

ALASKA STATE PERSONNEL BOARD MEETING

November 01, 2017

9:45 A.M.

Frontier Building

3601 C Street, Suite 880

Anchorage, Alaska

In person:

Al Tamagni, Chair

Dr. Keith Hamilton, Board Member

Johanna Hickel, Board Member

Nancy Sutch, Deputy Director, Division of Personnel & Labor Relations

Maria Bahr, Attorney IV, Department of Law

Dave Jones, Attorney V, Department of Law

Randall Burns, Director, Division of Behavioral Health, H&SS

Doug Warner, member of the public

Barbara Hanson, member of the public

Present by teleconference:

Pam Day, Human Resource Consultant V, Division of Personnel & Labor Relations

Tres Causey, Human Resource Consultant II, Division of Personnel & Labor Relations

Jeff Hahnen, Division of Personnel & Labor Relations

Shawnda O'Brien, Assistant Commissioner, Health and Social Services

Bill Milks, Assistant Attorney General, Department of Law

1. CALL TO ORDER

Chairman Tamagni called the meeting to order at 10:04 a.m.

2. APPROVAL OF AGENDA

The agenda was moved and approved.

3. APPROVAL OF MINUTES

The minutes of the May 25, 2017, meeting was moved and approved.

4. ETHICS DISCLOSURE – PERSONNEL BOARD MEMBERS

The board members had no disclosures or conflicts of interest that they were aware of.

5. EXPANSION OF THE PARTIALLY EXEMPT SERVICE

This is for PCN 06-4016, which is a deputy director position for Behavioral Health. Assistant Commissioner Shawnda O'Brien explained that this position is currently vacant in the classified service and she is requesting that it be reclassified to the partially exempt service. Due to the initiative under SB 74, this position will be better served under the partially exempt services due to the nature of the work that it will be doing. This position will be reviewing higher level work

and moving forward with several different administrative objectives. The motion was moved and approved.

6. PERSONNEL REGULATION ADMENDMENTS

Deputy Director Nancy Sutch provided the justification for amending AAC 07.320 (a). This will allow employees who are moved from the executive service (exempt) into the covered service (classified, partially exempt) to be appointed at a higher salary than the minimum rate for the job class (i.e. Governor's Office moving to classified service). The current example is the Shared Services Division, which is bringing employees in from different departments into a single division, not through legislation, but through executive movement. Two employees are currently being affected and this change will allow them to be paid beyond A step. The intent is that these employees will be able to maintain their current salary and not be subject to a pay cut due to this type of reorganization. The motion was moved and approved.

7. REVIEW OF QUARTERLY ETHICS REPORTS AND SUBMITTAL COMPLIANCE

Maria Bahr with the Department of Law explained that their office is behind on submitting ethics reports. One of the omissions with the latest ethics report that the board has yet to receive is with the Department of Law, but the department is now fully caught up.

Chairperson Tamagni asked that as the ethics reports are prepared they be sent to all of the board members quarterly, rather than only prior to a board meeting.

Maria Bahr responded to a comment made in the last personnel board meeting by board member Hickel regarding two particular entities that consistently fail to submit their ethics reports, which are the Veterans Advisory Council and the Wood-Tikchik State Park Management Council. Maria Bahr has personally tried to track down contacts for these entities but due to turnover and the fact that these are all volunteers it's been difficult to get them into compliance.

Board Member Hamilton stated that the last quarter report received by the board was on June 30th, 2016. The board is about a year and a half behind on receiving these reports.

Chairperson Tamagni asked if there is an updated attorney contact sheet. It was last updated in 2016, and Deputy Director Sutch stated she would look into providing an updated attorney contact list to board members.

8. REVIEW OF CONFIDENTIAL ETHICS CASE LOG

This was part of the executive session.

9. EXECUTIVE SESSION UNDER AS 44.62.310(c)(3)

The Personnel Board went into executive session at 10:20 a.m. and returned at 11:05 a.m.

10. UPDATE FROM THE DIRECTOR OF PERSONNEL & LABOR RELATIONS

Deputy Director Nancy Sutch updated the board members on behalf of the director that they are commencing negotiations with the supervisory bargaining unit represented by the Alaska Public Employees Association; with the Labor, Trades and Crafts unit; and the Correctional Officers unit. Deputy Director Sutch is the chief spokesman for the supervisory unit negotiations and they will begin on December 7th. Dates have not yet been scheduled for the other two groups.

11. OTHER MATTERS THAT MAY COME BEFORE THE BOARD

Ms. Hanson addressed the board regarding issues with the Division of Agriculture. She stated she has sent out numerous emails and letters to individuals in the state and she has not received really any response from anyone.

Chairperson Tamagni stated that if her concerns are regarding ethics then she should file a formal ethics complaint. Ms. Hanson stated she has worked with the Ombudsman's Office who contacted Director Kate Sheehan, but Ms. Sheehan did not return her concerns via email. Ms. Hanson stated there have been numerous problems with the Division of Agriculture going back to 2003, and that this division is worse now than in 2003 when the legislative audit committee said that they are so dysfunctional they should be disbanded if things didn't improve. She said there are a lot of disgruntled former and current employees, including Ms. Hanson. Ms. Hanson stated she has been in communication with employees who are afraid to speak up for fear of facing retaliation.

Ms. Hanson pointed out several things she felt involve the violation of state policies, the violation of the cooperative agreement that goes back to "the Korea thing", and the fact that management made hires for new staff for a program that doesn't exist in that division. She stated management hired a new Program Coordinator for the Food Safety Modernization Act program which is not in their agency; it is located in Ms. Hanson's agency. She said they misled the Office of Management and Budget by stating that this position was part of their agency when it wasn't. She stated the director's testimony to the legislative natural resources committee and the budget affairs committee falsely stated that he had jurisdiction over that program and he doesn't, and that he falsely testified that he has statutory authority over food safety in that division and they don't have it. The board went back into executive session at 11:15 a.m. based on the information being received of possible ethics violations by a department that is considered confidential by law. The board returned from executive session at 11:17.

The board advised Ms. Hanson to file her complaint with the ethics office in the Attorney General's Office. Bill Milks suggested that Ms. Hanson also resubmit her complaint to Director Kate Sheehan.

The board planned to meet again sometime in January or February.

12. ADJOURNMENT

The meeting adjourned at 11:22 a.m.