

STATE OF ALASKA

CITIZENS' ADVISORY COMMISSION ON FEDERAL AREAS

SARAH PALIN, Governor

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November 28, 2008

Michael W. Hager, Acting Director
U.S. Office of Personnel Management
Office of the Director
Theodore Roosevelt Building
1900 E Street, NW, Room 5A09
Washington, D.C. 20415

Dear Mr. Hager:

The Citizens' Advisory Commission on Federal Areas was established by the State of Alaska to consider the effects of federal regulations and management decisions on the people of the state. In keeping with that mandate, the Commission is examining a recent change to the Alaska National Interest Lands Conservation Act (ANILCA) Section 1308 Local Hire Program.

The effectiveness of this program, which has provided important employment opportunities throughout Alaska for more than 27 years, is jeopardized by a recent change imposed by the Office of Personnel Management (OPM). We are seriously concerned about its future.

As we understand it, this change would require the Departments of the Interior and Agriculture to utilize a competitive hiring process for filling jobs under the local hire program. Until now, federal land management agencies in Alaska have been able to hire local residents with special knowledge or expertise into the excepted service. Requiring recruitment under the formal competitive process represents a significant departure from the manner in which this program has been successfully conducted since its inception. It also is inconsistent with both the language of the statute and Congressional intent. If allowed to stand, this requirement will result in the loss of job opportunities in areas of the state where such opportunities are already limited.

ANILCA Section 1308 was intended to avoid precisely the types of hiring requirements and restrictions now being imposed by OPM. In creating the program in 1980, Congress signaled its intentions on several key points related to local hire. They recognized that local residents often have special knowledge or expertise that can benefit an agency in its management responsibilities for the lands and resources within a conservation system unit.

Congress also recognized that existing civil service laws and regulations would prevent agencies from utilizing this local knowledge base because local Alaskan residents would have difficulty competing with applicants throughout the country unless exceptions were made. Consequently, Section 1308 directed the Secretaries to establish a program under which any local individual having special knowledge or expertise could be hired “without regard to...any provision of the civil service laws or regulations thereunder which require minimum periods of formal training or experience...any such provision which provides an employment preference to any other class of applicant in such selection, and any numerical limitation on personnel otherwise applicable.”

In subsequent years Congress authorized a veterans’ preference within the program; expanded application of the program beyond conservation system units to all federal public lands in Alaska; directed the Secretary of the Interior to report on how the recruitment process may restrict local hire employees from successfully obtaining positions in the competitive service; and directed the National Park Service to implement pilot programs to employ residents of local communities at four National Park System units in northwestern Alaska.

The provisions of Public Law 105-333, which directed the above referenced report on recruitment process restrictions, clearly recognize that Congress originally intended that individuals hired under the 1308 program would be in the excepted rather than the competitive service. An analysis in the accompanying report (House Report 105-677, pg. 8) is instructive and supports this long accepted interpretation:

“Section 10 addresses Section 1308 of ANILCA, which authorizes the Secretary of the Interior to hire local people with fewer skills than required under a job description through appointments. The problem is that if a person hired through this process later gains enough skills to meet or exceed the requirements of a job he or she was appointed to, he or she cannot become a permanent employee of the Department with associated benefits. This provision will direct the Secretary of the Interior to complete a report within 18 months of enactment to address the recruitment process that may restrict employees hired under Section 1308 of ANILCA from successfully obtaining positions in the competitive service.”

The pilot program mandated by Public Law 106-488 resulted in the hiring of four local residents into career positions at the four park units in northwestern Alaska, promoted or upgraded four local hire employees, established three additional seasonal ranger/liaison positions in villages and hired a special assistant for Native issues. All of the new, as well as the upgraded employees, were hired under the existing local hire program and are in the excepted service.

The November 12, 2008 letter from OPM to the Department of the Interior also reflects an apparent misunderstanding of the applicability of this program. The letter refers to “recruitment


of local natives [sic].” In fact, the provisions of Section 1308 refer to “any individual” who has special knowledge or expertise, with no reference to ethnicity.

There are currently more than 200 Alaskan residents employed by federal agencies through the local hire program. Seasonally, these agencies hire an additional 250 local residents. Both the permanent positions and the seasonal jobs represent important employment opportunities for Alaskans. In some villages, jobs under this program may be the only ones available.

The ANILCA 1308 Local Hire Program has worked well since it began in 1981. The recent directive by OPM that would require recruitment under formal competitive procedures will severely hinder this important program. We strongly encourage OPM to reconsider its position and work with the responsible federal agencies in Alaska to ensure this program continues to benefit Alaskans and the federal public lands in this state.

Sincerely,



 Rick Schikora
Chairman

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Senator Ted Stevens
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