

ATLANTA INTERNATIONAL COLLEGE

3053 - SB 4478
SB 4482

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SENATE AMENDMENT

By State Affairs

To: _____ SENATE BILL No. 447

To: _____ HOUSE BILL No. _____

PAGE: 1 LINE: 10

ADD, "investigation," after the word prevention

COMMITTEE REPORT

SENATE

FURTHER:

FINANCE

2/10/84

Date

2/23/84

Mr. President

The Committee on STATE AFFAIRS considered SB 447

special appropriation to the Department of Public Safety, Council on Domestic Violence and Sexual Assault, for a training center for the prevention of sexual abuse of minors; efd.
and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Kelly

V. Fischer
Chairman

do pass
Chairman recommendation

Offered: 2/27/84
Referred: Finance

Original sponsors: Kerttula and v. Fischer

Funding Information

General Fund	\$200,000
Other Funds	-0-
	<u>\$200,000</u>

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR SENATE BILL NO. 447 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL
6 For an Act entitled: "An Act making a special appropriation to the Depart-
7 ment of Public Safety, Council on Domestic Violence
8 and Sexual Assault, for a training program on the
9 prevention, investigation, and treatment of sexual
10 and physical abuse of minors; and providing for an
11 effective date."

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

13 * Section 1. The sum of \$200,000 is appropriated from the general fund
14 to the Department of Public Safety, Council on Domestic Violence and Sexual
15 Assault, for a program to train teams of community professionals on the
16 prevention, investigation, and treatment of sexual and physical abuse of
17 minors.

18 * Sec. 2. The unexpended and unobligated portion of the appropriation
19 made by this Act lapses into the general fund June 30, 1985.

20 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
21 10.070(c).

Introduced: 2/10/84
Referred: State Affairs and
Finance

Funding Information
General Fund \$200,000
Other Funds -0-
\$200,000

1 IN THE SENATE

BY KERTTULA AND V. FISCHER

2

SENATE BILL NO. 447

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

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15 at the Alaska State Troopers training academy in Sitka.

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19 10.070(c).

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SENATE BILL NO. 447 by Senators Keritula and Vic Fischer, entitled:

"An Act making a special appropriation to the Department of Public Safety, Council on Domestic Violence and Sexual Assault, for a training center for the prevention of sexual abuse of minors; and providing for an effective date."

was read the first time and referred to the State Affairs Committee and the Finance Committee.

SB 447

SENATE JOURNAL - PAGE 2182- 3 2/27/84

The State Affairs Committee considered SENATE BILL NO. 447 (special appropriation to the Department of Public Safety, Council on Domestic Violence and Sexual Assault, for a training center for the prevention of sexual abuse of minors) and a majority of the committee recommended it be replaced with

CS FOR SENATE BILL NO. 447 (SA), entitled:

"An Act making a special appropriation to the Department of Public Safety, Council on Domestic Violence and Sexual Assault, for a training program on the prevention, investigation, and treatment of sexual and physical abuse of minors; and providing for an effective date."

SB 447

SENATE JOURNAL - PAGE 2183- 1 2/27/84

and do pass. The report was signed by Senator Vic Fischer, Chairman and concurred in by Senators Kelly, Sturgulewski and Rodey.

SENATE BILL NO. 447 was referred to the Finance Committee.

SB 447

SENATE JOURNAL - PAGE 2399- 2 3/20/84

The Finance Committee considered SENATE BILL NO. 447 (special appropriation to the Department of Public Safety, Council on Domestic Violence and Sexual Assault, for a training center for the prevention of sexual abuse of minors; efd) and a majority of the committee recommended the State Affairs Committee Substitute do pass. The report was signed by Senator Bennett, Co-Chairman and concurred in by Senators Josephson, Vic Fischer and Ferguson. Senator Falks signed "no recommendation".

SENATE BILL NO. 447 was referred to the Rules Committee.

M

Original sponsors: Kerttula and V.Fischer

<u>Funding Information</u>	
General Fund	\$200,000
Other Funds	-0-
	<u>\$200,000</u>

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 20 20.070(c).

21
22
23
24
25
26 Proposed CS

4/11/84

Nic,

EXCUSE ME! The final
VERSION of CSB 477(SA) Deleted
"at Sitka training academy"
~~and inserted "investigation"~~

This was done at the request
of DRS. Senator Poley moved
the amendment.

The word investigation
was added at the suggestion
of George Horeltski (Dept. of Law).

ST

CORRECTION

Discard CSSB 447 (SA)
and retain this corrected version.

Offered: 2/27/84
Referred: Finance

Original sponsors: Kerttula and V.Fischer

Funding Information
General Fund \$200,000
Other Funds -0-
\$200,000

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STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

Department Public Safety	Sponsor (Principal) Senator(s) Kerttula & Fischer	Bill Number SB 447
Department Position Support/With Amendments.		
Division Director Barbara Miklos	Date 2-23-84	Committee Robert J. Sundberg Signature: <i>[Handwritten Signature]</i> Date 2-23-84

GOVERNOR'S OFFICE USE

Comments:

Position Noted By _____ Date _____

SUMMARY

1. a) Related Bills (Similar or Conflicting)	1. b) Other Agencies Affected by Bill Family & Youth Services, H&SS; and Department of Law
2. a) Organizational Support for Bill	2. b) Organizational Opposition to Bill

3. Program Effects of Bill

4. Fiscal Impact: None Fiscal Note Attached

5. Amendments Proposed:

Delete line 15, "at the Alaska State Troopers training academy in Sitka."

6. Comments:

It is felt that the Legislative intent would be more cost effective if we had the latitude to conduct training in various locations throughout the State.

POSITION PAPER
SENATE BILL 447

"An Act making a special appropriation to the Department of Public Safety, Council on Domestic Violence and Sexual Assault, for a training center for the prevention of sexual abuse of minors; and providing for an effective date."

This Bill makes a special appropriation to the Department of Public Safety, Council on Domestic Violence and Sexual Assault for a training center for the prevention of sexual abuse of minors.

The Department of Health and Social Services supports efforts to address this serious problem. The Division of Family and Youth Services has experienced a significant increase in the number of reports of sexual abuse. In FY 83 the Division served 619 children who were suspected or actual victims of sexual abuse. By comparison, 185 children were served in FY 80. This increase of 434 child sexual abuse cases represents a 235% increase in four years.

The Department supports the appropriation of training funds to the Council on Domestic Violence and Sexual Assault. In the Department's view, however, it would be more advantageous to have such training occur in various communities throughout the State rather than having trainees flown to another location. If training is conducted in this manner, it can be tailored to meet the needs of trainees in each community and would permit more people to be trained. It would be, therefore, less costly. With the turnover rate in human service agencies, it would be advantageous to train as many people as possible.

Should this Bill pass, the Department of Health and Social Services will be available to coordinate with the Council on Domestic Violence and Sexual Assault in planning and conducting the training.

RECOMMENDED BY:

Michael L. Price
Michael L. Price, Director
Division of Family and
Youth Services

DATE:

3/9/84

APPROVED BY:

Robert London Smith
Robert London Smith, Ph. D.
Commissioner
Department of Health and
Social Services

DATE:

3/19/84

Revision Date: _____

REQUEST
 Bill/Resolution No.: SB 447
 Title: An Act making a special appropriation to the Dept. of Public Safety.
 Sponsor: Kerttula & V. Fischer
 Requestor: State Affairs & Finance
 Date of Request: _____

FISCAL DETAIL
 Agency Affected: _____
 Program Category Affected: _____
 BRU, Program or Subprogram(s) Affected: _____
 NOT APPLICABLE DHSS

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

N/A

ANALYSIS: Attach a separate page for analysis

Prepared By: Michael L. Pico (Phone: 465-3170)
 Division: Family & Youth Services Date: _____

Approved by Commissioner: Robert L. Smith Date: 3/19/84
 Agency: Department of Health & Social Services

- Distribution (by Agency preparing fiscal note):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)

I think ~~one of~~ the points
to make on the resolution
~~is that are:~~

1) 156 countries ~~support~~
observe world food day

2) There is a list of sponsors
in the back up material.

(World food day)

ORGANIZING FOR WORLD FOOD DAY

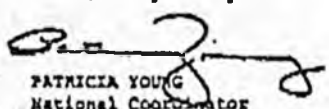
Twentieth Century progress has enabled the human family to see the wholeness of world problems and to have the vision of universal solutions, but without the exercise of public will technology cannot translate the vision into a better world.

World Food Day deals with only one of the world's critical issues: food supply and hunger. But because food is so basic to life, and its supply and distribution are so interwoven with the fabric of life, food-hunger problems are closely connected with all the other major crises of our time including war.

The element that we can bring to the situation of grim need and human capacity and responsibility is that - through World Food Day - there is an exciting new tool for uniting and focusing the energy of a worldwide network of concern and actions: the people, their governments and the United Nations system.

Our challenge is to find the way through each succeeding World Food Day to help strengthen and mobilize that network here at home and around the world. There is a special and unique role for the World Food Day "family" in the United States because our fertile land dominates the food trade and food and decisions made in international relations and commerce.

The national World Food Day secretariat, as the resource/service center, attempts to serve all facets of our network and does not propose particular policies but strives to have all points of view expressed and exchanged in open and productive dialogue at all levels. In this paper we offer a diagram and some questions that may help you in your early planning for World Food Day this year as well as in your long-range strategy development.


PATRICIA YOUNG
National Coordinator

JOINING CAPACITY AND CONCERN

If you are a teacher or youth leader, have you thought of using World Food Day to help young people expand their understanding of a complex and interdependent world?

If you are part of the community of faith, have you considered ways that participation in World Food Day might increase community support for direct relief and development programs and raise understanding of the moral and ethical aspects in the struggle to end domestic and global hunger?

If you are involved in some area of community health work, have you explored the possibility that World Food Day could lead to the development of a comprehensive food, nutrition and health plan for your area?

If you are directly engaged in the production, distribution or sale of food, have you devised a program for World Food Day that would bring together farm, labor, business and consumer groups in an interchange of views about common concerns?

If you are in professional practice (law, medicine, education, public relations, etc.), have you offered the expertise of your field to local World Food Day committees to assist them in their year-round and long-range planning?

If you are a member of a special interest group of any kind (youth, women, minority, handicapped, senior citizen, etc.) have you designed a World Food Day information program that will highlight your particular sensitivity to the linkages between discrimination, poverty and hunger?

If you hold an official position at any level of government, what are you doing to exercise your leadership on policy matters related to food, farm and nutrition issues in urban or rural

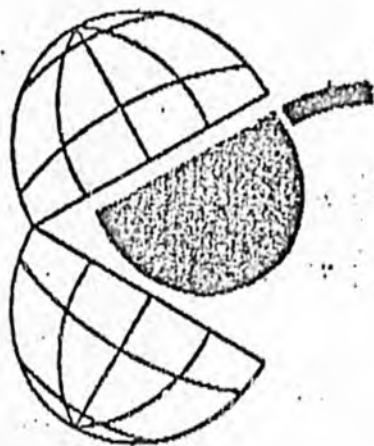
circumstances? What form of World Food Day will you choose to launch or expand your program of action?

If you are a community organizer, are you taking advantage of World Food Day to put together a comprehensive, community-wide response to the questions above, involving the diverse interests suggested in the sunburst diagram and the resources and local members of the organizations on our National Committee?

Are you considering how World Food Day can become a time for evaluation and planning for future action?

IF YOU ARE POOR , UNEMPLOYED , OR HUNGRY,
WHAT WOULD YOU WANT THESE GROUPS TO DO ON WORLD FOOD DAY?

WORLD FOOD DAY



A Way to Add Your Caring . . .

Your Action . . .

to Ending Hunger

Join with others in your community to identify and act on local food and hunger problems.

Join with 300 private voluntary organizations in mobilizing a national and world campaign to fight hunger.

Join with people in 150 countries in showing your commitment to a more humane and just world.

OCTOBER 16, 1983



WORLD FOOD DAY

16 October 1983

WORLD FOOD DAY on October 16 is a time for stock-taking: what progress has been made in the year past in the eternal struggle against hunger; what more can we do — better or differently, as individuals or nations — in the year and years ahead to advance the goal of food security for all people on Earth.

On WORLD FOOD DAY, observances will be held in close to 150 countries. There will be food policy debates in national legislatures and farmer co-op meetings in small rural villages. Thousands of colleges and universities will hold seminars on food problems, while children will study agriculture, family nutrition and social responsibility in their classrooms. There will be religious services, "best farmer" awards, food collections for the needy, town planning meetings and other events of all kinds on every continent.

Through all these activities, people everywhere will be expressing their faith that hunger can be overcome and their willingness to take an active part in that struggle.

International Cooperation

At the center of the world's efforts to end hunger is the Food and Agriculture Organization of the United Nations. October 16 is the anniversary of the founding of this organization in Quebec City, Canada, in 1945. Although FAO's original membership of 43 nations has grown to 152 today, its basic purpose remains the same: to increase the production and improve the distribution of food and other agricultural goods, to improve levels of human nutrition and to promote the well-being of peoples.

WORLD FOOD DAY offers each of us an important and direct way to share in these goals. It is a joint effort by individuals, voluntary organizations, national governments and the international community of nations. It links people in all countries who share compassion for all those whose lives are needlessly demeaned by hunger and poverty. Needlessly because hunger in the last years of the 20th Century is not inevitable. The "way it has always been" does not have to be the way it will always be.

A recent FAO study, "Agriculture: Toward 2000", shows two possible paths into the future. If world agricultural growth and investment continue at no more than present levels, hunger will increase above the current estimate of 500 million people who are categorized as "severely undernourished." But if a greater effort is made — one that is well within the world's technical, physical and financial resources — hunger will fall dramatically. Which path we will choose depends on decisions by governments and the commitment and will of the people they serve.

World Food Day in Canada and the U.S.

Participation in WORLD FOOD DAY by Canada and the United States will carry a special message to the world. These two countries alone hold more than a third of the world's grain

reserves and account for nearly two-thirds of all grain exports and two-thirds of all food aid. Until production and distribution can be improved in the food-deficit countries where hunger is widespread, the abundance of North America will remain the last line of defense against famine.

All people, and all levels of government are involved in decisions affecting the farm-to-table food chain, both within and among countries. Farm, food, nutrition, health, peace and poverty concerns are universal. WORLD FOOD DAY is a time to consider what new steps North Americans can take in the hunger struggle. IF YOU BELIEVE:

- that food for every child's growth and lifelong health is a basic human right;
- that the well-being of family farms and farm families is vital to national and world progress;
- that careful stewardship of the land and water resources on which our food production depends is a global human responsibility;
- that all nations should work together to build a fail-proof system of world food security that eliminates the scourge of hunger;

Then you are urged to participate in WORLD FOOD DAY on October 16 and to use that day to build a new commitment to year-round anti-hunger action in your community, nation and world.

How You Can Participate In WORLD FOOD DAY

National governments are responsible for promoting WORLD FOOD DAY observances, and both the U.S. Department of Agriculture and Agriculture Canada have special interdepartmental committees for this purpose. But WORLD FOOD DAY also involves people directly — through schools, colleges, churches, clubs and voluntary organizations of all kinds.

In the U.S., the National Committee for WORLD FOOD DAY is sponsored this year by 303 private voluntary organizations. In Canada, provincial WORLD FOOD DAY committees and national and regional voluntary organizations work closely with each other and with Agriculture Canada. In both countries, chapters and members of one or more of these participating organizations will be found in most towns and cities for you to contact.

A variety of educational and informational materials for WORLD FOOD DAY will be produced by FAO, governments and national WORLD FOOD DAY committees. This material — study papers, fact sheets, posters — will be available on request at no cost in most cases. It will be designed to help promote WORLD FOOD DAY events and to help people better understand food and hunger issues.

For More Information Please Write

In Canada —
World Food Day Secretariat
Sir John Carling Bldg., E-134
930 Carling Avenue
Ottawa, Ontario K1A 0C5

In the U.S. —
Larry B. Marton
World Food Day Committee
USDA Admin. Bldg., Room 530
Washington, D.C. 20250

Or

Bruce Moore
Canadian Hunger Foundation
323 Chapel Street
Ottawa, Ontario K1A 0C5
Tel: (613) 237-0180

Patricia Young
National Committee for World Food Day
1776 F Street, NW
Washington, D.C. 20437
Tel: (202) 376-2308

WORLD FOOD DAY Resource List

INFORMATION AND MATERIALS AVAILABLE FROM THE NATIONAL COMMITTEE OFFICE:

Some basic materials to help you plan and promote your World Food Day events and action programs can be had from our national WFD office, but in limited quantity owing to budget constraints. However, all of our items can be copied easily and reproduced without further permission. Supply limits are given at the end of each item on the following resources:

- WFD FLYERS:** One page (two sides) descriptive flyer giving background, purpose and general information on participation in World Food Day. (Up to 100 per request free as long as supply lasts.)
- POSTERS:** Again this year we have small (11" x 17") posters designed to leave space for you to ink in local messages such as time and place of events. (Up to 100 per request free as long as supply lasts.)
- WFD SUGGESTION/CHECK LISTS:** 1981 and 1982 planning ideas and a Post-WFD '82 - Pre-WFD '83 check list. (One copy of each free on request.)
- MEDIA KIT FOR LOCAL ORGANIZERS:** One page folder with simple guidelines/schedule on how to obtain local media coverage and sample background materials, including a public service ad for newspapers and a "logo sheet" with our WFD logo in various sizes. (One kit free on request.)
- LONG RANGE PLANNING CONCEPT PAPER:** A working paper on ways World Food Day can be used to initiate long range food-nutrition planning at community and regional levels. (One copy free on request.)
- FOOD AND HUNGER ASSESSMENT:** A U.S. national assessment, prepared by the Community Nutrition Institute for World Food Day, can be used as a guide to help community organizers in preparing local assessments. (One copy free on request.)
- K-6 ACTIVITY GUIDE AND RESOURCE LIST:** Designed for use with or without outside resources. (One copy free on request.)
- HIGH SCHOOL STUDY GUIDE AND RESOURCE LIST:** Designed for use with or without outside resources. (One copy free on request.)
- SCHOOL CLASS EXERCISES:** Three one-period introductions to world hunger (K-3, 4-7, 8-12) designed to "encourage action not guilt." Prepared by Church World Service Development Education Office for World Food Day Committee. (One set free on request.)
- BOOK LIST:** A random selection of current books on food issues received in the World Food Day office which can be used for background study. (One copy free on request.)
- WORLD FOOD DAY SONGS:** A 12-page booklet of songs written for World Food Day and donated to the National Committee. (One copy free on request.)
- PROGRAM/BULLETIN COVERS:** Several artists have donated pictures to World Food Day to be used in making program/bulletin covers. These have been made up in black and white for easy duplication. (One sample of each free on request.)
- WFD MATERIALS:** Issue papers and other materials for World Food Day use are provided by the UN Food and Agriculture Organization at 1776 F Street NW, Washington, D.C. 20437.
- NATIONAL COMMITTEE MATERIALS:** Most of our 300 member organizations prepare many excellent resources on various subjects that can be used in your planning and programs. The national office can provide addresses and telephone numbers and some general information about the type of resources each of our members has available, but in most cases you will be able to get this information through their local chapters or members.



National Committee for World Food Day
1776 F Street, N.W. • Washington, D.C. 20437 • 202-376-2306



Original sponsors: Kerttula and V.Fischer

Funding Information

General Fund	\$200,000
Other Funds	-0-
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BY THE STATE AFFAIRS COMMITTEE

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and individuals.
Letter of intent
in consultation
with
investigation

26 PROPOSED CS

Alaska State Legislature

Advisory Council Members
Senator Kerttula, Chairman
Senator Bennett
Senator Fahrenkamp
Senator Vic Fischer



1024 W. 6th Avenue, Suite 203
Anchorage, Alaska 99501
Phone: (907) 274-1426

SENATE ADVISORY COUNCIL

MEMORANDUM

TO: SENATOR JALMAR KERTTULA

FROM: ELIZABETH J. HICKERSON

RE: SB 447, an act making a special appropriation to the Department of Public Safety, for a training center for the prevention of sexual abuse of minors and providing for an effective date.

DATE: FEBRUARY 20, 1984

The intent of SB 447 is to fund a child sexual abuse training program at the Alaska State Troopers' training academy in Sitka. With the recent increased reporting of child sexual assault and abuse in Alaska, it is critical that professionals who work with children be properly trained in the recognition, identification and referral of abused children.

The National Center on Child Abuse and Neglect (U. S. Department of Health, Education and Welfare) advocates a multidisciplinary training and response approach. Coordinated community training and planning in this area is efficient, cost effective and avoids duplication of effort which operate to the advantage of the families it is designed to serve. The Center recommends that teams include representatives from child protective services, health, mental health, law enforcement and education agencies.

In Alaska the team approach is being utilized in Fairbanks and the Mat-Su Valley. Both are relatively new, but appear to be working.

Mat-Su Valley

The following professionals have developed a cooperative team approach in the identification, investigation, prosecution and treatment of sexual assault and abuse of minors:

District Attorney's Office,
Alaska State Troopers,
Division of Family and Youth Services,
Private Physicians and
Valley Women's Resource Center.

According to Sergeant Rollie Port, the advantages of the team approach include: nonduplication of legal processes involving the child, better follow through on individual cases and a better quality of services delivered to the victim. Also the team approach creates an accountability among the professionals involved by establishing a communication network that is utilized from identification of sexual abuse or assault to prosecution of the offender and treatment of the victim.

Fairbanks

The Interagency Child Sexual Abuse Task Force was created to respond to this problem in Fairbanks. The Task Force has been in operation since June, 1981. The following professionals work together in addressing child sexual assault:

District Attorney's Office,
Alaska State Troopers,
Division of Family and Youth Services,
Women in Crisis-Counseling and Assistance (WIC-CA),
Resource Center for Parents and Children,
Fairbanks Community Mental Health,
Family Focus,
Youth Corrections,
Juvenile Intake,
Public Defender's Agency,
Attorney General Office and
Fairbanks Police Department.

The Task Force member were trained at Harborview in Seattle, Washington and Santa Fe, New Mexico. Funding for this training was provided by the Division of Family and Youth Services. Ms. Ruth Lister, Director of WIC-CA, advocates multidisciplinary training with a strong treatment component at regional centers: Fairbanks, Anchorage and Juneau. This would enhance the opportunity for rural participation.

2

STATE OF ALASKA

DEPARTMENT OF LAW

CRIMINAL DIVISION/THIRD JUDICIAL DISTRICT
OFFICE OF THE DISTRICT ATTORNEY

February 23, 1984

The Honorable Jalmar Kerttula
Pouch V
Juneau, Ak 99811

Subject: SB 447

Dear Senator Kerttula:

For a number of years now, I have advocated the creation of a training center for the prevention of sexual abuse of minors, and your efforts to do so in Senate Bill No. 447 are to be commended.

Attacking the problem of child sexual abuse will require intensive and ongoing interdisciplinary training and cooperation. Developing expertise in law, medicine and social sciences, is essential.

It needs to be recognized that the legal system cannot, by itself, effectively combat this scourge. Only a tiny percentage of child abuse is reported to authorities and only a fraction of that percentage is realistically prosecutable.

A comprehensive, coherent system needs to be developed that provides an umbrella of safety for actual and potential victims. Child protection laws (Title 47) need to be addressed, effective medical, psychiatric, and counselling treatment modes need to be developed.

I do not know whether that comprehensive approach is envisioned in the bill, but if it is, I suggest that a child sexual assault training and research center might be more aptly centrally located in Anchorage as an adjunct to a major hospital, along the lines of the Harborview Sexual Assault Center in Seattle.

BILL SHEFFIELD, GOVERNOR

REPLY TO:

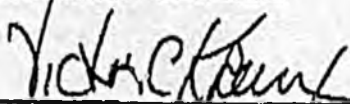
- 1031 WEST 4th AVENUE, SUITE 520
ANCHORAGE, ALASKA 99501
PHONE: (907) 277-4122
- DRAWER 1180
KENAI, ALASKA 99611
PHONE: (907) 283-3131
- 326 CENTER AVE, 2ND FLOOR
KODIAK, ALASKA 99615
PHONE: (907) 488-5744
- P.O. BOX 1070
PALMER, ALASKA 99645
PHONE: (907) 745-5027
- P.O. BOX 671
VALDEZ, ALASKA 99688
PHONE: (907) 835-2462

The Honorable Jalmar Kerttula
February 23, 1984
Page two

Wherever such a center is located, however, it will
provide a much needed public service.

Very truly yours,

NORMAN C. GORSUCH
ATTORNEY GENERAL



Victor C. Krumm
District Attorney

VCK/pjb

4

MEMORANDUM

State of Alaska

TO: Captain John Lucking
Commander, B Detachment

DATE: 2/17/84

thru: Lt. J. McConnaughey
Deputy Commander, B Detachment

FILE NO:

FROM: Sgt. Rollie A. Fort, #10
G.I.U., Palmer
Alaska State Troopers

TELEPHONE NO:

SUBJECT: Sexual Assault Team

In 1980 As a result of numerous sexual assaults in the Matanuska Valley, the Alaska State Troopers and Dr. Carolyn Brown, Chief of Staff at Valley Hospital, met to formulate a Sexual Assault Protocol in reference to hospital procedures. This meeting was held at the hospital with nurses, administration and doctors attending. At that time it was agreed that the Alaska State Troopers would provide sexual assault physical evidence kits and an instamatic camera and film. The procedure for the collection of physical evidence, i.e. clothing and sexual assault kit was discussed and incorporated into the hospital's Sexual Assault Protocol.

Later, that same year, a working relationship with D.F.Y.S. was initiated through Jenny Dunkin and Charm Mastriano, case workers and supervisor, Mary Savage. The relationship set up was that if a D.F.Y.S. case worker suspected the sexual abuse of a minor child, contact was made with AST and the situation evaluated. If it was not deemed a criminal matter, D.F.Y.S. continued along their Departmental guidelines. If it was determined that the information provided by D.F.Y.S. personnel could lead to criminal prosecution, an investigation from G.I.U. (General Investigations Unit) jointly, with a D.F.Y.S case worker would interview the minor child.

The interview could be conducted along the guidelines of strengthening the relationship between the investigator and the child with general conversation and questions. After that period, if it appears the information provided to D.F.Y.S. was not born out, the interview is stopped and the parents are contacted and advised of why their child was interviewed. In most cases, the parents are understandable and the investigation is over.

In the event the general interview leads us to believe there is a possibility of criminal abuse, the interview switches to a more direct type of questioning to establish who, what, where, when and how. If the child stated that a parent is the offending party, AST would immediately contact the parent for interview purposes. The D.F.Y.S. person, if appropriate, would take the victim to the hospital where the sexual assault protocol would be followed. From this point on, AST, D.F.Y.S. and a Valley Hospital doctor would coordinate all the information.

5

In 1980, a representative from the Valley Women's Resource Center, Susan Lombardi, was added to the team. AST has given numerous classes in the investigative procedures for troopers working sexual assault cases in the Valley. The Women's Resource Center has provided quality assistance to adult victims of sexual assault during the course of many investigative cases.

The last member of the team is Mike White, Palmer District Attorney. Mike has attended sexual assault seminars in the past and is very knowledgeable. Mike White had assisted the other team members greatly in our effort to identify, investigate, substantiate and convict sexual assault offenders.

The Mat Su Valley Sexual Assault Response Team is informal, with no one person as it's head. We are all professional people whom share our individual knowledge and expertise in our chosen field with each other for the betterment of the victim and for the successful prosecution of the defendant.

TO: Advisory Council
Anchorage

DATE: February 17, 1984

Attn: Elizabeth Hickerson

FOR: Debra Heidecker 274-1426

SUBJECT: Senate Bill #447

I wish to state my support for Senate Bill #447 as a person actively involved in the investigation of child sexual assault cases in the Fairbanks area. I feel this type of training is imperative to insure the least amount of trauma to the child victims of sexual abuse. This is a very serious problem throughout the State of Alaska. The concept of bringing together District Attorneys, Intake Social Workers, Assistant Attorney Generals and State Troopers, along with other educators, is necessary.

In order to effectively deal with this topic, we have to insure that all aspects of the State agencies involved with these type crimes be trained with the same information.

Paul E. Bartlett
P.O. Box 60
Ester, Alaska 99725

474,3810

ALASKA STATE LEGISLATURE - SENATE

SENATOR RICHARD I. ELIASON

LABOR AND COMMERCE COMMITTEE, CHAIRMAN
NATURAL RESOURCES COMMITTEE
JUDICIARY COMMITTEE
FISHERIES SUB-COMMITTEE



P.O. BOX 143
SITKA, ALASKA 99835
P.O. BOX 1
JUNEAU, ALASKA 99811
(907) 465-4216

MEMORANDUM

TO: Senator Vic Fischer, Chair
Senate State Affairs Committee

FROM: Senator Dick Eliason *Dick*

DATE: February 17, 1984

RE: SB 447

This memo is to express my full support for SB 447 - a bill which funds a training center for the prevention of sexual abuse of minors at the State Trooper's Academy in Sitka. I certainly am in favor of reducing and preventing this appalling type of abuse of children.

LETTER FROM DICK ELIASON

ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

110 SEWARD #13 JUNEAU ALASKA 99801

(907)535-3550

POSITION PAPER

SB 447: An Act making a special appropriation to the Department of Public Safety, Council on Domestic Violence and Sexual Assault, for a training center for the prevention of sexual abuse of minors.

The Alaska Network on Domestic Violence and Sexual Assault, representing 20 programs statewide that provide services to victims of domestic violence and sexual assault, supports SB 447 to establish and provide funding for a training center for the prevention of sexual abuse of minors.

Fifteen of the Network's 20 programs are currently addressing the issue of child sexual assault by providing direct services to child victims and non-offending parents; conducting education and prevention programs in communities; developing and presenting curricula dealing with sexual assault to school districts; coordinating service provision with other helping agencies; and developing protocols for inter-agency use in cases of child sexual assault.

Reporting of cases of child sexual assault, both assault by strangers and assault by family members and friends, has increased dramatically. The increase in the reporting rate is due to the success of community education and awareness efforts by domestic violence and sexual assault programs, and presentations on sexual assault prevention to children in school settings. While it is critical that these efforts continue, it must be realized that they will result in disclosures of incidences of sexual assault, and individuals and agencies involved in dealing with child victims must be trained to respond.

Child victims often disclose incidences of sexual assault to the non-offending parent. Parents must know how to talk to their children about this issue, to believe them and assure them that they will be safe. Because disclosure, especially in cases of incest, is also severely traumatic for the non-offending parent, helping agencies must be trained to recognize that parent's need for counseling and the need to strengthen the bond between that parent and the child.

Children will also disclose to teachers and day care providers. Educators and care givers must be trained to recognize behavioral and other symptoms and patterns of a child suffering abuse, and how to sensitively handle a disclosure. They must also be aware of legal reporting requirements of such cases to the Division of Family and Youth Services.

Division of Family and Youth Services' case workers are required to take action after such a report, either to prevent further harm

POSITION STATEMENT FROM
THE NETWORK

to the child or to insure the child's proper care and protection, and so brings them into immediate contact with the child victim. Consequently, case workers require training in dealing sensitively with the child in the interviewing process.

Because child sexual assault is a felony crime, the Division of Family and Youth Services is required to report such cases to law enforcement agencies. Training needs to be provided to peace officers in conducting interviews with child victims.

In order to avoid additional trauma to the child and to insure that the child is protected from further abuse, all these agencies and individuals need to work cooperatively, comprehensively, and efficiently in developing a sensitive and effective approach to handling cases of child sexual assault. The provision of training to all professionals who are likely to come into contact with a child victim is a necessary and logical step. The Network feels that the establishment of a Training Center, utilizing a training team composed of service providers from all disciplines who provide training in the dynamics of child sexual assault; prevention strategies; investigation techniques; and development of inter-agency protocols is crucial to impacting the high incidence of child sexual assault in our State.

SENATE STATE AFFAIRS COMMITTEE

Date received _____

Bill Number _____ Title _____

Fiscal Note	Position Paper	Date requested	From	Amount	Date Rec'd	
					Note	Paper

CONTACTS

Backup list

2/14 Deborah (Kertulla)
 Council 4356
 (Barbara Miklos)
 Requested from ELIASON a
 position.

HEARING INFORMATION

NOTES:

is there for operating funds:
 a) looked for training
 1) violence
 2) sexual abuse
 3)

FINAL ACTION _____ DATE _____



Official Business

Alaska State Legislature

Senate Committee on State Affairs

Vic Fischer, Chair • Pouch V
Juneau, Alaska 99811
(907) 465-4954

Memorandum

TO: Senate State Affairs Committee

FROM: Senate State Affairs Committee Staff

DATE: February 23, 1984

RE: SB 447 An appropriation for prevention and treatment of sexual and physical abuse of minors

SB 447 is a \$200,000 thousand dollar appropriation bill to provide training on the prevention and treatment of sexual and physical abuse of minors.

The proposed committee substitute amends lines 14-16 to clarify that the training program is to train teams of community professionals. The purpose of the training is to utilize a successful approach on the prevention of child abuse that is currently being used in Fairbanks and the Matanuska valley.

Back-up information

A copy of the proposed committee substitute
A packet of information from Senator Kerttula
A letter from Senator Eliason
A position paper from the Council on Domestic Violence and Sexual Assault



Official Business

Alaska State Legislature

Senate

Office of the President

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

TO: Senate State Affairs Committee, Senator Vic Fischer, Chair

FROM: Senator Jay Kerttula

DATE: February 20, 1984

SUBJECT: SB 447

Attached is a brief analysis of SB 447. A detailed back-up will follow shortly.

The following people have indicated their desire to give verbal testimony to your committee on Thursday, Feb. 23:

Carla Timpone, Alaska Network on Domestic Violence and Sexual Abuse
Barbara Miklos, Council on Domestic Violence and Sexual Assault,
Department of Public Safety
Caren Robinson, AWARE
Rollie Port, investigator, Alaska State Troopers, Palmer

Written testimony from several other people is also expected.

If you need further information on SB 347, please contact Deborah Heidecker, the staff person who is working on this bill.

Thank you.

Senate Bill 447:

This bill is intended to create sexual assault prevention teams across the state, by bringing groups of professionals from a single geographic area of Alaska to a central training facility. Troopers, district attorneys, judges, social workers and public health nurses can be trained as a team, with cross-training by team experts from Alaska and Outside.

Currently, the identification, prosecution and treatment of sexual assault and abuse cases can be less effective when there is no unified approach among the professionals who deal with abuse of children.

Examples: a district attorney who is reluctant to prosecute incest cases,

a social worker who doesn't like a trooper's approach to a victim,

a women's center worker who discourages reporting of the crime ...

In addition to the state employees who would receive sexual assault prevention training, teams would be encouraged to recruit doctors, teachers and women's/children's center workers to participate in the team training.

This team approach has been used successfully in Fairbanks and the Matanuska-Susitna Valley.

Introduced: 2/10/84
Referred: State Affairs and
Finance

Funding Information
General Fund \$200,000
Other Funds -0-
\$200,000

1 IN THE SENATE BY KERTTULA AND V. FISCHER

2 SENATE BILL NO. 447

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-
7 ment of Public Safety, Council on Domestic Violence
8 and Sexual Assault, for a training center for the
9 prevention of sexual abuse of minors; and providing
10 for an effective date."

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

12 * Section 1. The sum of \$200,000 is appropriated from the general fund
13 to the Department of Public Safety, Council on Domestic Violence and Sexual
14 Assault, for a ^{program} training center for the prevention of sexual abuse of minors
15 at the Alaska State Troopers' training academy in Sitka. ^{(Physical Abuse) (Sexual Abuse)}

16 * Sec. 2. The unexpended and unobligated portion of the appropriation
17 made by this Act lapses into the general fund June 30, 1985.

18 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
19 10.070(c).

20

*for a program to train teams of
community professionals*

DRAFT
WILL DISCUSS AT
COUNCIL MEETING
2/21-23
FOR COUNCIL
DECISION

"An Act making a special appropriation to the Department of Public Safety, Council on Domestic Violence and Sexual Assault, for a training center for the prevention of sexual abuse of minors."

The Council on Domestic Violence and Sexual Assault supports SB 477 to establish and fund a training center for the prevention of child sexual assault. This legislation would enable the state to develop core child sexual assault ^{response} teams in different communities.

Cases of child sexual assault are very complicated because of the need to balance protection of the victim, emotional needs of victim and her/his family with ^{society's} ^{and} the criminal justice system's need to prosecute the offender. Most professionals, including peace officers, are required by law, to report to the Division of Family and Youth Services if they believe a "child has suffered harm as a result of abuse. Family and Youth Services is required to take action to prevent further harm to the child or to insure the proper care and protection of the child. Since child sexual assault is a felony. Family and Youth Services is required to report the alleged abuse to the police. The district attorney's office needs to be informed also, for purposes of criminal investigation. There is then potential for all three agencies to carry out investigations which will require talking to the victim.

Since the topic is so sensitive and young children need to be treated in a very different way than adults, investigations must be done very carefully and must be

coordinated. It is crucial that representatives from these agencies ^{are} ~~have to be~~ trained specifically in child sexual assault investigations and more importantly how to be sensitive in working with the victim. The training center could be used to develop child sexual assault teams in each community with representatives from the above mentioned agencies serving as ~~core~~ members. Other members of a team of agency personnel could represent: schools, domestic violence/sexual assault programs, mental health programs and other child protective agencies.

It is important that school personnel be involved because children often disclose to their teachers that they are victims. School personnel should be knowledgeable about legal reporting requirements, physical and behavioral symptoms of child sexual abuse and how to respond to children that disclose child sexual abuse. The Council on Domestic Violence and Sexual Assault funds nineteen programs. Fourteen Council funded programs work with child sexual assault victims directly, conduct prevention/education programs in the schools and communities and/or are involved in child sexual assault coordination efforts. ←

These programs as well as child abuse programs funded by the Division of Family and Youth Services and mental health programs would be appropriate representatives on the team.

Child sexual assault has been receiving a great deal of notice by the public as more victims disclose sexual abuse. The best source of data is from Family and Youth Services which had 142 suspected cases of child sexual assault in FY 80 and 529 in FY 83. These data do not reflect actual incidences because victims continue to fear disclosure, but the increasing trend experienced in the past years is significant. The Alaska State Troopers also report dramatic increases in

sex offenses against juveniles. In 1980, there were 48 reported incidents, 109 in 1981 and 177 in 1982. 1983 data is still being compiled.

There is every indication that reporting will continue to increase. Communities that have implemented child sexual assault programs in the schools have already experienced dramatic increases in disclosures. As community awareness increases, more reportings will occur. A sensitive, effective approach to child sexual assault needs to be developed. This legislation could sponsor a community based group of professionals who could work with victims and provide expertise to other professionals in their community.

5-6 people from each
community

A session for 5 communities
lasting one week to include
dynamics of c.s.a

victim

non offending parent

perpetrator

c.s.a prevention efforts

Child sexual assault investigations

Team building

line 14

ASSAULT, FOR THE CREATION OF A CENTER AT THE ALASKA STATE
MORTROOPERS TRAINING ACADEMY IN SITKA, (TO TRAIN COMMUNITY
TEAMS OF PROFFESIONALS) ^{for the} TO INVESTIGATE ^{on} AND TREAT ^{ment of} SEXUAL ABUSE
AND ASSULT, ~~OF MINORS~~ and ~~Domestic~~ Violence
Family

→ call Barbara Miklos
(cost)

Original sponsors: Kerttula and V.Fischer

<u>Funding Information</u>	
General Fund	\$200,000
Other Funds	-0-
	<u>\$200,000</u>

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 447 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-
7 ment of Public Safety, Council on Domestic Violence
8 and Sexual Assault, for a training program on the
9 prevention and treatment of sexual and physical abuse
10 of minors; and providing for an effective date."

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA;

12 * Section 1. The sum of \$200,000 ^{money} is appropriated from the general fund
13 to the Department of Public Safety, Council on Domestic Violence and Sexual
14 Assault, for a ~~program at the Alaska State Troopers training academy in~~
15 ~~Sitka to train teams of community professionals on~~ ^{FOR THE TRAINING OF PERSONS in INVESTIGATION} the prevention and
16 treatment of sexual and physical abuse of minors.

17 * Sec. 2. The unexpended and unobligated portion of the appropriation
18 made by this Act lapses into the general fund June 30, 1985.

19 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
20 10.070(c).

26 Proposed CS

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER

SB 447

"An Act making a special appropriation to the Department of Public Safety, Council on Domestic Violence and Sexual Assault, for a training center for the prevention of sexual abuse of minors."

The Council on Domestic Violence and Sexual Assault supports SB 447 to establish and fund a training center for the prevention of child sexual assault. This legislation would enable the state to develop core child sexual assault response teams in different communities.

Cases of child sexual assault are very complicated because of the need to balance protection of the victim, and the emotional needs of victim and her/his family with society's and the criminal justice system's need to prosecute the offender. Most professionals, including peace officers, are required by law, to report to the Division of Family and Youth Services if they believe a "child has suffered harm as a result of abuse". Family and Youth Services is required to take action to prevent further harm to the child or to insure the proper care and protection of the child. Since child sexual assault is a felony, Family and Youth Services is required to report the alleged abuse to the police. The district attorney's office needs to be informed also, for purposes of criminal investigation. There is then potential for all three agencies to carry out investigations which will require interviewing the victim.

Since the topic is so sensitive and young children need to be treated differently than adults, investigations must be done carefully and be coordinated. It is crucial that representatives from these agencies are trained specifically in child sexual assault investigations and more importantly how to be sensitive in working with the victim. The training center could be used to develop child sexual assault teams in each community with representatives from the above mentioned agencies serving as core members.

It is also important that school and day care personnel be trained because children often disclose to their teachers or day care providers that they are victims. These personnel should be knowledgeable about legal reporting requirements, physical and behavioral symptoms of child sexual abuse and how to respond to children that disclose child sexual abuse. The Council on Domestic Violence and Sexual Assault funds nineteen programs. Fourteen Council funded programs work with child sexual assault victims directly, conduct prevention/education programs in the schools and communities and/or are involved in child sexual assault coordination efforts. Domestic violence/sexual assault programs funded by the Council as well as child abuse programs funded by the Division of Family and Youth Services and mental health programs would also be appropriate representatives on the team.

Child sexual assault has been receiving a great deal of notice by the public as more victims disclose sexual abuse. The best source of data about the increased reporting of child sexual assault is from the Division of Family and Youth Services which had 142 suspected cases of child sexual assault in FY 80 and 529 in FY 83. These data do not reflect actual incidences because victims continue to fear disclosure, but the increasing trend experienced in the past years is significant. The Alaska State Troopers also report dramatic increases in sex offenses against juveniles. In 1980, there were 48 reported incidents, 109 in 1981 and 177 in 1982. Data from 1983 is still being compiled.

There is every indication that reporting will continue to increase. Communities that have implemented child sexual assault programs in the schools have already experienced dramatic increases in disclosures. As community awareness increases, more reportings will occur. A sensitive, effective approach to child sexual assault needs to be developed. This legislation could sponsor a community based group of professionals who could work with victims and provide expertise to other professionals in their community.

Some suggestions for training are: to have a one week training session possibly four times per year (or as much as funds allow) for four or five community teams. Training, at a minimum, should include dynamics of child sexual assault including information about victims, non offending parents and perpetrators; child sexual assault prevention efforts; investigation techniques and team building.

Diane Carpenter

Diane Carpenter, Chair
Council on Domestic Violence
and Sexual Assault

Fairbanks Community Mental Health Center

209 Forty Mile Ave., Gracht • Fairbanks, Alaska 99701
Phone (907) 452-1575

February 23, 1984

Senator Vic Fischer
State Capitol
Pouch V
Juneau, Alaska 99811

Dear Senator Fischer:

I am writing on behalf of Fairbanks Interagency Child Sexual Abuse Task Force regarding Senate Bill No. 447 "An act making a special appropriation to the Department of Public Safety, Council on Domestic Violence and Sexual Assault, for a training center for the prevention of sexual abuse of minors, and providing for an effective date."

The Fairbanks Task Force is very much in favor of training for professionals working with sexual abuse cases. It is our opinion that these funds need to be directed toward training for direct intervention rather than prevention.

We believe that training will be more appropriate, realistic and have greater consequence if it is conducted in regional areas rather than at a central location such as Sitka. The primary reasons for this are many more of the key players will be able to attend a localized training, they will be attending training and networking with professionals from other agencies with whom they must develop a rapport and working relationship which will enhance the potential for team building, and localized trainings will draw key professionals who are not employed by state agencies but who must be aware and skilled in dealing with sexual abuse cases.

In planning for utilization of this \$200,000, we recommend that clarification be made as to what this money will cover in terms of research, planning and development, trainers' time, paying for participant travel and housing and providing for a coherent ongoing program. It is also extremely important that individuals presenting training be professionals who are doing intervention and who are familiar with the issues and concerns in Alaska.

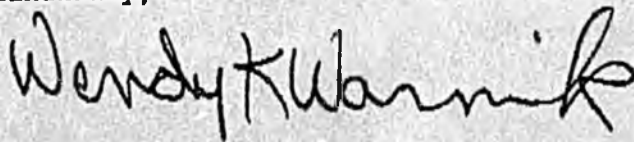
Senator Vic Fischer

Page 2

February 23, 1984

I hope that this information clarifies our position on SB 447. Please contact me if you would like more information.

Sincerely,

A handwritten signature in cursive script that reads "Wendy K. Warnick". The signature is written in dark ink on a light-colored, slightly textured paper.

Wendy K. Warnick
Coordinator
Child Sexual Abuse Services
Fairbanks Interagency Child Sexual
Abuse Task Force

WKW/cpc

COMMITTEE REPORT
SENATE

6/10/83

FURTHER:

Date: 1-17-83

Mr. President:

The Committee on State Affairs has had SCR 32

Requesting the Governor to designate October 16, 1983 as
"World Food Day" in Alaska.

under consideration and (a majority of the committee) (the committee)
reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for 311 (SA) same title
- do pass new title
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Tom Kelly

John Stangor

Bill King

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

S

B

4

4

8

SB 448 QUESTIONS

1) Wouldn't the state save money by having recruitment centralized?

2) What would the difference be in the costs of:

EXAMPLE A

VS.

EX. B

1) open registers

2) recentralized hiring

3) computerized system

Status quo

OR

A VS. decentralization



Alaska State Legislature

Senate Committee on State Affairs

Vic Fischer, Chair • Pouch V

Juneau, Alaska 99811
(907) 465-4954

Official Business

MEMORANDUM

TO: Senate State Affairs Committee
FROM: Senate State Affairs Committee Staff
RE: SB 448 Opening state registers
DATE: March 28, 1984

Attached is the proposed committee substitute reflecting the changes discussed in Tuesday's committee meeting. On page 2, lines 12-14 is the new language, "each job class in the classified service except those classes that contain only one position shall be open for examination to any applicant at least once each year." The language in the original bill that required the registers to be open at all times has been deleted.

The original version of SB 448 amends state statutes by adding the clause "the rules may not be applied or amended to close or suspend open competitive examination for any job class" (page 2, beginning on line 12).

Fiscal information

Committee Substitute FY '85

Original bill FY 85

1,415.0 thousand (Department of Administration)
45.8 thousand (Department of Labor)
1,460.8 thousand

Back-up information

Fiscal note from the Department of Administration
Fiscal note from the Department of Labor
Position paper from the Department of Administration
Packet of information from the Ombudsman
Newspaper article dated 2/28/84

MEMORANDUM

SB 448
MH
State of Alaska

TO: Frank Raye, Director
Division of Personnel
Dept. of Administration

FROM: Mariannæ Brustad
Personnel Officer
Dept. of Natural Resources

DATE: March 2, 1984
FILE NO: 301
TELEPHONE NO: 465-2409/2410
SUBJECT: SB448

DNR's Position on SB 448

SB 448 is a bill sponsored by Senator Bill Ray that would add a stipulation to AS 39.25 that job classes may not be closed to open recruitment, i.e. that the State must continue to accept applications without condition at all times from the public.

This bill is proposed in response to the Administration's closing of job classes to open recruitment over the last year. Under the former Administration, the State maintained an open recruitment policy. State employees and the public alike could apply for jobs at any time. The impact of this created, over the years, thousands of applications the Division of Personnel was required to "examine." The number of applications grew as more people moved to Alaska and job opportunities became more limited in the lower 48. The Division of Personnel received little increase in staff to cope with this workload, and under the prior Administration began to delegate application review responsibilities to the departmental personnel offices on a voluntary basis.

The new Administration began closing classes for a number of reasons. They include the very real situation that State Government is no longer expanding, and in fact is beginning to cut back and layoff employees. The State did not want to mislead the public into believing there were a multitude of jobs available. Second, the workload became impossible to deal with and applicants had to wait months to get on State registers. The State proposed opening registers to all applicants only when legitimate vacancies existed. However, union contracts prohibited closing classes to union employees. Employees were subsequently given the opportunity to apply at any time. Unfortunately, this has created the potential for a very "in-bred" government employment picture. With State employees filling up State registers, the public will very rarely get the opportunity to compete.

Senator Ray's bill would open all job classes to the public. We feel this would be an unmanageable situation without the staff provided to cope with the workload. We also don't feel it is a worthwhile use of the State's time and fiscal resources. We do recognize, however, that the public has a legitimate complaint. Currently it will be

Position Paper/DNR 3/2/84

very difficult for a member of the public to compete with State employees for jobs. Also, recruitment openings are presently unpredictable and short when they occur. As a personnel manager I am aware that I have need for and cannot predict recruitment needs either. I have no idea when an employee or employees may suddenly terminate, and recruitment openings suddenly needed. It is difficult to plan the work of my staff without this knowledge.

I propose, as a compromise to the Administration position, a scheduled regular recruitment opening for the majority of State job classes. In my department I would like to open most of our classes once every year or two years, and open those classes on a regular, predictable schedule, preferably the same time every year. This would control my workload, allow me to plan my staff's time and give the public an opportunity to compete a certain time each year. It would be at a time they can easily remember because it will be the same the every year. I believe this kind of approach would meet the Division of Personnel's needs too.

cc: Senator Ray
Senator Sturgulewski
Senator Faiks
Senator Kelly
Mary Halloran, Director of Management
All Department Personnel Officers

SB 448

James R. Wilson
423 Harris Street
Juneau, Alaska 99801

March 22, 1984

Senators Ray and Fischer, et al
Alaska State Senate
Juneau, Alaska 99801

Senators Ray and Fischer; Gentlemen and Mesdame of the Committee:

My name is James Wilson, I have been a resident for six years, and I took advantage of your very generous educational loan program. I have completed all my coursework for the Ph.d. in Agricultural and Resource Economics and am now employed temporarily as a Regional Economist. I am also finishing my dissertation which is primarily in the area of natural resources. I am interested in finding long term employment.

My recent brush with the Alaska Division of Personnel has been cryptic and not particularly fruitful. I will not argue the particulars of my case, but I do want to bring out three concerns I have.

1. The present rating system, as I see it, favors those already employed:
 - a. By defining minimum qualifications in terms of experience with the State, thereby making it virtually impossible for one to intelligently gauge his/her own credentials against the position and consequently making it easier for that person to be disqualified.
 - b. By restricting entry to those who are already in the classified system.

2. Alaska's centralized application processing may exhibit limited economies of scale. The Division of Personnel may be experiencing precisely what we economists call inefficiencies of scale size. These inefficiencies come from several sources:
 - a. The volume of applications is large, which, has probably been accelerated by the disproportionately high State salaries and benefits and also because of the liberal educational loan programs of this State.
 - b. The skills and abilities required in certain jobs (and, I submit, most jobs above entry level manual skills-oriented positions) cannot be treated as homogeneous. This, unfortunately, works against a centralized classified jobs framework.

Statement - James R. Wilson

c. Perhaps more importantly, I do not believe the positions themselves are homogenous and conformable to classification. The result is a classification structure which may become increasingly vague, subject to a "club bias" (those not in the club tend to remain out of the club), and very inefficient in terms of their services to the agencies who must use them.

3. Finally, and somewhat related to 2, I question the competence of examiners to assess the peculiar needs of an agency and then to make selections of qualified applicants. Would it not be more efficient simply to relay all applications to the hiring agency and let them make the decision? For example, the examiner for a professional position might not recognize that fisheries development work with a federal funding agency attached to a university requires a considerable amount of skill both in procuring and administering grant monies but also in resource assessment and economics, not because that was omitted from the application, but because it may lie outside of their own professional experience, and there is little written or verbal guidance for the examiners. If examiners are in fact not competent in this sense, then the purpose of a personnel department is open to question.

To conclude, I completely agree with those who have spoken in behalf of the Division of Personnel. Correctly handling the vast quantities of applications could very likely be beyond the technical capabilities of the Division. The "streamlining" which has been done has tried to address this technical constraint. But does closing registers and throwing up barriers to employment actually address the core issue? I do not think so. I propose some measures in addition to opening the registers.

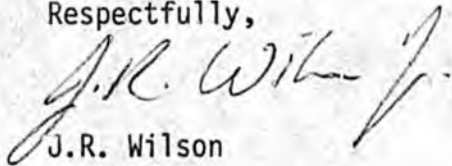
1. Either expanding the capabilities of the Personnel Division so that they are once again competent to do their job or decentralize (remove from classified status) most positions calling for advanced degrees or specialized training. The Division might serve as advisor and liaison, helping agencies place advertisement for openings and assist in writing precise job descriptions but they should not be given the responsibility of deciding which applications will be reviewed by the hiring agency. In summary, place the responsibility for procurement of acceptable candidates on the hiring agency, or expand the support for personnel.

2. Place greater restrictions on availability of money for education, or, provide incentives for students to consider certain types of training leading to professions which are in short supply. This, I admit, would be an unpopular alternative.

3. Address the "club bias" which tends to permeate the State system. This may entail a serious look at the role of unions, and their profile in the State, especially in the areas of hiring.

These are tough alternatives and are perhaps too simplified as they stand. However, equitable treatment of any potential employee is a tough issue which deserves more thought than the simple-minded solutions which seem to have emanated from the Division of Personnel.

Respectfully,

A handwritten signature in cursive script, appearing to read "J.R. Wilson". The signature is written in dark ink and is positioned above the printed name.

J.R. Wilson

cc: Governor William Sheffield

JD 778
3-22-84

Dear Senators Ray and Fischer,

I was at the Tuesday hearing on SB 448, the discussion on which was cut short and I was therefore unable to testify. As my testimony was mainly covered in the letter I already sent you, and I am unable to take leave today to be present, I am sending the notes instead to raise a few related issues.

First, Director Ray stated that only 25% of the current state registers are closed. I suspect if we started looking at statistics we'd find that those 25% are mainly in the higher professional level areas, or the ones I am interested in. I have a fairly diverse background and education and I found 15 jobs in the State "Jobs Book" at a range 18-20 for which I would be eligible; none of these has been open in the last 10 months.

Second, Director Ray mentioned among his options for improvement in the system... delegation of responsibility for hiring with the confidence whichever that a so-called application examiner can begin to competently rate me as a scientist or manager. So, as a compromise, I suggest that ^{only} entry-level, clerical, blue collar jobs remain the responsibility of Personnel.

Third, and last, it sounds to me like the management information

System for updating names on the registers is sadly lacking. Apparently a state worker can stay on any register forever - in fact their names are never purged, regardless of whether they're still interested or available - thus artificially inflating the registers - while the rest of us get purged after 2 years with no opportunity to update our applications, or even reapply!

I am becoming increasingly angry with the Division of Personnel, both their unfair policies on opening registers and the slipshod rating systems they employ. The situation seems to have deteriorated in the last year or so. I realize SB 448 does not address the rating system directly, but if it could succeed in opening registers at least it would be a first step.

Sincerely,

Janet Smoker

Janet Smoker

Statement - Janet Smoker 3/22/84



Ombudsman

John B. Chenoweth

State of Alaska

January 20, 1984

Senator Arliss Sturgulewski
Alaska State Senate
Pouch V
Juneau, Alaska 99811-3100

Attn: Melissa Fouse

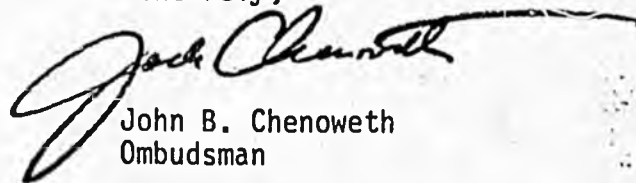
RE: Ombudsman Complaint J83-0419 (Closed)

Dear Senator Sturgulewski:

Per your request, enclosed are copies of the communications between the Department of Administration and my office in the matter of the closing of registers to open, competitive recruitment. In summary, I concluded that the Director of Personnel had authority under the Personnel Act to close or suspend open competitive examinations, but recommended the adoption of standards under which open competitive recruitment would be reopened. Ms. Andrews's concluding letter transmits a policy memorandum from Division Director Frank Raye that sets out those standards.

Open, competitive recruitment may be permanently re-established only by the adoption of legislation. Language to accomplish that purpose is provided.

Sincerely,



John B. Chenoweth
Ombudsman

JBC:jdt
Enclosures

Reply to:

- 3201 C Street, Suite 606
Anchorage, Alaska 99503
(907) 276-4011
- Pouch WU
Juneau, Alaska 99811
(907) 465-4970
- P.O. Box 74358
Fairbanks, Alaska 99707
(907) 452-4001

Ltr - Ombudsman 1/20/84



mbudsman

John B. Chenoweth

State of Alaska

September 26, 1983

Eleanor Andrews, Deputy Commissioner for
Personnel Management
Department of Administration
Pouch C
Juneau, Alaska 99811-0200

Reply to:

- 3201 C Street, Suite 606
Anchorage, Alaska 99503
(907) 270-4011
- Pouch WO
Juneau, Alaska 99811
(907) 465-4970
- P.O. Box 74358
Fairbanks, Alaska 99707
(907) 452-4001

RE: Ombudsman Complaint J83-0419,
and related Complaints: J83-0724;
A83-0904, A83-0976, and J83-0828;
F83-1167 and F83-1168.

Dear Ms. Andrews:

This letter concludes investigation and presents a finding and recommendation in the examination of a complaint, J83-0419, filed April 25, 1983, against the Division of Personnel. In that complaint, the complainant alleges that, by closing recruitment to all persons except those currently employed by the state, the division has unfairly denied to state citizens who are not state employees their accustomed opportunity for open, competitive recruitment to positions in the state classified service. Related to the principal allegation was an assertion that the Division of Personnel's decision to restrict recruitment to current state employees will prevent people from entering state employment and reduce the number of minority and female candidates. Investigation of this complaint was undertaken by Ombudsman Assistants Bruce Aronson and Jon Matthews, and by me.

This letter will also serve to relate the disposition of a number of related complaints that have as a common basis the decision of the Department's Division of Personnel to close opportunity for open recruitment to the public.

[For purposes of this analysis, I should, perhaps, note that officials and employees of the Department of Administration may differ from me in our understanding or application of the term "open." Paragraph 1 of the recent "letter of understanding," terms of which are later set out, describes the extension of recruitment opportunity to all permanent employees represented by APEA as "open recruitment." I use the term in context, suggesting that "open competitive recruitment" as the phrase appears in the context of AS 39.25.150(3) describes that system by which the general public may secure opportunity for consideration for public employment.]

BACKGROUND:

The decision to close registers to recruitment among the public was taken in March or April of this year. It was reported to the Personnel Council. That report was followed by an April 4 memorandum to Personnel Officers more fully describing the purpose of the closure and its anticipated extent:

As a result of these closures we expect to be able to focus recruitment efforts in areas where they are most needed; provide faster, more efficient service with those applications we do receive; and reduce the public's misconceptions and the applicant's false expectations about job availability.

This move away from continuously open recruitment will be combined with several other new directions which, I hope, will eliminate large, unwieldy or out-of-date eligible lists. Such programs with eligible lists have been brought to our attention by many managers.

A May 12 memorandum of the Division of Personnel's recruitment coordinator was intended to "clarify the State of Alaska Division of Personnel's intentions with regard to discontinuing continuous open recruitment for a large number of state job classes," from which I quote:

. . .

REASONS FOR CLOSING RECRUITMENT

1. LIMITED RESOURCES. The Division of Personnel does not have the financial and human resources to continue providing services which are unproductive. Accepting and processing hundreds of applications when there are no position vacancies, or when the State is, in fact, laying off employees, is very costly.

2. ELIMINATE PUBLIC EXPECTATIONS ABOUT THE AVAILABILITY OF JOBS. People apply to the State because they hope to get a job. Continuous open recruitment gives the public false expectations about their chances for employment. In many cases there are hundreds (and in some cases, thousands) of individuals on eligible lists waiting for vacancies to occur. In some cases there may be only a few such positions in the State service. Under those conditions, going through the time consuming application process can be especially discouraging and costly to the applicant.

3. NAMES OF CERTIFIED CANDIDATES MAY REMAIN ON ELIGIBLE LISTS FOR TWO YEARS. Under the current system, when a vacancy does occur, some candidates on the eligible list may have applied almost two years earlier. Since that time their availability or interest in the job may have changed significantly. The hiring department must spend a great deal of time contacting candidates who are no longer available, no longer interested or already working.

. . .

CRITERIA FOR [RE-] OPENING RECRUITMENT

1. Too few eligibles on list from which to make a selection for a bonafide vacancy.
2. Inadequate representation of individual's traditionally underutilized in job class.
3. Difficulties in hiring for particular locations.
4. Job classes for which turnover is high and lists are used frequently.

We are hoping to be able to regularly scan the length of eligible lists and to review turnover data in order to identify recruitment needs as early as possible. We will also be depending on regular Department projections of recruitment needs, as well as information on current, hard-to-fill vacancies.

Finally, in response to query from this office, on July 12, 1983, Division Director Frank Raye explained:

This Division is facing substantial budgetary reductions this next fiscal year. We are hoping to keep essential operations going despite these cutbacks. Within this Division we expect to redirect our remaining resources from the keeping of huge and unnecessary lists to keeping track of vacancy and turnover areas, more frequently canvassing existing lists and providing better information to the public.

Departments and the general public both stand to save resources through recent closures. Department managers could be expected to lose less time working cumbersome or out-dated eligible lists. Applicants will save time currently spent searching through poorly organized informational materials and completing a large number of applications for jobs for which they have little or no chance of being selected.

. . .

An examination of an allegation that an administrative action or decision is "unfair" requires this office to evaluate (1) whether the action or decision has a legal basis and (2) whether the action or decision is reasonable in light of the legitimate competing policy arguments that may have a bearing on it.

I

The State Personnel Act, AS 39.25, is the legal basis for the state's personnel system. Under AS 39.25.040, the director of the Division of Personnel is responsible for "the execution of the duties and responsibilities imposed by this chapter [the state Personnel Act] and the rules adopted under this chapter." AS 39.25.150 more specifically defines the scope and content of the state personnel rules.

The Personnel Act directs that the personnel rules shall provide for:

. . .

(3) the use of employee selection methods, including open competitive examinations, when appropriate, that will fairly test the capacity and fitness of the person examined to discharge the duties of the class in which employment is sought;

(4) the establishment and maintenance of eligible lists for appointment and promotion providing the names of eligible candidates in order of their relative performance in the examinations;

. . .

(6) promotions from within the state service when there are qualified candidates in the state service; vacancies shall be filled by promotion whenever practicable and in the best interest of the state service and promotion shall be by competitive examination whenever possible; in considering promotions, the applicant's qualifications, performance record, seniority, and conduct shall be evaluated;

. . .

Within the statutes on which the personnel rules are based there are different, competing considerations relating to recruitment for state employment. The statute directs, at AS 39.25.150(3), for the rules to provide for "the use of employee selection methods, including open competitive examinations, when appropriate. . ." and, at AS 39.-25.150(6), for "promotions from within the state service when there are qualified candidates . . .", said promotions to be filled "by

promotion whenever practicable and in the best interest of the state service."

Read together, subsections (3) and (6) describe parallel systems of recruitment for state employment: "open" competitive recruitment and recruitment limited to "promotional examinations" applicable in certain circumstances. Whether these provisions are equally applicable or whether, for purposes of recruitment for the positions in the classified service, one is to be preferred to the other deserves attention.

The legislative history offers some assistance. Though substantially re-enacted in 1982, Alaska's personnel statutes date back to the 1959-60 and the adoption of the Personnel Act. The state legislation is based on a 1953 "Model State Civil Service Act," published by the National Civil Service League and the National Municipal League. That proposed legislation provided, in its section 3:

The Director of Personnel shall prepare and submit to the Civil Service Commission proposed rules for the classified service. . . The rules shall provide:

. . .

(3) For open competitive examinations to test the relative fitness of applicants for the respective positions. . . . Such examinations shall be announced publicly at least fifteen days in advance of the date fixed for the filing of applications therefore, and may be advertised through the press, radio and other media. The Director may, however, in his discretion, continue to receive applications and examine candidates long enough to assure a sufficient number of eligibles to meet the needs of the service; and may add the names of successful candidates to existing eligible lists in accordance with their respective ratings.

COMMENT:

. . .

In unusual circumstances it may become necessary to carry on "continuous" recruiting and to hold "continuous" examinations in order to provide the departments with a sufficient number of eligibles, particularly where enough candidates are not available when the examination is first announced.

*

(4) For promotions which shall give appropriate consideration to the applicant's qualifications, record of performance, seniority and conduct. Vacancies shall be filled by promotion whenever practicable and in the best interest of the service, and promotion shall be by competitive examination

wherever practicable. An advancement in rank or grade or an increase in salary beyond the maximum fixed for the class shall constitute a promotion. [Emphasis added].

Based on the model act to establish a personnel system, a Public Administration Service draft bill was developed for discussion and review by the First Alaska Legislature in 1959. The PAS draft suggested the following revision of the applicable language:

Sec 12(c): For the use of sound employee selection methods including examinations to test the relative fitness of applicants for positions in the state service, to the end that well qualified individuals will be employed.

The PAS draft served as the basis for the legislation that was eventually introduced for consideration by the Alaska Legislature. When, following consultation with the Department of Administration, the PAS draft was developed into bill form and offered as part of HB 188 (1959 session), it had been further revised to read:

For the use of sound employee selection methods including open competitive examination to test the fitness of applicants for positions in the state service . . .

The history of the provisions presently codified as AS 39.25.150(3) and AS 39.25.150(6) suggests that, while the specific language of the paragraph describing general recruitment, open to the public, was revised substantially to incorporate a specific requirement of open competitive examination, the fundamental distinction between "open, competitive recruitment" and the more limited, promotional "competitive recruitment" has survived since the earliest version of the model legislation on which the state's current personnel statute is based.

The Personnel Rules themselves do not require the division to maintain a system of continuous recruitment for classified positions that is open to the public. The rules applicable to recruitment (other than for promotional examination) distinguish between "continuous examination" and "specific examination":

3 01.0 RECRUITMENT. Written public notice of all examinations for positions in the classified service shall be given by the person or board responsible for the examination and every reasonable effort shall be made to attract qualified persons to compete in the examinations. Copies of announcements shall be posted in public places, and may be sent to public officials, educational institutions, professional and vocational societies, newspapers, and such other individuals, organizations and media consistent with obtaining qualified applicants.

3.01.1 CONTINUOUS EXAMINATIONS. Where it has been determined to be necessary in order to maintain eligible lists adequate for the filling of positions or nonpermanent positions, examinations may be announced on a continuous basis without a designated closing date for the receipt of applications. Such continuous examinations shall be periodically publicized.

3.01.2 SPECIFIC EXAMINATIONS.

3.01.21 For any examinations for which a specific closing date for the receipt of applications is designated, public notice shall be given at least 15 days in advance in accordance with procedures established by the Director. [Emphasis added.]

By rule, continuous examination is conditioned on a need to maintain eligible lists. As earlier noted, the Director of Personnel has already indicated that, among his reasons for closing many classes to recruitment is the "number of eligibles on the [class or position] list."

The Division of Personnel had reached the conclusion that too many state registers were too long and too old to be conducive to efficient hiring. In the various memorandums of explanation which it has issued, the division cites several reasons for the revision of its policy that culminated in closure of recruitment to the public but an expansion of opportunity for the benefit of most members of one labor union. As justification of the closure of recruitment open to the public, the division has variously cited improvement of its ability to respond more quickly to personnel officers' recruitment needs and to schedule recruitment openings rationally in response to actual staffing needs; its limited manpower resources; the elimination of public expectations about the availability of jobs; and the inaccuracy of the personnel lists attributable to the retention of names on lists for two years. Taken together, the reasons seems sufficient to justify the action taken. In his exercise of authority given under the law, I cannot fault the reasons cited by the director in support of the decision.

The complainant objects to the decision to close recruitment, claiming that open competitive recruitment is more nearly consistent with the principles of equal employment opportunity and affirmative action. Nothing of record in our examination of this decision speaks to this issue. However, the closure of registers to public recruitment for those classes and positions in which lists are already long is not necessarily inconsistent with aggressive recruitment efforts directed at the employment of representative of underutilized groups. Moreover, I note that the director is at least cognizant that the contention may have some merit: in the May 12 memorandum of the his division's Recruitment Coordinator, there is enumerated among the criteria for re-opening of registers "inadequate representation of individuals traditionally underutilized in [the] job class."

On balance, then, the decision appears to have a legal basis and to be reasonable.

II

The closure of the registers to open, competitive recruitment was nearly simultaneous with an extension of "open" recruitment among current permanent employees of the classified service. On April 22, 1983, the Division of Personnel's recruitment coordinator addressed the following memorandum to all state personnel officers:

Until further notice, recruitment for all classified jobs will remain open on a continuous basis to employees of the State's classified service who have obtained permanent status.

This change is in response to a newly signed agreement between the State of Alaska and APEA. Also, included in this agreement is an elimination of the requirements to open recruitment for 30 days every year and give 30 days advance notice prior to a recruitment opening.

These changes in recruitment requirements should allow us to respond more quickly to your recruitment needs and schedule recruitment openings rationally in response to actual staffing needs.

The memorandum followed by only a matter of days the signing by Commissioner Rudd and the Executive Director of the Alaska Public Employees Association of a "Letter of Understanding" relating to recruitment for state employment:

1. Open recruitment for any and all job classes within the State of Alaska shall be extended to all permanent employees of the bargaining units represented by the Alaska Public Employees Association at all times.

2. Article 18, Section 15, paragraph 1, subparagraph 2 [of the general government APEA 1980 collective bargaining agreement], which reads as follows, is of no effect: For each closed job class, except single or no position classes, in the Bargaining Unit there shall be an open period of recruitment of at least (30) days within a twelve (12) month period.

This agreement shall become effective April 16, 1983 and shall remain in effect until December 31, 1983.

The "Letter of Understanding" amends the 1980 general government bargaining unit agreement to terminate the previously negotiated provision mandating "open" recruitment for positions in the affected

bargaining units. At the same time, the agreement entered into by the commissioner and the executive director extends to bargaining unit members the privilege of recruitment for positions within the bargaining unit on a continuous basis through the end of 1983.

By way of amplification of the reasons for the action taken, there followed, on April 26, a memorandum issued by the directors of the Division of Personnel and the Division of Labor Relations to all state personnel officers:

The memo to you of April 4, 1983, announcing recruitment closings, did not speak to promotional recruitment. However, the possibility of open promotional recruitment was discussed at the April 1983 Personnel Council. This is to inform you that the State and APEA have recently entered into an agreement which provides for continuous open recruitment for all job classes for permanent employees in the General Government and Supervisory bargaining units. . .

Consistent with the "letter of understanding," the director has acted to limit opportunities for employment in the state's classified service to those who have obtained permanent status in that service.

A closure of recruitment to the public works in favor of promotion from within. In his July letter of response to this office, the director reminded us that

Personnel Rules for over 15 years have required that State employees be given first preference for job openings. Promotion is an important tool for managers to utilize their resources to best advantage and to be able to maintain a qualified, experienced workforce. To restrict the possibilities for promotion and advancement would discourage many capable, ambitious people from choosing state service as a career.

The director's comment is remarkably consistent with one committee report, issued for House State Affairs Committee Substitute for House Bill 188, as reported in the February 17, 1960, House Journal, that underscores the significance of the personnel act for purposes of development of a career civil service, implying that opportunity for upward mobility among qualified civil servants was a significant factor in the system proposed for adoption:

In order to fully understand any legislation regarding the merit system, distinction must be made between a system of personnel administration and a "merit system." This bill is not an insulation for employees, nor in the strict sense, a tenure bill. It provides a uniform system for the administration

of state personnel, attempting to retain the freedom of authority on the part of the chief executive and still provide sufficient protection for the employees against political raiding and to encourage the development of a career service. . . [Emphasis added.]

If the decision to maintain "open" recruitment that so favors current permanent employees were supported by no more than the "letter of understanding," I would raise serious questions concerning implementation of the decision. There is, however, statutory authority in the State Personnel Act under which the director may act. AS 39.25.150(6) directs that promotional opportunities should be used "whenever practicable and in the best interests of the state service" to allow the advancement of current employees based on competitive examination. In addition, a personnel rule currently authorizes what is, in essence, a closure of recruitment to all but those who hold permanent status in the state's classified service:

3.01.3. PROMOTIONAL EXAMINATIONS. When it is determined by the Director to be in the best interests of the State service, and where adequate competition exists among permanent employees qualified for promotion, an examination may be announced on a promotional basis. When a promotional examination is announced, applications will be accepted only from employees of the State who have permanent status. [Emphasis added.]

The rule is, presumably, intended to implement AS 39.25.150(6), and is, in turn, amplified by a description of the alternative forms of promotional examination recognized by rule (Rule 1 of the Personnel Rules):

"Promotion" means that change of an employee from a position in one class to a position in another class with a higher salary range.

"Interdepartmental Promotional List" means an eligible list of those employees of the State who have permanent status and who are on the eligible list for a class of positions at a higher salary level than the positions which the employees currently hold.

"Departmental Promotional List" means an eligible list of those employees in a given department who have permanent status and who are on the eligible list for a class of positions at a higher salary level than the positions which the employees currently hold.

Statute and rule differ in some significant ways. For example, as the rule is drafted, the findings which the director is required to make are not synonymous with that which is to be determined under the statute: the statute directs promotion from within the state service on a promotional basis "whenever practicable" and "in the best interests of the state service," while the rule omits mention of the "whenever practicable" standard. Moreover, as drafted, the rule suggests that promotional examinations are optional: they "may" be announced if the director first makes the necessary findings, including the finding that "adequate competition exists among permanent employees qualified for promotion"; the statute, however, directs the use of competitive promotional examinations "whenever possible". While the rule and the statute may not be consistent, the rule is sufficient to provide the director broad discretion with regard to use of competitive promotional examinations.

Despite the significant differences between rule and the statute on which it is based, however, the rule does clearly provide that the director may limit recruitment to promotional examinations involving qualified state employees.

III

The complainant challenges the closure of open, competitive recruitment. No evaluation of that decision would be complete without some consideration of the manner by which the closed positions and classes will again be opened to the public competitive recruitment.

A number of responsible persons employed in the Division of Personnel have acknowledged that job registers will be opened to the public at some future time. In his July 12 memorandum to this office, the director cited the following criteria for re-opening registers:

- a) Canvassing and updating of eligible lists to determine availability of candidates.
- b) Regular scanning of length of eligible lists and, in some cases, the ratio of eligibles to number of actual positions and turnover statistics.
- c) Closer cooperation and planning with departments in regard to expectations of actual vacancies, seasonal appointments, new positions reorganizations, etc.
- d) Requests from departments for recruitment efforts.

However, somewhat different criteria for re-opening of public examination were given in a May 12 memorandum authored by the division's recruitment coordinator. Those are as follows:

1. Too few eligibles on list from which to make a selection for a bonafide vacancy.

2. Inadequate representation of individuals traditionally under-utilized in job class.
3. Difficulties in hiring for particular locations.
4. Job Classes for which turnover is high and lists are used frequently.

Finally, in remarks made to me during the September 15 meeting of the Commission on Employment Practices, the Director indicated to me that, while requests from agencies to open a position or class to recruitment would certainly lead him to consider the request, the final decision was, in all matters, his.

How, then, is that decision to be made?

The general closure of the registers, coupled with an opening of promotional recruitment to classified employees of the state, is based on considerations apart from those that bear on the best interests of the state service. For example, the opening of promotional recruitment obviates any effort to determine, on a vacancy basis, whether the lists of eligibles is sufficient for the director to determine that promotional recruitment is or is not practicable. The substitution of the general rule for a determination made on a case- or vacancy- basis is an expedient that meets many, if not all, of the objectives identified by division personnel to expedite the taking of personnel action, but which does not, in my view, fully conform to the requirements of AS 39.25.150(6).

The differences in criteria enumerated in the two memoranda, and the absence of any reference to criteria in the short discussion between the Director and me last week, suggest to me that the division did not have, and may not now have, a defined policy on the subject of re-opening of registers to general recruitment. I respectfully suggest that either there are no applicable factors that have been defined or described as regards the handling of recruitment for a position vacancy or, if there are such factors, the director's letter of explanation gives rise to a question as to whether they will be properly and consistently applied.

FINDING:

In summary, as noted earlier, the State Personnel Act does not preclude the director from closing open competitive examination for the state's classified service to the public. The director's decision in this regard is consistent with my understanding of the law and the legislative history of the Personnel Act. To borrow language from the Director: "The public's right to apply and receive fair and open consideration for State jobs does NOT require that they must be allowed to get on eligible lists at all times. . . ."

But if the public doesn't have the right to be considered for inclusion on eligible lists at all times, the public should know the circumstances under which open, competitive recruitment will be re-initiated. Having determined to close the registers, the termination

of open, competitive recruitment carries with it, in my judgment, an obligation on the part of the Director to indicate or describe those circumstances under which recruitment will again be made "open" and "competitive." How recruitment is to be reopened to the public is, in my judgment, an essential part of evaluating the fairness of the decision to close recruitment.

The State Personnel Act directs the filling of vacancies in the classified service by promotion "whenever practicable and in the best interest of the state service." AS 39.25.150(6). The director may not determine that positions in the state's classified service shall be filled by a form of "promotional examination" or reopened to open, competitive enrollment without making the requisite determinations (1) that it is "practicable" to fill a particular vacancy by promotion, (2) that it is "in the best interests of the state service" to fill a vacancy by promotion, and (3) that competitive examination to fill a particular vacancy by promotion is "possible"? The applicable statute, AS 39.25.150, fairly suggests that the director, or someone to whom he has delegated the authority, shall consider position vacancies and evaluate the factors bearing on whether competitive recruitment is "practicable" and "in the best interests of the state service" in each instance in which a vacancy is to be filled.

In the absence of a reasonably consistent description of the standards or factors applicable to determine whether a particular position shall be filled by "promotional examination" or "open, competitive examination," I propose to find the complaint claiming that the opportunity to be considered for state employment has been "unfairly denied" partially justified.

*

This investigation was undertaken based on the directive of the April 22 memorandum earlier cited. Until reading Director Frank Raye's September 7 letter to Senator Bill Ray, I was prepared to offer a different recommendation. However, the director's September 7 letter notes a significant policy change, suggesting that the April memoranda may not accurately describe actual practice. At page 2, the director acknowledges:

Please understand that recruitment is closed to some job classes only temporarily. The Division of Personnel has a new policy. We only recruit when there are jobs available. Already several job classes closed to recruitment have been reopened because there was a bona fide need to recruit.

The latter suggests that the earlier announced closures of position are not absolute, and that exceptions have been made and will continue to be made. However, the September 7 statement begs the question earlier alluded to: What circumstances have been identified by the director as indicative of a "bona fide need to recruit"?

RECOMMENDATION:

In light of the September 7 reply of Personnel Division Director Frank Raye to Senator Bill Ray, and because I sense that the policy of the division as generally understood by the complainant and by me may have undergone modification since the complaint was first submitted, I recommend that the division consider and adopt a description of standards which shall apply to determine whether there is, for any position or class of positions, a "bona fide" need to re-initiate open, competitive recruitment.

OTHER PERSONNEL DIVISION-RELATED COMPLAINTS:

The closure of recruitment to the public has generated a number of related problems and complaints. I would like to relate each area that has been called to my attention briefly in conjunction with the preceding report.

J83-0724:

The complaint in J83-0724, filed with my Juneau office in August, alleges that the Division of Personnel unfairly precluded the complainant and others who are not permanent employees of the state in the classified service from applying for employment.

The complainant's application was indeed rejected. On September 12, I received a copy of a letter signed by the director and addressed to a party whose application had been returned because of the restriction on open, competitive recruitment. The director said, in part:

For your information, fifty people (only 13 of whom are currently state employees) are on the . . . eligible list at present. This is a ratio of nearly 6 qualified applications to every position, more than enough candidates to fill any vacancy. While it is anticipated there will be no need to fill a vacancy in this job class this year, funding may be requested again next year by the Department of Commerce [sic] for the Anchorage position mentioned earlier. If funds are granted there will be a vacancy and it is likely that recruitment will be opened then. [Emphasis added.]

In context, the director's letter speaks to the possibility that, with the appropriation for money to authorize a new position vacancy, because of the establishment of a new position, recruitment may be opened, presumably to the public. If a ratio of six candidates to each vacancy is sufficient to fill the vacancy, why, merely because an amount is appropriated to establish a vacancy, does it become "likely" that recruitment will be opened?

The same concerns raised with respect to J83-0419 apply to disposition of this complaint. For the reasons noted above, I intend to conclude investigation of this matter and advise the complainant that, in my view, his complaint is "partially justified."

A83-0904, A83-0976, and J83-0828:

Three complaints -- A83-0904, A83-0976, and J83-0828 -- allege that the Division of Personnel unfairly rejected applications for positions submitted by the respective applicants after each had been advised that his or her name was being removed from current registers under the two-year provision of Personnel Rule 4.03.0. The applicants' submissions were not reviewed because registers for all positions in which they were interested remained closed.

The Division of Personnel appears to have treated these situations consistently. The communication now sent to an applicant who faces removal of his or her name from the register under the rule advises:

If you wish to reapply for examination, it will be necessary to complete and submit a new application for this job class. Please be aware that all job classes are NOT open to application on a continuous basis. Before resubmitting an application please check to see if the job class is open to application at this time. [Emphasis added.]

The underscored language, in use since at least March, 1982, places the burden on the applicant to determine whether the position for which he or she may seek reapplication is open to current recruitment. This is not a burdensome requirement. The complaints that the resubmitted applications were unfairly rejected are "unsupported."

F83-1167 AND F83-1168:

Finally, the complainants in F83-1167 and F83-1168, complaints recently filed in my Fairbanks office, are former students at the University of Alaska. Each recently successfully completed all requirements for, and has been awarded, a graduate or undergraduate degree. The names of both currently appear on registers for positions in the classified service that relate to their fields of study. Both are interested in revising the applications on file to show successful completion of additional academic requirements. Both were refused the opportunity because of the closure of registers for these positions.

Preliminary examination confirmed the denial, noting that the decision to deny opportunity to submit an application revision was consistent with former practice, limiting acceptance of application revisions to periods of open enrollment.

Each complainant alleges that the decision denying him an opportunity to revise his application is unfair. As earlier noted, an

assertion that an administrative action or decision is "unfair" requires examination of the legal basis and the competing policy arguments bearing on the assertion.

Investigation of F83-1167 and -1168 affirms that division personnel have customarily treated applications "revised" to show additional educational or work experience as "new" applications, and that staff of the Division of Personnel responded to these complainants consistently with that general manner of treatment.

While the decision to allow or disallow receipt of additional or supplemental information is discretionary with the division director, I question whether it is in the best interests of the state to maintain the name of an applicant on a register without giving that applicant an opportunity to provide ever more current information about his or her educational and employment experience. A rule applicable when position or class recruitment was opened for at least 30 days annually seems to me to be of doubtful application in those instances when recruitment may not be opened for some unknown period of months or years. Moreover, even those who were fortunate to have their names included on a register before the recruitment closure do not enjoy the same opportunity as current state employees of the classified service. State employees, enjoying the benefit of "open recruitment for any and all job classes . . . at all times" are not barred from submitting applications revised in light of additional education and experience. Neither, in my view, should those whose names appear on registers while their names remain.

I propose to find these complaints "justified," and I do recommend that, so long as registers are closed to the public, the current policy should be modified in order to allow receipt and processing of revised applications for candidates whose names appear on those closed registers.

*

Recommendations are made concluding investigation J83-0419 and F83-1167/-1168. A regulation of this office, 21 AAC 05.080, asks that an agency act within 30 days to indicate whether an ombudsman's recommendation is to be accepted and implemented. May I respectfully request your response to the recommendations presented within that time limit.

Thank you.

Sincerely,

John B. Chenoweth
Ombudsman

JBC:jdt
cc: Frank Raye

THE FOLLOWING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

STATE OF ALASKA

Bill Sheffield, Governor

DEPARTMENT OF ADMINISTRATION

OFFICE OF THE COMMISSIONER

November 3, 1983

POUCH C
JUNEAU, ALASKA 99811
PHONE:

Mr. W. C. [unclear]
[unclear]
[unclear]
Juneau, AK. 99811

RECEIVED

NOV 8 1983

Dear Mr. [unclear]:

JUNEAU
OFFICE OF OMBUDSMAN

I am responding to your September 26, 1983 letter regarding Ombudsman Complaint 733-1419 et al. I want to extend my appreciation for the detailed historical review you conducted in investigating these complaints. It is comforting to have our understanding of the intent of the original legislation confirmed by an independent source.

I feel I must also comment on the apparent legalistic "hair splitting" in evaluating written and oral statements of people who are not trained in the legal profession. You apparently discern significant difference between memoranda of April 4, May 12, and July 12. They deal variously with what, why, and how of temporarily closing continuous recruitment and reopening individual classes on an as needed basis. Mr. Kaye's letter to Senator Ray in September refers to the policy change effected in April. The effects of which include: the ability "to focus recruiting efforts in areas where they are most needed" (April 4), "identify recruitment needs as early as possible" (May 12), and keeping "track of vacancy and turnover" (July 12) so that recruitment decisions can be made. I believe there has been a consistent effort to enunciate the policy.

Our differences in how we reach the conclusion aside, we agree with your first recommendation that the Director of Personnel adopt standards that will apply in determining when recruitment for a job class will be reopened. Enclosed is a copy of a draft Personnel Memorandum. We are subjecting the draft to review by Executive Branch agencies. When completed, the Personnel Memorandum will be finalized. We will distribute it to all locations which maintain copies of our recruitment material.

Your second recommendation appears to defeat a major reason for temporarily closing recruiting for some job classes. You recommend that candidates currently on eligible lists be allowed to submit revised applications and the Division of Personnel must process that new information. The effect of your recommendation is to increase the volume of application processing to at least 10% of procedure

UNITED STATES DEPARTMENT OF JUSTICE
WASHINGTON, D. C. 20535
MAY 19 1964

MEMORANDUM FOR THE ATTORNEY GENERAL
SUBJECT: [Illegible]

[Handwritten Signature]

[Illegible]

Reference is made to the letterhead memorandum dated May 11, 1964, captioned as above.

The Bureau of the Internal Security - Communist (IS-C) is currently conducting an investigation of the activities of the [Illegible] in the [Illegible] area. This investigation is being conducted in accordance with the provisions of the Internal Security Act of 1950, as amended. The results of this investigation are being reported to the [Illegible] and the [Illegible].

The [Illegible] has advised that the [Illegible] has been active in the [Illegible] area since [Illegible]. The [Illegible] has been identified as a [Illegible] and is currently active in the [Illegible] area. The [Illegible] has been identified as a [Illegible] and is currently active in the [Illegible] area.

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Very truly yours,
[Illegible]

The [Illegible] has advised that the [Illegible] has been active in the [Illegible] area since [Illegible]. The [Illegible] has been identified as a [Illegible] and is currently active in the [Illegible] area. The [Illegible] has been identified as a [Illegible] and is currently active in the [Illegible] area.

To: All Personnel Officers

Date: November 3, 1953

Personnel Memorandum # 1-3

From: Frank Rabe
 Director
 Division of Personnel
 Department of Administration

Subj: Conditions for
 Open Competitive
 Recruitment

The Director of Personnel's determination as to when it is appropriate to open recruitment for a job class will be based on the criteria described below. The first set of criteria describe the conditions that the Division of Personnel will identify through routine and periodic reviews. The second set of criteria describe conditions which, when brought to the attention of the Division of Personnel by a departmental personnel officer, will be evaluated for the appropriateness of a recruiting effort.

Criteria Which Justify Opening Recruitment

1. New Job Class

When a new job class is established, recruitment will be opened for a minimum of thirty days.

2. Broadened Minimum Qualifications

When the minimum qualifications for a job class have been broadened, recruitment will be opened for a minimum of thirty days.

3. Incomplete Eligible List

When the Director of the Division of Personnel has decided not to sub-fill, provisionally fill, or use a related or augmented list to fill a vacancy recruitment will be opened upon request of the department for at least thirty days or until there are at least five available eligibles on the list.

4. Projected Indignite List

The Division of Personnel will periodically review the number of candidates on all eligible lists maintained by the Division of Personnel. The following criteria will be used:

- (1) The ratio of eligibles to the number of positions is less than 3 to 1
- (2) The ratio of eligibles to the number of appointments is less than 5 to 1

These ratios may be adjusted from time to time by the Director. Any such adjustment will be announced by a supplement to this memorandum.

5. Underutilization

Whenever underutilization exists in a job class within a job group and there are not sufficient eligibles from protected groups consistent with their availability in the labor market, the Director of Personnel will consult with the Director of Equal Employment Opportunity to determine whether and for how long to open recruitment for the job class. The Director shall consider previous applicant flow data and current recruitment trends for the job class when making a determination.

Criteria Which May Justify Opening Recruitment

- A. A department with actual or anticipated vacancies may request recruitment to be opened between the periodic reviews by the Division of Personnel if the number of certified eligibles to the number of appointments is less than 6 to 1.
- B. A department with actual or documented projected vacancies in positions which have a history of being short or filled because of geographic location, special exercises, or unique and unusual circumstances may request recruitment to be opened for the job class to meet the special requirements. Requests for recruitment based on other conditions will be individually evaluated by the Division of Personnel.

*The figures for appointments will be the number of appointments made in the job class during the previous calendar year.



Ombudsman

John B. Chenoweth

State of Alaska

November 14, 1983

Eleanor Andrews, Deputy Commissioner for
Personnel Management
Department of Administration
Pouch C
Juneau, Alaska 99811-0200

Reply to:

- 3201 C Street, Suite 606
Anchorage, Alaska 99503
(907) 276-4011
- Pouch W0
Juneau, Alaska 99811
(907) 465-4970
- P.O. Box 74358
Fairbanks, Alaska 99707
(907) 452-4001

RE: Ombudsman Complaints J83-0419 et al.

Dear Ms. Andrews:

At the conclusion of the investigation of the above-captioned matters, recommendations were submitted for your consideration. Those recommendations were intended to provide a practical response to problems arising out of the Division of Personnel's April decision to end open, competitive recruitment for most state positions.

Concerned as I am for improvement of public administration practices, I was pleased to learn that the first recommendation -- asking that standards in determining when recruitment will be reopened be identified -- is in the process of being implemented. I trust the implementation of the recommendation well serves the uses and purposes for which that recommendation was offered.

The first recommendation presented for your consideration was prompted not, as you have described, by legalistic "hair-splitting," but by what I sincerely believed was an all too indefinite "standard." Because state statutes grant comparatively broad discretionary authority to the division director over much of the administration and implementation of the Personnel Rules, I was quite concerned about the way in which the incumbent director would wield that authority. At the time I wrote, only a series of rather unrelated statements served as the basis of an explanation to the public as to the circumstances under which open, competitive recruitment would be reopened. If, as you suggest, the standard was decipherable from that sequence of statements, why should the burden be placed on the public to guess? The absence of a clearly-enunciated standard benefits no one: not the division or department, not my office, and surely not the public (who, I sense, is generally critical of the decision to reduce if not eliminate open, competitive recruitment).

Not by way of legalistic "hair-splitting" but as a sound principle of public administrative practice do I request that an official to whom has been given discretionary authority provide an adequate written statement of the reasons for his or her act. When that explanation can be provided, should it not come sooner than later?

I regard it as no small measure of improvement of the performance of the Division of Personnel that its staff can describe the circumstances in which open, competitive recruitment will be reopened. The adoption of the standard will not, of course, preclude the filing of subsequent complaints. However, the adoption of the standard should permit thoughtful evaluation of the division's actions with respect to reopening of registers by your office and mine, and may serve to take some of the "sting" out of the register closure decision. I will share information about your response to that recommendation with the complainants and legislators who have inquired about this matter.

The second recommendation of my September 26 letter arises out of the filing of two complaints, F83-1167 and F83-1168. We disagree with regard to that recommendation.

I do see that Rule 3 02.2, which you cite, may help the limited number of candidates who are approaching the end of an academic career. The other two practices you mention apply to the ability to present information that is not considered in an examining process that leads to creation or revision of the registers. My concern is, of course, with the certifications, based on the registers, and my recommendation was prompted by what I believe to be a need to assure that certifications are drawn from registers containing the names of those applicants ranked according to quality of credentials and not merely on the basis of a listing that was once valid but may be as much as two years old.

Your response led me to re-consider the applicability of the Rules.

The opportunity to submit additional information about a candidate's education or employment experience is, in many instances, the sole basis of the division's "examination" of the candidate. Specifically, I reconsidered the rule relating to "reexaminations." That provision, as you no doubt know, twice (at Rule 3 08.1 and 3 08.3) enunciates the policy that retesting is permitted at the end of the three month period "provided the class is open for recruitment at the time of reapplication." Thus, while the reexamination provision may have been adopted and implemented at a time when normal Division of Personnel practice allowed continuous open, competitive recruitment, I am satisfied that the provision supports the division's policy in this regard. As with the closure of open, competitive recruitment, the policy of denying eligibles an opportunity to have modified credentials reexamined may not be one which the public may favor; it is, however, a policy that appears to be consistent with the philosophy of the Rules. I intend to amend the finding in these two complaints to "unsupported," and will provide an explanation to the complainants.

November 14, 1983

I should note in conclusion that I've received a number of inquiries about this investigation, and I expect that, with its conclusion, I will be asked to provide copies of my analysis to state legislators and the press.

Thank you for giving this matter your attention.

Sincerely,

John B. Chenoweth
Ombudsman

JBC:jdt

DEPARTMENT OF ADMINISTRATION

POUCH C (MS 0200)
JUNEAU, ALASKA 99811
PHONE: (907) 465-2200

OFFICE OF THE COMMISSIONER

(907) 465-2200

November 25, 1983

Mr. John B. Chenowith
Ombudsman
Pouch W0
Juneau, AK 99811

Dear Mr. Chenowith:

As promised in my earlier letter to you (November 4, 1983), Personnel Memorandum 83-3, regarding criteria for opening recruitment, has been finalized. A copy is enclosed for your response before the end of November. A copy of this memorandum will also have been mailed to all locations which receive our recruitment material.

Your part in clarifying this procedure is appreciated and I hope the memorandum is valuable in responding to any further inquiries or complaints you may receive about the Division of Personnel's decision to temporarily close recruitment for a large number of State positions.

Sincerely,



Eleanor Andrews
Deputy Commissioner for
Personnel Management

EA/ML/mmm
6/4D6/1125-01
Enclosure

cc: Commissioner Lisa Rudd
Department of Administration

RECEIVED

NOV 28 1983

JUNEAU
OFFICE OF OMBUDSMAN

FOR YOUR INFORMATION

MEMORANDUM

State of Alaska

TO: All Personnel Officers

DATE: November 18, 1983

FILE NO: Personnel Memorandum 83-3

TELEPHONE NO: 465-4430

FROM: Frank Ray *Ray*
Director
Division of Personnel
Department of Administration

SUBJECT: Conditions For Open
Competitive
Recruitment

The Director of Personnel will determine it appropriate to open recruitment for a job class according to the criteria described below.

Criteria Which Justifies Opening Recruitment

The Division of Personnel will identify these conditions through routine and periodic reviews. When these conditions occur, recruitment will be opened for some specific length of time, and for at least the minimum period of time as prescribed by the Personnel rules.

1. New Job Class
2. Broadened Minimum Qualifications

Broadened minimum qualifications for a job class refer to changes which allow more people to qualify than did the previous minimum qualifications.

3. Incomplete Eligible List

An eligible list is considered incomplete when fewer than three names are certified to fill a vacancy. When the Director of Personnel determines that other ways of filling the vacancy (such as sub-fill, provisionally, or from a related or augmented list) have been adequately considered, recruitment will be opened at the department's request.

4. Projected Inadequate List

The Division of Personnel will periodically review the number of candidates on all eligible lists maintained by the Division of Personnel. The following criteria will be used:

- (1) The ratio of eligibles to the number of positions is less than 3 to 1.
- (2) The ratio of eligibles to the number of appointments* is less than 6 to 1.