

1 IN THE HOUSE

BY THE RULES COMMITTEE
BY REQUEST

2 HOUSE BILL NO. 188

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act to establish a merit system of
7 personnel administration for the State of
8 Alaska; authorizing promulgation of adminis-
9 trative rules; and providing for an effective
10 date."

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

12 Section 1. GENERAL PURPOSE. The general purpose of this Act
13 is to give effect to Article XII, Section 6, of the State Con-
14 stitution by establishing a modern and workable system of personnel
15 administration based upon merit and fitness and adapted to the
16 special requirements of the State to the end that persons best
17 qualified to perform the functions of the State will be employed
18 and that an effective career service will be developed and
19 maintained.

20 Sec. 2. SHORT TITLE. This Act, and all Acts amendatory thereof,
21 shall be known and may be cited as the "State Personnel Law".

22 Sec. 3. EXEMPT SERVICE. The provisions of this law and the
23 personnel rules adopted thereunder shall not apply to the following:

24 (a) Persons elected to public office by popular vote or
25 appointed to fill vacancies in elected offices.

26 (b) Justices of the Supreme Court, judges of the Superior
27 Court, judges and magistrates of other courts established by the
28 Legislature.

29 (c) The Administrative Director of the Courts.

1 (d) Officers, members of the teaching staff, and
2 student employees of the University of Alaska.

3 (e) Patients and inmates employed in state institutions.

4 (f) Persons employed in a professional or scientific
5 capacity to make or conduct a temporary and special inquiry, study,
6 or examination as authorized by the Governor, the Legislature, or
7 a legislative committee.

8 (g) The chief administrative officer of each house of
9 the Legislature.

10 (h) Members of boards, commissions, or authorities.

11 Sec. 4. UNCLASSIFIED SERVICE. The unclassified service shall
12 be subject to this law only as specifically provided herein and
13 shall consist of:

14 (a) The Legislative Council Director, the Legislative
15 Auditor, and the heads of other similar legislative agencies.

16 (b) Commissioners and assistant commissioners of
17 executive departments.

18 (c) One private secretary for the Secretary of State,
19 for each department head, and for each Supreme Court Justice and
20 Superior Court Judge.

21 (d) All employees in the Governor's office.

22 Sec. 5. CLASSIFIED SERVICE. The classified service shall
23 consist of all positions not specifically included in the exempt
24 service or in the unclassified services.

25 Sec. 6. POSITIONS COVERED BY LAW. This law and the rules
26 adopted thereunder shall apply to all positions in the classified
27 service and to positions in the unclassified service as specifi-
28 cally provided herein.

29 Sec. 7. APPOINTING AUTHORITY.

1 (a) The Legislature shall be the appointing authority
2 for all employees serving the Legislature and legislative agencies,
3 but the actual authority to make appointments may be delegated.

4 (b) The Governor shall be the appointing authority for
5 all offices and employees in the executive branch, but the actual
6 authority to make appointments may be delegated.

7 (c) The Chief Justice of the State Supreme Court shall
8 be the appointing authority for all administrative and clerical
9 personnel of the judicial branch and for magistrates of the lower
10 courts, but the actual authority to make appointments may be dele-
11 gated.

12 Sec. 8. PERSONNEL ADVISORY BOARD. There shall be a Personnel
13 Advisory Board composed of three members who shall be appointed by
14 the Governor, subject to confirmation by a majority of the members
15 of the Legislature in joint session. The first appointees shall
16 be appointed within sixty days of the effective date of this Act
17 for terms of two, four, and six years respectively. Thereafter
18 all appointments shall be for six-year terms. Vacancies in an
19 unexpired term shall be filled by the Governor by appointment for
20 the remainder of the term and shall be confirmed by the Legislature.
21 Members shall be appointed from among the qualified electors of
22 the State who hold no other public office or position in the State
23 and are known to be in sympathy with the merit principle as applied
24 to the civil service. A member of the Board may be removed for
25 cause after notice by the Governor. The Board shall elect its
26 chairman from among its members. Members of the Board shall serve
27 without pay but may be paid a per diem allowance and may be re-
28 imbursed for any travel or other expenses incurred in the perform-
29 ance of their assigned duties.

1 Sec. 9. POWERS AND DUTIES OF THE PERSONNEL ADVISORY BOARD.

2 The Board shall have the power to:

3 (a) Advise the Governor, the Legislature, and the
4 Personnel Director on matters concerning personnel administration.

5 (b) Review and conduct hearings on the personnel rules
6 and any amendments recommended by the Personnel Director, and
7 transmit them with recommendations for approval, rejection, or
8 modification to the Governor.

9 (c) Review and conduct hearings on the classification
10 and salary plans recommended by the Director, approve the classifi-
11 cation plan as recommended or modified, and transmit the salary
12 plan with recommendations for approval, rejection, or modification
13 to the Governor.

14 (d) Hear appeals by permanent employees in the classi-
15 fied service who have been dismissed, demoted, or suspended for
16 more than thirty working days in any one year by an appointing
17 authority and if it finds that the action complained of was taken
18 for any political, racial, or religious reason, the employee shall
19 be reinstated to his position. In all other cases the Board shall
20 report its findings and recommendation in writing to both parties.

21 (e) Make any investigation which it may consider
22 desirable concerning personnel administration in the state service
23 and report its findings, conclusions, and recommendations to the
24 Governor and the Legislature.

25 (f) Perform such other related duties as may be necessary
26 to fulfill its responsibilities under this law or as may be
27 assigned by the Governor or the Legislature.

28 (g) Establish its own rules of procedure, provided that
29 two members shall constitute a quorum for the transaction of business

1 and two affirmative votes shall be required for final action on
2 any matter acted upon by the Board.

3 (h) The Personnel Advisory Board and each member of the
4 Board shall have the power to administer oaths, subpoena witnesses,
5 and compel the production of books and papers pertinent to any
6 investigation or hearing authorized by this law.

7 Sec. 10. PERSONNEL DIRECTOR. A Personnel Director shall be
8 appointed in conformance with the provisions of this law and rules
9 adopted in accordance with this law. The Personnel Director shall
10 be responsible for the execution of the program of personnel
11 administration provided by this law and the rules.

12 Sec. 11. POWERS AND DUTIES OF THE PERSONNEL DIRECTOR. The
13 Personnel Director shall:

14 (a) Administer this law and the rules adopted pursuant
15 to the law.

16 (b) Encourage and exercise leadership in the development
17 of effective personnel administration in the state government.

18 (c) Foster and develop, in cooperation with department
19 heads and others, programs for the improvement of employee effective-
20 ness, including training, safety, health, and welfare.

21 (d) Attend all meetings of the Personnel Advisory Board
22 and provide secretarial services for the Board.

23 (e) Promulgate administrative rules as may be required
24 to implement and administer this Act.

25 (f) Perform any other lawful acts which he may consider
26 necessary or desirable to carry out the purposes and provisions of
27 this law.

28 Sec. 12. PERSONNEL RULES. The Personnel Director shall
29 submit proposed personnel rules to the Personnel Advisory Board

1 within six months after the effective date of this law. The
2 Personnel Director shall promulgate rules in conformance with the
3 Administrative Procedures Act. The rules shall provide:

4 (a) For the preparation, maintenance, and revision of
5 a position classification plan for all positions in the classified
6 and unclassified service which shall group together into classes
7 all positions on the basis of their duties and responsibilities.

8 (b) For the development and administration of a pay
9 plan for all positions in the classified and unclassified service
10 of the State, which shall be based upon the classification plan
11 and shall adhere to the general principle of like pay for like
12 work. Once the pay plan has been adopted, no salary or wage pay-
13 ment shall be made to any state employee unless the payment is in
14 accordance with this law and the personnel rules adopted thereunder.

15 (c) For the use of sound employee selection methods
16 including examinations to test the relative fitness of applicants
17 for positions in the state service, to the end that well qualified
18 individuals will be employed.

19 (d) For promotion from within the service when there are
20 well-qualified candidates in the state service.

21 (e) For a period of probation not to exceed one year
22 before appointment or promotion may be made permanent.

23 (f) For limited term appointments, none of which shall
24 exceed six months.

25 (g) For transfers from one department to another and
26 from another merit system jurisdiction to the state service.

27 (h) For an order of lay-off for reasons of lack of funds
28 or work, abolition of a position, or material change in duties or
29 organization which shall be based on both performance and seniority

1 records.

2 (i) For establishment of a procedure for the review of
3 disputed personnel actions and for resolving grievances and
4 complaints.

5 (j) For standard hours of work, holidays, and leaves of
6 absence for all employees in the state service.

7 (k) For such other rules and administrative regulations,
8 not inconsistent with this law, as may be proper and necessary for
9 its enforcement.

10 Sec. 13. STATUS OF PRESENT EMPLOYEES. Employees with per-
11 manent status under the merit system applying to the grants-in-aid
12 agencies shall be continued in their positions and shall not be
13 required to serve a new probationary period. Federal civil service
14 employees may be transferred without examination to positions in
15 the state service which are similar to those they held in federal
16 service, but shall serve a probationary period of six months. All
17 other employees holding positions in the state service on the
18 effective date of this law may be continued in their respective
19 positions without examination but shall serve a probationary
20 period of six months. Nothing herein shall preclude the reclassi-
21 fication or reallocation of any position held by any of these
22 incumbents as provided by this law or the personnel rules.

23 Sec. 14. PROHIBITIONS.

24 (a) No person shall give, render, pay, offer, solicit,
25 or accept any money, service, or other valuable thing in connection
26 with any appointment, any promotion, or any advantage in a position
27 in the classified service.

28 (b) No person shall require any assessment, subscription,
29 contribution, or service for any political party from any employee

1 in the classified service.

2 (c) No person shall seek or attempt to use any political
3 endorsement in connection with any appointment or promotion in the
4 classified service.

5 (d) Any non-elective officer or employee in the state
6 service who seeks nomination or becomes a candidate for any state
7 or national elective office shall immediately forfeit his position
8 in the state service.

9 (e) No action affecting the employment status of any
10 employee in the classified service or applicant for a position in
11 the classified service including appointment, promotion, demotion,
12 suspension, or removal shall be taken or withheld for racial,
13 political, or religious reasons.

14 (f) No person shall make any false statement, certificate,
15 mark, rating, or report with regard to any test, certification,
16 or appointment made under any provision of this law or in any
17 manner commit any fraud preventing the impartial execution of this
18 law and the personnel rules adopted thereunder.

19 (g) No state employee or other person shall defeat,
20 deceive, or obstruct any person in his right to examination,
21 eligibility, certification, or appointment under this law, or
22 furnish to any person any special or secret information for the
23 purpose of affecting the rights or prospects of any person with
24 respect to employment or promotion in the classified service.

25 Sec. 15. PENALTIES.

26 (a) Any person who wilfully violates any provision of
27 this law or of the personnel rules adopted thereunder shall be
28 guilty of a misdemeanor.

29 (b) Any state employee who is convicted of a misdemeanor

1 under this law or the personnel rules adopted thereunder shall
2 immediately forfeit his office or position.

3 Sec. 16. RECORDS TO BE PUBLIC. The personnel records,
4 except such records as the rules may properly require to be held
5 confidential for reasons of public policy, shall be public records
6 and shall be open to public inspection, subject to reasonable
7 regulations as to the time and manner of inspection which may be
8 prescribed by the Personnel Director.

9 Sec. 17. SERVICES TO POLITICAL SUBDIVISIONS.

10 (a) The Personnel Director may enter into agreements
11 with any municipality or other political subdivision of the State
12 to furnish services to the municipality or political subdivision
13 in the administration of its personnel on merit principles. Any
14 such agreement shall provide for the reimbursement to the State of
15 the reasonable cost of the services furnished, as determined by
16 the Director. All municipalities and political subdivisions of
17 the State are hereby authorized to enter into such agreements.

18 (b) The Director may cooperate with governmental
19 agencies or other jurisdictions charged with personnel administra-
20 tion in conducting joint tests and establishing joint lists from
21 which eligibles shall be certified for appointment in accordance
22 with the provisions of this law.

23 Sec. 18. SEVERABILITY. If any provision of this law or any
24 rule, regulation, or order thereunder or the application of such
25 provision to any person or circumstance shall be held invalid, the
26 remainder of this law and the application of such provision of
27 such law or of such rule, regulation, or order to persons or
28 circumstances other than those as to which it is held invalid
29 shall not be affected thereby.

1 Sec. 19. TRANSITION. The merit system in effect for the
2 grants-in-aid agencies shall continue in effect until the Personnel
3 Director certifies to the Governor that the Personnel Division is
4 organized to administer the system as required to be eligible for
5 federal grants.

6 Sec. 20. REPEAL OF EXISTING LAWS. All laws applying to the
7 selection, employment, salaries, hours of work, overtime, vacation,
8 sick leave, and other working conditions of employees are hereby
9 repealed.

10 Sec. 21. EFFECTIVE DATE. This law shall take effect on the
11 _____ day of _____, 19__.

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