

ALASKA STATE PERSONNEL BOARD MEETING MINUTES

June 22, 2004

Division of Personnel

As amended on July 13, 2005

Attendees:

Debbie English, Chairperson

Ron Otte, Board Member

Dianne Corso, Director of Personnel, Secretary to the Board

Melinda Cosgrove, Division of Personnel, Management Services

By teleconference:

Keith Levy, Attorney General's Office, Board Attorney

Julie Russo, Division of Personnel, Statewide Planning and Research

1. CALL TO ORDER:

Board Member English called the meeting to order at 9:15 A.M. on June 22. Attendees via teleconference were announced. Board Member Laura Plenert was unable to attend. With two members present, there was a quorum.

2. APPROVAL OF AGENDA:

Chairperson English asked the Board if they had any changes to add to the agenda. Board Member Otte did not have any comments or changes to add.

3. PUBLIC COMMENT OF A GENERAL NATURE.

None

4. ETHICS DISCLOSURES:

Board Member English confirmed she had no ethics disclosures. Board Member Otte confirmed he had no ethics disclosures.

5. APPROVAL OF MINUTES:

Member Otte moved to approve the May 5, 2004 meeting minutes, without amendment; Chairperson English seconded the motion. The minutes were approved.

6. REVIEW OF PENDING ETHICS CASE LOG:

Copies of ethics case logs included in the Personnel Board Packets were reviewed. Cosgrove noted that the initials and reference to each case filing was removed as the boards requested.

Cosgrove confirmed that board members did not require copies of ethical case determinations that were concluded to not be Ethics Act violations.

7. REVIEW OF ETHICS CASES:

There were no filings with the State Personnel Board.

8. PROPOSED PERSONNEL RULES CHANGES:

Cosgrove confirmed that changes be reviewed individually by article, so that board members could address questions.

Article 1. CLASSIFICATION

2 AAC 07.020 ALLOCATION OF POSITIONS. The proposal made no changes in process. Amendments were made to reflect the correct approval process, changing the approval from “principal executive officer” to “appointing authority”.

2 AAC 07.025 MAINTENANCE OF DESCRIPTIONS. The proposal made no changes in process, repetitive statements were removed to clarify language. Amendments were made to reflect the correct approval process, changing the approval from “principal executive officer” to “appointing authority.”

2 AAC 07. 035 EFFECTIVE DATES OF ALLOCATION ACTION. The proposal did not require a change in process, language was clarified.

Article 6. PROBATIONARY PERIODS

2 AAC 07.240 OBJECTIVE OF PROBATION. The proposal made no changes in process, language was clarified with the department of Law’s guidance.

2 AAC 07.250 EXTENSION OF PROBATION PERIOD. The proposed change added “or as otherwise provided by state or federal law”. The proposed change references federal and state legal requirements.

2 AAC 07.270 PROBATION STATUS FOR PROVISIONAL EMPLOYEES. Proposed changes were further defined during the board meeting. This article will be readdressed at the upcoming Board meeting.

2 AAC 07.275 COMPLETION OF PROBATION. The proposed change clarified current language and practice.

Article 8. PAY

2 AAC 07.333 ACTING IN A HIGHER RANGE. The proposed change altered the language to align the Personnel Rules with current collective bargaining unit agreements. Insert “15” in place of “30”.

2 AAC 07. 335 SALARY RANGE CHANGES. The proposed change clarified current language.

2 AAC 07.345 DEMOTED EMPLOYEES’ SALARY. The proposed change clarified current language, further articulating current business practice, and aligned language in the Personnel Rules with collective bargaining agreements. The board suggested additional language changes and rule revisions were tabled until the next meeting.

2 AAC 07.349 EXCEPTION FOR INITIAL APPOINTMENT SUBJECT TO PERSONNEL RULES. The proposed change clarified current language adding, “The employee may not be placed in a longevity step unless such step has been earned.

2 AAC 07.360 MERIT ANNIVERSARY DATE. The proposed change clarified current language, adding “or as otherwise provided under state or federal law.” After reviewing the language, the board asked that the language be reconsidered and discussed at the next meeting.

2 AAC 07.365 MERIT INCREASE. Proposed changes were further defined during the board meeting. This article will be readdressed at the upcoming Board meeting.

2 AAC 07.375 WITHHOLDING A SALARY STEP. The proposed change clarified current language.”

2 AAC 07.380 SALARY AS TOTAL ENUMERATION. The proposed change corrected all references of “enumeration” to the correct language “remuneration.

2 AAC 07.390 OVERTIME COMPENSATION. The proposed change aligned the article with recent changes to the Fair Labor Standards Act and current business practices. Clarifications were added to align compensatory time off with FLSA provisions. “40 hours in the workweek” was changed to “40 hours of work in the workweek”.

Article 9. SEPARATION AND DEMOTION

2 AAC 07.400 SUSPENSIONS. The proposed change aligned the Personnel Rules with the statutes. Current language went further than the state had provision for in statute. In addition, changes were made to further clarify language articulating that suspensions could be with or without pay.

2 AAC 07.405 LAYOFF. The proposed change aligned the article with current collective bargaining unit agreements, and clarified language and practice. The new language includes provisions for step placement when a laid off employee is assigned to emergency, nonpermanent or provisional work..

2 AAC 07.407 FURLOUGH. The proposed change clarified current language and reordered the sequence of language to make it easier to follow.

2 AAC 07.415 DISMISSAL.. After further discussion, the board opted to hold over this rule until the next meeting and directed the secretary to add language that would further define the term “egregious misconduct”

2 AAC 07.416 CONVICTIONS WHILE EMPLOYED. Proposed changes were further defined during the board meeting. This article will be readdressed at the upcoming Board meeting.

2 AAC 07.420 INVOLUNTARY DEMOTION. Proposed changes clarified current language, specifically the provisions for meeting minimum requirements and employee status.

2 AAC 07.425 VOLUNTARY DEMOTION. Insert “permanent” before employees and “elect to take” in place of “receive”. Change clarifies language and practice.

Article 10. DISPUTES: HEARINGS AND APPEALS

2 AAC 07.435 PROCEDURE FOR ALL GRIEVANCES OTHER THAN DISMISSAL, DEMOTION, OR SUSPENSION OVER 30 DAYS. Proposed changes were further defined during the board meeting. This article will be readdressed at the upcoming Board meeting.

2 AAC 07.440 GREIVANCE APPEAL PROCUDRE IN THE CASE OF DISMISSAL, DEMOTION, OR SUPBSPENSION OVER 30 DAYS. Proposed changes were further defined during the board meeting. This article will be readdressed at the upcoming Board meeting.

2 AAC 07.445 INTERAGENCY DISPUTES. The proposed change cleaned up language, placing the language in the correct format.

Article 11. LEAVE

2 AAC 07.500 WHEN A LEAVE OF ABSENCE MAY BE GRANTED. Proposed changes were further defined during the board meeting. This article will be readdressed at the upcoming Board meeting.

2 AAC 07.505 COPIES TO BE PROVIDED. Proposed changes to clarify how process works.

Article 19. MISCELLANEOUS PROVISIONS

2 AAC 07.805 HOURS OF WORK. Proposed change clarified language, aligning the language with current business practice.

2 AAC 07.810 HOLIDAYS. Proposed change clarified the provision for an executive order in regards to a public proclamation of a national holiday. Changes also authorize an employee to receive a day of personal leave when they are directed to work on a holiday.

2 AAC 07.815 DEMONSTRATION PROJECT AUTHORIZED. Proposed change provided for grammatical corrections. Substantive language was added at the request of the board to provide for a new subsection (d) that requires the director to present a project plan to the board prior to implementing a demonstration project. Changes were also made to the frequency of reporting which was changed from 60 days to six months.

Article 20. GENERAL PROVISIONS

2 AAC 07.990 NATIONAL EMERGENCY OR CIVIL DISASTER. Proposed change aligned article with statutes and current business practice.

2 AAC 07.999 DEFINITIONS. Proposed change clarified terms mirroring statute definitions, adding definitions where appropriate. Specific changes to the definitions of “dismissal”, “layoff”, “performance evaluation”, “promotion”, “provisional appointment”, and “separation” were addressed. A new definition of “nonretention” was added. Changes in the definition sections are consistent with the changes in the personnel rule revisions adopted during this and previous meetings.

The Board members all agreed to the new wording and agreed that no further discussion was needed, with the exception of AAC 07.270, AAC 07.345, AAC 07.360, AAC 07.365, AAC 07.415, AAC 07.416, AAC 07.435, AAC 07.440, AAC 07.500. The Personnel Rule proposal was approved as amended.

9. EXPANSION OF THE PARTIALLY EXEMPT SERVICE:

There were no expansion requests to come before the Board.

10. UPDATE FROM DIRECTOR OF PERSONNEL:

Corso updated the Board on the recent transition in the Fairbanks office. The division made the decision to close the Technical Services Fairbanks office after review of workload in all the Technical Service Centers. It was determined that Technical Service clients could be better serviced if the positions were relocated to the Juneau and Anchorage locations. The reallocation of staff allows for a better division of the workload.

Corso advised the Board of the future plan to co-locate the Technical Service Centers. The Technical Service Centers are currently located in five locations. The movement will alter the number of locations, changing the number from five to two. The move will also provide for the elimination of duplicative administrative staff positions, as well as the ability for the Technical Service management staff to be available for day to day training and mentoring.

Corso update the Board on the transition of the Personnel staff in the Anchorage locations. Currently, the staff is split between two locations. The buildings cannot support the weight of all the files in one location. The plans to co-locate Anchorage staff remains open, the Division of Personnel will continue to review options as they become available.

11. OTHER MATTERS THAT MAY COME BEFORE THE BOARD

NEXT MEETING

Board Attendees confirmed the next scheduled Personnel Board Meeting for August 23, 2004.

A. OTHER

There were no other matters to come before the Board.

12. ADJOURNMENT:

Having completed the business of the agenda, Member Otte made a motion to adjourn the meeting; Chairperson English seconded the motion. The meeting adjourned at approximately 11:00 a.m.