

AAM 100. GENERAL PERSONNEL SYSTEM INFORMATION

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AAM 100.010 Collective Bargaining Disclaimer (08-05)

This Administrative Manual contains a general overview of state personnel policy and procedure. It does not form an express or implied contract or promise that the policies and procedures discussed in it will be applied in all cases.

The Division of Personnel will try to keep the manual current, but there may be times when policy and procedure will change before this material can be revised. Readers of this manual must consult applicable collective bargaining agreements and division of personnel staff before applying the policy or procedures found in this manual to specific employees.

The Administrative Manual is not intended to supersede any specifically contrary provisions of collective bargaining agreements. It should not in any way be read to add to, subtract from, supplement or modify any of the rights, privileges or obligations found in those agreements.

AAM 100.020 Personnel System Overview (08-05)

The State personnel system is designed to ensure that employment in the State of Alaska's classified service is based upon merit. A merit system of employment is mandated by Article XII, Section 6, of the Alaska Constitution. In addition, Title 39, Chapter 25, of the Alaska Statutes outlines the merit principles of State employment and places authority for administering the State Personnel Act with the director of personnel. By statute, the merit principle of employment includes the following:

1. recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment;
2. regular integrated salary programs based on the nature of the work performed;
3. retention of employees with permanent status on the basis of the adequacy of their performance, reasonable efforts of temporary duration for correction in inadequate performance, and separation for cause;
4. equal treatment of applicants and employees with regard only to consideration within the merit principles of employment; and
5. selection and retention of an employee's position secure from political influences.

Personnel information contained in this manual is intended to provide the reader with an overview of the functions performed by the division of personnel, a citation of the statutory and regulatory authority for the exercise of those functions, and an overview of how those functions are exercised. The rules which apply to personnel decisions are often the result of statutory and regulatory requirements as well as requirements contained in collective bargaining agreements. The scope of this manual does not include specific provisions of the statute, rules, contract, or past practice. Prior to exercising the functions covered by this manual, managers are encouraged to consult with division of personnel staff to ensure that their actions are consistent with statutory, contractual, and regulatory authority.

AAM 100.030 Authority for the Personnel System (08-05)

The State personnel system is established pursuant to authority vested in the Department of Administration and the director of personnel by the State Personnel Act ([Alaska Statute 39.25](#)). Regulations administering the terms of that act can found in the administrative code ([2 AAC 07](#)). This

section of the administrative code is commonly referred to as the personnel rules.

AAM 100.040 Public Employee Code of Ethics (08-05)

This is a general summary of the Executive Branch Ethics Act. Please refer to the Act itself ([AS 39.52.010-960](#)) for the complete provisions.

Misuse of Official Position ([AS 39.52.120](#))

The Alaska Executive Branch Ethics act prohibits public employees from using their positions for personal gain and from giving unwarranted benefits or treatment to any person. Public employees may not use their official positions to secure employment or contracts, accept pay from anyone other than the State for performance of official duties, or take or withhold official action on a matter in which they have a personal or financial interest. Employees are also prohibited from using State time, equipment, property or facilities for their own personal or financial benefit or for partisan political purposes. A supervisor may not coerce subordinates for his/her personal or financial benefit.

In addition, except for supplying information requested by a hearing officer or other entity with authority to make a final decision in a case, or when responding to contacts initiated by the hearing officer or the individual, board, or commission with authority to make a decision in a case, a public officer may not attempt to influence the outcome of an administrative hearing by directly or indirectly contacting or attempting to contact the hearing officer or individual, board or commission with authority to make the final decision in the case unless the contact is made in the presence of all parties to the hearing (or the parties' representatives) and the contact is made part of the record, or the fact and substance of the contact is promptly disclosed by the public officer to all parties to the hearing and the contact is made part of the record.

Improper Gifts ([AS 39.52.130](#))

A public employee may not solicit or accept gifts, regardless of value, that benefit the employee's personal or financial interest if it can be reasonably inferred that the gift is intended to influence the employee's action or judgment. "Gifts" include money, property or services provided to an employee for less than full value, loans, travel, entertainment, hospitality, and employment.

A gift with a value in excess of \$150 must be reported to the designated ethics supervisor within 30 days of receipt by the employee if the employee can take or withhold official action affecting the giver or the gift is connected to the employee's status as a government employee.

A gift of less than \$150 may still be prohibited if it is given under circumstances in which a reasonable person might infer that it was given with the intent to influence official action. A gift of \$50 or less is presumed not to be given with the intent to influence unless the circumstances surrounding the gift indicate otherwise. The Department of Law encourages employees to report to their designated ethics supervisors the receipt of any gift regardless of value so employees can be shielded from claims that a gift was improperly accepted.

Gifts of travel or lodging to an employee in connection with a trip the employee takes as part of official duties may be accepted if the head of the agency approves the gifts or the travel or lodging is incidental transportation by or hospitality at the residence of an individual. Gifts of travel or lodging must be reported to the employee's designated ethics supervisor.

Gifts from other governments (including the federal government or its agencies) must be reported to the Governor's Office within 60 days of receipt. The Governor's Office determines the disposition of the gifts.

Gifts to family members given under circumstances indicating that the gifts are given because of the employee's status as a government employee must be reported to the employee's designated ethics supervisor and are subject to the same rules as gifts given directly to the employee.

The gift rules do not apply to campaign contributions made to candidates for elective office if the contributions otherwise comply with applicable campaign and election laws.

Gifts should be reported on official forms, which are available from the designated supervisor or on the Department of Law's web site at: <http://www.law.state.ak.us/doclibrary/ethics.html>.

Improper Use or Disclosure of Information ([AS 39.52.140](#))

No former or current public employee may use or disclose any information gained from State employment when that use or disclosure could result in a financial or personal benefit to the employee (or to a family or household member), unless that information has already been disseminated to the public. Information is not "disseminated to the public" unless it has been published in or by newspaper, broadcast media, press release, newsletter, legal notice, non-confidential court filing, published report, public speech or public testimony before the legislature, a board, or a commission.

No former or current employee may, without prior authorization, use or disclose (for any purpose) information acquired during employment that is required by law to be kept confidential.

The prohibitions against using non-disseminated public information and disclosing confidential information continue to apply after an employee leaves state service.

Improper Influence in State Grants, Contracts, Leases, or Loans
([AS 39.52.150](#))

No public employee whose action or inaction can affect the award, execution, or administration of a State grant, contract, lease, or loan may apply for, be a party to, receive, or have an interest in that State grant, contract, lease, or loan. This prohibition also applies to the employee's family or household members.

However, employees (or family or household members) may apply for or be a party to a competitively solicited State grant, contract or lease, so long as the employee does not work for the administrative unit awarding or administering the grant, contract, or lease and so long as the employee does not take official action with respect to the award or administration of the grant, contract, or lease.

Also, a public employee (or family or household member) may apply for and receive a State loan that is generally available to the public and has fixed eligibility standards, so long as the employee does not take (or withhold) official action affecting the award or administration of the loan.

A public employee must report to a designated supervisor any personal or financial interest (or that of a family or household member) in a State grant, contract, lease, or loan that is awarded or administered by the agency the public employee serves. A form is available from the designated supervisor for this purpose.

Improper Representation ([AS 39.52.160](#))

A public employee may not represent, advise, or assist a person in any matter pending before the administrative unit where the public employee is employed, if the representation, advice, or assistance is for compensation, unless the representation, advice, assistance, and compensation are required by statute, regulation, or court rule or is otherwise customary.

Further, a public employee may not represent, advise, or assist a person in any matter pending before the administrative unit where the public employee is employed, if the representation, advice, or assistance is not compensated, but is rendered to benefit a personal or financial interest of the public employee.

Nothing in this section, however, prohibits activities related to collective bargaining.

Outside Employment ([AS 39.52.170](#))

No public employee may work for (paid or unpaid) a person or organization other than the employee's own department, if that work is incompatible or in conflict with the proper discharge of official duties.

A public employee must report outside employment or service to the designated supervisor by July 1st of each calendar year. Changes in outside employment or services should be reported as they occur. A form is available from the designated supervisor for this purpose.

Restriction on Employment after Leaving State Service ([AS 39.52.180](#))

For two years after leaving State service, a former public employee may not represent, advise or assist a person for pay (except under contract with the State) on any matter in which the former employee personally and substantially participated while employed by the former administrative unit. This prohibition applies to cases, proceedings, applications, and contracts but not to work on legislative measures or administrative regulations.

With the approval of the Attorney General, a commissioner may waive this prohibition if a determination is made that the public interest is not jeopardized.

Aiding a Violation Prohibited ([AS 39.52.190](#))

Aiding another public officer to violate the ethics act is prohibited.

Designated Supervisor ([AS 39.52.960\(8\)](#))

Each department has a "designated supervisor" for purposes of administering the ethics act. The designated supervisor is the commissioner or the commissioner's designee. State employees who have questions regarding the act should contact the designated supervisor in their department.

AAM 100.050 Nepotism Prohibited (08-05)

The appointing authority shall abide by the provisions of [AS 39.90.020](#), Nepotism prohibited, and [AS 39.52.120](#) and [AS 39.52.150](#), Executive Branch Ethics Act when appointing, transferring, promoting, demoting or otherwise placing an individual into a position in an operating agency where an immediate family member or an individual related within and including the second degree of kindred is employed. Positions appointed to the classified or Partially Exempt service must also abide by the terms of [2 AAC 07.950](#).

Employees are prohibited from being in an employment relationship with an immediate family member, including a conjugal relationship that is not a legal marriage, or with an individual who is related within and including the second degree of kindred.

An individual seeking employment with the State of Alaska, or if already employed, seeking a new position within the State system, must declare if there is an immediate family member or an individual related within and including the second degree of kindred employed in the department where the individual is seeking employment. If such a relationship exists, the appointing authority must fill out a Declaration of Familial Relationships and Nepotism Waiver form and submit it to the Commissioner or head of the employing agency or his or her designee for approval. The designee must have the written delegation of the Commissioner or agency head to approve nepotism waivers under [2 AAC 07.950](#).

Approval of a Nepotism Waiver is required before making a job offer of employment, promotion, demotion, or other position change covered under this policy. If the nepotism waiver is approved, the approving authority must assure that the related individuals will not have a direct employment relationship.

No waiver is available for a relationship that is a direct violation of the Executive Branch Ethics Act, the Nepotism Statute, or the Personnel Rules.

Applicants for State employment are required to disclose the presence of an immediate family member or an individual related within and including the second degree of kindred working in the same department. Failure to do so will be considered falsification of an employment application and the applicant may be barred from employment with the State.

If, during employment, there is a change to an employee's immediate family or individuals to which they are related within and including the second degree of kindred, the State employee is required to disclose the presence of these individuals working in the same department. Failure to disclose the presence of an immediate family member in the same department may be grounds for an ethics investigation under the terms of the Executive Branch Ethics Act and/or disciplinary action up to and including dismissal.

Definitions:

Employment Relationship

Employment relationship is defined as any work related relationship where one individual has the authority to approve or effectively recommend actions that will impact the other employee's wages, hours, terms or conditions of employment. Examples include, but are not limited

to: assigning shifts; authorizing overtime; approving leave; evaluating performance; granting or denying permanent status; awarding merit, longevity or service pay increases; approving or recommending a transfer, promotion or demotion; or authorizing or recommending disciplinary action.

Immediate Family Member

Immediate family member is an employee's:

- spouse;
- biological child, step child, or an adoptive child;
- parent or parent-in-law;
- sibling, or sibling-in-law;
- grandparent;
- aunt or uncle;
- a person cohabiting with the employee in a conjugal relationship that is not a legal marriage.

Second Degree of Kindred

Second degree of kindred is defined as father, mother, son, daughter, brother, sister, grandfather, grandmother, grandson, or granddaughter, in a full, half, or step relationship. For employees in the classified or partially exempt service, this includes relationships by blood and marriage.

Authorities:

[AS 39.90.020](#), [AS 39.52.120](#), [AS 39.52.150](#), [2 AAC 07.112](#),
[2 AAC 07.950](#)

AAM 100.055 Establishing Employment Eligibility (07-09)

The Immigration Reform and Control Act of 1986 requires all employers to verify and document each new employee's identity and eligibility to work in the United States. The I-9 Employment Eligibility Verification Form (I-9 form) is used for this purpose. The form is available at: <http://www.uscis.gov/files/form/i-9.pdf>.

Any new employee must complete section 1 of the I-9 form and present original documents that prove his/her identity and eligibility to work in the United States. Section 1 must be completed by the new employee no later than close of business on his/her first day of work.

Lists A, B, and C on the I-9 form identify the documents acceptable for verifying identity and eligibility to work. These documents are also found in the instructions on the I-9 form. The Appointing Authority must physically examine the employee's acceptable documents and then

complete and sign Section 2 of the I-9 form within three days of the new employee's date of hire. The Appointing Authority may accept any single List A document, which establishes both identity and eligibility, or may accept one List B document which establishes identity plus one List C document which establishes eligibility for employment. Any copies of these documents will be attached to the I-9 form. The Social Security card is one document that is used for establishing identity. Refer to [AAM 200.060](#) - Employee Social Security Number for policies on use of the Social Security Card as a key source of information in employee payroll base records in the statewide payroll system.

The state's on-line recruitment system, Workplace Alaska, requires applicants to certify that they have a legal right to accept employment in the United States. It is the responsibility of the employee to maintain the appropriate authorization to accept or continue legal employment.

The State of Alaska does not function in the role of a sponsor for employment-based immigration visas.

AAM 100.060 Confidential and Sensitive Information (08-05)

In the course of their work, employees may be responsible for handling confidential or sensitive information. Steps should be taken to prevent the exposure of this information to individuals without a business need or legal right to know. Employees are expected to:

1. Keep passwords and key combinations secret to maintain accountability for their use.
2. Store documents containing confidential or sensitive information to shield contents from casual review.
3. Secure these materials in locking cabinets if provided in the workplace.
4. Transfer the materials only to authorized persons.
5. Shred or otherwise confidentially dispose of material that contains confidential or sensitive information in accord with applicable retention schedule.
6. Not reveal or disclose conversations overheard regarding confidential or sensitive information.

Misuse of confidential information is a Class A misdemeanor under [AS 11.56.860](#). Employees should direct questions about handling confidential information or sensitive information to their supervisor.

All employees are required to sign a Confidentiality of Information Acknowledgement form. The form delineates state statutes that pertain to the confidentiality and the responsibilities of handling such information.

AAM 100.065	Analyses of Office Technology Usage as Part of an Investigation (01-09)
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The analyses of office technology usage by a specific employee will be performed by the State Security Office (SSO) only at the request of the Commissioner of the Department of Administration, the Deputy Commissioner of the Department of Administration, and / or the Director of the Division of Personnel and Labor Relations (DOPLR).

Analyses are performed as part of a personnel investigation into the use and / or abuse of office technologies. The SSO will collect information from the network, user computers, workstations, servers, email, or other devices and services, as directed.

In addition, analyses are performed as part of a special investigation. These requests are made by the Commissioner of the Department of Administration, or designee. The SSO will perform the analyses and report back directly to the Commissioner of the Department of Administration, or designee.

Definitions:

Personnel Investigation

A gathering and review of facts and circumstances relating to a specific action or inaction of a current or former employee with the purpose of concluding whether or not there is just cause to issue discipline. Investigations are conducted by DOPLR staff in conjunction with staff from the affected agency. All investigations are confidential personnel matters.

Special Investigation

A gathering and review of facts and circumstances relating to a specific action or inaction of a current or former exempt employee, or a current or former employee of the executive branch. Investigations are conducted in conjunction with staff from other agencies, such as, but not limited to the Department of Law, Office of the Governor, and Office of the Lieutenant Governor. All investigations are confidential matters.

[\(AS 39.52.120\(b\)\(3\), AS 39.25.080\)](#)

AAM 100.070 Disclosure of Criminal Acts (08-05)

All State agencies and each State employee are required to report any willful violation of the provisions of the Personnel Act or the provisions of the administrative code promulgated pursuant to that act. Any person who is convicted of a willful violation of the act is guilty of a misdemeanor and will be required to forfeit their office or position. ([AS 39.25.900](#), [2 AAC 07.970](#))

AAM 100.075 Theft of State Property, Funds, and/or Equipment by a State Employee (07-09)

Supervisors will notify Human Resources and their manager immediately upon suspicion or receipt of a report of theft of state property, funds, and/or equipment by a state employee.

After investigation of the matter, if it rises to the level of a personnel action, the department manager will report the situation to the department Commissioner and HR Manager to determine if the matter will be turned over to the appropriate law enforcement officials for investigation.

AAM 100.080 Appointing Authority (01-07)

The appointing authority for all officers and employees in the executive branch is the Governor. The Governor's authority may be delegated to commissioners and from commissioners to department managers or supervisors. Refer to [AAM 15](#) for policies on appointing authorities and certification.

AAM 100.090 Employee Recognition Awards (10-07)

General Guidelines

An award of any nature must meet the criteria for exclusion from taxable income under IRS guidelines. In order to qualify under this threshold, awards should be property or service that is small in value, infrequent and simple to administer. Specific information on "Non-taxable De Minimis Awards and Prizes" can be found at [IRS Publication 15-B](#).

An award of any nature must be consistent with the terms and conditions of any applicable collective bargaining agreement and/or the Personnel Rules. This means that any award that could be considered to alter the wages, hours, terms or conditions of employment is specifically prohibited unless there is a provision in the applicable collective bargaining

agreement or Personnel Rules or a valid letter of agreement on file with the Division of Labor Relations. Examples of prohibited awards include, but are not limited to, gift certificates or cards, cash awards, or time off.

Acceptable awards include items with a limited cash value such as coffee cups or tote bags with agency insignia, certificates or plaques of achievement, or designated parking places.

Public recognition of employee achievement is free and studies have shown that it is an effective way to recognize employees in the workplace.

Performance Recognition Awards

In addition to the general guidelines above, performance recognition award plans must be detailed in writing and the awards must be equally available to each employee in the employing agency that offers the program. Performance Recognition Award Program plans must be submitted to the Director of the Division of Personnel for review and approval prior to implementation.

Service Recognition Awards

In addition to the general guidelines above, service recognition awards must be equally available to all employees in the employing agency. Service awards are based solely on the attainment of specific employment threshold milestones of no less than 5-year increments (i.e., 10 years, 15 years, 20 years).

Retirement Awards

Recognition of state service at retirement is encouraged. Retirement after 20 years or more of service may be recognized by a letter from the Governor's office and/or a plaque commemorating the employee's state service. Letters can be obtained by request of the Commissioner's office to the Governor's office. Retirement awards must be equally available to all employees meeting the service threshold in the employing agency.

AAM 100.100 Early Permanent Status (04-06)

An employee in the classified service may be granted early permanent status in accordance with the employee's collective bargaining unit agreement, if the employer has determined the employee has satisfied all the requirements for completing the probationary period and the employee has received specific and overall ratings of "outstanding" on the performance evaluation report. The performance evaluation narrative must clearly document the achievement of outstanding performance in each rating area.

Early permanent status will be effective on the first day of the pay period in which a formal performance evaluation granting early permanent status is received by the Division of Personnel, Management Services section, unless the collective bargaining agreement that covers the employee provides otherwise.

AAM 100.105 Panel Interviews (10-06)

Interview panels for positions in the classified service shall consist of current executive branch employees. Only under unique and compelling circumstances, and with prior approval of the Director of Personnel and Labor Relations, may an individual who is not a current State employee be a member of an interview panel. In these rare instances, all appropriate actions will be taken to ensure compliance with [AS 39.25.080](#).

AAM 100.110 Advanced Step Placement (07-06)

The Director of Personnel may authorize, for positions in the classified service, advanced step placement upon

- initial appointment;
- appointment to a lower class not in the same class series; or
- promotion to a new job class as defined under [2 AAC 07.330](#) (for positions covered by a collective bargaining agreement, a letter of agreement is required).

Advanced step placement is based on the exceptional qualifications of the selected applicant and/or recruitment difficulties. For an advanced step placement to be considered, a competitive recruitment must have been conducted. For the purpose of advanced step placement, recruitments with the scope of “Alaska Residents” or “All Applicants” constitute a competitive recruitment.

Advanced step placement is an exception to the normal starting rate of pay. Requests must be thoroughly documented and present extremely compelling argument. Advanced step placement is not typically authorized for nonpermanent employees.

AAM 100.120 Reference Checks (10-11)

Reference checks will be conducted as part of the recruitment and selection process for positions in the classified service. At minimum, the hiring manager will conduct two employment-related reference checks on the applicant determined most qualified for the position. The hiring

manager may serve as a reference if they have direct knowledge of the applicant's job performance and behaviors.

For an applicant who is a current or former employee of the State of Alaska, and who has been determined most qualified for the position, as part of the reference check process, the hiring manager will also contact the Division of Personnel & Labor Relations, Employee Planning and Information Center (EPIC) to obtain the applicant's two most recent performance evaluations, if available, and any other pertinent documents such as disciplinary memoranda.

An applicant authorizes the employer to conduct a reference check upon submitting application for a position in Workplace Alaska. The Pre-Employment Certification also specifically provides authorization to conduct a reference check on an applicant or candidate. This form is available on the Division of Personnel & Labor Relations web site at: http://doa.alaska.gov/dop/fileadmin/Human_Resource_Services/pdf/Pre-EmploymentCertification.pdf.

Positions that require a background investigation in accordance with [13 AAC 85](#) are not subject to this policy.

AAM 100.130 Disposition of Applicants (10-06)

Upon completion of the recruitment and selection process through Workplace Alaska, hiring managers are required to appropriately and accurately document the disposition of each applicant. All applicants must have an appropriate disposition regardless of the outcome of the recruitment process (i.e. hire made, no hire made, etc.). With the exception of positions governed by [13 AAC 85](#), a new recruitment posting will not be processed until the previous recruitment has been fully dispositioned.

AAM 100.140 Layoff Rights Following Job Class Changes (11-06)

An employee with layoff rights to a job class that is subsequently revised or replaced with a new job class shall retain layoff rights under that revised or new class, so long as the nature and level of the work remains essentially the same.

AAM 100.150 Hiring Manager Authority (07-07)

Employees who are granted hiring manager authority are required to understand and follow all laws, regulations, contractual provisions and policies and procedures pertaining to recruitment and selection processes and legally defensible hiring practices.

Should a hiring manager fail to follow the laws, regulations, contractual provisions and/or policies and procedures pertaining to the recruitment and selection processes and/or legally defensible hiring practices or misuse their authority as a hiring manager, their hiring manager authority may be revoked by the Director of Personnel & Labor Relations.