

ALASKA STATE PERSONNEL BOARD MEETING

June 4, 2010

12:00 P.M.

Frontier Building

3601 C Street, Suite 880

Anchorage, Alaska

In person:

Debra English, Chairperson

Alfred Tamagni, Board Member

Dr. Keith Hamilton, Board Member

Nicki Neal, Secretary to the Personnel Board

Nancy Sutch, Division of Personnel & Labor Relations

Judy Bockmon, Assistant Attorney General, Department of Law

Present by teleconference:

Emy Abad, Division of Personnel & Labor Relations

Bill Milks, Department of Law

1. CALL TO ORDER

Chairperson English called the meeting to order at 12:00 p.m. and took a roll call of those present in person and via teleconference.

2. APPROVAL OF AGENDA

Agenda was moved and approved

3. INTRODUCTION OF THE NEW BOARD MEMBER

Dr. Keith Hamilton was introduced as the new board member. Dr. Hamilton gave a brief introduction about himself.

4. APPROVAL OF MINUTES

Director Neal explained the changes made to the draft minutes for the meeting held on January 5, 2010 regarding the Ethics Regulations. The minutes with the suggested revisions were moved and approved.

5. ETHICS DISCLOSURES – PERSONNEL BOARD MEMBERS

Board members had no disclosures.

6. REVIEW OF QUARTERLY ETHICS REPORTS

Board Member Tamagni was concerned with a determination by DES on a University of Alaska professor's ability to write and publish partisan political commentary, provided that they do not use significant university resources. It was suggested to give the university guidelines and interpretation of what is significant in terms of university resources. AAG Bockmon explained that

professors write and publish as part of their profession. In this situation, the university was balancing what professors could and could not do with writing and publishing. Under the ethics act, significant and insignificant activities are balanced base on the circumstances. Usually, there is no set line for significant and insignificant activities unless the legislature sets those lines. The ethics supervisor was given a general guideline to evaluate the situation.

Board Member Hamilton asked for clarification about the timeline and procedure of the quarterly report. AAG Bockmon explained that under the current ethics regulations, ethics supervisors have 45 days to submit their report, then Department of Law summarizes the reports. When the new ethics regulations are published the deadline will change from 45 to 30 days. Chairperson English explained to Board Member Hamilton that the board does not take any action on the quarterly ethics reports. The board reviews for trends and potential issues. The board can make recommendations and ask for assistance from Department of Law, such as updating the supervisor's manual.

7. REVIEW OF ETHICS CASE LOG

The board had no questions about the case logs. Chairperson English explained to Board Member Hamilton that the Department of Law reviews and takes action on these ethics cases. The board is responsible for reviewing the status of the cases and the timeliness of responses. AAG Bockmon explained that the Attorney General is tasked with reviewing complaints, determines if the complaints warrant an investigation, and makes probable cause determinations. Most complaints with probable cause findings are resolved prior to the public process. It is rare that a complaint would make it to the accusation and public hearing process, but if it did then the ultimate decision maker is the Personnel Board.

8. PUBLIC COMMENTS

There were no public comments.

9. EXECUTIVE SESSION UNDER AS 44.62.310

The board moved to executive session at 12:20 p.m.
Executive session concluded at 1:10 p.m.

10. PROPOSED PERSONNEL AND LEAVE RULE CHANGES

2 AAC 07.106 is amended by adding a new subsection which expands the definition of Alaska resident to include individuals presently enrolled in a postsecondary institution within the state.

2 AAC 07.368 is amended by adding a new subsection which addresses the advancement of an employee's pay increment date when a pay increment is withheld; the granting of a pay increment that was previously withheld; setting pay increment dates for part-time employees; and the advancement of a pay increment date due to leave without pay.

2 AAC 08.065 is amended to eliminate the restriction on the number of leave cash-ins an employee may be granted in a leave year.

11. UPDATE FROM DIRECTOR OF PERSONNEL AND LABOR RELATIONS

Labor Relations has concluded contract negotiations; two are still pending ratification.

Director Neal offered a draft confidentiality acknowledgement form and stated the form was under review by the Department of Law. Board Member Hamilton and Chairperson English inquired if other boards sign similar forms. AAG Bockmon added that board members are bound by Ethics Act confidentiality whether signed or not. AAG Milks added that the form provides notice but does not create any new obligations. Board members asked Director Neal to inquire with the Division of Occupation Licensing regarding their use of a confidentiality acknowledgement.

Director Neal distributed a complaint to board members that was received after the packets were mailed.

AAG Bockmon provided an update on proposed changes to Ethics Act. Revised regulations were in final draft and would go out for thirty day comment period. She commented that changes were made to the structure to address concerns of the Legislature.

Chairperson English noted that Independent Counsel contracts were extended to the end of the year. There is a need to develop another panel. Director Neal will prepare a RFP to procure these services.

12. OTHER MATTERS THAT MAY COME BEFORE THE BOARD

The next Personnel Board meeting was tentatively set for September.

13. ADJOURNMENT

The board adjourned at 1:45 p.m.