

Original sponsor: Rules/Legislative Council

Offered: 4/23/82
Referred: Judiciary

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE
2 HOUSE CS FOR CS FOR SENATE BILL NO. 193 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 TWELFTH LEGISLATURE - SECOND 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 AS 39.25.080 is repealed and reenacted to read: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, judges, magistrates, and employees of the
10 judicial branch including employees of the Judicial Council;

11 (3) employees of the state legislature and its agencies;

12 (4) the head of each principal department in the executive
13 branch;

14 (5) officers and employees of the University of Alaska;

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

20 (7) certificated teachers employed by the Department of
21 Education as correspondence teachers or teachers in skill centers
22 operated by the Department of Education;

23 (8) patients and inmates employed in state institutions;

24 (9) persons employed in a professional capacity to make a
25 temporary or special inquiry, study or examination as authorized by the
26 governor;

27 (10) members of boards, commissions, or authorities;

28 (11) the officers and employees of the following boards,
29 commissions and authorities:

1 (A) Alaska Gas Pipeline Financing Authority;
2 (B) Alaska Permanent Fund Corporation;
3 (C) Alaska Energy Center;
4 (D) Alaska Industrial Development Authority;
5 (E) Alaska Commercial Fisheries Entry Commission;
6 (F) Alaska Commission on Postsecondary Education;
7 (G) Employees of the Citizens' Advisory Commission
8 on Federal Areas in Alaska (AS 41.37.010);

9 (12) the executive secretary and legal counsel of the Alaska
10 Municipal Bond Bank Authority;

11 (13) licensed physicians, as defined in AS 47.30.340(9)
12 employed by the state;

13 (14) petroleum engineers and petroleum geologists employed in
14 a professional capacity by the Department of Natural Resources and by
15 the Oil and Gas Conservation Commission; except for those employed in
16 the division of geological and geophysical surveys in the Department of
17 Natural Resources;

18 (15) officers, agents, and employees of the Alcoholic Beverage
19 Control Board granted limited peace officer powers by the Alcoholic
20 Beverage Control Board under AS 04.06.110;

21 (16) persons employed by the division of marine transporta-
22 tion as masters and members of the crews of vessels who operate the
23 state ferry system and who are covered by a collective bargaining
24 agreement provided in AS 23.40.040;

25 (17) officers and employees of the state who reside in
26 foreign countries;

27 (18) employees of the Alaska Seafood Marketing Insti-
28 tute;

29 (19) firefighters employed by the Department of Natural

1 Resources for a fire emergency;

2 (20) employees of the Office of the Governor and the Office
3 of the Lieutenant Governor, including the staff of the governor's
4 mansion.

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

6 Sec. 39.25.120. PARTIALLY EXEMPT SERVICE. (a) Positions in the
7 partially exempt service are included in the position classification
8 plan established under this chapter and are compensated according to
9 the pay plan (AS 39.27.011).

10 (b) A person holding a position in the partially exempt service
11 is not required to take an examination or qualify or earn a place on a
12 register, and is not eligible for a hearing by the personnel board in
13 case of dismissal, demotion, or suspension, except as provided in
14 AS 39.25.170. Positions in the partially exempt service are specifi-
15 cally exempt from the rules established under AS 39.25.150(3) - (10),
16 (13), (14), and (17).

17 (c) The following positions in the state service constitute the
18 partially exempt service:

19 (1) deputy and assistant commissioners of the principal
20 departments of the executive branch, including the assistant adjutant
21 general of the Department of Military Affairs;

22 (2) the directors of the major divisions of the principal
23 departments of the executive branch and the regional directors of the
24 Department of Transportation and Public Facilities;

25 (3) attorney members of the staff of the Department of Law
26 and of the public defender agency;

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

29 (5) employees of councils, boards, or commissions established

1 by statute in the Office of the Governor or the office of the lieutenant
2 governor, unless a different classification is provided by statute;

3 (6) the executive director and deputy director of the Alaska
4 Public Utilities Commission;

5 (7) the director, deputy director, staff legal counsel, and
6 hearing officers of the Alaska Transportation Commission;

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

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

13 (A) Alaska Public Broadcasting Commission;

14 (B) Professional Teaching Practices Commission;

15 (C) Parole Board;

16 (D) Board of Nursing;

17 (E) Real Estate Commission;

18 (F) Alaska Royalty Oil and Gas Development Advisory

19 Board;

20 (G) Alaska Historical Commission;

21 (H) Alaska State Council on the Arts;

22 (I) Alaska Police Standards Council;

23 (J) Council on Science and Technology;

24 (K) Older Alaskans Commission;

25 (10) Alaska Pioneers' Home managers;

26 (11) hearing examiners in the Department of Revenue;

27 (12) the comptroller in the division of treasury, Department
28 of Revenue;

29 (13) investment officers in the Department of Revenue;

1 (14) airport managers in the Department of Transportation and
2 Public Facilities employed at the Anchorage and Fairbanks International
3 Airports;

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

7 (16) the executive director and staff of the Alaska Public
8 Offices Commission;

9 (17) the director, deputy director, personnel analysts II,
10 labor relations analysts I, labor relations analysts II, senior nego-
11 tiators, and research directors of the division of labor relations
12 in the Department of Administration.

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

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

19 (1) involves principal responsibility for the determination
20 of policy;

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

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

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

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

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

2 Sec. 39.25.140. AMENDMENT OF PERSONNEL RULES. (a) The director
3 of personnel shall prepare and submit proposed amendments of the per-
4 sonnel rules to the commissioner of administration for review and
5 approval.

6 (b) The commissioner of administration shall review the proposed
7 amendments and if he approves them, he shall submit them to the person-
8 nel board.

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

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

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

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

24 (g) The proposed amendments become effective 45 days after they
25 are submitted to the personnel board unless the board has disapproved
26 them.

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

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

1 Sec. 39.25.150. SCOPE OF THE RULES. The personnel rules shall
2 provide for

3 (1) the preparation, maintenance, and revision by the direc-
4 tor of personnel, subject to approval of the commissioner of adminis-
5 tration and the personnel board, of a position classification plan for
6 all positions in the classified and partially exempt services; the
7 position classification plan shall include

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

10 (B) an appropriate title, a description of the duties
11 and responsibilities, training and experience qualifications, and
12 other necessary specifications for each class of positions;

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

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

28 (4) the establishment and maintenance of eligible lists for
29 appointment and promotion providing the names of eligible candidates in

1 order of their relative performance in the examinations;

2 (5) the procedure for certifying eligible candidates;

3 (6) promotions from within the state service when there are
4 qualified candidates in the state service; vacancies shall be filled by
5 promotion whenever practicable and in the best interest of the state
6 service and promotion shall be by competitive examination whenever
7 possible; in considering promotions, applicants' qualifications, per-
8 formance record, seniority, and conduct shall be evaluated;

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

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

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

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

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

23 (12) the reinstatement of a person who resigns in good stand-
24 ing;

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

29 (14) the development, maintenance, and use of employee perfor-

1 mance records;

2 (15) the establishment of disciplinary measures which may
3 include disciplinary suspension without pay;

4 (16) the procedures for review of disputed personnel actions,
5 for resolving employee and interagency grievances, and for resolving
6 grievances of the general public concerning the operation of the state
7 personnel system;

8 (17) hours of work for all employees in the state service;

9 (18) methods and procedures covering overtime work and pay;

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

25 (A) "veteran" means a person with 181 days or more
26 active service in the armed forces of the United States who has
27 been honorably discharged after having served during any period
28 between April 6, 1917, and December 1, 1919, between September 16,
29 1940, and December 31, 1947, or between June 27, 1950, and

1 November 7, 1975;

2 (B) "disabled veteran" means a veteran who is entitled
3 to compensation under laws administered by the United States
4 Veterans' Administration, or a person who was honorably discharged
5 or released from active duty because of a service-connected dis-
6 ability;

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

11 (21) the granting of employment preference to severely handi-
12 capped persons; this includes the right to provisional appointment
13 without competitive examination for periods up to four months and the
14 granting of eligibility to a severely handicapped person provisionally
15 appointed under the rules who demonstrates ability to perform the job
16 for permanent appointment without competitive examination; provisional
17 employment under this paragraph may not exceed four months during a
18 12-month period; "severely handicapped" as used in this paragraph means
19 persons certified by the director of the division of vocational reha-
20 bilitation to be severely handicapped;

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

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

27 (24) the establishment of a transition period of up to 12
28 months for an employee to be reappointed to a classified position if
29 the employee's position is withdrawn from the partially exempt or

1 exempt service and placed in the classified service;

2 (25) other rules and administrative regulations, not incon-
3 sistent with this chapter, which are necessary for its enforcement.

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

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

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

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

17 (2) to administer and score examinations and to place suc-
18 cessful applicants on departmental eligible lists;

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

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

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

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

29 Sec. 39.25.160. GENERALLY. (a) A classified employee may not

1 take an active part in the management of a political party above the
2 precinct level.

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

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

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

12 (e) An employee in the classified or partially exempt service who
13 seeks nomination or becomes a candidate for state or national elective
14 political office shall immediately resign any position held in the
15 state service. The employee's position becomes vacant on the date the
16 employee files a declaration of candidacy for state or national elective
17 office.

18 (f) Action affecting the employment status of a state employee or
19 an applicant for state service, including appointment, promotion, demo-
20 tion, suspension, or removal, may not be taken or withheld on the basis
21 of unlawful discrimination due to race, religion, color, or national
22 origin, age, handicap, sex, marital status, change in marital status,
23 pregnancy, or parenthood. In addition, action affecting the employment
24 status of an employee in the classified service, including appointment,
25 promotion, demotion, suspension, or removal, may not be taken or with-
26 held for a reason not related to merit.

27 (g) Action affecting the employment status of an employee in the
28 classified service or an applicant for a position in the classified
29 service, including appointment, promotion, demotion, suspension, or

1 removal, may not be taken or withheld on the basis of unlawful discrim-
2 ination due to political beliefs.

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

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

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

12 Sec. 39.25.170. HEARINGS AND APPEALS UPON DISMISSAL, DEMOTION, OR
13 SUSPENSION. (a) An employee in the executive branch of state govern-
14 ment may be dismissed, demoted, or suspended by delivery of written
15 notice of the proposed action and the reason for it from the appointing
16 authority to the employee.

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

20 (c) An employee in the executive branch of state government who
21 has been dismissed, demoted, or suspended due to unlawful discrimination
22 based on race, religion, color, or national origin, or because of age,
23 handicap, sex, marital status, change in marital status, pregnancy, or
24 parenthood may appeal the action to the personnel board.

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

28 (e) A permanent employee in the classified service who holds
29 probationary status in his present position may appeal a dismissal

1 from the classified service to the personnel board.

2 (f) An employee who is on leave without pay from a position
3 in the classified service and who is employed by the state in an-
4 other capacity, either in the exempt or partially exempt service,
5 may appeal a dismissal from the classified service to the personnel
6 board.

7 (g) An employee begins an appeal by filing a written request
8 for review of the action with the personnel board within 15 days of
9 receiving written notice of the action from the appointing authority.

10 (h) If requested by the employee at the time of filing an appeal,
11 the personnel board shall hold a hearing to determine the reasonable-
12 ness of the the action taken by the appointing authority. If the
13 employee requests it, the hearing shall be open to the public. The
14 employee may be represented by another person and has the right to
15 present evidence, and to confront and cross-examine witnesses. Techni-
16 cal rules of evidence do not apply to the hearing, but all testimony
17 shall be taken under oath.

18 (i) If the personnel board finds that the action complained of
19 was due to unlawful discrimination based on race, sex, color, religion,
20 national origin, age, handicap, marital status, change in marital
21 status, pregnancy, or parenthood, or in violation of the provisions of
22 this chapter or the personnel rules, the employee shall be reinstated
23 to the position without loss of pay or leave benefit for the period of
24 dismissal, demotion, or suspension. In addition, if the personnel
25 board finds that the action complained of by an employee in the classi-
26 fied service was due to unlawful discrimination based on a political
27 belief or any other reason related to merit the employee shall be
28 reinstated to the position without loss of pay or leave benefit for the
29 period of dismissal, demotion, or suspension. In all other cases, the

1 board shall report its findings and recommendations in writing, to both
2 parties within 30 days of a hearing conducted under (h) of this section,
3 and the decision of the board may be appealed to the superior court.

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

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

7 (b) If a person refuses to respond to a subpoena issued under
8 this section, or refuses to testify at a hearing authorized by AS 39.-
9 25.170, the personnel board may apply to the superior court for an
10 order requiring the person to respond to the subpoena or to testify.

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

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

15 Sec. 39.25.181. DEFINITIONS. In this chapter,

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

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

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

23 (C) prevent another from acquiring pertinent informa-
24 tion;

25 (2) "knowingly" means for a person to be aware with respect
26 to conduct or to a circumstance described by a provision of law that
27 his conduct is of that nature or that the circumstance exists; when
28 knowledge of the existence of a particular fact is required, that know-
29 ledge is established if a person is aware of a substantial probability

1 of its existence, unless he actually believes it does not exist;

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

4 (4) "state employee" means a person employed by the state
5 who is paid a wage or salary, but does not include a person hired by
6 the state to work as an independent contractor or a person who is in
7 the custody of the state.

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

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

11 (1) be a member of a national, state, or local political
12 party;

13 (2) take part in a political campaign;

14 (3) express political opinions except while performing
15 official duties;

16 (4) register party preference;

17 (5) serve as a voting or nonvoting delegate to a party con-
18 vention;

19 (6) be appointed, nominated, or elected to nonpartisan
20 public office in a local government unit; and

21 (7) make contributions to a political party or a candidate
22 for public office.

23 * Sec. 20. AS 39.25.180 is repealed.

24 * Sec. 21. This Act takes effect July 1, 1982.