

Original sponsor: Rules/Legislative
Council

Offered: 5/15/81
Referred: Judiciary

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 193 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act amending state personnel laws; and providing
7 for an effective date."

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

9 * Section 1. AS 39.25.040 is amended to read:

10 Sec. 39.25.040. DIRECTOR OF PERSONNEL. The head of the division
11 of personnel is the director of personnel appointed by the commissioner
12 of administration and responsible to the commissioner of administration
13 for the execution of the duties and responsibilities imposed by this
14 chapter and the rules adopted under this chapter. The director of
15 personnel shall [MUST] have at least three years of practical working
16 experience in the field of personnel administration.

17 * Sec. 2. AS 39.25.060(b) is amended to read:

18 (b) Members of the board may not be [SHALL BE QUALIFIED ELECTORS
19 OF THE STATE WHO ARE NOT] employees [OR OFFICERS] of the state. Not
20 more than two members of the board may be members of the same political
21 party.

22 * Sec. 3. AS 39.25.070(1) is amended to read:

23 (1) approve or disapprove amendments to the personnel rules
24 in accordance with AS 39.25.140 [THE ORIGINAL RULES OR A PART OF THEM
25 WITHIN 60 DAYS OF THEIR SUBMISSION TO THE BOARD AND APPROVE OR DIS-
26 APPROVE AMENDMENT TO THE RULES WITHIN 30 DAYS OF SUBMISSION TO THE
27 BOARD, AND IN CARRYING OUT THIS DUTY, THE BOARD, IF REQUESTED, MAY HOLD
28 THE PUBLIC HEARINGS IT CONSIDERS NECESSARY];

29 * Sec. 4. AS 39.25.070(3) is amended to read:

1 (3) hear and determine appeals by employees [IN THE CLASSI-
2 FIED SERVICE] as provided in AS 39.25.170;

3 * Sec. 5. AS 39.25.070 is amended by adding a new paragraph to read:

4 (7) employ staff members, who shall be in the classified
5 service.

6 * Sec. 6. AS 39.25.080 is repealed and reenacted to read:

7 Sec. 39.25.080. PUBLIC RECORDS. (a) State personnel records,
8 including employment applications and examination materials, are confi-
9 dential and are not open to public inspection except as provided in
10 this section.

11 (b) The following information is available for public inspection,
12 subject to reasonable regulations on the time and manner of inspection:

13 (1) the names and position titles of all state employees;

14 (2) the position held by a state employee;

15 (3) prior positions held by a state employee;

16 (4) whether a state employee is in the classified, partially
17 exempt, or exempt service;

18 (5) the dates of appointment and separation of a state em-
19 ployee; and

20 (6) the compensation authorized for a state employee.

21 (c) A state employee has the right to examine his own personnel
22 files and may authorize others to examine his files.

23 (d) An applicant for state employment who appeals an examination
24 score may review written examination questions relating to the examina-
25 tion unless the questions are to be used in future examinations.

26 * Sec. 7. AS 39.25.090 is amended to read:

27 Sec. 39.25.090. COVERAGE OF CHAPTER. This chapter and the rules
28 adopted under it apply to all positions in (1) the classified service,
29 and (2) the exempt and partially exempt service as specifically pro-

1 vided.

2 * Sec. 8. AS 39.25.110 is repealed and reenacted to read:

3 Sec. 39.25.110. EXEMPT SERVICE. Unless otherwise provided by
4 law, the following positions in the state service constitute the exempt
5 service and are exempt from the provisions of this chapter and the
6 rules adopted under it:

7 (1) persons elected to public office by popular vote or
8 appointed to fill vacancies in elected offices;

9 (2) justices of the supreme court, judges of the court of
10 appeals, judges of the superior court, and judges and magistrates of
11 other state courts established by law;

12 (3) employees of the state court system, and employees and
13 members of the Judicial Council;

14 (4) employees of the state legislature and its agencies;

15 (5) the head of each principal department in the executive
16 branch;

17 (6) officers and employees of the University of Alaska;

18 (7) certificated teachers and noncertificated employees
19 employed by a regional educational attendance area established and
20 organized under AS 14.08.031 - 14.08.041 to teach in, administer, or
21 operate schools under the control of a regional educational attendance
22 area school board;

23 (8) certificated teachers employed by the Department of
24 Education as correspondence teachers or teachers in skill centers
25 operated by the Department of Education;

26 (9) patients and inmates employed in state institutions;

27 (10) persons employed in a professional capacity to make a
28 temporary or special inquiry, study or examination as authorized by the
29 governor, the legislature, or a legislative committee;

- 1 (11) members of boards, commissions, or authorities;
- 2 (12) the officers and employees of the following boards,
- 3 commissions and authorities:
- 4 (A) Alaska Gas Pipeline Financing Authority;
- 5 (B) Alaska Permanent Fund Corporation;
- 6 (C) Alaska Energy Center;
- 7 (D) Alaska Industrial Development Authority;
- 8 (13) the executive officer of the Alaska Commission on Post-
- 9 secondary Education;
- 10 (14) the executive officer of the Alaska Commercial Fisheries
- 11 Entry Commission;
- 12 (15) the ombudsman and his staff;
- 13 (16) the executive secretary and legal counsel of the Alaska
- 14 Municipal Bond Bank Authority;
- 15 (17) licensed physicians, as defined in AS 47.30.340(9),
- 16 employed by the division of mental health and developmental disabili-
- 17 ties, Department of Health and Social Services;
- 18 (18) petroleum engineers and petroleum geologists employed in a
- 19 professional capacity by the Department of Natural Resources except for
- 20 those employed in the division of geological and geophysical surveys;
- 21 (19) officers, agents, and employees of the Alcoholic Bever-
- 22 age Control Board granted limited peace officer powers by the Alcoholic
- 23 Beverage Control Board under AS 04.06.110;
- 24 (20) persons employed by the division of marine transporta-
- 25 tion as masters and members of the crews of vessels who operate the
- 26 state ferry system and who are covered by a collective bargaining
- 27 agreement provided in AS 23.40.040;
- 28 (21) officers and employees of the state who reside in foreign
- 29 countries.

1 * Sec. 9. AS 39.25.120 is repealed and reenacted to read:

2 Sec. 39.25.120. PARTIALLY EXEMPT SERVICE. (a) Positions in the
3 partially exempt service are included in the position classification
4 plan established under this chapter and are compensated according to
5 the pay plan (AS 39.27.011).

6 (b) A person holding a position in the partially exempt service
7 is not required to take an examination or qualify or earn a place on a
8 register, and is not eligible for a hearing by the personnel board in
9 case of dismissal, demotion, or suspension, except as provided in
10 AS 39.25.170. Positions in the partially exempt service are specifi-
11 cally exempt from the rules established under AS 39.25.150(3) - (10),
12 (13), (14), and (17).

13 (c) The following positions in the state service constitute the
14 partially exempt service:

15 (1) deputy and assistant commissioners of the principal
16 departments of the executive branch, including the assistant adjutant
17 general of the Department of Military Affairs;

18 (2) the directors of the major divisions of the principal
19 departments of the executive branch and the regional directors of the
20 Department of Transportation and Public Facilities;

21 (3) attorney members of the staff of the Department of Law
22 and of the public defender agency;

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

25 (5) employees of the Office of the Governor and the office
26 of the lieutenant governor, including the staff of the governor's
27 mansion;

28 (6) the executive director and deputy director of the Alaska
29 Public Utilities Commission;

1 (7) the state forester in the Department of Natural Resources;
2

3 (8) the director, deputy director, staff legal counsel, and
4 hearing officers of the Alaska Transportation Commission;

5 (9) not more than two special assistants to the commissioner
6 of each of the principal departments of the executive branch, but the
7 number may be increased if the partially exempt service is extended
8 under AS 39.25.130 to include the additional special assistants;

9 (10) the principal executive officer of the following boards,
10 councils, or commissions:

11 (A) Alaska Public Broadcasting Commission;

12 (B) Professional Teaching Practices Commission;

13 (C) Parole Board;

14 (D) Board of Nursing;

15 (E) Real Estate Commission;

16 (F) Alaska Royalty Oil and Gas Development Advisory

17 Board;

18 (G) Alaska Historical Commission;

19 (H) Alaska State Council on the Arts;

20 (I) Alaska Police Standards Council;

21 (J) Council on Science and Technology;

22 (11) Alaska Pioneers' Home managers;

23 (12) hearing examiners in the Department of Revenue;

24 (13) the comptroller in the division of treasury, Department
25 of Revenue;

26 (14) investment officers in the Department of Revenue;

27 (15) the chief of subsistence in the Department of Fish and
28 Game;

29 (16) airport managers in the Department of Transportation and

1 Public Facilities employed at the Anchorage and Fairbanks International
2 Airports;

3 (17) the deputy director of the division of tourism and the
4 deputy director of the division of insurance in the Department of Com-
5 merce and Economic Development;

6 (18) the executive director and staff of the Alaska Public
7 Offices Commission.

8 * Sec. 10. AS 39.25.130(a) is amended to read:

9 (a) The [AFTER JUNE 30, 1961, THE] personnel board, upon written
10 recommendation of the commissioner of administration, may extend the
11 partially exempt service to include any position [WHICH WAS] in the
12 classified service [ON APRIL 19, 1960,] which, in the judgment of the
13 board:

14 (1) involves principal responsibility for the determination
15 of policy;

16 (2) involves principal responsibility for the way in which
17 policies are carried out; or

18 (3) involves responsibilities and duties of a type not sus-
19 ceptible to the ordinary recruiting and examining procedures.

20 * Sec. 11. AS 39.25.130(c) is amended to read:

21 (c) The [AFTER JUNE 30, 1961, THE] personnel board, upon written
22 recommendation of the commissioner of administration, may extend the
23 classified service to include any position [WHICH WAS] in the partially
24 exempt service [ON APRIL 19, 1960].

25 * Sec. 12. AS 39.25.140 is repealed and reenacted to read:

26 Sec. 39.25.140. AMENDMENT OF PERSONNEL RULES. (a) The director
27 of personnel shall prepare and submit proposed amendments of the person-
28 nel rules to the commissioner of administration for review and approval.

29 (b) The commissioner of administration shall review the proposed

1 amendments and if he approves them, he shall submit them to the person-
2 nel board.

3 (c) If the proposed amendments concern matters of public policy,
4 the personnel board shall adopt them in accordance with the Administra-
5 tive Procedure Act (AS 44.62).

6 (d) If the proposed amendments relate only to internal management
7 of a state agency, the commissioner of administration shall post notice
8 in public buildings throughout the state that the personnel board has
9 the proposed amendments under consideration. The notice required by
10 this subsection shall be posted at least 30 days before any decision is
11 made to amend the personnel rules and shall include an address for the
12 receipt of written comments.

13 (e) If requested by the commissioner of administration or by a
14 person receiving notice of the proposed amendments, the personnel board
15 may hold public hearings on the proposed amendments and may appoint a
16 hearing officer to conduct the hearings.

17 (f) The personnel board may amend the proposed amendments.

18 (g) The proposed amendments become effective 45 days after they
19 are submitted to the personnel board unless the board has disapproved
20 them.

21 (h) The amended rules shall be published in the Alaska Administra-
22 tive Register and Code for informational purposes.

23 * Sec. 13. AS 39.25.150 is repealed and reenacted to read:

24 Sec. 39.25.150. SCOPE OF THE RULES. The personnel rules shall
25 provide for

26 (1) the preparation, maintenance, and revision by the direc-
27 tor of personnel, subject to approval of the commissioner of adminis-
28 tration and the personnel board, of a position classification plan for
29 all positions in the classified and partially exempt services; the

1 position classification plan shall include

2 (A) a grouping together of all positions into classes
3 on the basis of duties and responsibilities;

4 (B) an appropriate title, a description of the duties
5 and responsibilities, training and experience qualifications, and
6 other necessary position specifications for each class of posi-
7 tions;

8 (2) the preparation, maintenance, revision and administra-
9 tion by the director of personnel of a pay plan for all positions in
10 the classified and partially exempt services; the pay plan (A) shall be
11 based upon the position classification plan; (B) shall provide for fair
12 and reasonable compensation for services rendered, and reflect the
13 principle of like pay for like work; (C) may be amended, approved, or
14 disapproved by the legislature in regular or special session; after the
15 pay plan is in effect, a salary or wage payment may not be made to a
16 state employee covered by the plan unless the payment is in accordance
17 with this chapter and the rules adopted under this chapter or unless
18 the payment is in accordance with a valid agreement entered into in
19 accordance with AS 23.40;

20 (3) the use of employee selection methods which will fairly
21 test the capacity and fitness of the person examined to discharge the
22 duties of the class in which employment is sought;

23 (4) the establishment and maintenance of eligible lists for
24 appointment and promotion providing the names of eligible candidates in
25 order of their relative performance in the examinations;

26 (5) the procedure for certifying eligible candidates;

27 (6) promotions from within the state service when there are
28 qualified candidates in the state service; vacancies shall be filled by
29 promotion whenever practicable and in the best interest of the state

1 service and promotion shall be by competitive examination whenever
2 possible; in considering promotions, applicants' qualifications, per-
3 formance record, seniority, and conduct shall be evaluated;

4 (7) a period of probation not to exceed one year before an
5 appointment to a position becomes permanent, except that a permanent
6 employee receiving a promotional appointment retains permanent status
7 in the service and job class from which appointed for the duration of
8 the probationary period and may be demoted to a former class without
9 right of appeal, notwithstanding AS 39.25.170, but if the employee is
10 dismissed from the service the appeal rights under AS 39.25.170 apply;

11 (8) nonpermanent and emergency appointments to positions in
12 the state service in accordance with AS 39.25.195 - 39.25.200;

13 (9) provisional appointment without competitive examination
14 when appropriate eligible lists are not available;

15 (10) transfers from one department to another and from an-
16 other merit system jurisdiction to the state service;

17 (11) transfers from one area of the state to another;

18 (12) the payment of transportation costs when an employee
19 transfers from one area to another at the request of the employer;

20 (13) the reinstatement of a person who resigns in good stand-
21 ing;

22 (14) layoffs for reason of lack of money or work, abolition
23 of positions, or material changes in duties or organization; both
24 performance and seniority records shall be considered in the develop-
25 ment of layoff orders;

26 (15) the development, maintenance, and use of employee perfor-
27 mance records;

28 (16) the establishment of disciplinary measures which may
29 include disciplinary suspension without pay;

1 (17) the procedures for review of disputed personnel actions,
2 for resolving employee and interagency grievances, and for resolving
3 grievances of the general public concerning the operation of the state
4 personnel system;

5 (18) hours of work for all employees in the state service;

6 (19) methods and procedures covering overtime work and pay;

7 (20) the granting of employment preference rights to a
8 veteran not within the area of promotion, when the veteran possesses
9 the necessary qualifications in the job classification applied for
10 under this chapter; in an examination to determine the qualification of
11 applicants for entrance into the classified service under merit system
12 examination, five additional points shall be added to the passing grade
13 of a veteran and ten additional points shall be added to the passing
14 grade of a disabled veteran, but the additional points may be used only
15 once to assist the veteran to obtain a position in the classified
16 service; the one time the additional points are used shall be selected
17 by the veteran; if a position in the classified service is eliminated,
18 employees shall be released in accordance with rules which give due
19 effect to all factors; if all job qualifications are equal, the veteran
20 shall be given preference over the nonveteran and the veteran shall be
21 kept on the job; this paragraph may not be interpreted to amend the
22 terms of a collective bargaining agreement; in this paragraph

23 (A) "veteran" means a person with 181 days or more
24 active service in the armed forces of the United States who has
25 been honorably discharged after having served during any period
26 between April 6, 1917, and December 1, 1919, between September 16,
27 1940, and December 31, 1947, or between June 27, 1950, and
28 November 7, 1975;

29 (B) "disabled veteran" means a veteran who is entitled

1 to compensation under laws administered by the United States
2 Veterans' Administration, or a person who was discharged or re-
3 leased from active duty because of a service-connected disability;

4 (21) the employment of persons in permanent positions on a
5 part-time basis of 15 hours or more a week, including the employment of
6 two persons to fill one permanent full-time position; these employees
7 shall be designated as permanent part-time employees;

8 (22) the granting of employment preference to severely handi-
9 capped persons; this includes the right to provisional appointment
10 without competitive examination for periods up to four months and the
11 granting of eligibility to a severely handicapped person provisionally
12 appointed under the rules who demonstrates ability to perform the job
13 for permanent appointment without competitive examination; provisional
14 employment under this paragraph may not exceed four months during a
15 12-month period; "severely handicapped" as used in this paragraph means
16 persons certified by the director of the division of vocational reha-
17 bilitation to be severely handicapped;

18 (23) the establishment of programs facilitating the employ-
19 ment of disadvantaged persons, including limitation of competition for
20 appointment and promotion to individuals who meet the program require-
21 ments;

22 (24) the delegation, when feasible, of personnel responsibil-
23 ities and duties to the principal departments of the executive branch;

24 (25) guarantees to an employee of the same or similar job
25 class assignment, salary grade, and step placement if his position is
26 withdrawn from the partially exempt or exempt service and placed in the
27 classified service;

28 (26) other rules and administrative regulations, not incon-
29 sistent with this chapter, which are necessary for its enforcement.

1 * Sec. 14. AS 39.25.153 is repealed and reenacted to read:

2 Sec. 39.25.153. PERSONNEL OFFICERS. (a) If a principal depart-
3 ment of the executive branch has a personnel officer, the personnel
4 officer shall be employed by and located within that department.

5 (b) Subject to the provisions of (d) of this section, the per-
6 sonnel officers for the Departments of Transportation and Public Facili-
7 ties, Fish and Game, Education, Labor, and Health and Social Services,
8 have the following powers with respect to the classes of positions
9 unique to their departments:

10 (1) to assign positions to an existing class in the state
11 classification plan and to the salary range for that class as estab-
12 lished by the state pay plan or by a valid agreement entered into in
13 accordance with AS 23.40;

14 (2) to administer and score examinations and to place suc-
15 cessful applicants on the eligible lists;

16 (3) to certify those eligible to the appointing authorities.

17 (c) The initial determination of classes of positions unique to
18 the departments listed in (b) of this section shall be made by the
19 personnel officer of the department in consultation with the commis-
20 sioner of his department subject to the approval of the director of
21 personnel in the Department of Administration.

22 (d) The assumption of a power set out in (b) of this section must
23 be approved by the commissioner of administration and must be in harmony
24 with the merit principle of personnel administration (AS 39.25.010).

25 * Sec. 15. AS 39.25.160 is repealed and reenacted to read:

26 Sec. 39.25.160. GENERALLY. (a) A classified employee or an
27 exempt employee in a position named in AS 39.25.110(3) may not take an
28 active part in the management of a political party above the precinct
29 level.

1 (b) A person may not give, render, pay, offer, solicit, or accept
2 money, services, or other valuable thing in connection with securing or
3 making an appointment, promotion, or advantage in a position in the
4 classified service.

5 (c) A person may not require an assessment, subscription, contri-
6 bution, or service for a political party from a state employee.

7 (d) A person may not seek or attempt to use a political party
8 endorsement in connection with an appointment or promotion in the
9 classified service.

10 (e) An employee in the classified or partially exempt service who
11 seeks nomination or becomes a candidate for state or national elective
12 political office shall immediately resign any position held in the
13 state service.

14 (f) Action affecting the employment status of a state employee or
15 an applicant for state service, including appointment, promotion,
16 demotion, suspension, or removal, may not be taken or withheld on the
17 basis of unlawful discrimination due to race, religion, color, or
18 national origin, age, handicap, sex, marital status, change in marital
19 status, pregnancy, parenthood, or other reason not related to merit.

20 (g) Action affecting the employment status of an employee in the
21 classified service or an applicant for a position in the classified
22 service, including appointment, promotion, demotion, suspension, or
23 removal, may not be taken or withheld on the basis of unlawful discrim-
24 ination due to political beliefs.

25 (h) A person may not knowingly make a false statement, certifi-
26 cate, mark, rating, or report with regard to a test, certification, or
27 appointment made under this chapter or in any manner commit a fraud
28 preventing the impartial execution of this chapter and the personnel
29 rules adopted under this chapter.

1 (i) A person may not obstruct the right of another person to
2 examination, eligibility, certification, appointment, or promotion
3 under this chapter.

4 * Sec. 16. AS 39.25.170 is repealed and reenacted to read:

5 Sec. 39.25.170. HEARINGS AND APPEALS UPON DISMISSAL, DEMOTION, OR
6 SUSPENSION. (a) An employee may be dismissed, demoted, or suspended
7 by delivery of written notice of the proposed action and the reason for
8 it from the appointing authority to the employee.

9 (b) A permanent employee in the classified service who has been
10 dismissed, demoted, or suspended may appeal the action to the personnel
11 board.

12 (c) An employee who has been dismissed, demoted, or suspended due
13 to unlawful discrimination based on race, religion, color, or national
14 origin, or because of age, handicap, sex, marital status, change in
15 marital status, pregnancy, or parenthood, or other reason not related
16 to merit may appeal the action to the personnel board.

17 (d) An employee in the classified service who has been dismissed,
18 demoted, or suspended due to unlawful discrimination based on political
19 beliefs may appeal the action to the personnel board.

20 (e) A permanent employee in the classified service who holds
21 probationary status in his present position may appeal a dismissal from
22 the classified service to the personnel board.

23 (f) An employee who is on leave without pay from a position in
24 the classified service and who is employed by the state in another
25 capacity, either in the exempt or partially exempt service, may appeal
26 a dismissal from the classified service to the personnel board.

27 (g) An employee begins an appeal by filing a written request for
28 review of the action with the personnel board within 15 days of receiv-
29 ing written notice of the action from the appointing authority.

1 (h) If requested by the employee at the time of filing an appeal,
2 the personnel board shall hold a hearing to determine the reasonable-
3 ness of the the action taken by the appointing authority. If the
4 employee requests it, the hearing shall be open to the public. The
5 employee may be represented by another person and has the right to
6 present evidence, and to confront and cross-examine witnesses. Techni-
7 cal rules of evidence do not apply to the hearing, but all testimony
8 shall be taken under oath.

9 (i) If the personnel board finds that the action complained of
10 was due to unlawful discrimination based on race, sex, color, religion,
11 national origin, political beliefs, age, handicap, marital status,
12 change in marital status, pregnancy, parenthood, or any other reason
13 not related to merit, or in violation of the provisions of this chapter
14 or the personnel rules, the employee shall be reinstated to the position
15 without loss of pay or leave benefit for the period of dismissal, demo-
16 tion, or suspension. In all other cases, the board shall report its
17 findings and recommendations in writing, to both parties within 30 days
18 of a hearing conducted under (h) of this section, and the decision of
19 the board may be appealed to the superior court by the employee.

20 * Sec. 17. AS 39.25 is amended by adding a new section to read:

21 Sec. 39.25.175. PROCEDURE. (a) A subpoena shall be issued at
22 the request of a party to a proceeding begun under AS 39.25.170.

23 (b) If a person refuses to respond to a subpoena issued under
24 this section, or refuses to testify at a hearing authorized by AS 39.-
25 25.170, the personnel board may apply to the superior court for an
26 order requiring the person to respond to the subpoena or to testify.

27 (c) Failure to obey the order of the superior court requiring
28 response to a subpoena or testimony at a hearing may be punished as
29 contempt of court.

1 * Sec. 18. AS 39.25 is amended by adding a new section to read:

2 Sec. 39.25.181. DEFINITIONS. In this chapter,

3 (1) "fraud" means for a person to knowingly

4 (A) create or confirm another's false impression which
5 the person does not believe to be true, including false impres-
6 sions as to law or value and false impressions as to intention or
7 other state of mind;

8 (B) fail to correct another's false impression which
9 the person previously has created or confirmed;

10 (C) prevent another from acquiring pertinent informa-
11 tion;

12 (2) "knowingly" means for a person to be aware with respect
13 to conduct or to a circumstance described by a provision of law that
14 his conduct is of that nature or that the circumstance exists; when
15 knowledge of the existence of a particular fact is required, that know-
16 ledge is established if a person is aware of a substantial probability
17 of its existence, unless he actually believes it does not exist;

18 (3) "precinct" means the territory within which resident
19 voters may cast votes at one polling place;

20 (4) "state employee" means a person employed by the state
21 who is paid a wage or salary, but does not include a person hired by
22 the state to work as an independent contractor.

23 * Sec. 19. AS 39.25 is amended by adding a new section to article 6 to
24 read:

25 Sec. 39.25.192. EMPLOYEE POLITICAL RIGHTS. A state employee may

26 (1) be a member of a national, state, or local political
27 party;

28 (2) take part in a political campaign;

29 (3) express political opinions;

- 1 (4) register party preference;
2 (5) serve as a voting or nonvoting delegate to a party con-
3 vention;
4 (6) be appointed, nominated, or elected to nonpartisan
5 public office in a local government unit; and
6 (7) make contributions to a political party or a candidate
7 for public office.

8 * Sec. 20. AS 14.40.913(a) is amended to read:

9 (a) The commission may employ those persons necessary to enable
10 it to perform its functions under AS 14.40.909. The commission may
11 appoint an executive officer. The executive officer is a member of the
12 exempt service under AS 39.25.110, serves at the pleasure of the commis-
13 sion, and [HE] receives compensation fixed by the commission. Other
14 employees of the commission are in the classified service (AS 39.25.-
15 100) [THE EXECUTIVE OFFICER APPOINTS PERSONS TO THE STAFF POSITIONS
16 AUTHORIZED BY THE COMMISSION, AND STAFF COMPENSATION IS FIXED BY THE
17 COMMISSION]. The executive officer is the executive secretary of the
18 student financial aid committee. Each employee of the commission shall
19 elect membership either in the state teachers' retirement system
20 (AS 14.25), if qualified, or in the public employees' retirement system
21 (AS 39.35).

22 * Sec. 21. AS 16.43.080(a) is amended to read:

23 (a) The commission may employ those persons necessary to carry
24 out the purposes of this chapter. The executive officer [EMPLOYEES] of
25 the commission is [ARE] in the exempt service under AS 39.25.110. Other
26 employees of the commission are in the classified service (AS 39.25.-
27 100).

28 * Sec. 22. AS 39.25.180 is repealed.

29 * Sec. 23. This Act takes effect July 1, 1981.