

Personnel Rules
Summary of Changes
Effective February 11, 2004 – August 25, 2005

The Personnel Rules were substantially revised between January 2004 and July 2005. Below is a summary of significant changes, with effective dates.

Article 1. Classification

07.020. Allocation of positions

Effective: 7/22/04

Clarified current practice allowing for the electronic submittal of position descriptions.

Effective: 9/22/04

Clarified duties, responsibilities, and authority are assigned to a position.

07.025. Maintenance of descriptions

Effective: 7/22/04

Clarified that an employee is to be provided with a copy of the position description for their position concurrent with submittal.

07.035. Effective dates of allocation action

Effective: 7/22/04

Clarified that the effective date of a position allocation can not precede the director of personnel's approval.

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Article 2. Recruitment and Examination

07.041. Vacancy description

Effective: 8/25/05

Clarified a vacancy description is not required when a position is filled by transfer or rehire

07.042. Continuous recruitment

Effective: 4/23/04

Reinstated the continuous recruitment provision which allows for a recruitment period without a designated closing date.

07.046. Appointments without public notice: transfer or preferential rights

Effective: 4/23/04

Repealed and readopted under Article 5. Appointments.

07.051. Appointments without public notice: nonpreferential rights

Effective: 4/23/04

Repealed and readopted under Article 5. Appointments.

07.056. Scope of recruitment

Effective: 4/23/04

Shifted authority for determining the scope of recruitment from the director of personnel to the appointing authority

07.091. Evaluation of convictions

Effective: 4/23/04

Clarified existing language with no change to the intent.

07.101. Scope of assessment

Effective: 8/25/05

Clarified the difference between assessments and tests; tests must be approved by the director of personnel prior to utilization.

07.103. Access to assessment results

Effective: 4/23/04

Amended to reflect changes that occurred in the transition from paper examinations to the new electronic recruitment process.

07.106. Scope of ranking

Effective: 2/11/04

Redefined residency for purposes of employment with the State of Alaska to include:

- 1) being domiciled in the state;
- 2) presently serving in the military with the intent of being domiciled in this state upon completion of military service; or

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- 3) having graduated from an accredited high school or post-secondary institution in this state, or earned a General Equivalency Diploma while domiciled in this state.

Provided for a 10% scoring preference for Alaska residents when an applicant pool consists of qualified resident and non-resident candidates.

07.112. Loss of eligibility

Effective: 4/23/04

Retitled section from “Disqualification” to “Loss of Eligibility.” Clarified the distinction between exclusion from a single recruitment and the temporary or permanent exclusion from all recruitments. Added a provision which allows for the removal of an applicant from a list for failure to follow all application instructions or to submit an application correctly within prescribed time limits.

Effective: 8/25/05

Added dismissal from public service for misconduct, unsatisfactory performance of duties, or other similar causes as a reason for temporary or permanent exclusion from all recruitments.

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Article 5. Appointments

07.170. Selection for appointment

Effective: 4/23/04

Amended provision to reflect changes that occurred in the transition from eligible lists to the electronic recruitment process.

07.175. Affirmative action

Effective: 4/23/04

Amended provision to reflect changes that occurred in the transition from eligible lists to the electronic recruitment process

Clarified existing language with no change to the intent.

07.185. Subfilling positions

Effective: 4/23/04

Amended provision to allow for a position to be subfilled in the absence of three qualified applicants.

Effective: 10/29/04

Clarified the process for subfilling positions in the classified and partially exempt service.

07.200. Probationary status for provisional employees

Effective: 9/22/04

Repealed and readopted under 07.270.

07.210. Transfer appointments

Effective: 4/23/04

Repealed and readopted under 07.235.

07.225. Rehire

Effective: 4/23/04

Repealed and readopted under 07.235.

07.226. Preferential rights due to a request from a pregnant employee

Effective: 4/23/04

Readopted the provisions previously provided for in 07.046(c).

07.227. Preferential rights due to layoff

Effective: 4/23/04

Readopted the provisions previously provided for in 07.046(d).

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07.228. Preferential rights of injured state employees

Effective: 4/23/04

Readopted the provisions previously provided for in 07.046(e). Amended provisions to conform to statutory requirements.

07.230. Order of preferential rights

Effective: 4/23/04

Readopted provisions previously provided for in 07.046(b).

07.235. Nonpreferential appointment rights without public notice, including transfer and rehire

Effective: 6/5/04

Readopted provisions previously provided for in 07.046(a) and 07.051. Added authority for the director of personnel to place an injured employee who is receiving worker's compensation benefits, disability retirement, or who has applied for disability retirement, in a vacant position for which they meet the minimum qualifications and are capable of performing the essential functions.

Effective: 8/25/05

Clarified the current practice of requiring the director of personnel's approval of all transfers that include a location change when the employee does not consent to the transfer. Added provisions specifying that the minimum qualifications must be met for an employee to be certified to a reallocated position and for an individual to be appointed in a provisional status.

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Article 6. Probationary Periods

07.240. Objective of probation

Effective: 7/22/04

Clarified that a probationary employee may be separated without prior notice.

Effective: 9/22/04

Clarified that it is within the judgment of the appointing authority to make the determination that an employee's overall performance is not fully acceptable.

07.250. Extension of probationary period

Effective: 7/22/04

Provided for exceptions if required by federal or state laws.

07.260. Return of permanent employee during probationary period

Effective: 8/25/05

Clarified that the return of a permanent employee during the probationary period is to be within the location in which probationary status is held and that an employee is to be laid off if a vacancy does not exist in either the employee's current or former department.

07.270. Probationary status for provisional employees

Effective: 9/22/04

Readopted provisions previously provided for in 07.200.

Effective: 8/25/05

Corrected cite from 2 AAC 07.051(5) to 2 AAC 07.235(g).

07.275. Completion of probation

Effective: 7/22/04

Clarified that an employee will not attain permanent status if they are notified of non-retention prior to completion of the probationary period.

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Article 8. Pay

07.316. Salary for deputy heads of a principal department

Effective: 9/22/04

Adopted provisions consistent with statutory provisions on determining the salary of a deputy head of a principal department.

07.320. Exceptions for original appointments

Effective: 9/22/04

Added provision to provide for a division director's salary when their previous State of Alaska salary was higher than that established for a division director

07.330. Promoted employees

Effective: 9/22/04

Clarified that upon promotion, an employee who has served one-half or more of the time required for consideration for a step increase in the class from which promoted is entitled to at least the salary provided by a two-step increase in the range of the class from which promoted.

07.331. Exceptions for initial appointment of an employee to a new job class

Effective: 9/22/04

Added provision to provide for advanced step placement into a new job class for a current employee

07.333. Acting in a higher range

Effective: 7/22/04

Reduced amount of time required to be in acting status before receiving pay from 30 to 15 consecutive calendar days.

07.335. Salary range changes

Effective: 7/22/04

Clarified actions that constitute a salary range change and the appropriate step placement.

07.345. Demoted employees' salaries

Effective: 9/22/04

Clarified step placement and status upon demotion.

07.349. Exception for initial appointment subject to personnel rules

Effective: 7/22/04

Clarified that under this section an employee may not be placed in a longevity step unless such step has been earned.

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07.355. Effective date of appointments

Effective: 8/25/05

Added a provision to clarify that an employee may only be appointed on a holiday if the employee is required to work on that holiday.

07.360. Merit anniversary date

Effective: 9/22/04

Clarified that the merit anniversary date of a partially exempt employee is determined as if the employee were in the classified service. Readopted provisions from 07.360 regarding determining an employee's merit anniversary date when it has been withheld.

Effective: 8/25/05

Clarified that an employee's merit or longevity anniversary date is to remain the same when a merit or longevity increase is denied on their anniversary date and is subsequently granted prior to one year.

07.365. Merit or longevity increases

Effective: 9/22/04

Readopted provisions from 07.360 regarding the granting of a merit increase that was previously withheld.

Effective: 8/25/05

Retitled section from Merit Increases to Merit or Longevity Increases. Provided for the granting of a merit or longevity increase on the employee's anniversary date unless the appointing authority takes proactive action to deny the increase through a performance evaluation prior to the anniversary date.

07.370. Withholding a merit increase

Effective: 9/22/04

Repealed and readopted under 07.360. Merit Anniversary Date and 07.365. Merit and Longevity Increases.

07.375. Withdrawing a salary step

Effective: 7/22/04

Clarified that a withdrawn step can be reinstated on the first day of the pay period following finalization of a performance evaluation report confirming the improved performance.

Effective: 8/25/05

Clarified that a performance evaluation report is finalized when signed by the employee's Division Director.

07.380. Salary as total remuneration

Effective: 7/22/04

Corrected "enumeration" to read "remuneration."

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07.390. Overtime compensation

Effective: 7/22/04

Amended to allow compensatory time not used during the pay cycle in which it was approved to be used by 12/15 of the following calendar year. Clarified that compensatory time not used will be paid at the employee's annualized hourly rate.

07.395. Overpayment

Effective: 8/25/05

Added a new section requiring the forgiveness of overpayments discovered after one year from the time the overpayment was made unless the overpayment was the result of fraud, deception, or the employee's negligence.

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Article 9. Separation and Demotion

07.400. Suspensions

Effective: 7/22/04

Clarified that suspensions can be with or without pay.

Effective: 9/22/04

Clarified that a notice of suspension must be filed with the director of personnel. Clarified that a suspension without pay is treated as a period of leave without pay

07.405. Layoff

Effective: 7/22/04

Clarified and aligned language with collective bargaining agreements. Added a provision addressing the employee's range and step placement when the employee is reassigned to emergency, provisional, or nonpermanent work.

07.407. Furlough

Effective: 7/22/04

Clarified existing language with no change to the intent.

07.415. Dismissal

Effective: 9/22/04

Clarified permanent employees are to be provided two weeks notice, except in the case of egregious misconduct, unless the employee's presence at the work site is contrary to the best interest of the state in which case the employee will receive two weeks pay in lieu of notice.

07.416. Effects of violations of federal or state law

Effective: 9/22/04

Added the requirement that an employee must report citations requiring a court appearance, arrests and convictions to their division director by the end of the following work day.

07.420. Involuntary demotion

Effective: 7/22/04

Clarified that an employee must meet the minimum qualifications for the class they are being demoted to and they must serve a new probationary period if they did not previously hold permanent status in the class.

Effective: 9/22/04

Clarified that prior notice of an involuntary demotion is not required when the employee is probationary.

07.425. Voluntary demotion

Effective: 7/22/04

Amended to require that an employee be permanent to voluntarily demote. Clarified that a voluntary demotion may be to a lower class in the same class series or to a closely related class series.

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Article 10. Disputes: Hearings and Appeals

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 twelve month period

Effective: 10/29/04

Retitled section changing the word “grievance” to “complaint.” Clarified the complaint procedure while identifying the responders and response times. Removed the hearing procedure to align employee rights with statutory provisions.

Effective: 8/25/05

Replaced “report” with “written findings” for consistency.

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 twelve month period

Effective: 10/29/04

Retitled section changing the word “grievance” to “appeal.” Clarified the appeal procedure while identifying the responders and response times. Moved hearing procedure from old 07.435 to align with statutory provisions.

07.445. Interagency disputes

Effective: 7/22/04

Clarified this provision applies to an interagency dispute arising from a personnel issue opposed to a personnel action.

07.450. Resolution of complaints made by the public

Effective: 4/23/04

Streamlined the complaint process and removed references to Human Resource Managers. Clarified that the decision of the director of personnel is final

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Article 11. Leave

07.500. When a leave of absence may be granted

Effective: 8/25/05

Clarified that entitlements to time off from work provided by federal or state statute or regulation run concurrently with the provisions of this section.

07.505. Copies to be provided

Effective: 7/22/04

Clarified existing language with no change to the intent.

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Article 19. Miscellaneous Provisions

07.805. Hours of work

Effective: 7/22/04

Clarified existing language with no change to the intent.

07.810. Holidays

Effective: 7/22/04

Clarified that an executive order limited to closing federal offices does not constitute a public proclamation of a national holiday. Authorized an employee to receive a day of personal leave when they are directed to work on a holiday.

07.815. Demonstration project authorized

Effective: 7/22/04

Added the requirement for the director of personnel to present a demonstration project plan to the Personnel Board prior to implementation. Amended the frequency of reporting new waivers to the Personnel Board from 60 days to 6 months.

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Article 20. General Provisions

07.910. Personnel records

Effective: 8/25/05

Clarified that compensation authorized current and former employees is public information.

07.990. National emergency or civil disaster

Effective: 7/22/04

Added statutory references.

07.999. Definitions

Effective: 7/22/04

Added the definition of “nonretention.” Clarified definitions for “dismissal”, “layoff”, “performance evaluation”, “promotion”, “provisional appointment”, and “separation.”

Effective: 10/29/04

Added definitions for “appeal” and “complaint.” Clarified the definitions of “demotion”, “dismissal”, “layoff”, “performance evaluation”, “promotion”, “provisional appointment”, and “separation.”

Effective: 8/25/05

Added definitions for “assessment”, “consideration”, and “test.” Clarified the definition of “transfer.”