This presentation is merely to call your attention to the fact that recognition of the important aspect of developing human resources is not spoken to anywhere in the State Personnel rules and regulations, except in the state Affirmative Action Program, and in the negotiated labor agreements.

Marie Darlin
Marie Darlin, Chairman

BLUE RIBBON COMMISSION
March 13, 1979

MINUTES

Senator Ray called the meeting to order.

The commission considered the draft bill on the hiring of non-permanent employees.

Mr. Humphreys explained that the non-permanent bill made four changes from the draft temporary hiring bill: A language change, replacing the word temporary with the word non-permanent; changes in the intent section; addition in section 4 (b), page 2, lines 4 and 5, of the words "dispatching register"; and addition of provisions for a program or project employee, section 4 (c)(4), page 2, lines 21 through 23; and a definition of program or project employee, page 4, line 26 through page 5, line 2.

Mr. Spray objected to the language appearing on page 2, line 5, which appeared to indicate that the director could waive the union contract requirement that temporaries be hired through a dispatching register.

Mr. Hunt pointed out that according to the memorandum prepared by Ken Rosenstein, dated March 9, 1979, this statute would not bind future collective bargaining agreements without the addition of a statement of intent. Mr. Humphreys agreed that according to the memorandum, the safest course to follow if the commission wished to bind all employees would be to include a section spelling out that the bill applied to collective bargaining unit members.

Mr. Murphy moved that the commission sponsor the bill. Mr. Spray objected for the reasons stated above. There were no further objections.

The commission considered the draft of the Department of Employee Relations bill.

Mr. Hunt stated that he was concerned about requiring that the Personnel Rules be adopted under the Administrative Procedures Act given the small group of people to whom the Rules apply. He has heard from several sources that it takes six months to process rules through the A.P.A. Mr. Rosenstein's opinion makes it clear that the rules do not apply to those covered by collective bargaining.

Mr. Murphy stated that the Rules do apply to the employees his union represents. Perhaps 50% of the work life of those employees is covered by the Rules. He objected to the commission adopting the position taken by the memorandum without further research on the matter.

Senator Ray informed the commission that he opposed the

introduction of this bill during the current session.

Mr. Flavin objected to the present draft as not what was intended by the commission's vote taken at the February 24 meeting. The bill should simply repeal those references to the adoption of the Personnel Rules being exempt from the Administrative Procedures Act.

Senator Ray asked whether the Rules were required to be adopted under the A.P.A. at present. Mr. Flavin replied that they are not.

Since the commission voted at the February 24 meeting to sponsor this bill, no further vote was taken.

The commission discussed the preliminary draft of the report to the legislature. Changes were made. The commission agreed to continue the meeting on Wednesday, March 14, to conclude its review of the draft report.

Senator Ray adjourned the meeting.

March 14, 1979

Senator Ray called the meeting to order.

The commission continued to review the draft report to legislature.

The review was concluded, and Greg O'Claray moved and asked unanimous consent that the report as amended be released. The motion carried without objection.

Senator Ray adjourned the meeting.

BLUE RIBBON COMMISSION

February 24, 1979

MINUTES

Don Fisher chaired in the absence of Senator Ray. A quorum was not present, and the Commission met in work session until additional commission members arrived. There was discussion of whether the time limit on temporaries should be shortened from 6 months to 120 days.

Ken Kareen, alternate for Pat Hunt, arrived and a quorum was present. Mr. Fisher called the meeting to order.

Niel Thomas moved that the commission amend the Temporary Hire bill, page 1, line 26, by adding the words "or dispatching register" between the words "eligible list" and the words "unless in exceptional circumstances". A vote was taken. Seven members were in favor, one abstained. The motion failed.

Frank Flavin moved that a sentence be added to page 3, line 2, subsection (g) to read: "No work assignment may be performed by a temporary employee for more than 120 calendar days in a 12-month period." A vote was taken. Six members were in favor, one opposed and one abstained. The motion failed. Mr. Spray served notice of reconsideration.

Mr. Fisher called a recess. The meeting reconvened.

Mr. Flavin asked that the staff prepare a minority report to reflect the views of those in favor of the actions taken today. Mr. Fisher proposed that the staff be directed to prepare the minority report. Mr. Spray objected. Mr. Thomas stated that the commission should make a record and that at a later meeting, the amendments not adopted in the present meeting could be proposed.

Mr. Flavin moved that the draft bill be amended to add a requirement to subsection (h), page 3, line 7 through 13, that the director report to the legislature each year on the hiring of emergency employees as well as on temporary employees. A vote was taken. Eight members were in favor, none opposed. The motion carried.

Mr. Fisher called a break. The meeting was reconvened.

Pat Murphy moved that the commission adopt the draft bill on temporary hire as amended. A vote was taken. Seven members were in favor, and one opposed. The motion failed.

Mr. Murphy moved that members in favor of the draft bill sign the draft copy prepared by Ken Humphreys, containing amendments adopted, in order to place the votes on the record. A roll call vote was taken. Don Fisher, Ken Kareen, Frank Flavin, Lynda McCurry, Pat Murphy, Niel Thomas and John Pugh were in favor. Ken Spray opposed, and Ken Humphreys abstained. The motion failed.

Mr. Flavin moved that the commission recommend to the Division of Personnel and Labor Relations that Section 2 (a) through (e) of the draft bill, adding new sections to the law relating to the methods for hiring temporary employees, be adopted as Personnel Rules by the Personnel Board. A vote was taken. Seven were in favor, two abstained. The motion failed.

Mr. Flavin moved that the commission recommend to the legislature that a Department of Employee Relations be established. A vote was taken. Eight were in favor, none opposed. The motion carried.

Mr. Flavin moved that the Department of Employee Relations to be proposed to the legislature be structured as in the draft bill, without language relating to exemption from the Administrative Procedures Act, which appears on page 3, lines 13 through 16 and page 6, lines 16 through 19. A notation should be made in the report of the commission to the legislature that the section on decentralization of personnel functions, AS39.25.153 (which appears on page 6, lines 8 through 19), is amended only to make the necessary nomenclature changes and that the commission is still considering what course to recommend on the question of centralization or decentralization. Pat Murphy moved to amend the motion to include the language adopted at the meeting on February 23, 1979, relating to the experience required of the Commissioner of the Department. Mr. Flavin agreed to include this amendment in his motion. A vote was taken. Eight members were in favor, one abstained. The motion carried.

The report should include a statement recommending that the legislature consider moving other closely related divisions from the Department of Administration into the Department of Employee Relations.

Mr. Murphy moved to amend the motion to require that the commissioner of employee relations have a total of at least three years of experience in the fields of labor relations and personnel administration. Mr. Spray stated that five years should be the minimum. Mr. Humphreys suggested that the language concerning the experience of the commissioner would be interpreted broadly by the governor making the appointment. Mr. Murphy withdrew his amendment.

Mr. Flavin moved that AS39.25.153 be amended to read as follows:

Section 39.25.153 Personnel Rules for Departments

- (a) Each department shall appoint a personnel officer to be located within that department.

- (b) The personnel officer specified in (a) of this Section shall adopt regulations providing for the activities specified in Secs. 39.25.150 (1)-(10), (13)-(18), (20), and (22) of this Chapter for those classes of employees which are not common to other departments. The determination as to the classes of employees which are common to the various departments shall be made pursuant to regulations adopted by the director.
- (c) The personnel officers within the departments specified in (a) of this Section are subject to all provisions of this Chapter not in conflict with this Section.
- (d) The Governor may exempt any department with (a) of this Section containing less than 200 employees from the provisions of this Section.
- (e) All regulations adopted pursuant to this Section are subject to the Administrative Procedures Act (AS 44.62).

Mr. Thomas moved to table the motion and place it as the first item on the agenda for the next commission meeting. A vote was taken. Nine members were in favor, none opposed. The motion carried.

Lynda McCurry moved that the commission try to resolve all the questions which are before it by June 30, 1979.

Mr. Spray spoke against the motion. He stated that he could not imagine that the commission could reach an adequate resolution of the issues before it in that time. Most of the commission's time so far has been spent in public hearings, receiving and digesting information presented to it. He believed that it is necessary to continue the work of the commission into the next legislative session. He indicated that he believes that the legislature will resolve the issues on finances, and the budget and adjourn within 120 days, especially given the mood of the Senate.

Mr. Thomas explained that the motion would give the commission a goal to try to resolve the questions before it. The commission has considered the major concepts which it confronts. Four months remain in which the commission can work on its recommendations on the remaining issues. The commission has only been meeting for a period of four months, so that may be adequate time to resolve the rest of its work.

Mr. Flavin moved to amend the motion to read that the commission does not seek funding beyond June 30, 1979. Ms. McCurry accepted the amendment. A roll call vote was taken. Don Fisher,

Frank Flavin, Ken Kareen (voting as alternate for Pat Hunt), Lynda McCurry, Pat Murphy, John Pugh and Niel Thomas were in favor. Ken Spray opposed, and Ken Humphreys abstained. The motion failed.

Mr. Spray requested the privilege of the floor. He stated that in regard to the employee relation bill, special interests have been reflected in many issues. The same courtesy has not been extended to the issue of collective bargaining negotiations. Special concerns and interests of Local 71 have been ignored, with preference being given to APEA.

John Pugh responded that Local 71 has a maximum of 1,500 members, whereas APEA represents 10,000 employees. He stated that Mr. Spray received more than his share of time and courtesy from the commission.

Mr. Spray pointed out that Local 71 is affiliated with AFL-CIO in the organized labor movement which represents more than 10,000 employees. The AFL-CIO was instrumental in the enactment of the Public Employment Relations Act.

IN ATTENDANCE

Don Fisher
Ken Humphreys (for Myrt Charney)
Frank Flavin
Ken Kareen (for Pat Hunt)
Lynda McCurry
Pat Murphy
John Pugh
Ken Spray
Niel Thomas

OTHERS IN ATTENDANCE

Janet Bradley
Darlene Howard
Bob Mourant

BLUE RIBBON COMMISSION
February 23, 1979

MINUTES

Senator Ray, Chairman, called the meeting to order. He proceeded to recommend that the commission submit its report outlining the problems which have been identified thus far and as Wisconsin did, wait until an entire legislative package is ready before proposing any substantial changes. He pointed out that the sentiment in the Finance Committees of the legislature may cause trouble for any measures with sizeable fiscal notes attached.

The commission discussed the temporary hire draft bill. Senator Ray recommended adding a provision for a program or project employee. Project employees should receive medical and leave benefits but not be eligible for retirement benefits. He stated that the bill, as drafted, is not ready for introduction to the legislative process.

Frank Flavin suggested changing the language in subsection (g), page 3, line 2, to read at the beginning of that section: "No position may be occupied by a temporary employee..."

Ken Spray suggested three amendments:

In section (b), page 1, line 27, add between the words "eligible list" and "unless" the words "or dispatching register".

On page 3, line 28, to subsection (2), add the words "unless otherwise provided for in a collective bargaining agreement" between the word "means" and the words "an employee".

On page 3, line 2, section (g), Mr. Spray stated that he objected to the inclusion of that section in the draft bill entirely on the grounds that the matter should be left to the arena of collective bargaining.

Senator Ray suggested that the term "temporary" be eliminated, using the term "casual" as a substitute. Ken Spray commented that in Local 71's contract, casual employees are limited to 15 days. Senator Ray offered a word of caution that there are many individuals dependent upon temporary employment who must be taken into consideration. By eliminating temporary employment, budgets may be cut, forcing many employees back into the job market. Representative McKinnon commented that one problem encountered in the House is the reluctance of the Finance Committee members to turn away from temporary hire because of the additional funding demand this would create for permanent PCN's.

Frank Flavin moved that the bill be passed out of the commission and introduced in the legislature under the commission's sponsorship. Pat Murphy moved to table Mr. Flavin's motion. The motion was tabled.

The commission discussed the contents of the report to the legislature. The report should include a discussion of the tasks of the subcommittees, the problems identified, and indication of proposed solutions which the commission is considering. The Issue Summaries should provide the basis of the discussion. It is important to explain to the legislature the nature of the problems which the commission has examined. The report should indicate that the commission is requesting that its existence be extended so that it may fully address the issues presented in the report. There was a general consensus that the report be drafted for presentation to the legislature.

The commission decided to meet on Saturday, February 24, in the conference room of the Department of Transportation and Public Facilities.

IN ATTENDANCE

Senator Ray, Chairman
Frank Flavin
Ken Humphreys (for Myrt Charney)
Pat Hunt
Lynda McCurry
Pat Murphy
John Pugh
Ken Spray
Niel Thomas

OTHERS IN ATTENDANCE

Janet Bradley
Darlene Howard
Ken Kareen
Bob Maurant

BLUE RIBBON COMMISSION
February 15, 1979

MINUTES

Representative Buchholdt, in the absence of Senator Ray, chaired the hearing. She invited public testimony.

PUBLIC TESTIMONY

Lois Jund, retired Deputy Commissioner of the Department of Health and Social Services, was the first speaker. She introduced her remarks to the Commission by noting that the staff of the Division of Personnel has a very tough job to do. They are subject to many pressures from many sources and are understaffed for the job they must do in a centralized system of personnel administration. The state personnel system can be improved--and must be.

Ms. Jund gave a brief summary of her own background. From 1948 to 1956, she was the personnel officer for the Alaska Territorial Health Department, which was then operated under the merit system of personnel administration because it was a federal program. From 1957 to 1958, she was a management consultant with the U.S. Public Health Service in personnel and other areas in Region VII and provided services for five states in that region.

From 1962 to 1974, Ms. Jund had overall responsibility for management of the Arctic Health Research Center, a federal installation, including personnel administration. In that capacity, she had appointment authority through the level of G.S. 15 and classification authority to the G.S. 11 level. She became familiar with the state personnel system when, in 1974, she became Assistant Chief of the Division of Public Health of the state. From 1975 to her retirement in 1978, she held the position of Deputy Commissioner in the Department of Health and Social Services.

There are four major areas of the state's personnel system which Ms. Jund addressed: the classification process, the examination process, the recruitment process, and one very serious aspect of the career service. These areas are the major problem areas as she sees them.

1. CLASSIFICATION

Ms. Jund noted that this is one of the state's greatest problem areas. There is a great disparity in pay ranges based on the level of responsibility, both within and between departments. She is a firm believer in equal pay for equal work. In the state personnel system the only consistency is inconsistency. She gave examples of this problem.

A Clerk IV, which is not a high level position, was handling the entire responsibility for a state-wide program, supervising

a tremendous staff including two regional offices. She had this responsibility for many years. In 1974, after great effort, she was finally given the position of Administrative Assistant I. Administrative Assistant III's were heading programs with none of the responsibility that this individual had. She is still responsible for the entire program, and is presently classified as an Administrative Assistant II.

There is disparity of salaries between PHN's and Sanitariums within the same department, and between PHN's and Physician's Assistants. PHN's work much more on their own, with tremendous responsibility, yet are several pay ranges lower. There is also disparity between sanitarians working for the Department of Health and Social Services and those working for the Department of Environmental Conservation. In fact, the Department of Environmental Conservation is recruiting sanitarians away from the Division of Public Health. There are cases where an Administrative Officer I heads up a large project in the same department where an Administrative Officer III has few responsibilities.

The cause of this disparity is that the Division of Personnel has no standard classification guide, as does the federal government. In the federal system, the level of responsibility is equated with the range of the job. This would go a long way to do away with this tremendous disparity throughout the state government.

The Division of Personnel, in some instances, analyzes jobs and compares them with similar positions in other states. They fail to realize that--for example--comparing positions in California with positions in Alaska is like comparing apples to oranges. California has a wide-spread county government system, with responsibility for service delivery. A person here would be responsible for a state-wide program.

Few desk audits are presently done, and cannot be done without the assistance of a classification guide. After four years with the state government, Ms. Jund could not recall a single desk audit being done, so how can the Division of Personnel ascertain whether proper levels were set for positions?

Ms. Jund made the following recommendation, recognizing that it would cost money initially, but would save a lot of money in the long run: The Division of Personnel should prepare a standard classification guide immediately, equating levels of responsibility with qualifications and pay ranges. This then would permit a greater use of desk audits and would insure that personnel is functioning at its proper level. However, staffing in the Division of Personnel is insufficient to accomplish this project, but there are many things they could use to initiate such a classification guide.

The second greatest problem in the state personnel system is the inordinate amount of time it takes to classify a position once it has been authorized by the legislature. This leads to positions which desperately need to be filled being left vacant; it leads to the hiring of temporaries; and it leads to tremendous frustration on the part of administrators trying to run programs in the state. Ms. Jund has often heard legislators say that since you didn't fill a position, you evidently didn't need it. That isn't true. The position could not be filled.

One of the causes of the inordinate time to classify positions is that all positions must have individualized position descriptions. This is true in the federal government as well. With few exceptions, all positions must be classified by the Division of Personnel in the Department of Administration. One department may have its own classification authority. Unless pressure is brought to bear (and it is brought to bear by commissioners, by legislators, and by the office of the governor), the position will wait the normal classification process, no matter what the urgency of filling the position.

Ms. Jund recommended that we use standard position descriptions in the state. This would require the existence of a standard classification guide. For example, a Clerk Typist II in one department does practically the same thing as a Clerk Typist II in another department, yet each one has to have an individual position description. PHN I's do the same work, wherever they are stationed. The few parts of a job which might be different could be noted on a cover sheet attached to the standard position description. This would cut down the classification time. The federal government has implemented this practice effectively for some clerical positions and for accountant positions.

There should be a decentralization of classification authority with positions and funding provided. Some departments have the authority to do so now; however, few take advantage of this authority because they do not have the positions and funding. This decentralization would be for large agencies only and for professional positions in those agencies, using the standard classification guide. A job analysis should be required to be written for each job to be classified in the department, and sent to the Division of Personnel. They would then assume their proper role of setting standards and monitoring departmental practices. This would call for a greater use of the desk audit mechanism of the Division of Personnel to insure proper alignment of positions.

The next point may be controversial. Qualifications are too low in many instances, due to substitutions, to get the job done. Ms. Jund stated that she firmly supports the principles of equal employment opportunity and believes that substitutions

should be permitted for entry-level positions, up to and including sub-professional level positions. At the professional level, substitutions should not be required, as they are now by the Division of Personnel.

Ms. Jund gave an example of how ludicrous this can become. She referred to a position that she held as Assistant Director in the Division of Public Health. The job description calls for someone with a college degree, with two years of graduate study in public health administration or a closely related field, plus five years of administrative experience, one of which must be at the level of Administrative Officer I with the State of Alaska or an equivalent position elsewhere and one of which must be in public health. Those requirements are reasonable, and a person with those qualifications could do the job. However, additional experience may be substituted for the requirements of college education on a year-for-year basis.

The result (and this did happen on the register) was that an individual with eleven years of administrative experience, with only one year in public health at any level and one year in a position comparable to Administrative Officer I, could be placed on the register. The minimum qualification of eleven years of administrative experience did not specify at what level this experience must be. Many applicants qualified for the register who could not possibly perform the job functions.

Ms. Jund recommended that substitutions either not be required for professional positions or that they be permitted only to the extent that would be realistic.

2. EXAMINATION PROCESS

The staff in the Division of Personnel responsible for rating the training and experience of applicants is not always sufficiently knowledgeable of the field to properly rate an application. This is understandable, given the large number of jobs with a wide variety of qualifications. This leads to well-qualified individuals being rated ineligible and conversely, poorly-qualified individuals may receive high ratings because of the way an application is written.

As an example, Ms. Jund told of her own experience in filling a position for a Health Facilities Surveyor in Life Safety. They had located an individual who was fully qualified and urged him to get on the register. They were aghast to learn from the Division of Personnel that the person was not qualified because the examiner did not understand that being a fire inspector for an insurance company fully qualified the applicant as a life safety surveyor. That is the type of experience that they really

needed. They did manage to get the situation straightened out.

Ms. Jund suggested that professional review panels composed of professionals serving in a volunteer capacity be created to rate applicants for professional positions. The data processing field is an example of the areas where this is most needed. She witnessed its effective use during the time she served on the U.S. Civil Service panel and helped to rate applicants in the professional field of public health.

3. RECRUITMENT

On recruitment, Ms. Jund mentioned only one point: the inordinate amount of time and money spent by agency personnel in working registers. Frequently, the same names appear on registers where the individual has been reported to the Division of Personnel as not available, out of state, not interested and so forth. Yet, when the agency calls for another register in the same category, the same names appear. It is imperative that there be a central clearing of the common registers used by many agencies.

The recruitment process, after a position is classified, is extremely time consuming. Agencies must first advertise in the state, and for certain positions valuable time is lost in having to do so. You don't get doctors usually by advertising in Alaskan newspapers. You get doctors by advertising in the professional journals.

Ms. Jund recommended that there be concurrent advertising for hard-to-fill categories, both within and outside the state. There are many hard-to-fill categories in addition to physicians. This would save time and effort.

Ms. Jund raised another potentially controversial point. The Alaska Hire Law sometimes impedes state agencies from obtaining the best qualified person for the job to be done. She stated that she supports the Alaska Hire Law implicitly, but raised the question: Is the object of the law to give preferential treatment to an Alaskan who is equally or more highly qualified than someone from outside, or is the object to give preferential treatment to Alaskans no matter where they are on the registers (in other words, to foster employment)? She added that she would prefer to think that it was the former, but it doesn't work that way in the Alaska personnel system.

On the state's registers, all Alaskans are ranked ahead of all applicants from elsewhere. She worked a register for a very high-level position. The highest qualified applicant, with a rating of 95, was 18th on the register. The person was

the highest rated applicant from outside the state. The first applicant on the register had a rating of 80, and five points had been included in her score because she was already a state employee. All things being equal (references and so forth), she stated that she would much prefer the applicant with a score of 95 than an applicant who would have rated 75 on appropriate training and experience. The applicant with the score of 95 on the register was not within reach. No wonder agencies are criticized on occasion when they are forced to employ individuals who cannot possibly do the job.

Ms. Jund recommended that all applicants be ranked on the registers by grade, based on qualifications and experience, and not by location of residence. Alaskans who are more highly qualified or who are equally qualified should be and must be given preference by agencies.

4. CAREER SERVICE

Ms. Jund recommended that the commission give attention to merit increases for deserving employees. She distinguished these merit increases from longevity increases. It is argued by some that state employees receive pay increases; so why should the state also give them any more money? However, there is not much incentive for most employees to do an outstanding job for three years when a person hired tomorrow will be receiving the same pay range. This is not the case in private industry, and it leads to a terrible morale problem.

Ms. Jund recommended that agencies prepare standards for performance on which to base merit increases, so that they are given only to deserving employees who are performing at a consistently high level. She also recommended that the legislature specifically allocate funds for merit increases.

It is imperative that personnel functions be decentralized to large agencies. The Division of Personnel should then set standards and monitor performance.

That concluded Ms. Jund's remarks. She stated that she believed she had chosen areas of the greatest concern to most employees of the state of Alaska.

QUESTIONS

In answer to questions on decentralization from Lynda McCurry, Ms. Jund stated that the Division of Personnel will always have to assume classification functions for the smaller

agencies. Some decentralization is the way to go. There is reluctance on the part of the Division of Personnel to relinquish classification authority.

Janet Bradley asked about the apparent difference of opinion on the standard position description. In the classification walk-through, Ken Kareen explained that the position description forms the basis for the Division of Personnel's classification, performance standards and employee evaluations. Because they are frequently out of date, the Division of Personnel is unable to do its job.

How do you reconcile this need for a description tailor-made for each employee with your recommendation for standard descriptions to speed the classification process?

Ms. Jund explained that standard forms could be used only for those positions common to many agencies and in which there was very little variance between the duties of those in the positions, such as Clerk Typist I. Standard descriptions would also be appropriate for Public Health Nurse I's. Pat Murphy pointed out that both employees and managers write position descriptions in order to achieve particular results: for example, eligibility for overtime and placement in a particular bargaining unit.

In answer to a question from Pat Murphy, Ms. Jund explained the way the classification system works in the federal government. The personnel officer for the agency classifies a position in accordance with the standard classification guide. An analysis is written of how the personnel officer chose that classification, and it is sent with the position description to the central headquarters for review. If they believe it to be incorrect, they advise the personnel officer of the error. In addition, there would be periodic audits in which the employee describes actual duties to the auditor, and these are compared with the position description. If an error is found in the classification assigned, then the personnel officer receives a written report advising the corrective action needed. This system retains the proper authority and responsibility appropriate while allowing a faster process. It is appropriate that the people in the field make the initial classification, since they have more knowledge about the position than someone in the Division of Personnel possibly can, especially when personnel is responsible for classifying all positions within the state.

If the corrective action leads to a downgrading of the position, Ms. Jund stated that she believes that federal procedures allow the incumbent of the affected position to remain at his or her existing salary for one year before being placed at the

lower pay rate, although the position would be shown as the lower level from the time that action to correct the error was taken. It is important to remember that it is not what the employee is qualified to do that matters. It's what the job calls for the employee to do.

DIVISION OF DATA PROCESSING

Mr. Dwayne Herrick, an employee in the Division of Data Processing, identified a number of problems within that division.

The agency has in the past neglected to budget for travel for training, and yet training is necessary if employees are to keep their skills current in the rapidly changing data processing field. The division head justifies hiring new employees from outside Alaska because present employees lack this training. Money which has been appropriated for travel is spent on recruiting trips to the lower 48 to hire new employees rather than sending existing employees to programs to increase their skills. Such training programs are not available in Juneau. Training money has also been used to purchase equipment instead of to provide training. There are self-instruction manuals for new computer systems, but they are not sufficient and should not be considered a replacement for more formal and extensive training programs.

Employees who are brought up and whose moving expenses are paid by the state are then obligated to work for the state for two years or else to pay back a portion of their moving expenses. This increases their allegiance to the head of the division. The director is not concerned with complying with the Personnel Rules and has ignored hiring freezes in order to provide a job for a friend.

The staff of the Division of Personnel is unfamiliar with the fields in which they are rating data processing applicants, and they make mistakes. There is now some communication between the Division of Data Processing and Personnel on how applicants should be rated, so the mistakes are decreasing.

There have been a number of desk audits in the Division of Data Processing without any perceptible results.

Lynda McCurry explained that for positions in the field of data processing there is continuing authorization to accept out-of-state applications, unlike most other positions in the state. The person hiring can then use the justification of unique and unusual circumstances to select the applicant he or she is most interested in, regardless of the applicant's ranking on the register.

Charles Dockery, a Systems Analyst II in the Division of Data Processing, gave an example of the kinds of abuses which are occurring in the division. In late 1977 or early 1978, the director and one of his managers decided that they would avoid hiring any of the "dolts on the register" by specifying that the position for which they were hiring require specialized knowledge. People were hired from the lower 48, but they have not had to use this specialized knowledge, except for one employee who helped with the primary election. In addition, the division has since asked another employee to resign. The present staff of the division has the talent to learn the new skills, but they are not being given the opportunity to do so.

Mr. Herrick added that the director has failed to establish his priorities and to set realistic goals.

Mr. Dockery suggested that the Division of Personnel should audit the appointments of outsiders to attempt to establish whether the unique and unusual circumstances which provided the basis for making the hiring decision actually exist.

Representative Buchholdt pointed out that in the last session, there was a bill before the legislature to increase the funding for training, and that Pat Hunt testified that there was adequate training available.

Mr. Dockery asserted that there should be action taken against program managers who violate the Personnel Rules when making their hiring decisions.

Another facet to the training problem is that the state pays for moving a family from the lower 48 to Alaska, instead of paying for a three-day training session offered through IBM for an existing employee. Training would cost substantially less than moving expenses.

Lynda McCurry stated that the Department of Labor hires data processors from the same registers that the Division of Data Processing uses, and that the department hires from below the top five only when they need a programmer skilled in COBOL as opposed to scientific language.

Pat Murphy pointed out that this is an example of the problems created by having the head of personnel at a division level instead of at a departmental commissioner level. He or she should have independent authority to function effectively and to stand up to commissioners of other departments.

Darlene Howard said that APEA studied the use of training funds by the Division of Data Processing. Ninety-five percent

of the training money was used by one percent of the staff-- the rest did not participate in training programs. There did not appear to be any relationship between the people selected to attend training programs and the need for training in the particular program. Training sessions are used to reward employees, not to increase their skills.

Carl Nelson, a Console Operator II with the Division of Data Processing, testified. Several months ago, Mr. Nelson's supervisor advised him that he was due for a merit increase. The forms were returned, and he was told that he would have to wait another two years. He is pursuing this matter through APEA.

In 1972, the person who was then director of data processing decided that the console operators were overpaid, and initiated action to have the salary ranges lowered by two pay ranges. There was, at that time, no one to speak on behalf of the employees, and the action went through. Since then, the equipment has become substantially more complex. A new CPU unit is capable of handling five programs at one time, and there are only two people working on it at any one time. The workers agreed to a 12½ hour shift, so that the system is constantly operating, and the state is obligated to pay only a minimum of overtime to these employees.

There have been two attempts to have the positions reclassified since the 1972 action. Neither was successful. Morale is very low, and when the positions are compared with similar positions in Washington, Oregon and California, it becomes evident that Alaska salaries are not competitive.

There is a Data Processing Job Classification Task Force which has been organized to draft a complete set of new flexible, modern, well-defined data processing job classifications. A questionnaire has been developed to gather information to that end. Mr. Nelson supplied the commission with a copy of his completed questionnaire. Lynda McCurry explained that the task force was created to identify problems within that agency. Membership consists of Data Processing managers and representatives from the Division of Personnel and the Department of Labor. Carolyn Hinkey and Dick Kind, employees in the Division of Personnel, are responsible for compiling this information.

Mr. Nelson has worked for the state for nine years, and he has received only one merit increase during that time. In the absence of merit increases, and since he has reached the top of the pay scale for Console Operator II's, there is no incentive for outstanding performance. There used to be four levels of operators, and that number has now been reduced to two. Therefore, no viable career ladder is provided to Console Operators.

Charles Dockery elaborated on the absence of career ladders available to Data Processing employees. There is a 60% turnover rate in the division caused, in part, by the absence of promotional opportunities and merit increases. Some of the best qualified employees are leaving.

Thousands of dollars are spent on recruiting trips to the lower 48, yet there is no money available for training the existing staff, either for travel to programs offered elsewhere or to provide needed training to Alaskans. The division has continuing authority to accept applications from out of state for the positions of Programmer III or Systems Analyst II--both at Range 17. The division hires people from out of state into these positions, and then promotes them to whatever vacancy the director intended to put them in. There is a need for the state to address the problems of enforcing the Personnel Rules when they are violated, particularly when intentionally violated by state program managers.

The staff of the Division of Personnel lacks the skills to rate applications in the data processing field. Mr. Dockery submitted an application for System Analyst I, and received a score on his training and experience of 80. Two weeks later he submitted a xeroxed copy of the application, this time for Systems Analyst II which is two salary ranges higher than Systems Analyst I, and received a score of 85. There would be problems in having the Division of Data Processing score its own application, since there is no commitment by the manager to abide by the Personnel Rules and treat applicants or employees fairly.

The division does not permit its employees to obtain training or to use what training they have; yet, in order to be considered for promotion, employees are required to have received additional training. This is one of the causes for the high turnover rate in the division.

Mr. Dockery expects that he will receive some retaliation from the division for testifying before the commission. He gave an example of one individual who resigned, stating his reasons for leaving very tactfully. The program manager "vindictively" black listed him for doing so. There are many ways in which to seek revenge, such as finding fault and accumulating material in personnel files. Mr. Dockery added that there are many people who make mistakes in the division.

An example of the problems of the division concerns a bright, 20 year old employee. He was the only person with the skills to broadcast the general election results for the past elections. Despite his ability and the fact that he got along well with his supervisor and the other employees of the division, he has submitted his resignation, stated mildly and tactfully. His letter of resignation was pulled from his personnel file so that

managers would not have access to his account of problems encountered. The head of the division has indicated that he will see that the employee does not receive another state job.

Mr. Nelson testified that console operators are classified at Range 14. Mr. Dockery stated that that was unacceptable. The data processing salaries of the state do not meet the national standard, except for the salaries of the Operations Manager and Director. The others are at least two ranges too low. Data processing salaries in Alaska are equal to those available in the lower 48, but the cost of living in Alaska is much higher.

There was a position which was filled without any public announcement of the vacancy. The person hired was called a resident based on his having worked in the state some years before for a period of six months. The division paid for relocation expenses.

Some of the problems result from poor management. Some are the result of problems in the personnel system. When employees are hired initially, they are placed at advanced steps in the salary schedule in order for the state to compete for the best qualified people, but incumbents are not given the same considerations.

Kit Stewart, a Finance Officer III with the Department of Environmental Conservation, agreed with most of the points made by Ms. Jund. She disagreed on the question of limiting opportunities for substituting experience for college degrees. She felt it was appropriate to allow substitution, except in cases of life and death skills. As an example, engineers who have practiced for 20 years in Alaska are by statute to be treated as though they held engineering degrees.

Small agencies should be able to handle decentralization, just as large agencies are. Specifically, Ms. Stewart indicated that the Department of Environmental Conservation has existing staff with skills to perform classifications capably.

Training is a major problem in her department. For example, one employee felt that a particular training course would be beneficial and offered to pay transportation expenses and to take annual leave for the time required to attend, but asked the department to pay the \$500 entrance fee. The request was denied; and later, the employee was rated as failing to perform tasks which could have been performed had the training been authorized. At least one department has paid full college tuition for one of its employees.

In answer to a question from Don Fiser, Ms. Stewart indicated that the registers are cumbersome. Almost never are all five of the top candidates available for a position. For lower level positions, about 90% of those on the register are not available.

The Division of Personnel should adopt a policy of hand-writing memos on personnel matters so that time would not be lost in waiting for typing to be completed.

Cynthia Butler, Administrative Assistant to Representative Buchholdt, concurred with most of the statements made to the commission. She has had personal experience in difficulties with the raters in the Division of Personnel. She read a position description for a job for which she believed herself well qualified. She submitted her application and a resume in November. As of December, she had not yet been placed on the register. When she was finally placed on the register, she had received a score of only 80.

Ms. Butler inquired about the standards used by the rater in making that evaluation and was told that the information could not be released. Finally, she spoke to the person who had performed the evaluation. She learned that the rater had given her no credit for education or for specific training which she had received that was relevant to the position for which she was applying. She was told that if she had written her application for a lay person, it could have been evaluated to show that experience. She asked a reading expert to evaluate the application, and the expert told her that the language contained nothing above an 8th grade level.

Ms. Butler asked that her application be re-evaluated. The rater said that perhaps that could be done if she would document her education and provide evidence of the field work she had done. Ms. Butler supplied the information, and on inquiry a week later about whether the re-evaluation had occurred, was told that whenever the rater reached that information in her stack of work, it would be done.

Ms. Butler became angry at the time required to correct what she believed to be a mistake on the part of the Division of Personnel staff, particularly since the position for which she had applied was going to be filled soon. She called the Deputy Director to arrange for a personal interview. Subsequently, her application was re-evaluated, placing her from number nine on the list to number one. Because of her inquiries and persistence in asking that the errors of the division be corrected, she now believes that she has been blackballed from working for the state, without ever having held a state position. She was advised that in having her application re-evaluated and having her position on the register moved, the division had made an exception. Normally, the applicants must suffer the consequence of a division error without any recourse.

Ms. Butler indicated that she had been told that the division

was severely understaffed; and if that is so, then she can understand the inordinate amount of time required to process her application. The state should insure that the division has adequate staff to handle its workload.

In answering questions of commission members, Ms. Butler stated that the position for which she had applied was for Emergency Medical Services Coordinator. She had not had a formal interview, but she had spoken by telephone with the manager who was making the hiring decision and with another employee. She had not been to the job site.

Darlene Howard gave an example of another applicant who had had problems similar to Ms. Butler's. The applicant had decided not to testify before the commission for fear that she will be blackballed from state employment. The applicant applied for about 17 jobs, and is highly competent, possessing a B.A. and additional education as a media specialist with an emphasis in library work and three years in other related fields with tremendous research experience in private industry.

When the individual applied for a state librarian position, the division found the applicant unqualified because of the techniques used in evaluating teaching experience. If an applicant has a number of years of teaching experience within the same school system, then the division counts all summer vacation periods as experience, whether or not the teacher works during the summer. If the applicant has changed school districts, then the division only counts the time of the school year, or approximately nine months. Therefore, the applicant in question failed to meet the teaching requirements of the position.

The same individual is a professional artist who has tutored in the field of graphics, owned and operated an art business for several years, has had personal art exhibitions and has one year of professional art education. The division concluded in an evaluation that the individual lacked formal art education, despite the public recognition of the artist's talent, and therefore was unqualified for a position involving art work for the state's publications.

The applicant was also not credited with any experience in management or administration, even though the individual had successfully operated a business for income.

The individual encountered the same problems Ms. Butler discussed when appealing the decisions made by the raters. One position had been advertised as being open until a particular date, and the applicant pushed the division to re-evaluate to meet that deadline, only to learn that despite public notices,

a register had already been sent out to the hiring department. The register had been issued ten days before the publicized closing date for applicants, and the individual's name did not appear on the register for the position.

Written testimony was presented to the commission by Marcella Stutte concerning the eligibility requirements for longevity increases. A copy is attached.

STAFF REPORT

1. Summary of Correspondence

a. Testimony was received from Mr. Scott Semans, Architect, advising that the personnel system is overloaded with red tape which ties the hands of the people who are making hiring decisions, resulting in losing the best qualified applicants. He advocates speeding up the certification process and allowing those hiring to exercise greater judgement in making their selections of employees.

b. Ms. Margaret Clark, an Administrative Officer with the state troopers, testified as follows:

More than once, a desk audit to upgrade a position has resulted in the position being placed in a totally different classification. The incumbent, who is satisfactorily performing the work, therefore may not be technically qualified. If a person is in the position in such a case, no tests should be required to continue holding it.

She disagrees with requiring people to retake tests after two years on a register. In some positions, there are few vacancies, and an applicant can be on the register for the entire two years without receiving notification of an opening.

Tests don't apply to the work done in daily jobs. She recommends testing a person only once prior to hiring him, and then promoting on the basis of experience and performance, as the federal government does.

She has no complaints about the services of the Division of Personnel--it takes a long time to get anything processed, but that's the fault of the system, not the staff.

c. Ms. Gaile Haynes, who testified before the commission in Anchorage on January 27, wrote in regard to the ratings of promotability. A person who appeals or grieves a matter tends to be regarded as a troublemaker, and is therefore regarded as

non-promotable. To have a process not subject to normal review is in effect to insure that boat-rockers will not be promoted, thereby producing a degree of mediocrity in state employees.

2. A work session schedule was set for February 23 and 24.

3. Budget for 1979

Warren Endicott of the Administrative Services Division of Legislative Affairs has inquired about the commission's budget for next year.

4. Theresa Hurt, a student from Juneau-Douglas Community College, is working on a project for the commission as part of a Law Practicum course which she is taking. She will be reviewing the Personnel Rules and the collective bargaining contracts to determine the impact the contracts have upon the Rules.

5. Division of Legislative Finance Computer

Terry Cramer spoke with Jay Hogan, who indicated that the computer programming for tracking vacant permanent positions will not be finished for about six months.

6. USCSC Conference, February 28 and March 1

The commission will be responsible for paying for travel and per diem for those members attending the U.S. Civil Service Commission Conference on Public Personnel Management Reform. Representative Buchholdt may attend in Senator Ray's place. Greg O'Claray and Pat Murphy will also attend.

IN ATTENDANCE

Representative Thelma Buchholdt
Don Fisher
Ken Humphreys (for Myrt Charney)
Lynda McCurry
Representative Joe McKinnon
Pat Murphy
Janet Bradley (for Niel Thomas)

OTHERS IN ATTENDANCE

Darlene Howard

Marcella Stutte
Bridge Design Section
Div. of Highway Design and Construction
Dept. of Transportation and Public Facilities

I went to work for the old Dept. of Highways in 1968. After working for over five years I became seriously ill and left work. After my sick leave ran out, I resigned because I thought I had to. After a two year recovery period, I went back to work for the Department of Highways in my old job, in my old grade and in step F where I was when I resigned. I thought I was returning to the position and status I had before I became ill. It was the intention of my employing department to rehire me under the circumstances that existed prior to my leaving. Later I was told that because of the wording of the Alaska Statutes

"Sec. 39.27.022. Pay increments for longevity in state service. (a) Pay increments, computed at the rate of 3.75 per cent of the employee's base salary, shall be provided for an employee after he has remained in the final step within a given range for two years, provided that the employee has worked continuously for the state for seven years and provided that his current annual rating by his supervisors is designated as "good" or higher."

I would be ineligible for longevity increases for a period of seven years.

I have been back at work for 3 1/2 years and have not received a longevity increase although my evaluations are outstanding.

I don't believe this is fair. Had anyone realized the significance at the time of my resigning, of this situation, I may have been permitted LWOP during my illness and would not have inadvertently lost my eligibility.

What recourse do I have to correct this inequity?

Submitted to the Blue Ribbon Commission on the
Personnel Act at its meeting on Feb. 15, 1979
by Carl Nelson, Console Operator 2, Data
Processing, Dept. of Administration.

The attached questionnaire has been prepared by the Data Processing Job Classification Task Force. The Task Force was organized to draft a complete set of new flexible, modern, well-defined data processing job classifications. In order to accomplish this, we need your input.

The questionnaire has been designed to help identify the various kinds and complexity of data processing oriented work. It covers the range of activities from entry level to data processing managerial functions. Clearly, not all items will relate to you and your work. Please read each item carefully and, if it applies, answer it as accurately as possible. If it does not apply, indicate so and go on to the next item.

Questionnaires should be completed and returned no later than February 16, 1979 to:

Data Processing Job Classification Task Force
Attention: Carolyn Hinke
Department of Administration
Division of Personnel & Labor Relations
Pouch C
Juneau, Alaska 99811

Mail Stop 0201

Thank you for your prompt response and cooperation.

Data Processing Job Classification Task Force

Questionnaire

Name: Carl C. Nelson Job Title: DPEO II PCN: _____
Supervisor: Robert Farrell Job Title: Operations Supervisor PCN: _____
Department: Admin. Division: Data Processing
Location: 5th Floor Optis Phone: 465-2234 Date: 2-11-78

I. GENERAL QUESTIONS

The first portion of the questionnaire deals with the more general aspects of work which are likely to be found in any job.

A. General Description:

1. Describe briefly your job: Under General Direction, console operate multi-partitioned IBM CPU, high speed tape drives, high speed disk drives, high speed printers, card reader/punch, diskette reader, and peripheral equipment for timely and efficient processing of data from/for all state departments.
2. What is/are your major task(s) occupying 20% or more of your time?
60% Monitoring CPU. Listening, watching, analyzing instructions and error messages, error lights and any unusual conditions.
25% each; Retrieving tapes, mounting, dismounting, filing, printing and distributing standard and/or special forms.
3. What title do you feel best describes your work?
Operations Supervisor, Lead or Shift Supervisor

B. Supervision Received:

1. Describe the kind of guidance and/or instructions you receive with assignments (how specific, how detailed, how much discretion do you have in following guidance or devising your own methods, etc.):
During our 12.5 hour prime shift, we receive priority slips for those jobs needing special handling and quick turnaround. Since there are numerous other priority slips throughout the day, they are handled & processed by the discretion of the console operator due to the needs of the job. Example; estimated run time, number of tape and/or disk drives needed, special disk packs, tapewriter, etc... Upon occasion, we do receive special instructions, from technical services, for upgrading the system to handle new needs or to correct existing problems.

2. What, if anything, does your supervisor do to your work before you receive it?
He may, from time to time, check and see how much processing time certain jobs may require. Otherwise, he does nothing.
3. Is your work reviewed while in progress?
No.
4. What does your supervisor do to your work when it is completed?
He only reviews "Problem Reports" if there are any.
5. Who, besides your supervisor, influences your work (technical aspects, staff advisors, outside consultants, etc.)? How? Some 200 outside terminal users via on-line access to CPU. Phone calls from users for information on completed or currently processing jobs. IBM CE Technicians working on system hardware problems. Technical services working on system software problems. Last two may require the entire system, at times, to correct existing problems.

C. Guidelines

1. Describe the guidelines available to you, such as prescribed work practices, policies, procedures, rules, regulations, precedents, etc. IBM owns manual for specific components that covers CPU problems in its entirety. Technical services bulletins. Random special procedures, memos from management/supervisory personnel. Very often, verbal information/instruction from one individual to another, from shift to shift.
2. In what form are the guidelines? (verbal, desk manual, reference books, statutes, procedures manual, etc.)
90% Verbal instructions (as mentioned #1 above).
25% IBM Technical Bulletins and/or Reference manuals
Technical Service Bulletins and/or memos.
10% Everything else.
3. Are the guidelines for your job clear and specific so that it is relatively easy to identify which is applicable to each assignment, task, question or the like?
No. As mentioned in item #1 and #2 above, 90% of our guidelines are verbal from one individual to another, from shift to shift. So, to answer this question, there is no standard procedure, we run and expect spur of the moment changes in so-called established procedures.

D. Problem Solving

See Attached

1. Describe briefly some typical problems you encounter in your work and how you solve them. Power outage, which is very common in Juneau. Entire system is down and manually brought back up when power service is available. Hardware problems with device units (Tape, disk drives, etc...). These units are manually deiced off-line and repaired by IBM CE Technicians and
2. Do you have a choice of methods for doing your work, assigning priorities, etc? If yes, describe how you decide how, when and what you will do. Yes. Availability of time, importance of the job, the need of tape and/or disk drives, are all major factors in determining priorities for processing jobs. When the system is able to handle these needs, we release jobs for processing.
- 3a. Describe your most responsible or judgmental task.
See I A 2 answer under General Description. Page 2.
- b. How often does it occur? Monitoring the system is a very important factor and responsibility. Since there are five partitions, many jobs do require a response from the console operator and if he is not aware of the current status of each partition, time can be wasted if no response is made.
- 4a. What is the most critical error you could make in your work and its consequences? ① Accidentally pull "Emergency Stop" switch on CPU or power supply causing lost user time. ② Mounting wrong tape as output/input during production run. Destroys valuable data or wrong data input into job stream. ③ Print incorrect warrant numbers on pre-printed warrant forms.
- b. Who would be likely to catch the error?
I would catch the error or my co-worker would catch it.
- c. How would it be corrected? ① System powered back up and made available again to all users. ② Message from console would indicate a wrong tape mounted, operator would correct this error and continue processing. ③ Console operator would visually check pre-numbered forms before continuing.
- d. What are the chances of an error such as this happening?
① It has happened once. The switch in question is located in a very bad place. The chances of this happening again are very slim. ② This one happens quite often do to previous jobs canceling and thus those tapes are still mounted. An error message does occur and the operator can correct it, but there is a small chance of it happening. ③ Again, this has happened once before and since this is visually checked, chances of this happening are very slim.

See Attached

5. What responsibility do you have for making recommendations, decisions or commitments that determine or affect plans, programs, policies, procedures, etc? Give examples. Since the console operator has complete control of the system, we often make recommendation to our supervisor on handling procedures which would better serve all users, be more efficient and most practical. 99% of the time, no action is taken on our recommendations. We generally make our own decisions on jobs having bad data or erroneous messages.

E. Supervisory Responsibility (If you do not supervise, go on to item F)

1. List the positions you directly supervise:

<u>No. of Positions</u>	<u>Title</u>
1	DPEO I
1	Peripheral Equip. Optr.

2. Do some of these positions in turn supervise others?
No.

3. Briefly, what is the general purpose or function of the unit you supervise?

Senior Console Operator
Console Operator I
Peripheral Operator

To further answer this question, see IA 1, Page 2.

4. As a supervisor, I (circle appropriate number):

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
Interview job applicants	(1)	2	3	4
Hire employees	(1)	2	3	4
Evaluate employees	1	(2)	3	4
Promote employees (to a higher position I also supervise)	(1)	2	3	4
Transfer employees (to a position at the same salary I also supervise)	(1)	2	3	4
Suspend employees	(1)	2	3	4
Discharge employees	(1)	2	3	4
Settle grievances	(1)	2	3	4
Reassign duties	(1)	2	3	4
Train employees	1	2	(3)	4
Explain, interpret policy, procedure	1	2	3	(4)
Set work objectives/performance standards	1	2	3	(4)
Ensure timely work flow	1	2	3	(4)
Ensure the quality of work	1	2	3	(4)
Devise new procedures/work methods	1	2	(3)	4
Assess/plan for future personnel needs	1	(2)	3	4

1 = Does not apply.

2 = Recommend - you independently decide what is needed, gather all information, present it to your supervisor with a specific suggestion as to what should be done. Your supervisor takes the official action.

3 = Prior Approval - as described above BUT you take the official action once your supervisor has approved your doing so.

4 = Inform Supervisor - you gather information, make a decision, and take official action, informing your supervisor afterward of what you have done or how you have handled a problem.

5. What amount of your time is spent doing much the same work as your staff? 95 %
6. What amount of your time is spent doing non-supervisory work that is not similar to that of your staff? 0 %
- Briefly, what are these tasks?

7. To what extent are you held accountable for the work of your staff?
At all times, 100 %

F. Managerial Duties

1. Describe the role you play in planning for needs such as personnel, supply, equipment, etc.
2. What are your budgetary/fiscal responsibilities?
3. What is your participation in long-range planning, establishing goals and objectives, etc.?
4. What responsibilities have you for evaluating the progress toward meeting goals/objectives and in devising/implementing measures to ensure their accomplishment?

5. What studies, such as organization, methods, cost analysis, work simplification, etc., have you participated in during the past year? What was the extent of your participation?
6. For what kind and size of organizational unit do you perform the above managerial functions?

G. Job Requirements

- I. Winter is here and you cannot face another Taku wind. You requested and were granted an extended leave of absence, and you have set your sights on a warm sunny beach. Before you go, you are to personally pick a replacement for your job. Describe what you would look for in choosing your replacement. The individual must have at least five years of experience. Knowledge of the following:
 1. Multi-programming.
 2. Remote job entry system.
 3. Handling 3705 Terminal users.
 4. Knowledge of batch processing under POWER/DOS/VS.
 5. CICS System.
 6. 2540 Reader/punch.
 7. 2311, 2314 printers.
 8. 2401, 3420 Tape Drives.
 9. 3340, 3344, 3350 Disk Drives.
 10. Willingness to work 12.5 hour shift, day or night, seven on and seven off.
 11. Ability to lift heavy objects, often.
 12. Ability to respond intelligently to outside users.
 13. Ability to work diligently and take supervision.
- II. The next portion of the questionnaire deals with specific data processing related tasks. Please circle the appropriate letter which you feel best describes how often you become involved in each activity. Many of the statements may not apply to your job. Once again, read them carefully and if they do not apply, circle "a" (never) and go on to the next statement.
 14. Willingness to get clothes dirty or torn.
 15. Willingness to accept scratches, cuts or bruises.

Never	Rarely	Occasionally	Frequently	Very Often
a	b	c	d	e

1. I key data from source documents for subsequent batch processing by computer (if "never" go to #2).

a b c d e

a. I operate an IBM 029

a b c d e

b. I operate an IBM 129

a b c d e

c. I operate an IBM 3742

a b c d e

d. I operate Mohawk

a b c d e

e. I operate other: _____

a b c d e

f. I key verify similar data of other operators.

a b c d e 2.

I key source data that is immediately processed by a computer in an on-line/teleprocessing environment. (If "never" go to #3)

a b c d e

a. I operate an IBM 327x CRT

a b c d e

b. I operate a SuperBee

a b c d e

c. I operate other: _____

a b c d e 3.

I am required to make independent decisions based on the information required in the source document. (If "never", go to #4)

a b c d e

a. I decide to accept or reject the document.

a b c d e

b. I decide to flag the record for audit

a b c d e

c. I can change a field on the document.

a b c d e

d. I can contact the user.

a b c d e

e. Other: _____

a b c d e 4.

I prepare drum cards/programs for the control of keying a series of documents.

Never
Rarely
Occasionally
Frequently
Very Often

- (a) b c d e 5. Estimate number of different document types you key data from (a = less than 10; b = 10-20; c = 20-50; d = 50-75; e = more than 75).
- (a) b c d e 6. Estimate the daily record volume you key. (a = 100; b = 250; c = 500; d = 750; e = 1,000)
- (a) b c d e 7. I perform control scheduling and distribution functions for production computer operations and data entry.
- (a) b c d e 8. I receive and log source documents from users to be keyed for later computer processing.
- (a) b c d e 9. I schedule and stage (set up) production computer job streams, including JCL for those job streams.
- a b (c) d e 10. I take action, in conjunction with the user, to resolve schedule disruptions or run failures.
- a b c d (e) 11. Based on predetermined scheduling instructions, I establish job stream priorities.
- a (b) c d e 12. I refer to a computer console log to resolve job stream problems.
13. I work with the following computer systems:
- a b c d (e) a. IBM 370 series.
- (a) b c d e b. IBM 360 series.
- a b c d (e) c. Other IBM 370, 3031
- a b c (d) e 14. I run utility programs upon user request or as needed to aid scheduling.
- (a) b c d e 15. I routinely, as a primary function of my job, complete source documents for computer processing.

Never
Rarely
Occasionally
Frequently
Very Often

(a) b c d e 16. I proof, balance, and correct computer results and source input prior to the return of those results to the user.

(a) b c d e 17. I act as data control liaison between my agency and the data center which does our computer processing.

a b c d (e) 18. I operate a computer with a central processing unit and attach peripherals. (If "never", go to #19).

a. The equipment I operate is described as:

	Make	Model	Operating System	# of Partitions	Console Attach YES
a b c d (e)	IBM	145	370	4	yes
a b c d (e)	IBM	3431	370	5	yes
a b c d e					
a b c d e					

a b c d (e) 19. I direct other operators in optimizing the work flow of the computer and, as such, act as a console or lead operator.

20. I operate the following attached computer peripherals: (if none, go to #21).

a b c d (e) a. Tape 3420, 11 Drives; 2401, 2 Drives.

a b c d (e) b. Disk 3340, 10 Drives; 3344, 6 Drives.

a b c d (e) c. Reader 2540, 1; 3505, 1.

a b c d (e) d. Printer 3311, 1; 1403, 2.

a b c d (e) e. Punch 2540, 1.

a b c d (e) f. Other: Diskette Reader

a b (c) d e 21. As a routine and major part of my job, I operate off-line equipment, distribute reports, restock supplies, and perform other computer operations support functions.

Never
Rarely
Occasionally
Frequently
Very Often

(a) b c d e 22.

I perform equipment maintenance on the CPU and peripherals beyond routine cleaning. Please describe.

a b c d (e) 23.

I operate a remote job entry station. *During Prime shift.*

(a) b c d e 24.

I supervise a node of a computer network. Please describe.

(a) b c d e 25.

I code new computer programs.

a b c (d) e 26.

I modify the code of existing computer programs. (If 25 and 26 are "never", go to #28)

27. I use the following:

a b c d e

a. BASIC

a b c d e

b. ASSEMBLER

a b c d e

c. COBOL

a b c d e

d. PL/I

a b c d e

e. RPG

a b c d e

f. FORTRAN

a b c d e

g. CICS/DMS

a b c d e

h. EASYTRIEVE

a b c d e

i. SPSS

a b c d e

j. LIBRARIAN

(d)
(c)

k. Ditto

L. EREP

Ditto is used quite frequently during Prime shift.

EREP is used on occasion to help determine hardware problems. This helps the IBM CE Technicians to zero in on problem areas

- | | Never | Rarely | Occasionally | Frequently | Very Often | | |
|-----|-------|--------|--------------|------------|------------|---|--|
| (a) | b | c | d | e | <u>28.</u> | I install and maintain computer operating systems along with vendor supplied proprietary software packages. | |
| (a) | b | c | d | e | <u>29.</u> | I interview users to determine their data processing requirements. | |
| (a) | b | c | d | e | <u>30.</u> | I prepare preliminary study reports. | |
| (a) | b | c | d | e | <u>31.</u> | I develop general systems designs. | |
| (a) | b | c | d | e | <u>32.</u> | I develop detail systems designs. | |
| (a) | b | c | d | e | <u>33.</u> | I develop PERT/CPM or Gaant Charts for project control. | |
| (a) | b | c | d | e | <u>34.</u> | I perform routine maintenance analysis on existing systems. | |
| (a) | b | c | d | e | <u>35.</u> | I manage information system contracts. | |
| (a) | b | c | d | e | <u>36.</u> | I conduct user training classes. | |
| (a) | b | c | d | e | <u>37.</u> | I have project control over systems analysts and programmers. | |
| a | b | (c) | d | e | <u>38.</u> | I provide technical advice to my managers or supervisors. | |