

SCOMM

#51:18

July 1, 1983

SB 56: Nepotism in state employment

History - IN THE SENATE

State Affairs: There is no history. The bill had no hearings.

Note: This bill is unlikely to move, partly because Nancy Groshek, Sen. Vic Fischer's aide, does not believe in nepotism restrictions.

Companion bill: HB 49 began as the companion bill to SB 56. It had hearings in State Affairs (which adopted a committee substitute) and in Judiciary. See notes and back-up information in that file if the Senate version ever moves.

Introduced: 1/18/83
Referred: State Affairs and
Judiciary

BY THE RULES COMMITTEE BY
REQUEST OF THE LEGISLATIVE
COUNCIL (for the Blue
Ribbon Commission on the
State Personnel Act)

1 IN THE SENATE

2

SENATE BILL NO. 56

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to nepotism in state employment; and
7 providing for an effective date."

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

9 * Section 1. AS 39.10.010 is repealed and reenacted to read:

10 Sec. 39.10.010. NEPOTISM PROHIBITED. (a) A person may not be
11 appointed to a position in a state department or agency, whether in
12 the legislative, judicial, or executive branch, if that person is the
13 spouse of or is related by blood or marriage within and including the
14 second degree of kindred to the commissioner or a deputy or assistant
15 commissioner of the principal department, or to the executive head of
16 the agency.

17 (b) A person may not be appointed to a position in a division of
18 a state department or agency, whether in the legislative, judicial, or
19 executive branch, if that person is the spouse of, or is related by
20 blood or marriage within and including the second degree of kindred
21 to, the executive head of the division.

22 (c) A person may not be appointed to a position in a state
23 department or agency in the executive branch, if that person is the
24 spouse of, or is related by blood or marriage within and including the
25 second degree of kindred to, an employee in the department or agency
26 unless the director of personnel and the appointing authority approve
27 the appointment in writing. An appointment prohibited by (a) or (b)
28 of this section may not be approved under this subsection.

29 * Sec. 2. This Act takes effect immediately in accordance with

1 AS 01.10.070(c).

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JUNEAU, ALASKA

Alaska State Legislature

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT

Senator Bill Ray, Chairman

Pouch YG
Mail Stop 3123
Juneau, Alaska 99811
(907) 465-4442

MEMORANDUM

January 25, 1983

TO: Senate State Affairs Committee

FROM: Teresa B. Cramer *Teresa B. Cramer*
Administrative Assistant

SUBJECT: Senate Bill 56 - Nepotism in State Government

The existing statute prohibiting nepotism in state employment forbids only the employment of anyone related to the executive head of a department or agency. AS 39.10.010. The Personnel Rule is more extensive, prohibiting the employment of relatives of the head of a division or subdivision within that division or subdivision. In addition, the Rule prohibits the employment of two related persons in the same agency unless express approval is given by both the appointing authority and the Director of Personnel.

The scope of the Personnel Rule is broader than the statutory authority granted in AS 39.10.010. In addition, the rule-making authority given to the Personnel Board by the State Personnel Act may not extend to nepotism, since the nepotism statute is placed outside the Act. The Attorney General has advised the Division of Personnel that the nepotism rule may exceed the scope of statutory authority. A lawsuit has been filed challenging the Department of Transportation's implementation of nepotism prohibitions.

The Blue Ribbon Commission recommends that legislation prohibiting nepotism in state employment be adopted to provide statutory authority for the Personnel Rule. The prohibition against employing relatives does limit the opportunities for some Alaskans to find state jobs. The disadvantage to those people should be weighed against the appearance of impropriety and favoritism which is created by people working for a close relative. Problems can also arise if relatives are working in the same office so it is appropriate that the hiring decision be scrutinized with the potential for personnel problems in mind.

Bill Analysis

Page 1 The first section of the proposed legislation codifies the
Line 9 Personnel Rule. The first paragraph retains the existing
nepotism prohibition and extends it to include relatives of

deputy or assistant commissioners. The prohibition against employing a person related to the executive head of an agency applies to all legislative, judicial and executive branch agencies.

Line 17 The second paragraph adds new language based on the Personnel Rule to prohibit appointment of a relative of the head of a division within that division. It applies to positions in the legislative, judicial or executive branch.

Line 22 The third paragraph prohibits employment of two relatives within the same executive branch department or agency unless the appointing authority and the Director of Personnel approve the second appointment in writing.

In each of the paragraphs, relatives include spouses and persons within the "second degree of kindred", which the Personnel Rules define as:

father, mother, son, daughter, brother, sister,
husband, wife, grandfather, grandmother, grandson,
granddaughter, uncle and aunt including those
involving half or step relationships.

Line 29 The second section of the proposed legislation provides for an immediate effective date.



JUNEAU, ALASKA

Alaska State Legislature

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STATE PERSONNEL ACT

Senator Bill Ray, Chairman

Pouch YG
Mail Stop 3123
Juneau, Alaska 99811
(907) 465-4442

MEMORANDUM

December 14, 1982

TO: Members of the Blue Ribbon Commission

FROM: Teresa B. Cramer *Terry*
Administrative Assistant

SUBJECT: Nepotism Regulations

I received a telephone call from a state employee concerning the effect of nepotism regulations. She reported that a man wanted to work for the Juneau Job Service Office but was told that he could not while his niece by marriage was employed there as a secretary. She had recently moved to Juneau and he had met her only a few weeks before. The niece found another secretarial position so he was hired. There would not have been a direct supervisory relationship between the man and his niece. The caller also said that she had thought of transferring from Juneau to Ketchikan but that she could not because her sister-in-law already worked in the Job Service Office there. She did not believe their personal relationship would have affected their work.

The Personnel Rules permit the departmental appointing authority and the Director of Personnel to waive the prohibition in these situations. Apparently the Job Service Center policy was against requesting nepotism waivers.

She has observed, however, that personal relationships can cause employee problems. A person and his mistress were employed in an office where she worked and when they were having a quarrel outside work it affected their behavior at work and caused tension in the whole office. Nepotism regulations do not address this situation at all.

TBC:lmk