

**ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILE 8672**  
**1376 SCOMM 51: BLUE RIBBON COMN. ON STATE PERSONNEL ACT 1978-1983**



# 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

#51:30

July 6, 1983

HB 53: Prohibiting duplicate Teachers' Retirement benefits for Alaska  
BIA service

History - IN THE HOUSE

L & C                      Hearings on 2/7/83 and 4/18/83. Passed with individual recommendations. Ken Humphries, Director of Retirement & Benefits, testified that the division had no need for this legislation since it has the power to adopt regulations of this sort without additional authorization but the committee passed the bill anyway. (I responded that the commission chairman recommended the bill because future directors might see the matter differently.)

State Affairs              Hearings 4/29 and 5/10/83. A technical amendment was proposed by Ken Humphries at the earlier meeting but the committee did not amend the bill.

Finance                    No hearings were held before adjournment.

Companion bill: SB 58 had one hearing in Senate HESS and then came to a stop. With regulations in place, the justification for either bill is that it will insure that future directors do not change their minds and rescind the regulations. Copies of the regulations are in the file and also are attached to my memo to House Finance. That committee got 12 or 15 copies of the memo.

Introduced: 1/18/83  
Referred: Labor & Commerce, State  
Affairs and Finance

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

1 IN THE HOUSE

2

HOUSE BILL NO. 53

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act prohibiting duplicate teachers' retirement  
7 benefits for Alaska BIA service."

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

9 \* Section 1. AS 14.25.107 is amended to read:

10 Sec. 14.25.107. CREDIT FOR ALASKA BIA SERVICE. A member who  
11 joins the system on or after July 1, 1978, who has Alaska BIA service  
12 may claim all of that service as credited service. [A RETIREMENT  
13 BENEFIT PAYABLE UNDER THIS CHAPTER FOR ALASKA BIA SERVICE SHALL BE  
14 REDUCED BY AN AMOUNT EQUAL TO THE RETIREMENT BENEFITS PAID TO THE  
15 MEMBER BY THE UNITED STATES GOVERNMENT FOR THE SAME SERVICE.]

16 \* Sec. 2. AS 14.25.169 is amended to read:

17 Sec. 14.25.169. DUPLICATE BENEFITS. (a) If payments from this  
18 retirement system are due to a teacher or to the teacher's spouse  
19 under more than one provision of this plan, the teacher or spouse  
20 shall elect under which provision and which benefit the teacher or  
21 spouse wishes to receive and no payments may be made under any other  
22 provision. However, benefits under AS 14.25.155, 14.25.157, 14.25.-  
23 160, 14.25.162, 14.25.164, and 14.25.167 shall be paid in addition to  
24 those benefits or that service credit a person is entitled to receive  
25 because of the person's own membership in the retirement system.

26 (b) A teacher may not receive

27 (1) duplicate credit under this system for the same period  
28 of service,

29 (2) more than one year of service credit in the course of a

1 school year, or

2 (3) a benefit while accruing service credit under this  
3 system, except as provided in this section.

4 (c) A retirement benefit payable under this chapter for Alaska  
5 BIA service shall be reduced by an amount equal to the retirement  
6 benefits paid to the member by the United States government for the  
7 same service. Before appointment to retirement under this chapter,  
8 and once each year thereafter, the administrator may require a member  
9 who has received credit for Alaska BIA service under AS 14.25.107 to  
10 produce verification of the benefit amount the member is receiving  
11 from the United States government for that same service or verifica-  
12 tion that the member is not entitled to receive a benefit from the  
13 United States government for that same service.



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

### MEMORANDUM

May 17, 1983

TO: House Finance Committee

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

SUBJECT: House Bill 53 - Prohibiting Duplicate Teachers' Retirement  
Benefits for Alaska BIA Service

The Blue Ribbon Commission heard testimony from the Division of Retirement and Benefits that a loophole exists in the Teachers' Retirement System statutes which permit receiving TRS credited service for federal employment in Alaska BIA schools. Teachers who qualified for federal retirement from a BIA school and who then worked for the state in a position covered by the Teachers' Retirement System could receive benefits for the same years of service from each system.

Under TRS, teachers may receive credit for Alaska BIA service by contributing 7% of their entry TRS salary for each year of BIA service to be credited. The law provides that state retirement benefits for Alaska BIA service will be reduced by the amount received from the federal government for the same service. However, this is verified only at the time of applying for retirement.

Credit from both retirement systems is possible if the teacher who has worked for both employers buys TRS credited service for BIA employment and takes a lump sum payment of his or her federal retirement contributions before retiring from the state. At the time of state retirement, the teacher reports being eligible to receive no federal retirement benefits for Alaska BIA service. After establishing state benefits, the teacher could repay the lump sum to the federal government and claim a federal retirement. The teacher would then be drawing from two retirement systems for the same period of service.

The commission recommends that language be added to the TRS statutes to permit the Division of Retirement to require retired members to verify annually any federal benefits received for Alaska BIA service. The division has adopted regulations which permit requiring members of TRS and PERS to report annually about whether they are receiving a

retirement benefit from the United States Government for the same period of service for which they are receiving a state retirement benefit. Copies of the regulations are attached. The commission continues to recommend passage of HB 53 to place authorization for the regulation in statute.

#### Bill Analysis

|        |                                                                                                                                                                                                                                      |
|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Page 1 | The first section of the bill deletes material concerning                                                                                                                                                                            |
| Line 9 | treatment of duplicate benefits from the current authorization for claiming BIA service.                                                                                                                                             |
| Page 2 | The language deleted in section 1 is moved to AS 14.25.169                                                                                                                                                                           |
| Line 4 | by the second section of the bill.                                                                                                                                                                                                   |
| Line 7 | Section 2 also provides authorization for the Division of Retirement and Benefits to request annual verification of the amount of any federal retirement benefits for Alaska BIA service for which state benefits are also received. |

#### House State Affairs Committee Amendment

At the request of the Director of Retirement and Benefits, the House State Affairs Committee adopted the following amendment:

Page 2, line 5: Between the words "service" and "shall" insert:  
claimed under AS 14.25.107

The amendment makes clear that those who qualified for TRS benefits before July 1, 1978, when the statutes were amended to require offsetting state benefits by the amount of any federal benefits received, are not affected by this amendment.

**DRAFT**

PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Regulation No. 83-1

Verification of Federal Benefit

Before being appointed to retirement, and once a year thereafter, a member who has been credited with service under AS 39.35.360 may be required to provide the administrator with confirmation from the United States Government of the benefit amount the member is receiving from the United States Government for that same period of service or confirmation that the member is not entitled to receive a benefit from the United States Government for that same period of service.

Approved: \_\_\_\_\_  
C.R. "Steve" Hafling, Chairman  
Public Employees' Retirement Board

Dated this \_\_\_\_ day of \_\_\_\_\_, 1983

**DRAFT**

TEACHERS' RETIREMENT SYSTEM

Regulation No. 83-1

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Approved: \_\_\_\_\_

Dated this \_\_\_\_ day of \_\_\_\_\_, 1983

Introduced: 1/18/83  
Referred: Labor & Commerce, State  
Affairs and Finance

4/29 Hold

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

1 IN THE HOUSE

2

HOUSE BILL NO. 53 w/ amdt

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

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A BILL

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2 (3) a benefit while accruing service credit under this  
3 system, except as provided in this section.

4 (c) A retirement benefit payable under this chapter for Alaska  
5 BIA service <sup>claimed under AS 14.25.107</sup> shall be reduced by an amount equal to the retirement  
6 benefits paid to the member by the United States government for the  
7 same service. Before appointment to retirement under this chapter,  
8 and once each year thereafter, the administrator may require a member  
9 who has received credit for Alaska BIA service under AS 14.25.107 to  
10 produce verification of the benefit amount the member is receiving  
11 from the United States government for that same service or verifica-  
12 tion that the member is not entitled to receive a benefit from the  
13 United States government for that same service.



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

## MEMORANDUM

April 25, 1983

TO: House State Affairs Committee

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

SUBJECT: House Bill 53 - Prohibiting Duplicate Teachers' Retirement  
Benefits for Alaska BIA Service

The Blue Ribbon Commission heard testimony from the Division of Retirement and Benefits that a loophole exists in the Teachers' Retirement System statutes which permit receiving TRS credited service for federal employment in Alaska BIA schools. Teachers who qualified for federal retirement from a BIA school and who then worked for the state in a position covered by the Teachers' Retirement System could receive benefits for the same years of service from each system.

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The commission recommends that language be added to the TRS statutes to permit the Division of Retirement to require retired members to verify annually any federal benefits received for Alaska BIA service.

### Bill Analysis

Page 1 The first section of the bill deletes material concerning  
Line 9 treatment of duplicate benefits from the current authori-  
zation for claiming BIA service.

Page 2           The language deleted in section 1 is moved to AS 14.25.169  
Line 4           by the second section of the bill.

Line 7           Section 2 also provides authorization for the Division of  
Retirement and Benefits to request annual verification of  
the amount of any federal retirement benefits for Alaska  
BIA service for which state benefits are also received.

**DRAFT**

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Approved: \_\_\_\_\_

C.R. "Steve" Hafling, Chairman  
Public Employees' Retirement Board

Dated this \_\_\_\_ day of \_\_\_\_\_, 1983

**DRAFT**

TEACHERS' RETIREMENT SYSTEM

Regulation No. 83-1

Verification of Federal Benefit

Before being appointed to retirement, and once a year thereafter, a member who has been credited with service under AS 14.25.107 may be required to provide the administrator with confirmation from the United States Government of the benefit amount the member is receiving from the United States Government for that same period of service or confirmation that the member is not entitled to receive a benefit from the United States Government for that same period of service.

Approved: \_\_\_\_\_

Dated this \_\_\_\_ day of \_\_\_\_\_, 1983

**MEMORANDUM****March 24, 1983****TO: Senator Bill Ray, Chairman****FROM: Teresa B. Cramer  
Administrative Assistant****SUBJECT: SB 58 and HB 53 - Prohibiting Duplicate Teachers' Retirement  
Benefits for Alaska BIA Service**

I spoke with Ken Humphreys, director of the division of retirement. He advised me that the PERS and TRS boards have adopted regulations to require continued reporting from retired members about the amounts of any federal benefits they receive. These regulations are available for comment until March 31st, at which time they will become final unless amended by the appropriate retirement board. The regulations were promulgated because of the questions raised by the Blue Ribbon Commission bills on this issue. Copies of the proposed regulations are attached.

**TBC:lmk  
Attachments**

February 8, 1983

The Honorable Joe Josephson, Chairman  
Senate Health, Education and Social  
Services Committee  
Pouch V  
Juneau, Alaska 99811

RE: SB 58 - Prohibiting Duplicate Teachers' Retirement  
Benefits for Alaska BIA Service

Dear Senator Josephson:

I have spoken with Senator Ray, chairman of the Blue Ribbon Commission, concerning the committee's question of whether this legislation is necessary given the possibility that the same thing can be accomplished by regulation. Senator Ray pointed out that, in fact, the Division of Retirement and Benefits has not yet adopted regulations on this issue. Therefore it appears to him to be advisable for the Legislature to act to make its wishes known.

Please let me know if I can be of further assistance.

Yours very truly,

Teresa B. Cramer  
Administrative Assistant



Page 2           The language deleted in section 1 is moved to AS 14.25.169  
Line 4           by the second section of the bill.

Line 7           Section 2 also provides authorization for the Division of  
Retirement and Benefits to request annual verification of  
the amount of any federal retirement benefits for Alaska  
BIA service for which state benefits are also received.



# RECORDS CERTIFICATION



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Signature of Camera Operator

12/15/89  
Date

SCOMM

#51:31

July 1, 1983

HB 108 - Licensed physicians placed in the exempt service

History - IN THE LEGISLATURE

In the House this bill had hearings in House HESS, Finance and passed on 2/28. In the Senate, it had hearings in Labor and Commerce and Finance and passed on April 13. It became Chapter 11, SLA 1983 on May 2, 1983. Hooray!

Companion Bill: SB 64 is the companion. It went nowhere and is no longer needed. Its only referral was Senate Labor and Commerce.

Introduced: 1/21/83  
Referred: Health, Education and  
Social Services & Finance

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

1 IN THE HOUSE

2 HOUSE BILL NO. 108

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the inclusion in the state exempt  
7 service of licensed physicians employed by the divi-  
8 sion of mental health and developmental disabilities,  
9 Department of Health and Social Services."

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

11 \* Section 1. AS 39.25.110(13) is amended to read:

12 (13) [LICENSED] physicians licensed to practice in this  
13 state and[, AS DEFINED IN AS 47.30.340(9)] employed by the division of  
14 mental health and developmental disabilities, Department of Health and  
15 Social Services [THE STATE];



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

### MEMORANDUM

January 25, 1983

TO: House Health, Education & Social Services Committee

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

SUBJECT: HB 108, Licensed Physicians in the Department of Health and Social Services

An unintended change created by an amendment to the State Personnel Act last session has caused some question in the Department of Health and Social Services. Prior to the amendment, licensed physicians employed by the Division of Mental Health and Developmental Disabilities were placed in the exempt service. Other physicians working for the department were members of the classified service. This system worked well. The exception for those working in the mental health field was necessary in order to attract and pay qualified staff.

The amendment placed all licensed physicians, as defined in AS 47.30.340(9), employed by the state into the exempt service. Title 47.30 addresses mentally ill and insane persons but the definition section defined "licensed physician" in general terms. The department brought to the commission's attention an unforeseen situation. There were two employees in the Division of Public Health serving as Regional Health Officers. One was a medical doctor and the other a licensed veterinarian. Under the amended version of the State Personnel Act, the doctor could be placed in the exempt service and the veterinarian would remain in the classified service. Both have the same duties, though in different locations.

The commission recommends that legislation be adopted to return all medical doctors except those employed by the Division of Mental Health and Developmental Disabilities to the classified service.

### Bill Analysis

The bill amends the section of the State Personnel Act which lists membership in the exempt service to place only those physicians employed by the Division of Mental Health and Developmental Disabilities in the exempt service.

TBC:lmk  
Attachment

BILL SHEFFIELD, GOVERNOR

**DEPT. OF HEALTH AND SOCIAL SERVICES**  
**OFFICE OF THE COMMISSIONER**

POUCH H 01  
JUNEAU, ALASKA 99811  
PHONE: 465-3030

December 14, 1982

The Honorable Bill Ray, Chairman  
Blue Ribbon Commission on the State Personnel Act  
Pouch YG, Mail Station 3123

Attention: Terry Cramer, Administrative Assistant

Subject: Licensed Physicians - Department of Health & Social Services

Dear Senator Ray:

Subsequent to the December 7 meeting of the Blue Ribbon Commission, and at its direction, the Department of Health & Social Services considered the circumstances surrounding the statutory language relating to licensed physicians employed by the state. The original purpose for the inclusion of licensed physicians in the exempt service under AS 39.25.0110 (19) was to provide for recruitment and retention of qualified and competent staff within the Division of Mental Health & Developmental Disabilities. That situation has worked well since that time.

The amendments to that statute as adopted under HCS CSSB 193 in 1982 eliminated that particular distinction. As presently written, that statute could be interpreted to include licensed physicians in the Division of Public Health. That action is not adjudged to be in the best interests of the state and those employees. It should be noted that in 1981, AS 47.30.340 was repealed in its entirety and AS 47.30.915 was added. That section again defined "licensed physician" in the legislative reference to mental health programs.

It is therefore respectfully requested that the language in AS 39.25.110 (13) be amended to read as follows: "licensed physicians, as defined in AS 47.30.915 (11), employed by the Division of Mental Health & Developmental Disabilities, Department of Health & Social Services.

Thank you for your consideration of this matter.

Sincerely,



Allen K. Korhonen  
Acting Commissioner



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James O. Smith  
Signature of Camera Operator

12/15/89  
Date

SCOMM

#51:32

July 1, 1983

HB 135 - Court Leave for Nonpermanent & Temporary Employees

History - IN THE HOUSE

State Affairs:       Hearing 3/16/83. Passed with fiscal note (I don't have a copy in the file - it's probably a zero note because they couldn't calculate what it might be - no easily-accessible records.)

Finance:             Referred 3/16 - no hearings.

Companion bill: SB 83 is identical and in Senate Finance. Copies of pertinent statutes (as they existed in 1983 - and probably unchanged) may be found in the file.

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39.20.256

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§ 39.20.260

PUBLIC OFFICERS AND EMPLOYEES

§ 39.20.300

"under (b)" in the first sentence and added  
the second sentence.

The 1980 amendment substituted  
"Workers' Compensation Act" for  
"Workmen's Compensation Act" in  
subsection (e).

**Legislative history report.** — For the  
House State Affairs Committee letter of  
intent on Senate Bill No. 116 (ch. 52, SLA  
1979), see 1979 House Journal, p. 1052.

#### Sec. 39.20.260. Medical leave.

Repealed by § 15 ch 136 SLA 1978.

**Cross reference.** — For present  
provisions covering the subject matter of  
the repealed section, see AS 39.20.225(b).

**Editor's note.** — The repealed section  
derived from § 11-5-6 g, ACLA 1949; § 1,

ch. 182, SLA 1957; § 1, ch. 145, SLA 1960;  
§ 1, ch. 82, SLA 1966; § 2, ch. 37, SLA  
1967; § 51, ch. 32, SLA 1971; § 3, ch. 151,  
SLA 1972; § 1, ch. 67, SLA 1974; § 11, ch.  
148, SLA 1976.

**Sec. 39.20.270. Court leave.** Court leave shall be granted to an  
employee who is classified as full time, whether permanent or  
temporary. An officer or employee called to serve as a juror or  
subpoenaed as a witness is entitled to administrative leave with pay,  
but compensation received by him or to which he is entitled, whichever  
is greater, for service as a juror or witness shall be deducted from pay  
to which he is entitled as a state officer or employee. (§ 11-5-6 h ACLA  
1949; am § 1 ch 182 SLA 1957; am § 1 ch 145 SLA 1960)

#### Sec. 39.20.280. Maternity leave.

Repealed by § 2 ch 67 SLA 1974.

**Cross reference.** — For present  
provisions covering the subject matter of  
the repealed section, see AS  
39.20.225(b)(4).

**Editor's note.** — The repealed section  
derived from § 11-5-6 i ACLA 1949; § 1,  
ch. 182, SLA 1957; § 1, ch. 145, SLA 1960;  
§ 105, ch. 127, SLA 1974.

**Sec. 39.20.290. Definition of days of leave.** The days of leave  
provided for in AS 39.20.200 — 39.20.330 mean days upon which an  
officer or employee would otherwise work and receive pay, and are  
exclusive of holidays. (§ 11-5-6 j ACLA 1949; am § 1 ch 182 SLA 1957;  
am § 1 ch 145 SLA 1960)

**Sec. 39.20.295. Special regulations on leave period.** In accord  
with the procedures established in AS 39.20.320, the Department of  
Administration shall promulgate rules defining and establishing a  
uniform beginning and a uniform concluding date for the 12-month  
periods applicable to leave use and accumulation by officers and  
employees of state government. (§ 2 ch 151 SLA 1972)

**Sec. 39.20.300. Personal and banked medical leave transfers  
with officer or employee.** When an officer or employee terminates  
employment with one department, office, institution, or agency of the  
state government and is employed by another department, office,  
institution, or agency of the state government without break in service,

*see also*  
39.20.310(7)-(9)

(b) An employee of the legislature or of a legislative agency with the approval of the person authorizing the employment may donate accrued personal leave to another employee of the legislature or of a legislative agency only for use as leave for medical reasons. The donor is responsible for legislative employee accounts shall debit the donor's personal leave account and credit the donee's personal leave account for medical reasons only, by converting the donated leave into cash value at the donor's rate of pay and reconverting the cash value into hours of leave at the donee's rate of pay. Leave donated under this subsection is not leave taken by the donor for purposes of AS 39.20.225(c). (§ 2 ch 33 SLA 1969; am § 23 ch 136 SLA 1974; am § 1 ch 136 SLA 1978; am § 1 ch 75 SLA 1981)

Effect of amendments. — The 1981 amendment added subsection (b).

Sec. 39.20.310. Exceptions. AS 39.20.200 — 39.20.330 do not apply to

(1) members of the state legislature, the governor, the lieutenant governor, and justices and judges of the supreme and superior courts and of the court of appeals, but nothing in AS 39.20.200 — 39.20.330 may be construed to diminish the salaries fixed by law for these officers by reason of absence from duty on account of illness or otherwise;

(2) magistrates serving the state on less than a full-time basis;

(3) officers, members of the teaching staff, and employees of the University of Alaska;

(4) Repealed by § 76 ch 59 SLA 1982;

(5) persons employed in a professional capacity to make a temporary and special inquiry, study, or examination as authorized by the governor, the legislature, or a legislative committee;

(6) members of boards, commissions, and authorities who are not otherwise employed by the state;

(7) temporary employees hired for periods of less than 12 consecutive months;

(8) persons employed by the division of marine transportation as masters and members of the crews operating the state ferry system who are covered by collective bargaining agreements as provided in AS 23.40.040.

(9) persons employed by the state who are covered by collective bargaining agreements as provided in AS 23.40.210. (§ 11-5-61 ACLA 1949; am § 1 ch 182 SLA 1957; am § 1 ch 145 SLA 1960; am § 1 ch 136 SLA 1961; am § 4 ch 93 SLA 1962; am § 3 ch 24 SLA 1966; am § 1 ch 62 SLA 1972; am § 10 ch 136 SLA 1978; am § 26 ch 12 SLA 1980; am § 76 ch 59 SLA 1982)

Effect of amendments. — The amendment, effective May 28, 1982,

Sec. 39.20.320. Adoption of personnel in the Department of Personnel and submit regulations necessary to AS 39.20.200 — 39.20.330. These regulations, after crediting and, if necessary, converting employee transfers, without breach of agency of the state government AS 39.20.330 and a department or division is not subject to AS 39.20.200. The regulations shall be submitted to the commission of administration shall review the regulations with the personnel board. The regulation shall have the force and effect of law 30 days after adoption by the personnel board if not disapproved by the personnel board. The regulations shall be promulgated in the same manner, and have the force and effect of law after submitted to the personnel board. The regulations adopted under this section shall be subject to the internal management of state government subject to the provisions of the AS 44.62. (§ 11-5-6 m ACLA 1949; am § 145 SLA 1960; am § 11 ch 136 SLA 1978)

Effect of amendments. — The 1982 amendment, effective May 28, 1982, amended "and labor relations" following "division of personnel" in the first sentence.

Sec. 39.20.340. Leave of absence for members of armed forces. (a) An employee in a subdivision, with the approval of the person authorizing the employment who is a member of a reserve or component of the United States Armed Forces is entitled to leave of absence without pay, time or efficiency rating on assignment to training duty, as distinguished from duty at field exercises, or for instruction or control in the performance of a sea duty. The leave of absence may not exceed 16½ working days.

(b) If an employee is called to active duty in the armed forces, an employee otherwise qualified in (a) may be granted leave of absence without loss of pay. (§ 20 SLA 1951; am § 1 ch 154 SLA 1975; am § 1 ch 49 SLA 1976)

or of a legislative agency with the  
g the employment may donate  
employee of the legislature or of a  
re for medical reasons. The official  
accounts shall debit the donor's  
e donee's personal leave account  
ting the donated leave into cash  
d reconverting the cash value to  
of pay. Leave donated under this  
the donor for purposes of AS  
am § 23 ch 136 SLA 1974; am § 4  
A 1981)

§ 39.20.200 — 39.20.330 do not

ture, the governor, the lieutenant  
of the supreme and superior courts  
thing in AS 39.20.200 — 39.20.330  
salaries fixed by law for these officers  
account of illness or otherwise;  
e on less than a full-time basis;  
aching staff, and employees of the

1982;

sional capacity to make a temporary  
ination as authorized by the govern-  
re committee;

sions, and authorities who are not

or periods of less than 12 consecutive

vision of marine transportation in  
operating the state ferry system who  
ing agreements as provided in AS

te who are covered by collective bar-  
in AS 23.40.210. (§ 11-5-61 ACLA  
§ 1 ch 145 SLA 1960; am § 1 ch 146  
2; am § 3 ch 24 SLA 1966; am § 1 ch  
A 1978; am § 26 ch 12 SLA 1982 am

**Effect of amendments.** — The 1982 repealed paragraph (4) as that paragraph  
amendment, effective May 28, 1982, appears in the main pamphlet.

**Sec. 39.20.320. Adoption of regulations.** The director of the divi-  
sion of personnel in the Department of Administration shall prepare  
and submit regulations necessary to carry out the intent of AS  
39.20.200 — 39.20.330. These regulations shall include provisions for  
crediting and, if necessary, converting accrued leave when an officer or  
employee transfers, without break in service, between a department or  
agency of the state government where he is subject to AS 39.20.200 —  
39.20.330 and a department or agency of the state government where  
he is not subject to AS 39.20.200 — 39.20.330. These regulations shall  
be submitted to the commissioner of administration. The commissioner  
of administration shall review the regulations and submit them to the  
personnel board. The regulations, or any part of the regulations, have  
the force and effect of law 30 days after they are submitted to the  
personnel board if not disapproved by the personal board. Amendments  
to the regulations shall be prepared and submitted in the same  
manner, and have the force and effect of law 30 days after they are  
submitted to the personnel board, if not disapproved by the personnel  
board. The regulations adopted under AS 39.20.200 — 39.20.330 relate  
to the internal management of state agencies and their adoption is not  
subject to the provisions of the Administrative Procedure Act (AS  
44.62). (§ 11-5-6 m ACLA 1949; am § 1 ch 182 SLA 1957; am § 1 ch  
145 SLA 1960; am § 11 ch 136 SLA 1978; am § 77 ch 59 SLA 1982)

**Effect of amendments.** — The 1982 tence, and, deleted "within 60 days of July  
amendment, effective May 28, 1982, 9, 1978" following "commissioner of  
deleted "and labor relations" following administration" in the third sentence.  
"division of personnel" in the first sen-

**Sec. 39.20.340. Leave of absence for reserve or auxiliary mem-  
bers of armed forces.** (a) An employee of the state, or a political  
division, with the approval of the city council or borough assembly,  
who is a member of a reserve or auxiliary component of the United  
States Armed Forces is entitled to a leave of absence without loss of  
time or efficiency rating on all days during which he or she is  
assigned to training duty, as distinguished from active duty, with troops  
at field exercises, or for instruction, or when under direct military  
control in the performance of a search and rescue mission. The leave  
of absence may not exceed 16½ working days in any 12-month period.

If an employee is called to active duty by the governor, an  
employee otherwise qualified in (a) of this section is entitled to five  
days leave of absence without loss of pay, time, or efficiency rating. (§ 1  
ch 145 SLA 1951; am § 1 ch 154 SLA 1970; am § 4 ch 151 SLA 1972;  
am § 1 ch 49 SLA 1976)



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

### MEMORANDUM

March 24, 1983

TO: House Finance Committee

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

SUBJECT: House Bill 135 - Granting Court Leave to Nonpermanent Employees

The Blue Ribbon Commission received a request that it consider whether nonpermanent employees should receive court leave benefits. Nonpermanent employees are short-term classified service employees. By statute their period of service is limited to 120 calendar days or to the duration of a program or project. Nonpermanent employees are not entitled to receive state leave, health or retirement benefits. Short-term employees in the partially exempt and exempt services are called temporary employees.

Most state employees continue to receive their regular salaries while serving as jurors or when they are subpoenaed to serve as a witness in a court proceeding. In return, the employee gives the state his or her jury service fee (currently \$25 a day) or witness fee. Nonpermanent and temporary employees are not entitled to this benefit. They must take leave without pay since they do not earn annual, sick or personal leave, and their only compensation is the jury service or witness fee provided by the court.

Collective bargaining agreements set out the leave provisions for their members. The statutory leave benefits set out in AS 39.20 do not apply to state employees covered by contracts. AS 39.20.810(8) and (9). Amending the law to permit nonpermanents and temporaries to receive court leave would therefore apply only to short-term employees in the exempt and partially exempt services and to those few classified service nonpermanent employees who are not members of collective bargaining units. Extending leave benefits to unionized employees would remain the subject of possible negotiation between the state and employee representatives.

Jury service is a civic duty. All state employees should be treated equally while meeting this obligation. The Blue Ribbon Commission strongly recommends that the Alaska Statutes be amended to provide that nonpermanent and temporary employees are entitled to receive the same court leave benefits as other state employees.

Bill Analysis

Paragraph (7) of AS 39.20.310 exempts temporary employees from all leave benefits granted to other state employees by statute. The proposed legislation amends the court leave statute to nullify the general exclusion. Temporary and nonpermanent employees would therefore be eligible to receive the court leave benefits provided other state employees.

TBC:lmk



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

### MEMORANDUM

February 3, 1983

TO: Members of the House State Affairs Committee

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

SUBJECT: House Bill 135 - Granting Court Leave to Nonpermanent Employees

The Blue Ribbon Commission received a request that it consider whether nonpermanent employees should receive court leave benefits. The person who called was working as a nonpermanent employee on a project which was expected to last for nine months. She was summoned to serve on a jury for a criminal trial. The proceedings lasted two weeks.

Nonpermanent employees are short-term classified service employees. By statute their period of service is limited to 120 calendar days or to the duration of a program or project. Short-term employees in the partially exempt and exempt services are called temporary employees. Nonpermanent employees must be hired based on their relative ability from the lists of eligibles maintained by the Division of Personnel for that job class. They are paid according to the pay rate assigned to that job class. They are not eligible for state leave, health or retirement benefits.

Most state employees continue to receive their regular salaries while serving on juries or when they are subpoenaed to serve as a witness in a court proceeding. The employee gives the state his or her jury service fee (currently \$25 a day) or witness fee. Nonpermanent and temporary employees are not entitled to this benefit. They must take leave without pay since they do not earn annual, sick or personal leave, and their only compensation is the jury service or witness fee provided by the court.

Jury service is a civic duty. All state employees should be treated equally while meeting this obligation. The Blue Ribbon Commission strongly recommends that nonpermanent and temporary employees be entitled to the same court leave benefits as other state employees.

Bill Analysis

Paragraph (7) of AS 39.20.310 denies temporary employees the leave benefits granted to other state employees. The proposed legislation amends the court leave statute to nullify the general exclusion. Temporary and nonpermanent employees would therefore be eligible to receive the court leave benefits provided other state employees.

Introduced: 1/28/83  
Referred: State Affairs  
and Finance

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

1 IN THE HOUSE

2

HOUSE BILL NO. 135

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to court leave for nonpermanent and  
7 temporary employees of the state."

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

9 \* Section 1. AS 39.20.270 is amended to read:

10 Sec. 39.20.270. COURT LEAVE. Notwithstanding AS 39.20.310(7),  
11 court [COURT] leave shall be granted to an employee who is classified  
12 as full time, whether permanent, nonpermanent, or temporary. An  
13 officer or employee called to serve as a juror or subpoenaed as a  
14 witness is entitled to administrative leave with pay, but compensation  
15 received by the employee [HIM] or to which the employee [HE] is en-  
16 titled, whichever is greater, for service as a juror or witness shall  
17 be deducted from pay to which the employee [HE] is entitled as a state  
18 officer or employee.

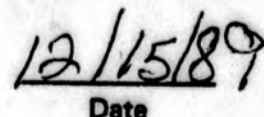


# RECORDS CERTIFICATION



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.

  
Signature of Camera Operator

  
Date

SCOMM

#51:33

July 12, 1983

RE: HB 207, HB 209 and SB 116 - all about emergency guards in the Department of Public Safety and miscellaneous other matters

There are three bills which originally proposed placing guards used by the Department of Public Safety in emergencies into the exempt service: HB 207 (sponsored by the Blue Ribbon Commission), HB 209 (sponsored by Rep. Bussell and modelled after the Senate version of the Blue Ribbon Commission bill), and SB 116 (the Blue Ribbon Commission Senate version).

HB 207 - this bill had no hearings because House State Affairs took up Rep. Bussell's bill, HB 209, instead. It is still, untampered with, in House State Affairs.

HB 209 - This bill went through numerous changes, some desirable and some less so, and currently may be found [as SCS CSHB 209 (SA)] in Senate Finance.

SB 116 - This bill was amended in Senate State Affairs and passed the Senate. It has been referred [as CSSB 116 (SA)] to House Judiciary and has had no hearings there.

SCS CSHB 209 - Relating to the classification of personnel

#### Bill history

3/11/83 State Affairs heard the bill and adopted a CS changing the placement of the guards to the partially exempt service rather than the exempt service at the suggestion of Frank Raye, the director of personnel. The change leaves the positions as part of the state classification plan and pay plan, which insures that the division of personnel can watchdog salary to insure pay equity for incumbents.

3/25/83 Hearing in House Finance. The division of personnel and the Blue Ribbon Commission jointly recommended adding language to require that the Department of Public Safety report to the Division of Personnel about emergency appointments made under this legislation. House Finance adopted that language in its CS. The language was originally developed for the Senate version, SB 116.

5/3/83 Hearing in House Rules in which the Department of Natural Resources proposed that young people employed in the youth employment/student intern programs be placed in the exempt service. The Division of Personnel had no problem with this amendment - there is a memo on the change in the file.

Rep. Bussell proposed adding correctional superintendents I & II to the partially exempt service because they should reflect policy (and unspokenly, should be subject to firing if a prisoner escapes, presumably). The hearing went quickly and both amendments were adopted. The Division of Personnel was not in support of Bussell's amendment although they did not testify at the hearing.

- 5/10/83 CSHB 209 (Rules) passed the House 33-6-1. Rep. Duncan moved for reconsideration and the bill passed on reconsideration on 5/13/83, 26-9-3-2.
- 6/9/83 Hearing in Senate State Affairs. Sen. Ray moved that the correctional superintendents be deleted from the bill and the motion passed.
- I did not write a memo for Senate State Affairs since they had heard SB 116 earlier, but I did testify and raise questions about the correctional superintendents since the Blue Ribbon Commission had long been concerned about maintaining the merit system standards, which apply to the classified service and not as much to the partially exempt service (which is exempt from selection and firing standards and rules). I told them I had no information on the changes requested by the Department of Natural Resources.
- 6/13/83 SCS CSHB 209 (SA) was referred to Senate Finance. No hearings were held on the bill before adjournment.

\* \* \* \* \*

CSSB 116 (SA) - Placing emergency guards employed by the department of public safety in the partially exempt service.

#### Bill history

- 3/11/83 Hearing in Senate State Affairs. Suzanne Tryck, staff to the committee, and Frank Raye, Director of Personnel, and I met and developed language to require reports from the department on the use of the legislation and also to change the placement of the guards from the exempt to the partially exempt service. Partially exempt positions remain part of the state's classification and pay plans and therefore are guaranteed pay equity for their work. The CS adopted by State Affairs included both of these changes.
- 3/11/83 Judiciary waived referral of CSSB 116 (SA)
- 3/21/83 Passed the Senate, 18-0-2
- 3/23/83 Referred to House Judiciary - there's a memo for them in the file. The House held no hearings.

\* \* \* \* \*

Comment - the Senate State Affairs Committee Substitute for HB 209 is probably what should be the final language for whichever of these three bills makes it through the legislature, at least under ideal circumstances.

Offered: 6/13/83  
Referred: Finance

Original sponsor: Bussell

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE  
2 SENATE CS FOR CS FOR HOUSE BILL NO. 209 (State Affairs)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 THIRTEENTH LEGISLATURE - FIRST SESSION  
5 A BILL  
6 For an Act entitled: "An Act relating to the classification of personnel;  
7 and providing for an effective date."  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
9 \* Section 1. AS 39.25.110 is amended by adding a new paragraph to read:  
10 (22) youth employed by the Department of Natural Resources  
11 under the Youth Employment and Student Intern programs.  
12 \* Sec. 2. AS 39.25.120(c) is amended by adding a new paragraph to read:  
13 (19) guards employed by the Department of Public Safety for  
14 emergencies.  
15 \* Sec. 3. AS 44.41 is amended by adding a new section to read:  
16 Sec. 44.41.030. REPORT TO DIVISION OF PERSONNEL. The Department  
17 of Public Safety shall submit a report to the director of the division  
18 of personnel quarterly and on request of the director. The report  
19 shall contain a description of each emergency and shall include the  
20 total amount of time by hours for each emergency for which emergency  
21 guards under AS 39.25.120(c)(19) were used.  
22 \* Sec. 4. This Act takes effect immediately in accordance with AS 01.-  
23 10.070(c).

Offered: 3/11/83  
Referred: Finance

Original sponsor: Bussell

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE  
2 CS FOR HOUSE BILL NO. 209 (State Affairs)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 THIRTEENTH LEGISLATURE - FIRST SESSION  
5 A BILL  
6 For an Act entitled: "An Act placing emergency guards employed by the  
7 Department of Public Safety in the partially exempt  
8 service; and providing for an effective date."  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
10 \* Section 1. AS 39.25.120(c) is amended by adding a new paragraph to  
11 read:  
12 (19) emergency guards employed by the Department of Public  
13 Safety.  
14 \* Sec. 2. This Act takes effect immediately in accordance with AS 01.-  
15 10.070(c).



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

### MEMORANDUM

February 24, 1983

TO: Members of the House State Affairs Committee

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

SUBJECT: House Bill 207 - Placing Emergency Guards Employed by the  
Department of Public Safety in the Exempt Service

The Blue Ribbon Commission is recommending that emergency guards employed by the Department of Public Safety be moved from the classified service to the exempt service. In 1979, the commission sponsored legislation to place greater restraints on the employment of both nonpermanent and emergency classified state workers. These restrictions have created some difficulties for the Department of Public Safety because of the large number of emergency guards they hire. In 1982 the department hired 495 emergency guards. There were only 112 other emergency appointments in the state.

An emergency employee is defined as "an employee appointed for a period not to exceed 30 calendar days, whose appointment was made under conditions requiring immediate action to carry on work that is required in the public interest". AS 39.25.200(3). Departments are required to report the reason for hiring an emergency employee within 15 working days of the appointment. Personnel practices require that departments prepare Personnel Action forms at the beginning and ending of an emergency appointment. Departments are not required to report as extensively for an appointment to an exempt position.

According to the Division of Personnel's "Report on Nonpermanent and Emergency Employment 1982", the Department of Public Safety made 495 emergency guard hires in 1982. These employees guard prisoners or seized property in rural areas where a one- or two-person post prevents a trooper from maintaining 24-hour per day watch. The period required for the emergency service is between arrest and either arraignment or transportation to a correctional facility or until other arrangements are made to maintain custody of the seized property. According to the Department of Public Safety, typical appointments last from two to four days.

In its report, the Division of Personnel states that the conditions for making emergency appointments place a significant paperwork burden on the Department of Public Safety, and on the Divisions of Personnel, Finance, and Retirement and Benefits in the Department of Administration. The division and the department recommend that emergency guards working for the Department of Public Safety be placed in the exempt service. The division points out that there are similarities between these positions and emergency firefighters in the department, who are already included in the exempt service by statute. AS 39.25.110(19).

The Blue Ribbon Commission agrees with the recommendation. Emergency guards are typically employed repeatedly in the locations which need them, but for short times each time. The paperwork burden on the department would be substantially reduced with little effect on the employee because the appointments are of such short duration. (The protections for emergency appointments are not much greater, if at all, than for exempt employees.) The continuing need for these appointments has been adequately documented.

The problem for the Department of Public Safety derives from the large number of emergency guards which they must hire. The following table shows the five job classes in which emergency appointments were most frequently made in 1982.

| <u>JOB CLASSIFICATION</u> | <u>DEPARTMENT</u>        | <u>NUMBER OF APPOINTMENTS</u> |
|---------------------------|--------------------------|-------------------------------|
| Guards                    | Public Safety            | 495                           |
| Fish Culturist I          | Fish and Game            | 30                            |
| Fish & Game Tech II       | Fish and Game            | 17                            |
| Psychiatric Nurses        |                          |                               |
| Ass't I                   | Health & Social Services | 12                            |
| Fish & Game Tech III      | Fish and Game            | 9                             |

#### Bill Analysis

Section 1 adds emergency guards employed by the Department of Public Safety to the section of the State Personnel Act which lists exempt positions.

TBC:lmk

Offered: 5/5/83  
Referred: Rules

Original sponsor: Bussell

1 IN THE HOUSE BY THE RULES COMMITTEE  
2 CS FOR HOUSE BILL NO. 209 (Rules)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 THIRTEENTH LEGISLATURE - FIRST SESSION  
5 A BILL  
6 For an Act entitled: "An Act relating to the classification of personnel;  
7 and providing for an effective date."  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
9 \* Section 1. AS 39.25.110 is amended by adding a new paragraph to read:  
10 (22) youth employed by the Department of Natural Resources  
11 under the Youth Employment and Student Interim programs.  
12 \* Sec. 2. AS 39.25.120(c) is amended by adding new paragraphs to read:  
13 (19) guards employed by the Department of Public Safety for  
14 emergencies;  
15 (20) correctional superintendents I and II employed by the  
16 Department of Health and Social Services.  
17 \* Sec. 3. AS 44.41 is amended by adding a new section to read:  
18 Sec. 44.41.030. REPORT TO DIVISION OF PERSONNEL. The Department  
19 of Public Safety shall submit a report to the director of the division  
20 of personnel quarterly and on request of the director. The report  
21 shall contain a description of each emergency and shall include the  
22 total amount of time by hours for each emergency for which emergency  
23 guards under AS 39.25.120(c)(19) were used.  
24 \* Sec. 4. This Act takes effect immediately in accordance with AS 01.-  
25 10.070(c).

Offered: 5/5/83  
Referred: Rules

Original sponsor: Bussell

1 IN THE HOUSE BY THE RULES COMMITTEE

2 CS FOR HOUSE BILL NO. 209 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the classification of personnel;  
7 and providing for an effective date."

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

*exempt*  
\* Section 1. AS 39.25.110 is amended by adding a new paragraph to read:

10 (22) youth employed by the Department of Natural Resources  
11 under the Youth Employment and Student <sup>Intern</sup> ~~Interim~~ programs.

*pt*  
\* Sec. 2. AS 39.25.120(c) is amended by adding new paragraphs to read:

13 (19) guards employed by the Department of Public Safety for  
14 emergencies;

15 (20) correctional superintendents I and II employed by the  
16 Department of Health and Social Services.

17 \* Sec. 3. AS 44.41 is amended by adding a new section to read:

18 Sec. 44.41.030. REPORT TO DIVISION OF PERSONNEL. The Department  
19 of Public Safety shall submit a report to the director of the division  
20 of personnel quarterly and on request of the director. The report  
21 shall contain a description of each emergency and shall include the  
22 total amount of time by hours for each emergency for which emergency  
23 guards under AS 39.25.120(c)(19) were used.

24 \* Sec. 4. This Act takes effect immediately in accordance with AS 01.-  
25 10.070(c).

*Ray - delete lines 15 & 16 - No objection - SCS CS HB 209 (3A)  
Move w/ indiv recs - No objection*

# MEMORANDUM

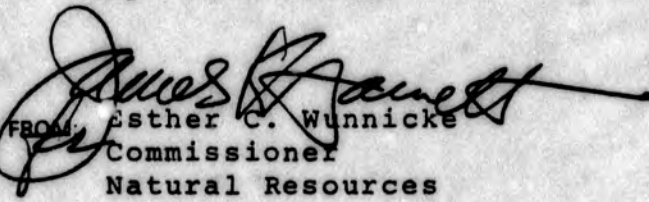
## State of Alaska

TO: Rep. Charlie Bussell  
Rep. Jack Fuller

DATE: May 2, 1983

FILE NO:

TELEPHONE NO:

  
FROM: Esther C. Wunnicke  
Commissioner  
Natural Resources

SUBJECT: Proposed Amendments  
to CSHB 209

The Department of Natural Resources would appreciate the House Rules Committee's consideration of two amendments to CSHB 209.

The first amendment is to add a subsection (22) to AS 39.25.110 which would place young people employed by DNR in the youth employment-student intern programs in the exempt service. The Department proposes this amendment to ensure that these programs may employ youths at minimum wage as proposed under the funding placed by House Finance in DNR's budget. Previously the Youth Conservation Corps program was basically federally funded and thus fell under federal wage restrictions provided for in AS 39.25.190.

The second amendment is to clarify the status of certain petroleum geologists and petroleum engineers working for the Division of Geological and Geophysical Surveys (DGGS). Current statute (AS 39.25.110 (14)) provides all petroleum engineers and petroleum geologists employed by DNR are in exempt service except those in DGGS. This exception has created ongoing administrative difficulties resolved in the past by the Governor specifically approving the appointments of the DGGS petroleum engineers and petroleum geologists. The proposed change would place all the petroleum engineers and petroleum geologists in the exempt service.

cc: Lisa Rudd, Commissioner Admin.

PROPOSED AMENDMENT TO CS HB 209 (Finance)

Section \_\_\_\_ AS 39.25.110 is amended by adding subsection (22) to read:

(22) youth employed by the Department of Natural Resources under the Youth Employment and Student Intern programs.

*Hayes moves -  
passed w/o obj.*

POUCH V  
JUNEAU, ALASKA 99811  
465-4990  
P.O. Box 4-1325  
ANCHORAGE, ALASKA 99509  
248-1515



## Representative Charlie Bussell

ALASKA STATE LEGISLATURE  
HOUSE OF REPRESENTATIVES

CHAIRMAN  
HOUSE JUDICIARY COMMITTEE  
MEMBER  
HOUSE RESOURCES COMMITTEE  
MEMBER  
SPECIAL COMMITTEE ON FISHERIES  
MEMBER  
LEGISLATIVE COUNCIL  
MEMBER  
ALASKA CODE REVISION COMMISSION

### MEMORANDUM

DATE: May 2, 1983  
TO: Representative Jack Fuller  
Chairman, Committee on Rules  
FROM: Representative Charlie Bussell *CB*  
SUBJECT: Proposed Amendment to CSHB 209

Line 13 - Add

(20) correctional superintendents I and II employed by the Department of Health and Social Services.

The "Executive Head" of Corrections is ultimately responsible for all actions, or inactions, taken by his Correctional Superintendents who are responsible for direct management of correctional institutions.

Correctional Superintendents are responsible for the planning, general administration, operations, maintenance and logistics of correctional facilities with the distinctions of I and II being related to the size of the facility being managed. These personnel establish policies, procedures and programs within the institutions in conformity with agency and department regulations.

The intent of this amendment is not to infer the impression that the Superintendents who presently manage correctional institutions are not doing a good job. It is felt, however, if these positions are placed in the partially exempt service that timely implementation of new policies and directions will be assured.

On April 22, 1984 the Cleary vs Bierne law suit was expanded to encompass all correctional institutions in the state and any additional facilities which may open during this calendar year. The State has managed to continue the trial date until January 1983 and has until that time to show the court that the state is making a concerted effort to improve conditions in correctional facilities. During this time of critical observation by the court the smooth and continuous reorganization of the correctional system will be most advantageous to the state.

Placing Correctional Superintendents in the partially exempt service will enhance the coordination within Corrections and will contribute to an orderly and systematic implementation of new policies and directives leading to a comprehensive development of corrections within the state.

*Current*

STATE OF ALASKA

Class Specification

CORRECTIONAL SUPERINTENDENT I *smaller facilities* 7664-19  
CORRECTIONAL SUPERINTENDENT II *larger "* 7657-21

Definition:

Under general direction is responsible for the management of an adult correctional institution, including planning, general administration, operations, maintenance and logistics. These are supervisory classes with substantial responsibility for the exercise of independent judgement in appointing, promoting, transferring, suspending, discharging and adjudicating grievances of subordinates.

Distinguishing Characteristics:

The classes of Correctional Superintendent I and Correctional Superintendent II are differentiated on such factors as: Size of physical plant, size of staff, scope, intensity and impact of correctional programs, and operating budgets. Correctional Superintendent II is in charge of a recognized major adult correctional facility equivalent to the Juneau, Fairbanks, and major Anchorage facilities. Correctional Superintendent I is in charge of those facilities with lesser inmate capacity, such as Ketchikan and Nome.

Example of Duties:

Establishes policies, procedures and programs within the institutions in conformity with agency and department regulations.

Selects personnel, conducts in-service training programs; assigns and supervises custodial, maintenance, clerical and other personnel; submits evaluations on work performance.

Reviews and monitors actions of inmate classification and other committees to evaluate the care and treatment program through custody classification, specific and general maintenance, work assignments, program changes, disciplinary actions, meritorious good time, and to consider any other problems which may arise.

Drafts and submits annual budget for institutions; authorizes and approves budget expenditures; supervises food service operations and all other institutional operations.

Supervises the maintenance of the booking, commitment, health, fingerprint, inmate personal fund accounts, disciplinary court, classification, release, fines, and other required records.

Responsible for preparation and submission of monthly reports on operations; submits a total fiscal report annually; may be responsible for maintaining a records and identification section within the Division of Corrections.

Makes recommendations on the planning and design of capital programs relating to correctional institutional facilities.

**CORRECTIONAL SUPERINTENDENT I**  
**CORRECTIONAL SUPERINTENDENT II**

7664-19  
7657-21

Maintains close relationships with civic clubs and organizations within the community to promote better understanding of institutional programs and responsibilities.

Maintains close working relationships with various federal, state and local agencies to advance the smooth operation of the facility.

Oversees, maintains and utilizes emergency equipment (gas masks, forced air administrators, restraint equipment) for emergency situations.

**Knowledges, Skills and Abilities:**

Knowledge of: Principles, practices, rules and regulations and legal implications and restraints of correctional administration; current theory and method of application of rehabilitation and discipline of persons under restraint; principles and practices of personnel supervision and training; methods and procedures involved in probation, parole, court evidence, and arrests; first aid; various departmental and division policies and procedures related to the operation and administration of correctional institutions; familiarity with state purchasing regulations and personnel rules, and methods of budget preparation.

Ability to: Plan, direct, instruct and supervise the work of others; control, direct, and instruct inmates individually and in groups; interpret and enforce institutional rules and regulations with firmness, tact, and impartiality; promote socially acceptable attitudes and behavior of inmates and rate their conduct accurately and impartially; establish and maintain close and cooperative working relationships with those contacted in the course of the work; analyze administrative problems and adopt and effective course of action; compile budget requests; prepare clear and comprehensive reports; participate effectively in conferences and interviews; maintain physical and health standards sufficient to meet job requirements.

**Minimum Qualifications:**

Three years of corrections experience as or above the level of Correctional Officer III, Training Officer I, Division of Adult Corrections or Unit Leader with the State of Alaska or the equivalent elsewhere.

Substitution: Two years of experience as a Probation Officer II, or Social Worker III with the State of Alaska or the equivalent elsewhere provided the experience was in a correctional setting;

- AND

One year as Assistant Correctional Superintendent with the State of Alaska or the equivalent elsewhere.

A Master's degree in Corrections, Criminal Justice, Correctional Administration or closely related area may substitute for one year of the required experience.

Rev: 07/01/72

Rev: 11/16/78 Supv. Statement; MQs

Rev: 01/01/82 Added C.S.I. level; Range Change; Def.; MQs

9/SPECV/L

Sofo  
4/25/83.

Original sponsor: Bussell

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 CS FOR HOUSE BILL NO. 209 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act placing certain employees in the partially  
7 exempt service; and providing for an effective date."

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

9 \* Section 1. AS 39.25.120(c) is amended by adding new paragraphs to  
10 read:

11 (19) guards employed by the Department of Public Safety for  
12 emergencies;

13 (20) correction superintendents I and II employed by the  
14 Department of Health and Social Services.

15 \* Sec. 2. AS 44.41 is amended by adding a new section to read:

16 Sec. 4/ 41.030. REPORT TO DIVISION OF PERSONNEL. The Department  
17 of Public Safety shall submit a report to the director of the division  
18 of personnel quarterly and on request of the director. The report  
19 shall contain a description of each emergency and shall include the  
20 total amount of time by hours for each emergency for which emergency  
21 guards under AS 39.25.120(c)(19) were used.

22 \* Sec. 3. This Act takes effect immediately in accordance with AS 01.-  
23 10.070(c).

24 *Fixler moves to*  
25 *accept CS - no objection*

26 *Barnes moves CS and*  
27 *be moved - no objection*



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

## MEMORANDUM

March 23, 1983

TO: House Finance Committee

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

SUBJECT: Proposed Amendment to CSHB 209(SA)

The Blue Ribbon Commission supports the passage of legislation to place emergency guards in the partially exempt service. The commission suggests the following amendment to CSHB 209(SA) in order to provide for oversight by the Division of Personnel of emergency guard appointments by the Department of Public Safety. Emergency guards are currently placed in the classified service, and the Division of Personnel maintains oversight of emergency appointments in compliance with AS 39.25.195(h). The proposed language would continue this function.

Line 13: Add a new section to read:

Sec. 2. AS 44.41 is amended by adding a new section to read:

Sec. 44.41.030. REPORT TO DIVISION OF PERSONNEL. The Department of Public Safety shall submit a report to the director of the division of personnel quarterly and on request of the director. The report shall contain a description of each emergency and shall include the total amount of time by hours for each emergency for which ~~emergency~~ guards under AS 39.25.120(c)(19) were used.

*Div of Pers.  
proposal*

- 1  
- 2  
- 3  
- 4  
- 5  
- 6  
- 7

Line 14: Renumber the following section.

TBC:lmk

*Moved  
2/23/83  
w/ both Div Pers  
& BRC audits*

Offered: 3/11/83  
Referred: Finance

Original sponsor: Bussell

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2

CS FOR HOUSE BILL NO. 209 (State Affairs)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act placing ~~emergency~~ guards employed by the  
Department of Public Safety <sup>for emergencies</sup> in the partially exempt  
service; and providing for an effective date."

8

9

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

10

\* Section 1. AS 39.25.120(c) is amended by adding a new paragraph to

11

read:

12

(19) ~~emergency~~ guards employed by the Department of Public

13

Safety <sup>for emergencies</sup>.

14

\* Sec. 2. This Act takes effect immediately in accordance with AS 01.-

15

10.070(c).



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  
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## MEMORANDUM

March 23, 1983

TO: House Finance Committee

FROM: Teresa B. Cramer *Teresa B. Cramer*  
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Line 13: Add a new section to read:

Sec. 2. AS 44.41 is amended by adding a new section to read:

Sec. 44.41.030. REPORT TO DIVISION OF PERSONNEL. The Department of Public Safety shall submit a report to the director of the division of personnel quarterly and on request of the director. The report shall contain a description of each emergency and shall include the total amount of time by hours for each emergency for which emergency guards under AS 39.25.120(c)(19) were used.

Line 14: Renumber the following section.

TBC:lmk



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

### MEMORANDUM

March 10, 1983

TO: Senator Bill Ray, Chairman

FROM: Teresa B. Cramer *TC*  
Administrative Assistant

SUBJECT: HB 207, HB 209 and SB 116 - Placing Emergency Guards Employed  
by Public Safety in the Exempt Service

#### HB 207 and HB 209

The House State Affairs Committee considered HB 209, sponsored by Representative Bussell, yesterday. It is identical to HB 207 and SB 116, sponsored by the Blue Ribbon Commission, and moves emergency guards from the classified service to the exempt service. The bill was introduced at the recommendation of the Division of Personnel made in its 1982 "Report on Nonpermanent and Emergency Hire Practices in State Government". I attended the hearing at the request of the staff of State Affairs.

I talked with Frank Raye, Director of Personnel, prior to the meeting. He recommended that emergency guards be placed in the partially exempt rather than the exempt service. Partially exempt positions are part of the state classification plan and are paid according to the pay plan, so there is some restraint on the department from either overpaying or underpaying those employees. He proposed these changes to the House State Affairs Committee and I said that I believed the commission would have no objection. The goal of the bill is to reduce the paperwork which the department has to process when making the large number of emergency appointments. This goal would not be affected by the amendment which was adopted.

#### SB 116

Suzanne Tryck, professional assistant to the Senate State Affairs Committee, met with Frank Raye, Mike McMullen (Deputy Director of Personnel) and with me this morning to discuss SB 116. Mr. Raye proposed the same amendment to SB 116 which was made to HB 209 -- placing

Senator Bill Ray, Chairman  
March 10, 1983  
Page Two

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emergency guards in the partially exempt rather than the exempt service. Ms. Tryck was concerned that there are few controls over the length of service of partially exempt or exempt temporary employees (they are not covered by the nonpermanent law) and that there is not even any requirement that the departments report on the length of time they work as temporaries. We discussed the problem and arrived at a possible solution which she will suggest to Senator Fischer for inclusion in a Committee Substitute. In addition to amending the bill to place emergency guards in the partially exempt service, she will suggest adding a new section to the bill amending the nonpermanent law to require the Department of Public Safety to report quarterly on the emergency guards it hires. (The vast majority of the paperwork requirements will be eliminated by moving the positions to the partially exempt service.) The new section would read something like:

Section 2. AS 39.25.195 is amended by adding a new paragraph to read:

(i) The department of public safety shall submit to the director a quarterly report of each emergency for which an employee under AS 39.25.120(c)(19) was employed. The director may request more frequent reports. The director shall include this information in the report on nonpermanent and emergency hire practices in state government.

TBC: lmk

Introduced: 2/17/83  
Referred: State Affairs  
and Finance

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

1 IN THE HOUSE

2

HOUSE BILL NO. 207

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act placing emergency guards employed by the  
7 department of public safety in the exempt service."

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

9 \* Section 1. AS 39.25.110 is amended by adding a new paragraph to read:  
10 (22) emergency guards employed by the Department of Public  
11 Safety.