

ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 8672

11353 SENATE STATE AFFAIRS

February 25, 2004

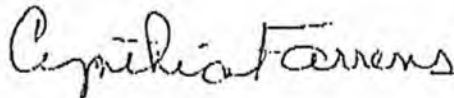
Dear Senators,

Please support SB 327: An Act relating to pedestrians using roller blades, roller skates, and similar devices.

As part of the Skiing community in Homer, we safely utilize local roads for roller skiing and roller blading. We primarily use the only bike trail available in town, however this is a flat trail with does not provide the training our athletes need to stay in condition for the up-coming races. Thus, we use the shoulders of public roads without disrupting traffic.

Please support this legislation and support the Homer's athletes.

Thank you,



Cynthia Fairens
P.O. Box 3821
Homer, AK 99603
235-2166

Dear Senators:

We would like to support legislation SB327 which would allow roller skis and ski blades to be used on Homer streets without ticketing. We are a skiing community and our skiers use their roller skis in the off-season for important training. To take away the ability to do this would greatly decrease their summer fitness program. Our coaches are mindful of safety issues and monitor the athletes when they are training near roadways.

We have a daughter on the high school ski team who recently qualified for the Arctic Winter games and a son in 5th grade who will also compete in future skiing events. Both of them have used their roller skis in the past summers to stay in shape before the winter. There is nothing nearly as comparable they can do to simulate skiing.

Thank you, Leslie and Jens Klaar,

37420 Watercolor Lakes Drive,
Anchor Point, AK. 99556

S B

3 3 8

SESSION ADDRESS:
Alaska State Capitol
Juneau, Alaska 99801-1182
(907) 465-4925
Fax: (907) 465-3517
Toll Free: 1-800-821-4925

Senator Gary Stevens
Alaska State Legislature

INTERIM ADDRESS:
112 Mill Bay Road
Kodiak, Alaska 99615
(907) 486-4925
Fax: (907) 486-5264



facsimile transmittal

To: *Leg Legal* ^{*attn: Don B.*} Fax: *2029*
From: *Katrina* Date: *3/19/04*
Re: *SB 338* Pages: *2*
CC:

Urgent For Review Please Comment Please Reply Please Recycle

Hi Don,
Here is the Amendment that the
State Affairs Committee adopted.

Thanks.

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

23G-2
3/18/2004
(8:38 AM)

AMENDMENT #2

OFFERED IN THE SENATE STATE
AFFAIRS COMMITTEE

BY _____

TO: Proposed CS for SB 338 (23-LS)

- 1 Add the following new subsection to proposed AS 09.50.253 (Actionable claims against state
- 2 employees):
- 3 "() The provisions of this section are in addition to and do not supersede a term
- 4 in a state employee collective bargaining agreement addressing legal defense and
- 5 indemnity."

*Adopted
4/2 8:42*

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

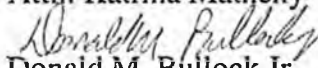
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 18, 2004

SUBJECT: CSSB 338() relating to claims against state employees
(Work Order No. 23-GS2065\D)

TO: Senator Gary Stevens
Attn: Katrina Matheny

FROM: 
Donald M. Bullock Jr.
Legislative Counsel

Enclosed is a blank CS for SB 338.

This is a time-limited review, and I may have additional comments with the next draft.

There is one issue I raise for you to consider related to Rules 4 and 12 of the Alaska Rules of Civil Procedure. Civil Rule 12 requires a defendant to serve an answer within 20 days after the service of the summons and complaint on that defendant; however, if the service is on the state or an officer or agency of the state, the answer is to be served within 40 days after service upon the attorney general. Under Civil Rule 4, in an action against the state, service is to be made on the attorney general and, if applicable, upon an officer or agency of the state.

How would you like to treat an employee who may or may not have been acting within the scope of employment at the time the cause of action arose? Should the employee answer within 20 days, as provided in Civil Rule 12, or within the 40 day-period that is applicable to the actions against the state?

Civil Rule 25 may also be modified by this bill. Rule 25 discusses substitution of parties. Other rules relating to parties may also be offered.

On page 2, line 7, "an agreement by employee" may be considered a coerced agreement and may not be binding.

If I may be of further assistance, please advise.

DMB:mdr
04-108.mdr

Enclosure

23-GS2065\D
Bullock
3/18/04

CS FOR SENATE BILL NO. 338()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to actionable claims against state employees; and providing for an**
2 **effective date."**

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

4 *** Section 1.** AS 09.50 is amended by adding a new section to read:

5 **Sec. 09.50.253. Actionable claims against state employees.** (a) Except as
6 provided in (f) of this section, the remedy against the state provided by AS 09.50.250
7 for injury or loss of property or personal injury or death arising or resulting from an
8 act or omission of a state employee while acting within the scope of the employee's
9 office or employment is exclusive of any other civil action or proceeding for money
10 damages by reason of the same subject matter against the employee whose act or
11 omission gave rise to the claim or against the estate of the employee. Any other civil
12 action or proceeding for money damages arising out of or relating to the same subject
13 matter against the employee or the employee's estate is precluded without regard to
14 when the act or omission occurred.

1 (b) A state employee against whom a civil action or proceeding is brought
2 under (a) of this section shall deliver all pleadings and process served upon the
3 employee, or a copy of the papers served, to the person designated by the head of the
4 employee's agency to receive the papers and to the attorney general. The state
5 employee shall deliver these documents within the time period established by the
6 attorney general in a regulation adopted under this section. The initial delivery of
7 these documents to the attorney general constitutes an agreement by the employee to
8 cooperate with the attorney general in the state employee's defense of the action or
9 proceeding and a consent that the attorney general conduct the defense as the attorney
10 general considers advisable and in the best interests of the employee, including
11 settlement in the attorney general's discretion.

12 (c) Upon certification by the attorney general that the state employee was
13 acting within the scope of the employee's office or employment at the time of the
14 incident out of which the claim arose, any civil action or proceeding commenced upon
15 the claim in a state court is considered an action or proceeding against the state under
16 the provisions of this title, and the state is substituted as the party defendant. The civil
17 action or proceeding certified under this subsection is subject to the same limitations
18 and defenses applicable to an action or proceeding against the state. The attorney
19 general or the attorney general's designee shall defend the civil action or proceeding
20 on behalf of the state.

21 (d) If the attorney general refuses to make the certification under (c) of this
22 section, the state employee may, at any time before trial, petition the superior court to
23 find and certify that the employee was acting within the scope of the employee's office
24 or employment at the time of the incident out of which the claim arose. Upon
25 certification by the court, the civil action is considered to be a civil action or
26 proceeding brought against the state under the provisions of this title, and the state is
27 substituted as the party defendant. Upon certification by the court, the state shall
28 reimburse the state employee the employee's reasonable costs and attorney fees
29 incurred in bringing the petition. A copy of the petition under this subsection shall be
30 served upon the state in accordance with the provisions of Rule 4(d)(7), Alaska Rules
31 of Civil Procedure. The petition to the superior court is the exclusive remedy to

1 challenge the noncertification decision by the attorney general of a state employee
2 under this section.

3 (e) A claim or suit for damages may not be filed against the state or the
4 attorney general arising out of the process for certification under this section.

5 (f) This section does not extend or apply to a civil action or proceeding against
6 an employee of the state that is brought for a violation of the Constitution of the
7 United States or that is brought for a violation of a law of the state under which an
8 action or proceeding against an employee is expressly authorized.

9 (g) The provisions of this section are in addition to and do not supercede a
10 provision in a state employee collective bargaining agreement addressing legal
11 defense and immunity.

12 (h) In this section,

13 (1) "acting within the scope of the employee's office or employment"
14 means acts or omissions

15 (A) that the state employee is employed or authorized to
16 perform;

17 (B) of the state employee that occur substantially within the
18 authorized time and space limit;

19 (C) that are activated by a purpose to serve the state; and

20 (D) that do not constitute acting, or failing to act, with wilful,
21 reckless, or intentional misconduct, or with gross negligence or malice;

22 (2) "state employee"

23 (A) means

24 (i) a permanent, probationary, seasonal, temporary,
25 provisional, or nonpermanent employee in the executive, legislative, or
26 judicial branch of state government, whether in the classified, partially
27 exempt, or exempt service; or

28 (ii) a person appointed to a board or commission of
29 state government;

30 (B) does not include an employee of

31 (i) the University of Alaska;

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- (ii) the Alaska Railroad Corporation; or
- (iii) a political subdivision of the state, including a regional educational attendance area.

* Sec. 2. AS 09.50.300 is amended to read:

Sec. 09.50.300. Compromise by attorney general. Except as provided in AS 09.50.253, the [THE] attorney general may, with the approval of the court, arbitrate, compromise, or settle any action filed under AS 09.50.250 - 09.50.300.

* Sec. 3. The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. This Act applies to a cause of action that arose on or after the effective date of this Act.

* Sec. 4. The uncodified law of the State of Alaska is amended by adding a new section to read:

REVISOR'S INSTRUCTIONS. The revisor of statutes is instructed to change the heading of art. 3 of AS 09.50 from "Article 3. Claims Against State" to "Article 3. Claims Against the State or State Employees."

* Sec. 5. This Act takes effect immediately under AS 01.10.070(c).

SESSION ADDRESS:
Alaska State Capitol
Juneau, Alaska 99801-1182
(907) 465-4925
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Toll Free: 1-800-821-4925

Senator Gary Stevens
Alaska State Legislature

INTERIM ADDRESS:
112 Mill Bay Road
Kodiak, Alaska 99615
(907) 486-4925
Fax: (907) 486-5264



facsimile transmittal

To: *Leg. Secy* Fax: *2029*
From: *Katrina* Date: *3/17/04*
Re: *SB 338* Pages: *4*
CC:

Urgent For Review Please Comment Please Reply Please Recycle

*Can I please get a blank CS for
SB 338 that incorporate these
two amendments.*

Thank you

Subject: Re: FW: SB 338/HB 488

Date: Wed, 17 Mar 2004 14:48:59 -0900

From: Scott Nordstrand <Scott_Nordstrand@law.state.ak.us>

To: joe@psea.net

Dear Mr. D'Amico,

Our attorneys looked at your proposal and modified it somewhat, although I think it still does what you intended. Here it is:

★ ["The provisions of AS 09.50.253 are in addition to and do not supercede a term in a state employee collective bargaining agreement addressing legal defense and indemnity."]

Please let me know if you can support this language. I believe the bill will be of great benefit to all State of Alaska employees, particularly your members.

Looking forward to hearing from you,

Scott.

>>> Joe D'Amico <joe@psea.net> 3/16/2004 1:51:46 PM >>>

Dear Mr. Nordstrand,

Thank you and your staff for your time this morning to discuss PSEA's concerns with SB 338 and HB 488 regarding claims against state employees. Mr. Gasper and I appreciate the opportunity to discuss the issue and the ability to get straight answers to our questions. As I mentioned in our meeting, PSEA does not wish to hinder the State's ability to defend state employees or the State in civil actions. However, we have concerns about changes in the system that has been in place for some time. I also would like to reiterate that the A.G.'s Office has been very dependable in the defending of State Troopers as well as Airport Police and Firefighters regarding this matter.

After carefully reviewing the Bill, the amendment and the information you and your staff provided, PSEA would like to offer this one sentence to be added to the Bill:

"Nothing in this statute shall supercede a provision in a collective bargaining agreement that creates a different level of protection for state employees."

If I understood the discussion and previous testimony, it is not the intent of the Department of Law to change levels of protection provided in Collective Bargaining Agreements. If the Department could adopt this sentence, PSEA would withdraw all opposition to the Bill, and would instead support it.

If you have any questions, please feel free to contact me at 337-1979. Thank you.

Joe D'Amico
Business Manager
Public Safety Employees Association

AMENDMENT #1

Adopted

OFFERED IN THE SENATE STATE
AFFAIRS COMMITTEE
TO: SB 338

BY _____

1 Page 1, line 1:

2 Delete "relating to the state's"

3

4 Page 1, lines 2 - 4:

5 Delete all material.

6

7 Page 1, line 7:

8 Delete "adding new sections to read"

9 Insert "adding a new section to read"

10

11 Page 3, line 2, following "defendant.":

12 Insert "Upon certification by the court, the state shall reimburse the state employee the
13 employee's reasonable costs and attorney fees incurred in bringing the petition."

14

15 Page 3, following line 12:

16 Insert the following new material:

17 "(g) In this section,

18 (1) "acting within the scope of the employee's office or employment"

19 means acts or omissions

20 (A) that the state employee is employed or authorized to perform;

21 (B) of the state employee that occur substantially within the

22 authorized time and space limit;

1 (C) that are activated by a purpose to serve the state; and
2 (D) that do not constitute acting, or failing to act, with willful,
3 reckless, or intentional misconduct, or with gross negligence or malice;

4 (2) "state employee"

5 (A) means

6 (i) a permanent, probationary, seasonal, temporary,
7 provisional, or nonpermanent employee in the executive, legislative, or
8 judicial branch of the state government, whether in the classified, partially
9 exempt, or exempt service; or

10 (ii) a person appointed to a board or commission of the
11 state government;

12 (B) does not include an employee of

13 (i) the University of Alaska;

14 (ii) the Alaska Railroad Corporation; or

15 (iii) a political subdivision of the state, including a regional
16 educational attendance area."
17

18 Page 3, line 13, through Page 6, line 7:

19 Delete all material.
20

21 Page 6, line 10:

22 Delete "AS 09.50.253 - 09.50.257. the"

23 Insert "AS 09.50.253, the"
24

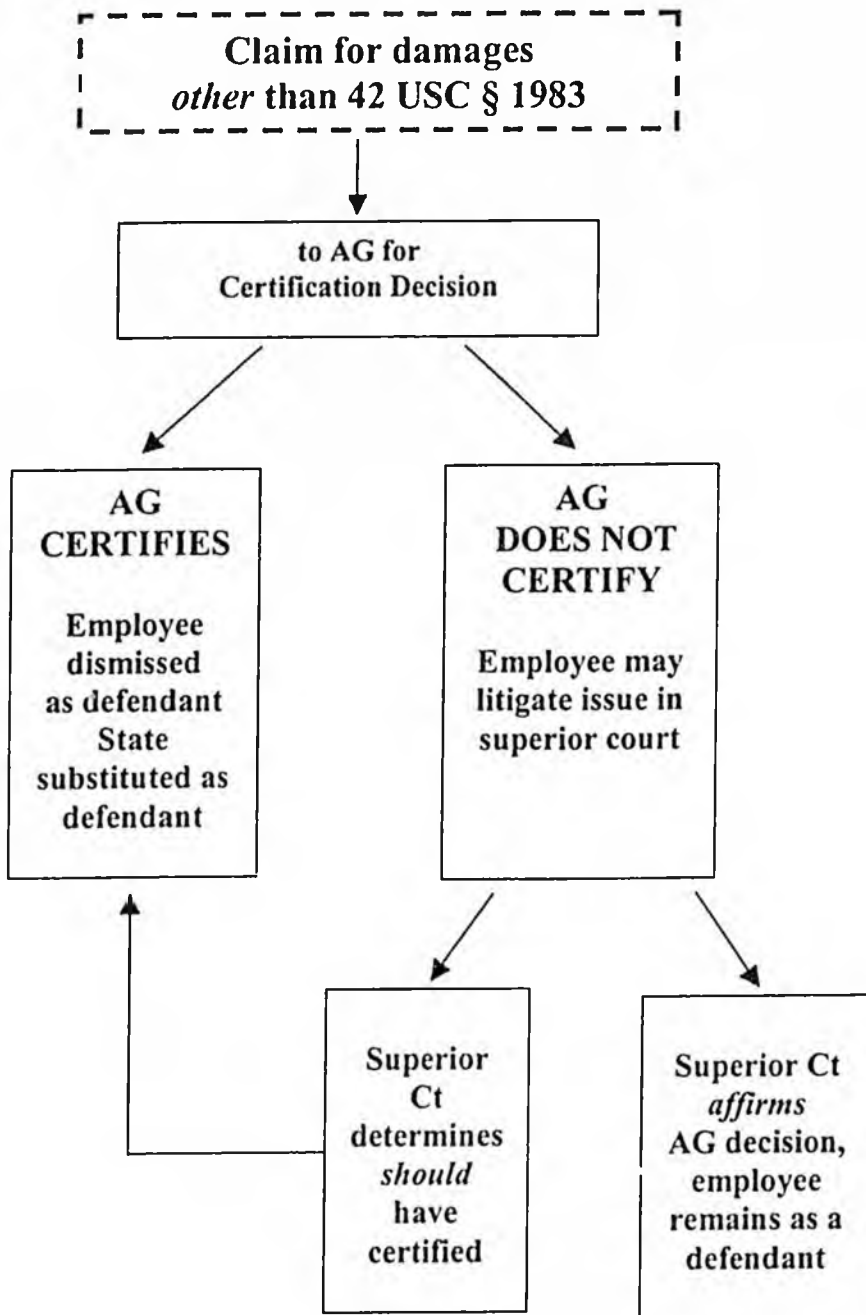
25 Page 6, line 13, through Page 7, line 28:

26 Delete all material.
27

28 Renumber the following bill sections accordingly.

SB 338 -- HOW IT WORKS

State employee individually sued for damages



SENATE BILL NO. 338
"AN ACT RELATING TO ACTIONABLE CLAIMS
AGAINST STATE EMPLOYEES"

SECTIONAL ANALYSIS (as amended)
OFFICE OF THE ATTORNEY GENERAL

Section 1: Creates new sections in Title 9. Proposed 09.50.253 converts lawsuits and claims against individual state employees,¹ when acting within the scope of the employee's office or employment, into a claim against the state. The state is substituted as the defendant in the action. It provides that the Attorney General determines whether the claim arose within the scope of the employee's office or employment. ("acting within the scope of the employee's office or employment" is defined on page 3, following line 12 in (g) of the bill). The Attorney General then certifies the action and the individually sued state employee is dismissed from the lawsuit with the state substituted as the defendant. The attorney general or the attorney general's designee then defends the action. All defenses and limitations applicable to the state are then applicable to the action.

If the Attorney General does not certify that the state employee was acting within the scope of the employee's office or employment, the state employee may petition the superior court for relief. If the superior court finds that the state employee was acting within the scope of office or employment, the state is substituted as the defendant and the state employee is

¹ Excluded from the definition of "state employee" are the University of Alaska, the Alaska Railroad Corporation, and a political subdivision of the state. The Attorney General does not provide representation to these entities and each may sue and be sued pursuant to its own authorizing statutes. (University of Alaska, AS 14.40.040; Alaska Railroad Corporation, AS 42.40.010, AS 42.40.900; and political subdivisions of the state, AS 09.65.070)

entitled to reimbursement by the state for the employee's reasonable costs and attorney fees incurred in filing the successful superior court petition.

The section does not apply to civil actions or proceedings against a state employee for a violation of the United States Constitution or in violation of a state statute expressly authorizing an action.

Section 2: This is a conforming amendment to AS 09.50.300.

Section 3: This section applies the law prospectively, to causes of action arising after it is enacted.

Section 4: Includes instructions to the Revisor to change the heading of art. 3 of AS 09.50.

Section 5: Provides an immediate effective date.

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: SB 338
 (S) Publish Date: 2/16/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title An Act relating claims against RDU Civil
state employees and claims arising.... Component Torts & Workers' Compensation
 Sponsor Rules
 Requester Governor Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 This bill amends AS 09.50 by converting claims against state employees acting within the scope of their employment into claims against the state."

Passage of this legislation is not anticipated to have any foreseeable fiscal impact on the Department of Law.

Prepared by: Kathryn Daughhete, Director Phone _____
 Division: Administrative Services Date/Time 2/13/04 3:22 PM
 Approved by: Kathryn Daughhete for Gregg D. Renkos, Attorney General Date 2/13/2004
 Agency: Department of Law

Public Safety Employees Association, Inc.
"Representing Alaska's Finest"

MAR 05 2004

File

POSITION PAPER – Senate Bill 338

The Public Safety Employees Association (PSEA) represents over 1,300 law enforcement and correctional officers statewide. Our members are employed by the Ketchikan, Sitka, Juneau, Fairbanks and Unalaska Police Departments, the Airport Police and Fire Departments at the Anchorage and Fairbanks International Airports, the Alaska Department of Corrections and the Alaska State Troopers.

SB-338 would directly impact over 1,000 of our members. PSEA strongly opposes this Bill and believes it is an unfair and unwarranted attack on our State's Law Enforcement Officers. Under the current Collective Bargaining Agreement, the Alaska State Troopers, as well as the Airport Police and Firefighters, have a clause which states a member will be indemnified by the State unless a "Court of competent jurisdiction" determines that an officer operated outside the scope of their duties. This level of protection has a practical application which allows a trooper or other officer to know they will be indemnified until an impartial third party, rather than a state employee, reviews their actions. This disinterested party would likely be either a judge or a jury of the officer's peers. Under the proposed Bill, those protections will be stripped away from our law enforcement officers and that crucial decision whether or not to indemnify the officer will be left to an attorney, employed by the State.

The State contends that this Bill simply codifies the existing practice and sets up a system, which they do not have regarding employee indemnification. PSEA believes that is inaccurate with regard to State Troopers and Airport Police and Firefighters. The current system we have works just fine and has been in place for some time. It is true that the Correctional Officers do not have this level of protection, as they are laboring under outdated General Government Unit Indemnification Language. But, this Bill would not provide what these officers need. That level of protection is being sought at the negotiation table, as it should be.

Members of our group are Class I Employees and therefore, cannot strike, which is a good thing. A strike by those in the last line of defense in our safety net would be bad public policy. Instead, under PERA, these employees have a dispute resolution system. This Bill removes a layer of that protection and exposes our law enforcement professionals to added concern, distraction and worry over consequences of their actions.

We are strongly urging you, the Alaska Legislature (our last line of defense) to NOT SUPPORT SB-338 as it pertains to the Law Enforcement Officers and Correctional Officers of our State. If you need additional information, please contact Joe D'Amico at (907) 337-1979. Thank you.

SB 338



FRANK H. MURKOWSKI
GOVERNOR
GOVERNOR@GOV.STATE.AK.US

P.O. Box 110001
JUNEAU, ALASKA 99811-0001
(907) 465-3500
FAX (907) 465-3532
WWW.GOV.STATE.AK.US

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 13, 2004

The Honorable Gene Therriault
President of the Senate
Alaska State Legislature
State Capitol, Room 111
Juneau, AK 99801-1182

Dear President Therriault:

Under the authority of article III, section 18, of the Alaska Constitution, I am transmitting a bill relating to: (1) indemnification of tort claims against state employees; and (2) the attorney general's decision whether to indemnify an employee and arbitration of that decision.

Current Alaska law addresses lawsuits against the state in AS 09.50.250. However, the statutes fail to address a core concept of the Federal Tort Claims Act (FTCA). Under the FTCA, if a lawsuit is filed against a federal employee, and the attorney general of the United States certifies the employee was acting in the scope of employment, the United States is substituted as the defendant for the employee. The individual employee is no longer a defendant in the case. This bill adds this critical concept to Alaska law.

This bill would allow state employees to carry out their duties knowing that if there is a lawsuit filed against them for an act or omission within the scope of their employment, the lawsuit will not proceed against them as an individual. They will not be subject to the burdens court rules place on a "party" including being subject to an award of costs and fees to a prevailing party. The public would benefit as services would not be interrupted while state employees participate in lawsuits.

The bill would further provide that the decision of the attorney general whether to indemnify an employee is not subject to arbitration. An employee who is denied indemnification can contest that decision in the courts.

I urge your prompt and favorable action on this measure.

Sincerely yours,

Frank H. Murkowski
Governor

Enclosure

SB

346

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 2/16/04

FURTHER: Finance

Date of 5-Day Notice: 3/4/04
 (in accordance with Uniform Rule 23)

DATE TURNED
 IN TO OFFICE: 3/12/04

State Affairs Committee considered SENATE BILL NO. 346

SB 346 MONETARY TERMS: MASTERS/MATES/PILOTS

"An Act approving the monetary terms of the collective bargaining agreement with the International Organization of Masters, Mates, and Pilots, Pacific Maritime Region, for the Masters, Mates, and Pilots Unit for fiscal year 2004; and providing for an effective date."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
House Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
DOT	3/11/04			✓	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
	x			
			✓	
CHAIR:	x			

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 346
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Transportation
 Title Monetary Terms: Masters/ Mates/ Pilots RDU Marine Highway System
 Component Marine Vessel Operations
 Sponsor Senator Stedman
 Requester Senate State Affairs Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*
 The FY 04 contract costs of \$60.5 for MMP were added to the FY 04 operating budget. MMP, however, did not ratify the contract until January 2004. So \$30.2 is being removed from the FY 04 budget in the supplemental bill, SB 314, because the contract was not ratified for the first six months of FY 04. No reduction was made to the FY 05 budget, so no additional funds are required for SB 346.

Prepared by: Joan Brown Phone 465-4681
 Division Office of Management and Budget Date/Time 3/11/04 8:15 AM
 Approved by: Cheryl Frasca, Director Date 3/11/2004
 Agency Office of Management and Budget

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Chapter 83

1 purpose to each agency of the executive, legislative, and judicial branches that accepts
2 payment by bankcard or credit card for licenses, permits, goods, and services provided by that
3 agency on behalf of the state, from the funds and accounts in which the payments received by
4 the state are deposited.

5 * Sec. 29. SALARY AND BENEFIT ADJUSTMENTS. (a) The operating budget
6 appropriations made to the University of Alaska in sec. 1 of this Act include amounts for
7 salary and benefit adjustments for university employees who are not members of a collective
8 bargaining unit and for implementing the monetary terms of the following collective
9 bargaining agreements with entities representing employees of the University of Alaska:

- 10 (1) Alaska Higher Education Crafts and Trades Employees;
- 11 (2) Alaska Community Colleges' Federation of Teachers;
- 12 (3) United Academics;
- 13 (4) United Academics-Adjuncts.

14 (b) The operating budget appropriations made in sec. 1 of this Act include
15 \$11,935,700 to implement the monetary terms for the fiscal year ending June 30, 2004, of the
16 following collective bargaining agreements:

- 17 (1) Alaska Public Employees Association, for the Confidential Unit;
- 18 (2) Alaska Public Employees Association, for the Supervisory Unit;
- 19 (3) Alaska State Employees Association, for the General Government Unit;
- 20 (4) Alaska Vocational Technical Center Teachers' Association, representing
21 teachers at the Alaska Vocational Technical Center;
- 22 (5) Alyeska Central School Education Association, representing teachers at
23 the Alyeska Central School;
- 24 (6) Inlandboatmen's Union of the Pacific, representing the unlicensed marine
25 unit;
- 26 (7) Public Employees Local 71, for the Labor, Trades and Crafts Unit;
- 27 (8) Public Safety Employees Association, for the Correctional Officers Unit;
- 28 (9) Public Safety Employees Association, representing state troopers and other
29 commissioned law enforcement personnel;
- 30 (10) Teachers' Education Association of Mt. Edgecumbe.

31 (c) If a collective bargaining agreement listed in (b) of this section is not ratified by

SENATOR BERT STEDMAN

Senate District A



State Capitol, Room 30, Juneau, Alaska 99801-1182 Phone (907) 465-3873 Fax (907) 465-3922

SPONSOR STATEMENT

SB 346

The International Organization of Masters, Mates & Pilots, Pacific Maritime Region represents licensed deck officers, state pilots and other marine personnel employed by the Alaska Marine Highway System.

The State recently concluded collective bargaining terms with the Masters, Mates and Pilots Unit. Effective January 1, 2004, the State's per employee contribution to the Masters, Mates and Pilots members will increase \$75.00 per month, for a total contribution of \$705 per month per employee. This is the same term that was reported to the 2003 Legislature. There are no provisions in the new agreement that would change State revenues or change current productive work hours. The Legislature must approve these monetary terms per AS 23.40.215.

In recognition of the hard work and contribution these employees make to the Southeast Alaska economy and to maintain harmonious relations, I want to get the terms of this agreement approved by the Legislature as quickly as possible. The agreement is pending ratification by union membership, and probability of acceptance is extremely high.

SB

351

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 2/18/04

FURTHER: Finance

Date of 5-Day Notice: 2/26/04
 (in accordance with Uniform Rule 23)

DATE TURNED
 IN TO OFFICE: 3/10/04

State Affairs Committee considered SENATE BILL NO. 351

SB 351 APOC REPORTS BY NONELECTRONIC MEANS

"An Act requiring the Alaska Public Offices Commission to accept documents by nonelectronic means."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
House Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
DOA	3/1/04		✓		

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	NO REC	AMEND
<i>John C. Cooney</i>	✓			
<i>Bertie Johnson</i>			✓	
CHAIR: <i>[Signature]</i>			✓	

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 351
 () Publish Date: 2/18/2004

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title An Act requiring the Alaska Public Offices RDU Alaska Public Offices Commission
Commission to accept documents Component Alaska Public Offices Commission
 Sponsor Senate Finance
 Requester Senate State Affairs Component No. 70

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	*	*	*	*	*	*
Travel						
Contractual						
Supplies	*					
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	*	*	*	*	*	*
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type—Do not abbreviate)						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time	*	*	*	*	*	*
Part-time	*	*	*	*	*	*
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill seeks to reverse mandatory electronic filing as requested by the administration and approved by the legislature in 2003. This bill could have a significant fiscal impact on the Commission in meeting its mission by publishing campaign disclosure information before election day.

It is not known at this time how much of an impact this bill will have. The determining factor will be how many people choose to participate electronically without a legal requirement to do so.

Prepared by: Brooke Miles, Director Phone 907-276-4176
 Division Alaska Public Offices Commission Date/Time 3/9/04 2:56 PM
 Approved by: Mike Miller, Commissioner Date 3/9/2004
 Agency Department of Administration

ALASKA STATE LEGISLATURE



Interim:

600 East Railroad Avenue
Wasilla, Alaska 99654
(907) 376-3370
(907) 376-3157 Fax

Session:

State Capitol
Juneau, Alaska 99801-1182
(907) 465-6600
(907) 465-3805 Fax

SENATOR LYDA GREEN SENATE DISTRICT G

SB 351 SUPPORTING MATERIAL

SB 351 "An act requiring the Alaska Public Offices Commission to accept documents by nonelectronic means."

Recent changes to the Alaska Statutes have allowed the Alaska Public Offices Commission to accommodate electronic reporting and distribution of information to the public. However, an unintended consequence is that APOC has determined that it will no longer accept filing of Public Official Financial Disclosures, Campaign Disclosures, Lobbyist Reports, and Legislative Financial Disclosures in a format other than electronic. Essentially, the Legislative intent to encourage APOC to develop the ability to accept electronic filing has resulted in an unnecessary obstacle for those members of the public not accustomed to using computers.

APOC is working to provide alternative filing plans for communities that lack reliable internet service but the alternative will likely be that they can just submit their disk, not that they get to continue to use paper forms. No accommodations are being contemplated for those members of the public who wish to continue to file in paper form. Ironically, paper copies of filings will still be available from the office.

SB 351 addresses this problem by broadening the acceptable format for filing of APOC mandatory reports. Specifically, while electronic filing may be encouraged, APOC shall continue to accept paper filing from those who do not want to take advantage of electronic filing opportunities.

ALASKA STATE LEGISLATURE



Interim:
600 East Railroad Avenue
Wasilla, Alaska 99654
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(907) 376-3157 Fax

Session:
State Capitol
Juneau, Alaska 99801-1182
(907) 465-6600
(907) 465-3805 Fax

SENATOR LYDA GREEN SENATE DISTRICT G

SB 351 SPONSOR STATEMENT

“An act requiring the Alaska Public Offices Commission to accept documents by nonelectronic means.”

Recent changes to the Alaska Statutes have allowed the Alaska Public Offices Commission to accommodate electronic reporting and distribution of information to the public. However, an unintended consequence is that APOC has determined that it will no longer accept filing in a format other than electronic. This effectively creates an unnecessary obstacle for those not accustomed to using computers.

SB 351 broadens the acceptable format for filing of APOC mandatory reports. Specifically, while electronic filing may be encouraged, APOC shall continue to accept paper filing from those who do not want to take advantage of electronic filing opportunities.

SB

352

Deputy Director Dept -
Manufacturing level

If they do not politically
approve then what
class do they lead?
if they do not address
collaborative business unit -

Definition of manager
very vague -

Al Chance who is now
advocating for the
beer - is the one thought
ought to be put in the
collaborative business unit

They state they are following
what other states do however
there are 4 ans that do
what Al is doing.

I have heard that concern
about not looking due to
political considerations

State politics - Yell -
why not just then
control of union

Senator Lyman Hoffman

Room 514, Capital Building
Phone 465-4453 / Fax 465-4523



Memorandum

March 9, 2004

To: Sen Gary Stevens

Re: Questions regarding SB 352 - Excluding supervisors and confidential employees from P.E.R.A.

- There have been wildly different claims of how many would be affected. The language in the bill is vague and unclear. Is there a criteria and an accurate count of who will fall under this change. (The list given by the Administration only shows everyone Range 22 or above - surely that is not going to be the criteria)
- Bill refers to 'policy' but there is no definition in the bill or in statute. Please define 'policy'
- Will employees who fall under this bill keep their step and range?
- Specifically, what are the differences in geographic pay and COLA for each area, range and step that will be affected by this bill - include University
- The fiscal notes should reflect the cost to each department because it will be substantial. Please supply relevant fiscal notes.
- If excluded from PERA, will employees be 'exempt' or 'partially exempt'? What will be sufficient cause for lay-off? What is the grievance procedure? What will this cost the state if a grievance taken to court?
- What will be the effects on school districts? Municipalities? University?

MAR 10 2004

March 10, 2004

David Maltman
218 East Tenth Avenue
Anchorage, Alaska 99501

Senator Ben Stevens
State Capital, Room 119
Juneau, Alaska 99801-1182

Dear Senator Stevens:

I am writing you today in your capacity as the Chair of the State Affairs Committee, to ask you to oppose passage of SB 352.

Rather than fulfill the intent of the bill to create undivided loyalty to the policy initiatives of an administration, the bill would in reality have the opposite result. Often as a Manager, I must carry out unpopular but necessary policy decisions. It is not uncommon for a member of the public to apply political pressure to influence the decisions I make to see the outcome their way. Should the bill pass, this political pressure would increase.

Careers are built upon years of service to acquire the skills and judgment to implement public policy. This experience can not be gained through employment during one particular administration. Managers would hesitate to support an administration's policies because they would fear their actions put them at risk of retaliation when a new administration comes into office.

If this bill is truly about minimizing perceived conflicts between confidential employees and their participation in collective bargaining that results in labor relations matters, the Administration should deal squarely with those employees through their union.

Similar bills have been introduced in the past. The bill wasn't a good idea then and it isn't now. It creates insecurity and conflict among a cadre of dedicated public servants at a time when stability and cohesion would advance the Administration's goals.

I am looking forward to knowing your position on the bill. Again, I encourage you to it.

Sincerely,



David Maltman



Alaska State Legislature
SENATOR BEN STEVENS

March 16, 2004

Dear Mr. Maltman,

Thank you for contacting my office regarding Senate Bill 352. I believe you mistakenly sent the letter to me instead of the Chairman of the State Affairs Committee, Senator Gary Stevens. I have forwarded your letter to him for his review.

Sincerely,

Ben Stevens

*Mr. David Maltman
218 East Tenth Avenue
Anchorage, Alaska 99501*

MAR 19 2004



National Right to Work Committee

A COALITION OF EMPLOYEES AND EMPLOYERS

MARK MIX, *President*

March 15, 2004

The Hon. Gary L. Stevens
Alaska House of Representatives
State Capitol
Juneau, AK 99801

Re: **House Bill 518**

Position: **Support**

Dear Representative:

On behalf of the thousands of members and supporters of the National Right to Work Committee in Alaska, I urge you to support House Bill 518, a bold effort to free public sector managers and confidential employees from union-boss control.

H.B. 518 would prevent Alaska's government union officials from obtaining a total stranglehold over all government workers by limiting their monopoly bargaining power -- so-called "exclusive representation" -- that strips individual workers of the fundamental right to negotiate for themselves.

Under this legislation, it would be illegal for these union bosses to do so.

It is critical that you fight to block compulsory unionism that invariably violates the principles upon which our nation was founded.

This bill seeks to protect the taxpayers of your state and block Big Labor's relentless assault on the government employees of Alaska.

In state after state where union officials have monopoly bargaining powers, costs skyrocket while quality of service declines, and ultimately, Big Labor becomes the most powerful force in state politics.

Wasteful work rules, job featherbedding and more work disruptions guarantee all citizens of Alaska pay higher taxes, while getting less from their tax dollars in return.

Only union officials stand to gain by maintaining their monopoly bargaining control.

By voting for H.B. 518, public sector management and Alaska's taxpayers will benefit.

Instead of forcing individual workers to accept contracts negotiated by government union officials and forcing them to pay union dues, the legislature should be protecting the rights of its workers and the interests of the state's taxpayers.

As *Forbes* magazine noted, "Precisely because of the obvious potential for abuse, even labor union advocates like AFL-CIO president George Meany and Franklin D. Roosevelt viewed unionization of the public sector as unthinkable."

I, therefore, urge you to restrain the union officials' monopoly bargaining power and defend the rights of public sector management by supporting H.B. 518 and any other bill of this kind at every opportunity.

Sincerely,

A handwritten signature in cursive script that reads "Mark Mix".

Mark Mix
President

MAM/jmh

Alaska Public Employees Association/AFT (AFL-CIO)

* * APEA/AFT

State Headquarters/Juneau Field Office

211 Fourth Street, Suite 306, Juneau, Alaska 99801

Telephone (907) 586-2334 / (800) 478-9991 (Within Alaska) / Fax 463-4980



February 19, 2004

James Clark
Chief of Staff
Office of the Governor
PO Box 110001
Juneau AK 99811-0001

JIM
Dear Mr. Clark:

We told you we would get back to you by Friday on whether or not we would be willing to negotiate some definition of employees that are excluded from collective bargaining. After speaking with most of the members of the boards of both the Supervisory and Confidential Units, we are unable to make such a commitment, at this time. While there is some sympathy for the position advanced by Administration and Law, we are just unable to devote the time necessary to adequately address the issues involved right now. There was much concern expressed about the ability of the state to be able to adequately recruit and retain quality people for those jobs that currently enjoy the protections afforded through the collective bargaining process. Since the positions targeted are so critical to the continued operation of state government, there is a fear that there will be further politicalization of these positions with the resulting loss of institutional memory when administrations change. In my research I noticed that some of the jurisdictions that do exclude "management" staff, have a specific Bill of Rights covering those positions.

We are currently trying very hard to complete negotiations for successor agreements. Although not linked, we do have concerns that the administration's attempts to pass this bill will interfere, consciously or subconsciously, with our ability to reach a fair agreement. The legislative deadline for submitting the monetary terms of any agreement is quickly approaching, we just aren't able to devote the time necessary to deal with this issue in the detail it requires. It also acts as a distraction to allowing us to be engaged in the major issues facing the state, like helping Governor Murkowski getting a fiscal plan to pass in the Legislature, that we would like to participate in.

We appreciate your consideration and efforts to avert a major confrontation over the proposed bill. I don't think circumstances currently allow us the opportunity to avoid it at this time.

Sincerely,

Bruce Ludwig
Business Manager
Alaska Public Employees Association/AFT

Anchorage Field Office

1689 C Street, Suite 204, Anchorage, Alaska 99501

Phone (907) 274-1688 / (800) 478-9992 (Within AK) / Fax 277-4588

Fairbanks Field Office

825 College Road, Fairbanks, Alaska 99701

Phone (907) 456-5412 / (800) 478-9993 (Within AK) Fax 456-7478

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Subject: SB 352 the PARA Bill

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From: "Gemmell, Dave" <DGEMMELL@borough.kenai.ak.us> [Add](#)

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[View Message details](#)

Date: Fri, March 5, 2004 12:14 pm

To: "'Senator_Gary_Stevens@legis.state.ak.us'" ([more](#))

Priority: Normal

Dear Senator Stevens

I am asking for you help in stopping this bill from passing. This is union busting bill and it denies the people their right to organize an negotiate for wages and working conditions. I have heard that you need support in holding this bill in committee. I would like to offer this in any capacity I am able to do. I have worked for the Kenai Peninsula Borough for 22 years and the employees have been organized for all the time. Our union relationship with administration has always been cord and professional. Just because we are organized does not mean we are confrontational. All we are looking for is better working and living conditions for ourselves, families and communities.

Yours truly,

David W. Gemmell
Senior Computing Technician
(907) 262-4441 ext 293
(907) 262-8629 fax

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From: <hdmc3@alaska.net>
To: Senator_Gary_Stevens@legis.state.ak.us
Date: Fri, March 5, 2004 9:16 am
Subject: SB 352

The Honorable Senator Stevens, *file*

I ask that you table SB 352 and I thank you for listening to the testimony of so many of my fellow state employees and concerned citizens. Your attentiveness and pointed questions were appreciated and certainly indicate your sincere consideration of this bill. I did not speak at the public hearings last Tuesday, but I would like to share with you my concerns.

I am opposed to this Bill for many of the reasons expressed in the public testimony. I am a Human Resource Specialist with the Department of Administration, and although the indications from Mr. Jardell are that this won't necessarily affect me, I certainly fall within the definition of a confidential employee contained in the Bill. As I read the wording of the Bill the definition is no different than the present definition. Mr. Jardell indicated that this would only affect about 60 confidential employees involved in labor relations, I ask then, what about the other 150+ confidential employees (there are presently 245 authorized permanent positions statewide, although approximately 50 are vacant)? Furthermore, there are a few positions classified as confidential that would meet the definition of management as defined in this bill. So, either way they would be considered excluded.

I could not understand several of Mr. Jardell's arguments. I have never known an Administrative Services Director that couldn't access financial records of an agency within his or her department. An Administrative Services Director manages the budget for the department, and is entrenched in all of the administrative functions of the various agencies within the department. I am not an expert in payroll, but the first comment I heard from those that are was that this Bill would impact most everyone's salary, in a positive way. Besides not paying \$44 per month union dues, I would see a pay increase too. And, this is the part I like, we could all be appointed at advance steps just like the exempt employees. Although this is also allowed in the bargaining contracts, it is rarely offered and closely watched, unlike most of this Administration's appointees, who came in at substantially advanced steps with little or no realistic justification (many at "F" step).

For arguments sake I can see the positions in the Division of Labor Relations being excluded. They do represent the State in arbitration, at times arguing against their own union. They also represent the State during contract negotiations, which normally only occur every three years. I could even see the possibility of a conflict of interest, although these are professional employees and I am confident they will perform accordingly. There is a process in place to exclude these employees. It was just a few months ago that the Division of Labor Relations was a section of the Division of Personnel. Mr. Chance's position, which was the Labor Relations Manager, was reclassified through the proper procedures to Division Director, a partially-exempt position. These same procedures would be used to exclude the classified positions in that division.

I fully understand the fiscal crisis facing the State and knew contract negotiations would be difficult. The State came to the negotiation table with one offer, frozen pay for the next fiscal year (including no merit increases), and minimal pay increases the following two years. Additionally, the offer included an increase in the workweek from 37.5 hours to 40 hours, with no increase in pay. This offer will be difficult to accept. Introduction of SB 352 sends the additional message that not only is this Administration not wishing to negotiate with the unions, they want

to reduce the number of bargaining unit members and consequently the effectiveness of the unions. I look at this as a threat, accept our offers or we'll break up the unions.

Before joining state service I spent 26 years on active duty with the U. S. Coast Guard. I was under an enlistment contract and knew that as long as I performed in a satisfactory manner and met all of the conditions of employment I was assured continued employment. We did not have union representation, it is forbidden by law for obvious reasons, however, the conditions of the contract gave us the level of job security we desired. As a member of the military I sometimes had a stereotypical view of state employees, viewing them as overpaid and under worked. In the three years I have been employed with the great State of Alaska, I have found state employees to be quite the contrary. I have met and worked with some exceptionally dedicated and professional state employees. I know a large number of them work well over a 37.5 hour work week, most without any additional compensation. Many of these are supervisory and confidential employees.

This leads me to the wording of the Bill that is most contentious, that "public employers require the undivided loyalty of confidential employees and managers to implement policy initiatives and to bargain and administer public employee labor agreements effectively." This sends a strong message to me that I am not considered to be a loyal employee and as such I can't administer labor agreements effectively. I take personal exception to that statement.

Thank you again,

Dan McCrummen
465-4368
321-2313

MAR 08 2004

STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

DEPARTMENT OF ADMINISTRATION

OFFICE OF THE COMMISSIONER

P.O. BOX 110200
JUNEAU, ALASKA 99811-0200
PHONE: (907) 465-2200
FAX: (907) 465-2135

March 5, 2004

The Honorable Gary Stevens
State Senate
State Capitol Room 417
Juneau AK 99801-1182

Dear Senator Gary Stevens:

Recently the administration introduced SB 352 and HB 518 to modernize the Public Employees Relations Act by recognizing that a clear line should be drawn between management (those who formulate policy to implement administration initiatives) and labor (those who carry it out). This legislation also resolves the inherent and irreconcilable conflict of interest in allowing state labor negotiators and contract administrators themselves to be in a union which negotiates on behalf of the state with other public employee unions.

This legislation adopts the National Labor Relations Act definition of "management." This is the same definition of management that applies to every private sector union in the United States and virtually all other states. Nonetheless, questions have arisen as to why there is a need to develop a management/labor distinction and why having union members negotiate on behalf of the state with other public employee unions is a conflict.

The attached email is a timely example of the problems state managers face if the state does not have a management/labor line.

The Union Business Manager representing the supervisors' union (our managers and labor relations staff) sent the email. In it he describes his obvious disappointment that Local 71, our Labor Trades and Crafts unit, has agreed to no increase in the first year and a two percent increase in each subsequent year and maintenance of employer health insurance contribution rates. He continues by prophesizing that a "better deal will not be forthcoming, unless the rest of us are willing to...strike." Most disturbing is that he requests that the state's managers, who are coincidentally members of his union, to provide the union with advice on how to proceed in getting "a better deal."

Neither state management nor its labor relations negotiators or contract administrators should be formulating policy and representing the state while simultaneously assisting their fellow members in obviating those policies and participating in union strike planning. Coincidentally, these are often the same people who provide the state with its strike contingency plans.



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The Honorable Gary Stevens
Page 2 of 2
March 5, 2004

This obvious conflict of competing loyalties hampers the state's ability to develop and implement new policies. It's quite simple. As described in the email, union interests are in finding "a better deal" for its members. Management's interests are in finding "a better deal" for Alaska. Although unions provide a vital service in the management labor relationship there is a need for a distinction.

The line between management and labor should be drawn at the policy level as set out in SB 352 and HB 518. This legislation is good public policy and should pass this year.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Miller", with a horizontal line extending to the right.

Mike Miller
Commissioner

Attachment

THE
FOLLOWING
DOCUMENT(S)
ARE
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Thursday, March 04, 2004 11:17:16 AM
Message

From: Bruce Ludwig <bludwig@apea-aft.org>
Subject: Negotiations - Your input is needed
To: all_su@state.ak.us

As we told you earlier, we, along with Local #71, ASEA, IBU and NEA formed a coalition to stand together in this round of negotiations. We have been meeting jointly and negotiating wage increases, Health Insurance Contributions and Term of Agreement. Our last meeting was yesterday at 3:30. The state has only offered minimal health insurance increases, wage freezes the first year, and 2% raises the last two years. As of 4:30 last night, we all agreed that it was not a satisfactory offer, and agreed to meet again next week to formulate a counterproposal to present to the state. As you may have heard, shortly after our meeting yesterday afternoon, Local #71 accepted that offer. A better deal will not be forthcoming, unless the rest of us are willing to take some type(s) of job actions, up to and including a strike (like we did in both 1974 and 1975).

Today and tomorrow we are at the bargaining table with the state. We need some direction from you, our members, to give us an idea as to where to go from here. We have set up a survey at:

<http://www.zoomerang.com/survey.zg?p=WEB2D9LMQRLK>

Please respond to the survey by 5:00pm today.

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Senators,

Thank you again for the opportunity to testify on this bill this evening. Since it was necessary to cut all of the examples from my presentation, as well as a few other comments, I am sending you the full text of my remarks.

Unless some major changes have taken place in the Department of Corrections in the last 5 years, each institutions expenditures are kept on the State mainframe computer. Those files reflect all bills that have been processed. That means top level managers have access to expenditure information any time they wish, 24 hours a day. It doesn't need some staff person at each institution to generate a special report. Someone seems to have misinformed Mr. Jardell on this issue. The example he gave tonight supporting the need for this legislation doesn't seem very persuasive.

If I can please further clarification, having worked for the Department of Corrections for 33 yrs. [including my contract time], please contact Sam Trivette

[Download this as a file](#)**Attachments:**[SB 352 Testimony.doc](#) 37 k [application/msword] [download](#)[Previous](#) | [Next](#) | [Delete & Prev](#) | [Delete & Next](#)Move to: [Move](#)

Testimony of Sam Trivette
On Senate Bill 352
7870 Glacier Highway
Juneau 789-5116

- I retired from State service in 1998. I have no personal stake in this legislation. I am testifying because I care about the good governance of this State.
- I worked for the State for 32 years, from 1966 thru 1998.
- For 24 of those years, I served as a manager. I managed programs under 6 governors, from Governors Egan to Knowles.
- In about 19 of those years, I served in Partially Exempt positions, supervising other managers and other employees.
- In the other 5 years, I was in "classified manager" positions, supervising subordinate managers and employees.
- Whether I was Partially Exempt or a classified manager, I made policy and was part of the management of our Department.
- So I believe having served as a "mid level to high level manager" for 24 yrs., I have a good understanding of what it takes to effectively manage State programs. I believe I am qualified to speak about "managing" based upon this experience, as well as my decades of serving on boards of many non-profit organizations, both around Alaska, and nationally.

Here are my observations and concerns regarding key sections of the **LEGISLATIVE FINDINGS AND PURPOSE** of SB 352.

- In Section 1 @ line 8, the statement that "public employers **REQUIRE** the **UNDIVIDED LOYALTY** of Confidential Employees and Managers to implement policy initiatives & to bargain & administer public employee labor agreements effectively", is **SIMPLY NOT TRUE**.
- I effectively managed one specific program for 18 years in a Partially Exempt position, and I don't think my effectiveness in implementing numerous policy initiatives was in any way hampered by not having the **UNDIVIDED LOYALTY** of managers working with me. Policy decision were made and the other managers carried them out. Every time.

- And I effectively managed different programs as well from “classified manager” positions, and I never believed I had to have the **UNDIVIDED LOYALTY** of subordinate managers to achieve management goals. My Partially Exempt and Exempt managers above me never did ask for my **UNDIVIDED LOYALTY**. It didn’t seem to cause them concern as they regularly sent me as the Department’s sole representative to work on developing policy jointly with other departments [including the Governor’s office] until the week I retired.
- I have thought about all the managers I worked with over the 3 decades in public employment, and I could only come up with one manager whom I think shared the Administration’s belief contained in the “Legislative Findings” section of this bill. He was terminated, for cause, from that manager’s position within 10 months of his hire.

Let me provide just a few examples why I think this legislation is totally unnecessary and contrary to good public policy. Early testimony by the administration insinuated managers in bargaining units can not be trusted to run the State’s business when the Partially Exempt & Exempt employees are absent. My many years of experience as a manager indicate that is absolutely **NOT** true. When doing some contract work for the State in 1999 after retirement, I worked closely with a bunch of managers, most were in collective bargaining units. They frequently worked with me without the presence of any Exempt or Partially Exempt supervisors. They never deviated one bit from the managerial initiatives and completed complicated work with minimal direction. The result of this work by these managers was the State of Alaska successfully ended a decades old lawsuit that had cost Alaska millions of dollars.

It is absurd to think the State's work stops or gets misdirected when the Partially Exempt or Exempt workers are not present. When I was a Partially Exempt manager for almost 2 decades, I traveled extensively. Upon returning from travel or from annual leave, my managers had not once deviated from the policy initiatives I had set in place.

Infrequently, but occasionally, I and other managers in our department had concerns over our treatment by top managers. Instead of filing grievances, we initiated discussions with these top managers with the help of union staff, and resolved issues that would have cost both parties thousands of dollars to settle if formal complaints were filed. Without the presence of the union, so matters would probably have been taken to the ALRA or to court, both costly for the employee and the State.

The current system works well as it is. There is no need for the drastic change proposed in this legislation. This bill would be detrimental to carrying out the State's business. I urge you to vote NO on moving the bill out of committee.

Subject: [Fwd: legislation; effect on UA]

Date: Fri, 27 Feb 2004 08:32:13 -0900

From: art chance <art_chance@admin.state.ak.us>

Organization: State of Alaska

To: Katrina M Matheny <katrina_matheny@legis.state.ak.us>

Kevin Jardell asked that I forward this to you. This is the UA's position on the manager/confidential bill. Art Chance

Subject: legislation; effect on UA

Date: Thu, 26 Feb 2004 18:31:39 -0900

From: Beth Behner <Beth.Behner@alaska.edu>

Organization: University of Alaska, Statewide Office of Labor and Employee Relations

To: Art_Chance@admin.state.ak.us

Hi Art,

By the time I got the message that you had called it was already pretty late.

I decided to forward you Jim's email (sent out to all United Academics' faculty), as it seems to address your question.

I'll try to call you tomorrow.

Thx. Beth

----- Original Message -----

Subject: Faculty Communication

Date: Tue, 24 Feb 2004 11:40:17 -0900

From: James R. Johnsen <jim.johnsen@alaska.edu>

Organization: University of Alaska System

To: steph.held@alaska.edu

CC: jamo.parrish@alaska.edu, wendy.redman@alaska.edu, pete.kelly@alaska.edu, beth.behner@alaska.edu, craig.dorman@alaska.edu, fnpbr@uaf.edu, robbie.stell@uas.alaska.edu, anjpc1@uaa.alaska.edu

To be distributed via email today.

###

Dear Faculty Member,

You were recently asked by the United Academics union to submit comment on two bills now before the legislature. The University absolutely supports your right to assert your interests to the legislature, but we believe you should do so on the basis of accurate information.

The first bill, SB352/HB518, was developed and submitted by the Governor's office without any consultation with the University. The bill would amend the state's collective bargaining law to exclude certain types of employees from bargaining. The bill would exclude high level managers and confidential employees, i.e., those involved in carrying out labor relations matters for the state. Whereas the employees at the State affected by this bill are now represented by

unions, at the University they are not. The union's statement that "department chairs, as well as several hundred additional employees, will no longer be allowed to bargain collectively for their wages if HB 518 is passed" is simply not true with regard to the University. The bill would have no impact on the University.

The second bill, HB 282, was the result of a year-long effort involving research faculty and administrators to stimulate the Alaskan economy through development of intellectual property produced by University faculty. At the present time, the state's ethics act prohibits faculty from benefiting from starting and/or participating in a private company that would market intellectual property related to a faculty member's research. HB 282 clears the legal path for a faculty member to perform outside activities as part of a private company. HB 282 would not detract from or affect the faculty member's employment terms at the University, which still would be covered by the union contract. The use of the word "contract" in the bill is perhaps confusing -- it is not related to normal teaching "contracts" or a collective bargaining agreement. The bill simply provides an avenue for relaxing ethics restrictions on faculty and creates no new restrictions.

Please feel free to contact the University's office in Juneau if you have any questions. The number there is 907-474-2382.

Sincerely,

Jim Johnsen
VP, Faculty and Staff Relations

--
Beth E. Behner, Director
Statewide Office Of Labor and Employee Relations
(907) 474-7879 (Phone)
(907) 474-5934 (Fax)
Email: Beth.Behner@alaska.edu

Johnsen, James R. <Jim.Johnsen@alaska.edu>
Vice President for Faculty and Staff Relations
University of Alaska System



Alaska State Legislature

MAR 03 2004

Please enter into the record my testimony to the Senate State Affairs
committee name

Committee on SB 352, dated 2-24-04
bill # / subject public hearing date

I am an employee of the State of Alaska. I am a mid level manager responsible for the supervision of 500 hundred prisoners and 150 Correctional Officers. I am scheduled to work 37.5 hours a week and I often put in more hours at my desk than scheduled. Additionally I am "on call" for the rest of the day. I am not compensated for any of this "on call" time and am not eligible for over-time. Many of the staff I supervise have a higher annual income than I do.

I accomplish a public safety job that is governed by the Alaska Statutes, Alaska Administrative Code as well as Departmental Policies & Procedures and facility Standard Operating Procedures. I am familiar with and work within decisions made as a result of court decrees, the National Labor Relations Board as well as any applicable Arbitration decisions as they are published.

The tone & text of this bill suggests that as a public employee I should have "undivided loyal" to the politician(s) running the state rather than the laws and statutes that govern them. I have been employed by the State of Alaska for 18 years. My loyalty to my employer, the State of Alaska, has never been in question before now. I have faithfully served under numerous administrations over the past 18 years. As the politicians come and go it is employees and managers such as myself that offer the people of the state and their fellow employees the stability necessary to deliver the public services that they deserve. The public safety sector is often unpopular. Difficult decisions must be made and difficult stands must be taken. These decisions cannot be swayed by a perceived or politically forced loyalty to any political group. These actions must be loyal to the laws and statutes that guarantee every individual the rights and privileges guaranteed under law.

At the present time collective bargaining is even more important that ever. The political moves happening within the state make no recognition of the needs of the citizens. The rewarding of jobs to unqualified people as political paybacks is degrading the effectiveness work force. This type of political rewarding by the use of jobs and privileges is dangerous and places employees and citizens at risk. Collective bargaining gives employees a favorable wage & benefit package. With my wage I pay a mortgage and buy food for my family. All the money I take in I spend for needed services. This expenditure of my wage guarantees employment for other Alaskans and their dependents. To be completely honest if I do not work or have less disposable wage I will spend less and that is less money that circulates in the state economy.

I urge you to vote against this bill. It sets a dangerous precedent. This will lessen the quality of public services and in some situations lessen the quantity & quality of public safety.

Signed: Tom Reimer
Testifier

Representing (optional)

P.O. Box 3354, Seward, AK 99664

Address

(907) 224-3748

Phone number

Current Folder: **INBOX** Jump to... ▾[Sign Out](#)[Compose](#) [Addresses](#) [Folders](#) [Search](#) [Search State E-mail Directory](#) [Options](#) [Help](#)[Message List](#) | [Delete](#)[Previous](#) | [Next](#)[Forward](#) | [Reply](#) | [Reply All](#)Subject: **Please DO NOT support SB 352/HB 518**From: "Golden Family" <tdhgold@acsalaska.net> [Add](#)

Date: Tue, March 2, 2004 4:36 pm

To: <Senator_Gary_Stevens@legis.state.ak.us>

Priority: Normal

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FILE
4-use

Senator Stevens:

As a 15-year Alaska state employee of the Department of Fish and Game member of the supervisor's union, I strongly urge you not to support S 352/HB 518. This is bad legislation designed by the administration as first attempt to severely weaken or eliminate state employee unions. consider the following before you vote on this legislation:

- 1) It is not necessary to change the law to make political appo of positions. Other options exist to make certain positions appointmen the administration deems necessary, without threatening the employment stability of a large portion of managerial state workers. There is alr mechanism in place through changing and updating the Position Descript for employees (PD).
- 2) Political appointees often have different background and exp than professional scientists. Increasing the number of political appo within the Department of Fish & Game will create and imbalance of deci based on political considerations instead of science-based management.
- 3) Department of fish and game staff base management decisions science. Politics have a role in wildlife management; however, if biologists and their supervisors are threatened with termination for a unpopular decision or recommendation, many will keep silent or give a politically acceptable response. The Governor, commissioner and the p will not know where science ends and politics begin.
- 4) While the intent of this bill may be to reduce state expense (salaries & benefits), it will impact the number of experienced state employees. Every new administration could potentially replace mid and upper-level manager positions that have become uncovered by the union. Training costs will rise as each new manager is required to learn an assortment of state regulations and policies such as employee recruitm and hiring procedures, management of payroll and accounting, and budge development and tracking. State government will become more inefficien expensive. A seasoned manager is much more efficient in their duties a invest valuable time and resources conducting government business rath than adapting to a learning curve.

5) Because this bill will eliminate important protections for s employees, it will make recruitment and retention of dedicated and qua applicants more difficult. Alaska's state employees' salaries are much compared to other states and the federal government. This bill could a an incentive for managerial staff to retire sooner and a disincentive new employees. This process will result in newer, less experienced emp being placed in management level positions. The stability of professio staff provides important checks and balances.

6) The public perception of this bill is that it will dismantle supervisor's union as a first step toward busting other state employee unions. The image alone from this bill has created a negative work environment for state employees.

Thank you for your time and consideration in this very important matte

Howard Golden

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Alaska State Legislature

MAR 04 2004

Please enter into the record my testimony to the Senate State Affairs
 committee name
 committee on SB 352, dated 3/3/04
 bill/subject

As an educator and SU member, I want to thank you for taking public input and for the thoughtful questions you are asking during testimony. My concerns are not labor-based. They are programmatic. I coordinate wildlife conservation education programs for ADFG. My biggest concern is in moving politics deeper into agencies. Today, politics govern much of what we do through existing state and federal processes. Ample room within agencies must remain for professional expertise to drive decisions and actions. The programs I coordinate are grounded in two sciences: biological and educational. Since 1983, school based educational programs were designed to develop critical thinking skills and the ability of the public to actively engage in conservation and public process. We have not swung with political trends, political pressures or public interest groups. If my supervisor, the assistant director (or myself) become politically appointed, our ability to provide balanced educational programs, rather than propaganda, would be at risk. Messages and information delivered to the public will be politically based instead of educationally and scientifically sound. This would leave the public confused, distrustful of the agency, and unable to make reasonable well thought out decisions and actions. Our programs will turn away from a 20 year commitment to teaching the public how to think towards telling them what to think. I believe that this is not the role of a public education program. I fear that this will permeate other programs negatively reflecting the public we serve. Our current situation is stable. State management base policy on department mission and professional standards of their given field. Because of this, state agencies are trusted and effective. SB352 will harm this trust. DO NOT ADD POLITICS TO STATE AGENCIES.

Signed: Robin A. Dush (Robin A. Dublin)

Testifier

Self

Representing (Optional)

3415 Rosella Street Anchorage 99504

Address

337-7415

Phone No.



Alaska State Legislature

MAR 04 2004

Please enter into the record my testimony to the SENATE STATE AFFAIRS
committee name
committee on SB 352, dated MARCH 2, 2004.
bill/subject

Signed: M. Cynthia Spencer
Testifier

SELF
Representing (Optional)

555 CORDOVA ST. ANCHORAGE AK 99501
Address

(907) 269-7575
Phone No.

MAR 04 2004

Mr. Chairman, my name is Cynthia Espinoza and I work for the Department of Environmental Conservation. I am requesting that your committee not support SB 352.

I am not afraid of loosing my job because I am a hard working person, and there is always a place for good professionals. I am offended with this bill because it implies that supervisors need to be controlled by politics to do their jobs correctly.

The current system is the best way to serve the people of Alaska, we supervisors make decisions based on technical information, and to balance our technical decisions with the political trend we have our directors and commissioner.

If this bill passes that means that supervisors will have to make decisions based on political pressure, which is a disservice for the people of Alaska.

Many of us could make more money in the private industry but choose to work for the State of Alaska for the secure environment that the Union provides. If you take that secure environment away, the State will loose good people, which may affect my department's ability to support industry and the public.

If there is a problem with a specific department or group of people, the Administration should fix that alone and not destroy a system that is working fine for employees and taxpayers.

Thank you for listening.

MAR 04 2004

TESTIMONY AGAINST

SB352

My name is Aileen Herring, I am a life long Alaskan and I would like to speak to this piece of legislation.

This legislation would create an environment of fear – fear of doing a job that may be contrary to a Director, Commissioner or the Governor’s ideology, although the person involved, would be following the law of the State.

This legislation would also be very disruptive for every State office, as every election and new Governor and staff change would disrupt all State operations. It is not healthy to set up managers that do not follow blindly, that believe in the law of the land and have the interest of Alaskans at heart. These individuals should not fear being fired for not following the current administrations philosophy.

Please vote against SB352, it is a very bad bill and does nothing to solve personnel problems.



Aileen Herring
8821 Emerald St.
Anchorage, Alask 99502



1401 West 13th Ave., Anchorage, AK99501
Web: www.anchoragedowntown.com

MARTY MARGESON
Margeson Real Estate
Anchorage Downtown Bed & Breakfast
At "Raspberry Meadows"
907-278-9275; Fax: 907-279-9282
Email: asweethome@rci.net

MAR 04 2004

March 2, 2004

Testimony for SB352

My name is Marty Margeson. In my various careers, I have held several administrative positions. I believe that SB352 would create an environment of fear and cause administrators/managers to be placed in a position of "undo influence." What is the purpose of removing administrators/managers from the collective bargaining unit? Does this not create a job security fear, which would influence and interfere with job performance? Will this fear create a situation where an administrator will be afraid to do "the right thing" because it might cost his job?

Successful government depends on long-term trained administrators, who are not subject to the politics of changing governors. These administrators need to manage within the ethics of their position without fear of arbitrary and capricious terminations. I believe that instigating this bill will destroy part of our long-term governing fabric; that many of our good managers will go by the wayside, and their positions will be filled by short-term government appointees, people who change with each political wave, people who do not have the long-term experience and expertise necessary for carrying on smooth operations.

Speaking from personal experience, when I was a college teacher without tenure, I was reluctant to speak out; I was reluctant to stand up for the integrity of my position. If you instigate SB352, you will create a similar environment. SB352 will damage communication and creativity by creating an environment of fear and distrust. I urge you to oppose SB352.

Sincerely,
Marty Margeson
FAX 269-0229

TESTIMONY ON SENATE BILL NO. 352

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE –
MY NAME IS JIM SAMPSON AND I AM HERE THIS
AFTERNOON AS PRESIDENT OF THE ALASKA AFL-CIO, A
LABOR FEDERATION REPRESENTING OVER 60 LOCAL
UNIONS AND OVER 50,000 UNION MEMBERS IN ALASKA.

IT HAS BEEN THE POLICY OF THE STATE FOR OVER 30
YEARS THAT PUBLIC EMPLOYEES BE GRANTED THE
STATUTORY RIGHT TO SHARE IN THE DECISION
MAKING PROCESS THAT AFFECTS THEIR WAGES AND
WORKING CONDITIONS.

THE LEGISLATURE DETERMINED IN 1972 THAT THE
BEST WAY TO DO THIS WAS TO GRANT THESE
EMPLOYEES THE BASIC AND FUNDAMENTAL RIGHT OF
COLLECTIVE BARGAINING. IT HAS WORKED WELL FOR
OVER 30 YEARS AND IT WOULD BE A SERIOUS PUBLIC
POLICY MISTAKE TO NOW, AFTER 30 YEARS, TO DENY

THESE BASIC BARGAINING RIGHTS TO LITERALLY HUNDREDS, IF PERHAPS NOT THOUSANDS OF DEDICATED PUBLIC EMPLOYEES AROUND THE STATE, INCLUDING THE DISTRICTS THAT YOU REPRESENT.

THE SCOPE OF THIS BILL HAS NOT BEEN DETERMINED AS YET. IT COULD HAVE FAR REACHING IMPACTS TO ALL KINDS OF PUBLIC EMPLOYEES, INCLUDING STATE, MUNICIPAL AND SCHOOL DISTRICTS, INCLUDING PRINCIPAL ASSOCIATIONS AND OTHERS.

MR. CHAIRMAN, YOU AND YOUR COMMITTEE SHOULD NOT BE LED DOWN THIS PATH. THIS IS A FIGHT, YOU DO NOT WANT. THIS IS UNION BUSTING IN ITS PUREST FORM AND WILL BE VIEWED AS UNION BUSTING BY NOT ONLY PUBLIC EMPLOYEES IN THIS STATE BUT BY EVERY UNION IN OUR FEDERATION.

FURTHERMORE, IT IS VERY DISTURBING THAT IN THE TRANSMITTAL LETTER FOR THIS BILL, THE ADMINISTRATION USES SOME 'BLUE RIBBON REPORT' FROM 1980 FOR THE BILL'S JUSTIFICATION, WHEN THE STATES EXPERIENCE SINCE THE PUBLIC EMPLOYEE

RELATIONS ACT WAS PASSED IN 1972 AND FROM THE 1980 REPORT'S ISSUANCE, SHOWS JUST THE OPPOSITE TO BE TRUE.

IT IS JUST BEYOND ME, THAT THE ARGUMENTS PUT FORTH BY THIS ADMINISTRATION TO JUSTIFY THIS BILL IS UNTRUTHS AND NOT SUPPORTED BY HISTORY OR THE FACTS THEMSELVES.

THE ALASKA LEGISLATURE MADE THE RIGHT CALL 30 YEARS AGO NOT TO MAKE SUPERVISORS 'POLITICAL APPOINTMENTS'. IT WAS THE RIGHT DECISION THEN AND IT IS THE RIGHT DECISION TODAY.

I HAVE SOME EXPERIENCE IN LABOR-MANAGEMENT RELATIONS OVER THE LAST 25 TO 30 YEARS IN THIS STATE. AS IT RELATES TO PUBLIC SECTOR BARGAINING, I HAD THE RESPONSIBILITY TO ADMINISTER THE PUBLIC EMPLOYEE RELATIONS ACT FROM 1986 TO 1990 AS COMMISSIONER OF LABOR AND HAVE HAD THE LAW APPLY TO ME AS BOTH A PUBLIC EMPLOYER, WHEN I WAS MAYOR OF THE FNSB FOR 2 TERMS IN THE 1990'S AND ALSO OVER THE YEARS AS

ONE WHO REPRESENTED PUBLIC EMPLOYEES. IT WAS MY RECOMMENDATION IN 1990 TO THEN GOVERNOR COWPER TO COMBINE THE STATE'S THREE LABOR RELATIONS BOARDS IN TO TODAY'S, ALASKA LABOR RELATIONS AGENCY.

I MIGHT SAY THAT WHEN I WAS IN STATE SERVICE, THERE WERE TIMES I FELT SOME FRUSTRATION WITH THE STATES PERSONNEL SYSTEM ITSELF. IT WAS IN MANY WAYS UNFRIENDLY AND VERY STRUCTURED AND RIGID. I THOUGHT THAT IN SOME CASES, IT DID NOT GIVE ENOUGH WEIGHT TO PRIVATE SECTOR EXPERIENCE IN ITS HIRINGS PROCESSES.

WHAT BECAME CLEAR TO ME, IN A SHORT PERIOD OF TIME, WAS THAT, IT WAS NOT THE LAW WHICH GRANTS PUBLIC EMPLOYEES THE RIGHT TO BE REPRESENTED, NOR WAS IT THE COLLECTIVE BARGAINING AGREEMENT WHICH ESTABLISHED THEIR WORKING CONDITIONS WHICH INTERFERED WITH WHAT I WANTED TO DO AS COMMISSIONER, IT WAS THE STATES OWN PERSONNEL SYSTEM OF WHICH WE HAD

CONTROL OVER. AND I WORKED WITH MY PERSONNEL
MANAGER AND HER STAFF TO MAKE WHATEVER
CHANGES WE NEEDED TO MAKE IN MY DEPARTMENT
TO GET ME TO WHERE I WANTED TO GO. (I MIGHT ADD
THAT THESE FOLKS WERE ENTITLED TO BARGAINING
RIGHTS AS MEMBERS OF A CONFIDENTIAL GROUP.

TO SUGGEST THAT PUBLIC EMPLOYEES WHO ARE
REPRESENTED AND ENTITLED TO COLLECTIVE
BARGAINING CANNOT BE LOYAL EMPLOYEES IS
WRONG. I PROBABLY HAVE A LITTLE MORE
EXPERIENCE IN THE PUBLIC SECTOR MANAGING
EMPLOYEES THAN THE ASSISTANT COMMISSIONER OF
ADMIN. AND I CAN TELL YOU OVER THOSE YEARS I
HAVE WORKED WITH HUNDREDS OF EXTREMELY
LOYAL PUBLIC EMPLOYEES. LOYALTY HAS NOTHING
TO DO WITH BEING ENTITLED TO BASIC BARGAINING
RIGHTS. IT HAS EVERYTHING TO DO WITH HOW YOU
TREAT PEOPLE.

MR. CHAIRMAN, THE LEGISLATURE HAS TOO MANY
MORE IMPORTANT THINGS TO SPEND ITS TIME ON
THAN THIS FOOLISHNESS. THIS UNION BUSTING BILL

NEEDS TO BE STOPPED IN THE FIRST COMMITTEE OF
REFERRAL.



1401 West 13th Ave., Anchorage, AK 99501
Web: www.anchoragedowntown.com

MARTY MARGESON
Margeson Real Estate
Anchorage Downtown Bed & Breakfast
At "Raspberry Meadows"
907-278-9275; Fax: 907-279-9282
Email: arwce@home@aci.net

March 2, 2004

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Sincerely,
Marty Margeson
FAX 269-0229

TESTIMONY AGAINST

SB352

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This legislation would also be very disruptive for every State office, as every election and new Governor and staff change would disrupt all State operations. It is not healthy to set up managers that do not follow blindly, that believe in the law of the land and have the interest of Alaskans at heart. These individuals should not fear being fired for not following the current administrations philosophy.

Please vote against SB352, it is a very bad bill and does nothing to solve personnel problems.



Aileen Herring
8821 Emerald St.
Anchorage, Alaska 99502

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Many of us could make more money in the private industry but choose to work for the State of Alaska for the secure environment that the Union provides. If you take that secure environment away, the State will loose good people, which may affect my department's ability to support industry and the public.

If there is a problem with a specific department or group of people, the Administration should fix that alone and not destroy a system that is working fine for employees and taxpayers.

Thank you for listening.



Alaska State Legislature

Please enter into the record my testimony to the SENATE STATE AFFAIRS
 committee name
 committee on SB 352, dated MARCH 2, 2004
 bill/subject

Signed: M. Cynthia Spivak
 Testifier

SELF
 Representing (Optional)

555 CORDOVA ST. ANCHORAGE AK 99501
 Address

(907) 269-7575
 Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Senate, State Affairs
 committee name
 committee on SB 352, dated 3/3/04
 bill/subject

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DO NOT ADD POLITICS TO STATE AGENCIES.

Signed: Robin A. Dublin (Robin A. Dublin)

Testifier
Self

Representing (Optional)
3415 Rosella Street Anchorage 99504

Address
337-7415

Phone No.

FEB 25 2004

SB 352 SENATE STATE AFFAIRS

Please read this testimony to the committee at the Legislative Hearing scheduled for Tuesday, February 24 on HB 518 / SB 352

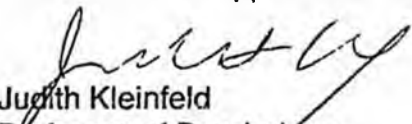
I am a department head at the University of Alaska and the reason that I am not here testifying in person is that I am teaching a class called "Individual, Society, and Culture" to approximately 55 students at the University of Alaska. This semester I teach 4 courses.

HB 518 removes department chairs, such as myself, from collective bargaining agreements on the false grounds that they are not "faculty." As you can see from my own teaching schedule as a department head, the idea that department heads are administrators and not teaching faculty is absurd. In many departments, faculty are elected to serve a term as a department head. Department heads are not administrators.

If HB 518 passes, faculty like me will have to think seriously about refusing to serve as department heads because this would mean that we would lose all our protections for wages, health insurance, job security and the ability to protest unfair discipline. This means the university would have to hire actual "administrators" to do the work of department heads. This will increase administrative positions and university costs.

The university is already spending far too much money on redundant administrators. Many of these functions could be consolidated.

Please do not support HB 518.


Judith Kleinfeld
Professor of Psychology
Director, Northern Studies Program (A director is a department head)
February 24, 2004



Alaska State Legislature

Please enter into the record my testimony to the SENATE STATE AFFAIRS
 committee name
 committee on SB 352 , dated 2/26/04
 bill/subject

This is to request that the Senate State Affairs Committee table SB-352.

The administrations representative and the news release for this bill indicate the number of people affected will be minimum. However, on further discussion it seems the number Affected is on the order of 500. This is a number greater than the number of deputy directors, implied by the administration.

I'm concerned Senate Bill 352 could undermine state managers ability to perform their duties. Managers are regularly called upon to make unpopular public decisions. These decisions, at least for fishery issues, need to be made for the good of the resource with science and experience being key factors. The decisions should not be made from a popularity contest or by special interests.

I am further concerned at what Senate Bill 352 may be leading to. Is this a top down design, where first collective bargaining is eliminated for "upper managers", then the rest of the supervisory union, then the GGU, then whoever? Are we going to see a bill next year with language like: "Since the supervisory union has so few members, we are doing away with it completely."

Lastly, the thrust of the justification is centered around confidential employees, however they only represent 50 or so individuals. Also, there is also a lot of justification centered around "being like other states", which in my mind has rarely been a driving force for Alaska.

I would urge this committee to table this bill and support the state employees.

Signed: Ivan Vining *Ivan Vining*
 Testifier

Representing (Optional)

473 Teal Way, Kodiak

Address

486-3097

Phone No



Alaska State Legislature

Please enter into the record my testimony to the SENATE STATE AFFAIRS
 committee name
 committee on SB 352, dated 24 FEB 2004
 bill/subject

~ PLEASE
 SEE
 ATTACHED ~

Signed: [Signature]
 Testifier
Myself
 Representing (Optional)
PO 3801 Kodiak AK 99615
 Address
907 486-1806
 Phone No

My name is George Pappas and I am currently the Area Management biologist for the Chignik Management Area Salmon and Herring fisheries for the Alaska Department of Fish and Game. I will soon be transferring into the North Kenai Peninsula Sport Fish Area Management Biologist position responsible for the management of about 30% of the states sport fishing efforts which take place on the Kenai Peninsula. I am representing myself as a biologist charged with managing highly controversial fully allocated fisheries.

As a manager of fully allocated fisheries, almost every decision made which effects the fisheries serves some user groups and takes away from others. I am concerned with the reintroduction of personnel management practices which would parallel the days of fish trap biologists from yester year. During that time frame I understand Economic and Political interests over rode biological concerns.

As I understand, the federal fish trap biologist's management decisions were heavily influenced by non biological factors which resulted in significant damage to the salmon runs state wide.

If bill 352 passes sensitive biological decisions could be over ridden by lobbied political and economic interests.

Will the next generation of biologists base their decisions upon sound biological principles or will political and economic pressures control the decision making process as seen in the early 1900's?

Without the protection of a union, management biologists' decisions may be influenced by the old "my way or the highway" political and economic pressures.

I do not want to loose my job for making a publicly unpopular decision based upon sound biological principals because the powers that be are influenced by one or more user groups.

GEORGE PAPPAS
1 pg.



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the Senate State Affairs

Committee on SB 352 Committee Name Senate State Affairs
Dated 02-24-04
Bill / Subject

I'm sorry to have to depart prior to testifying, but I've a class to teach; Intro. of Hague. That said I would urge you to not pass this bill.

SIGNED:

Michael Jennings

Testifier

United Academies local 4996

Representing

109 Burwell Bldg UAF campus, Fairbanks AK 99775

Address / Phone Number

907-496-2461

Testimony for HB518 and SB352

Thank-you for allowing me to speak to you today. My name is Leslie Simmons and I am a front-line supervisor for the Department of Environmental Conservation's Solid Waste Program. I am here today to ask that you vote down this bill.

As a supervisor for the Department, I implement policies developed by my Commissioner, Division Director and my Program Manager and I provide information to help them to develop sound policies. I am also a technical expert for my program with a Master's degree in Environmental Science and 20 years experience in this profession.

Because of my technical expertise and my supervisory responsibilities to oversee, develop and otherwise manage my staff and their projects, I am instrumental in the Department's efforts to provide the regulated business community and the public with predictable, consistent, pragmatic and effective application of environmental regulations. Thereby, I create a consistent regulatory environment that businesses and communities can plan, budget, and be assured of a dependable regulatory framework.

I do my job with an understanding of the political, social, and economic implications. I make decisions based on sound science, laws and regulations, and best management practices, not based on shifting political elections. As a result, businesses and communities know that they will have a uniform regulatory process where they can provide input and DEC will establish regulatory standards that are consistent so they may plan for the future.

I believe that the results of this bill will remove these attributes of current government management and leave Alaska subject to shifting political agendas.

^{SB}
What's wrong with Bill 352; this bill attempts to fix problems that do not exist

^{SB}
Response to Bill 352 by Bill Quinn, a Supervisor for the State of Alaska 341-3210

February 24, 2004

Please note: This response was prepared on short notice, so the following is the text of the bill with my remarks distinguished by number.

SB 352

SENATE BILL NO. 352 BY THE SENATE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR, entitled:

"An Act amending the Public Employment Relations Act to exclude from collective bargaining individuals who perform confidential or managerial duties for a public employer and relating to those exclusions; and providing for an effective date."

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

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Fish and Game
Fiscal Note No. 2, zero, Department of Law

Governor's transmittal letter dated February 20:

Dear President Therriault:

Under the authority of article III, section 18, of the Alaska Constitution, I am transmitting this bill to amend the Public Employment Relations Act (PERA).

1. Even Supervisors at Ranges 10 and 12 would be exempted.

Specifically, the bill would exclude public employees in upper-level ("managerial") or sensitive ("confidential") positions from collective bargaining.

2. If there were conflicts of interest, surely they would have come to light in the last 30 years.

Allowing employees in these positions to participate in bargaining creates a conflict of interest

3. Managerial and/or confidential employee do not benefit from their positions. Even the administration acknowledges this as the bill uses "could", instead of does.

and could allow employees in managerial or confidential positions to benefit from the inherent advantage they have over other employees.

4. The employees affected by this bill do not enjoy any "inherent" advantage over any other employees. Again, the bill uses "could", not does.

and could allow employees in managerial or confidential positions to benefit from the inherent advantage they have over other employees.

5. The folks affected by this bill deal with confidential material and information every day; if this information had been misused, it would have come to light in the last 30 years. If a violation were to arise, it needs to be dealt with via discipline, not by penalizing a whole class of folks for violations that have not even occurred.

When managerial and confidential employees bargain they have access to information and key officials that is unavailable to other employees.

6. There is no conflict to resolve. Any conflict proposed by this bill has been manufactured and cannot be supported by law or fact.

Amending PERA resolves the conflict of interest and reduces the opportunity for unfair gain by those employees.

7. The legislature has stated that the collective bargaining laws in Alaska are to reflect Alaska; as such, the Alaska Labor Relations Agency and the courts reference the NLRA, but are not directed or bound to mimic it.

Bargaining laws for public employees would be aligned with the labor laws that apply to private industry, federal law, and the majority of state's that have chosen to exclude confidential and managerial employees from bargaining.

8. Claims that managerial and confidential employees in private industry should be used as a model for public employees is like comparing apples to oranges. There is no basis in law or fact to support this position.

Bargaining laws for public employees would be aligned with the labor laws that apply to private industry, federal law, and the majority of state's that have chosen to exclude confidential and managerial employees from bargaining.

9. The work of the Blue Ribbon Commission is out of date and does not reflect the labor laws or policies of today, unless you want to turn labor law back 20 years.

The bill provides legislative findings setting out the concerns the bill is intended to address. These findings were drawn mainly from the work of the Blue Ribbon Commission (Commission) on the State Personnel Act.

The Commission reviewed state employment laws from 1977 through 1980. The Commission recognized that allowing managers to participate in bargaining could hamper labor negotiations and that the state's managers needed to be politically responsive to the chief executive. The Commission recommended that assistant and deputy directors and certain chiefs be excluded from bargaining. Report of the Blue Ribbon Commission on the State Personnel Act to the Eleventh Alaska State Legislature 14 (1/9/1980).

10. The reason to exclude confidential employees from collective bargaining is based upon political whimsy, and nothing else.