

Original Sponsors: Messrs.  
Engstrom and Ray

Offered: 4/2/65  
Referred: Rules

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE  
2 CS FOR 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 for  
7 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 in  
10 this Act is to afford employees a written and systematic means of  
11 obtaining further consideration of grievances after every reason-  
12 able effort has failed to resolve them through informal discus-  
13 sions 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 condi-  
18 tions or employment shall present his grievance in writing  
19 and first discuss it with his immediate supervisor. If not  
20 satisfied by the results of this discussion, he may discuss  
21 his grievances with the next intermediate supervisor or the  
22 appropriate personnel officer. Grievances should be settled  
23 fairly, informally and promptly at or near their place of  
24 occurrence.

25 Sec. 39.25.250. PRESENTATION TO DEPARTMENT OR AGENCY  
26 HEAD. If a grievance is not settled to the employee's  
27 satisfaction through informal discussion under sec. 240 of  
28 this chapter the employee may, within 10 days, reduce his  
29 grievance to writing and submit it to the head of the

1 department or agency. The employee's written presentation  
2 must contain information regarding his identity and the  
3 section in which he is employed, the specific nature of his  
4 grievance and, if possible, the corrective action desired.  
5 A written decision from the head of the department or agency  
6 shall be rendered the employee within 15 days after receipt  
7 of his written grievance.

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

12 Sec. 39.25.270. GRIEVANCE COMMITTEE CREATED. A  
13 grievance committee shall be created within 10 calendar days  
14 after request for a hearing has been received by the commis-  
15 sioner of administration. The committee shall consist of  
16 three members, one of whom shall be appointed by the commis-  
17 sioner of administration or his designated representative,  
18 one designated by the employee organization or association,  
19 if any, with which the employee is associated or of which he  
20 is a member, or otherwise by the organization or association  
21 named in writing by the employee, and one mutually-agreeable  
22 neutral party. No person may be selected who has made or  
23 been called upon to make an administrative decision in the  
24 case. The commissioner of administration or his representa-  
25 tive may designate the chairman.

26 Sec. 39.25.280. PLACE OF HEARING. The committee shall  
27 conduct its hearing as near as practical to the place where  
28 the grievance occurred.

29 Sec. 39.25.290. RIGHTS OF EMPLOYEE AND HIS REPRESENTA-

1 TIVE. The employee shall have the right to be accompanied,  
2 represented and advised by a representative of his own  
3 choosing in presenting his grievance. The employee and his  
4 representative shall be given a reasonable amount of work  
5 time for preparing and presenting the grievance.

6 Sec. 39.25.300. CONDUCT AND PROCEDURE. The committee  
7 shall conduct the hearing expeditiously and in a manner to  
8 obtain a clear understanding of the facts. The procedure  
9 shall be informal. Technical rules regarding evidence and  
10 witnesses do not apply. Witnesses will be considered to be  
11 on duty status if they would otherwise be in a duty status at  
12 the time. Witnesses shall be encouraged to express them-  
13 selves freely without fear of intimidation or reprisal. The  
14 committee shall complete its hearing within 14 calendar days.

15 Sec. 39.25.310. COMMITTEE REPORT. The committee shall  
16 submit a report of its findings and recommendations to the  
17 employee's department within 10 calendar days after the  
18 hearing has been closed. A copy of the report and recommenda-  
19 tions shall be furnished to the employee. Another copy shall  
20 be furnished the organization or association with which the  
21 employee is associated or of which he is a member, and if the  
22 grievance stemmed from the action or actions of a supervisor  
23 or another official or member of the employee's department,  
24 a copy of the report and recommendations shall be placed in  
25 his personnel file upon recommendation of the grievance com-  
26 mittee when the committee finds that the grievance resulted  
27 from misconduct or notably poor judgment on the part of the  
28 supervisor, official or employee.

29 Sec. 39.25.320. FINAL APPEAL. An employee may appeal

1 the committee's findings or recommendations to the personnel  
2 board. An appeal to the personnel board must be made within  
3 15 days after receipt by the employee of the report of the  
4 committee. The personnel board upon receipt of an appeal  
5 shall review the findings of the grievance committee and may  
6 affirm, modify or set aside the findings. If it considers it  
7 necessary, the personnel board may, upon appeal, conduct a  
8 hearing before affirming, modifying or setting aside the  
9 findings of the committee. The personnel board shall submit  
10 a report of its decision in the same manner as provided for  
11 committee reports under AS 39.25.310.

12 Sec. 39.25.330. PROTECTION OF EMPLOYEE. The employees  
13 covered by these procedures shall have freedom to seek  
14 adjudication of their grievances without fear of restraint,  
15 interference, coercion, discrimination or reprisal. This  
16 principle shall apply equally to any employee taking part in  
17 the presentation and adjudication of a grievance.

18 Sec. 39.25.340. DEFINITIONS. In this chapter  
19 "grievance" means an employee's expressed feeling of dis-  
20 satisfaction with aspects of working conditions and environ-  
21 ment, relationships with supervisors and with other employees  
22 and officials, implementation or failure to implement per-  
23 sonnel laws, rules or policies, and with disciplinary action.

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

25 Sec. 39.25.120. PARTIALLY EXEMPT SERVICE. The follow-  
26 ing positions in the state service constitute the partially  
27 exempt service and are subject to this chapter and the rules  
28 adopted under it only as specifically provided in this  
29 chapter. Positions in the partially exempt service shall be

1 included in the position classification plan established  
2 under this chapter, and these positions shall be compensated  
3 according to the pay plan. Persons holding positions in the  
4 partially exempt service are not required to take examina-  
5 tions, qualify or earn a place on a register, nor are they  
6 eligible for a hearing by the personnel board in case of  
7 dismissal, demotion, or suspension. Positions in the  
8 partially exempt service are specifically exempt from the  
9 rule established under sec. 150(3) - (11), (14), (15), (18)  
10 of this chapter. They are also specifically exempt from  
11 secs. 170, [AND] 150 and 240 - 330 of this chapter and as  
12 stated in sec. 160(a) of this chapter:

13 (1) assistant commissioners of the principal  
14 departments of executive branch;

15 (2) those directors of the major divisions of the  
16 principal departments of the executive branch as are speci-  
17 fically designated by the governor;

18 (3) attorney members on the staff of the Depart-  
19 ment of Law;

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

22 (5) all employees of the office of the governor  
23 and the secretary of state, including the staff of the  
24 governor's mansion;

25 (6) all employees of the state judicial system,  
26 including employees of the Judicial Council.  
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