

ALASKA STATE PERSONNEL BOARD MEETING MINUTES

June 8, 2006

Division of Personnel

In person:

Debra English, Chairperson

Al Tamagni, Board Member

Dianne Kiesel, Director of Personnel, Secretary to the Board

Nicki Neal, Division of Personnel, Deputy Director

Dennis Geary, Assistant Business Manager, APEA

Robert Gunther, Attorney for Dr. Bridges

Sam Korsmo, Alaska Open Imaging Center

Mark Bledsoe, Alaska Open Imaging Center

Judy Bockmon, Attorney, DOL

David Jones, Attorney, DOL

Jared Godfrey, Violent Crimes Compensation Board Member

By teleconference:

Laura Plenert, Board Member

Sarah Felix, Attorney General's Office, Board Attorney

David Haeg, Member of the Public

Carol McLeod, Division of Personnel, Statewide Planning & Research

Julie Russo, Division of Personnel, Statewide Planning & Research

Inga Aanrud, Division of Personnel, Statewide Planning & Research

Kathy Nava, Division of Personnel, Statewide Planning & Research

1. CALL TO ORDER:

Chairperson English called the meeting to order at 12:01 P.M. on June 8, 2006. Board Member Tamagni and Secretary Kiesel were present. Member Plenert joined the meeting via teleconference.

2. APPROVAL OF AGENDA

Chairperson English made changes to the agenda to accommodate members of the public, moving item ten to item three. The agenda was approved as modified. Secretary Kiesel added the Ethics Report for the period ending May 31, 2006, to board members' packets.

3. EXPANSION OF PARTIALLY EXEMPT SERVICE

As per his memorandum dated April 26, 2006, Commissioner Scott Nordstrand recommended PCN 120024 (Administrator, Violent Crimes Compensation Board) be placed in the partially exempt service, in compliance with AS 39.25.130. Nicki Neal, Chairperson English, Secretary Kiesel, Jared Godfrey and Dennis Geary participated in the discussion. The board approved the movement of PCN 120024 to the partially exempt service.

4. REVIEW OF ETHICS CASE – PUBLIC COMMENT:

Mr. Robert Gunther, representing Dr. Bridges, addressed the board regarding the Department of Law's dismissal of the ethics complaint against Mr. Joel Gilbertson, former Commissioner of the Department of Health and Social Services. Mr. Gunther contends:

1. Mr. Jones, who represented the Department of Law in this matter, has a conflict of interest in this case.
2. Mr. Jones has not undertaken investigation of the complaint.
3. Placing the burden of proof on Dr. Bridges is inappropriate.
4. There is evidence of impropriety.

Chairperson English requested advice on the Board's authority to review AGO Ethics Attorney's dismissal or settlement of Ethics Complaints. Further discussion of this case was postponed until the next board meeting. Prior to the next meeting, Attorney Gunther will provide a copy of the complaint and an executive summary to the board.

Prior to discussing the ethics case involving Dr. Bridges, Member Tamagni disclosed a possible conflict of interest, stating that he is the third party administrator of a 401K plan for Alaska Open Imaging. Following questioning by board attorney Felix, it was determined Member Tamagni did not have a conflict of interest.

5. APPROVAL OF MINUTES

Attorney Felix requested an amendment to the minutes dated March 10, 2006. Attorney Felix requested the names of the attorneys participating in public comment be included in the minutes. The minutes were approved with amendment. She also advised that a conflict prevents her from advising the Board on an ethics case involving the Attorney General, and recommended that the Board retain independent counsel on this matter.

6. ETHICS DISCLOSURE

Board Member Plenert confirmed she had no ethics disclosures. Chairperson English confirmed she had no ethics disclosures. Member Tamagni's disclosure was stated during the public comment period of the meeting. Member Tamagni confirmed he had no additional disclosures.

7. REVIEW OF PENDING ETHICS CASE LOG

The board discussed with Attorney Jones the possibility of streamlining the processing time for pending ethics cases. Mr. Jones explained the processing time and working constraints involved in each investigation.

8. PUBLIC COMMENT

David Haeg gave testimony regarding his complaint against Trooper Mitchell Dore. Chairperson English explained that his complaint did not fall under the authority of the Personnel Board.

9. PROPOSED PERSONNEL RULE CHANGES

2 AAC 07.112 LOSS OF ELIGIBILITY. The proposed amendment clarifies the reasons for loss of employment eligibility for nonretained employees and the current practice regarding disqualification from employment as a term of settlement.

2 AAC 07.392 OVERPAYMENT. The proposed amendment allows for partial reduction or forgiveness of an overpayment discovered after one year from the time the overpayment was made and requires the collection of an overpayment at the same rate at which it was made unless an alternate repayment rate is approved by the director.

2 AAC 07.395 RESIGNATION. The proposed amendment clarifies the definition of good standing and allows hiring managers the option of waiving the two week notice requirement.

2 AAC 07.425 VOLUNTARY DEMOTION. The proposed amendment clarifies that partially-exempt employees can voluntarily demote to a closely related class in the partially-exempt service.

2 AAC 07.999 DEFINITIONS. The proposed repeal and re adoption of this section adds the definition of “good standing.”

The rules were approved as amended. Chairperson English signed the Certification of Order Changing Regulations.

10. UPDATE FROM DIRECTOR OF PERSONNEL

Secretary Kiesel updated the board on the current status of the Division of Personnel

- The Division of Personnel & Labor Relations have merged into one division.
- Implementation of Market Based Pay is moving forward. The criteria has been revised and is still under review.
- OPD went live June 3, 2006. The response has been positive.
- Labor Relations update - Contract under negotiations:
 - Mt Edgecombe Teachers
 - AMHS – LeConte

11. OTHER MATTERS THAT MAY COME BEFORE THE BOARD

- a. NEXT MEETING - Board members agreed to schedule the next meeting at the end of the summer
- b. OTHER - Member Tamagni suggested adding labels to the dividers in the Personnel Board packets for ease of use by the members. Secretary Kiesel agreed to the suggestion.

12. ADJOURNMENT:

Chairperson English adjourned the meeting at approximately 1:20 P.M.