

ALASKA STATE PERSONNEL BOARD MEETING

February 1, 2022

1:30 P.M.

Atwood Building

550 W 7th Avenue, Suite 1236

Anchorage, Alaska

In person:

Al Tamagni, Chair

Craig Johnson, Board Member

Dr. Keith Hamilton, Board Member

Kate Sheehan, Director, Division of Personnel & Labor Relations

Jean Ward, Alaska Correctional Officers Association

Present by teleconference:

Rachel Witty, Attorney 6, Department of Law

Kevin Higgins, Attorney 5, Department of Law

Jeff Hahnen, Human Resource Consultant 1, Division of Personnel & Labor Relations

Frank Hurt, Human Resource Consultant 2, Division of Personnel & Labor Relations

Andrée McCloud, Member of the Public

1. CALL TO ORDER

Chairman Tamagni called the meeting to order.

2. APPROVAL OF AGENDA

The agenda was moved and approved.

3. APPROVAL OF MINUTES

The minutes of the November 11, 2021, 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. Board member Johnson wanted to state for the record that he has filed for office and is running for the House of Representatives. He received confirmation from the department that he will be allowed to serve on the Personnel Board until elected. Whether he chooses to do that he will decided later, but he does not want it to reflect on the important work that the board does.

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

The Personnel Board went into executive session to review the confidential ethics case logs.

6. UPDATE FROM THE DIRECTOR OF PERSONNEL & LABOR RELATIONS

Director Kate Sheehan stated that the contract was ratified between the state and the Labor, Trades, and Crafts Union and the monetary terms of the agreement

have been sent over to the legislature. The state continues to bargain with the Alaska State Employees Associate (they represent the general government union), the three marine highway unions (International Organization of Masters, Mates, and Pilots, the Marine Engineer's Beneficial Association, and the Inlandboatmen's Union), the Teachers' Education Association of Mt. Edgecumbe, the Alaska Vocational Technical Center Teacher's Unit, and the Confidential Employees Association (which is HR staff). The state will try and get everything over to the legislature by the 60th day of session per statute.

Chairperson Tamagni stated that they met with a legislative representative of Senator Revak who had done research on the Personnel Board's ability to initiate a complaint or investigation and they sent an opinion which states that the board already has this authority. The legislature has made it clear that the Personnel Board can make ethics complaints and the rules surrounding that authority are outlined in statute. Chairperson Tamagni would like to add the memorandum dated January 14, 2022, titled "Personnel Board Initiating a Complaint or Investigation" to the minutes as addendum A. The draft proposed senate bill, which the board feels is not necessary, will be added as addendum B to the minutes.

Chairperson Tamagni stated that the board previously received reports showing the various departments and the number of part-time employees, et cetera, et cetera, and they aren't getting those reports anymore. Director Sheehan stated that she can work with the board to get them the information they are requesting.

7. OTHER MATTERS THAT MAY COME BEFORE THE BOARD

Board Member Hamilton has been reelected for another six years to the Personnel Board.

Director Sheehan forwarded the board emails from Ms. Malan Paquette and wanted Ms. Paquette to know that if she has questions or concerns about filing an ethics complaint that she should reach out to the ethics attorney with the Department of Law, Kevin Higgins. Kate Sheehan stated that she would follow up directly with Ms. Paquette seeing as how she was not in attendance to the meeting.

Chairperson Tamagni asked Mr. Higgins to confirm the board's authority in the statute to review an ethics complaint before referring it to the outside attorney, and that the board can dismiss the complaint. Mr. Higgins asked if he is referring to when the formal allegation is filed, and Chairperson Tamagni stated yes. The complaint stage is one step before the formal allegation stage and complaints about the Governor, Lieutenant Governor, and the Attorney General are referred to the Personnel Board directly, otherwise, the complaint must be filed to the Attorney General for everybody else. That complaint is assessed under the process laid out under section 3.10 of the ethics act to determine whether it's

properly completed and contains allegations which, if true, would constitute a violation of the ethics act.

Jean Ward, with the Alaska Correctional Officers Association, asked what oversight the Personnel Board has over movement of positions between the exempt service and the classified service. Director Sheehan explained that positions are only put into the exempt service through legislation. There is a statute that defines the partially exempt service, but there is also a provision that allows the Personnel Board to decide to place classified positions into the partially exempt service. Ms. Ward stated that there appears to be an improper use of AS 39.25.110.(9), which is related to the establishment of temporary exempt positions. Director Sheehan stated that the inquiry should be submitted directly to her for investigation. She will work with the Department of Law, or refer to their prior opinions on the matter, to see if they are compliant. Director Sheehan clarified that the Personnel Board only has authority to review positions that move from the classified to the partially exempt service or vice versa, but that exempt positions are not under their authority.

Andrée McCloud asked to provide public testimony to the board regarding the statement made by Craig Johnson. Director Sheehan checked with Boards and Commissions to confirm that Craig Johnson does not have to resign his position on the Personnel Board until or unless he gets elected. Director Sheehan stated that she would send Andrée McCloud an email stating this determination. Andrée McCloud also wanted to follow up on multiple records requests that have gone unfulfilled by the state. She has asked for the audio records for the September 29, 2020, and the November 9th, 2021, Personnel Board meetings. Andrée McCloud would like a copy of the memo titled "Personnel Board Initiating a Complaint or Investigation" and the draft bill that will be addendums to this meeting minutes.

The board tentatively agreed to meet again on Thursday, May 5, 2022, at 10:30 a.m.

8. ADJOURNMENT

The meeting adjourned at 2:09 p.m.