

Sec. 39.20.180. Transportation and per diem expenses for members of boards, commissions, etc. Except as otherwise provided by law, the provisions in this section relating to per diem and transportation govern exclusively with respect to a member of a state board, commission, committee, judicial council, or other similar body of persons of the state organized or established under the authority of law, but excluding any other state employee other than a legislator, who is otherwise entitled by law to receive from the state payments for expenses of transportation, and for reimbursement or for per diem in lieu of reimbursement for other expenses incident to duties as such member:

(1) for transportation, the member is entitled either to the use of state transportation requests, or to be reimbursed for expenses of transportation to the same extent, in the same manner, and under the same conditions as provided for state officials and employees by the provisions of AS 39.20.110 - 39.20.170;

(2) for reimbursement for other expenses, the member is entitled to a per diem allowance prescribed by the commissioner of administration under the regulatory authority set out in AS 39.20.160 for each day or portion of a day spent in actual meeting or on authorized official business incident to duties as a member.

#### History -

(Sec. 1 ch 130 SLA 1953; am Sec. 1 ch 34 SLA 1960; am Sec. 1 ch 37 SLA 1962; am Sec. 5 ch 136 SLA 1967; am Sec. 12 ch 47 SLA 1974; am Sec. 31 ch 85 SLA 1988)

#### Cross References -

For coverage of state board and commission members under the Worker's Compensation Act, see AS 23.30.242.

#### AG Opinions -

In order to recover an allowance for nonmeeting activity, an occupational licensing board member must be engaged in an activity within the scope of the applicable board's powers. November 6, 1984 Op. Att'y Gen.

An occupational licensing board member cannot receive a per diem allowance for conducting an activity that should be performed by division personnel; any activity approved must be specifically defined by statute as a board duty and should be an activity that cannot be accomplished within the confines of a board meeting. If the task can be performed during a meeting, then per diem should not be paid for time unnecessarily spent by a board member outside a board meeting. It is important, of course, for budgetary reasons, that board activity for which per diem compensation is sought be kept to a minimum. November 6, 1984 Op. Att'y Gen.

The Alaska Power Authority may reimburse a member only for (1) time spent in actual meeting or (2) time spent on authorized official business incident to his duties as a member. April 19, 1984 Op. Att'y Gen.

#### Decisions -

Cited in *Laborers & Hod Carriers Union, Local 341 v. Groothuis*, 494 P.2d 808 (Alaska 1972).

Sec. 39.25.120. Partially exempt service.

(a) Positions in the partially exempt service are included in the position classification plan established under this chapter and are compensated according to the pay plan under AS 39.27.011.

(b) A person holding a position in the partially exempt service is not required to complete an assessment and is not eligible for a hearing by the personnel board in case of dismissal, demotion, or suspension. Positions in the partially exempt service are specifically exempt from the rules established under AS 39.25.150(3) - (10), (12), (13), and (16).

(c) The following positions in the state service constitute the partially exempt service:

(1) deputy and assistant commissioners of the principal departments of the executive branch, including the assistant adjutant general of the Department of Military and Veterans' Affairs;

(2) the directors of the major divisions of the principal departments of the executive branch and the regional directors of the Department of Transportation and Public Facilities;

(3) attorney members of the staff of the Department of Law, of the public defender agency, and of the office of public advocacy in the Department of Administration;

(4) one private secretary for each head of a principal department in the executive branch;

(5) employees of councils, boards, or commissions established by statute in the Office of the Governor or the office of the lieutenant governor, unless a different classification is provided by statute;

(6) not more than two special assistants to the commissioner of each of the principal departments of the executive branch, but the number may be increased if the partially exempt service is extended under AS 39.25.130 to include the additional special assistants;

(7) the principal executive officer of the following boards, councils, or commissions:

(A) Alaska Public Broadcasting Commission;

(B) Professional Teaching Practices Commission;

(C) Parole Board;

(D) Board of Nursing;

(E) Real Estate Commission;

(F) Alaska Royalty Oil and Gas Development Advisory Board;

(G) Alaska State Council on the Arts;

(H) Alaska Police Standards Council;

(I) Alaska Commission on Aging;

(J) Alaska Mental Health Board;

(K) State Medical Board;

(L) Governor's Council on Disabilities and Special Education;

(M) Advisory Board on Alcoholism and Drug Abuse;

(N) Statewide Suicide Prevention Council;

(O) the State Board of Registration for Architect, Engineers, and Land Surveyors;

(8) Alaska Pioneers' Home and Alaska Veterans' Home managers;

(9) hearing examiners in the Department of Revenue;

(10) the comptroller in the division of treasury, Department of Revenue;

(11) airport managers in the Department of Transportation and Public Facilities employed at the Anchorage and Fairbanks International Airports;

(12) the deputy director of the division of insurance in the Department of Commerce, Community, and Economic Development;

(13) the executive director and staff of the Alaska Public Offices Commission;  
(14) the rehabilitation administrator of the division of workers' compensation;  
(15) guards employed by the Department of Public Safety for emergencies;  
(16) marine pilot coordinator of the Board of Marine Pilots;  
(17) guards employed by the Department of Corrections, other than in state correctional facilities, to carry out the responsibility of the commissioner of Corrections under AS 33.30.071(b);

(18) hearing officers and administrative law judges of the Regulatory Commission of Alaska;

(19) the compact administrator appointed under AS 33.36.130;

(20) the chief administrative law judge and administrative law judges of the office of administrative hearings.

#### History -

(Sec. 6 ch 144 SLA 1960; am Sec. 2 ch 48 SLA 1961; am Sec. 2 ch 133 SLA 1961; am Sec. 4 ch 5 SLA 1966; am Sec. 3 ch 104 SLA 1969; am Sec. 2 ch 109 SLA 1969; am Sec. 4 ch 78 SLA 1971; am Sec. 9 ch 47 SLA 1974; am Sec. 4 ch 82 SLA 1975; am Sec. 10 ch 207 SLA 1975; am Sec. 2 ch 157 SLA 1976; am Sec. 19 ch 263 SLA 1976; am E.O. No. 39 Sec. 6 (1977); am Sec. 1 ch 103 SLA 1978; am Sec. 2 ch 108 SLA 1978; am E.O. No. 41 Sec. 3 (1980); am E.O. No. 42 Sec. 3, 4 (1980); am E.O. No. 43 Sec. 4 (1980); am E.O. No. 44 Sec. 5 (1980); am E.O. No. 45 Sec. 3 (1980); am E.O. No. 46 Sec. 4 (1980); am Sec. 18 ch 115 SLA 1980; am Sec. 3 ch 79 SLA 1981; am Sec. 4 ch 110 SLA 1981; am E.O. No. 48 Sec. 3 (1981); am Sec. 4 ch 50 SLA 1982; am Sec. 26 ch 93 SLA 1982; am Sec. 8 ch 112 SLA 1982; am 1983 Initiative Proposal No. 2, Sec. 6; am Sec. 106 ch 6 SLA 1984; am Sec. 15 ch 55 SLA 1984; am Sec. 2 ch 103 SLA 1984; am E.O. No. 58 Sec. 18 (1984); am Sec. 59 ch 21 SLA 1985; am Sec. 54 ch 37 SLA 1986; am Sec. 2 ch 84 SLA 1986; am Sec. 5 ch 48 SLA 1987; am Sec. 12 ch 98 SLA 1988; am Sec. 1 ch 107 SLA 1988; am Sec. 33 ch 141 SLA 1988; am E.O. No. 69 Sec. 22 (1988); am E.O. No. 79 Sec. 2 (1991); am Sec. 13 ch 66 SLA 1991; am Sec. 28 ch 89 SLA 1991; am Sec. 21 ch 6 SLA 1993; am E.O. No. 83 Sec. 20 (1993); am Sec. 18 ch 5 FSSLA 1994; am Sec. 3 ch 92 SLA 1995; am Sec. 43 ch 30 SLA 1996; am E.O. No. 94 Sec. 2 (1996); am Sec. 4, 24 ch 25 SLA 1999; am Sec. 43, 84 ch 58 SLA 1999; am Sec. 2 ch 111 SLA 2000; am Sec. 1 ch 84 SLA 2001; am Sec. 3 ch 27 SLA 2002; am Sec. 4 ch 61 SLA 2002; am Sec. 10 ch 59 SLA 2004; am Sec. 4 ch 66 SLA 2004; am Sec. 58 ch 163 SLA 2004; am Sec. 70 ch 10 FSSLA 2005)

#### Revisors Notes -

In 1992, under Sec. 6, ch. 13, SLA 1992, and AS 01.05.031, "Governor's Council on Disabilities and Special Education" was substituted for "Governor's Council for the Handicapped and Gifted."

Subsection (c) was reorganized in 1999 and 2002 to reflect the repeals and additions of various paragraphs.

In 2004, in paragraph (c)(12) of this section, "Department of Community and Economic Development" was changed to "Department of Commerce, Community, and Economic Development", in accordance with Sec. 3, ch. 47, SLA 2004.

#### Amendment Notes -

The 2001 amendment, effective July 4, 2001, added subparagraph (c)(7)(N).

The first 2002 amendment, effective August 16, 2002, repealed former paragraph (c)(17).

The second 2002 amendment, effective August 15, 2002, added paragraph (c)(19).

The first 2004 amendment, effective July 1, 2004, inserted "and Alaska Veterans' Home" in paragraph (c)(8), and made stylistic changes.

The second 2004 amendment, effective September 14, 2004, added paragraph (c)(7)(O).

The third 2004 amendment, effective July 1, 2005, added paragraph (c)(20).

The 2005 amendment, effective November 7, 2005, substituted "division of workers' compensation" for "Workers' Compensation Board" in paragraph (c)(14).

Decisions -

Cited in *Sheffield v. Alaska Pub. Employees' Ass'n*, 732 P.2d 1083 (Alaska 1987).

Sec. 39.25.130. Extension of partially exempt and classified services.

(a) 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 that, in the judgment of the board,

(1) involves principal responsibility for the determination of policy;

(2) involves principal responsibility for the way in which policies are carried out; or

(3) involves responsibilities and duties of a type not susceptible to the ordinary recruiting and assessment procedures.

(b) Positions may not be included in the partially exempt service under this section if the inclusion is inconsistent with federal requirements for state agencies supported in whole or in part by federal funds.

(c) The personnel board, upon written recommendation of the commissioner of administration, may extend the classified service to include any position in the partially exempt service.

History -

(Sec. 7 ch 144 SLA 1960; am Sec. 9, 10 ch 112 SLA 1982; am Sec. 3 ch 111 SLA 2000)

Decisions -

Cited in *Hafling v. Inlandboatmen's Union*, 585 P.2d 870 (Alaska 1978).