

1 IN THE HOUSE

BY MESSRS. ENGSTROM AND RAY

2 HOUSE BILL NO. 209

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to grievance procedures  
7 for state employees."

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

9 \* Section 1. The purpose of the grievance procedure set out  
10 in this Act is to afford employees a written and systematic  
11 means of obtaining further consideration of grievances after  
12 every reasonable effort has failed to resolve them through in-  
13 formal discussions initiated with their immediate supervisors.

14 \* Sec. 2. AS 39 is amended by adding new sections to read:

15 ARTICLE 8. GRIEVANCE PROCEDURES

16 Sec. 39.25.240. DISCUSSION OF GRIEVANCE. An employee  
17 who has a grievance relating to his position, working  
18 conditions or employment shall first discuss it with his  
19 immediate supervisor or next intermediate supervisor or the  
20 appropriate personnel officer. Grievances should be settled  
21 fairly, informally and promptly at or near their place of  
22 occurrence.

23 Sec. 39.25.250. PRESENTATION TO DEPARTMENT OR AGENCY HEAD.  
24 If a grievance is not settled to the employee's satisfaction  
25 through informal discussion under sec. 240 of this chapter  
26 the employee may, within 10 days, reduce his grievance to  
27 writing and submit it to the principal executive officer of  
28 the department or agency. The employee's written presenta-  
29 tion must contain information regarding his identity and the

1 section in which he is employed, the specific nature of his  
2 grievance and, if possible, the corrective action desired.  
3 A written decision from the principal executive officer shall  
4 be rendered the employee within 15 days after receipt of his  
5 written grievance.

6 Sec. 39.25.260. REQUEST FOR A HEARING. If a satisfac-  
7 tory solution has not been obtained by the decision of the  
8 principal executive officer, the employee may send a request  
9 for a hearing to the commissioner of administration.

10 Sec. 39.25.270. GRIEVANCE COMMITTEE CREATED. A grievance  
11 committee shall be created within 10 calendar days after re-  
12 quest for a hearing has been received by the commissioner of  
13 administration. The committee shall consist of three members,  
14 one of whom shall be appointed by the commissioner of adminis-  
15 tration or his designated representative, one designated by  
16 the board of the Alaska State Employees Association, and one  
17 mutually-agreable neutral party. No person may be selected  
18 who has made or been called upon to make an administrative  
19 decision in the case. The commissioner of administration or  
20 his representative may designate the chairman.

21 Sec. 39.25.280. PLACE OF HEARING. The committee shall  
22 conduct its hearing as near as practical to the place where  
23 the grievance occurred.

24 Sec. 39.25.290. RIGHTS OF EMPLOYEE AND HIS REPRESENTA-  
25 TIVE. The employee shall have the right to be accompanied,  
26 represented and advised by a representative of his own  
27 choosing in presenting his grievance. The employer and his  
28 representative shall be given a reasonable amount of work  
29 time for preparing and presenting the grievance.

1           Sec. 39.25.300. CONDUCT AND PROCEDURE. The committee  
2 shall conduct the hearing expeditiously and in a manner to  
3 obtain a clear understanding of the facts. The procedure  
4 shall be informal. Technical rules regarding evidence and  
5 witnesses do not apply. Both sides may call witnesses but  
6 the committee will determine which witnesses it will hear  
7 after considering the relevancy of their testimony. Wit-  
8 nesses will be considered to be on duty status if they  
9 would otherwise be in a duty status at the time. Witnesses  
10 shall be encouraged to express themselves freely without  
11 fear of intimidation or reprisal. The committee shall com-  
12 plete its hearing within 14 calendar days.

13           Sec. 39.25.310. COMMITTEE REPORT. The committee shall  
14 submit a report of its findings and recommendations to the  
15 employee's department within 10 calendar days after the  
16 hearing has been closed. A copy of the report and recom-  
17 mendations shall be furnished to the employee. Another copy  
18 shall be furnished the Alaska State Employees Association,  
19 and if the grievance stemmed from the action or actions of  
20 a supervisor or another official or member of the employee's  
21 department, a copy of the report and recommendations shall  
22 be placed in his personnel file.

23           Sec. 39.25.320. FINAL APPEAL. An employee may appeal  
24 the committee's findings or recommendations to the personnel  
25 board. An appeal to the personnel board must be made within  
26 15 days after receipt by the employee of the report of the  
27 committee. The personnel board upon receipt of an appeal  
28 shall review the findings of the grievance committee and may  
29 affirm, modify or set aside the findings. If it considers it

1 necessary, the personnel board may, upon appeal, conduct a  
2 hearing before affirming, modifying or setting aside the  
3 findings of the committee. The personnel board shall submit  
4 a report of its decision in the same manner as provided for  
5 committee reports under AS 39.25.310.

6 Sec. 39.25.330. PROTECTION OF EMPLOYEE. The employees  
7 covered by these procedures shall have freedom to seek ad-  
8 judication of their grievances without fear of restraint,  
9 interference, coercion, discrimination or reprisal. This  
10 principle shall apply equally to any employee taking part in  
11 the presentation and adjudication of a grievance.

12 Sec. 39.25.340. DEFINITIONS. In this chapter "grievance"  
13 means an employee's expressed feeling of dissatisfaction with  
14 aspects of working conditions and environment, relationships  
15 with supervisors and with other employees and officials,  
16 implementation or failure to implement personnel laws, rules  
17 or policies, and with disciplinary action.

18 \* Sec. 3. AS 39.25.120 is amended to read:

19 Sec. 39.25.120. PARTIALLY EXEMPT SERVICE. The follow-  
20 ing positions in the state service constitute the partially  
21 exempt service and are subject to this chapter and the rules  
22 adopted under it only as specifically provided in this  
23 chapter. Positions in the partially exempt service shall be  
24 included in the position classification plan established  
25 under this chapter, and these positions shall be compensated  
26 according to the pay plan. Persons holding positions in the  
27 partially exempt service are not required to take examinations,  
28 qualify or earn a place on a register, nor are they eligible  
29 for a hearing by the personnel board in case of dismissal,

1 demotion, or suspension. Positions in the partially exempt  
2 service are specifically exempt from the rule established  
3 under sec. 150(3) - (11), (14), (15), (18) of this chapter.  
4 They are also specifically exempt from secs. 170, [AND] 150 and  
5 240 - 330 of this chapter and as stated in sec. 160(a) of  
6 this chapter:

- 7 (1) assistant commissioners of the principal  
8 departments of the executive branch;
- 9 (2) those directors of the major divisions of the  
10 principal departments of the executive branch as are  
11 specifically designated by the governor;
- 12 (3) attorney members on the staff of the Depart-  
13 ment of Law;
- 14 (4) one private secretary for each head of a  
15 principal department in the executive branch;
- 16 (5) all employees of the office of the governor  
17 and the secretary of state, including the staff of the  
18 governor's mansion;
- 19 (6) all employees of the state judicial system,  
20 including employees of the Judicial Council.
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