

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILE 8672

1355 SCOMM 51; BLUE RIBBON COMN. ON STATE PERSONNEL ACT 1978-1983

III. The last portion of this questionnaire is for you to provide any additional information which you feel is important or in need of special emphasis.

- A. Describe briefly those aspects of your job which have not been covered in this questionnaire. *Danger in extremely high voltage equipment. Extremely high pressure (constantly!), from our Supervisory/Management personnel, to get the work completed and out from yet a never ending backlog!*
- B. Is there anything about your job you think needs special emphasis? *12.5 hour shift, seven days on seven days off. We are on our feet 90% of the time. We lift heavy paper boxes. Lighting is very poor. Extremely high paper dust in the air. Extremely high noise volume in the working area. And most important, the console operator is looked upon only as a button pusher. He is not!!!*
- C. Do you have any other comments or suggestions? *pusher. He is not!!!*

*See page 3
C 1, 2 & 3.
last
reference*

Yes.

My main concern is for all operation personnel. The employee morale is extremely low and has been since 1972 when Mr. Warren Endicott, then Director of Data Processing, stated that the console operators ^{were} over paid. He recommended a down grade of two pay ranges and Personnel carried his say so through. We were the only ones affected in the entire Division of Data Processing. I personally feel that this action was wrong and unjust. Since then, our duties and responsibilities as console operators have increased substantially and we have, since that time, been requesting a job reclassification to reflect a salary equal to these demands. On two separate occasions we have filled out "P402's" and we were never informed about the results. All we are ever told, from management "we are working on it." They have been working on it for the last five years! Now here we are again filling out this questionnaire, are we again going to get the same results?

(See Attached)

D. Problem Solving: Page 4

1. Continued:

brought back in-line when the problem is resolved. When these units are taken off-line, we have to work around them and run only jobs that will not be affected by the shortage of those units. JCL errors within programmer's job stream, console operator has 99% effectiveness in manual correction and thus saves the state many dollars in computer run time.

D. Problem Solving: Page 5

5. Continued:

As for plans, programs, policies and procedures, we are always able to give input. But we face the 99% no action. Any changes affecting both the Console Operator Monitor and the user, the user comes out on top. Example: Changing priority jobs to a special class to enable quick accessibility by the Console Operator. This recommendation has not as yet been enforced.

Continued:

Personally, I am one employee who is very disappointed. Since the action taken in 1972, I have only received one (ONE!) merit increase! During my last evaluation several months ago, my supervisor informed me that I was due for my merit increase. I was really looking forward to it, but Personnel returned my evaluation form indicating that I was not eligible until 1981. I want you to know that I have only received one merit increase in nine years! Is this how good, loyal, dependable, hard-working employees are to be treated? I want to know what is going to be done about it! Is this questionnaire going to resolve it? This may not be of any concern to you, but it is to me. I am a single parent of two school age children and I find it very difficult to meet my expenses from month to month. I am currently working on my twentieth year for the state. Do I have anything to look forward to?

As I have previously mentioned of the action taken in 1972, our duties and responsibilities have increased substantially. We have worked under continuous upgrading of new sophisticated IBM equipment, the IBM 360/40, IBM 370/40, IBM 370/50, and now most recent IBM 370/3031 which has numerous features. Under each of these models, multi-programming has increased, workload has increased and above all the duties and responsibilities of the console operator has increased.

In multi-programming, there are five jobs occupying at all times. The console operator must be aware of what he is doing at all times, any wrong response could be fatal. In reference to workload, we have nearly 200 terminal outside users who have access to our system and submit jobs for processing. We handle, on the average, 300 plus jobs during any given day. I mention all this because it gives me the basis for making the following recommendations and I might add, they most certainly need to be implemented. We need the following positions with indicated pay range:

Console Operator Trainee	Range	11
Console Operator I	Range	13
Console Operator II	Range	15
Console Operator III	Range	17
Shift Supervisor	Range	19
Operations Supervisor	Range	21
Operations Manager	Range	23

The Shift Supervisor is needed to aid operation's personnel and relieve other pressing matters from the Operations Supervisor and would be directly under him. The Console Operator III position also is needed, three operators should be on shift at all times to handle the workload, two can not handle it properly to keep up the needs of the system.

I want to reiterate that the duties and responsibilities of the console operator have increased at least 400% and expect it to increase again in the near future with the addition of OS installed in the IBM 370/3031. I don't think that my recommendation is ridiculous or unjustified. If anything, upgrading our positions should be granted and made retro-active due to the difficulties we have had in the past in requesting such action. We are not button pushers, we are the backbone of the state and most certainly deserve equal pay for equal work. I rest my case!

Thank you for hearing me out.

BLUE RIBBON COMMISSION HEARING
Anchorage Historical Museum
January 27, 1979

MINUTES

Don Fisher, Vice Chairman, called the meeting to order and invited public testimony.

PUBLIC TESTIMONY

Daniel DeNardo, a Revenue Auditor with the Anchorage Office of the Department of Revenue, read a prepared statement regarding violations of state Personnel Rules. (Attached is a copy of Mr. DeNardo's statement with supporting documentation.)

Don Fisher suggested that the situation presented by Mr. DeNardo warranted further review by the Ombudsman's Office. Ken Spray suggested that because of the legal implications, Mr. DeNardo should bring the matter to the District Attorney's attention.

Ann Lacey, an employee of eight years with the Alaska Transportation Commission, presented problems she has experienced after being placed in a word processing center. Since 1974, Ms. Lacey had been a Secretary I at salary range 10. She has recently been placed in a word processing center, which is the equivalent of a typing pool. Employees in the center are graded on the type of work being done on a minute-by-minute basis. The supervisors assign work to each typist, and points vary for different types of assignments. This leaves the supervisor with substantial control over how many points an employee can obtain. Ms. Lacey pointed out that the work could be compared to that of a Clerk Typist. She started working 11 years ago as a Clerk Stenographer III, and feels that by being placed in the word processing center, her position has been downgraded.

Ms. Lacey stated that though she is on several registers, she has never been offered an interview for a position. She was on the register for the position of Word Processing Supervisor, but another applicant from the same range and classification was appointed. Ms. Lacey stated that the individual hired was informed of the expected vacancy and given an opportunity to take courses relating to the position. The individual was thus able to get on a promotional list for the position, even though possessing less time and experience with the state.

Darlene Howard explained that classifications at the clerical level have recently been altered to Correspondence Secretary and Administrative Technician levels to accommodate the word processing system. With the assistance of IBM, a matrix of positions was developed. Values were given to various forms of typing on piece-rate basis for work flow and count factors. Grounds for promotion and demotion are based on the points a typist earns, which are figured by multiplying the time spent in typing a particular item by the difficulty factor assigned to that type of

work. A supervisor can therefore control the points available to each typist, by the assignment of high or low-value work. As the use of word processing centers expands, morale problems may develop.

The state justifies shifting to a word processing system by pointing out that with such a system, specialized equipment can be used, typing time can be expedited and greater accuracy can be provided. However, only one specialized unit is in use in the Juneau center. All of the other centers are supplied with Mag Card II's, which are commonly used in all state offices. Despite this lack of specialized units, salary ranges of word processing employees are not comparable to those of clerical and secretarial employees using the same equipment.

Questions arise in regard to career ladders for word processing employees. They are no longer exposed to the day-to-day management of the programs for which they type, and therefore have less opportunity to learn the operation of those programs. Thus, they are less likely to be able to advance beyond the secretarial/clerical level.

Pat Hunt explained that the Division of Personnel and Labor Relations has been closely involved in the development of the word processing centers. The idea originates as a management decision, and the Division is responsible for the reclassification of the positions affected.

Pat Murphy asked how eligibility lists are used in hiring for word processing centers: Are applicants competing on registers for word processing center classifications or are they being transferred? Pat Hunt gave an example of seven positions taken out of the Division of Personnel's budget and placed in the word processing center. Pat Murphy commented that the system is in the process of being implemented within other departments. He believes this will affect employees state-wide.

Niel Thomas suggested that the Commission request information from John Mitchell, Word Processing Specialist with the Department of Administration. Don Fisher added that he would be interested in knowing how the supervisor Ms. Lacey referred to was selected.

Fred Jones, Director of the Department of Employee Relations for the Municipality of Anchorage, testified on the structure of the Department of Employee Relations at the request of the Commission.

Prior to the creation of the department, the Municipality of Anchorage had a division of personnel, but did not employ

staff for its labor relation's activity. The Municipality contracted with private attorneys to handle its labor negotiations and grievance proceedings.

In June of 1977, the Mayor formed the Department of Employee Relations, consisting of the personnel division and adding a labor relations staff. Each of the major divisions report directly to Mr. Jones. He listed the divisions as: recruitment, examination, compensation, records, benefits, training, plans and programs (which is headed by the former personnel director) and labor relations. The Municipality has found that this system offers flexibility while maintaining control. The personnel functions and labor relations are combined because of the close relationship of the issues for which they are responsible. He indicated that 87% of the employees of the Municipality are covered by collective bargaining agreements. Mr. Jones, as head of the department, reports directly to the Mayor. This structure is similar to that of those organizations for which he has worked in private industry. This direct line to the chief executive is especially critical in the labor relations area.

Pat Hunt asked if the Municipality has a personnel ordinance. Mr. Jones replied that there is a labor relations ordinance that covers all aspects of labor relations as well as creating an Employee Relations Board. The Municipality chose to adopt its own system rather than be covered by the state's system.

The Employee Relations Board has functions similar to the National Labor Relations Board. Representative Buchholdt questioned what had been gained by opting out of the state system and adopting the present ordinance. Mr. Jones responded that matters can be handled more expeditiously with the Municipality's own system. Department heads are informed of the structure of the Employee Relations Department through a manual prepared on the subject. An Employee Relations manual is also being prepared.

The Municipality is obligated to provide for a merit system by statute. Personnel rules are in the form of an ordinance. Prior to the creation of the new department, the Municipality had various regulations.

Pat Hunt asked whether user departments have personnel officers. Mr. Jones replied negatively. The personnel division and department heads interface, and if a problem in personnel arises, it is brought to the attention of the division head. Niel Thomas explained that the Commission is considering the decentralization of unique job classes and asked for Mr. Jones' thoughts on the subject. Mr. Jones stated that this might lead to problems in proper control and that he is a believer in centralized authority for consistency in personnel and labor rela-

tions.

Mr. Thomas asked if the Department of Employee Relations has a defined audit function. Mr. Jones stated that the Municipality has centralized headquarters to maintain the consistent application of personnel rules and labor contract provisions. Mr. Thomas expressed interest in where the internal equal employment opportunity function was placed. Mr. Jones responded that it is located in a separate department. There is question as to where the function should be placed. He believes that it should be within personnel and labor relations, but it may be placed in the legal department.

Representative McKinnon asked what the application process is. Mr. Jones explained that there is a regular screening and examination process depending on types of positions. Police and Fire Department applicants are subject to sophisticated testing programs. For other positions, the personnel division screens and matches qualifications of applicants with job specification requests. An eligibility list is then created. This list is referred to departments or divisions for interviewing and hiring. Representative McKinnon asked how long it takes for an applicant to be rated and placed on the list. Mr. Jones said that this would depend on the number of applications received for the position. A vacant position must be posted internally for seven days prior to recruiting. If there is no response from Municipality employees, an eligibility list is usually created and issued within three days. Mr. Jones emphasized that there are hiring halls covering two large organizations that supply qualified applicants within 24 hours.

In answer to Mr. Hunt's questions on the Municipality's recruitment practices, Mr. Jones indicated that most of the applicants for positions with the Municipality live in the immediate area. Very few applications are mailed to the department. When the Municipality has to look outside its immediate area to fill a position, as is the case with the present opening for a Director of Public Works, the process for filling a position takes considerably longer. Typically when an individual applies for work with the Municipality, he is interviewed by one of the well-trained examiners who evaluate the skills of the applicant against criteria supplied by the departments on the job. The city does not solicit applications for positions in which it has no openings, although it does maintain active applicant files.

Mr. Spray questioned whether there were any changes made in regard to personnel plans and programs. Mr. Jones replied that procedures have been implemented that were not formerly a part of recruitment and training. As an example, the Personnel Director has created an employee handbook and is working on an

employee relations manual for supervisors.

Mr. Spray requested information on arbitration caseloads. Mr. Jones responded that in 1978, there were a total of 19 cases recorded for 3,000 Municipality employees. Mr. Spray explained that Local 71 had approximately 50 to 60 arbitration cases last year, out of 1,500 members. Mr. Jones commented that the percentage seemed high.

Mr. Spray asked how Mr. Jones would prepare for negotiations on new contracts. Mr. Jones responded that the personnel division would be contacted for statistics and technical information. Otherwise, data is gathered from each user department head on possible improvements, refinements, changes, etc. The negotiating committee consists of various members: labor relations, plans and programs, compensation and classification staff.

Don Fisher asked if the Municipality uses a large number of tests for evaluating applicants. Mr. Jones stated that tests are given to typists, and police and fire department applicants only. He believes that testing should be given only to entry-level and clerical applicants. All others can be evaluated by performing reference checks. John Pugh asked whether there is a requirement to choose from the top five applicants on eligibility lists. Mr. Jones replied that there is a maximum of five applicants on the lists sent to departments. The applicants are not ranked and the department can hire anyone on the list. Don Fisher questioned what reason would be given for rejection of an entire list. Mr. Jones answered that a position can be reannounced, in which case a new list of five applicants would be sent to the department. Reasons would have to be based on in-depth review with the specifics and unique requirements of the job taken into account.

Darlene Howard asked what type of methodology is used to determine who is best qualified and which names should be sent to departments. Mr. Jones replied that interviewers are supplied with in-depth descriptions on each position. There are minimum qualifications that each applicant must meet. Once this is determined, they are matched up with job specifications. The skill of the interviewer is the key. Subjective evaluation is used by the interviewers, and the final selection is made by the user departments.

In answer to a question from Mr. Spray, Mr. Jones explained that all appeals from employees are handled by the labor relations staff, whether or not the employee is a union member. The personnel staff may become involved to answer questions or to provide statistical help.

Ken Humphreys asked how many staff members are in the Employee Relations Department to handle 3,00 employees and how many applications are processed each year. Mr. Jones stated that there are 22 staff members, and approximately 5,000 applications are processed annually.

Darlene Howard asked whether an individual who is not selected as one of the top five for a position can appeal. Mr. Jones replied that any appeal would be made directly to him and that there would be many recourse actions available.

Niel Thomas questioned how new positions are created. Mr. Jones explained that two forms are used (P1 and P2) supplying a description of the actual job functions, which are submitted to Classification and Compensation for review. Once approved, the forms are sent to the Office of Budget and Management and then on to the Mayor. The process is not limited to budget time, but is usually heavier during the beginning of the fiscal year. Mr. Jones also stated that he does not recommend the use of temporaries and cannot understand why the state's classification process takes so long.

Pat Hunt asked who would be responsible for drafting job descriptions for each position. Mr. Jones responded that this is the responsibility of the Compensation and Classification Section. Position descriptions are prepared based on input from departments (P1 and P2 forms) that is included with a supervisor's request.

Ardith Healan, a Park Technician I with the Department of Natural Resources, presented testimony regarding her experiences working in the CETA program. She explained that to become a Park Technician requires certification on a CETA eligibility list. In order to get on the CETA list, an individual must be unemployed for four months. This seems contrary to the goal of the program, which is to reduce unemployment. Ms. Healan mentioned that there is a general concern of departmental employees that \$16.00 monthly union dues are being charged unfairly. Don Fisher pointed out that federally funded CETA programs are classified as temporary positions by the state.

Pat Murphy commented that CETA employees are being used to supplant permanent employees, rather than to supplement the permanent work force. There is a state register for Park Technician I's, but the department has decided not to request positions in that class, since CETA workers are available. Ms. Healan is on the state's register, the application and certification process having taken 15 weeks, yet cannot be hired in that job capacity unless as a CETA.

Ms. Healan also pointed out salary inequities. She is earn-

ing \$1,128 monthly (\$6.90 hourly) as a CETA Park Technician yet Park Rangers doing the same tasks are earning \$10.00 hourly. Ken Spray added that at the same time, CETA employees are being told that the basis of the program is to help individuals find permanent positions. Niel Thomas stated that federal money is allocated for a certain period of time to help make applicants more competitive for permanent positions. He added that CETA's cannot receive preference over permanent employees. Mr. Spray pointed out that departments make a commitment to train and retain a certain percentage of CETA's as permanent employees. Ms. Healan stated that almost everyone in her department is a CETA employee.

Lynne Woods, the Executive Director of the Alaska Commission on the Status of Women, presented testimony on pertinent sections from the Preliminary Study: The Status of Women in Alaska. (Copies may be obtained from the Human Rights Commission.) She explained that the Commission is in the process of recommending status and implementing guidelines on the roles of women and minorities in the Alaska state system. A report is to be released in April.

Representative Buchholdt commented that the draft report on the U.S. Civil Rights Commission suggests that the Blue Ribbon Commission will address the subject of equal opportunity employment and affirmative action. However, Senator Ray mentioned that the Commission will not address these topics. Don Fisher suggested that the concept of incorporating studies on EEO and affirmative action could be included in discussion of merit system principles and hiring from state registers. Niel Thomas stated that there are a variety of approaches in allowing for EEO and affirmative action hire. He cited the following as examples: (1) selective certification - giving priority consideration to minorities. (2) increasing bands of certification to encompass more applicants. Mr. Thomas suggested that one way to address the topic would be to suggest that the Certification, Classification and Recruitment Subcommittee research the options available. Mr. Thomas informed the Commission of an existing Attorney General's opinions on EEO and affirmative action hiring practices.

Ms. Woods said that she had heard of sex discrimination within the state. As an example, she mentioned hearing of women in the state working at range 16 through 20 who are responsible for the same functions as men at range 24 through 26.

Beverly McCartney, an employee with Community and Regional Affairs, testified regarding problems with CETA programs. She believes that permanent positions are filled by CETA employees because they are less expensive to the state and departments are

unable to identify funding for permanent positions.

As a solution, Ms. McCartney suggested that rules be adopted to allow a department to fill a position with a CETA employee only once.

Al Carson, Deputy Director of the Division of Lands, Department of Natural Resources, presented a written statement on two areas of major concern: The state's hiring procedures and the use of temporary employees. (Attached is a copy of Mr. Carson's testimony.)

Don Fisher, in response to Mr. Carson's testimony, asked who should be responsible for deciding on the qualifications of an applicant if they are not ranked. He added that the state is required to abide by merit principles. Mr. Carson responded that presently, an applicant must be hired from the top five and justification must be supplied for not hiring within that group. Scoring the abilities of applicants does not accurately relate to job requirements. Mr. Carson added that he has worked with Ken Kareen in the Division of Personnel trying to make the system work. Mr. Carson stated that individuals in the top five are there because of longevity of service within the state and are not the type of people he wishes to hire. Don Fisher suggested that a system to develop criteria based on input from program managers would identify special job requirements and reliability of tests.

Richard LeFevere and Claude Hoffman (a Cadastral Engineer), both employees of the Department of Natural Resources, presented testimony to Commission members. Discussion revolved around registers that are classified too broadly and do not take into account special qualifications necessary for positions in the Department of Natural Resources. Mr. LeFevere suggested that program managers hire temporaries to extend the probationary period and to circumvent registers to hire individuals most qualified for particular positions.

MEETING SCHEDULES

The Commission decided to hold subcommittee work sessions in Juneau on February 5 and 6.

IN ATTENDANCE

Don Fisher, Vice Chairman
Pat Hunt (for Commissioner Allen)
Representative Thelma Buchholdt
Ken Humphreys (for Myrt Charney)
Paddy Moriarity (for Frank Flavin)
Ken Kareen (for Pat Hunt)
Lynda McCurry
John Pugh
Ken Spray
Niel Thomas
Pat Murphy

OTHERS IN ATTENDANCE

Darlene Howard

STATE
of ALASKA**MEMORANDUM**

TO: Blue Ribbon Commission on the Personnel Act
Chairman: Senator Bill Ray

DATE : 27 January, 1979

FROM: Daniel DeNardo
Revenue Auditor
Department of Revenue
Anchorage Office

SUBJECT: Violations of Personnel
Rules and State Law

I would like to thank the Blue Ribbon Commission on the Personnel Act for the opportunity of addressing them on serious violations of the State Personnel Rules that have been and are now taking place in the Department of Revenue.

My name is Daniel DeNardo and I am employed as a revenue field auditor by the Department of Revenue. I have been employed by the department since 1974 with a break in service for the period April-October 1978.

I have direct knowledge of the facts I will present and they are all documented. The Blue Ribbon Commission presents a unique opportunity that insures action will be taken to correct the grave violations that have been perpetrated. The scope of the facts presented will be confined to those people still employed by the Department of Revenue.

Case No. 1. In 1975 when the Department of Revenue was located at 509 3rd Avenue, a business license number 56874 was taken out under the name Aardvark Interiors of Alaska. The applicants were Larry Williams, Louis E. Nelson, and Mrs. Donna Crawford. All three were revenue auditors.

Mr. Nelson and Mrs. Donna Crawford are ^{still}~~still~~ employed by the Department of Revenue in the Petroleum Revenue Division.

The purpose of the business license was to allow the principals of Aardvark to award themselves a contract for remodeling work of the audit division office at 509 3rd Ave. The remodeling was performed by Aardvark and reimbursement was granted by Gary Jenkins, Audit Director.

No prior approval by the Commissioner of Administration was granted. These actions are in violation of Rule:

- 13.15-Purchases of Commodities and Services
- 13.16-Conflicts of Interests -
- 13.18-Penalties
- 13.18.1-Action to be taken by the Director
- 11.05.1-Dismissal for violation of Rule 13

In these violations there was complicity upon the part of management and full knowledge of the personnel rules violated.

Mr. Williams has left State employment but Mr. Nelson and Mrs. Crawford are still employed by the Department of Revenue in the Petroleum Tax Division.

Case No. 2. Mr. Louis E. Nelson and Mrs. Donna Crawford continually violated State personnel rules by leaving the State Revenue office for extended periods on unofficial business. Many times these extended periods were spent consuming alcoholic drinks at various bars.

These numerous and continual violations also included returning to the State office in an intoxicated condition both during and after business hours.

These violations have occurred over an extended period of time since 1975 and still continue.

These facts were brought to the attention of the Department of Revenue at a grievance hearing in March 1973 in the Diane Painter vs. Louis Nelson case. Mr. John Messenger, Deputy Commissioner of Revenue was in attendance.

Case No. 3. Mr. Nelson was in violation of State of Alaska and Federal law by keeping a secret file on Mrs. Diane Painter. Mr. Messenger so informed Mr. Nelson at the March 1978 hearing. Mr. Nelson was given a new supervisory position in the Petroleum Revenue Division.

Case No. 4. On an audit trip to California in the summer of 1976, circumstances led to the cancellation of a scheduled audit which Mr. Nelson did not report but instead took a weeks leave before proceeding to Los Angeles for the next scheduled audit. Mr. Nelson applied for and received per diem and never submitted a leave slip.

This is a violation of the fraud Statutes and Personnel Rules.

Case No. 5. Gross violations by revenue auditors and management in the fraudulent misuse of travel funds have come to my attention. Because of the location of the records in Juneau, I do not have access to them. I would be willing to sit with the Commission and share what I know.

The grave abuses and violations I have presented are known to the management of the Department of Revenue in particular Mr. Gary Jenkins-Director of Audit, Mr. Thomas Williams-Director of Petroleum Revenue, Mr. Mike McCormick-Director of Enforcement, and Mr. John Messenger-Deputy Commissioner.

It should be reprehensible to the citizens of Alaska that an agency given the responsibility of enforcing law should be operating on another set of principles.

With the sensitivity of the whole subject of taxes, our Alaskan citizens deserve principled, unbiased, and lawful service from those hired to serve them.

The few because of their position have put the Department of Revenue in an untenable position of enforcing the law while those in command ignore and violate the law.

Attached are memos.

A handwritten signature in cursive script, appearing to read "Daniel DeNardo".

Daniel DeNardo

MEMORANDUM

State of Alaska

TO: Thomas Williams
Director, Petroleum Revenue Division

DATE: January 19, 1979

FILE NO:

TELEPHONE NO:

FROM: Daniel DeNardo
Revenue Auditor I

SUBJECT: Inquiry to Correct Personnel
Rules Violation

This Memorandum is a request for a meeting to discuss the action to be taken in rectifying the placement of an individual in our Division who has seriously violated State of Alaska Personnel Rules while employed by the State Department of Revenue.

STATE
of ALASKA

MEMORANDUM

TO: Daniel DeNardo
Revenue Field Auditor I
Petroleum Revenue Division

DATE : January 22, 1979

FROM: Thomas K. Williams *TKW*
Director
Petroleum Revenue Division

SUBJECT: Your Request for a Meeting about
Personnel Rules Violations

Your memorandum of January 19th presents allegations of serious misconduct on the part of someone in this division. However, you do not indicate who the alleged miscreant is, nor do you indicate the nature of the conduct which you assert to have been in violation of the State's personnel rules. Thus, while I do not wish you to underestimate the gravity of my concern in this matter, yet no clear course of action presents itself for me to take because of the unspecific nature of your memorandum.

On the one hand, if the misconduct has been by someone under Lou Nelson's supervision, you should raise this matter with him as your immediate supervisor, since that is the standard procedure under both the personnel rules and prudent management. The importance of talking with Lou is even greater if Lou is the person you are referring to in your memorandum. Communication in an employee-supervisor relationship is the most effective means of resolving differences in opinion, managerial style and other matters of personal incompatibility. If this fails and no resolution of such differences can be achieved through discussions with the supervisor, then is the better time to bring the difference to the attention of the supervisor's supervisor. For the higher echelon supervisor to perform his own tasks effectively, it is imperative that he ordinarily work through, not around, his subordinate supervisory staff.

On the other hand, if the misconduct has been by someone outside Lou's supervision, then you are correct to come immediately to me. If this is in fact the case, I would appreciate your giving me another memo, going into more specific detail about the misconduct. Then I can discuss it with you further in a meeting before deciding what course of action I should take.

Thank you for bringing the matter to my attention.

TKW

January 26, 1979

Tom Williams
Director, Petroleum Revenue


Dan DeNardo
Revenue Auditor

This is a response to your memo of January 22, 1979, and our conversation in your office the morning of January 24, 1979.

The course of action subscribed to by me was a confidential meeting. You chose to ignore this request as you did my verbal request for a meeting on October 23, 1978. The October 23, 1978, request was explicitly in reference to Mr. Nelson.

Your insistence on perceiving my requests as a problem of personal incompatibility is to ignore the allegations of personnel rules violations of a serious nature. To discuss and seek amendment of the violations with the violator is not my responsibility. That responsibility is explicitly given to the Director of the division.

Your comment to me in your office on January 22, 1979, referencing "Aardvark" indicated to me that you already knew about Mr. Nelson's and Mrs. Crawford's violations of the personnel rules which were of a serious nature.

Mr. Messenger should be aware of Mr. Nelson's violation of the personnel rules with regard to an employee's privacy under Federal and State law since both Mr. Messenger and of course, Mr. Nelson, were in attendance at the hearing on that and various other violations which culminated in the total reinstatement of Diane Painter.

Discussion at the hearing also focused on Mr. Nelson's and Mrs. Crawford's unauthorized absences from their place of duty while employed as tax auditors by the Department of Revenue.

It is not a case of the violations not being known, but rather a case of the failure of appointed officials to carry out the rules and regulations in an unbiased manner.

The Department of Revenue should be above reproach if we are going to enforce our Statutes and maintain compliance of the law. As public employees, this is a large part of our responsibility to the citizens of Alaska.

January 27, 1979

DEPARTMENT OF NATURAL RESOURCES STATEMENT
TO THE BLUE RIBBON COMMISSION
ON STATE EMPLOYMENT ACT

Ladies and gentlemen of the Blue Ribbon Commission,

As a representative of the Alaska Department of Natural Resources, I appreciate this opportunity to discuss two items of critical concern to both the Commission and to the Department: state hiring procedures, and the use of temporary positions. My statement will attempt to identify some of the concerns that program managers within a line agency have, and which we feel should be taken into account in this committee's deliberations and recommendations that may be made regarding changes in State Personnel Act legislation. I will identify suggested courses of action which we think would help alleviate some of the problems that have been presented to this committee and which will still allow us to accomplish the many and varied programs that we as managers are hired to do. There are several other line program managers from the Department of Natural Resources in attendance here today who may be able to answer specific questions you may have at the end of this statement.

It is important that this Commission make recommendations which retain sufficient flexibility in the hiring system to allow the program manager to make the choice as to which person he wants to hire to do the job that he or she is responsible for. In order to accomplish this, current state hiring procedures require revisions. We recommend that the Commission consider the following changes in hiring procedures:

1. That applicants no longer be ranked on hiring registers.
Applicants should meet certain minimum qualifications to get on the register, but then the program managers should be allowed to select whoever they feel best qualified for the particular vacancy's responsibilities.
2. Establish a review panel for each professional job class. The function of the panel would be to establish criteria for the job class and to hear appeals from individuals denied certification by the normal process. Individuals who are not certified as being qualified for that job class would have the ability to appeal the decision of the analyst to the review panel. The panel could consist of approximately five individuals: two representatives from the Division of Personnel, specifically the Personnel Analyst responsible for certifying eligible candidates for that job class, and the personnel supervisor responsible for that job class; two representatives either working in that job class within State government or in a similar position in the private sector; and a representative program manager who supervises people in that job class.
3. Permanent fulltime probationary personnel should be evaluated in writing on their job performance quarterly for the length of their probationary period. Quarterly evaluations will assist the program manager in determining if the new employee can perform as needed.

It is my opinion that many of the problems and abuses of temporary hires stem from the current hiring procedures that many times do not allow program managers to hire the people they feel are best qualified to do the work. Therefore, by taking care of these state hiring procedures problems, we will also go a long way toward solving the problems associated with temporary hires in state government.

I have the following recommendations regarding temporaries:

1. They should be hired from the unranked registers (as described above.)
2. The State should provide full fringe benefits for temporaries.
3. A category of project temporaries should be established to be used for carrying out one-time, limited duration tasks with a maximum duration of 36 months. These positions should be used for specific tasks mandated by the legislature or the federal government.
4. Temporaries should be able to work up to a maximum of nine months.

I recognize that there have been cases of temporary hire abuse in the past. However, these abuses can be most effectively dealt with at the departmental or program manager level rather than making sweeping changes in procedures and rules because of isolated cases of abuse.

CONCLUSION

In summary, I feel that there are revisions in state hiring procedures and in the use of temporary employees that should be made to make the system more equitable to the employers, the employees, and the taxpayers of the State of Alaska. I have identified some of these recommendations in a general way in this statement, but recognize that much more work and review is needed. Since any proposed revisions of the State Personnel Act will have a profound impact on our ability to accomplish our job, I suggest that future position papers/draft proposals be circulated within state government for review and comments. Thank you for your time and attention.

Statement presented by Al Carson, Deputy Director, Division of Lands

January 27, 1979

BLUE RIBBON COMMISSION ON THE STATE PERSONNEL ACT
Capitol Building, Juneau
January 10, 1979

MINUTES

Senator Ray, Chairman, called the hearing to order and invited public testimony.

PUBLIC TESTIMONY

Ivan Lewis, Record and Archives Center Manager, presented testimony concerning problems he has experienced in having his position reclassified and his salary range upgraded. He believes that his classification should be placed in the supervisory unit, in accordance with job responsibilities. Mr. Lewis, under direction of the State Archivist, is responsible for managing the entire Center and supervising Record Handlers. Mr. Lewis' position is at the same range as that of a Records Analyst II, but he must be knowledgeable in the duties of a Records Analyst III to function on a day-to-day basis (attached is the Division of Personnel's job description for Records Center Manager and Records Handler, pertaining to Mr. Lewis' testimony).

Since 1972, Mr. Lewis has been submitting P402's to the Division of Personnel explaining the responsibilities of his position and justification for reclassification. The most recent submission was a total of eight pages, describing his supervisory functions and all other aspects of managing the center. The paperwork was approved by John M. Kinney, State Archivist, and received by the Personnel Department in July, 1978. By October, it reached Carolyn Hinkey, an employee in the Classification and Pay Section of the Division of Personnel. Mr. Lewis pointed out that Ms. Hinkey is a Registered Nurse, but because of general educational requirements, she has been classified as a Register Analyst III. Ms. Hinkey and Mr. Lewis frequently discussed the subject of his reclassification, and Ms. Hinkey eventually requested information on other comparable positions. Mr. Lewis supplied her with information on positions within other states, which were at much higher salary ranges. He also provided detailed information from Robert Martin, President of the Anchorage Records Center, in writing. Mr. Lewis' responsibilities are the equivalent of Mr. Martin's, the only exception being accounting functions which Mr. Martin handles. The state's range 21 would be the equivalent of Mr. Martin's salary.

On January 1, Mr. Lewis was informed by the Division of Personnel that he was reclassified at range 15 at longevity step "J". Mr. Lewis' response to this was discouragement. He has been in this professional position for eight years, yet is being compared to a Mail Run Supervisor. Mr. Lewis stated that Ms. Hinkey misquoted information on comparable positions, and she flatly refused to take information received into consideration. He was told that he should be satisfied with a one step

increase even though his range is below that of a Central File Clerk at range 16.

Senator Ray asked Mr. Lewis how long it would take to retrieve a normal record from the center. Mr. Lewis responded that it would be done within five minutes and that he directly supervises three employees responsible for receiving, classifying, controlling and storing a variety of office records. The files are organized according to needs and systems are audited regularly. All records entering the center must be inventoried daily. Mr. Lewis and two other employees are authorized to handle security files.

Mr. Lewis mentioned his concern about testifying, stating that he had testified before the legislature in 1976. Following his testimony, he submitted a P402 for a salary increase. It was recommended that his position be downgraded two steps. Commissioner Allen questioned the topic of his testimony before the legislature. Mr. Lewis responded that it was in regard to Executive Order 28, on dividing the archives and placing records under Surplus Property.

Senator Ray asked how many employees were involved in the center's operation. Mr. Lewis replied that there are four people who pull and hand deliver files. The central mail system is not used because of the records' importance. Senator Ray asked if there was an active file retention system. Mr. Lewis responded that files are kept active for six months before going into dead storage and that 2,000 searches are done every month.

Mr. Lewis stated that he had tried to bring this matter to the attention of Pat Hunt, but a Personnel Officer refused to give him permission, even if he took a day of annual leave. Pat Hunt responded that he is concerned about the testimony heard. He stated that Mr. Lewis is apparently responsible for heavy supervisory duties and that he should be compensated accordingly. He suggested that there was a discrepancy between what his functions are and how they have been recorded. Mr. Lewis informed the Commission that all the correspondence he received was signed by Mike McMullen, Chief of Classification and Pay. Mr. McMullen reports to Ken Kareen, who reports to Pat Hunt. Senator Ray commented that the problem should have been brought to Pat Hunt's attention. Pat Hunt asked if Mr. Lewis had spoken with the director of his division. Mr. Lewis stated that he was sent to the Deputy Director, who responded in a negative manner. The matter has since been turned over to APEA.

Greg O'Claray pointed out that it is not the Commission's function to become involved in grievances. Senator Ray responded that it is a concern to maintain an open door policy in all departments. Commissioner Allen concurred.

Mr. Lewis mentioned another problem regarding the elimination of a Micro Film Operator III position. It should be classified at a manager level, and upgrading of the position has been stopped in Classification and Pay. Because of a budget cut of \$3,000, the center would be unable to fill the position even if it were classified at a higher range. Mr. Lewis continued, stating that the position could have been filled if the Division of Personnel had acted within six months in reclassifying to a management level. Senator Ray pointed out that if the Finance Committee doesn't hear justification for the existence of a position, it will be cut.

Commissioner Allen stated that he had heard a different version of the story: The Micro Film Operator position was advertised, without any response. Mr. Lewis stated that there had been a response and that if the specifications had been completed for the management reclassification, the applicant would have qualified. There are three individuals employed by the state as Micro Film Operator III's who would seek a management position in that field. This ended Mr. Lewis' testimony.

Bruce Kindred, a temporary employee with the state, suggested that the Commission should recommend that court leave be made available to temporaries. The Personnel Rules state that temporary employees hired for periods of less than 12 consecutive months are not eligible to receive compensation for time spent on jury duty. Section 4 of Article 29 of the APEA contract provides that employees who are called to serve as jurors or subpoenaed as witnesses shall be entitled to court leave. The contract defines the word "employee" as a person in state service who is paid a salary or wage and holds probationary, permanent, or provisional status. The Division of Labor Relations has refused to interpret the definition to include temporaries.

Mr. Kindred pointed out that after being on active jury duty for one week, he lost a sizeable portion of his salary, even though minimally compensated by the court system. He feels that serving on a jury is a civic responsibility and that temporaries should not be treated differently from permanent employees.

Senator Ray suggested that the Commission should recommend that this section of the law be changed. Niel Thomas responded that this might also be applied to military leave for reserve members. Senator Ray pointed out that one chooses to enter the reserves. The question was referred to the Category of Employees Subcommittee.

Don Kinderis, an Alaskan resident, presented his problems in trying to obtain work with the state for over two years. Prior to his relocation to Juneau, he owned a business in mechanical systems balance for commercial enterprises. This work involved knowledge of building mechanics and engineering.

Mr. Kinderis has been on 28 registers during the past two years and is number one on several. He has never had an interview. On many occasions, he has received notification of interviews

two or three days after the date of the interview. In some instances, classifications that he has been registered for have been eliminated.

Pat Hunt stated that vacant positions should be sought out by individuals. Often, applicants are unemployed for so long that they are extremely aggressive in presenting themselves to prospective employers. He suggested that Mr. Kinderis let the departmental personnel offices know of his availability. He emphasized that the Division is responsible only for sending out registers, and that Mr. Kinderis should find out who is looking for employees by stopping by the Division to look at the lists of vacant positions.

Mr. Kinderis mentioned that he knows many people in the design management and energy conservation fields working for the state. He is listed as number 8 out of 24 applicants on the register for Design Manager I, but there are no others in the state with his level of expertise in mechanical systems balance. He is aware of Building Manager Specialist I, II and III positions that have been open in the state, but he has never been notified or interviewed.

Commissioner Allen asked Mr. Kinderis if he knew whom to speak with in the appropriate divisions where the openings had occurred. Mr. Kinderis responded that he knew of one in the Division of Public Works or Buildings. After going to the Division of Personnel and presenting his problems, he never received a response or the service he expected. He has even been sent to the wrong locations at times. Frank Flavin stated that he has seen this type of problem while working in the Ombudsman's Office. It happens because departments are not required to interview each applicant within the top five on a register. Ken Spray noted that because Mr. Kinderis had been on the top five of numerous registers for some time, program managers are probably avoiding any contact with him, believing that he has been judged an undesirable employee.

Pat Murphy stated that an applicant should not have to be an aggressive job seeker to find a position. That would be losing track of the entire register concept. He believes that each of the top five applicants should have the chance to be interviewed. A prospective employer can get a much better perspective of an applicant through a personal interview.

John Pugh interjected that the Department of Health and Social Services is interviewing applicants on the registers in chronological progression, starting with number one. The interviewing process continues until an applicant is hired. He believes that this should be a state requirement.

Niel Thomas questioned Mr. Kinderis on the times he had received notification of interviews too late to be able to attend: Could the delays be attributed to RCA or the postal system? Lynda McCurry responded, stating that there are serious delays in deliveries made by both. Mr. Thomas suggested that either calling applicants or giving them more time to respond would solve the problem.

Frank Flavin pointed out that program managers have previously testified that registers are not valuable because individuals have been on registers for long periods of time and are therefore not qualified for positions. Mr. Kinderis has presented another side of the situation. Senator Ray stated that someone is needed within the Division of Personnel to follow through on service to applicants. Commissioner Allen supported the concept that all five applicants should be offered interviews and that sufficient time should be given for response to notification of interviews. The departments should not rely on RCA or the postal system.

Frank Flavin added that these matters could be handled much faster if the Department of Administration had a grievance person or trouble-shooter. Not all employees or applicants are aware of the concept of the Ombudsman's Office.

Ken Spray brought up the subject of the state paying travel expenses for initial interviewing of applicants. He related examples of non-residents being brought to Alaska at the state's expense to fill high-level positions. John Pugh suggested that one way to avoid travel expenses would be to use outside locations: There is a need to encourage departments to hold interviews state-wide. One particular complaint is that Anchorage residents are never considered for positions in Juneau.

Niel Thomas suggested that telephone interviews could be a solution, especially for rural residents and where there are no staff members to handle interviews in isolated locations. This would eliminate paying for transportation until an initial screening process had been completed.

Ken Spray responded that, because of Local 71's experiences, he believes initial telephone interviews to be an exercise in futility. John Pugh stated that an individual has the right to be interviewed at least by phone.

Senator Ray commented on the tendency to believe that the Division of Personnel is the "bad guy", responsible for the system's problems. The Division's functions are entirely different from what is generally understood by the public.

Frank Flavin stated that when departments avoid filling vacancies, the Ombudsman's Office receives complaints from applicants not being interviewed. If there was a requirement to interview the top five, the Office would lose this indicator. Commissioner Allen responded that an applicant would be able to distinguish the difference between a cursory and a meaningful interview. Pat Murphy suggested that a written record of interviews be maintained consisting of general comments and reason for not hiring. Senator Ray concurred that some type of procedure would have to be implemented to justify not hiring. Commissioner Allen commented that the summaries would be the subjective opinions of each interviewer and that putting this information on the register or within the applicant's personnel file would be unfair to the applicant.

Mr. Kinderis suggested that mandatory interviewing of the top five with a short evaluation given to the person being interviewed as a possibility. There would then be an understanding reached when the applicant is not hired.

Commissioner Allen suggested that frequently, when a name is on a register for long periods of time, an interviewer's attitude toward that applicant may be negative before an interview actually takes place. This may have been Mr. Kinderis' problem in finding employment.

Niel Thomas discussed the possibility of supplying a written explanation for not hiring, which would be available to the applicant upon request. This could be based solely on job requirements and an applicant's qualifications. It would do away with paperwork and complaints.

Ken Spray indicated that with Local 71's preferential hiring system, the union contract specifies that the employer must present justification to both the union and the applicant for not hiring. This justification points out an applicant's strengths and weaknesses for future reference. Mr. Spray elaborated that the public looks upon the Division of Personnel as a service-oriented agency. However, the initial concern of the Division is to provide management with positions.

Frank Flavin stated that when discrepancies or problems are brought to the Division's attention, they respond well. The audit and grievance role has not been emphasized and some type of monitoring system should be initiated. Senator Ray concurred that someone should be placed within the Division to monitor the operational procedures to see that people and registers are treated fairly.

Pat Murphy suggested that the audit function be assigned

to an outside group, thus ensuring compliance with set guidelines. Commissioner Allen stated that he would like to be in a position to receive complaints within the Department before they are brought to the attention of other agencies.

John Pugh expressed his belief that the audit and grievance functions are very important within private businesses and are treated accordingly. He recommended the creation of a proper audition role. Pat Hunt stated that people represented by unions have adequate means of representation. Senator Ray disagreed, stating that representation is only adequate after a complaint has been filed.

Pat Murphy asserted that APEA cannot, at this time, provide representation until a complaint is filed with them. Senator Ray agreed that action can only be taken after the fact by these agencies. Therefore, an active monitoring system is needed. Ken Spray pointed out that the option of filing grievances and going into binding arbitration is open to employees. He added that Local 71 has represented individuals neither employed by the state nor members of that union. Some are reluctant to pursue grievances. Niel Thomas suggested that case-by-case review of past grievances could possibly identify a number of problem areas, which would be helpful in devising recommendations.

Commissioner Allen commented that the discussion had not focused on a solution. He asked if requiring all top five eligibles be interviewed was something the Commission would like to implement. Senator Ray responded that specific recommendations be drafted and prepared for presentation at the next meeting in Anchorage. Commissioner Allen agreed to consider implementing a pilot program requiring interviews for all top five applicants on registers.

Jim Donner, a temporary Correctional Officer at the Lemon Creek facility, testified regarding his reactions to the state's hiring system. He finds that there are insufficient opportunities for temporaries to fill permanent positions. The time it takes to be tested and to have an application processed is a deterrent to applying for permanent positions. Mr. Donner, after working as a temporary in many departments, is an advocate of Local 71's preferential hiring system.

On one occasion, Mr. Donner was hired in an emergency situation, worked for two weeks and was then hired as a temporary. One month later, he was informed that he owed the state money because he had been overpaid. The money he was offered initially was an inaccurate figure, and he was forced to pay the difference back.

Mr. Donner has been a temporary at the Lemon Creek Facility three times in the past, as a Correctional Officer and as a Chief Steward. Each time, he has been paid at an entry-level range 13, while others in the same permanent positions were at much higher ranges.

Mr. Donner believes that Division of Personnel's tests are discriminatory and do not relate to actual job requirements. Too much emphasis is placed on educational requirements and vocabulary testing. He stated that tests should be based on job descriptions and the actual duties to be performed in each class.

Senator Ray asked if the educational requirements are too high, or if there is too much emphasis placed on requirements rather than experience. Mr. Donner responded that entry-level requirements and credit for experience are fine. Sometimes, credit is not given for experience in particular positions. Pat Hunt explained that the Division of Personnel has created many substitutions for requirements and that the Division develops tests from descriptions supplied by departments. Lynda McCurry added that personnel officers have direct input into the makeup of examinations. Mr. Donner expressed his concern that educational requirements are particularly rigid for women and that the entire application and evaluation process is time consuming. Applicants are not given sufficient time to respond to notification of available positions and registers are circumvented continually.

Senator Ray asked if there is some type of pool of permanent employees within the state to fill in when the need arises. This would be particularly useful in supplying an employer with someone while in the process of filling a permanent position.

Dan Haynes, an employee with the state for ten years, testified concerning his recent termination for insubordination. He explained that there was a personality conflict with his supervisor and that he was not recommended for rehire on his evaluation. As a result, he must work for six months as a temporary or in the private sector before he is eligible for testing and placement on registers. Mr. Haynes pointed out that if he were able to work for another six years, he would be able to retire.

Senator Ray asked if a supervisor has the authority to recommend on a termination evaluation that an employee not be rehired. Ken Spray replied that it is possible. Niel Thomas questioned if this meant that the individual's name would be removed from all registers. Senator Ray asked if the decision could be appealed. Pat Hunt replied that it is grievable and that most often, a terminated employee will not be recommended for rehire for a

certain period of time. Commissioner Allen asked why, if Mr. Haynes had been terminated in June, he could not be placed on the registers again, since the time limit had expired. Mr. Haynes responded that he is not eligible because the rule requires that an individual be employed for six months before being considered for rehire.

Senator Ray pointed out that not recommending rehire within the same department would be reasonable, but on a state-wide scope it isn't. Mr. Haynes said that his union did take the matter to the Commissioner's level and then recommended no further action. Ken Spray stated that Local 71 has, in some instances, negotiated "not recommended for rehire" into "voluntary termination". However, clear-cut insubordination is a different story.

Senator Ray expressed concern that one supervisor can stipulate that an employee not be rehired statewide for a certain amount of time. Commissioner Allen agreed that this option should not be used lightly, but said that it seems inconsistent for the state to be able to rehire immediately as a temporary.

Senator Ray suggested that cause for termination should be clearly documented. Frank Flavin stated that he could see no reason for removing an individual from the registers, but did see the need to explain the termination. Niel Thomas pointed out that in state service, everyone has the right to see their written performance evaluations. Ken Spray added that an employee has the right to a rebuttal of any evaluation which is to be included in a permanent employee file. Senator Ray suggested that employee evaluations be reviewed at interviews. He asked if record files follow an employee from job to job. Pat Hunt responded that the Division of Personnel has master files which are maintained for the duration of employment with the state. Departments maintain personnel files for a period of six months, after which they are sent to the Archives Center for storage. Commissioner Allen stated that many employees wish to see evaluations on past performance and that they can be pulled from Division of Personnel's files for review.

Don Kinderis testified again. Three years ago, he worked for the Department of Fish and Game. After ten weeks, he was informend that there was insufficient work to keep him on, and he was dismissed. Two years later, he received a copy of his evaluation, which he had requested many times. The evaluation, dated the day he left, stated that he had too many personal problems to be a state employee and did not address the quality of his work. Mr. Kinderis believes that this information is on his record and is one reason that he has been unable to find a job. Mr. Kinderis explained that his supervisor disliked the fact that he had his own methods of performing his duties, des-

pite the proficiency he displayed. Mr. Kinderis had not seen the evaluation before it was mailed to him, had never signed it and was offered no reason for why it was not discussed at the time of his dismissal.

Senator Ray suggested that this would be a good reason for considering a trouble-shooter or auditor within the Division of Personnel to look into these matters. Don Fisher stated that an evaluation should be made available before an employee leaves a position as well as a statement of the reason for dismissal. Commissioner Allen requested that Mr. Kinderis see Ken Kareen to discuss the discrepancies between his evaluation and the reasons he was given for dismissal.

COMMITTEE BUSINESS

NCSL Conference

Don Fisher brought up the subject of an honorarium for Dr. Couturier. Frank Flavin made a motion that the Commission approve the honorarium in the amount of \$500.00. Don Fisher added that Dr. Couturier might come for less. The motion was adopted for an honorarium in the amount of \$500.00. Senator Ray and Greg O'Claray opposed. Pat Hunt asked why Wisconsin and Minnesota speakers were chosen to present their state personnel procedures. Don Fisher explained that the two states had recently revised their personnel structures and can offer innovative alternatives for the Commission's consideration.

USCSC Meeting in Washington:

Terry Cramer advised the Commission that there will be a meeting of the USCSC in Washington. NCSL is a co-sponsor and would like to invite three Commission members to attend. Senator Ray appointed himself, Greg O'Claray and Pat Murphy to represent the Commission. Niel Thomas also expressed a desire to attend the meeting at his own expense.

Commission Expenses:

Senator Ray stated that he wishes to be advised of anticipated unusual travel expenditures for Commission members (i. e. car rentals). The Chair or the full Commission must approve those expenditures prior to incurring them.

Subcommittee Reports:

John Pugh recommended that the subcommittees prepare reports to use in drafting the Commission's report to the legislature. The Commission agreed to hold a work session in Anchorage on

January 26 for individual subcommittees to prepare recommendations. Senator Ray directed the staff to use the postal service directly to send out summaries and material needed for the next meeting to members in Anchorage.

Niel Thomas asked whether the Commission will request continuation. Senator Ray pointed out that the work of the Commission is in its formative stages, and the Commission should justify its existence by presenting an initial report to the legislature.

PUBLIC TESTIMONY

Kit Stewart, a Finance Officer with the Department of Environmental Conservation, expressed her satisfaction with the state's hiring procedures. One problem that she has encountered is that an employee within the department has a criminal record, which was not revealed in the individual's application.

Senator Ray responded, stating that this is a very sensitive matter. Information on criminal convictions is confidential. Pat Hunt explained that applicants' criminal records are checked when applying for positions in Public Safety or correctional facilities. Greg O'Claray stated that he could not see why it was important that Ms. Stewart have this information. Having to reveal a criminal record could lead to discrimination against the applicant. Ms. Stewart replied that the issue that concerned her was that the applicant had falsified the application form. Ms. Stewart added that, at present, it is impossible to verify whether the employee is misrepresenting facts on an application. Senator Ray questioned the relevance of this in regard to the employee's performance.

Ron McMahon, an Ecologist with the Department of Environmental Conservation, stated that job classifications assigned by the state do not relate to actual job functions. Existing classifications cover many specialized jobs in different departments. Mr. McMahon suggested that the Division of Personnel consider reclassification studies. He is presently coordinating a project review, which has nothing to do directly with Ecologists, and feels that his title should be Program Coordinator. The Division of Personnel had received the position description and said that the closest classification would be Ecologist.

Niel Thomas asked if Mr. McMahon had read the class specifications on what his duties consist of. He also questioned whether a department hiring from that register would be looking for an Ecologist. Mr. McMahon answered that he is not doing the work of an Ecologist, but must be familiar with the field.

Senator Ray commented that possibly the department is afraid to reclassify existing positions because that might result in positions being placed at lower salary ranges.

Mr. McMahon also brought up the subject of entry-level positions for Chemists. In order to qualify for a Chemist I position, an applicant must have one year of experience. There is no Chemist Trainee classification in the state.

Pat Hunt asked whether the departments would request Chemist Trainees if the class were created. Mr. McMahon stated that it would be filled, providing a career ladder for laboratory technicians. Ken Kareen explained that the Chemist series has been examined by the Division of Personnel, and departments stated that they need experienced applicants rather than trainees.

Niel Thomas expressed the Human Rights Commission's perspective in relation to equal employment opportunity. The state should compete with private firms for recent college graduates. The lack of trainee positions is one reason why EEO practices in the state are inadequate. To compete with private firms, Mr. Thomas suggests creating a Chemist Trainee class to provide greater opportunities for women and members of minority groups.

Senator Ray pointed out that trainee positions are looked upon adversely by Budget and Management: Why train on-the-job when applicants have received training in school? Niel Thomas responded that in higher-level positions, orientation can take up to a year, even for new employees with prior experience in the field.

Pat Hunt stated that no department has requested a Chemist Trainee position, and that it would be pointless to create a classification without justification. Mr. McMahon responded that he was not the first person to make the suggestion and that a position of this type would be used in his department. Similar fields do have entry-level starting points. Senator Ray observed that one of the easiest solutions would be to re-write minimum qualifications to allow recent graduates an opportunity to apply. The topic was referred to the Certification, Classification and Recruitment Subcommittee for review.

CORRESPONDENCE RECEIVED

Terry Cramer presented the following summaries on correspondence received:

Mrs. James L. Sumner wrote to the Commission regarding her belief, as a foster parent, that Social Workers should be considered professionals in that field. To maintain the qual-

ity of workers, Mrs. Sumner suggests that either educational requirements be increased or training after hire be closely supervised.

A concerned taxpayer wrote in regard to examinations for semi-professional positions. Examinations were described as outmoded, inaccurate, laborious and invalid, as well as not being pertinent to the actual jobs or selection of candidates. Also mentioned was the time it takes to schedule testing in Anchorage (weeks), which is held in a room with inadequate ventilation. The attitude of Anchorage employees in the personnel office was described as "very rude". The individual concluded the letter by stating that it is hoped that the Commission's investigation will result in procedures to teach these people to act as a service organization.

Marilyn Martin attached to her correspondence a copy of a letter to Governor Hammond pertaining to citizen evaluations of Commissioners. She referred to problems experienced when her position as Wage/Hour Investigator in the Resident Hire program was eliminated. Ms. Martin was assured that she would be transferred to another Department of Labor position if the U.S. Supreme Court ruled the Resident Hire Law unconstitutional. She knew of vacancies in unemployment fraud investigator classification and was on the register for Claims Investigator I. Two positions in Anchorage and Juneau were filled by other state employee transfers. A position in Fairbanks was filled by someone who may not have been a state employee. Ms. Martin was not contacted about any of these positions. She is now unemployed and questions the ethics of the situation and the follow-through of Commissioner Orbeck's policies by the Department of Labor's staff.

A copy of a memo to Jay Hammond, Governor, was received by the staff in reference to the Anchorage Field Office of the Division of Personnel. The staff was described as being rude and condescending. The author suggested that if the Commissioner insisted on courtesy, these rotten attitudes would not have existed for the past several years.

Ms. Irene Price elaborated on her testimony before the Commission on December 1. She emphasized that she spoke only on her own behalf. Ms. Price indicated that she believes communication to be a problem between the Division of Personnel and other state agencies, particularly in the following situations:

1. Initiation of tests for a given job classification without the knowledge of the affected unit.

2. Reclassification of positions without communication with the incumbent.

Dan Crevensten wrote in support of an increase in the use of part-time positions. He identified advantages for the state:

1. The use of temporary positions would be reduced.
2. There would be a better match between available positions and the amount of work.
3. Studies have shown that part-time employees have greater productivity and less absenteeism.
4. Equal employment goals could be easier to meet.

In his experience, Mr. Crevensten felt that state agencies should take into consideration part-time work. By the time an applicant interviews with a supervisor, it is too late to implement such a program.

IN ATTENDANCE

Commissioner Allen
Ken Humphreys (for Myrt Charney)
Frank Flavin
Pat Hunt
Lynda McCurry
Pat Murphy
Greg O'Claray
John Pugh
Ken Spray
Niel Thomas

ALTERNATES IN ATTENDANCE

Ken Kareen
Darlene Howard
Robert Maurant
Janet Bradley

Minimum Qualifications:

One year of experience in maintaining Minicomputer Hardware, Computer Peripheral Equipment and Telecommunications Equipment. AND Four years of experience in computer programming, systems analysis, design of telecommunications networks or system/field engineering for a computer manufacturer.

Two years of the above four years must be at the level of EDP Programmer IV, Systems Analyst II or Systems Programmer II.

Substitution: A college degree in computer science, electrical engineering, physics, mathematics or industrial engineering may substitute for up to two years of the required four years of non-specific work experience.

RECORDS HANDLER Class Code 1832-74-2

General Government Salary Range 12

Positions in: Juneau

Definition:

Under supervision of the Records Center Manager, receives, classifies, controls and stores a variety of office records.

Minimum Qualifications:

Graduation from high school or the equivalent, and two years of experience in the handling of stock, merchandise or inventory, including maintenance of records and/or reports. College education in an appropriate field may be substituted for up to one year of the required experience on a year-for-year basis.

RECORDS CENTER MANAGER Class Code 1836-79-1

General Government Salary Range 15

Positions in: Juneau

Definition:

Under general direction of the State Archivist, participates in planning and is responsible for the day-to-day management of the State Records Center; performs and directs activities to acquire, arrange, describe, preserve, retrieve, and dispose of inactive and semi-active records from any and all state agencies.

Minimum Qualifications:

Graduation from an accredited college or the equivalent with a major in history, government, political science, business or public administration, management, library science or closely related field; AND Two years of experience beyond the clerical level in a full-time records management program where duties concerned receipt, description, organization, disposal and retrieval of records in a records system characterized by a variety of different kinds and sources of documents and/or records.

Substitution: Clerical/secretarial, supply, library or records management experience may substitute for the required college education on a year-for-year basis.

BLUE RIBBON COMMISSION ON THE STATE PERSONNEL ACT
Full Commission Hearing

Fairbanks North Star Public Library
December 13, 1978

MINUTES

In the absence of Senator Ray and Don Fisher, Representative Buchholdt chaired the meeting.

PUBLIC TESTIMONY

Mr. Fathy A. Elshamma moved to Fairbanks from Egypt in 1976 and worked as an Accountant with the Native Association for 13 months. During a vacation, he returned to Egypt and along with his family relocated to Fairbanks. Mr. Elshamma has been seeking employment since his return. He is listed on six registers and willing to accept employment in Juneau, Anchorage and Ketchikan, as well as in Fairbanks.

Mr. Elshamma was contacted on November 7, 1978, by Tom Lusk about a Bank Examiner I position in Juneau. In his conversation with Mr. Lusk, Mr. Elshamma indicated that he would be willing to accept immediate employment in Juneau and would be willing to take the next plane out of Fairbanks if necessary. Mr. Elshamma was instructed to wait for a response. One week later, he received a letter stating that the position had been filled. He questioned why he was never called back and brought the matter to the Governor's Office. The job was still listed as being open on that date, and the office verified the opening by phone. Mr. Elshamma had received a letter stating that the position had been filled.

Niel Thomas asked Mr. Elshamma if he had tried to contact the individual who was responsible for contacting him. He replied that he had not. Mr. Thomas suggested he call back and request an explanation. Mr. Thomas also suggested that a complaint should be filed if a satisfactory explanation was not provided.

Ms. Marianne Berry, a PHN, advised the committee of the problems they continue to have with reclassification of PHN positions throughout the state. Niel Thomas told the committee that the Assistant U.S. Labor Secretary, who is responsible for enforcing compliance with equal pay for equal work laws, has been in the state and is considering U.S. Government suit.

COMMITTEE DISCUSSION

Representative Buchholdt briefly discussed the written testimony received by a representative of the Classified Personnel Organization dated December 13, 1978. Copies will be sent out with committee minutes.

IN ATTENDANCE

Representative Thelma Buchholdt
Ken Humphreys (for Myrt Charney)
Pat Hunt
Darlene Howard (for Pat Murphy)
Lynda McCurry
Bob Maurant (for John Pugh)
Sheila Gottehrer (for Frank Flavin)
Ken Spray
Niel Thomas

MINUTES

PERSONNEL ACT REVIEW COMMISSION November 16, 1978

The third meeting of the Blue Ribbon Commission on the State Personnel Act was called to order in Room 123 of the State Capitol by Chairman Bill Ray at 1:30 p.m., November 16, 1978. Following roll call, Chairman Ray suggested that the proposed rules of procedure be considered. Adoption of rules was approved by acclamation.

Representative Eliason stated that he had missed the previous meeting and asked for permission to distribute a statement of potential problems the commission should consider.

Chairman Ray suggested that all commission members request and invite their alternates to be present at all meetings. In this way, the alternates will be current on commission activities and can make a meaningful contribution if their principle member is absent. The Chairman asked the secretary to invite the alternates and keep them informed of all meetings. He also reminded the legislators to keep this in mind because of potential conflicts in meeting times during the legislative session.

Don Fisher told the commission about a conference he attended in Olympia, Washington, on October 18 by the National Council of State Legislatures. He explained that the Council's Project TRAIN is focusing on personnel systems and problems involved. The group is headed by Mr. Couturier, who is well known for his work in this field. He suggested that TRAIN would be able to come to Juneau and work with the commission without expense to the State. We only need to furnish a meeting room and group of interested participants for the presentation.

Mr. Fisher moved that TRAIN be invited to Juneau. It was approved by acclamation. The Chairman and secretary will work to set up a couple of days for the presentation, to be scheduled after the legislature is in session.

The Chairman asked for a subcommittee report from the Merit System/Collective Bargaining group. Niel Thomas stated that they did not meet because of the late notification of the November 9 meeting. They will meet at a later date.

Frank Flavin moved to abolish the subcommittee on Merit System/Collective Bargaining, because the merit system question could be addressed in another subcommittee. Chairman Ray disagreed. He stated that the legislature expects to be informed on that topic.

Discussion followed concerning the areas of responsibility of each subcommittee. The commission must be sure to cover all of the important topics.

A vote on Mr. Flavin's motion was taken and failed. The Merit System/Collective Bargaining subcommittee will stand as is.

Representative McKinnon reported on the Category of Employees subcommittee. They plan to first address the problem of temporary, seasonal, and part-time employees. He also expressed a concern about overlooking certain topics because of vague subcommittee assignments. Chairman Ray referred to the October 3, 1978, meeting minutes listing topics of concern for subcommittees. Because of the over-lapping of members on each subcommittee, he feels sure that the commission will be able to cover all necessary topics.

The meeting was opened to public speakers. Roger Thayer, Personnel Officer, Department of Transportation & Public Facilities spoke first. Mr. Thayer suggested that the personnel system be decentralized to some extent. Recruitment, certification, and classification are areas that individual departments could successfully take charge of. Departmental personnel offices could classify their own unique positions, thus increasing accuracy and eliminating Division of Personnel paperwork. Classification of general state-wide jobs could go through the Division of Personnel. He agreed with the concept of promotions within a department whenever possible and of hiring new people at entry-level jobs.

Discussion followed regarding the need for a person to be on several registers for classifications of the same type. Ken Kareen explained that it was necessary to operate that way because higher levels of the same type of job may require additional skills such as supervisory abilities, while placing less emphasis on technical skills.

The Division of Personnel's veto power over classification was discussed and seen as a problem. Many people see the division as impossible to work with, or through, because of the time involved.

Lynda McCurry explained that classification changes need to be looked at when a person has a change in responsibility. If you have a change in tasks, that may call for a re-classification. If you have a larger volume of work, that may call for an additional person at the same classification.

Danny Plotnik, Coordinator of the Office on Aging, addressed the commission next on the problem of workers in the federally-funded SCSEP Program being classified as temporary employees. He introduced Eileen Rehwald, who expanded on the problem. Several of her people have been terminated because of the time limitations on State temporary employees.

These employees, under the federal program, were still eligible for additional hours of work. Also, federal guidelines preclude labeling employees under the SCSEP Program. She introduced one of the employees affected by this problem, Luberta Escholt. Ms. Escholt appealed to the commission to try to do something that would help her and others in the same situation.

Chairman Ray directed the matter to the Classification of Employees subcommittee to look into establishing these as partially-exempt positions. The APEA will also look into this matter. There should be some work completed by November 30.

Mary McClinton was the next speaker. Mary presently has a case being considered by the Human Rights Commission. She was employed by the Department of Community & Regional Affairs, which reorganized its staff, and had been excluded from transfer to another job. She was the only member of the staff to be excluded. Even though she was among the top five on a large number of registers, she has not found another state job. She would like to see the system improved so that this does not happen to others.

Some discussion followed on related problems. Frank Flavin hoped that if Ms. McClinton was found to be qualified and was indeed discriminated against that some disciplinary action would be taken against those persons responsible.

LaRae Jones, Personnel Officer from the Governor's Office, spoke next. She commented on how little training there was in the state system to provide new employees with the technical training needed on the workings of the specific systems. There have been two training sessions since last May, but she felt there should be more. People could do their jobs more effectively if they didn't have to learn by trial and error.

Public participation ended.

Chairman Ray made additions to subcommittee memberships. Ken Spray, Niel Thomas, and Lynda McCurry were added to the Categories of Employees subcommittee. John Pugh was added to the Collective Bargaining subcommittee.

Chairman Ray reported that the Centralization/Decentralization subcommittee met, heard testimony, and will meet again.

Questions arose regarding the appropriate subcommittee for classification and hiring processes. The responsibility was given to the Centralization/Decentralization subcommittee. Niel Thomas asked if it would be possible to rename the committee. It was moved by acclamation that the subcommittee be renamed "Classification, Certification, and Recruitment".

Mr. Thomas asked whether the Commission needed to investigate the other classes of state employees; namely, partially exempt and fully exempt.

Mr. Spray stated that there are presently 253 vacant permanent positions in jobs covered by APSE members. He suggested that the situation be investigated.

Chairman Ray stated that the meetings would continue in the order given previously; the subcommittees followed by the full committee. Work will be given at least one week in advance of the meeting dates. Also, note that a quorum of eight people is not necessary to hold meaningful discussions.

Representative Eliason recommended that the "Merit Increase Paper" be referred to the Merit System/Collective Bargaining subcommittee. It was agreed.

Chairman Ray read correspondence received by the Commission from Loren Jones. The letter was referred to the Certification/Classification/Recruitment subcommittee.

Meeting dates were set for the next meetings in Anchorage. They are November 30 and December 1, 1978. All members will be notified of the meeting place and can receive a T.R. from Legislative Affairs.

The next meeting was tentatively set for December 12 and 13 in Fairbanks.

The meeting was adjourned at 4:00 p.m.

Members in Attendance:

Bill Ray
Don Fisher
B. B. Allen
Dick Eliason
Frank Flavin
Ken Humphreys (for Myrt Charney)
Ken Kareen (for Pat Hunt)
Lynda McCurry
Joseph McKinnon
Pat Murphy
Greg O'Claray
John Pugh
Ken Spray
Niel Thomas

BLUE RIBBON COMMISSION ON THE STATE PERSONNEL ACT
Full Commission Meeting
Juneau
November 16, 1978

ADDENDA

The following is an addenda to the Full Commission Minutes for the Blue Ribbon Commission hearing of November 16, 1978. The addenda was proposed by Ken Kareen, to be inserted on Page 2, as a substitute for Paragraph 5. The addenda was adopted at the Full Commission hearing on January 10, 1979:

Discussion followed regarding the need for an applicant to take different examinations when the job classes applied for are in the same class series (i.e., Accountant III, IV, V). Ken Kareen explained that different skills may be required and test contents emphasize those differences. Tests for a lower level job are concentrated on technical knowledge in aspects of the work, while higher level jobs in series make more demands on supervisory/management skills and knowledge, which are the subject of testing.

Also, Page 2, Paragraph 6, should read:

The Division of Budget and Management's veto power over classification studies was discussed and seen as a problem.

MINUTES

Personnel Act Review Commission Meeting October 3, 1978

The second meeting of the Personnel Act Review Commission was called to order in Room 123 of the State Capitol by Chairman Bill Ray at 1:30 p.m., October 3, 1978. Following roll call, Don Fisher reported that he had received more than fifty applications for the director's position, had interviewed just about all of those applicants and, in consultation with the chairman, was ready to make a selection in the next few days. Mr. Fisher reported that there was a possibility of using office space on the tenth floor of the State Office Building adjacent to the division of personnel, but that it would not be available until November 1. Senator Ray reviewed the actions of the last meeting and asked if anyone wanted to contribute public input concerning their problems with the personnel system.

Violet Thetford testified and was concerned with hiring practices and felt that the entire personnel system is bogged down with paper. There had been a problem with redundant testing. Mr. Hunt confirmed the basic facts.

Rosalee Walker testified on problems of in-house promotions. She felt that making political appointments to higher level positions instead of promoting long-time, career employees was bad for morale and resulted in poorly trained management. She hoped the commission might design a different system to alleviate this problem.

Gregg Erickson, director of the Research Division of the Legislative Affairs Agency, was asked to the table. Senator Ray explained formally to Mr. Erickson that he had no particular problems with the Legislative Affairs Agency staff and hoped that the issue which arose at the last meeting could be considered closed. Mr. Erickson was agreeable and thanked Senator Ray.

Chairman Ray brought up a problem which had been called to his attention in correspondence from the project coordinator for the office of the aging. The state personnel division has classified Title IX, Older American enrollees as "temporary" so they are now terminated after six months. Pat Hunt was asked to look into this problem and come back to the committee next time with either an answer or a resolution for consideration by the committee. Pat Murphy objected to the assignment. Following clarifying discussion, Mr. Murphy withdrew his objection.

Correspondence regarding priorities for the commission's work was received from Niel Thomas, executive director of the Alaska State Commission for Human Rights, Pat Murphy, executive director of the Alaska Public Employees Association and from Lynda McCurry for the Confidential Employees Association.

The commission discussed the establishment of priorities for subcommittee assignment. Chairman Ray cautioned members to take a non-partisan view on subcommittee assignments. Pat Murphy moved that three subcommittees be established and that "categories of employees" (see A.P.E.A. letter) be one of three priorities to be studied by a subcommittee. The motion passed without objection.

Pat Hunt moved that the commission make a priority of the determination whether we should have a central personnel system or whether it should be decentralized or whether it should be partially decentralized. Don Fisher proposed an amendment to the effect that recruitment, examination, classification and pay be handled separately. Following discussion, Mr. Fisher withdrew the amendment. The motion carried without objection.

Bob Gates moved that the commission make a priority of addressing the merit system and collective bargaining and their relationship. Following discussion, the motion passed without objection.

The commission discussed Equal Employment Opportunity, dress (cleanliness) code for state employees and the problems of training and job performance assessment. Bob Gates suggested that interested members inform themselves in the area of job performance evaluation and ways of dealing with instances of excellent or substandard performance and that the subject be raised again at the next meeting.

John Pugh moved that the commission recommend legislation which would provide for periodic, external audits of the personnel system like the one carried out by the Division of Legislative Audit in 1977. This motion passed without objection.

Chairman Ray raised the question of the job register. Some discussion of this, as well as the hiring of the commission's staff, followed.

Don Fisher moved to clarify the "centralization/decentralization" topic. He moved that the topic on centralization/decentralization include but not be limited to the study of the problems of certification, recruitment, classification and pay, examination, and equal opportunity and that the subcommittee consider the personnel law, the personnel rules and the existing practices and that they give their recommendations as to the solutions of any problems they might find. The motion passed without objection.

The three subcommittees were formed. They are composed of volunteers from the commission with the understanding that a member, through a representative, could serve on more than one subcommittee and that Chairman Ray would appoint a legislator on each subcommittee as chairman. Each subcommittee chairman was asked to appoint a vice chairman, with the understanding that Representative McKinnon (absent) would do so as soon as possible. Chairman Ray is an ex officio member of each subcommittee.

The subcommittees are as follows:

Centralization/Decentralization Subcommittee

Bill Ray, Chairman
Don Fisher, Vice Chairman
Myrt Charney
John Pugh
Pat Hunt
Lynda McCurry
Ken Spray
Dick Eliason
Thelma Buchholdt
Frank Flavin
Niel Thomas

Merit System/Collective Bargaining Subcommittee

Thelma Buchholdt, Chairman
Greg O'Claray, Vice Chairman
Ken Spray
Pat Murphy
Pat Hunt
B. B. Allen
Lynda McCurry
Bill Ray (ex officio)

Categories of Employees Subcommittee

Joe McKinnon, Chairman
Frank Flavin (Patti Moriarty)
Pat Murphy
Jay Yakopatz
Pat Hunt
Bill Ray (ex officio)

Ken Vassar presented a copy of the compilation of statutes dealing with the personnel system and gave a brief explanation. Don Fisher was charged with custody of these materials.

The next meeting of the commission was scheduled for 1:30 p.m., Thursday, November 9, in Room 123 of the State Capitol.

The meeting was adjourned at 4:25 p.m.

Members in attendance

Bill Ray
Bob Gates for B. B. Allen
Thelma Buchholdt
Myrt Charney
Don Fisher
Patti Moriarty for Frank Flavin
Pat Hunt
Lynda McCurry
Pat Murphy
Greg O'Claray
John Pugh
Ken Spray
Niel Thomas

MINUTES

Personnel Act Review Commission

Meeting of September 15, 1978

The following summary minutes are arranged topically, not chronologically, to indicate the actions of the Commission.

The first meeting of the Personnel Act Review Commission (L.R. #27) was called to order at 9:00 a.m., September 15, 1978 by Jack Doyle, Executive Director, Legislative Affairs Agency for Representative Mike Miller, Chairman, Alaska Legislative Council. A list of those in attendance is attached.

Officers

Following the call to order and introductions, Senator Bill Ray was elected Chairman and assumed the chair. Don Fisher was elected Vice Chairman. Myrt Charney was elected as recording secretary.

Staff Support

It was decided that the Commission would not hire a consultant as primary staff but would reserve the option to use one for specific tasks in the future. Senator Ray felt it would not be appropriate to use Legislative Affairs Agency staff exclusively in the role of director/researcher. It was decided that Don Fisher should proceed to advertise and interview for an administrator/research staff person at salary range 20 and for a full time secretary, preferably with shorthand skills, at a salary range not to exceed 12. At the request of the Chairman, Mr. Erickson of the Legislative Affairs Agency directed Mr. Humphreys to assist the Commission with such additional research as they may require, with priorities as among the Commission's various research tasks to be determined by the Commission.

Budget Considerations

Myrt Charney indicated that \$57,000 is currently available to the Commission through June 30, 1979 unless a supplemental appropriation is received or additional Legislative Council funds are made available.

Time Frame

It was suggested that the work of the Committee would probably carry on for at least eight months and possibly up to two years or so.

Office Space

Bob Gates said that permanent quarters could probably be provided through the administration. He was asked to check on that and let Don Fisher know. Senator Ray pointed out that Room 123A in the Capitol Building or other legislative space could be used for meetings, etc. even after the legislature convenes.

Scope and Priorities of the Study

There was some discussion of the scope of the study. Should it broadly embrace the entire personnel system including collective bargaining or be directed primarily toward a revision of the Personnel Act? It was decided that members who were so inclined should submit their thoughts on the scope, priorities and objectives of the Commission in writing at the next meeting. Senator Ray asked Ken Kareen and Pat Murphy to prepare presentations for the group.

There was some discussion of public hearings or meetings and the use of teleconferencing. The general conclusion was that the public needs to be made aware of the study and be given ample opportunity for input before any final product is forthcoming. It was suggested with no objection that releases be given to the press which would alert the public to the Commission's existence and intention to solicit input.

Membership of the Commission

There was some discussion of the possibility of adding additional members to the Commission. A motion by Ken Spray to add a representative from the Alaska Public Safety Employees Association failed. Senator Ray asked Myrt Charney to notify the PSEA that their informal participation was welcomed and to invite them to present their problems to the Commission.

Next Meeting

The next meeting was scheduled for Wednesday, October 3 at 1:30 p.m. in room 123 of the State Capitol, Juneau.

Ken Kareen requested that Legislative Affairs legal staff compile laws that deal with the personnel system besides those in AS 39.25. Senator Ray asked for a survey of the administrative code as well. Pat Murphy was asked to provide material on departmental personnel procedures.

At Frank Flavin's request, Myrt Charney was asked to provide Legislative Audit reports from the past. Mr. Charney was also asked to keep loose-leaf notebooks with minutes and other relevant materials for commission members.

At Janet Bradley's request, Ken Humphreys was asked to provide a copy of the various current collective bargaining agreements.

The meeting was adjourned at 10:55 a.m.

Personnel Act Review Commission

Attendance at the September 15, 1978
Meeting

Members

Ken Spray
Dick Eliason
Bob Gates
Ken Kareen

Joe McKinnon
John Pugh
Lynda McCurry
Pat Murphy
Bill Ray
Janet L. Bradley

Frank Flavin
Myrt Charney
Don Fisher

Others

Sally Smith
Jack Doyle
Kristine Harder
Ken Humphreys
Darlene Howard

Representing

Local 71
Representative, Dist. 3
Dept. of Admin. (for B.B. Allen)
Dept. of Admin., Div. of P. & L.R.
(for Patrick L. Hunt)
Representative, Dist. 9
A.P.E.A.
C.E.A.
A.P.E.A.
Senator, Dist. C
AK Human Rights Commission
(for Neil Thomas)
Ombudsman
Legislative Affairs Agency
D.O.T./P.F.

Representative, Dist. 20
Legislative Affairs Agency
Representative Mike Miller's office
Legislative Affairs Agency
A.P.E.A.

John Phillips - Merit
Increase Policy
Rec'd Arch. mtg 12/1/78

TO: [ALL COMMISSIONERS

DATE November 14, 1977

FILE NO:

TELEPHONE NO:

FROM: Jay S. Hammond
Governor

SUBJECT: Merit Increases

Traditionally, individuals both in and outside of State service have held the view that so-called merit increases are automatic and are primarily based on longevity within a specific job. In certain instances this has been a valid assessment and we must take positive steps to insure that increases in the future are granted for meritorious service only.

The establishment of measurable objectives throughout each department is the key ingredient in eliminating subjective evaluations of employees' performance. Those departments which do not already have their plans and objectives committed to writing should immediately commence work in this area. These measurable objectives need to be established, communicated and understood at all levels in each department.

Based on recommendations made by the Merit Increase Review Committee and if we are to operate within our budgeted funds I have concluded that steps must be immediately taken to strive for a uniform State-wide merit increase policy. To accomplish this objective it will require a great deal of effort on your part and that of your managers. However, I am confident that the long-term rewards of a uniform policy will be significant in terms of improved employee morale, better communications between employees and their supervisors and greater recognition of effective job performance.

Quite obviously we must rely on management at all levels to adequately evaluate the performance of their employees and award increases based on merit. To enhance our abilities in this area, each supervisor is expected to adhere to the following guidelines.

1. Attend a specialized training course. The Division of Personnel and Labor Relations offers a training course entitled "Measuring Job Performance." For your information, a copy of the course outline and objectives is attached. The information presented in these training sessions should better prepare supervisors to rate their employees in an objective manner. No supervisor

W.D. Jones
B. S. Saffers
Rogers
11/17/77

November 14, 1977

is exempt from this directive except those who have attended this course within the past 12 months. In that case, however, it is recommended that those supervisors retake the course to review and reinforce their training. In the future all newly appointed supervisors should be scheduled to take this course at the earliest opportunity. (Schedules of the time and place of these training sessions have been distributed to departmental personnel and training officers).

2. Each division director or heads of offices shall review all evaluations with the rater prior to discussion with the employee. This is being requested to insure that effective performance is being emphasized in the evaluation. More frequent interim evaluations are encouraged to provide an opportunity for the supervisor to discuss employees' progress towards meeting expected objectives.
3. A concentrated effort must be made to have each position description jointly reviewed and updated if necessary, by the employee and supervisor. This review should be an effort by management to establish clearly to the employee what his/her job involves and to clarify any misunderstandings which may exist. This should be an ongoing practice in the future.
4. Following the preparation of an accurate job description it is necessary for specified standards of achievement to be communicated in writing to the employee. In addition, agreement must be reached between the employee and supervisor as to the degree to which expected performance must be exceeded in order to expect additional compensation.

Accomplishing a massive project such as this will take considerable time. To assist your department in implementing this directive, I have asked the Director of Personnel and Labor Relations to schedule a meeting for all departmental Personnel and Training Officers to discuss and review the Performance Evaluation System and to describe the content of the Measuring Job Performance course. (A notice of the date and time of this meeting will be sent to each departmental Personnel Officer in the near future). My objective is to have this program commence as quickly as possible and final implementation should be achieved no later than July 1, 1978.

November 14, 1977

During the interim it is necessary for each of you to examine the amount of funds you have available for merit increases and distribute that amount as prudent management would dictate.

In an effort to provide some guidelines I ask that you consider the following criteria prior to awarding a merit increase to your employees:

1. As mentioned previously, instruct the directors of your department to review the employees' performance evaluations with the employees' supervisor (rater) prior to notifying the employee of the merit increase. It is too late to take away corrective action once the employee is aware of the contents of his/her evaluation.
2. Establish in writing on the evaluation form accomplishments achieved by the employee that qualifies him/her for the increase. Accomplishments other than just coming to work on time, being compatible with peers, dressing appropriately, and etc. Outline tasks that you expect the employee to perform during the next period between reviews. Highlight the employees good points, if there are any, and comment on the employees' weaknesses if they exist. The evaluation is not just an instrument to flatter the employee and advise them that they will be receiving more pay in the future, it is a very vital tool of communicating with the employee and exercising prudent management practices.
3. Instruct the raters to include on the performance evaluation the number of sick days the employee has taken during the period prior to the evaluation. The rater should examine the employees' sick leave record to determine not only the frequency of leave but to see if a pattern of sick leave exists, i.e., Mondays, Fridays, before or after holidays. If there is a pattern, comment on same in the evaluation. In the event that the employee does not use the sick leave privilege in excess, comment favorable on that aspect in the evaluation.

November 14, 1977

A top management person in your office should spot-check the employees' performance evaluations from time to time to assure compliance in the above outlined criteria.

As I stated previously, you are aware of the funds available to you and all that I request is you emphasize to your managers to use discretion and manage the resources fairly to the State of Alaska and the employee.

In the event you have any questions regarding the short or long-term plan of this program, please contact Commissioner Allen or Deputy Commissioner Robert Gates for assistance.

MEMORANDUM

DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES

TO: William Hudson Herb Lehfeldt
Chuck Meggitt Harry Shawback
Mel Hoversten John Becker
Henry Springer

DATE: March 21, 1978

FILE NO: 400H-2342

TELEPHONE NO:

FROM: James F. O'Sullivan
Deputy Commissioner
Maintenance & Operations

SUBJECT: Attached Document
re Merit Increases

I have dusted off this old memo from our Governor. It discusses employee performance evaluations.

We all originate or are asked to concur in these evaluations continuously. Please take the time to review the contents and apply the methodology to your own department and to those for whom you are responsible.

JFO'S:hj

attachment

cc: John Bates
Carl Johnson
Wendell Miller
Ken Smith

MEMORANDUM

DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES

TO: ALL SUPERVISORS
Central Region
Maintenance & Operations

DATE April 14, 1978

FILE NO 410C-

FROM: Harry A. Shawback
Director, Central Region
Maintenance & Operations

TELEPHONE NO 266-1450

SUBJECT Merit Evaluations

I am attaching a memorandum from Governor Hammond which outlines the procedures that we will use in the future when evaluating an employee's performance.

Many State employees have over the years viewed merit increases as being automatic and primarily based on longevity within a position. To correct this, we must emphasize that merit increases will be granted only if it is found that the employee has performed in a manner deserving of such an increase -- in other words, earned it.

You, as raters, have this responsibility in that you must evaluate an employee and make the final determination as to whether the employee will receive a merit increase. Therefore, you should disregard your personal feelings for an employee, and write the evaluation fairly and objectively. It is important that not only good points be brought out and praise given but also the bad points and any constructive comments to correct them. Please remember that an employee rated as "outstanding" should stand head and shoulders above others doing similar work and in fact be looked upon as a special person -- one who could be recommended for greater responsibilities. Ratings are not to be made just to make an employee feel good or bad.

Effective immediately, the following guidelines are to be used when preparing evaluations:

1. All evaluations must be reviewed by the Director, or his designated representative, and discussed with him prior to discussion with the employee. It is too late to take corrective action once the employee is aware of the contents of the evaluation.
2. Establish in the evaluation the achievements, or superior performance, if any, that might qualify the employee for a merit increase. Outline any special improvements that you expect the employee to make prior to next review. Highlight good points and point out weaknesses. Use a second sheet of paper if necessary.

ALL SUPERVISORS
Central Region

-2-

April 14, 1978

3. Include on the evaluation the number of sick leave days the employee has taken since last review. Examine frequency of sick leave and see if a pattern exists, i.e., Mondays, Fridays, before or after holidays. If there is a pattern you must comment on it. If sick leave is not used in excess, it should be so noted.

To assist you in improving your evaluating techniques, we are presently drafting a list of questions to be completed for each evaluation. You will be receiving drafts of them in the very near future.

Attachment -
11/14/77 Memorandum from
Governor Hammond

MEMORANDUM

State of Alaska

TO: All Directors

DATE: May 10, 1978

FILE NO: 400H-2342

TELEPHONE NO:

FROM: James F. O'Sullivan
Deputy Commissioner
Maintenance & Operations

SUBJECT: Merit Increases

Certain directors are recommending merit increases for particular employees at the time of annual evaluation. This is not contrary to the existing system or policy providing . . . that employee has demonstrated outstanding and exceptional accomplishment during the year. Y X

State employees are afforded protection from inflation, and more, by their union contract. The merit increase is to be considered an award and not monetary gain which is due and expected annually.

By copy to Deputy Commissioner Ryan I have requested that a copy of all evaluations which recommend a merit increase be provided me. This is in order that I may share and participate in your recognition of such employees and to gain insight as to the sort of activities that makes for an outstanding employee.

JFO'S:hj

cc: Deputy Commissioner Ryan
Staff



RECORDS CERTIFICATION



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

James O. Smith
Signature of Camera Operator

12/15/89
Date

SCOMM

#51:3A



JUNEAU, ALASKA

Alaska State Legislature

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT

Senator Bill Ray, Chairman

Pouch YG
Mail Stop 3123
Juneau, Alaska 99811
(907) 465-4442

December 15, 1982

AGENDA

Proposed legislation on the status of medical doctors in H&SS

Nepotism statute

Department of Administration response to Recommendations against Rehire

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT

TAPE LOG

Date of Meeting December 15, 1982

Place of Meeting Butrovich Room, State Capitol, Juneau

Side Tape 1, Side 1 (only)[illegible]

BLUE RIBBON COMMISSION ON THE STATE PERSONNEL ACT
State Capitol, Juneau, Alaska
December 15, 1982

MINUTES

Senator Bill Ray, Chairman, called the meeting to order at 1:40 p.m. The roll call showed Senator Ray, Representative Jack Fuller, Myrt Charney, John Chenoweth, James Fisher (alternate for Commissioner Rudd), Lois Jund, Mike McMullen (alternate for Ken Kareen), Roger Thayer (alternate for Lynda McCurry), Greg O'Claray, Bob Maurant (alternate for John Pugh), and Lee Powelson (alternate for Cherie Shelley) as present.

The commission reviewed a letter dated December 14, 1982, from Allen K. Korhonen, Acting Commissioner of the Department of Health and Social Services, concerning the status of medical doctors employed by the department. Mr. O'Claray moved that the commission sponsor legislation as requested by the department to place public health doctors in the classified service. There was no objection and the motion passed by unanimous consent.

The commission considered information on the state's nepotism statute. Ms. Jund moved that the commission reintroduce the legislation on nepotism that it had sponsored in the 1981 legislative session. There was no objection and the motion passed by unanimous consent.

The commission discussed recommendations against rehire. Senator Ray suggested that perhaps a committee of impartial individuals should review every performance evaluation which recommends that an employee not be rehired before that recommendation becomes part of the employee's personnel file. Ms. Jund added that a two-step review process might be appropriate. A departmental panel would review the evaluations before they were approved by the department. A second panel would review them before they became part of the employee's personnel file. She also suggested that the information on the back of the personnel evaluation form should include more detail about recommendations about rehire. Senator Ray suggested that the commission write to the Commissioner of Administration to relate these suggestions.

Tom O'Donnell, personnel officer for the Department of Health and Social Services, pointed out that employees receive copies of the evaluation form and have an opportunity to comment before the evaluation becomes final. A review panel would probably not have enough information to act contrary to the supervisor's recommendation. The important thing to bring about is better training for supervisors in making their evaluations. They should also be held accountable for their actions. Mr. Charney replied that many supervisors and employees do not know the effect of recommendations against rehire and therefore employees do not grieve when they receive one. Senator Ray asked the staff to write to the Commissioner of Administration asking that the department consider expanding the information on the personnel evaluation form and implementing review panels for all evaluations on which that recommendation appears and asking for her response within a reasonable time.

Ms. Jund offered some comments on the memorandum on employee discipline which had been discussed at the previous commission meeting. She suggested that the levels of discipline should include

verbal warnings, which should be documented by the employee's supervisor in writing;

written admonishments, which are not made part of the employee's permanent personnel file but which the employee is asked to sign;

written reprimands, which the employee is asked to sign and which do become part of the personnel file, although they may be removed at a later time; and

suspensions, which the employee is also asked to acknowledge receipt of.

In the section on conduct prejudicial to the best interests of the service (F.3), she suggested that the list include soliciting gifts for political purposes. In the discussion of improper conduct related to state property or vehicles, (F.4), she suggested that operating a state vehicle while under the influence of drugs or alcohol should be listed there as well as in the section on improper use of intoxicants or drugs. Mr. O'Claray moved that the commission write to the Commissioner of Administration asking that she include this information as well as the memorandum previously sent to her when she considers the commission's request that the department adopt a written policy on employee discipline. There was no objection voiced.

Senator Ray adjourned the meeting at 2:10 p.m.

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JUNEAU, ALASKA

Alaska State Legislature

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT

Senator Bill Ray, Chairman

Pouch YG
Mail Stop 3123
Juneau, Alaska 99811
(907) 465-4442

A G E N D A

December 7, 1982

Minimum Qualifications for Internal Auditors

Request for Legislation Placing P.U.C. associate attorneys in the
partially exempt service.

(Letter from Carolyn Guess, Chairman, dated December 6, 1982)

Employee Discipline

Recommendations Against Rehire

Office Skills Test

Recognition of Advanced Degrees by the Division of Personnel
(Letter from Marilyn Martin dated November 29, 1982)

Draft Legislation Before the Commission

Credit in the TRS for BIA service

Intellectual Work Products

Letter and testimony from David Hickok, Chairman of the
Alaska Council on Science and Technology

Collective Bargaining Bill

New Draft received November 29, 1982

Staff Memorandum

TRS Credit for BIA Service

Classification of medical doctor positions

Court leave - Letter from the Personnel Board

Nepotism statutes and regulations

Vacancy on the Commission

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT

TAPE LOG

Date of Meeting December 7, 1982

Place of Meeting Butrovich Room, 2nd Flr, State Capitol, Juneau

Side Tape 1, Sides 1&2; Tape 2, Sides 1&2; Tape 3, Side 1 only

	No.	Subject
Tape 1		
Side 1	000-020	Opening of meeting; roll call
	025-075	Considering Minimum Qualification of Internal Auditor Job Series Bob Janes; Chief Off.Int'l Review; DOT testimony
	076-080	Kareen; Div. Personnel would review internal auditor job series
	080-140	Marcia Anne Lutterman testimony re: Internal Auditor position
	145-200	Carolyn Guess; Com'r PUC testimony re Associate Attorney position Sen Ray Commission will write supporting their request
Tape 1	250-720	Discussed Employee Discipline
Side 2	000-720	Commission requesting Handbook re Employee Discipline
Tape 2		
Side 1	000-250	Reviewed Memo on Recommendations Against Rehire; Recessed for lunch
	260-270	Reconvened; cont'd discussion; request response from Administration
	275-448	Reviewed Office Skills Test; Memo fr K.Hogan
	450-600	Chet Cottongim Testimony re OST
	610-640	J.Chenoweth suggested review re: OST; Responses of Pers./EEO
	650-end	Marilyn Martin correspondence
Tape 2		
Side 2	000-020	Draft Legislation Credit for BIA service TRS; Motion carried sponsor
	075-170	David Hickok ACST Testimony Intellectual work products
	175-180	Motion to sponsor - carried
	180-395	Draft bill on collective bargaining with amendment motion carried
	400-470	Court leave for nonpermanent employees; letter to Personnel Board
	475-530	State-employed Medical Doctors; Tom O'Donnell HSS
	535-end	Nepotism discussion; held; Vacancy on Commission Held;
Tape 3		
Side 1	000-050	Next Meeting items; adjourned at 3:00 p.m.

BLUE RIBBON COMMISSION ON THE STATE PERSONNEL ACT
State Capitol, Juneau, Alaska
December 7, 1982

MINUTES

Senator Bill Ray, Chairman, called the meeting to order at 10:00 a.m. The roll call showed Senator Ray, Representative Jack Fuller, Myrt Charney, John Chenoweth, Senator Dick Eliason, Fred Muller (alternate for Commissioner Rudd), Ken Kareen, Roger Thayer (alternate for Lynda McCurry), Greg O'Claray, John Pugh, and Doryce Eggleston (alternate for Cherie Shelley) as present. Also present were James Fisher, Mike McMullen and Bob Maurant.

Senator Ray asked the members to consider the memorandum on Minimum Qualifications for the Internal Auditor Job Series. Bob Janes, Chief of the Office of Internal Review in the Department of Transportation, addressed the commission in support of permitting work experience to substitute for the educational requirements of the job series. He said that before the auditing kinds of job classes were combined some years ago, his office was staffed by Audit Review Specialists. That job series had less extensive minimum qualifications than does the internal auditor series. When the classes were combined, employees were transferred into the internal auditor classes. If those employees, some of whom have many years of experience, were to resign and then later try to return to work in the same position, they could find that they no longer qualify because they lack the added educational requirements.

Mr. Kareen said that the Division of Personnel would review the internal auditor job series and consider whether it ought to be replaced with two parallel series.

Marcia Anne Lutterman, Internal Auditor III, testified in support of permitting work experience to substitute for the college degree requirement. She said that she was initially employed as a Fiscal Compliance Officer before that job class was deleted and her position transferred into the internal auditor series. She pointed out an additional problem with the educational substitutions presently permitted. The State of Alaska now requires that applicants for the CPA exam hold college degrees, so there is no way to qualify for an internal auditor without a college education. She will not be eligible for promotion until she completes the hours required for a college degree which is difficult to do while holding a fulltime job.

Carolyn Guess, Chairman of the Alaska Public Utilities Commission, addressed the commission concerning the associate attorney position in the PUC. The position is currently staffed on a reimbursable services contract with the Department of Law because the position needs to be in the partially exempt service, but the PUC does not have authorization to make it so. While the position is staffed through the Department of Law, it is statutorily placed in the partially exempt service. She

asked that if the Blue Ribbon Commission is sponsoring amendments to the State Personnel Act, an amendment to AS 39.25.120 be included to permit the PUC to hire partially exempt associate attorneys. Mr. Kareen pointed out that the PUC could request the Personnel Board to place the position in the partially exempt service without having to amend any statutes. Senator Ray added that the Blue Ribbon Commission would be happy to write to the personnel Board in support of the PUC's request.

The commission discussed and revised the memorandum on Employee Discipline. Mr. Muller suggested that the commission send a copy of the revised memorandum to the Commissioner of Administration and request that the department include the information in an employee handbook. Senator Ray asked the staff to prepare the materials to send to Commissioner Rudd.

The commission reviewed the memorandum on Recommendations Against Rehire. Senator Ray recessed the meeting at 11:45 a.m.

Senator Ray reconvened the commission at 1:30 p.m. and continued the discussion on recommendations against rehire. Mr. Charney suggested that the commission ask for a review of the memorandum from the Commissioner of Administration. Senator Ray directed the staff to ask for a response from the department for the next commission meeting.

The commission reviewed the memorandum on the Office Skills Test and the accompanying memorandum from Kaye Hogan, deputy director, Division of Equal Employment Opportunity. Mike McMullen, deputy director of personnel, explained that the Office Skills Test results have been found to be predictive of performance and the psychometrist has established its job-relatedness. The state is in the second year of a two-year experiment in which the minimum qualifications for clerical job classes are waived. The Division of Personnel will review the effect of waiving the minimum qualifications later in the study. For two or three job classes the minimum qualifications are not waived because the division believed that the experience or educational requirement was necessary. For both the retirement and benefits technician classes and the natural resource technician classes the experience requirement is still in effect. A college degree may be substituted. In addition, applicants for those classes must pass the Office Skills Test.

Chet Cottongim, personnel officer for the Department of Public Safety, said that managers in his department have found that employees who have been out of school for a long time have been getting poorer scores on the Office Skills Test than recent graduates. The department has asked the Division of Personnel to look into the situation. It is important to recognize and give credit to experienced good employees and to provide them with opportunities for promotion. The Office Skills Test may block them from qualifying for promotional opportunities. Mr. McMullen pointed out that 96.8% of the applicants who take the test pass it. Senator Ray responded that ranking can be as important as passing the test. Mr. McMullen added that long term employees will have earned employee credits which are added to their scores and a department wanting

to promote a current employee can fill a vacancy using an intra-departmental register. There methods ought to provide adequate opportunities to promote deserving employees.

Mr. Chenoweth suggested that the commission review the Division of Personnel's response to the Division of EEO's request that it seriously consider making the Office Skills Test only one component in the determination of qualifications of applicants.

The commission considered correspondence received from Marilyn Martin. Mr. McMullen explained that he had met with Ms. Martin and advised her that if credits from the California Coastal University are recognized by an accredited college or university then the Division of Personnel will accept her degree. Ms. Martin is currently writing to the University to gather the necessary documents and should receive credit for the degree when she presents them to the division.

The commission considered draft legislation on Credit for BIA service under the Teachers Retirement System. Mr. Charney moved that the commission sponsor the legislation in the next legislative session. Representative Fuller asked to abstain from voting. The vote showed eight (8) in favor, none opposed and one (1) abstention. The motion carried.

The commission considered correspondence received from David Hickok, chairman of the Alaska Council on Science and Technology, together with a memorandum prepared by Jim Lear, Legislative Counsel, addressing the points raised in Mr. Hickok's letter. Mr. Hickok addressed the commission. He suggested that the legislation should provide that supervisors of inventors be made aware of the discovery at the time that the inventor discloses the invention to the Council on Science and Technology. Senator Ray responded that the Council has authority under the bill to adopt regulations which provide that the inventor do so. Mr. Hickok asked whether the Council would have authority under the proposed legislation to contract with a nonprofit corporation to develop and market an invention and to grant a share of the royalties to the corporation as well as to the employee-inventor. Senator Ray responded that on page 3, section 39.52.020 the Council is authorized to grant monetary recognition for creations in intellectual work products and that the form could be a share of the royalties.

Mr. O'Claray moved that the commission sponsor the legislation on government interests in intellectual work products developed at the expense of the state in the next legislative session. The motion carried without objection.

The commission considered the draft bill on collective bargaining. Mr. McMullen pointed out that the language on lines 14 and 15 "whichever is later" could create a problem and suggested that those words be deleted. Mr. O'Claray moved that the bill, as amended, be introduced by the commission. The motion carried without objection.

The commission considered court leave for nonpermanent employees, item B in the Staff Memo. Senator Ray asked the staff to write to the Personnel Board asking that they act immediately, at the earliest possible time. He asked whether any commission members would object to sponsoring legislation on the issue if that should prove necessary. No objections were voiced.

The commission considered the status of state-employed medical doctors, item C of the Staff Memo. Tom O'Donnell, personnel officer for the Department of Health and Social Services addressed the commission. He said that his department had not been consulted by the Senate State Affairs Committee when the committee amended the State Personnel Act to place all medical doctors in the exempt service. Senator Ray asked that the department present suggested legislation on the question for the commission's consideration at its next meeting.

Senator Ray asked that commission members review the information about the state's nepotism statute for the next meeting. He asked for recommendations about filling the vacancy on the commission. Mr. Thayer suggested that the vacancy be filled after the legislative organization has been completed. Patsy Fletcher, Assistant Director of the Human Rights Commission, spoke in support of the application of James Chase.

Senator Ray adjourned the meeting at 3:00 p.m.

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BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT

TAPE LOG

Date of Meeting December 7, 1982

Place of Meeting Butrovich Room, 2nd Flr, State Capitol, Juneau

Side Tape 1, Sides 1&2; Tape 2, Sides 1&2; Tape 3, Side 1 only

	No.	Subject
Tape 1		
Side 1	000-020	Opening of meeting; roll call
	025-075	Considering Minimum Qualification of Internal Auditor Job Series Bob Janes; Chief Off.Int'l Review; DOT testimony
	076-080	K een; Div. Personnel would review internal auditor job series
	080-140	Marcia Anne Lutterman testimony re: Internal Auditor position Carolyn Guess; Com'r PUC testimony re Associate Attorney position
	145-200	Sen Ray Commission will write supporting their request
Tape 1	250-720	Discussed Employee Discipline
Side 2	000-720	Commission requesting Handbook re Employee Discipline
Tape 2		
Side 1	000-250	Reviewed Memo on Recommendations Against Rehire; Recessed for lunch
	260-270	Reconvened; cont'd discussion; request response from Administration
	275-448	Reviewed Office Skills Test; Memo fr K.Hogan
	450-600	Chet Cottongim Testimony re OST
	610-640	J.Chenoweth suggested review re: OST; Responses of Pers./EEO
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Tape 2		
Side 2	000-020	Draft Legislation Credit for BIA service TRS; Motion carried sponsor
	075-170	David Hickok ACST Testimony Intellectual work products
	175-180	Motion to sponsor - carried
	180-395	Draft bill on collective bargaining with amendment motion carried
	400-470	Court leave for nonpermanent employees; letter to Personnel Board
	475-530	State-employed Medical Doctors; Tom O'Donnell HSS
	535-end	Nepotism discussion; held; Vacancy on Commission Held;
Tape 3		
Side 1	000-050	Next Meeting items; adjourned at 3:00 p.m.



JUNEAU, ALASKA

Alaska State Legislature

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT

Senator Bill Ray, Chairman

Pouch YG
Mail Stop 3123
Juneau, Alaska 99811
(907) 465-4442

A G E N D A

December 7, 1982

Minimum Qualifications for Internal Auditors

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Classification of medical doctor positions

Court leave - Letter from the Personnel Board

Nepotism statutes and regulations

Vacancy on the Commission

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT

TAPE LOG

Date of Meeting November 9, 1982

Place of Meeting State Capitol, Juneau, Alaska

Side Tape 1, Sides 1 and 2; Tape 2, Side 1

	No.	Subject
Tape 1		
Side 1	000-040	Opening of meeting
	070-380	Jim Lear (LAA) explained the changes in the Intellectual Work Product Bill; questions from the commission members
	390-400	Commission reviewing Collective Bargaining Bill Draft
	405-500	Don Kubley (IBU-Pac & IUMMP) testified on their behalf. Asked changes in draft; Commission members discussed/questioned the draft
	505-610	Members offered suggestions on draft/discussed them
	615-680	Greg O'Claray read wire from Steve Franks of MEBA
	690-780	Members continued discussion on draft
	785-end	Greg O'Claray moved to change draft So carried
Tape 1		
Side 2	000-110	Discussed PERS credit for BIA service - held until next meeting
	115-130	T.Cramer read fiscal note for above draft
	140-200	Commission considered staff memo - jury pay for nonpermanents
	205-220	Commission considered student loan recipients preference points
	225-450	Commission considered Internal Auditor qualifications
	455-end	Commission considered discipline/recommendations against rehire
Tape 2		
Side 1	000-400	Discussion continued
	405-435	Discussion/suggestions and meeting adjourned at 11:45 a.m.

BLUE RIBBON COMMISSION ON THE STATE PERSONNEL ACT
State Capitol, Juneau, Alaska
November 9, 1982

MINUTES

Senator Bill Ray, Chairman, called the meeting to order at 10:05 a.m. The roll call showed Senator Ray, Representative Jack Fuller, John Chenoweth, Fred Muller (alternate for Commissioner Carole Burger) Lois Jund, Ken Kareen, Roger Thayer (alternate for Lynda McCurry) Greg O'Claray, Bob Maurant (alternate for John Pugh), and Doryce Eggleston (alternate for Cherie Shelley) as present.

Senator Ray asked the commission to consider the draft bill relating to the state's interest in intellectual work products. Jim Lear, legislative counsel, explained the changes he had made at the commission's instructions and answered questions. Representative Fuller moved that the commission approve the bill as drafted for introduction in the 1983 Legislative Session. The motion carried without objection.

The commission took up the draft bill relating to collective bargaining. Don Kubley, representing IBU-Pacific and the International Order of Masters, Mates and Pilots, addressed the commission. He pointed out a problem in the present language which requires that agreements be submitted to the legislature within 30 days after the convening of the session. If negotiations are delayed past the convening of the session, then employees would have to work without a contract for almost a year, until the convening of the next regular session. He suggested that the language be changed.

Senator Ray suggested that the second sentence of the draft, lines 15-18 be deleted. Greg O'Claray read a telegram from Steve Franks of the Marine Engineers Beneficial Association in Seattle, opposing an earlier version of the bill. Roger Thayer suggested the bill be amended by deleting "30 days after the" in line 14 and adding "10 days after signing by the parties or" in its place. Mr. O'Claray moved that the second sentence of the draft be deleted and that the bill be amended as suggested by Mr. Thayer. The motion carried without objection.

The commission considered the draft relating to PERS credit for BIA service. Mr. Muller explained that the bill would preclude state employees with federal BIA service from receiving retirement benefits from both the federal government and the state for the same period of service. Mr. O'Claray asked how the credit for BIA service was funded. Mr. Muller was not sure. Further consideration of the legislature was held until the next commission meeting.

Terry Cramer read the commission a fiscal note from the Division of Retirement and Benefits for the draft bill limiting the adjustment of retirement benefits which the commission has approved for introduction. The division expects there will be some cost but they cannot be measured and in most instances they are expected to be small.

The commission considered court leave for nonpermanent state employees. Mr. O'Claray said that most collective bargaining contracts provide for jury duty pay and that nonpermanents may be the only group of employees who are not entitled to receive pay while serving on a jury. Ms. Cramer advised the commission that the Personnel Board would be meeting next week to consider amendments to the Personnel Rules. Mr. Kareen added that the Rules which the Personnel Board would be considering do not include leave provisions. The State Personnel Act does not direct that the Personnel Rules address leave for state employees. Those provisions will be placed in other regulations. Senator Ray asked Ms. Cramer to advise the Personnel Board of the commission's support for court leave for nonpermanent employees.

The commission considered the request that it recommend a preference for student-loan recipients.

The commission considered the requirement that internal auditors hold college degrees. Mr. Kareen said that the Division of Personnel reflects the views of state managers in setting the minimum qualifications for job classes. Mr. O'Claray asked for more information on how the minimum qualifications for this job class were established, since most minimum qualifications permit substitution of training and experience for educational requirements. Senator Ray asked the staff to invite the Director of the Division of Internal Audit to the next commission meeting.

The commission discussed employee discipline and recommendations against rehire. Senator Ray suggested that the problem with recommendations against rehire is that a supervisor has control of an employee's entire job future with the state. Mr. Muller explained that the Division of Personnel reviews recommendations against rehire to insure that their scope is appropriate. The recommendations can be limited to that job class, to the department as a whole, or to any state employment. Mr. Kareen added that there are adequate departmental review procedures to insure that the recommendation against rehire is imposed only in appropriate circumstances. The employee's immediate supervisor prepares the recommendation. It is then reviewed at the next level of supervision, and finally there is a department level review, frequently by the Personnel Officer for the department. Unfortunately, the reviews are sometimes cursory, and the recommendations are signed automatically. Mr. O'Claray asked whether there were any guidelines to assist supervisors. Guidelines would help insure consistency. Ms. Jund added that many supervisors do not understand what a recommendation against rehire means. Could there be something written to let them know? Senator Ray asked the staff to work with Mr. Muller on this issue.

Senator Ray adjourned the meeting at 11:45 a.m.

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BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT

TAPE LOG

Date of Meeting October 15, 1982

Place of Meeting Butrovich Room, State Capitol, Juneau

Side Tapes 1 Sides 1 and 2; Tape 2 Side 1

[illegible]

BLUE RIBBON COMMISSION ON THE STATE PERSONNEL ACT
State Capitol, Juneau, Alaska
October 15, 1982

MINUTES

Senator Bill Ray, Chairman, called the meeting to order at 10:00 a.m. The roll call showed Senator Ray, Myrt Charney, John Chenoweth, Senator Dick Eliason, Sandra Withers (alternate for Commissioner Carole Burger), William Huston, Mike McMullen (alternate for Ken Kareen), Roger Thayer (alternate for Lynda McCurry), Greg O'Claray, and John Pugh as present. Also present was Bob Mourant.

Terry Cramer, Administrative Assistant to the commission, advised the members that the minutes of the meeting held September 21, 1982, should be corrected. The second sentence of the third paragraph should read:

With objection from the Department of Administration, the commission approved the draft bill limiting the adjustment of retirement benefits for introduction next session.

The correction to the minutes was approved without objection.

The commission considered the draft bill amending AS 14.25.107 prepared by the Division of Retirement and Benefits at the request of the commission. Senator Ray explained that the bill addressed a potential problem in the current statutes which could allow individuals to receive retirement benefits from both the federal and state governments for the same period of employment with the federal government. Greg O'Claray moved that the bill be prepared as legislation for introduction next session by the commission. The motion passed without objection.

The commission considered the draft bill relating to collective bargaining. Senator Ray suggested that the draft be amended to provide that if the legislature does not act within 60 days, then the agreement would be considered rejected. Mr. O'Claray suggested that the time for legislative consideration should be limited to 30 days. Mike McMullen asked whether the language in line 15 required that agreement reached after the legislature convened would have to wait until the next session before being considered by the legislature. Senator Ray suggested that the work should be done before the session to avoid any delays. Senator Ray asked that another draft of the bill be prepared for the commission's consideration at its next meeting.

The commission considered the draft bill relating to government interests in intellectual work products developed at the expense of the state. Jim Lear, Legislative Counsel, explained the changes he made in preparing this draft. The commission discussed the proposed AS 39.52.020, and asked that Mr. Lear prepare language providing that the Council on

Science and Technology may, subject to appropriation, either award the inventor a share of the royalties or give him or her a cash award for any discovery, regardless of whether it provides the state with net revenues or whether it is a cost-saving discovery. In addition, the commission requested that he draft language excluding the provisions of the legislation from the scope of collective bargaining and exempting legislators from the provisions of the bill.

The commission discussed standards for recommendations against rehire and for employee discipline. Senator Ray asked Sandra Withers to draft generalized standards with examples of the kind of conduct which would merit that level of discipline for the commission to consider at the next meeting.

Senator Ray announced that the commission would be meeting in November, December and January. He adjourned the meeting at 11:45 a.m.

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TAPE LOG

Side Tape 1, sides 1 and 2[illegible]

BLUE RIBBON COMMISSION ON THE STATE PERSONNEL ACT
State Capitol, Juneau, Alaska
September 21, 1982

MINUTES

Senator Bill Ray, Chairman, called the meeting to order at 10:10 a.m. The roll call showed Senator Ray, Representative Jack Fuller, Myrt Charney, Senator Dick Eliason, Fred Muller (alternate for Commissioner Carole Burger), Ken Kareen, Lynda McCurry, John Pugh, Darlene Livermore (alternate for Cherie Shelley) present. Bill Huston and Cherie Shelley arrived late. Also present were Roger Thayer and Jim Fisher. Jack Chenoweth, Lois Jund and Greg O'Clary were absent.

The commission considered draft legislation on government interest in discoveries and inventions made by public officers and employees of the state. Jim Lear, legislative counsel, explained the provisions of the draft and answered questions from the commission. He said that legislation from the State of Connecticut and the federal Executive Order on patents by employees formed the basis of the draft. Senator Eliason moved that page 4, lines 1 and 2 be amended to delete the exceptions for the Alaska Energy Center and for the Alaska Resources Corporation. The motion passed without objection. The commission requested other changes and also asked Mr. Lear to prepare draft legislation relating to the state's interests in copywrites, particularly in computer programs. Mr. Don Bennett of the Council on Science and Technology was present, but did not testify.

The commission held review of the draft relating to collective bargaining until the next meeting. Without objection the commission approved the draft bill limiting the adjustment of retirement benefits for introduction next session.

Senator Ray stated that selection of a new commission member would be held until the next meeting. He asked commission members to be prepared to discuss employee discipline at that meeting.

Senator Ray adjourned the meeting at 11:45 a.m.

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BLUE RIBBON COMMISSION ON THE STATE PERSONNEL ACT
State Capitol, Juneau, Alaska
August 30, 1982

MINUTES

Senator Ray, Chairman, called the meeting to order at 10:00 a.m. The roll call showed Senator Ray, Representative Fuller, Myrt Charney, John Chenoweth, Fred Muller (alternate for Commissioner Carole Burger), Lois Jund, Mike McMullen (alternate for Ken Kareen), Lynda McCurry, Greg O'Claray, John Pugh, and Dianne Corso (alternate for Cherie Shelley) as present. Senator Eliason and Bill Huston were absent. Also present were James Fisher, Roger Thayer, Bob Mourant and Doryce Eggleston.

Senator Ray asked Chet Cottongim, personnel officer for the Department of Public Safety, to address the commission concerning correspondence received from Sgt. Richard A. Hemmen who lives in Fairbanks. Mr. Cottongim explained that a vacancy had occurred in the Fish and Wildlife Protection Division in Anchorage which required a seasoned supervisor, ideally one who was also a pilot. The department considered six sergeants and decided that Sgt. Hemmen was the most desirable. Neither Sgt. Hemmen nor the other five candidates for the position were from the Anchorage area. Although the department seldom invokes involuntary transfer, it did so in this case because of the special needs of the position. Sgt. Hemmen refused the transfer because of the financial hardship resulting from the loss of geographic pay differential and having to sell his house in the depressed market in Fairbanks. The department offered him the choice of accepting the transfer, resigning, or being suspended and, if he did not then accept the transfer, being fired. Sgt. Hemmen resigned effective August 1, 1982. He filed a grievance on the involuntary transfer which was decided in favor of the department.

Mr. Cottongim added that Sgt. Hemmen had refused a transfer once before on the grounds of financial hardship. The department accepted his refusal and he remained in Fairbanks and subsequently received two promotions. The Anchorage position actually became vacant on July 16th. Mr. Cottongim stated that so far as he knew, it had not yet been filled. He indicated that the department had hoped that Sgt. Hemmen would change his mind.

Mike McMullen explained that he had served on the contract negotiating team for the Public Safety Employees' Association labor agreement. The terms of the agreement recognize the employer's need to transfer employees, particularly commissioned officers, from one area to another. The contract provides that the employee's moving expenses will be paid by the state.