

ALASKA STATE PERSONNEL BOARD MEETING

March 14, 2008

619 East Ship Creek Ave., Suite 309

Anchorage, AK 99501

In person: Anchorage

Debra English, Chairperson

Alfred Tamagni, Board Member

Nicki Neal, Secretary to the Personnel Board

Dennis Geary, Alaska Public Employees Association

Julia Bockmon, Ethics Attorney, LAW

Lynn Kent, Division Director, DEC

Cheryl Howdysell, Deputy Commissioner, HSS

Dr. Colleen Murphy

Present by teleconference:

Laura Plenert, Board Member

Kathleen Strasbaugh, Board Attorney, LAW

Patrick Shier, Director, Division of Retirement and Benefits

Leta Simons, Division Director, DNR

Rick Schikora, Citizens' Advisory Commission on Federal Areas

Bernie Karl, Natural Resource Conservation and Development Board.

Carol McLeod, Division of Personnel & Labor Relations

Emy Abad, Division of Personnel & Labor Relations

Shannon Wiley, Division of Personnel & Labor Relations

Keith Murry, Division of Personnel & Labor Relations

1. CALL TO ORDER

Chairperson English called the meeting to order at 12:00 p.m. on March 14, 2008.

2. APPROVAL OF AGENDA

The agenda was moved and approved.

3. PUBLIC COMMENT

There were no public comments brought forward.

4. APPROVAL OF MINUTES

The minutes from the meetings held on March 15 and March 16, 2007 were moved and approved.

5. ETHICS DISCLOSURE

Chairperson English and Member Plenert had no disclosures. Member Tamagni reported that he received a call from Dr. Colleen Murphy and explained that he notified Dr. Murphy that if a matter relating to her came before the board he would need to recuse himself.

6. REVIEW OF ETHICS CASES

Chairperson English inquired regarding the reason a case has been pending since 2004. Judy Bockmon explained that the case is intertwined with other agencies including the Human Rights Commission. This complaint overlies other issues not yet resolved. This case is being monitored. The Board entered into an executive session to discuss this case from 12:15 p.m. to 12:40 p.m.

Chairperson English commended the Department of Law for greatly improving the timeliness of case reviews.

Chairperson English noted that the Alaska Railroad Corporation (ARRC) reported the receipt of several gifts of high value. A discussion ensued and the following information was shared by Judy Bockmon:

Gifts over \$150.00 must be reported. Gifts are examined for intent to influence. Value does not make a gift improper. Statute is currently written to allow flexibility. The ARRC has a gift policy.

Member Tamagni asked for a copy of the current statute and any associated regulations be sent to board members as he would like to review and consider recommending revisions.

At approximately 2:00 p.m., Dr. Colleen Murphy joined the meeting and requested to address the Board regarding an ethics matter. Member Tamagni recused himself. The Board entered into executive session at 2:35 p.m. and concluded the session at 2:43 p.m.

7. ETHICS CASE LOG

Members acknowledged they had reviewed.

8. EXPANSION OF PARTIALLY EXEMPT SERVICE:

PCN 028132, Deputy Director, Division of Retirement and Benefits Deputy Director – Director Patrick Shier represented the division and provided an explanation of policy level responsibilities assigned to this position. The board approved placement of the position in the partially exempt service in accordance with AS 39.25.130.

PCN 060639, Deputy Director, Finance and Accountability – Deputy Commissioner Cheryl Howdyshell represented the Department of Health and Social Services and provided an explanation of policy level responsibilities

assigned to this position. The board approved placement of the position in the partially exempt service in accordance with AS 39.25.130.

PCN 187756, Deputy Director, Division of Water – Director Lynn Kent represented the Department of Environmental Conservation and provided an explanation of policy level responsibilities assigned to this position. The board approved placement of the position in the partially exempt service in accordance with AS 39.25.130.

Dennis Geary presented testimony regarding legislative intent and the history of prior administrations and requested that the Board deny the movement of the three positions above. Chairperson English explained to Mr. Geary that the Board is to make a decision based on statutory authority.

PCN 216085, Deputy Director, Division of Community and Regional Affairs was withdrawn from consideration.

PCN 100430, Executive Director, Citizens Advisory Commission on Federal Areas (CACFA) – Director Leta Simons and CACFA Member Rick Schikora represented the Department of Natural Resources and the CACFA. A discussion occurred regarding the policy level responsibilities in addition to recruitment concerns. The Board pended action on this position. Secretary Neal asked if the Board would like to seek an interpretation of AS 39.25.130 from the Department of Law. The Board asked Secretary Neal to request this interpretation.

PCN 100431, Executive Director, Natural Resource Conservation and Development Board (NRCDB) – Director Leta Simons and NRCDB Member Bernie Carl represented the Department of Natural Resources and the NRCDB. The board denied placement of the position in the partially exempt service.

Chairperson English reminded Secretary Neal of the Board's previous direction to provide interested parties with thirty days notice of requests to move positions within the classified service to the partially exempt service.

9. UPDATE FROM DIRECTOR OF PERSONNEL & LABOR RELATIONS
Secretary Neal updated the board on the recent restructuring of the Division of Personnel and Labor Relations and Administrative Order 237.

10. OTHER MATTERS

Member Tamagni recommended that the Board meet quarterly beginning in July. Meetings may be scheduled at other times if a need arises.

Chairperson English requested that the ethics agenda items be clarified for future meeting.

11. ADJOURMENT

Meeting adjourned at 2:55 p.m.