

ALASKA STATE PERSONNEL BOARD MEETING

June 7, 2021

10:30 A.M.

Atwood Building

550 W 7th Avenue, Suite 1236

Anchorage, Alaska

In person:

Al Tamagni, Chair

Craig Johnson, Board Member

Dr. Keith Hamilton, Board Member

Kate Sheehan, Director, Division of Personnel & Labor Relations

Present by teleconference:

Siobhan McIntyre, Attorney IV, Department of Law

Nancy Sutch, Deputy Director, Division of Personnel & Labor Relations

Jeff Hahnen, Human Resource Consultant I, Division of Personnel & Labor Relations

Frank Hurt, Human Resource Consultant II, Division of Personnel & Labor Relations

Thor Vue, Chief Procurement Officer, Department of Administration

1. CALL TO ORDER

Chairman Tamagni called the meeting to order at 10:31 a.m.

2. APPROVAL OF AGENDA

The agenda was moved and approved.

3. APPROVAL OF MINUTES

The minutes of the April 15, 2021, meeting was moved and approved.

4. ETHICS DISCLOSURE – PERSONNEL BOARD MEMBERS

The board members had no disclosures or conflicts of interest that they were aware of.

5. PROCUREMENT DISCUSSION WITH BOARD MEMBERS

Director Sheehan let the board know that the legal contracts for outside counsel will be expiring in August and confirmed that the board would like to issue a Request for Proposal (RFP). State Chief Procurement Officer, Thor Vue, explained the Personnel Boards members option to participate in the proposal evaluation committee. If the board decides to move forward with the competitive RFP process and would like to input into what the scoring should look like, then the board members could serve as an advisory committee to the proposal evaluation scoring members themselves. Chairperson Tamagni asked for the names of the attorneys that we have on call now and Director Sheehan responded that John Tiemessen is our main attorney, and he is with the law firm Clapp Peterson Tiemessen Thorsness. The second law firm on call is the Levesque Law Group, which would be used if there were a conflict of interest with John

Tiemessen's law firm. Board member Hamilton asked if there was a statute that required the state go through this process within a given time period and Director Sheehan responded that these contracts are old, and we've just done the one-year renewals each year. Chief Procurement Officer Vue explained that the state standard is to have five-year term contracts which allow the state to get into a contractual relationship with the vendor or partner, but then it also gives the state the opportunity to look for changes in the market such as technology or legal expertise that could benefit the state by choosing a new provider. Normally, a contract will be for one year with four optional renewals, but there is no specific regulations or statutes that require that it must be for only five years. If the board would like to establish a longer-term contract, then that would be available. Chairperson Tamagni confirmed that they could also ask for just a three-year contract.

Director Sheehan will work with Chief Procurement Officer Vue's staff with getting an RFP out since the current legal counsel contracts expire some time in August. Board member Hamilton asked if this could be part of the next Personnel Board meeting in August and Director Sheehan stated that it should be. Chairperson Tamagni stated that one three-year contract with two additional one-year renewals would allow them to have the five-year contract, and likely be what they would recommend. He also requested that Director Sheehan send the board members a copy of the RFP.

Board member Johnson asked if they could also be provided with a list of which law firms request a copy of the RFP so that they could see who is interested. Chief Procurement Officer Vue stated that information would be confidential to even the board members.

6. EXECUTIVE SESSION UNDER AS 44.62.310(c)(3)
The Personnel Board went into executive session to review the confidential ethics case logs.
7. UPDATE FROM THE DIRECTOR OF PERSONNEL & LABOR RELATIONS
Director Sheehan updated the board that contract agreements have been reached with the APEA Supervisory union, the ACOA Correctional Officers Association, and the Masters, Mates and Pilots union. The state is still negotiating with the Marine Engineers and the Labor, Trades and Crafts union.
8. OTHER MATTERS THAT MAY COME BEFORE THE BOARD
Mr. Greg Campbell was provided an opportunity to speak with the board for the designated five minutes. Mr. Campbell stated that he provided the board with his 52-page report outlining the activities, and he sent emails on the 3rd of May and the 14th of April outlining some questions he had about the report. He understands that Maria Bahr, who prepared the report, has since left. She was demoted in 2020 from an Attorney 6 and in 2021 is now an Attorney 5, but he does not know if that is connected at all to her report. In the report she said that Amy Demboski was

very diligent, and Mr. Campbell wonders if the other witnesses were under oath? Maria Bahr made many notes and collected statements, but does she have any evidence for the statements she made? She has a conflict of interest when Mr. Campbell noticed that she put Facebook likes on Director Wing-Heier's Facebook page. For Maria Bahr's case she states that there is no gain by Director Wing-Heier, but Mr. Campbell believes that there was certainly something to gain by the appearance of collusion in reducing risks from collusion of members. The salary increases that Mr. Campbell should have been paid, and was eventually paid for, was an act of that collusion. Mr. Campbell states that contributed to the environment of bullying for the coercion that is worse with Director Wing-Heier. He does not believe that necessary a single individual is involved and that it could just be the environment and it is a matter of needing to correct the command and control of the Division of Insurance and that transparency is needed for them. Mr. Campbell's complaint is part process to bring light to the kind of issues that Maria Bahr's report said that Director Wing-Heier had no gain. He does not believe that. Also, Ms. Bahr mentions that two of her star witnesses as being Director Wing-Heier and Laura Watson, but Mr. Campbell does not believe they cannot be credible witnesses. Mr. Campbell believes that one of them lied in the report when it was stated that Laura Watson believed that Mr. Campbell raided offices. The shocking thing in the report to Mr. Campbell was that Laura Watson said that he initiated the meeting with her. There was an instance of Laura Watson trying to hide the fact that there might be entrapment involved. Maria Bahr said or insinuated things in her report mischaracterizing Mr. Campbell. Mr. Campbell did the same thing for some of the people interviewed in the report and included those notes in follow up emails. These things do not make the witnesses credible and Mr. Campbell believes that personal gains were made by Director Wing-Heier. Another thing with the report by Maria Bahr said that the pension payments where no merit to that but there is an adjustment in the OMB data for pensions. There was falsification of some numbers sent to OMB by Director Wing-Heier.

Board member Hamilton expressed his gratitude for Mr. Campbell calling in, but since his position was exempt, they do not have any reason to follow up directly as that is not part of the due diligence for the Personnel Board. Mr. Campbell stated that Title 39 sets things that does not apply to exempt positions, but there should be something about state employees that it is applied to state employee when it is referenced to state employees. For instance, performance appraisals have to be done and if Title 39 did not apply, then the employer should not have to do any performance appraisals, which is why Mr. Campbell believes Title 39 should be involved with his case. Mr. Campbell followed up to ask if his case was being dismissed by the board and Director Sheehan explained that once his ethics complain was dismissed by the Department of Law that he had an opportunity under statute to provide comments to the Personnel Board. The board has heard Mr. Campbell's comments and have therefore fulfilled their duties. Chairperson Tamagni confirmed for Mr. Campbell that there would be no response to his questions because there is no provision in law to do so and the board has no

authority over the Department of Law's decision, but that Mr. Campbell does have the right to take civil action if he chooses.

Chairperson Tamagni stated that he wanted the press to receive the full report that attorney John Tiemessen had done and to also send the attachment that Mr. Stevens has waived confidentiality. By sending the full packet out they should get the full picture.

The board tentatively agreed to meet next on August 27, 2021, at 10:00 a.m.

9. ADJOURNMENT

The meeting adjourned at 11:03 a.m.