

STATE OF ALASKA  
DEPARTMENT OF ADMINISTRATION  
DIVISION OF PERSONNEL & LABOR RELATIONS  
STANDARD OPERATING PROCEDURE

**Classification**  
**DOPLR-07**

**IX. Types of State Services**

A. Purpose

The purpose of this SOP is to describe differences among the exempt, partially exempt, and classified services and to provide procedures for moving positions from one service to another.

B. Scope

This SOP applies to all positions in the Executive Branch of State service. Movement of a position may have an effect on the collective bargaining unit of the position and on the terms and conditions of employment for the incumbent. See SOP 07-VI for bargaining unit determination procedures.

C. Authority

AS 39.25.100 Classified Service

AS 39.25.110 Exempt Service

AS 39.25.120 Partially-Exempt service

AS 39.25.130 Personnel Board may move positions between the partially exempt (PX) and classified services

D. Executive Branch Services

The executive branch of the State of Alaska includes three services.

1. Exempt Service

- a. Positions in the exempt service are exempt from provisions of Title 39, Chapter 25, the Personnel Act, and the Personnel Rules adopted under it.
- b. AS 39.25.110 lists the categories of positions in the exempt service.
- c. AS 39.25.110(9) permits the governor to authorize positions for persons employed in a professional capacity to make a temporary or special inquiry, study, or examination.
- d. Some positions are placed within the Exempt Service by statute although covered by a bargaining unit agreement. Examples are vessel employees and teachers.

2. Partially Exempt Service

- a. Positions in the partially exempt (PX) service are included in the position classification plan and compensated according to the statutory pay plan under AS 39.27.011. PX positions are subject to Personnel Rules concerning classification and pay, but are not subject to rules governing recruitment and assessment, probationary periods, permanent

S  
e  
r  
v  
i  
c  
e  
s

STATE OF ALASKA  
DEPARTMENT OF ADMINISTRATION  
DIVISION OF PERSONNEL & LABOR RELATIONS  
STANDARD OPERATING PROCEDURE

- status, most rules governing grievances and separations, nor are they eligible for a hearing by the Personnel Board in the case of dismissal, demotion, or suspension. PX positions are known as "appointive" rather than "career service" positions.
- b. Positions are placed in the partially exempt service by one of two methods:
- Positions may be placed in the partially exempt service by legislation. AS 39.25.120(c) identifies specific categories of positions placed in the PX service. Additionally, legislation that creates a board, commission or program may specify that particular positions be placed in the PX service.
  - Other positions may be placed in the partially exempt service upon approval of the Personnel Board as authorized by AS 39.25.130.
- c. The Personnel Board, upon written recommendation of the Commissioner of Administration, may extend the partially exempt service to include any position in the classified service which, in the judgment of the Board:
- Involves principal responsibility for the determination of policy;
  - Involves principal responsibility for the way in which policies are carried out; or
  - Involves responsibilities and duties of a type not susceptible to the ordinary recruiting and assessment (examining) procedures.
- d. The Personnel Board has given the following interpretation as to what constitutes "**principal** responsibility for the way in which policies are carried out" (emphasis added).
- . . . The test for PX classification under AS 39.25.130(a)(1) and (a)(2) emphasizes the word "principal" with respect to responsibility for policy determination and implementation. While there is no case law to interpret the meaning of "principal" in this context, the test of "principal" responsibility is whether or not the employee, even though subject to later reversal, may determine or implement a policy without prior approval from above.
  - Clearly the position needs to be the focal point for substantial policy making or policy implementation, must be able to determine or implement that policy subject only to subsequent reversal, and may also have a technical or professional decision-making role as long as the policy role is in strong evidence.

S  
e  
r  
v  
i  
c  
e  
s

### 3. Classified Service

The vast majority of positions in the executive branch are included in the classified service, which consists of all positions in State service not included in the exempt service or in the partially exempt service. Classified positions are covered by the Personnel Act, AS 39.25. and by the Personnel Rules, 2 AAC 07.

STATE OF ALASKA  
DEPARTMENT OF ADMINISTRATION  
DIVISION OF PERSONNEL & LABOR RELATIONS  
STANDARD OPERATING PROCEDURE

E. Changes between Types of Service

Positions may be changed from one service to another by three methods.

1. Application of Existing Statutes

AS 39.25.110 and AS 39.25.120 specify positions in the exempt and PX services. In many cases, categories of positions are named such as "the directors of the major divisions of the principal departments". If a new division is created and approved, and an existing position reclassified to Division Director, the division director position is placed in the partially exempt service by statute. Cite the statute in any required allocation memorandum to accomplish the service change.

2. Statutory Change

Legislation can be enacted to place additional positions in the exempt or partially exempt service. Cite the statute in any required allocation memorandum to accomplish the service change and its enacting chapter (for example: SLA 2015, Chapter 12).

3. Personnel Board Authority to Move Positions between Services

- a. The Personnel Board may extend the PX service to include any position in the classified service meeting the tests outlined in AS 39.25.130 (Extension of partially exempt and classified services).
- b. The Personnel Board may extend the classified service to include any position in the PX service when the position no longer meets the criteria.

F. Procedures for Personnel Board Action

The following procedures apply to changes between the classified and PX services and to initial placement of a new position in the PX service by action of the Personnel Board.

- a. The Commissioner of the employing department submits a memorandum to the Commissioner of Administration through the Director of the Division of Personnel and Labor Relations (DOPLR) requesting to change a position's service. The request must include:
  - A cover memorandum explaining why the service should be changed; and
  - A current Position Description and staffing chart.
- b. The Classification Manager will review the PD for proper classification, FLSA eligibility, and compliance with statutory provisions governing service placement to

S  
e  
r  
v  
i  
c  
e  
s

STATE OF ALASKA  
DEPARTMENT OF ADMINISTRATION  
DIVISION OF PERSONNEL & LABOR RELATIONS  
STANDARD OPERATING PROCEDURE

determine if the documentation clearly supports the service change or initial placement.

- c. The Classification Manager prepares a written recommendation to the Commissioner of the Department of Administration through the Director, DOPLR.
- d. Upon concurrence, the Commissioner of Administration will send a written recommendation to the Personnel Board.
- e. The DOPLR Director, as Secretary to the Board, will schedule a meeting of the Personnel Board at which the recommendation will be considered.
  - Adequate public notice is required, typically, 30-days prior to the actual meeting.
  - Notice must be sent to interested parties, including the department involved, the incumbent of the position, and, if required by collective bargaining agreement, the union representing the classified position.
  - Requests will be grouped with previously scheduled Board meetings whenever possible.
- f. At the Meeting Considering the Recommendations:
  - The DOPLR Director serves as Secretary to the Board.
  - The department's position may be advocated by a department representative. This representative will also answer Board questions and may be cross-examined by union counsel.
  - The Board may question the incumbent of a filled position.
  - The meeting may involve counsel for both the State and the union, arguments in favor of and opposed to the action, witnesses who are examined and cross-examined, and post hearing briefs.
- g. The Personnel Board will make a decision and notify interested parties through the Secretary. The majority of decisions are approved at the meeting.
- h. DOPLR will take the administrative actions required by the Personnel Board decision, such as reclassification of a position, development of new specifications, and notification of service changes.

S  
e  
r  
v  
i  
c  
e  
s

G. The Effect on an Employee

1. Classified to PX service

STATE OF ALASKA  
DEPARTMENT OF ADMINISTRATION  
DIVISION OF PERSONNEL & LABOR RELATIONS  
STANDARD OPERATING PROCEDURE

If a filled position is moved from the classified to the partially exempt service, the employee has layoff rights (2 AAC 07.405). Alternatively, the employee may be granted a leave of absence from the classified service, and have return rights (2 AAC 07.500). Refer to specific bargaining unit contracts for layoff procedures. NOTE: If there is a layoff, the incumbent may have bumping rights.

2. PX to Classified Service:

If the Personnel Board approves a change from the PX service to the classified service, the incumbent must compete through normal merit systems procedures and be selected in order to retain the position (2 AAC 07.215). The incumbent has a one year transition period in which to do this under the rules adopted under 2 AAC 07.215, during which the incumbent may remain in the position.

S  
e  
r  
v  
i  
c  
e  
s