

HOUSE BILL NO. 379

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST

Introduced: 4/18/16
Referred: Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act eliminating pay step increases and pay increments for certain state employees;**
2 **relating to collective bargaining agreements entered into by the state; and providing for**
3 **an effective date."**

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

5 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
6 to read:

7 LEGISLATIVE INTENT. It is the intent of the legislature that, effective July 1, 2016,
8 the award of pay step increases and pay increments be suspended until the lapse of one fiscal
9 year for which the average price per barrel for Alaska North Slope crude oil for sale on the
10 United States West Coast for an entire fiscal year is \$90 or more, as determined by the
11 commissioner of revenue. Regarding presentation to the legislature of a collective bargaining
12 agreement between the Department of Administration and an organization representing state
13 employees, as required by AS 23.40.215, the legislature intends to approve the monetary
14 terms of a collective bargaining agreement that, for the length of the agreement, suspends the

1 award of pay step increases and pay increments until the lapse of one fiscal year for which the
 2 average price per barrel for Alaska North Slope crude oil for sale on the United States West
 3 Coast for an entire fiscal year is \$90 or more, as determined by the commissioner of revenue.

4 * **Sec. 2.** AS 39.27.011(h) is amended to read:

5 (h) **Subject to (l) of this section, pay** [PAY] increments, computed at the rate
 6 of 3.25 percent of the employee's base salary, shall be provided after an employee has
 7 remained in the final step within a given range for two years, and every two years
 8 thereafter, if, at the time the employee becomes eligible for the increment, the
 9 employee's current annual rating by the employee's supervisors is designated as
 10 "good" or higher.

11 * **Sec. 3.** AS 39.27.011(h), as amended by sec. 2 of this Act, is amended to read:

12 (h) **Pay** [SUBJECT TO (l) OF THIS SECTION, PAY] increments, computed
 13 at the rate of 3.25 percent of the employee's base salary, shall be provided after an
 14 employee has remained in the final step within a given range for two years, and every
 15 two years thereafter, if, at the time the employee becomes eligible for the increment,
 16 the employee's current annual rating by the employee's supervisors is designated as
 17 "good" or higher.

18 * **Sec. 4.** AS 39.27.011(i) is amended to read:

19 (i) **Subject to (l) of this section, pay** [PAY] increments provided for in (h) of
 20 this section are approved under AS 39.25.150(2) as an amendment to the pay plan for
 21 employees of the state.

22 * **Sec. 5.** AS 39.27.011(i), as amended by sec. 4 of this Act, is amended to read:

23 (i) **Pay** [SUBJECT TO (l) OF THIS SECTION, PAY] increments provided
 24 for in (h) of this section are approved under AS 39.25.150(2) as an amendment to the
 25 pay plan for employees of the state.

26 * **Sec. 6.** AS 39.27.011(j) is amended to read:

27 (j) **Subject to (l) of this section, subsections** [SUBSECTIONS] (h) and (i) of
 28 this section apply to

29 **(1)** employees of the legislature [ONLY] if the committee responsible
 30 for adopting employment policies concerning **those employees** [THE EMPLOYEE]
 31 adopts a written policy that (h) and (i) of this section apply;

1 **(2)** [. SUBSECTIONS (h) AND (i) OF THIS SECTION APPLY TO]
 2 the employees of the office of the ombudsman [ONLY] if the ombudsman adopts a
 3 policy that (h) and (i) of this section apply; **and**

4 **(3)** [. SUBSECTIONS (h) AND (i) OF THIS SECTION APPLY TO]
 5 the employees of the office of victims' rights [ONLY] if the victims' advocate adopts a
 6 policy that (h) and (i) of this section apply.

7 * **Sec. 7.** AS 39.27.011(j), as amended by sec. 6 of this Act, is amended to read:

8 (j) **Subsections** [SUBJECT TO (l) OF THIS SECTION, SUBSECTIONS] (h)
 9 and (i) of this section apply to

10 (1) employees of the legislature if the committee responsible for
 11 adopting employment policies concerning those employees adopts a written policy
 12 that (h) and (i) of this section apply;

13 (2) the employees of the office of the ombudsman if the ombudsman
 14 adopts a policy that (h) and (i) of this section apply; and

15 (3) the employees of the office of victims' rights if the victims'
 16 advocate adopts a policy that (h) and (i) of this section apply.

17 * **Sec. 8.** AS 39.27.011(k) is amended to read:

18 (k) Notwithstanding (a) - (j) **and (l)** of this section, the governor or a designee
 19 of the governor may, on a case-by-case basis, authorize for a partially exempt
 20 employee in the executive branch a higher pay than Step F. The authorization must be
 21 based on a determination that the action serves a critical governmental interest of the
 22 state, the employee possesses exceptional qualifications, recruitment difficulties exist,
 23 or the action is necessary due to competitive salaries in the relevant labor market. A
 24 determination made under this subsection must be in writing.

25 * **Sec. 9.** AS 39.27.011(k), as amended by sec. 8 of this Act, is amended to read:

26 (k) Notwithstanding (a) - (j) [AND (l)] of this section, the governor or a
 27 designee of the governor may, on a case-by-case basis, authorize for a partially exempt
 28 employee in the executive branch a higher pay than Step F. The authorization must be
 29 based on a determination that the action serves a critical governmental interest of the
 30 state, the employee possesses exceptional qualifications, recruitment difficulties exist,
 31 or the action is necessary due to competitive salaries in the relevant labor market. A

1 determination made under this subsection must be in writing.

2 * **Sec. 10.** AS 39.27.011 is amended by adding a new subsection to read:

3 (l) An employee may not receive a step increase in salary under (a) of this
4 section or a pay increment under (h) - (j) of this section.

5 * **Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section to
6 read:

7 STATE COLLECTIVE BARGAINING AGREEMENTS; SUSPENSION OF PAY
8 INCREASES. (a) Notwithstanding AS 23.40.070 - 23.40.260, the state may not enter into a
9 collective bargaining agreement with a bargaining organization representing a bargaining unit
10 of state employees unless the agreement provides that an employee may not receive the award
11 of a pay step or the award of a pay increment.

12 (b) If the parties are unable to reach agreement on a new or extended contract so that
13 the negotiations reach an impasse allowing the state, under AS 23.40, to make unilateral
14 changes to wage or salary compensation of members of the bargaining unit, the state shall
15 suspend the awarding of pay steps and pay increments so that the suspension would comply
16 with the requirements of this section, as applicable.

17 (c) This section modifies the duty of the state and bargaining organizations
18 representing state employees to bargain concerning pay steps and pay increments.

19 * **Sec. 12.** The uncodified law of the State of Alaska is amended by adding a new section to
20 read:

21 EMPLOYEES OF THE JUDICIAL AND LEGISLATIVE BRANCHES.
22 Compensation of the following employees is subject to limitations on pay increases
23 comparable to the limitations on pay increases for employees in the classified or partially
24 exempt service under AS 39.27.011(h) - (k), as amended by secs. 2, 4, 6, and 8 of this Act,
25 and AS 39.27.011(l), enacted by sec. 10 of this Act:

26 (1) permanent and temporary employees of the judicial branch who are not
27 otherwise covered by AS 39.27.011(h) - (k), as amended by secs. 2, 4, 6, and 8 of this Act, or
28 AS 39.27.011(l), enacted by sec. 10 of this Act;

29 (2) permanent and temporary employees of the legislative branch who are not
30 otherwise covered by AS 39.27.011(h) - (k), as amended by secs. 2, 4, 6, and 8 of this Act, or
31 AS 39.27.011(l), enacted by sec. 10 of this Act.

1 * **Sec. 13.** AS 39.27.011(*l*) is repealed.

2 * **Sec. 14.** Sections 11 and 12 of this Act are repealed.

3 * **Sec. 15.** The uncodified law of the State of Alaska is amended by adding a new section to
4 read:

5 APPLICABILITY. AS 39.27.011(h) - (k), as amended by secs. 2, 4, 6, and 8 of this
6 Act, and AS 39.27.011(*l*), enacted by sec. 10 of this Act, apply to contracts entered into on or
7 after the effective date of secs. 2, 4, 6, 8, and 10 of this Act.

8 * **Sec. 16.** The uncodified law of the State of Alaska is amended by adding a new section to
9 read:

10 TRANSITION: ANNUAL REPORT ON PRICE OF OIL. Annually, on July 1, the
11 commissioner of revenue shall determine the average price per barrel for Alaska North Slope
12 crude oil for sale on the United States West Coast for the immediately preceding fiscal year
13 and provide a written report of that average to the Department of Administration, the Alaska
14 Court System, and the legislature. The commissioner of revenue shall deliver the report to the
15 senate secretary, the chief clerk of the house of representatives, the commissioner of
16 administration, and the administrator of the Alaska Court System, and notify the legislature,
17 the Department of Administration, and the Alaska Court System that the report is available.

18 * **Sec. 17.** The uncodified law of the State of Alaska is amended by adding a new section to
19 read:

20 NOTICE TO REVISOR OF STATUTES. The commissioner of revenue shall notify
21 the revisor of statutes in writing when the average price per barrel for Alaska North Slope
22 crude oil for sale on the United States West Coast during an entire fiscal year is \$90 or more.

23 * **Sec. 18.** The uncodified law of the State of Alaska is amended by adding a new section to
24 read:

25 CONDITIONAL EFFECT. Sections 3, 5, 7, 9, 13, and 14 of this Act take effect only
26 if the commissioner of revenue notifies the revisor of statutes under sec. 17 of this Act that the
27 average price per barrel for Alaska North Slope crude oil for sale on the United States West
28 Coast during an entire fiscal year was \$90 or more.

29 * **Sec. 19.** If, under sec. 18 of this Act, secs. 3, 5, 7, 9, 13, and 14 of this Act take effect,
30 they take effect the day after the date the commissioner of revenue notifies the revisor of
31 statutes under sec. 17 of this Act.

1 * **Sec. 20.** Except as provided in sec. 19 of this Act, this Act takes effect July 1, 2016.