

ALASKA STATE PERSONNEL BOARD MEETING

November 03, 2016

3:00 P.M.

Frontier Building

3601 C Street, Suite 896

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

Jonathan Woodman, Assistant Attorney General, Department of Law

Bill Milks, Assistant Attorney General, Department of Law

David Jones, Attorney V, Department of Law

Eric Siebels, International Airport Foreman, Department of Transportation and Public Facilities

Gene Christian, Field Associate, Alaska Public Employees Association

Present by teleconference:

Kim Garrett, Division of Personnel & Labor Relations

Jeff Hahnen, Division of Personnel & Labor Relations

Andree McLeod, Member of the Public

Zane Henning, Member of the Public

1. CALL TO ORDER

Chairman Tamagni called the meeting to order at 3:02 p.m.

2. APPROVAL OF AGENDA

The agenda was moved and approved.

3. APPROVAL OF MINUTES

The minutes of the September 29, 2015, meeting were 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. REVIEW OF QUARTERLY ETHICS REPORTS AND SUBMITTAL COMPLIANCE

The board members expressed their satisfaction with the continued improvement from state agencies with completing their quarterly ethics reports. Board Member Hamilton stated that Veterans' Affairs are missing a couple quarterly ethics reports in a row and should be contacted to address this.

6. REVIEW OF CONFIDENTIAL ETHICS CASE LOG

This was part of the executive session.

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

The Personnel Board went into executive session at 3:03 p.m. and returned at 3:25 p.m. The Personnel Board went back into executive session at 3:46 p.m. and returned at 3:50 p.m.

8. REVIEW OF CONFIDENTIAL ETHICS CASE LOG

This was part of the executive session.

9. PUBLIC COMMENTS

Zane Henning had a question and comment regarding professional service contract number 2013-0200-1941 Levesque. This is in regards to a professional services contract extension approved by the Personnel Board that allows this firm to review ethics complaints. Mr. Henning asked whether the Levesque Law Group disclosed that Governor Walker was a former partner of its law firm either with the original contract or in an amendment thereafter.

Chairperson Tamagni asked Mr. Henning how he thinks this question applies to the Personnel Board. Mr. Henning explained that there are a lot of political issues with direct ties to the Governor's Office and to Governor Walker, of which a lot of these are confidential so he does not know what has been brought to the board yet. Mr. Henning wanted to clarify whether this issue has been brought forward. He also stated that, from an ethical standpoint, if there is a conflict then the Levesque Law Group should not be used because of that conflict. John Woodman said he could not immediately answer the question but would research it and follow up with Mr. Henning at a future date.

Mr. Henning stated that Levesque Law Group is council to the city of Seldovia, which Mr. Henning has had quite a bit of interface with in the past eight years. Mr. Henning is concerned about the Levesque Law Group's review of ethics complaints due to Governor Walker's prior connection with the firm. Mr. Henning stated that after Governor Walker left the firm the city of Seldovia did not have an ethics policy in place and it had to be introduced by Mr. Henning as a public member. This causes Mr. Henning to be concerned from a professional standpoint that this law firm is not the right one to have on staff.

Andree McLeod asked if her ethics complaint has been finalized. Chairperson Tamagni asked if Ms. McLeod had received a response yet. Ms. McLeod said that she had received the findings and that the case had been dismissed. She was advised she could not talk about the case during public session. She declined going into executive session, but wanted to speak about it in general terms. Ms. McLeod explained that the intent of an action by a public official has two sides: one is that intent is a determination to perform a particular act or to act in a particular manner for a specific reason. She stated whenever the Governor does "stuff", he has to mentally think on it, and when he acts on it that is still part of an intent to do something. She also stated that in general when the Governor intends

to do something with voters it means he has already acted on it when he has a press conference.

Ms. McLeod also stated that over this past year she has heard from many legislators about how they have been intimidated and bullied by administration officials from the Governor's Office. She stated the culmination of that was a press conference over what was the subject of her complaint; that was when the Governor acted upon his intent to differentiate candidates. Ms. McLeod stated that although the independent council found there was nothing to it, the legislative staff she spoke to felt the continued threat they had already been feeling at the press conference. Ms. McLeod asked that the Personnel Board take a proactive approach to prevent and stop this intimidation from the Governor's Office towards legislators when the Governor doesn't get his way. She stated that the board should issue written notice to caution the Governor and his staff that threats and intimidation will not be tolerated in Alaska's government. She asked that this be done publicly so that everyone is on the same page; to prevent further violations of the ethics act; and to reaffirm that Alaska's public officials hold an office and it is a public trust that is free of threats, intimidation, and bullying.

Ms. McLeod questioned whether or not the firm that reviewed her ethics complaint, the independent council of Clapp Peterson Tiemessen Thorsness & Johnson, disclosed that they were Palin's defense attorneys while she was governor. Ms. McLeod believes that they are not objective when they do their investigation into complaints. She asked that the board reconsider this firm's contract and cancel it immediately because she stated they have shown to be subjective in their determinations with ethics complaints due to their past actions, arguments, and positions that they took in defense of Sarah Palin. She stated they still have an ax to grind and there is proof of that when they note, outside of the scope of the complaint, that confidentiality was breached. Ms. McLeod also stated that had nothing to do with the complaint, which shows their subjectivity, and she believes this firm's contract should be terminated immediately. Ms. McLeod's final comment was in regards to the breach of confidentiality that the firm found in her complaint: she stated we do have the right of free speech and that right will not be trumped by threats or intimidation from the government.

10. UPDATE FROM THE DIRECTOR OF PERSONNEL & LABOR RELATIONS

Deputy Director Nancy Sutch gave the update on behalf of Director Kate Sheehan. Alaska State Employees Association representing the General Government Unit workers and the Alaska Public Employees Association representing both the supervisory and confidential employees all under contract. Bargaining has started with the Public Safety's Employees Association which covers the Troopers, Airport Fire and Police, as well as some other jobs, and with the three marine units.

The state is beginning to implement the final phase of their new payroll system, Integrated Resource and Information System (IRIS). The current payroll system came into place in 1990 so a new system is long overdue.

The boards and commissions sent an email reminding people to file timely with APOC to avoid fines as there have been some people that have missed the deadline.

Deputy Director Sutch asked the board to consider when they want to hold their next meeting, especially in light of the current travel and budget restrictions. The board was asked if they are open to conducting video conferencing if necessary to avoid travel costs. Chairperson Tamagni asked Deputy Director Sutch how much is budgeted for this committee and how much they have spent in the last year. Deputy Director Sutch said she would work with Director Sheehan with regards to this question but it was her understanding that funds for this committee come out of the Division of Personnel's general budget. She will check to see if there is a specific appropriation of funds for the board.

Board Member Hamilton asked Deputy Director Sutch if the Chief of Staff needed to approve of the board's face-to-face meeting costs. Deputy Director Sutch explained that the current process requires the Commissioner's Office to approve travel for Personnel Board meetings.

Chairperson Tamagni explained that they had been requested to limit their meetings last year and he would like to know how much the board was budgeted last year for travel. He also followed up on a request from last year regarding how much they spent annually on attorney's fees that the board uses for investigations. The board would be willing to only schedule three board meetings a year, and they may deem it appropriate to cancel a meeting if there is no business to discuss. The board feels face-to-face meetings are particularly important when discussing regulations changes, and that the travel burden is limited versus the benefit of meeting in person.

11. OTHER MATTERS THAT MAY COME BEFORE THE BOARD

After reviewing the complaints, Chairperson Tamagni recommended to Eric Siebels that he file another ethics complaint.

The next board meeting is tentatively scheduled for next March or April, unless pressing business requires an earlier meeting be scheduled.

12. ADJOURNMENT

The meeting adjourned at 3:53 p.m.