

BY SEN. DUNCAN

1 IN THE SENATE

2

SENATE BILL NO. 418

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

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For an Act entitled: "An Act relating to the state personnel system and to membership on the Public Employees' Retirement Board; and providing for an effective date."

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

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* Section 1. AS 39.25.040 is amended to read:

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Sec. 39.25.040. DIRECTOR OF PERSONNEL. The head of the division of personnel is the director of personnel appointed by the personnel board [COMMISSIONER OF ADMINISTRATION] and responsible to the board [COMMISSIONER OF ADMINISTRATION] for the execution of the duties and responsibilities imposed by this chapter and the rules adopted under this chapter. The director of personnel shall have at least five [THREE] years of professional [PRACTICAL] working experience in the field of personnel administration. The personnel board may establish additional qualifications for the personnel director. The director serves at the pleasure of the personnel board.

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* Sec. 2. AS 39.25.050 is amended by adding a new subsection to read:

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(b) The director of personnel shall review each hiring by a department of a personnel officer to ensure that the department has complied with merit system principles of employment in the hiring process. The director shall advise the personnel board in writing within 30 days after each hiring whether the department complied with merit system principles and shall report annually to the legislature by January 15 concerning personnel officer hirings during the previous year.

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1 * Sec. 3. AS 39.25.060(a) is amended to read:

2 (a) The personnel board is composed of five [THREE] members
3 appointed by the governor and confirmed by the legislature meeting in
4 joint session. The board shall contain a representative from manage-
5 ment, labor, the public, minority groups, and the rural areas of the
6 state. Each member of the board must be supportive of the merit
7 principles of employment, and have demonstrated an interest in public
8 administration and the development of efficient methods of employing
9 personnel and administering personnel systems. The term of office of
10 a member is six years. A vacancy in an unexpired term shall be filled
11 by appointment by the governor for the remainder of the term. The
12 appointment is subject to confirmation in the same manner as a full-
13 term appointment.

14 * Sec. 4. AS 39.25.060(b) is amended to read:

15 (b) Members of the board may not be employees of the state. Not
16 more than three [TWO] members of the board may be members of the same
17 political party.

18 * Sec. 5. AS 39.25.070 is amended to read:

19 Sec. 39.25.070. POWERS AND DUTIES OF PERSONNEL BOARD. In addi-
20 tion to the other duties imposed by this chapter, the personnel board
21 shall

22 (1) approve or disapprove amendments to the personnel rules
23 in accordance with AS 39.25.140;

24 (2) consider and act upon recommendations for the extension
25 of the partially exempt service and the classified service as provided
26 in AS 39.25.130;

27 (3) hear and determine appeals by employees in the classi-
28 fied service as provided in AS 39.25.170;

29 (4) establish its own rules of procedure; three [TWO]

1 members constitute a quorum for the transaction of business and three
2 [TWO] affirmative votes are required for final action on matters acted
3 upon by the board;

4 (5) elect a chairman from its membership;

5 (6) have the power to administer oaths, subpoena witnesses,
6 and compel the production of books and papers pertinent to a hearing
7 authorized by this chapter;

8 (7) employ staff members, who shall be in the classified
9 service;

10 (8) retain independent counsel in accordance with AS 39.-
11 52.310(c);

12 (9) appoint, and review the findings, conclusions, and
13 recommendations of, hearing officers in accordance with AS 39.52.-
14 350(c), 39.52.360, and 39.52.370;

15 (10) issue findings, conclusions, and decisions regarding
16 violations of the code of ethics in AS 39.52.110 - 39.52.190; and

17 (11) impose the penalties described in AS 39.52.410, 39.52.-
18 440, and 39.52.450.

19 * Sec. 6. AS 39.25.130(a) is amended to read:

20 (a) The personnel board, upon written recommendation of the
21 director of personnel [COMMISSIONER OF ADMINISTRATION], may extend the
22 partially exempt service to include any position in the classified
23 service which, in the judgment of the board,

24 (1) involves principal responsibility for the determination
25 of policy;

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

28 (3) involves responsibilities and duties of a type not
29 susceptible to the ordinary recruiting and examining procedures.

1 * Sec. 7. AS 39.25.130(c) is amended to read:

2 (c) The personnel board, upon written recommendation of the
3 director of personnel [COMMISSIONER OF ADMINISTRATION], may extend the
4 classified service to include any position in the partially exempt
5 service.

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

7 (a) The director of personnel shall prepare and submit to the
8 personnel board [COMMISSIONER OF ADMINISTRATION ANY] proposed amend-
9 ments to the personnel rules for all positions and employees subject
10 to this chapter.

11 * Sec. 9. AS 39.25.140(g) is amended to read:

12 (g) An amendment to the personnel rules takes effect 30 days
13 after it is approved by the personnel board. The board, if requested
14 to do so, shall [MAY] hold one or more [A] public hearings [HEARING]
15 on a proposed amendment. The hearings shall permit public participa-
16 tion from around the state in person or by telephone or teleconfer-
17 ence.

18 * Sec. 10. AS 39.25.150(1) is amended to read:

19 (1) the preparation, maintenance, and revision by the
20 director of personnel, subject to approval of the [COMMISSIONER OF
21 ADMINISTRATION AND THE] personnel board, of a position classification
22 plan for all positions in the classified and partially exempt ser-
23 vices; the position classification plan must [SHALL] include

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

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

29 * Sec. 11. AS 39.25.153(d) is amended to read:

1 (d) The assumption of a power set out in (b) of this section
2 must be approved by the director of personnel [COMMISSIONER OF ADMIN-
3 ISTRATION] and must be in harmony with the merit principle of person-
4 nel administration (AS 39.25.010).

5 * Sec. 12. AS 39.35.030(b) is amended to read:

6 (b) Three board members shall be members of the personnel board
7 of the Department of Administration designated by the chair of the
8 personnel board. The remaining two board members shall be members of
9 the system and elected by the members of the system.

10 * Sec. 13. Notwithstanding the amendment to AS 39.25.060(a) made by
11 sec. 3 of this Act, one of the additional members appointed to the person-
12 nel board shall serve for a term expiring in 1995, and the second addi-
13 tional member shall serve for a term expiring in 1993.

14 * Sec. 14. AS 39.25.140(b) and AS 44.21.020(9) are repealed.

15 * Sec. 15. This Act takes effect January 1, 1991.