

HOUSE BILL NO. 161

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE EASTMAN

Introduced: 5/13/19

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the right of certain state employees to communicate with members**
2 **and employees of the legislature."**

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

4 *** Section 1.** AS 39.25.070 is amended to read:

5 **Sec. 39.25.070. Powers and duties of personnel board.** In addition to the
6 other duties imposed by this chapter, the personnel board shall

7 (1) approve or disapprove amendments to the personnel rules in
8 accordance with AS 39.25.140;

9 (2) consider and act upon recommendations for the extension of the
10 partially exempt service and the classified service as provided in AS 39.25.130;

11 (3) hear and determine appeals by employees in the classified service
12 as provided in AS 39.25.170;

13 (4) establish its own rules of procedure; two members constitute a
14 quorum for the transaction of business and two affirmative votes are required for final

1 action on matters acted upon by the board;

2 (5) elect a chair from its membership;

3 (6) have the power to administer oaths, subpoena witnesses, and
4 compel the production of books and papers pertinent to a hearing authorized by this
5 chapter;

6 (7) employ staff members, who shall be in the classified service;

7 (8) carry out its powers and duties under AS 39.52;

8 **(9) review and approve or disapprove regulations submitted under**
9 **AS 39.26.010(b).**

10 * **Sec. 2.** AS 39.25.160 is amended by adding a new subsection to read:

11 (m) Unless a communication is otherwise prohibited by law, an employee of
12 the executive or judicial branch of the state may not prohibit another employee of the
13 executive or judicial branch from, or retaliate against another employee of the
14 executive or judicial branch for, communicating with a member or employee of the
15 legislature. Violation of this subsection constitutes just cause for dismissal or other
16 appropriate disciplinary action. In this subsection, "employee" means a person
17 employed in the classified, partially exempt, or exempt service of the state.

18 * **Sec. 3.** AS 39.26.010(a) is amended to read:

19 (a) A department, agency, official, officer, or person employed by the state
20 may not directly or indirectly

21 (1) require or coerce any employee of the state to participate in any
22 way in any activity or undertaking unless the activity or undertaking is related to the
23 performance of official duties;

24 (2) require or coerce any employee of the state to make any report
25 concerning any of the employee's activities or undertakings unless the activity or
26 undertaking is related to the performance of the employee's official duties;

27 (3) except as directly related to the performance of the employee's
28 official duties, require or coerce any employee of the state to submit to any
29 interrogation or examination or psychological test **that** [WHICH] is designed to elicit
30 information concerning

31 (A) the employee's personal relationship with any person

1 connected by blood or marriage;

2 (B) the employee's religious beliefs or practices;

3 (C) sexual matters;

4 (D) the employee's political affiliation or philosophy;

5 (4) coerce any employee of the state to invest or contribute earnings in
6 any manner or for any purpose;

7 (5) restrict or attempt to restrict after-working-hour statements,
8 pronouncements or other activities, not otherwise prohibited by law or personnel rule,
9 of any employee of the state, if the employee does not purport to speak or act in an
10 official capacity;

11 **(6) except for communications otherwise prohibited by law,**
12 **prohibit an employee in the classified, partially exempt, or exempt service of the**
13 **executive or judicial branch of the state from, or retaliate against an employee in**
14 **the classified, partially exempt, or exempt service of the executive or judicial**
15 **branch for, communicating with a member or employee of the legislature.**

16 * **Sec. 4.** AS 39.26.010(b) is amended to read:

17 (b) The heads of the administrative departments of the state may adopt internal
18 management regulations for their respective departments, specifying exceptions to
19 (a)(5) of this section. **A regulation adopted under this subsection may not take**
20 **effect unless approved by** [THESE REGULATIONS SHALL BE SUBMITTED
21 FOR APPROVAL TO] the personnel board **under AS 39.25.070 and may not**
22 **restrict the rights of an employee to communicate under (a)(6) of this section**
23 [PROVIDED FOR IN AS 39.25.060].

24 * **Sec. 5.** AS 39.26.020 is amended to read:

25 **Sec. 39.26.020. Application of chapter.** This chapter applies to

26 **(1) all positions** [THOSE STATE EMPLOYEES] in the classified and
27 partially exempt **service; and**

28 **(2) the exempt service as specifically provided** [SERVICES].

29 * **Sec. 6.** AS 39.52.120(b) is amended to read:

30 (b) A public officer may not

31 (1) seek other employment or contracts through the use or attempted

1 use of official position;

2 (2) accept, receive, or solicit compensation for the performance of
3 official duties or responsibilities from a person other than the state;

4 (3) use state time, property, equipment, or other facilities to benefit
5 personal or financial interests;

6 (4) take or withhold official action in order to affect a matter in which
7 the public officer has a personal or financial interest;

8 (5) attempt to benefit a personal or financial interest through coercion
9 of a subordinate or require another public officer to perform services for the private
10 benefit of the public officer at any time; [OR]

11 (6) use or authorize the use of state funds, facilities, equipment,
12 services, or another government asset or resource for partisan political purposes; this
13 paragraph does not prohibit use of the governor's residence for meetings to discuss
14 political strategy and does not prohibit use of state aircraft or the communications
15 equipment in the governor's residence so long as there is no charge to the state for the
16 use; in this paragraph, "for partisan political purposes"

17 (A) means having the intent to differentially benefit or harm a

18 (i) candidate or potential candidate for elective office;

19 or

20 (ii) political party or group;

21 (B) but does not include having the intent to benefit the public
22 interest at large through the normal performance of official duties; **or**

23 **(7) except for communications otherwise prohibited by law,**
24 **prohibit an employee in the classified, partially exempt, or exempt service of the**
25 **executive branch of the state from, or retaliate against an employee in the**
26 **classified, partially exempt, or exempt service of the executive branch for,**
27 **communicating with a member or employee of the legislature.**