

Introduced: 2/16/68
Referred: State Affairs

1 IN THE HOUSE

BY SMITH AND SASSARA

2 HOUSE BILL NO. 576

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the State Personnel Act."

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

8 * Section 1. AS 39.25.020 is amended by adding a new subsection to read:

9 (5) The principal executive officer of each department is the
10 appointing authority for all employees in the classified service. The
11 appointment of employees in the classified service by the principal
12 executive officer shall be done in conformance with the personnel rules
13 as promulgated by the Civil Service Commission.

14 * Sec. 2. AS 39.25.030 is amended to read:

15 Sec. 39.25.030. DIVISION OF PERSONNEL [AND BOARD]. There is
16 established within the Department of Administration a division of per-
17 sonnel. [THERE IS ESTABLISHED WITHIN THE DIVISION OF PERSONNEL A
18 PERSONNEL BOARD.]

19 * Sec. 3. AS 39.25.040 is amended to read:

20 Sec. 39.25.040. DIRECTOR OF PERSONNEL. The head of the division
21 of personnel is the director of personnel appointed by the Civil Service
22 Commission [COMMISSIONER OF ADMINISTRATION] and responsible to the com-
23 mission [COMMISSIONER OF ADMINISTRATION] for the execution of the duties
24 and responsibilities imposed by this chapter and the rules adopted under
25 this chapter. The director of personnel must have at least three years
26 of practical working experience in the field of personnel administration
27 This position shall be within the classified service.

28 * Sec. 4. AS 39.25.050(4) is amended to read:

29 (4) attend meetings of the Civil Service Commission [PERSONNEL

1 BOARD] and serve as secretary for the commission [BOARD];

2 * Sec. 5. AS 39.25.060 is amended to read:

3 Sec. 39.25.060. CIVIL SERVICE COMMISSION [PERSONNEL BOARD]. (a)
4 There is created a state Civil Service Commission [THE PERSONNEL BOARD
5 IS] composed of five [THREE] members appointed by the governor and con-
6 firmed by the legislature meeting in joint session. Initial appoint-
7 ments to the commission [BOARD] are for terms of one, two, three, four,
8 and five [SIX] years. Subsequent appointments are for six-year terms.
9 A vacancy in an unexpired term shall be filled by appointment by the
10 governor for the remainder of the term. The appointment is subject to
11 confirmation in the same manner as a full-term appointment.

12 (b) Members of the commission [BOARD] shall be qualified electors
13 of the state who are not employees or officers of the state and shall
14 have clearly demonstrated an interest and belief in the principle of the
15 merit system. Not more than two members of the commission [BOARD] may
16 be members of the same political party. A member shall not have been an
17 officer of a political party for a period of one year immediately before
18 appointment, and shall not be or become a candidate for partisan elec-
19 tive public office during the term to which appointed.

20 (c) A member may be removed by the governor only for cause, after
21 being given a copy of the charges against him and an opportunity to be
22 heard publicly on the charges before the governor. A copy of the charge
23 and a transcript of the record of the hearing shall be filed with the
24 secretary of state [A BOARD MEMBER HOLDS OFFICE AT THE PLEASURE OF THE
25 GOVERNOR NOTWITHSTANDING THE MEMBER'S TERM].

26 (d) A member of the commission [BOARD] may receive a per diem
27 allowance and transportation expenses incurred in carrying out his
28 duties.

29 (e) At its first meeting following appointment of all members, and

1 annually thereafter, the commission shall elect a chairman and vice
2 chairman from among its members to serve one year. Two members consti-
3 tutes a quorum to transact business. A written public record shall be
4 kept by the commission of all actions of the commission.

5 (f) The commission shall comply with the Administrative Procedure
6 Act.

7 * Sec. 6. AS 39.25.070 is amended to read:

8 Sec. 39.25.070. POWERS AND DUTIES OF CIVIL SERVICE COMMISSION
9 [PERSONNEL BOARD]. In addition to the other duties imposed by this
10 chapter, the commission [PERSONNEL BOARD] shall

11 (1) approve or disapprove the original rules or a part of
12 them within 60 days of their submission to the commission [BOARD] and
13 approve or disapprove amendments to the rules within 30 days of submis-
14 sion to the commission [BOARD], and in carrying out this duty, [THE
15 BOARD,] if requested, may hold the public hearings it considers neces-
16 sary;

17 (2) consider and act upon recommendations for the extension
18 of the partially exempt service and the classified service as provided
19 in sec. 130 of this chapter;

20 (3) hear and determine appeals by employees in the classified
21 service as provided in sec. 170 of this chapter;

22 (4) establish its own rules of procedure (two members consti-
23 tute a quorum for the transaction of business and two affirmative votes
24 are required for final action on matters acted upon by the commission
25 [BOARD];

26 [(5) ELECT A CHAIRMAN FROM ITS MEMBERSHIP;]

27 (6) have the power to administer oaths, subpoena witnesses,
28 and compel the production of books and papers pertinent to a hearing
29 authorized by this chapter.

1 * Sec. 7. AS 39.25.120 is amended to read:

2 Sec. 39.25.120. PARTIALLY EXEMPT SERVICE. The following positions
3 in the state service constitute the partially exempt service and are
4 subject to this chapter and the rules adopted under it only as specific-
5 ally provided in this chapter. Positions in the partially exempt service
6 shall be included in the position classification plan established under
7 this chapter, and these positions shall be compensated according to the
8 pay plan. Persons holding positions in the partially exempt service are
9 not required to take examinations, qualify or earn a place on a register,
10 nor are they eligible for a hearing by the Civil Service Commission
11 [PERSONNEL BOARD] in case of dismissal, demotion, or suspension.
12 Positions in the partially exempt service are specifically exempt from
13 the rule established under sec. 150(3) - (11), (14), (15), (18) of this
14 chapter. They are also specifically exempt from secs. 170 and 180 of
15 this chapter and as stated in sec. 160(a) of this chapter:

16 (1) assistant commissioners of the principal departments of
17 the executive branch;

18 (2) those directors of the major divisions of the principal
19 departments of the executive branch as are specifically designated by
20 the governor;

21 (3) attorney members of the staff of the Department of Law;

22 (4) one private secretary for each head of a principal de-
23 partment in the executive branch;

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

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

28 * Sec. 8. AS 39.25.140(a) is amended to read:

29 (a) The director of personnel shall prepare and submit to the

1 Civil Service Commission [COMMISSIONER OF ADMINISTRATION] any proposed
2 amendments to the personnel rules for all positions and employees sub-
3 ject to this chapter.

4 * Sec. 9. AS 39.25.140(b) is repealed.

5 * Sec. 10. AS 39.25.140(c) is amended to read:

6 (c) At the time he submits the amendments to the Civil Service
7 Commission, the director of personnel [PERSONNEL BOARD, THE COMMISSIONER
8 OF ADMINISTRATION] shall, by posting in public buildings throughout the
9 state, give notice that the Civil Service Commission [PERSONNEL BOARD]
10 has the amendments under consideration. The amendments have the effect
11 of law 30 days after they are submitted to the Civil Service Commission
12 [PERSONNEL BOARD] if not disapproved by it [THE PERSONNEL BOARD]. The
13 Civil Service Commission [PERSONNEL BOARD], if requested, may hold
14 public hearings on the amendments.

15 * Sec. 11. AS 39.25.150(1) is amended to read:

16 (1) the preparation, maintenance, and revision by the
17 director of personnel, subject to approval by the Civil Service Commis-
18 sion [COMMISSIONER OF ADMINISTRATION AND THE PERSONNEL BOARD], of a
19 position classification plan for all positions in the classified and
20 partially exempt services; in the position classification plan all
21 positions shall be grouped together into classes on the basis of duties
22 and responsibilities; the position classification plan shall include
23 for each class of position an appropriate title, a description of the
24 duties and responsibilities, training and experience qualifications,
25 and other necessary position specifications;

26 * Sec. 12. AS 39.25.150(2) is amended to read:

27 (2) the preparation, maintenance, revision, and administra-
28 tion by the director of personnel, subject to approval by the Civil
29 Service Commission [COMMISSIONER OF ADMINISTRATION], of a pay plan for

1 all positions in the classified and partially exempt services; the pay
2 plan shall be prepared after consultation with the appointing authori-
3 ties or their designee, and with representatives of interested employee
4 groups; the pay plan shall be based upon the position classification
5 plan, shall provide for fair and reasonable compensation for services
6 rendered, and shall be based on the principle of like pay for like work
7 commissioners' salaries are not the maximum limit for the pay plan and
8 in exceptional circumstances higher salaries may be specified; the pay
9 plan may provide for uniform starting pay, increments, and area and
10 time differentials; the pay plan prepared pursuant to this section is
11 subject to approval by the legislature in regular or special session;
12 amendments to the pay plan are also subject to approval by the legis-
13 lature; after the pay plan is put into effect, no salary or wage payment
14 may be made to a state employee covered by the pay plan unless the pay-
15 ment is in accordance with this chapter and the rules adopted under this
16 chapter;

17 * Sec. 13. AS 39.25.170 is amended to read:

18 Sec. 39.25.170. HEARINGS AND APPEALS. (a) An employee in the
19 classified service who is dismissed, demoted, or suspended for more
20 than 30 working days in a 12-month period shall be notified in writing
21 by his employer of the action and the reason for it and shall [MAY] be
22 heard publicly by the Civil Service Commission [PERSONNEL BOARD] and
23 may be represented by counsel at the hearing. In order to be heard,
24 the complainant shall request a hearing within 15 days of dismissal,
25 demotion or suspension.

26 (b) If the commission [BOARD] finds that the action complained of
27 was taken for a political, racial or religious reason, or in violation
28 of this chapter or the rules adopted under this chapter, the officer or
29 employee shall be reinstated to his position without loss of pay or

1 leave benefit for the period of his dismissal, demotion, or suspension.
2 In all other cases, the commission [BOARD] shall report its findings
3 and recommendations to both parties.

4 * Sec. 14. The personnel rules in effect on the effective date of this
5 Act shall continue in force until adopted or modified by the Civil Service
6 Commission.

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