

34-LS0614\G
A. Radford
4/9/25

CS FOR HOUSE BILL NO. 146()

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE HALL

A BILL

FOR AN ACT ENTITLED

1 **"An Act prohibiting public employers from disclosing certain public employee personal**
2 **information; making disclosure of certain public employee personal information an**
3 **unfair labor practice; relating to confidential personnel records; and creating an**
4 **exception to the Public Records Act for certain public employee personal information."**

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 *** Section 1.** AS 23.40.110(a) is amended to read:

7 (a) A public employer or an agent of a public employer may not

8 (1) interfere with, restrain, or coerce an employee in the exercise of the
9 employee's rights guaranteed in AS 23.40.080;

10 (2) dominate or interfere with the formation, existence, or
11 administration of an organization;

12 (3) discriminate in regard to hire or tenure of employment or a term or
13 condition of employment to encourage or discourage membership in an organization;

14 (4) discharge or discriminate against an employee because the

employee has signed or filed an affidavit, petition, or complaint or given testimony under AS 23.40.070 - 23.40.260;

(5) refuse to bargain collectively in good faith with an organization which is the exclusive representative of employees in an appropriate unit, including but not limited to the discussing of grievances with the exclusive representative; or

(6) disclose an employee's personal information in violation of AS 23.40.115.

* **Sec. 2.** AS 23.40 is amended by adding a new section to read:

Sec. 23.40.115. Employee information prohibited from disclosure; notification. (a) A public employer or an agent of a public employer may not disclose

(1) an employee's home address;

(2) an employee's date of birth;

(3) an employee's home and personal cellular telephone number, except when the telephone number is used for the business of the public employer in accordance with a written agreement between the employee and employer and the disclosure is consistent with a business need of the public employer;

(4) an employee's personal electronic mail address;

(5) any information that personally identifies employee membership or membership status in a labor organization or other voluntary association affiliated with a labor organization, including whether or not an employee pays or has authorized the payment of any dues to an organization or the amount of dues paid by an employee to an organization;

(6) any communication between an exclusive representative and bargaining unit members related to the duty of the exclusive representative to bargain on behalf of or represent bargaining unit members;

(7) any information about an employee's charitable payroll deductions, except to the receiving charity.

(b) This section does not apply to disclosures of employee information otherwise required by law, authorized by the employee who is the subject of the information, or to the employee's exclusive representative.

(c) The employer shall provide a written copy of any request for information,

or a written summary of any oral request for information, that is prohibited from disclosure under this section to the exclusive representative of the employee who is the subject of the request as soon as practicable after receiving the request. If the employer provides a response to the request, the employer shall provide a copy of a written response to the request or a written summary of an oral response to the request to the exclusive representative of the employee within five business days of providing the response.

* **Sec. 3.** AS 39.25.080(a) is amended to read:

(a) **Except as provided in this section, state** [STATE] personnel records **are confidential and are not open to public inspection, including**

(1) a record containing

(A) an employee's home address;

(B) an employee's date of birth;

(C) an employee's home and personal cellular telephone number, except when the telephone number is used for the business of the public employer in accordance with a written agreement between the employee and employer and the disclosure is consistent with a business need of the public employer;

(D) an employee's personal electronic mail address;

(E) information about an employee's charitable payroll deductions; and

(2) [, INCLUDING] employment applications and examination and other assessment materials [, ARE CONFIDENTIAL AND ARE NOT OPEN TO PUBLIC INSPECTION EXCEPT AS PROVIDED IN THIS SECTION].

* **Sec. 4.** AS 40.25.120(a) is amended to read:

(a) Every person has a right to inspect a public record in the state, including public records in recorders' offices, except

(1) records of vital statistics and adoption proceedings, which shall be treated in the manner required by AS 18.50;

(2) records pertaining to juveniles unless disclosure is authorized by law;

- 1 (3) medical and related public health records;
- 2 (4) records required to be kept confidential by a federal law or
- 3 regulation or by state law;
- 4 (5) to the extent the records are required to be kept confidential under
- 5 20 U.S.C. 1232g and the regulations adopted under 20 U.S.C. 1232g in order to secure
- 6 or retain federal assistance;
- 7 (6) records or information compiled for law enforcement purposes, but
- 8 only to the extent that the production of the law enforcement records or information
- 9 (A) could reasonably be expected to interfere with enforcement
- 10 proceedings;
- 11 (B) would deprive a person of a right to a fair trial or an
- 12 impartial adjudication;
- 13 (C) could reasonably be expected to constitute an unwarranted
- 14 invasion of the personal privacy of a suspect, defendant, victim, or witness;
- 15 (D) could reasonably be expected to disclose the identity of a
- 16 confidential source;
- 17 (E) would disclose confidential techniques and procedures for
- 18 law enforcement investigations or prosecutions;
- 19 (F) would disclose guidelines for law enforcement
- 20 investigations or prosecutions if the disclosure could reasonably be expected to
- 21 risk circumvention of the law; or
- 22 (G) could reasonably be expected to endanger the life or
- 23 physical safety of an individual;
- 24 (7) names, addresses, and other information identifying a person as a
- 25 participant in the Education Trust of Alaska under AS 14.40.802 or the advance
- 26 college tuition savings program under AS 14.40.803 - 14.40.817;
- 27 (8) public records containing information that would disclose or might
- 28 lead to the disclosure of a component in the process used to execute or adopt an
- 29 electronic signature if the disclosure would or might cause the electronic signature to
- 30 cease being under the sole control of the person using it;
- 31 (9) reports submitted under AS 05.25.030 concerning certain

collisions, accidents, or other casualties involving boats;

(10) records or information pertaining to a plan, program, or procedures for establishing, maintaining, or restoring security in the state, or to a detailed description or evaluation of systems, facilities, or infrastructure in the state, but only to the extent that the production of the records or information

(A) could reasonably be expected to interfere with the implementation or enforcement of the security plan, program, or procedures;

(B) would disclose confidential guidelines for investigations or enforcement and the disclosure could reasonably be expected to risk circumvention of the law; or

(C) could reasonably be expected to endanger the life or physical safety of an individual or to present a real and substantial risk to the public health and welfare;

(11) [REPEALED

(12)] records that are

(A) proprietary, privileged, or a trade secret in accordance with AS 43.90.150 or 43.90.220(e);

(B) applications that are received under AS 43.90 until notice is published under AS 43.90.160;

(12) [(13)] information of the Alaska Gasline Development Corporation created under AS 31.25.010 or a subsidiary of the Alaska Gasline Development Corporation that is confidential by law or under a valid confidentiality agreement;

(13) [(14)] information under AS 38.05.020(b)(11) that is subject to a confidentiality agreement under AS 38.05.020(b)(12);

(14) [(15)] records relating to proceedings under AS 09.58 (Alaska Medical Assistance False Claim and Reporting Act);

(15) [(16)] names, addresses, and other information identifying a person as a participant in the Alaska savings program for eligible individuals under AS 06.65;

(16) [(17)] artists' submissions made in response to an inquiry or

solicitation initiated by the Alaska State Council on the Arts under AS 44.27.060;

(17) [(18)] records that are

(A) investigative files under AS 45.55.910; or

(B) confidential under AS 45.56.620;

(18) records that are prohibited from disclosure under

AS 23.40.115.

* **Sec. 5.** The uncoded law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. (a) AS 23.40.110(a), as amended by sec. 1 of this Act, applies to actions taken by a covered public employer on or after the effective date of this Act.

(b) AS 23.40.115, enacted by sec. 2 of this Act, applies to collective bargaining agreements entered into on or after the effective date of this Act.