

Personnel Rules

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Editor's note: This table shows the source of provisions in 2 AAC [07](#) for the Personnel Board's June 1984 reorganization, recodification and amendment of the Personnel Rules for publication in the Alaska Administrative Code, in compliance with [AS 39.25.140](#) .

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Article 1

Classification Section

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2 AAC 07.005. Classification plan

The director shall prepare a classification plan that groups into classes all the positions in the classified service and the partially exempt service. The director may consider job duties, responsibilities, qualifications and any other factors in preparing the plan.

History: In effect before 6/28/84

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150 (1)

2 AAC 07.010. Class specifications

The director shall establish written specifications for each class of positions. The specifications must include a title, a definition, typical duties and responsibilities, and minimum qualifications for appointment to a position in the class.

History: In effect before 6/28/84

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150 (1)

2 AAC 07.015. Class titles

The title of a class is the official title for every position allocated to that class. For the purpose of internal management, abbreviations, working titles or other similar usages may be employed.

History: In effect before 6/28/84

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.020. Allocation of positions

(a) The director shall allocate all existing and new positions in the classified service and the partially exempt service to classes.

(b) An appointing authority requesting allocation action for a new or existing position shall provide the director with a written or electronic description of the duties, responsibilities and authority to be assigned the position, a staffing chart, and other information as the director may require. The appointing authority requesting an allocation will certify that money is available to pay for the position.

History: In effect before 6/28/84; am 6/28/84, Register 91; am 7/22/2004, Register 175; am 9/22/2004, Register 175

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

Editor's note: Even though the amendment of 2 AAC 07.020(b) was effective 7/22/2004, it was not published until Register 175, Oct. 2005.

Even though the amendment of 2 AAC 07.020(b) was effective 9/22/2004, it was not published until Register 175, Oct., 2005.

2 AAC 07.025. Maintenance of descriptions

(a) If a substantial change, or a change that may affect the allocation of the position, is made in a job assignment, the appointing authority shall provide the director with a written description of the revised duties and responsibilities in a manner determined by the director.

(b) The appointing authority shall concurrently provide the incumbent of a position with a copy of the current description of duties and responsibilities, and any revisions submitted to the director.

History: In effect before 6/28/84; am 6/28/84, Register 91; am 7/22/2004, Register 175

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

Editor's note: Even though the amendment of 2 AAC 07.025 was effective 7/22/2004, it was not published until Register 175, Oct. 2005.

[2 AAC 07.030. Review of allocations](#)

The director shall provide for a systematic and periodic review of positions in the classified and partially exempt services for the purpose of adjusting the allocation of positions when the duties and responsibilities have materially changed, or when the director finds current classifications to be in error.

History: In effect before 6/28/84

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150 (1)

[2 AAC 07.035. Effective dates of allocation action](#)

The effective date of all allocation and reallocation actions by the director is the first day of the regular pay period following the action, unless the director specifies another date that does not precede the date of the director's approval. A personnel action that is required because of an allocation or reallocation must be taken not later than the first day of the second regular pay period following the effective date of the allocation or reallocation.

History: In effect before 6/28/84; am 7/22/2004, Register 175

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

Editor's note: Even though the amendment of 2 AAC 07.035 was effective 7/22/2004, it was not published until Register 175, Oct. 2005.

Article 2

Recruitment and Examination Section

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[2 AAC 07.040. Recruitment](#)

Repealed.

History: In effect before 6/28/84; repealed 8/31/2000, Register 156

[2 AAC 07.041. Vacancy description](#)

When an appointing authority decides to fill a position in the classified service, the appointing authority shall prepare a description of the vacancy in a form approved by the director. However, a description of the vacancy is not required when an appointing authority fills a position by transfer or rehire, or when an appointing authority fills an emergency position. The description of the vacancy must be based on the written description of duties, responsibilities, and authority of the position required in 2 AAC 07.020(b) , and the written specifications for the class of positions provided in 2 AAC 07.010.

History: Eff. 8/31/2000, Register 156; am 8/25/2005, Register 175

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

[2 AAC 07.042. Continuous recruitment](#)

Recruitment for positions on a continuous basis may be announced without a designated closing date when the director determines that continuous recruitment is necessary to maintain an adequate pool of applicants.

Continuous recruitment must be periodically publicized.

History: Eff. 4/23/2005, Register 175

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

Editor's note: Even though the adoption of 2 AAC 07.042 was effective 4/23/2004, it was not published until Register 175, Oct. 2005.

[2 AAC 07.045. Continuous examinations](#)

Repealed.

History: In effect before 6/28/84; repealed 8/31/2000, Register 156

[2 AAC 07.046. Appointments without public notice: transfer or preferential rights](#)

Repealed.

History: Eff. 8/31/2000, Register 156; repealed 4/23/2004, Register 175

Editor's note: Even though the repeal of 2 AAC 07.046 was effective 4/23/2004, it was not published until Register 175, Oct. 2005.

[2 AAC 07.050. Specific examinations](#)

Repealed.

History: In effect before 6/28/84; repealed 8/31/2000, Register 156

[2 AAC 07.051. Appointments without public notice: nonpreferential rights](#)

Repealed.

History: Eff. 8/31/2000, Register 156; repealed 4/23/2004, Register 175

Editor's note: Even though the repeal of 2 AAC 07.051 was effective 4/23/2004, it was not published until Register 175, Oct. 2005.

[2 AAC 07.055. Promotional examinations](#)

Repealed.

History: In effect before 6/28/84; am 6/28/84, Register 91; am 8/19/93, Register 135; am 8/24/94, Register 137; repealed 8/31/2000, Register 156

[2 AAC 07.056. Scope of recruitment](#)

(a) An appointing authority must make a public announcement of a vacancy except as provided in 2 AAC 07.225 - 2 AAC 07.235. Except as provided in (b) - (d) of this section, the public announcement must be for at least 10 days.

(b) When the appointing authority determines that a departmental or interdepartmental recruitment is in the best interest of the state service, the announcement of a vacancy may be limited to recruitment of classified employees only. The announcement must be available to the appropriate permanent employees for a period of not less than five days. Applications for a departmental assessment must be accepted only from employees who have permanent status in the recruiting department. Applications for an interdepartmental assessment must be accepted only from employees who have permanent status.

(c) When the appointing authority recruits under provisions specific to a recognized collective bargaining agreement, the announcement of the vacancy may be limited to recruitment under those provisions.

(d) When a position is moved from the exempt or partially exempt service into the classified service as provided in 2 AAC 07.215, the announcement of a vacancy may be limited to recruitment of employees of the exempt or partially exempt services whose positions have been moved to the classified service. The announcement must be available to the appropriate employees for a period of not less than five days. Applications for the positions covered by the announcement must be accepted only from employees whose positions are covered by the announcement.

(e) Unless the director determines that insufficient competition exists or will exist among applicants domiciled or claiming residency in this state under 2 AAC 07.106(b) , the announcement of a vacancy under (a) of this subsection is limited to recruitment of applicants domiciled or claiming residency in this state. If the director determines that insufficient competition exists or will exist, the announcement of a vacancy may include recruitment of any applicant with the legal right to work in the United States. The appointing authority shall rank candidates for selection in accordance with 2 AAC 07.106(b) .

History: Eff. 8/31/2000, Register 156; am 4/23/2004, Register 175

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

Editor's note: Even though the readoption of 2 AAC 07.056 was effective 4/23/2004, it was not published until Register 175, Oct. 2005.

[2 AAC 07.060. Application for employment](#)

Repealed.

History: In effect before 6/28/84; repealed 8/31/2000, Register 156

[2 AAC 07.061. Recruitment for an individual position](#)

An announcement of a vacancy is for an individual position, unless recruitment is made under 2 AAC 07.066. An applicant responding to an announcement must only be evaluated and considered for the specific position that is the subject of the announcement.

History: Eff. 8/31/2000, Register 156

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

[2 AAC 07.065. Disqualification](#)

Repealed.

History: In effect before 6/28/84; am 6/28/84, Register 91; am 8/24/94, Register 137; repealed 8/31/2000, Register 156

[2 AAC 07.066. Recruitment for multiple positions](#)

The director may determine to announce two or more vacancies in the same class of positions in the same announcement. An applicant responding to the announcement must only be evaluated and considered for the positions that are the subject of the announcement.

History: Eff. 8/31/2000, Register 156

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

[2 AAC 07.070. Character of examinations](#)

Repealed.

History: In effect before 6/28/84; am 6/28/84, Register 91; repealed 8/31/2000, Register 156

[2 AAC 07.071. Form of public notice](#)

The director shall use one or more forms of public notice that the director determines to be appropriate to the circumstances of the vacancy being announced. Public notice may include newspaper advertisement, publication and distribution of printed material, publication by electronic mail, toll or toll free telephonic recorded messages, or a public Internet site. The director shall make a reasonable effort to make the current form of public notice known to the potential applicant population.

History: Eff. 8/31/2000, Register 156

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

[2 AAC 07.075. Interim selection procedures and devices](#)

Repealed.

History: Eff. 6/28/84, Register 91; repealed 8/31/2000, Register 156

[2 AAC 07.076. Deadlines to be announced](#)

For each announcement of a vacancy for which public notice is required, the announcement must include any deadline required for the submission of applications, or must identify where information on a deadline is

maintained. The director, solely in the director's discretion, may determine to extend a deadline. The director shall make a reasonable effort under the circumstances that lead to a determination to extend a deadline to provide at least one form of public notice of the extension.

History: Eff. 8/31/2000, Register 156

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

[2 AAC 07.080. Conduct of examinations](#)

Repealed.

History: In effect before 6/28/84; am 6/28/84, Register 91; repealed 8/31/2000, Register 156

[2 AAC 07.081. Other conditions to be announced](#)

Each announcement of a vacancy for which public notice is required, shall include, in addition to any deadline required by 2 AAC 07.076, information regarding the location of the vacancy, whether the vacancy is full time, part time, seasonal, or nonpermanent, the agency, rate of pay, and other information determined by the director to be necessary for the recruitment. An applicant submitting an application in response to an announcement is considered as being willing and available to work under the circumstances described in the announcement.

History: Eff. 8/31/2000, Register 156

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

[2 AAC 07.085. Ranking of applicants](#)

Repealed.

History: In effect before 6/28/84; am 6/28/84, Register 91; am 10/3/88, Register 109; am 8/24/94, Register 137; repealed 8/31/2000, Register 156

[2 AAC 07.086. Method of application](#)

The director shall specify the form required for submitting an application for a vacancy, which may include electronic forms and alternate means of submission. The director shall make reasonable efforts to assure that potential applicants have at least one means of submitting an application available to them. On the form, the director shall require the reporting of a misdemeanor conviction that occurred within the five years before the date of application, and a felony conviction regardless of the date that the conviction occurred. The director may also require information and evidence pertaining to the education, training, and experience of the applicant, and other information the director considers pertinent to the recruitment. An application may not be accepted after the announced deadline.

History: Eff. 8/31/2000, Register 156

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

[2 AAC 07.090. Access to examination results](#)

Repealed.

History: In effect before 6/28/84; am 6/28/84, Register 91; repealed 8/31/2000, Register 156

[2 AAC 07.091. Evaluation of convictions](#)

(a) The director shall review the applications of individuals convicted of crimes and may disqualify the applicant if the offense for which the applicant was convicted is incompatible with the position for which application was made.

(b) In making the determination of whether an applicant is disqualified for a position, the director may consider

- (1) the nature and seriousness of the offense;
- (2) the position for which the applicant is applying and the requirements of that position;
- (3) the circumstances under which the offense occurred;
- (4) the amount of time that has passed since commission of the offense;
- (5) the age of the applicant at the time the offense was committed;
- (6) whether the offense was an isolated or repeated violation; and
- (7) any aggravating, mitigating, or other facts or circumstances that might have a bearing on the suitability of the applicant for employment in the position sought.

History: Eff. 8/31/2000, Register 156; am 4/23/2004, Register 175

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

Editor's note: Even though the amendment of 2 AAC 07.091 was effective 4/23/2004, it was not published until Register 175, Oct. 2005.

[2 AAC 07.095. Preference in state employment for veterans and prisoners of war](#)

Repealed.

History: In effect before 6/28/84; am 6/28/84, Register 91; am 8/24/94, Register 137; repealed 8/31/2000, Register 156

[2 AAC 07.096. Evaluation of applications](#)

(a) An application received by an announced deadline must be evaluated against the minimum qualifications for the class of positions. The director may provide for an electronic or other means of evaluating an application. If alternative means of application are permitted, the director may convert the various means to a common form for purposes of evaluation. The conversion is presumed to be made accurately, and a complaint under 2 AAC 07.450 may not be based on the results of a conversion. When the evaluation of an application shows that the requirements for qualification are met, the applicant must be admitted to the assessment, except as provided in 2 AAC 07.112.

(b) An appointing authority may request the director to approve the evaluation of applications against a specified portion of the minimum qualifications for the class of positions. The appointing authority may request such an approval when the appointing authority expects that some applicants who would meet the minimum qualifications for the class of positions would not be able to perform the duties of a specific position. The appointing authority shall document the unique or unusual circumstances involved in the request. The documentation must be consistent with the position description, the specification of the job class, and other factors relating to the principles of selection on the basis of merit from among the persons best qualified to perform the duties of the position. The director, solely in the director's discretion, may approve a request. If approved by the director, the specified portion of the minimum qualifications must be identified and applied to the position as if they were the minimum qualifications for the job class on all subsequent announcements of a vacancy in the position.

History: Eff. 8/31/2000, Register 156

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

[2 AAC 07.097. Preference in state employment for persons injured while employed by the state](#)

Repealed.

History: Eff. 10/18/90, Register 137; am 8/24/94, Register 137; am 11/3/95, Register 137; am 12/24/98, Register 150; repealed 8/31/2000, Register 156

[2 AAC 07.100. Re-examinations](#)

Repealed.

History: In effect before 6/28/84; am 6/28/84, Register 91; repealed 8/31/2000, Register 156

[2 AAC 07.101. Scope of assessment](#)

(a) The appointing authority shall make reasonable efforts to assess qualified applicants to determine the persons best qualified to perform the duties of a position. To the extent that it is feasible and practicable, an assessment must be designed to fairly predict satisfactory performance of the duties of a position.

(b) An assessment under this section may include

- (1) an evaluation of education, experience, or record of accomplishment;
- (2) an assessment of knowledge, skill, ability, capacity, intelligence, or aptitude;
- (3) an inquiry into any matter related to bona fide occupational qualifications; and
- (4) any combination of these factors reasonably calculated to predict successful performance in the position.

(c) An appointing authority may utilize tests as an assessment device after approval by the director. Work-related exercises, such as typing exercises and writing samples, do not need review if the exercise is job related.

History: Eff. 8/31/2000, Register 156; am 8/25/2005, Register 175

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

[2 AAC 07.103. Access to assessment results](#)

(a) Under conditions approved by the director, an applicant must be given the opportunity to review an assessment that is open for inspection and was used in determining the person best qualified to perform the duties of a position. An applicant may also obtain information concerning the types of items failed, may request to have the answer sheet rescored, or make any other reasonable request concerning the means or methods used in determining the person best qualified to perform the duties of a position.

(b) A report regarding reputation, previous employment, background investigations, and similar information obtained by the director as a result of confidential inquiries is confidential, and is not available to the applicant.

A written examination used for evaluation of applicants is not open for inspection by an applicant until after the examination is no longer used for competitive testing. Specific examination items currently in use for competitive selection may only be inspected as authorized by the director.

History: Eff. 8/31/2000, Register 156; am 4/23/2004, Register 175

Authority: AS 39.25.070 AS 39.25.080 AS 39.25.140 AS 39.25.150

Editor's note: Even though the amendment of 2 AAC 07.103(b) was effective 4/23/2004, it was not published until Register 175, Oct. 2005.

[2 AAC 07.105. Special boards of examiners](#)

Repealed.

History: In effect before 6/28/84; am 6/28/84, Register 91; repealed 8/31/2000, Register 156

[2 AAC 07.106. Scope of ranking](#)

(a) The appointing authority shall use reasonable techniques and procedures as circumstances permit to determine the relative ranking of qualified applicants. An applicant may be required to pass each part of the assessment in order to be considered for appointment. Any preference for certain veterans, disabled veterans, former prisoners of war, or active members of the Alaska National Guard, as provided in AS 39.25.159, must be included in the selection process.

(b) Qualified applicants domiciled in this state or who otherwise claim residency in this state for employment purposes must be given a preference in consideration above persons who are not domiciled in this state or are not eligible to claim residency for employment purposes. An applicant is eligible to claim residency for employment purposes if the applicant

(1) is domiciled in this state;

(2) presently serves in the military with the intent of being domiciled in this state upon completion of military service

(3) provides documentation of graduation from an accredited high school or post-secondary institution in this state, or of a general equivalency diploma earned while domiciled in this state; or

(4) is presently enrolled in a post-secondary institution in this state and not solely in on-line classes.

(c) a non-resident displaced to any area of the United States by a natural disaster, with proof of residence from the area declared to be a natural disaster by the President of the United States, will be considered a resident for employment purposes for a 12-month period following the declaration. An applicant applying under this subsection, however, will not receive the preference afforded residents under (d) of this section.

(d) In applicant pools in which both residents and non-residents of the state compete for selection, the appointing authority will give a preference in ranking to applicants eligible to claim residency in this state by

(1) utilizing a point scoring system to provide for relative ranking in (a) of this section; and

(2) increasing the score of an applicant eligible to claim residency by 10 percent of the available score; this preference cannot be combined with any other preferential point scoring system; if two preferences apply, the applicant will be given the single preference, which provides for the greatest benefit to the applicant.

(e) If the director determines that the economy and efficiency of the state service would be enhanced, the appointing authority shall rerank the applicants and accord priority among persons domiciled in this state to those who reside in the locale, district, and region of this state where the vacancy exists. This method must also be used to give a preference under AS 39.25.196 to local residents in the filling of nonpermanent positions and the filling of seasonal positions of 180 calendar days or less.

History: Eff. 8/31/2000, Register 156; am 2/11/2004, Register 175; am 4/9/2006, Register 178; am 7/4/2010, Register 196; am 11/16/2011, Register 201

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150 AS 39.25.159 AS 39.25.196

Editor's note: Even though the adoption of 2 AAC [07.106\(b\)](#) (2) and (b)(4) was effective 7/4/2010, it was not published until Register 196, January 2011.

[2 AAC 07.110. Maintenance of documents](#)

Repealed.

History: In effect before 6/28/84; am 6/28/84, Register 91; am 9/28/96, Register 143; repealed 8/31/2000, Register 156

[2 AAC 07.111. Exception to scope of ranking](#)

(a) Under directives prepared by the director, an appointing authority may determine that ranking of qualified applicants for a position is not practicable or feasible. When the appointing authority determines that ranking of qualified applicants for a position is not practicable or feasible, the addition of points for certain veterans,

disabled veterans, former prisoners of war, or active members of the Alaska National Guard provided in AS 39.25.159 is not applicable.

(b) The director's directives may include the following factors:

- (1) the feasibility and practicability of developing an assessment that fairly predicts satisfactory performance of the duties of a position;
- (2) the feasibility and practicability of determining grades that identify the relative ranking of qualified applicants;
- (3) the expected number of qualified applicants that will apply for a position;
- (4) the number of positions in the same job class that will be filled over a period of time.

History: Eff. 8/31/2000, Register 156

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150 AS 39.25.159

[2 AAC 07.112. Loss of eligibility](#)

(a) In addition to any other provision of this chapter regarding disqualification, the director or an appointing authority may refuse to evaluate an application; may refuse to admit an applicant to an assessment; may, after assessment, refuse to consider the applicant for appointment; or may remove the applicant's name from any list of relative rankings, if that applicant

- (1) fails to follow all application instructions or submit an application correctly and within prescribed time limits;
- (2) is found to lack any of the preliminary or minimum requirements;
- (3) is not eligible to apply under the scope of recruitment identified for the vacancy;
- (4) after consideration, is determined to be unable to perform the essential functions of the position with or without a reasonable accommodation; or
- (5) fails to secure rehire rights provided in 2 AAC 07.235;
- (6) repealed 4/26/2004.

(b) The director may temporarily or permanently exclude a person from submitting applications, refuse to evaluate an application submitted by a person, refuse to assess the applicant, or refuse to provide for a person to be considered for appointment for any of the reasons listed in (a) of this section or those who

- (1) fail to report for duty at the time and place prescribed by an appointing authority after accepting a job offer;
- (2) have received two or more unsatisfactory references and has been rejected by one or more appointing authorities
- (3) make a false statement of material fact in the application;
- (4) use or attempt to use intimidation, political pressure, or bribery to secure an advantage in the assessment or appointment;
- (5) obtain confidential information regarding an assessment administered under this chapter;
- (6) engage in conduct prohibited under this chapter, under the State Personnel Act (AS 39.25), or under the Alaska Executive Branch Ethics Act (AS 39.52);
- (7) have been dismissed from public service for misconduct, unsatisfactory performance of duties, or other similar cause; or
- (8) have been nonretained from public service for misconduct or other similar cause.

(c) The director or appointing authority taking an action under (a) or (b) of this section shall provide notice of the action to a disqualified applicant.

(d) Nothing in this section shall be construed to prohibit an agreement to temporarily or permanently disqualify a person from employment as a term of settlement.

History: Eff. 8/31/2000, Register 156; am 4/23/2004, Register 175; am 8/25/2005, Register 175; am 7/8/2006

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

Editor's note: Even though the amendment of 2 AAC 07.112 was effective 4/23/2004, it was not published until Register 175, Oct. 2005.

Effective Register 175, October 2005, the regulations attorney made a technical change to 2 AAC 07.112(a) (5) to reflect the adoption of 2 AAC 07.235.

[2 AAC 07.113. Records; maintenance of documents](#)

The applications, examination papers, and records of ratings of applicants are official records and must be maintained by the appointing authority for not less than two years after an appointment has been made.

History: Eff. 8/31/2000, Register 156

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

Article 3

Reserved Section

[115. \(Repealed\).](#)

[120. \(Repealed\).](#)

[125. \(Repealed\).](#)

[130. \(Repealed\).](#)

[135. \(Repealed\).](#)

[2 AAC 07.115. Eligible list](#)

Repealed.

History: In effect before 6/28/84; am 6/28/84, Register 91; am 10/18/90, Register 137; am 11/3/95, Register 137; am 9/28/96, Register 143; repealed 8/31/2000, Register 156

[2 AAC 07.120. Active and inactive eligibles](#)

Repealed.

History: Eff. 6/28/84, Register 91; repealed 8/31/2000, Register 156

[2 AAC 07.125. Removal of name from list](#)

Repealed.

History: In effect before 6/28/84; am 6/28/84, Register 91; repealed 8/31/2000, Register 156

[2 AAC 07.130. Statement of availability](#)

Repealed.

History: In effect before 6/28/84; am 6/28/84, Register 91; am 9/28/96, Register 143; repealed 8/31/2000, Register 156

[2 AAC 07.135. Reactivation of names](#)

Repealed.

History: In effect before 6/28/84; am 6/28/84, Register 91; repealed 8/31/2000, Register 156

Article 4

Reserved Section

[140. \(Repealed\).](#)

[145. \(Repealed\).](#)

[150. \(Repealed\).](#)

[155. \(Repealed\).](#)

[160. \(Repealed\).](#)

[2 AAC 07.140. Certification from eligible list](#)

Repealed.

History: In effect before 6/28/84; am 6/28/84, Register 91; repealed 8/31/2000, Register 156

[2 AAC 07.145. Requests for certification](#)

Repealed.

History: In effect before 6/28/84; am 6/28/84, Register 91; repealed 8/31/2000, Register 156

[2 AAC 07.150. Methods of filling vacancies](#)

Repealed.

History: In effect before 6/28/84; am 6/28/84, Register 91; repealed 8/31/2000, Register 156

[2 AAC 07.155. Certification of eligibles to fill vacancies](#)

Repealed.

History: In effect before 6/28/84; am 6/28/84, Register 91; am 10/18/90, Register 137; am 11/3/95, Register 137; repealed 8/31/2000, Register 156

[2 AAC 07.160. Waiver of eligible list in filling nonpermanent positions](#)

Repealed.

History: In effect before 6/28/84; am 6/28/84, Register 91; repealed 8/31/2000, Register 156

Article 5

Appointments Section

[165. Position must be allocated to a job classification.](#)

[170. Selection for appointment.](#)

[175. Affirmative action.](#)

[180. Substitute appointments.](#)

[185. Subfilling positions.](#)

[190. Emergency appointments.](#)

[195. Provisional appointments.](#)

[200. \(Repealed\).](#)

[205. Trainee appointments.](#)

[210. \(Repealed\).](#)

[215. Transition period for employees moved to classified service.](#)

[220. Direct appointment from other merit systems.](#)

[225. \(Repealed\).](#)

[226. Preferential rights due to a request from a pregnant employee.](#)

[227. Preferential rights due to layoff.](#)

[228. Preferential rights of injured state employees.](#)

[230. Order of preferential rights.](#)

[235. Nonpreferential appointment rights without public notice, including transfer and rehire.](#)

2 AAC 07.165. Position must be allocated to a job classification

(a) An appointment, promotion, transfer, or demotion may not be made to a position in the classified or partially exempt service unless the position has been allocated to a class.

(b) An appointment may not be made to a nonpermanent position unless the position has been approved by the director.

(c) A commitment of appointment or salary rate may not be made to a prospective employee unless the requirements established under this chapter are satisfied.

History: In effect before 6/28/84; am 6/28/84, Register 91

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150 AS 39.25.195

2 AAC 07.170. Selection for appointment

(a) Appointments to positions in the classified service must be made on the basis of merit by selection from persons eligible for appointment without public announcement, or from the available qualified applicants responding to an announcement of a vacancy taking into account the duties that are assigned to the position.

(b) When qualified applicants are ranked under the provisions of 2 AAC 07.106, appointments will normally be made from among the most qualified applicants. If practicable and in the best interest of the state service, vacancies will be filled by promotion.

(c) Repealed 8/31/2000.

History: In effect before 6/28/84; am 6/28/84, Register 91; am 8/24/94, Register 137; am 9/28/96, Register 143; am 8/31/2000, Register 156; am 4/23/2004, Register 175

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

Editor's note: The 8/24/94 amendments to 2 AAC 07.170(a) first appeared in print in the Alaska Administrative Code with Register 137 (April 1996).

The 4/23/2004 amendment to 2 AAC 07.170(b) first appeared in print in the Alaska Administrative Code with Register 175, Oct. 2005.

2 AAC 07.175. Affirmative action

The director shall establish procedures for appointment that give consideration to affirmative action goals and shall include requirements that appointing authorities give consideration to qualified applicants of protected groups if those groups are underutilized in the job class.

History: Eff. 6/28/84, Register 91; am 8/31/2000, Register 156; am 4/23/2004, Register 175; am 8/25/2005, Register 175

Authority: AS 39.25.050 AS 39.25.070 AS 39.25.140 AS 39.25.150

[2 AAC 07.180. Substitute appointments](#)

(a) With the prior approval of the director, an appointing authority may appoint a nonpermanent employee to perform the work of a permanent employee when the permanent employee is on leave. Appointment is limited to the duration of the incumbent's leave. Nonpermanent employees appointed under the provisions of this subsection do not have the rights of employees who hold permanent substitute appointments.

(b) An appointing authority may appoint a substitute permanent employee to perform the work of another permanent employee when the employee of record is on approved leave for a period expected to exceed the probationary period. The substitute employee appointed under the provisions of this section is entitled to all rights of a permanent employee except that the substitute employee will be laid off upon the return of the incumbent of record unless the substitute employee is on leave from another position under 2 AAC 07.500(4) . In that case, the substitute employee shall return to the employee's own position with no right of layoff.

History: In effect before 6/28/84; am 6/28/84, Register 91

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

[2 AAC 07.185. Subfilling positions](#)

(a) If authorized by the director, and in the absence of at least three qualified applicants, a position in the classified service may be filled by a person eligible for appointment to a lower class in the class series. Appointment may be made by any means required or authorized by 2 AAC 07.042 - 2 AAC 07.111 and 2 AAC 07.226 - 2 AAC 07.235 for the lower class.

(b) A position in the partially exempt service may be filled by a person eligible for appointment to a lower class in the same class series when the director authorizes specific authority to the principal head of a department or agency.

(c) The appointing authority shall advise the appointee in writing of the subfill conditions, and shall assign duties consistent with the lower classification.

History: In effect before 6/28/84; am 6/28/84, Register 91; am 8/31/2000, Register 156; am 4/23/2004, Register 175; am 10/29/2004, Register 175

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

Editor's note: Effective Register 175, October 2005, the regulations attorney made a technical change to 2 AAC 07.185 to reflect the adoption of 2 AAC 07.235.

Even though the changes to 2 AAC 07.235 were effective 10/29/2004, they were not published until Register 175, Oct. 2005

[2 AAC 07.190. Emergency appointments](#)

(a) An emergency appointment may be made by the appointing authority for a period not to exceed 30 calendar days under conditions necessitating immediate action to provide for work that must be continued in the public interest.

(b) A report describing the circumstances which required the emergency appointment must be made by the appointing authority to the director within 15 days following the appointment. When the need for action for filling a vacancy is known far enough in advance to afford an opportunity for appropriate action under some other provision of this chapter or AS 39.25, an emergency does not exist and an emergency appointment may not be made.

History: In effect before 6/28/84; am 6/28/84, Register 91

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

[2 AAC 07.195. Provisional appointments](#)

(a) When authorized by the director in the absence of at least five qualified applicants, a provisional appointment of a qualified person may be made to fill a vacant position. The provisional appointment must be terminated upon the employee's competition for and appointment to the position or at the expiration of six months, whichever occurs first. When the director's evaluation of the response to an announcement of the vacancy indicates it to be in the best interests of the state service, the director may authorize the extension of a provisional appointment beyond six months.

(b) The appointing authority making a provisional appointment shall provide the director with a statement of the employee's qualifications.

(c) No person may receive more than one provisional appointment to the same position or serve in the position beyond the length of the probationary period.

(d) A provisionally appointed employee does not accrue seniority as a result of a provisional appointment except for the continuance of seniority in a lower class, unless the appointment later becomes a permanent appointment.

History: In effect before 6/28/84; am 6/28/84, Register 91; am 8/31/2000, Register 156
Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

[2 AAC 07.200. Probationary status for provisional employees](#)

Repealed.

History: In effect before 6/28/84; am 6/28/84, Register 91; am 8/31/2000, Register 156; repealed 9/22/2004, Register 175

Editor's note: Even though the repeal of 2 AAC 07.200 was effective 9/22/2004, it was not published until Register 175, Oct. 2005.

[2 AAC 07.205. Trainee appointments](#)

A person appointed to serve as an intern or apprentice must participate in an established training program approved by the director.

History: In effect before 6/28/84; am 6/28/84, Register 91

Authority: AS 39.25.050 AS 39.25.070 AS 39.25.140 AS 39.25.150 (25)

[2 AAC 07.210. Transfer appointments](#)

Repealed.

History: In effect before 6/28/84; am 6/28/84, Register 91; am 8/24/94, Register 137; repealed 4/23/2004, Register 175

Editor's note: Even though the repeal of 2 AAC 07.210 was effective 9/22/2004, it was not published until Register 175, Oct. 2005.

[2 AAC 07.215. Transition period for employees moved to classified service](#)

An employee in the exempt or partially exempt service whose position is moved to the classified service may retain the position as an exempt or partially exempt employee for up to 12 months in order to establish entitlement to appointment in the classified service. Upon successful completion of competition for the classified service position, the individual may be appointed and serve a probation period. Range and step placement will be governed by 2 AAC 07.315 - 2 AAC 07.390.

History: Eff. 6/28/84, Register 91; am 8/24/94, Register 137; am 8/31/2000, Register 156

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

Editor's note: The 8/24/94 amendment to 2 AAC 07.215 first appeared in print in the Alaska Administrative Code with Register 137 (April 1996).

[2 AAC 07.220. Direct appointment from other merit systems](#)

With the prior approval of the director, merit system employees of the United States Government or the legislative or judicial branch of the Alaska State Government may, upon transfer to the executive branch of Alaska State Government, be appointed to the classified service, notwithstanding other provisions of this chapter.

History: In effect before 6/28/84; am 6/28/84, Register 91

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150 (10)

[2 AAC 07.225. Rehire](#)

Repealed.

History: In effect before 6/28/84; am 6/28/84, Register 91; am 8/31/2000, Register 156; repealed 4/23/2004, Register 175

Editor's note: Even though the repeal of 2 AAC 07.225 was effective 9/22/2004, it was not published until Register 175, Oct. 2005.

[2 AAC 07.226. Preferential rights due to a request from a pregnant employee](#)

(a) An appointing authority may fill a position without public notice by request of a pregnant employee under AS 39.20.520 .

(b) A candidate may not be appointed to a position that is suitable for a pregnant employee and to which a pregnant employee has requested to transfer under AS 39.20.520 until the pregnant employee has been offered the position and refused the offer

History: Eff. 4/23/2004, Register 175

Authority: AS 39.20.520 AS 39.25.070 AS 39.25.140 AS 39.25.150

Editor's note: Even though the adoption of 2 AAC 07.226 was effective 4/23/2004, it was not published until Register 175, Oct. 2005.

[2 AAC 07.227. Preferential rights due to layoff](#)

If a position is not filled under 2 AAC 07.226, a person with preferential rights due to layoff may be appointed as follows:

- (1) if the vacancy is in an organizational unit for which a layoff list has been established under 2 AAC 07.405, the person who is highest in the reverse order of layoff must be considered for the vacancy; the appointing authority may offer the position to the person or may determine not to fill the position; if an employment offer is made and that person declines the offer of appointment, the next person in the reverse order of layoff must be considered until the layoff list for the organizational unit is exhausted;
- (2) if the vacancy is in an organizational unit for which no organizational unit layoff list exists, or if each person on the layoff list in the organizational unit has declined appointment, the person who is highest in the reverse order of layoff from all layoff lists in the department for the job class must be considered for the vacancy; the appointing authority may offer the position to the person or may determine not to fill the position; if an employment offer is made and that person declines the appointment, the next person in the reverse order of layoff from all layoff lists in the department for the job class must be considered until the layoff lists for the department for the job class are exhausted; however, if the vacancy exists because the position has been reallocated from another job class, if the appointment is not required to be made under the provision of this section, and the reallocation is based on duties that have been, are, and will be performed by the incumbent, the appointing authority may appoint the incumbent of the reallocated position to the new job class; this paragraph does not limit the appointing authority from filling the position through (3) of this section;
- (3) if a vacancy is in an organizational unit for which an organizational layoff list and layoff list in the department for the job class do not exist, or if each person on the layoff lists for the job class in the organizational unit and department has declined appointment, and the appointing authority has determined not to appoint the incumbent under (2) of this section, the person who is highest in the reverse order of layoff from all layoff lists in all other departments for the job class must be considered for the vacancy; the appointing authority may offer the position to the person or may determine not to fill the position; if an employment offer is made and that person declines appointment, the next person in the reverse order of layoff from all layoff lists in all other departments for the job class must be considered until the layoff lists of all departments for the job class are exhausted.

History: Eff. 4/23/2004, Register 175

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

Editor's note: Even though the adoption of 2 AAC 07.227 was effective 4/23/2004, it was not published until Register 175, Oct. 2005.

[2 AAC 07.228. Preferential rights of injured state employees](#)

- (a) If a person is not appointed under 2 AAC 07.226 or 2 AAC 07.227, a person with preferential rights because of qualification under AS 39.25.158 as an injured state employee may be appointed.
- (b) A request for a workers' compensation injury preference must be filed within 30 calendar days after the date the injured employee is released to full or modified employment by the injured employee's treating physician; the request for workers' compensation preference must
 - (1) be in writing; and
 - (2) be accompanied by a copy of the treating physician's release.
- (c) Within 90 days of release to employment, the injured employee shall submit to the director
 - (1) a complete application for state employment under 2 AAC 07.086, specifying the geographic location where the injured employee will accept employment, and indicating whether the injured employee is interested in full-time, seasonal, or part-time employment;
 - (2) a physical capacities evaluation form completed and signed by the injured employee's treating physician; and
 - (3) other material that the director may require to evaluate the request made under this subsection.
- (d) The director shall forward the materials submitted by the injured employee, along with a copy of the description of the position held by the employee at the time of injury, to the director of the division of vocational rehabilitation or to the workers' compensation reemployment benefits administrator for certification. If the injured employee is certified, the director will endeavor to place the employee in a position in accordance with AS 39.25.158 .
- (e) Nothing in this section prohibits an employee from applying for benefits for which the employee is qualified under AS 23.30 (Alaska Workers' Compensation Act).
- (f) An injured employee may exercise the workers' compensation injury preference under this section only
 - (1) once for each injury in state employment;

- (2) for a position for which the injured employee meets the minimum qualifications and is able to perform the essential functions; and
- (3) for a position that provides a comparable wage, unless the injured employee agrees in writing to accept a position at a lower base pay rate.
- (g) At any point in the placement process, the employee may agree in writing to accept a wage lower than one comparable to the employee's former position.
- (h) If an injured employee completes retraining under AS 23.30.041 , the injured employee may apply under provisions established by the director for vacancies for which the injured employee was retrained, is qualified, and is able to perform the essential functions.
- (i) If the injured employee is not placed under this section, the director shall permit the appointing authority to fill the position under provisions of 2 AAC 07.041 - 2 AAC 07.113.
- (j) A workers' compensation injury preference expires if the injured employee refuses a job offer under this section, or is placed in a position under this section, or accepts a probationary appointment through competition or non-preferential rights for a position at a comparable wage. If an injured employee receives a written offer of employment under this section and does not accept the offer within 10 calendar days of the date the offer is received, the offer is considered refused.
- (k) The appointing authority shall notify any employee subsequently employed in a position vacated by an injured employee of the injured employee's rights under AS 39.25.158 (c).
- (l) In this section,
 - (1) "comparable wage" means a wage equal to at least 75 percent of the gross hourly rate of pay earned by the injured employee at the time of the injury; all comparable wage calculations are made using the geographic salary schedule applicable to the location of the position to which the injured employee is seeking to return;
 - (2) "injured employee" means a permanent, provisional or probationary employee in the classified service who suffers an injury or disease as defined by AS 23.30.395 that is covered by a compensable workers' compensation claim, and resulted in termination of employment due to the inability to perform the essential duties of the employee's position;
 - (3) "position" means a position in the classified service other than an emergency or nonpermanent position.

History: Eff. 4/23/2004, Register 175

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150 AS 39.25.158

Editor's note: Even though the adoption of 2 AAC 07.228 was effective 4/23/2004, it was not published until Register 175, Oct. 2005.

[2 AAC 07.230. Order of preferential rights](#)

An appointing authority may fill a position without public notice by the appointment of a person who has a preferential employment right in the following order of preference:

- (1) due to a request to transfer by a pregnant employee under AS 39.20.520 ;
- (2) due to layoff under 2 AAC 07.405;
- (3) due to qualification under AS 39.25.158 as an injured state employee;
- (4) due to reassignment of duties under 42 U.S.C. 12001 - 12213 (Americans with Disabilities Act).

History: Eff. 4/23/2004, Register 175

Authority: AS 39.20.520 AS 39.25.070 AS 39.25.140 AS 39.25.150 AS 39.25.158

Editor's note: Even though the adoption of 2 AAC 07.230 was effective 4/23/2004, it was not published until Register 175, October 2005.

[2 AAC 07.235. Nonpreferential appointment rights without public notice, including transfer and rehire](#)

- (a) If not required to be filled under the provisions of 2 AAC 07.226 - 2 AAC 07.228, a vacancy may be filled without public notice by one of the means established in this section.
- (b) An employee may be transferred within a department or to a different department. Any transfer that includes a change in location affected for the good of the service without the consent of the employee must be approved by the director. The intradepartmental or interdepartmental transfer of an employee does not change the employment status of the transferred employee.
- (c) An employee who separated in good standing while holding a permanent or probationary appointment may be re-employed in the same job class or in a lower class in the same series without assessment within two years after the employee's date of separation.
- (d) If the state has entered into a collective bargaining agreement that provides for appointment to be made under provisions of the agreement that are not consistent with the provisions of this section, an appointing authority may appoint a person under the terms of the collective bargaining agreement.
- (e) The director may, solely at the director's discretion, designate job classes for which an appointing authority may request referrals for appointment from the Department of Labor and Workforce Development.

(f) If the vacancy exists because the position has been reallocated from another job class, an appointing authority may appoint the incumbent of the reallocated position to the new job class if the incumbent of the reallocated position meets the minimum qualifications of the new job class. The provisions of this subsection do not limit the appointing authority from filling the position through other means authorized in this section.

(g) An appointing authority may appoint a person who has a severe disability, as determined by the director of vocational rehabilitation, to a job class for which the person meets the minimum qualifications in provisional status for a period not to exceed four months within a 12-month period.

(h) If in the best interest of the state, and at the director's sole discretion, a current or former state employee who is receiving workers' compensation benefits, who is receiving disability retirement benefits or who has applied for disability retirement benefits, relating to their state employment, may be placed in a position in a job class for which the individual meets the minimum qualifications and is capable of performing the essential functions of the position.

(i) As authorized by AS 39.25.195 (b), in appropriate circumstances, the director may waive the requirement of using the public announcement process of 2 AAC 07.056 in filling non-permanent positions.

History: Eff 6/4/2004, Register 175; am 8/25/2005, Register 175

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150 AS 39.25.195

Editor's note: Even though the changes to 2 AAC 07.235 were effective 6/4/2004, they were not published until Register 175, Oct. 2005.

Article 6

Probationary Periods Section

[240. Objective of probation.](#)

[245. Duration of probation.](#)

[250. Extension of probationary period.](#)

[260. Return of permanent employee during probationary period.](#)

[270. Probationary status for provisional employees.](#)

[275. Completion of probation.](#)

2 AAC 07.240. Objective of probation

Permanent appointment in the classified service is subject to a probationary period. It is an integral part of the examination process, which is to be used to evaluate the employee's work and conduct on the job. A supervisor may separate without prior notice any probationary employee whose overall performance is in the judgment of the appointing authority not fully acceptable.

History: In effect before 6/28/84; am 6/28/84, Register 91; am 7/22/2004, Register 175; am 9/22/2004, Register 175

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

Editor's note: Even though the amendment of 2 AAC 07.240 was effective 7/22/2004, it was not published until Register 175, Oct. 2005.

Even though the amendment of 2 AAC 07.240 was effective 9/22/2004, it was not published until Register 175, Oct. 2005.

2 AAC 07.245. Duration of probation

(a) An employee appointed to a permanent position at salary range 13 or below must serve a six-month probationary period. An employee appointed to a permanent position at salary range 14 or above must serve a 12-month probationary period.

(b) A probationary employee who is appointed to a different position, other than by intradepartmental transfer, must serve a new probationary period. If the new appointment is a promotion within the same class series, the employee may complete the probationary period started in the lower position through service in the higher position.

(c) A permanent employee who is appointed to a different position, other than as a transfer, salary range change, or as a demotion within the same class series, must serve a new probationary period.

(d) An employee who has been recalled from a layoff list is subject to a probationary period only as necessary to complete any incomplete probationary period.

History: In effect before 6/28/84; am 6/28/84, Register 91; am 8/24/94, Register 137

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

Editor's note: The 8/24/94 amendments first appeared in print in the Alaska Administrative Code with Register 137 (April 1996).

[2 AAC 07.250. Extension of probationary period](#)

The probationary period will be extended one month for each accumulation of 23 working days of leave without pay except for periods of furlough under 2 AAC 07.407 or as otherwise provided by state or federal law.

History: In effect before 6/28/84; am 6/28/84, Register 91; am 8/24/94, Register 137; am 7/22/2004, Register 175

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

Editor's note: The 8/24/94 amendments to 2 AAC 07.250 first appeared in print in the Alaska Administrative Code with Register 137 (April 1996).

Even though the amendment of 2 AAC 07.250 was effective 7/22/2004, it was not published until Register 175, Oct. 2005.

[2 AAC 07.260. Return of permanent employee during probationary period](#)

(a) If a probationary employee holding permanent status performs in less than a fully satisfactory manner during the probationary period, the employee may be returned without prior notice to the class in which permanent status is held, or transferred to another appropriate class at the salary range in which permanent status was obtained if the employee meets the minimum requirements for the class to which transferred.

(b) When returning or transferring an employee under (a) of this section, the appointing authority shall inform the employee in writing of the unsatisfactory performance and the reasons for the return or transfer.

(c) A return or transfer under subsection (a) of this section must be within the location and department in which probationary status is held. If no vacancy exists in the class in which permanent status is held, the employee must return to the department in which permanent status was gained with no change in geographic location. If no vacancy exists in the department and job class in which permanent status was gained, the employee will be placed into layoff from the department, job class, and status in which permanent status was gained and in the location of the probationary position from which the employee is being returned, or to another location designated as acceptable to the employee.

History: In effect before 6/28/84; am 6/28/84, Register 91; am 8/25/2005, Register 175

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

[2 AAC 07.270. Probationary status for provisional employees](#)

(a) A provisional employee appointed to the employee's current position under the provisions of 2 AAC 07.235(g) and who has demonstrated the ability to perform the duties of the position must be granted probationary status retroactive to the original date of provisional appointment. The employee's ability to perform in a fully satisfactory manner must be documented in a performance evaluation by the appointing authority as provided for in 2 AAC 07.295.

(b) Retroactive probationary status in the job class must be granted to a provisional employee appointed under 2 AAC 07.195 who is selected under 2 AAC 07.170 before the end of the provisional appointment.

History: Eff. 9/22/2004, Register 175

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

Editor's note: Even though the adoption of 2 AAC 07.270 was effective 9/22/2004, it was not published until Register 175, Oct. 2005.

[2 AAC 07.275. Completion of probation](#)

Unless the appointing authority has demoted or dismissed the employee, or has notified the employee of non-retention, the employee attains permanent status upon completion of the probationary period.

History: In effect before 6/28/84; am 6/28/84, Register 91; am 7/22/2004, Register 175

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

Editor's note: Even though the amendment of 2 AAC 07.275 was effective 7/22/2004, it was not published until Register 175, Oct. 2005.

[Article 7](#)

Personnel Evaluation and Training Section

[295. Personnel evaluation.](#)

[300. Employee training.](#)

[305. Intern and apprenticeship training programs.](#)

[310. Reimbursement agreement for education costs.](#)

[2 AAC 07.295. Personnel evaluation](#)

Personnel Rules

- (a) The director shall prescribe the nature, form, and frequency of personnel evaluations and may require a personnel evaluation at any time during an employee's probationary period.
- (b) The director may take any action necessary to secure the correction of an evaluation report that is in error.
- (c) The standards of performance that are established as a basis for personnel evaluation must relate to the duties of the employee's position and the job class to which it is allocated.
- (d) The employee's supervisor shall discuss each personnel evaluation with the employee, with a goal of assisting the employee to understand the degree to which the employee is meeting the requirements of the position.
- (e) The appointing authority shall file employee evaluations with the director. An employee evaluation is open to inspection by the employee or the employee's designated agent. The evaluations must also be open for inspection, for employment related considerations, by other officers and employees at the discretion of the director.

History: In effect before 6/28/84; am 6/28/84, Register 91

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

[2 AAC 07.300. Employee training](#)

- (a) The purpose of the employee training program is to assure continued high-quality service to the public by assisting employees in improving their job performance skills and in preparing for career changes in the best interest of the state.
- (b) The director, in cooperation with appointing authorities and others, is responsible for establishing priorities within the training program. To the extent practicable, available resources will be allocated in accordance with the following priorities:
 - (1) training to improve performance in an employee's current position, including training to handle emergencies;
 - (2) training for skills required for higher level positions;
 - (3) retraining for other state jobs for employees facing layoff.

History: In effect before 6/28/84; am 6/28/84, Register 91

Authority: AS 39.25.050 (3) AS 39.25.150 (25)

[2 AAC 07.305. Intern and apprenticeship training programs](#)

With the approval of the director, an appointing authority may establish intern or apprenticeship training programs.

History: In effect before 6/28/84; am 6/28/84, Register 91

Authority: AS 39.25.050 (3) AS 39.25.150

[2 AAC 07.310. Reimbursement agreement for education costs](#)

At the discretion of the appointing authority, employees in the classified and partially exempt service receiving training for which they receive reimbursement for travel or educational costs may be required to sign an agreement to reimburse the state for all or part of the state's expenditure if they leave the service of the state as a result of their own action before the completion of a stated amount of service in accordance with procedures established by the Commissioner of Administration.

History: In effect before 6/28/84; am 6/28/84, Register 91

Authority: AS 39.25.050 (3) AS 39.25.150

[Article 8](#)

Pay Section

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[2 AAC 07.315. Beginning salary](#)

Except as provided in 2 AAC 07.315 - 2 AAC 07.390, the beginning salary of a newly appointed employee is the minimum rate for the job class.

History: In effect before 6/28/84; am 6/28/84, Register 91; am 9/28/96, Register 143

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

[2 AAC 07.316. Salary for deputy heads of a principal department](#)

(a) The initial step placement of a deputy head of a principal department shall be equal to a step in Range 28 of the salary schedule.

(b) If the employee was employed in the partially exempt or classified service before appointment as the deputy head of a principal department, and was receiving a salary higher than that established for the deputy head position, the employee shall be placed at a step or pay increment under [AS 39.27.011](#) in Range 28 that constitutes a pay increase under 2 AAC [07.330](#).

(c) A deputy head of a principal department who is not eligible for pay increments under [AS 39.27.011](#) (h) or who is not covered by 2 AAC [07.330](#), must be appointed to a step in [AS 39.27.011](#) (a). However, if the employee was employed in the exempt service within the executive branch before appointment as a deputy head of a principal department and is receiving a salary higher than that established for the deputy head position, the employee shall be placed at range 28, step F and be paid at an exception rate of pay equal to the employee's former salary.

History: Eff. 9/22/2004, Register 175; am 7/16/2008, Register 187; am 12/3/2008, Register 189

Authority: AS 39.20.080 AS 39.25.070 AS 39.25.140 AS 39.25.150 AS 39.27.011

Editor's note: Even though the adoption of 2 AAC 07.316 was effective 9/22/2004, it was not published until Register 175, Oct., 2005.

[2 AAC 07.320. Exceptions for original appointments](#)

(a) A beginning salary higher than the minimum rate for the job class may be authorized by the director for a position in the classified service or by the principal executive officer for a position in the partially exempt service. A salary rate higher than the minimum rate may only be authorized if

- (1) the appointee is exceptionally qualified;
- (2) recruitment is extremely difficult for a job class or particular position; or
- (3) the salary is authorized by the appointing authority under 2 AAC 07.325.

(b) If the employee was a State of Alaska employee before appointment as a division director, and was receiving a salary higher than that established for the director position, the employee shall be entitled to continue to receive the higher rate of pay. In such cases, the employee shall be placed at step F and be paid at an exception rate of pay equal to the employee's former salary.

History: In effect before 6/28/84; am 6/28/84, Register 91; am 9/22/2004, Register 175; am 4/15/2007, Register 182

Authority: AS 39.25.070 OAS 39.25.140 AS 39.25.150 AS 39.27.011

Editor's note: Even though the adoption of 2 AAC 07.320(b) was effective 9/22/2004, it was not published until Register 175, Oct., 2005.

[2 AAC 07.325. Exception for former employee](#)

A beginning salary higher than the minimum rate for the job class may be authorized by an appointing authority to a former employee eligible for noncompetitive rehire under 2 AAC 07.235 if the salary step does not exceed the salary step formerly earned by the employee.

History: In effect before 6/28/84; am 6/28/84, Register 91; am 4/23/2004, Register 175

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

Editor's note: Effective Register 175, October 2005, the regulations attorney made a technical change to 2 AAC 07.325 to reflect the adoption of 2 AAC 07.235.

[2 AAC 07.330. Promoted employee](#)

- (a) A promoted employee's salary must be equal to the salary of the lowest step at the higher range that provides at least the salary provided by a two-step increase in the range of the class from which promoted.
- (b) A promoted employee who has served one-half or more of the time required for consideration for a step increase in the class from which promoted must receive at least the salary provided by a three-step increase in the range of the class from which promoted.
- (c) For the purposes of this section, the two or three-step increase calculation in (a) and (b) of this section shall include the merit and pay increments of AS 39.27.011 as applicable.
- (d) Repealed 4/15/2007.

History: In effect before 6/28/84; am 6/28/84, Register 91; am 9/28/96, Register 143; am 9/22/2004, Register 175; am 4/15/2007, Register 182; am 7/16/2008, Register 187; am 7/8/2011, Register 199

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

Editor's note: Even though the changes to 2 AAC 07.330 were effective 9/22/2004, they were not published until Register 175, Oct., 2005.

[2 AAC 07.331. Exceptions for initial appointment of an employee to a new job class](#)

(a) A salary rate higher than that specified in 2 AAC 07.330 may be authorized by the director for a position in the classified service, or by the principal executive officer for a position in the partially exempt service, upon initial appointment to a new job classification for a current state employee when the appointment has been made through a competitive hire process. A salary rate higher than that specified in 2 AAC 07.330 may only be authorized if

- (1) the appointee is exceptionally qualified; or
- (2) recruitment is extremely difficult for a job class or particular position.

(b) The employee appointed under (a) of this section may not be placed in a pay increment under AS 39.27.011(h) in the new range.

History: Eff. 9/22/2004, Register 175; am 7/16/2008, Register 187; am 7/8/2011, Register 200

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

Editor's note: Even though the adoption of 2 AAC 07.331 was effective 9/22/2004, it was not published until Register 175, Oct., 2005.

[2 AAC 07.333. Acting in a higher range](#)

An employee who has received prior written delegation from the employee's principal executive officer to perform essentially all the duties of a specific position in a higher range than the employee's own for more than 15 consecutive calendar days shall, retroactive to the first day, be paid at the step in the higher range that would be appropriate in the case of a promotion. Upon resumption of the employee's normal duties, the employee will return to the employee's regular salary. Delegations to perform essentially all the duties of a specific position in a higher range may not exceed 60 consecutive calendar days unless an extension is approved in advance by the director as necessary for the economy or efficiency of the state service.

History: Eff. 8/24/94, Register 137; am 7/22/2004, Register 175

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

Editor's note: The 8/24/94 adoption of 2 AAC 07.333 first appeared in print in the Alaska Administrative Code with Register 137 (April 1996).

Even though the amendment of 2 AAC 07.333 was effective 7/22/2004, it was not published until Register 175, Oct. 2005.

[2 AAC 07.335. Salary range changes](#)

When a job class is advanced in salary range assignment from one pay range to a higher pay range, the action is called a "salary range change." The simultaneous reallocation of some positions to other job classes does not affect the action on the remaining positions. The step of all employees in positions subject to the salary range change must be advanced to the same step in the new range.

History: In effect before 6/28/84; am 6/28/84, Register 91; am 8/24/94, Register 137; am 7/22/2004, Register 175

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

Editor's note: The 8/24/94 amendments to 2 AAC 07.335 first appeared in print in the Alaska Administrative Code with Register 137 (April 1996).

Even though the amendment of 2 AAC 07.335 was effective 7/22/2004, it was not published until Register 175, Oct. 2005.

[2 AAC 07.340. Laterally moved employee](#)

The salary of an employee moving from one position to another position in the same range must remain unchanged.

History: In effect before 6/28/84; am 6/28/84, Register 91

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

[2 AAC 07.345. Demoted employees' salaries](#)

(a) An employee may be demoted for cause under 2 AAC 07.420, voluntarily demoted in the same class series, or involuntarily demoted because the employee holds a position reallocated to a class at a lower pay range.

(b) If an employee is demoted for cause, the employee's step placement must remain unchanged or be at another higher step approved in advance by the director. If an employee is demoted to a class in which they have not previously attained permanent status, the employee shall serve a new probationary period.

(c) If an employee is voluntarily demoted in the same class series, or to a closely related class series, the employee's step will be the step that best reflects the earned step based upon creditable service, or other step approved in advance by the director.

(d) Repealed 8/24/94.

(e) The salary of the incumbent of a position that is reallocated to a class at a lower pay range will be paid according to the following:

(1) if the current salary is the same as a step in the new range, the employee will enter the new range at that step;

(2) if the employee's current salary falls within the lower range, but between merit steps, the employee's salary shall be placed at the lower step and the employee's salary shall remain frozen until the employee's next merit anniversary date that results in the award of a performance incentive, at which time the employee shall be placed at the next higher step;

(3) if the employee's current salary exceeds the maximum of the new range, it shall remain frozen until it is the same as any step or falls between steps, which appear on the salary schedule at the lower range; salaries, which are frozen, are not subject to any salary increase;

(4) for purposes of this subsection, employees whose positions are subject to a reallocation from one class to another may not be paid at a pay increment under AS 39.27.011(h), unless they have earned the step in the class occupied before the reallocation action or until the step is earned in the class to which the position is reallocated; time served at the final step or pay increment of the higher range shall be counted as time served at the final step or pay increment in the lower range.

History: In effect before 6/28/84; am 6/28/84, Register 91; am 8/24/94, Register 137; am 9/22/2004, Register 175; am 4/9/2006, Register 178; am 7/16/2008, Register 187

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.170 AS 39.27.011

Editor's note: The 8/24/94 repeal of 2 AAC 07.345(d) first appeared in print in the Alaska Administrative Code with Register 137 (April 1996).

Even though the amendment of 2 AAC 07.345 was effective 9/22/2004, it was not published until Register 175, Oct., 2005.

[2 AAC 07.347. Salary of downward moved employee, other than demotion](#)

The salary of an employee moving from one position to another position in a lower pay range that is not a demotion shall be determined under 2 AAC 07.315 - 2 AAC 07.325 as appropriate.

History: Eff. 8/24/94, Register 137; am 9/28/96, Register 143

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

Editor's note: The 8/24/94 adoption of 2 AAC 07.347 first appeared in print in the Alaska Administrative Code with Register 137, April 1996.

[2 AAC 07.349. Exception for initial appointment subject to personnel rules](#)

If an employee who occupied a position subject to a collective bargaining agreement is appointed to a position in the partially exempt service, the appointing authority may set the employee's salary in accordance with 2 AAC 07.315 - 2 AAC 07.325, in lieu of setting the employee's salary in accordance with the provisions of 2 AAC 07.330, 2 AAC 07.340, 2 AAC 07.345, or 2 AAC 07.347, as applicable. The employee may not be placed in a pay increment under AS 39.27.011(h).

History: Eff. 12/24/98, Register 150; am 7/22/2004, Register 175; am 7/16/2008, Register 187

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150 AS 39.27.011

Editor's note: Even though the amendment of 2 AAC 07.349 was effective 7/22/2004, it was not published until Register 175, Oct. 2005.

2 AAC 07.350. Step differentials excluded

Geographical pay-step differentials under AS 39.27.020 must be excluded in the determination of step placement.

History: In effect before 6/28/84; am 6/28/84, Register 91

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.355. Effective date of appointments

(a) An appointment is normally made effective on the employee's first working day. An appointment may be made effective on the first of a pay period even though that day does not fall on a regular working day.

(b) Upon initial appointment, an employee may only be appointed on a holiday if the employee is required to work on that holiday.

History: In effect before 6/28/84; am 6/28/84, Register 91; am 8/25/2005, Register 175

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

2 AAC 07.360. Merit anniversary date

(a) The first day of the pay period following completion of the probationary period is the employee's merit anniversary date if the employee enters the pay range at the beginning step.

(b) The first day of the pay period following completion of one year of service is the employee's merit anniversary date if the employee enters the pay range above the beginning step.

(c) This section also applies to the establishment of a new merit anniversary date whenever an employee's movement between positions requires a new probationary period under 2 AAC 07.245.

(d) The merit anniversary date of a partially exempt employee shall be determined as if the employee were in the classified service.

(e) If a merit increase is withheld under the provisions of 2 AAC 07.365, the employee's merit anniversary date shall be moved forward one calendar year based on full-time employment or a proportionately longer period, if appropriate under the provisions of (f) and (g) of this section. If a merit increase is subsequently granted before one calendar year, the employee's merit anniversary date shall remain the same.

(f) The merit anniversary date is based on full-time employment. The merit anniversary date for part-time and seasonal employees will be proportionately longer.

(g) The merit anniversary date must be moved one month later for each 23 days of leave without pay in a year beginning December 16 and ending the following December 15, unless the leave without pay is for a furlough under 2 AAC 07.407 or as otherwise provided under state or federal law.

History: In effect before 6/28/84; am 6/28/84, Register 91; am 10/18/90, Register 137; am 8/24/94, Register 137; am 9/22/2004, Register 175; am 8/25/2005, Register 175

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

Editor's note: The 10/18/90 and 8/24/94 amendments to 2 AAC 07.360(f) first appeared in print in the Alaska Administrative Code with Register 137 (April 1996).

Even though the changes to 2 AAC 07.360 were effective 9/22/2004, they were not published until Register 175, Oct., 2005.

2 AAC 07.365. Merit increases

(a) Merit increases may be granted or withheld based upon the appointing authority's evaluation of an employee's performance.

(b) A merit increase of one step in the salary range shall be given on the merit anniversary date to an employee whose performance is considered "acceptable" or better and of progressively greater value to the state unless the appointing authority takes proactive action to deny a merit increase documented in a performance evaluation before the merit anniversary date. Any monetary increase shall be effective on the merit anniversary date.

(c) If an employee receives an overall performance evaluation of "Outstanding," a merit increase of two steps in the range may be given on the merit anniversary date at the discretion of the appointing authority. No merit increase may place an employee at a higher salary level than the top merit step of the employee's assigned salary range.

(d) A merit increase may be withheld if the employee has received an overall performance rating of "Low Acceptable" or "Unacceptable". An appointing authority may grant a merit increase when one has been withheld

once the employee demonstrates improved performance resulting in a new evaluation with an overall performance rating of "Acceptable" or better. Such increase is effective the first day of the pay period after the employee's performance evaluation documenting the improved performance is signed by the division director. History: In effect before 6/28/84; am 6/28/84, Register 91; am 9/22/2004, Register 175; am 8/25/2005, Register 175; am 7/16/2008, Register 187
 Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

Editor's note: Even though the changes to 2 AAC 07.365 were effective 9/22/2004, they were not published until Register 175, Oct., 2005.

2 AAC 07.368. Pay Increments

(a) Except as otherwise provided in secs. 23 and 24, ch. 21, SLA 2008, pay increments shall be provided after an employee has remained in the final step within a given range for two years, and every two years thereafter, if, at the time the employee becomes eligible for the increment, the employee's current annual rating as documented through a performance evaluation is designated as "good" or higher.

(b) If a pay increment is withheld due to the employee's current annual rating at the time the employee becomes eligible for the increment is designated as less than "good", the employee's pay increment date shall be moved forward one calendar year based on full-time employment or a proportionately longer period, if appropriate under the provisions of (d) and (e) of this section.

(c) An appointing authority may grant a pay increment when one has been withheld once the employee demonstrates improved performance resulting in a new performance evaluation with a rating of "good" or higher. Such increment is effective the first day of the pay period after the employee's performance evaluation documenting improved performance is signed by the division director. The employee must remain at this pay increment for two years before becoming eligible for the next pay increment.

(d) For purposes of applying [AS 39.27.011](#) (h), the two year requirement for employee eligibility for pay increments shall be based on full-time employment. The pay increment eligibility period for part-time and seasonal employees will be proportionately longer in accordance with (e) of this section.

(e) The pay increment eligibility date must be moved one month later for each 23 days of leave without pay in a year beginning December 16 and ending the following December 15, unless leave without pay is for a furlough under 2 AAC [07.407](#) or as otherwise provided under state or federal law. For part-time or seasonal employees, the difference between the time worked of the part-time or seasonal employees and that of a full-time employee is considered to be leave without pay for purposes of establishing the pay increment eligibility date under this section and [AS 39.27.011](#) (h).

History: 7/16/2008, Register 187; am 7/4/2010, Register 196

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150 AS 39.27.011

Editor's note: Even though the adoption of 2 AAC [07.368\(b\)](#) - (e) was effective 7/4/2010, it was not published until Register 196, January 2011.

2 AAC 07.370. Withholding a merit increase

Repealed.

History: In effect before 6/28/84; am 6/28/84, Register 91; repealed 9/22/2004, Register 175

Editor's note: Even though the repeal of 2 AAC 07.370 took effective 9/22/2004, it was not published until Register 175, Oct. 2005.

2 AAC 07.375. Withdrawing a salary step

(a) If an employee's work performance becomes less than acceptable, the appointing authority shall evaluate the performance of the employee and provide the employee with a copy of the performance evaluation. If the level of work performance does not become acceptable within a 30-day period, one step in the salary range may be withdrawn effective the first day of the pay period following written notification to the employee of the step withdrawal action and the reasons for the step withdrawal.

(b) No more than one salary step in the range may be withdrawn in a merit anniversary year.

(c) If an employee's performance becomes acceptable after a step withdrawal action, the salary step may be restored, effective the first day of the pay period following finalization of a performance evaluation report confirming the improved level of performance. The performance evaluation report is finalized when signed by the employee's division director.

(d) This section does not apply to employees in pay increments under AS 39.27.011(h).

History: In effect before 6/28/84; am 6/28/84, Register 91; am 7/22/2004, Register 175; am 8/25/2005, Register 175; am 7/16/2008, Register 187

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150 AS 39.27.011

Editor's note: Even though the amendment of 2 AAC 07.375 was effective 7/22/2004, it was not published until Register 175, Oct. 2005.

[2 AAC 07.380. Salary as total remuneration](#)

The salary paid to an employee is the total remuneration for the employee, exclusive of reimbursement for official travel. Except as otherwise provided in this chapter or with the prior approval of the director, no employee may receive pay from the state in addition to the salary authorized under the schedule provided in the pay plan.

History: In effect before 6/28/84; am 6/28/84, Register 91

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

[2 AAC 07.385. Pay rates](#)

(a) Employees will be paid on a monthly, daily, hourly, or other basis, that is consistent with sound accounting practices.

(b) Regular pay periods and paydays will be established. The Department of Administration will make a schedule of paydays available so that an employee can determine the payday with certainty in advance of the payday.

History: Eff. 6/28/84, Register 91

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

[2 AAC 07.390. Overtime compensation](#)

(a) Overtime eligibility and entitlements, including accrual and use and payment for compensatory time off, must be in accord with 29 U.S.C. 201 - 219 (Fair Labor Standards Act).

(b) Repealed 11/5/2010

(c) Repealed 11/5/2010

(d) Repealed 11/5/2010

(e) Repealed 11/5/2010

History: In effect before 6/28/84; am 6/28/84, Register 91; am 2/28/90, Register 126; am 7/22/2004, Register 175; am 11/5/2010/, Register 197

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

Editor's note: Even though the amendment of 2 AAC 07.390 was effective 7/22/2004, it was not published until Register 175, Oct. 2005.

[2 AAC 07.392. Overpayment](#)

(a) An overpayment discovered within one year from the time the overpayment was made will be recovered in full. An overpayment discovered after one year from the time the overpayment was made may be partially reduced or forgiven at the director's discretion unless the overpayment was the result of fraud, deception, or the employee's negligence, as determined by the director.

(b) An overpayment will be collected at the same rate at which the overpayment accrued unless an alternate repayment rate is approved by the director. If an employee separates from service, however, any remaining overpayment will be collected in full.

History: Eff. 8/25/2005, Register 175; am 7/8/2006, Register 179

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

[Article 9](#)

Separation and Demotion Section

[395. Resignations.](#)

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[2 AAC 07.395. Resignations](#)

An employee is expected to provide at least two weeks' written notice before the effective date of resignation as a condition for resigning in good standing. An employee who fails to provide two weeks notice before the effective date of the resignation will not be considered to have resigned in good standing unless the appointing authority waives this requirement. An employee may withdraw a resignation at any time before the effective date with the written approval of the appointing authority.

History: In effect before 6/28/84; am 6/28/84, Register 91; am 7/8/2006, Register 179

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

[2 AAC 07.400. Suspensions](#)

(a) The appointing authority may suspend any employee with or without pay while conducting an investigation into alleged misconduct.

(b) The appointing authority may suspend any employee without pay for misconduct. If the appointing authority suspends an employee for misconduct, the appointing authority shall provide the employee with a written statement of the reasons for the suspension.

(c) The appointing authority shall file a copy of the statement with the director. No seniority accrues during any period of suspension without pay. Upon the employee's return to duty, the period of suspension will be treated as leave without pay for the purposes of this chapter, including effect upon leave and anniversary dates.

History: In effect before 6/28/84; am 6/28/84, Register 91; am 7/22/2004, Register 175; am 9/22/2004, Register 175

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

Editor's note: Even though the amendment of 2 AAC 07.400 was effective 7/22/2004, it was not published until Register 175, Oct. 2005.

Even though the amendment of 2 AAC 07.400 was effective 9/22/2004, it was not published until Register 175, Oct. 2005.

[2 AAC 07.405. Layoff](#)

(a) An appointing authority may lay off an employee in the classified service if the employee holds a substitute appointment, if a position is abolished, if there is a shortage of work or money, or for other reasons outside the employee's control. A layoff does not reflect discredit on the service of the employee. The name of a laid-off former employee must be placed on the appropriate layoff list and may remain on it for a period of up to three years. The name of a laid-off former employee may be removed from the layoff list for any reason that an applicant would be disqualified, if the employee's application for a refund of retirement contributions from the public employees retirement system (AS 39.35) is processed, or if the employee retires under the public employees retirement system (AS 39.35) or the teacher retirement system (AS 14.25). If an employee resigns or retires, the laid-off former employee is considered to have separated without prejudice at the time of layoff.

(b) A permanent or probationary employee in the classified service may not be laid off while emergency, provisional, or nonpermanent employees are serving in the same class in the same location and the same department or organizational unit, or serving in other classes performing work to which the permanent or probationary employee could reasonably be assigned. If a permanent or probationary employee is reassigned to the emergency, provisional, or nonpermanent work, that employee shall be paid at the salary range assigned to the new position. Step placement shall be based on the rules outlined in 2 AAC 07.330, 2 AAC 07.340, or 2 AAC 07.345, as applicable.

(c) The order of layoff must be based upon performance evaluations and seniority under provisions established by the director.

(d) The appointing authority may allow an employee to volunteer for layoff before an employee whose name appears higher in the order of layoff.

(e) The appointing authority shall give a permanent or probationary employee at least two weeks' notice before the employee is laid off. The notice must be written and must state the reason for the layoff. The appointing authority shall provide the director with a copy of the notice.

(f) The names of permanent or probationary employees who are voluntarily demoted instead of being laid-off must be placed on the appropriate layoff list for the class from which demoted and remain on it for a period of up to three years or until appointed to a position at or above the salary range from which demoted, whichever comes first. The name of a laid-off former employee may be removed for any reason provided in 2 AAC 07.112.

History: In effect before 6/28/84; am 6/28/84, Register 91; am 8/19/93, Register 135; am 9/28/96, Register 143; am 8/31/2000, Register 156; am 7/22/2004, Register 175

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

Editor's note: Even though the amendment of 2 AAC 07.405 was effective 7/22/2004, it was not published until Register 175, Oct. 2005.

[2 AAC 07.407. Furlough](#)

An appointing authority may furlough an employee in the classified or partially exempt service, for up to 10 working days in a fiscal year without regard to the layoff provisions of 2 AAC 07.405, if the principal executive officer of the department makes a written finding, subject to approval by the governor, that a furlough is necessary to meet budgetary constraints. The appointing authority shall provide an employee with at least two weeks advance notice of a furlough. A furlough shall be treated as if the employee were in pay status in its effects on the probationary period, leave accrual, and merit anniversary dates.

History: Eff. 8/24/94, Register 137; am 7/22/2004, Register 175

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

Editor's note: The 8/24/94 adoption of 2 AAC 07.407 first appeared in print in the Alaska Administrative Code with Register 137 (April 1996).

Even though the amendment of 2 AAC 07.407 was effective 7/22/2004, it was not published until Register 175, Oct. 2005.

[2 AAC 07.410. Status of seasonal employees](#)

A seasonal employee will be placed on seasonal leave without pay at the end of the prescribed work season. The employee remains the incumbent of the position and is not placed on layoff status.

History: In effect before 6/28/84; am 6/28/84, Register 91

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150 (25)

[2 AAC 07.415. Dismissal](#)

(a) The appointing authority may dismiss a permanent employee for just cause only. Except in cases of egregious misconduct, the permanent employee must be given two weeks' notice before the dismissal, unless the employee's presence at the work site is contrary to the best interests of the state, in which case the employee will receive two weeks pay in lieu of notice.

(b) In cases of egregious misconduct, the employee is subject to immediate dismissal. "Egregious misconduct" includes chemical or alcohol impairment, disobedience, dishonesty, physical misconduct, abusive or lewd behavior, or abandonment of duties.

(c) If the appointing authority dismisses an employee, the appointing authority shall provide the employee with a written statement of the reasons for dismissal. The appointing authority shall file a copy of the statement with the director.

History: In effect before 6/28/84; am 6/28/84, Register 91; am 9/22/2004, Register 175

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

Editor's note: Even though the amendment of 2 AAC 07.415 took effect 9/22/2004, it was not published until Register 175, Oct. 2005.

[2 AAC 07.416. Effects of violations of federal or state law](#)

(a) An employee who receives a citation requiring a court appearance, or who is arrested or convicted for a misdemeanor or felony, must report the citation, arrest, or conviction to the employee's division director by the end of the following working day. An employee who fails to report a citation, arrest or conviction may be subject to disciplinary action, up to and including dismissal.

(b) An employee who violates a federal or state law or regulation may be subject to disciplinary action up to and including dismissal if there is a clear nexus between the offense and the employee's duties or if the violation impairs the employee's ability to perform the duties of the employee's position.

History: Eff. 9/22/2004, Register 175

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

Editor's note: Even though the adoption of 2 AAC 07.416 took effect 9/22/2004, it was not published until Register 175, Oct. 2005.

[2 AAC 07.420. Involuntary demotion](#)

(a) An appointing authority may demote an employee for just cause to a lower class in the same class series or to another class series if the employee meets the minimum qualifications. The reasons for the demotion must be given to the employee in writing and a copy filed with the director. If the employee is placed in a new class in which the employee did not previously hold permanent status, the employee must serve a new probationary period.

(b) In addition to the provisions in (a) of this section, an employee with permanent status who is serving a new probationary period may be returned without prior notice to the class in which the employee holds permanent status or the employee may be transferred under 2 AAC 07.260.

History: In effect before 6/28/84; am 6/28/84, Register 91; am 7/22/2004, Register 175; am 9/22/2004, Register 175

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

Editor's note: Even though the amendment of 2 AAC 07.420 was effective 7/22/2004, it was not published until Register 175, Oct. 2005.

Even though the amendment of 2 AAC 07.420(b) was effective 9/22/2004, it was not published until Register 175, Oct. 2005.

[2 AAC 07.425. Voluntary demotion](#)

A permanent employee may elect to take a voluntary demotion to a lower class in the same, or closely related, class series. For purposes of this section, "permanent employee" includes an employee in the partially exempt service, however, an employee in the partially exempt service may voluntarily demote only to a position in the partially exempt service.

History: In effect before 6/28/84; am 6/28/84, Register 91; am 7/22/2004, Register 175; am 7/8/2006, Register 179

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

Editor's note: Even though the amendment of 2 AAC 07.425 was effective 7/22/2004, it was not published until Register 175, Oct. 2005.

[Article 10](#)

Disputes: Hearings and Appeals Section

[435. Procedure for all complaints other than dismissal, demotion, or suspension over 10 consecutive working days, or a total of 30 working days in a 12-month period.](#)

[440. Appeal procedure in the case of dismissal, demotion, or suspension over 10 consecutive working days, or a total of 30 working days or more in a 12-month period.](#)

[445. Interagency disputes.](#)

[450. Resolution of complaints made by the public.](#)

[2 AAC 07.435. Procedure for all complaints other than dismissal, demotion, or suspension over 10 consecutive working days, or a total of 30 working days in a 12-month period](#)

(a) An employee in the classified service who is not covered by a collective bargaining agreement may file a complaint. No act of reprisal may be taken against the complainant or against any other employee taking part in the presentation or adjudication of a complaint, as a result of good-faith use of the complaint procedures established by this section.

(b) An employee who has a complaint relating to the employee's position, to the employee's working conditions, or to a condition of the employee's employment, or regarding non-retention, may be heard in accordance with the following procedures:

(1) within 10 working days after the action being disputed, the employee shall present the complaint in writing to the employee's division director; the division director will attempt to resolve the complaint and shall issue a written finding to the employee within 10 working days after presentation of the complaint;

(2) if the employee is not satisfied by the written findings of the division director under (1) of this subsection, the employee may pursue the complaint by submitting it in writing to the commissioner of administration within five working days after the response from the division director is due; the commissioner of administration shall issue a written finding to the complainant within 15 working days after presentation of the complaint; the commissioner's findings are the final administrative decision;

(3) If the employee fails to meet the timeframes set out in (1) or (2) of this subsection, the appeal is considered moot and will not be considered further; timeframes set out in (1) and (2) of this subsection may be extended by mutual agreement between the complainant and the designated responder.

(4) repealed 10/29/2004;

(5) repealed 10/29/2004.

(c) repealed 10/29/2004.

(d) repealed 10/29/2004.

(e) repealed 10/29/2004.

(f) repealed 10/29/2004.

(g) repealed 10/29/2004.

Personnel Rules

History: In effect before 6/28/84; am 6/28/84, Register 91; am 12/24/98, Register 150; am 10/29/2004, Register 175; am 8/28/2005, Register 175

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

Editor's note: Even though the changes to 2 AAC 07.435 were effective 10/29/2004, they were not published until Register 175, Oct. 2005.

[2 AAC 07.440. Appeal procedure in the case of dismissal, demotion, or suspension over 10 consecutive working days, or a total of 30 working days or more in a 12-month period](#)

(a) A permanent employee in the classified service who is not covered by a collective bargaining agreement, and who is, dismissed, demoted, or suspended for more than 10 consecutive days, or more than a total of 30 working days in a 12-month period may appeal as follows:

(1) within five days following receipt of written notification, the employee may address an appeal in writing to the principal executive officer of the employing agency setting out the reasons for the appeal;

(2) if a satisfactory resolution is not obtained through the decision of the principal executive officer within five working days after the date of the appeal, the employee may appeal the action to the personnel board;

(3) if the action of the principal executive officer is appealed, the personnel board will consider the appeal of the employee; if a hearing is requested, the board will, as soon as practicable, set a date, time, and place for the hearing; the board will give at least two weeks' written notice of the hearing to both the employee and the appointing authority, and will hold the hearing within 60 days after the date of the appeal; the hearing will be closed if requested by the employee; the employee may be represented by counsel at the hearing.

(b) A hearing conducted by the personnel board under (a) of this section will be held in accordance with the following guidelines:

(1) the hearing will be open to the public, unless the issue involves confidential information that is protected under AS 39.25.080 ; the disputing employee may request a closed hearing;

(2) the personnel board will schedule the hearing date as required under AS 39.25.170 ; in its discretion, the personnel board will appoint a hearing officer who shall promptly schedule a pre-hearing conference with the parties; at the pre-hearing conference, the hearing officer may require the parties to submit pre-hearing briefs, and exchange witness and exhibit lists; the hearing officer may set a deadline for filing motions; the hearing officer may provide for and regulate pre-hearing discovery; the hearing officer has the authority to sign subpoenas issued under AS 39.25.175 ;

(3) a party to the appeal may be represented by counsel upon giving written notice to the other parties and to the board or the hearing officer within five working days before the hearing;

(4) all witnesses must be sworn;

(5) the board, or hearing officer will, in its discretion, admit any pertinent evidence, regardless of the existence of any common law, statutory, or judicial rule that may bar the admission of such evidence in a judicial proceeding, if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs; hearsay evidence may be used for the purpose of supplementing or explaining direct evidence, but will not be sufficient in itself to support a finding, unless it would be admissible over objection in a civil action;

(6) at the hearing, each party, commencing with the party who bears the burden of proof, shall present its position and may

(A) utilize oral testimony taken under oath or affirmation;

(B) examine witnesses;

(C) introduce exhibits;

(D) cross-examine opposing witnesses on matters relevant to the issues even though that matter was not covered in the direct examination;

(E) discredit a witness regardless of which party first called the witness to testify;

(F) rebut the evidence against that party;

(G) make closing arguments or submit post-hearing briefs to be determined in the discretion of the hearing officer or personnel board;

(7) pleadings, motions, and other papers must conform to the service procedures set out in the Alaska Rules of Civil Procedure;

(8) upon prior request and approval, witnesses, parties, and their counsel may appear by teleconference;

(9) notwithstanding any provisions in (1) of this subsection, the personnel board will, in its discretion, ask questions of any party or witness at any point during the hearing; in its discretion, the personnel board or the hearing officer may seek additional evidence; all parties to the appeal must be duly notified and given an opportunity to participate in the consideration of additional evidence; the personnel board or the hearing officer may require parties to the appeal and witnesses to remain available to assist in the event additional evidence is sought;

(10) if the hearing is held by a hearing officer, the hearing officer shall issue a proposed decision within 15 working days after the hearing is completed;

(11) unless otherwise contrary to this chapter, all phases of the hearing except the deliberations of the personnel board and the hearing officer shall be recorded;

(12) the personnel board will maintain a record of the proceedings for two years after completion of the action.

(c) If a dispute hearing under this section is held by a hearing officer, the personnel board may adopt the proposed decision in its entirety, or may revise the proposed penalty and adopt the balance of the proposed decision.

(d) If a dispute hearing under this section is held by a hearing officer and the proposed decision is not adopted under (c) of this section, the personnel board, in its discretion, may decide the dispute upon the record including the transcript or tape recording of the earlier hearing, with or without taking additional evidence, or may refer the dispute to the same or another hearing officer to take additional evidence.

(e) If the dispute is referred to a hearing officer for the taking of additional evidence, the hearing officer shall prepare a proposed decision based upon the additional evidence and the record of the earlier hearing. The board will, in its discretion, give the parties the opportunity to present argument, either oral or written, before the board. If oral argument is presented, a board member may not vote unless that member heard the oral argument.

(f) If, in the hearing under (a)(3) or (b) of this section, the board finds that the action complained of was due to discrimination based on race, religion, color, national origin, age, physical or mental disability, sex, marital status, change in marital status, pregnancy, parenthood, political beliefs, or any other reason not related to merit, or in violation of the provisions of the State Personnel Act (AS 39.25) or this chapter, the employee must be reinstated without loss of pay or benefits for the period of dismissal, demotion, or suspension. In all other cases the personnel board will report its findings and recommendations to the appointing authority, the employee, and to the director.

(g) The time limits established in this section may be extended by the director if it is determined that the limits impose undue restrictions upon either party.

History: In effect before 6/28/84; am 6/28/84, Register 91; am 8/24/94, Register 137; am 12/24/98, Register 150; am 10/29/2004, Register 175

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150 AS 39.25.170

Editor's note: The 8/24/94 repeal and readoption of 2 AAC 07.440 first appeared in print in the Alaska Administrative Code with Register 137 (April 1996).

Even though the repeal and readoption of 2 AAC 07.440 was effective 10/29/2004, it was not published until Register 175, Oct. 2005.

[2 AAC 07.445. Interagency disputes](#)

For a dispute arising from a personnel issue involving two or more agencies, the appointing authorities of the agencies involved shall attempt to resolve the dispute. If the dispute is not resolved, one or more of the agencies may present the matter to the director for review. The director shall make recommendations to the agencies involved and to the commissioner of administration. The decision of the commissioner of administration is final.

History: In effect before 6/28/84; am 6/28/84, Register 91; am 7/22/2004, Register 175

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

Editor's note: Even though the amendment of 2 AAC 07.445 was effective 7/22/2004, it was not published until Register 175, Oct. 2005.

[2 AAC 07.450. Resolution of complaints made by the public](#)

(a) Members of the general public have the right to resolution of complaints arising out of application for state employment, state employment examinations, and the selection process under the procedures established in this section.

(b) Inquiries involving the application, examination, or selection process may be submitted to the division of personnel. Inquiries by telephone and personal appearance will be treated as informal inquiries and will be handled by a division of personnel employee who is qualified to answer questions or correct a mistake. The inquiry may be submitted in writing, or reduced to writing for submission at the request of a division of personnel employee. A written inquiry, appeal, or other similar communication submitted to the division of personnel within 10 working days after the action complained of will be treated as a complaint. The director shall investigate the complaint, take appropriate action to resolve the complaints and issue a final written decision within 15 working days. The decision of the director is final.

(c) Repealed 4/23/2004.

(d) The time limits established in this section may be extended by the director if it is determined that the limits impose undue restrictions upon either party.

History: Eff. 6/28/84, Register 91; am 9/28/96, Register 143; am 4/23/2004, Register 175

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

Editor's note: Even though the changes to 2 AAC 07.450 were effective 4/23/2004, they were not published until Register 175, Oct. 2005.

Article 11

Leave Section

[500. When a leave of absence may be granted.](#)

[505. Copies to be provided.](#)

[510. Filling a position while incumbent on approved leave.](#)

[515. Cancellations of leaves of absence.](#)

2 AAC 07.500. When a leave of absence may be granted

The principal executive officer may grant a leave of absence from a position under any of the following conditions:

(1) to permit a permanent employee of the classified service to accept an appointive position in the exempt or partially exempt service upon a finding by the principal executive officer that such leave is in the best interest of the department; the granting of such leave must be in writing with a copy provided to the employee and the director before the leave begins; such leave may be for a period not to exceed four years but may be extended in writing by the principal executive officer for additional periods;

(2) upon application by a permanent or probationary employee for disability because of sickness or injury such leave is limited to one month for each full month of probationary/permanent service up to a maximum of 24 months; the principal executive officer may from time to time require the employee to submit a certificate from the attending physician or from a designated physician as evidence that the leave should be continued; entitlements to time off from work provided by federal or state statute or regulation run concurrently with the provisions of this regulation.

(3) upon application by a permanent or probationary employee for travel or study calculated to equip the employee to render more effective service to the state;

(4) upon application by a permanent or probationary employee to accept a substitute appointment to a position from which an incumbent of record is on military leave covered under 38 U.S.C. 4301-4334 (Uniformed Services Employment and Reemployment Rights Act) or an approved leave under (1) - (3) of this section.

History: In effect before 6/28/84; am 6/28/84, Register 91; am 8/24/94, Register 137; am 8/25/2005, Register 175; am 4/15/2007, Register 182

Authority: AS 39.20.225 AS 39.25.150 AS 39.25.195

Editor's note: The 8/24/94 amendments to 2 AAC 07.500(1) first appeared in print in the Alaska Administrative Code with Register 137 (April 1996).

2 AAC 07.505. Copies to be provided

Copies of all approvals of leaves of absence must be provided to the director.

History: Eff. 6/28/84, Register 91; am 7/22/2004, Register 175

Authority: AS 39.25.150

Editor's note: Even though the amendment of 2 AAC 07.505 was effective 7/22/2004, it was not published until Register 175, Oct. 2005.

2 AAC 07.510. Filling a position while incumbent on approved leave

Positions with incumbents on approved leave may be filled by a substitute appointment under 2 AAC 07.180.

History: In effect before 6/28/84; am 6/28/84, Register 91

Authority: AS 39.25.150 (25)

2 AAC 07.515. Cancellations of leaves of absence

A leave of absence from a position is subject to cancellation by the principal executive officer at any time upon prior written notice to the employee, specifying a reasonable date of termination of the leave. The principal executive officer shall cancel the leave upon a finding that the employee is using the leave for purposes other than that specified at the time of approval.

History: In effect before 6/28/84; am 6/28/84, Register 91

Authority: AS 39.25.150 (25)

[Article 12 - 18. Reserved](#)

[Article 19](#)

Miscellaneous Provisions Section

[800. Organizational units.](#)

[805. Hours of work.](#)

[810. Holidays.](#)

[815. Demonstration projects authorized.](#)

[2 AAC 07.800. Organizational units](#)

(a) An appointing authority may propose subdivision of an agency into organizational units for purposes of employment or layoff by submitting a written plan for subdivision to the director. Organizational units may be recognized on the basis of geographic area, function or class of employment, and may be different for different classes and types of employment. For purposes of this section, the types of employment are full-time, part-time and seasonal.

(b) The director shall notify the appointing authority of recognized organizational units, and those units must after that be used as a basis for employment or layoff. The appointing authority shall post a copy of the notice of recognition and shall distribute copies of the notice to affected employees.

(c) The director may withdraw recognition of organizational units created under this section upon notice to the appointing authority at any time the director determines that withdrawal of recognition is in the best interests of the state service.

History: In effect before 6/28/84; am 6/28/84, Register 91

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

[2 AAC 07.805. Hours of work](#)

The normal workweek shall consist of hours of work or pay from Sunday midnight to Sunday midnight. The number of hours worked per week shall be the same as those worked by the majority of state employees whose work hours are established pursuant to a collective bargaining agreement under AS 23.40.

History: In effect before 6/28/84; am 6/28/84, Register 91; am 4/2/88, Register 107; am 9/3/89, Register 123; am 7/22/2004, Register 175

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

Editor's note: Even though the amendment of 2 AAC 07.805 was effective 7/22/2004, it was not published until Register 175, Oct. 2005.

[2 AAC 07.810. Holidays](#)

(a) The following days are observed as holidays for state employees who are in permanent, provisional or probationary status:

- (1) the first of January, known as New Year's Day;
- (2) the third Monday of January, known as Martin Luther King Jr.'s Birthday;
- (3) the third Monday in February, known as President's Day;
- (4) the last Monday in March, known as Seward's Day;
- (5) the last Monday in May, known as Memorial Day;
- (6) the Fourth of July, known as Independence Day;
- (7) the first Monday in September, known as Labor Day;
- (8) the 18th of October, known as Alaska Day;
- (9) the 11th of November, known as Veterans' Day;
- (10) the fourth Thursday in November, known as Thanksgiving Day;
- (11) the 25th of December, known as Christmas Day;

(12) every day designated by public proclamation by the President of the United States as a national holiday or by the governor of the state as a legal holiday; an executive order limited to closing federal offices does not constitute a public proclamation of a national holiday.

(b) If a holiday listed in (a) of this section falls on a Sunday, the following Monday shall be observed as a holiday.

(c) If a holiday listed in (a) of this section falls on a Saturday, the preceding Friday shall be observed as a holiday.

(d) All employees may be directed to work on a day designated to be observed as a holiday, except for New Year's Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. If an employee is directed to work on a day designated to be observed as a holiday, the employee's personal leave account shall be credited with an additional day of leave.

(e) For purposes of this section, "observed" means a day off from work with pay.

History: Eff. 1/16/88, Register 109; am 2/28/90, Register 126; am 12/28/90, Register 126; am 7/22/2004, Register 175

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

Editor's note: Even though the amendment of 2 AAC 07.810 was effective 7/22/2004, it was not published until Register 175, Oct. 2005.

[2 AAC 07.815. Demonstration projects authorized](#)

(a) Except as provided in his section, the director may conduct and evaluate demonstration projects. Subject to the provisions of this section, demonstration projects may provide the following:

- (1) the methods of establishing qualification requirements for recruitment and appointment to positions;
- (2) the methods of classifying positions and compensating employees; and
- (3) the methods of assigning, reassigning, evaluating, or promoting employees.

(b) The director may waive any provision of this chapter for a demonstration project under this section if the waiver is consistent with AS 39.25 (State Personnel Act) and other applicable law.

(c) The director will develop a plan for a demonstration project, before conducting the demonstration project, which identifies

- (1) the purposes of the project;
- (2) the types of employees, applicants, or positions to be included;
- (3) the methodology;
- (4) the expected duration; and
- (5) a specific citation to any provision of this chapter that is waived for the demonstration project.

(d) Before implementing the demonstration project, the director shall present the demonstration project plan to the personnel board for comment.

(e) The director shall evaluate the results of each demonstration project to assess the degree to which its purposes have been achieved.

(f) A report of all ongoing demonstration projects shall be made to the personnel board every six months specifically reporting any new waivers. The waivers are effective until rejected by the personnel board.

History: Eff. 1/15/97, Register 150; am 8/31/2000, Register 156; am 7/22/2004, Register 175

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

Editor's note: Even though 2 AAC 07.815 was adopted effective 1/15/97, it was not published until Register 150, July 1999.

Even though the amendment of 2 AAC 07.815 was effective 7/22/2004, it was not published until Register 175, Oct. 2005.

[Article 20](#)

General Provisions Section

[900. Purpose.](#)

[905. Scope of chapter.](#)

[910. Personnel records.](#)

[915. Job references.](#)

[920. Written personnel actions.](#)

[930. Personnel duties.](#)

[940. \(Repealed\).](#)

[950. Nepotism.](#)

[960. \(Repealed\).](#)

[970. Reporting violations.](#)

[980. Enforcement.](#)

[990. National emergency or civil disaster.](#)

[999. Definitions.](#)

[2 AAC 07.900. Purpose](#)

The purpose of 2 AAC 07.005 - 2 AAC 07.999 is to establish a personnel system based on principles of merit and to assure equal employment opportunity for all applicants and employees of the state covered by this chapter.

History: Eff. 6/28/84, Register 91

Authority: Ak. Const.,

Art. XII, sec. 6 AS 39.25.010

[2 AAC 07.905. Scope of chapter](#)

This chapter applies to positions in the classified service and to nonpermanent positions. This chapter applies to positions in the partially exempt service only as specifically provided. This chapter does not apply to persons in the exempt service under AS 39.25.110 .

History: In effect before 6/28/84; am 6/28/84, Register 91

Authority: AS 39.25.090

[2 AAC 07.910. Personnel records](#)

(a) This section applies to the records of applicants for state employment and to the employment records of current and former classified and partially exempt employees.

(b) As provided in AS 39.25.080 , the following information, if available, is open for public inspection:

(1) names and position titles of all state employees;

(2) the position held by a state employee or a former employee;

(3) the prior positions held by a state employee;

(4) whether the employee or former employee is, or was, in the classified, partially exempt, or exempt service;

(5) the dates of appointment and separation of a state employee; and

(6) the compensation authorized for a current state employee.

(c) All other records of applicants for employment and employees in the classified and partially exempt service, including applications and resumes, are confidential and will be released only under the following conditions:

(1) to a state agency, for personnel related activities; the director shall establish and maintain a list of state officials and employees whose duties require the use of state personnel records; those state officials and employees on the list will be granted access to personnel records for use in connection with activities related to the state system of personnel administration; the state official or employee who requests information must sign an agreement that confidential information will not be released or made public;

(2) to the child support services agency created under AS 25.27.010 or the child support agency of another state; the custodian of a state personnel record, in the custodian's discretion, shall request identification to verify that the person requesting the record is authorized by statute to receive the record; if satisfied that the person requesting the record is authorized by statute to receive the record, the custodian shall promptly make the record available;

(3) to a state agency for any other purpose; information maintained in personnel records will be released upon receipt of a written authorization from the employee, former employee, or applicant for employment whose records are requested; if no such authorization is submitted, personnel records will be released to other state officials and employees who are authorized by statute to review such state documents, upon receipt of a subpoena issued by competent authority and the execution of an agreement that confidential information will not be released or made public;

(4) to the public, upon receipt of a written authorization from the employee, former employee, or applicant for employment whose records are requested, or upon receipt of an order of a court of competent jurisdiction;

(5) a request for records not covered by paragraphs (1) - (4) of this subsection will be addressed to the director; the director or director's designee shall review the request and may approve the release of information if that release would be in the best interests of the state and can be accomplished without violation of the employee's, former employee's, or applicant's right to privacy.

History: In effect before 6/28/84; am 6/28/84, Register 91; am 12/24/98, Register 150; am 8/25/2005, Register 175

Authority: AS 39.25.080 AS 39.25.140 AS 39.25.150

Editor's note: As of Register 171 (October 2004), and acting under AS 44.62.125 (b)(6) and sec. 12, ch. 107, SLA 2004, the regulations attorney made technical changes to reflect the name change of the child support enforcement agency to the child support services agency made by sec. 1, ch. 107, SLA 2004.

prospective employer, or the employee or former employee, in accordance with AS 09.65.160 . This disclosure may be from information that is open to public inspection or from the supervisor's, successor's, or designee's direct personal knowledge of the employee's or former employee's job performance.

History: Eff. 9/16/94, Register 135; am 9/28/96, Register 143

Authority: AS 39.25.140 AS 39.25.150

2 AAC 07.920. Written personnel actions

A personnel action affecting a position or employee in the classified or partially exempt service must be issued in writing on a form that is approved by the director. A copy of the action must be provided to the director by the issuing authority.

History: In effect before 6/28/84; am 6/28/84, Register 91

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150 (25)

2 AAC 07.930. Personnel duties

The director may delegate personnel responsibilities and duties to the principal executive officer of principal departments of the executive branch. The delegated responsibility must be exercised personally by that employee unless further delegation has been approved by the director.

History: In effect before 6/28/84; am 6/28/84, Register 91

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150 (23) 2 AAC 07.940. Prohibitions

Repealed 11/16/87.

2 AAC 07.940. Prohibitions

Repealed 11/16/87.

2 AAC 07.950. Nepotism

(a) No person may be employed in the classified or partially exempt service in a department or agency if that person is the spouse of, or is related by blood or marriage, within and including the second degree of kindred, to the principal executive officer of the department or agency, to the principal executive officer's deputy or to an assistant principal executive officer.

(b) An appointing authority may not appoint a person to a classified or partially exempt position in a division of a state department or agency if that person is related by blood or marriage, within and including the second degree of kindred, to the director of that division, to a deputy director, or to an assistant director.

(c) Upon written approval of the principal executive officer of the department or agency, an appointing authority may appoint a person to a classified or partially exempt position in a state department or agency if that person is related by blood or marriage, within and including the second degree of kindred, to an employee in the department or agency unless the appointment places a person in a direct supervisory relationship to a person related by blood or marriage within and including the second degree of kindred, or that is prohibited by (a) or (b) of this section, or the employee otherwise has the authority to take or withhold official action affecting the terms or conditions of the immediate family member's employment in a manner that violates state law.

(d) A copy of any written approval of appointment executed under subsection (c) of this section must be filed with the director.

History: In effect before 6/28/84; am 6/28/84, Register 91; am 12/3/2008, Register 189

Authority: AS 39.25.150 AS 39.52.910 AS 39.90.020

2 AAC 07.960. Other employment

Repealed 11/16/87.

2 AAC 07.970. Reporting violations

(a) An employee having knowledge of a violation of the provisions of this chapter or the State Personnel Act (AS 39.25) shall report the violation to the employee's supervisor or appointing authority if the violation concerns some person in the reporting employee's agency or department. If the violation concerns a person that is not employed by the same agency or department as the reporter, then the report must be made to the director.

(b) A supervisor or appointing authority notified under (a) of this section shall:

- (1) investigate the allegation;
- (2) prepare a written statement of the findings;
- (3) take any necessary action in accordance with this chapter and the Personnel Act to correct the violation;
- (4) take appropriate disciplinary action against the officer or employee responsible for the violation; and
- (5) report the findings and actions taken to the principal executive officer.

- (c) When a violation of this chapter or the State Personnel Act (AS 39.25) is reported to the director under (a) of this section, the director shall notify the principal executive officer of the appropriate agency or department.
- (d) The principal executive officer shall report all instances of violations of the provisions of this chapter or the State Personnel Act to the attorney general. A copy of the report must be sent to the director.
- (e) No act of reprisal may be taken against an employee as a result of good-faith use of this section.

History: Eff. 6/28/84, Register 91

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150 (25) AS 39.25.210

2 AAC 07.980. Enforcement

(a) The director shall enforce this chapter. The director may, in the performance of an official duty, correct the status of an employee, change an employee's salary, or vacate or otherwise correct any appointment which is not in accordance with state law and this chapter. An affected employee may appeal any determination of the director made under this section to the personnel board.

(b) If a violation of this chapter occurs, and a department head or the appointing authority fails to enforce the personnel rules within a reasonable period of time, the director shall take whatever action is necessary to secure compliance with the rules.

History: In effect before 6/28/84; am 6/28/84, Register 91

Authority: AS 39.25.040 AS 39.25.050 AS 39.25.070 AS 39.25.140 AS 39.25.150 (25)

2 AAC 07.990. National emergency or civil disaster

(a) In the event of a national emergency or civil disaster, emergency appointments may be made to the state service under AS 39.25.195 - 39.25.200.

(b) A manager or supervisor may assign employees to other duties for the duration of the emergency or disaster.

History: In effect before 6/28/84; am 6/28/84, Register 91; am 7/22/2004, Register 175

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150

Editor's note: Even though the amendment of 2 AAC 07.990 was effective 7/22/2004, it was not published until Register 175, Oct. 2005.

2 AAC 07.999. Definitions

Unless the context indicates otherwise, in this chapter

- (1) "appeal" means a permanent employee's appeal of a dismissal, demotion, or suspension over 10 consecutive working days, or a total suspension over 30 working days in a 12-month period;
- (2) "appointing authority" means the official to whom appointing authority has been assigned or delegated under AS 39.25.020 ;
- (3) "assessment" means a method or device used by an appointing authority to determine or evaluate an applicant's knowledge, skill, ability, education, or experience in order to fairly predict the applicant's satisfactory performance of the duties of the position;
- (4) "class" or "class of positions" means one or more positions sufficiently similar as to duties and responsibilities, degree of supervision exercised or required, and as to entrance requirements, that the same descriptive title may be used to designate them;
- (5) "class series" means a grouping of two or more classes sharing a common title, and characterized by duties that are similar in nature but with different and progressively higher degrees of responsibilities;
- (6) "class specification" is a written statement of duties and responsibilities, that are characteristic of a class of positions; "class specification" includes the education, experience, knowledge, and ability required to perform the work of the class of positions;
- (7) "classification plan" means the orderly arrangement into classes of all positions in the classified and partially exempt services;
- (8) "complaint" means an employee's notice to the employee's division director of dissatisfaction regarding working conditions, the manner of application or failure to apply personnel laws, rules, or policies as established or interpreted by the director, disciplinary action excluding dismissal, demotion, or suspension over 30 days or over a total of 30 working days in a 12-month period, or the allocation of the employee's position;
- (9) "consideration" means an assessment of a candidate during the selection process when the appointing authority has obtained enough knowledge of the candidate's background in relationship to the job to determine whether or not the candidate should be selected, rejected, or given further consideration; methods of consideration can range from a review of the candidate's work history, or application, to a telephone or in-person interview; the appointing authority must be prepared to provide the applicant with the job-related reason for which the applicant was not selected;

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- (10) "demotion" means the movement of an employee from one salary range to a lower salary range in the same, or closely related class series; under the provisions of 2 AAC 07.440, demotion applies only to permanent employees;
- (11) "director" means the director of the division of personnel in the Department of Administration;
- (12) "disabled veteran" has the meaning given in AS 39.25.159 ;
- (13) "dismissal" means the involuntary separation of a permanent employee from the state service for reasons other than layoff;
- (14) "domicile" means the true and permanent home of a person, from which the person has no present intention of moving and to which the person intends to return whenever the person is away;
- (15) "emergency employee" means an employee appointed for a period not to exceed 30 calendar days whose appointment was made under conditions requiring immediate action to carry on work required in the public interest;
- (16) "employee" means a person in the state service who is paid a salary or wage and who is
(A) wholly subject to the State Personnel Act in AS 39.25 and this chapter (classified employee); or
(B) partially subject to that Act and this chapter (partially exempt employee);
- (17) "good standing" means upon separation an employee provided at least two weeks notice of separation to the employee's immediate supervisor unless the appointing authority waives this requirement, and the employee's last performance evaluation on record reflects an overall rating of mid-acceptable or higher; resignation during the pendency of an investigation or in lieu of nonretention or dismissal does not constitute good standing;
- (18) "layoff" means the separation of an employee due to a shortage of work, insufficient funds, the abolishment of a position, the release of a substitute appointment because the permanent incumbent returns to work, or for any other reason not reflecting discredit on the employee;
- (19) "nonpermanent employee" means an employee in the classified service whose employment is time-limited;
- (20) "nonpermanent position" means a work assignment of less than 120 days, or a work assignment established for a specific program or project;
- (21) "nonretention" means separation of a probationary employee from a position due to failure to complete the probationary period;
- (22) "partially exempt service" means those positions in the state service listed or provided for in AS 39.25.120 and 39.25.130;
- (23) "pay plan" means the salary schedule established and amended by the legislature;
- (24) "performance evaluation" means a written appraisal of an employee's job related performance, on the form provided by the director;
- (25) "permanent employee" means an employee in the classified service who has completed a probationary period during the current period of service;
- (26) "permanent position" means a position in the classified service requiring the services of a full or part-time employee that is not time-limited;
- (27) "position" means a group of duties and responsibilities assigned by the appointing authority requiring the full-time or part-time employment of one employee or the part-time employment of one or more employees;
- (28) "principal executive officer" means the highest ranking administrative officer of each principal office and department of the state; unless otherwise provided, the responsibilities assigned in this chapter may be delegated in accordance with AS 44.17.010 ;
- (29) "probationary employee" means an employee who is serving an initial probationary period in the classified service;
- (30) "probationary period" means a working test period following an appointment and preceding permanent employment in a class;
- (31) "promotion" means the movement of an employee from one salary range to a higher salary range;
- (32) "provisional appointment" means an appointment in the classified service made without competition, either
(A) with the prior approval of the director in the absence of at least five qualified applicants; or
(B) of a person who is a client of the division of vocational rehabilitation and has a severe disability as determined by the director of vocational rehabilitation;
- (33) "ranking" means the assignment of a qualified applicant to a position on a scale from highest to lowest, based upon assessment results;
- (34) "reallocation" means the action taken to place an existing position in a different class;
- (35) "resignation" means the voluntary separation of an employee from state service;
- (36) "seasonal position" means a permanent position established to meet recurring seasonal needs of less than 12 months' duration during any calendar year;
- (37) "second degree of kindred" means a father, mother, son, daughter, brother, sister, grandfather, grandmother, grandson, or granddaughter, in a full, half, or step relationship;

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(38) "separation" means the conclusion of employment in a job class or with the state; "separation" includes resignation, termination, nonretention, dismissal, and layoff;

(39) "state" means the State of Alaska;

(40) "substitute appointment, nonpermanent" means the appointment of a nonpermanent employee to a permanent position or a group of permanent positions in the same class while the incumbent is on authorized leave of absence;

(41) "substitute appointment, permanent/probationary" means an appointment made to a position that is to be vacant for longer than six months because of an authorized leave of absence where the incumbent has reinstatement rights;

(42) "suspension" means an enforced leave of absence without pay for disciplinary purposes or pending investigation of charges made against an employee;

(43) "termination" means the release from employment of a nonpermanent, emergency, or temporary employee upon completion of the term of service or the need for services;

(44) "test" means a validated set of questions, problems, or exercises used in the recruitment and selection process for a job class or a job class series for determining a person's knowledge, abilities, aptitude, or qualifications;

(45) "transfer" means the lateral movement of an employee from one position to another position in the same job class or to a parallel job class at the same pay range without any break in service;

(46) "vacancy" means a position with no incumbent, a position requiring the part-time employment of more than one employee with less than that number of incumbents, or a position with one or more incumbents at the time of a reallocation until an appointment is made to the new job class;

(47) "veteran" has the meaning given in AS 39.25.159 .

History: In effect before 6/28/84; am 6/28/84, Register 91; am 8/24/94, Register 137; am 9/28/96, Register 143; am 8/31/2000, Register 156; am 7/22/2004, Register 175; am 10/29/2004, Register 175; am 8/25/2005, Register 175; am 7/8/2006, Register 179

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150