

ALASKA STATE PERSONNEL BOARD MEETING

August 27, 2021

10:00 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

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

Present by teleconference:

Siobhan McIntyre, Attorney IV, Department of Law

Kate Sheehan, 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

Malan Paquette, Member of the Public

Andrée McLeod, Member of the Public

Veri Di Suvero, Member of the Public

1. CALL TO ORDER

Chairman Tamagni called the meeting to order at 10:14 a.m.

2. APPROVAL OF AGENDA

The agenda was moved and approved.

3. APPROVAL OF MINUTES

The minutes of the June 7, 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. LEAVE REGULATION AMENDMENTS

Deputy Director Nancy Sutch stated that, because of the state moving to biweekly payroll processing on 06/01/2020, these amendments are following that switch. 2 AAC 08.030 (a) is being amended to remove the word “cycle”. If the amendment has bold font, then the word is being added to the amendment. The next amendment change is to 2 AAC 08.030 (b) remove the language “Upon receipt of the completed leave slip” as unnecessary language. 2 AAC 08.040 (b) was amended to reflect the accrual rate changes become effective the day after the employee completes their service requirement instead of the 16th day of the month. 2 AAC 08.045 (a) previously addressed when the state moved to a cash value system for leave so it required more changes to this amendment to remove

language to implement something that has been in place since 1996. Section (a) was implementing language in 1996 saying that an employee's personal leave balance would be accrued at their current rate of pay. When the state moved to a cash-value leave accrual system, if you were a range 8 employee and you earned leave at that pay rate, then promoted to a higher range, you still had range 8 hours that would pay out at that lower rate that it was accrued at, resulting in a leave value cash bank, as opposed to having the value of your leave based on your current pay rate. 2 AAC 08.045 (b) and (c) are no longer needed as they referred to the implementation of the cash-value of leave, which happened already on July 1, 1996. 2 AAC 08.045 (d) and (f) removes the words "Officer's or" so that the regulations simply refer to employees. The word "officer" was redundant. 2 AAC 08.999 (a) (6) changes the definition of pay period due to moving to biweekly payroll pressing.

Board member Hamilton expressed his gratitude for the efforts made to clean up this language and asked if there are any other similar changes that the board should be aware of. Deputy Director Sutch explained that their process is to work with the Department of Law and their attorneys to go through that process. There likely are other personnel and/or leave regulations that could use cleaning up, and they will work on those in the future. The board approved the leave regulation amendments.

6. EXECUTIVE SESSION UNDER AS 44.62.310(c)(3)

The board chose to discuss these matters later and continue the meeting on Thursday, September 3rd at 10:30 a.m. The board reconvened on September 3rd and decided to discuss these matters at the next meeting.

7. UPDATE FROM THE DIRECTOR OF PERSONNEL & LABOR RELATIONS

Deputy Director Sutch stated that DOP&LR are continuing to bargain with the Labor, Trades, and Crafts union. Earlier this year, the state reached agreements with the Supervisory union, the International Organization of Masters, Mates, and Pilots union. This fall the state will begin bargaining with the Marine Engineer's Beneficial Association, Inlandboatmen's Union of the Pacific, again with Masters, Mates, and Pilots, the General Government Unit, which is the largest of our unions, the Alaska Vocational Technical Center Teacher's Unit, and the Mt. Edgecumbe Teacher's Association.

8. OTHER MATTERS THAT MAY COME BEFORE THE BOARD

Veri Di Suvero is the executive director of AKPIRG and stated that she objects to the extension of the contract for John Tiemessen as an independent investigator for the Alaska Personnel Board because he violated the Alaska executive branch ethics act. According to Alaska Statute 39.52.335, if a complaint is dismissed, a prepared summary of the matter must be provided to the Personnel Board and the complainant, and it was not in Ms. Di Suvero's case. Ms. Di Suvero filed a complaint in March and hasn't received any communications from the state or Mr. Tiemessen. The media reported that it was dismissed, but Ms. Di Suvero as the complainant, should have received notice about the dismissal.

Malan Paquette asked about shift workers such as Correctional Officers that work a schedule of two week on and two weeks off and if their leave accrual has been taken into consideration. Deputy Director Sutch stated that this would be covered through bargaining with the Correctional Officers Union between the state and the union covered by the collective bargaining agreement. Ms. Paquette thanked everyone for the online public notice and for staff responding to her emails promptly, which has not always been her experience. Ms. Paquette stated that trying to listen in on critical infrastructure like the Medical Board, state employees are just not getting back to the public. Different boards will give telephonic attendance options and then not provide a member of the public with the passcode, so it has been a difficult process. Ms. Paquette wishes that personnel could help these other boards and commissions to make their public notice system function better. She has also spoken with the boards and commissions directly at the governor's office, but this problem seems to keep happening especially with critical infrastructure where there are mass vacancies like with the Board of Psychology and Psychological Associates. What she is finding out is that staff with a primary duty of Investigator are the ones made to do the administrative support, and it's difficult when members of the public are trying to explore career developments, or seek professional licensure, or just participate in the public process. Several of our boards, commissions, and councils are not honoring the public access to these meetings. Maybe there is a public notice but there is little to no follow through on providing those telephonic attendance options and agenda. Ms. Paquette has experienced situations where she's been provided the number to call in to a public meeting but was never provided with a passcode, which was required, from any of the three prior contacts. This is a little disheartening and there are other people that this is happening to. Ms. Paquette wanted to thank the board for their accuracy, public comments, and all they are doing to update the regulations, vocabulary, and process.

Andrée McLeod stated that she had records requests that are outstanding with the Personnel Board. On June 10th, 2021, Ms. McLeod put in a request for records of the April and June meetings, and she received a response from Kate Sheehan that she would get back to her on the meeting records, but she received no response. Ms. McLeod put in follow up requests on June 21st, June 29th, July 30th and still received no response. Ms. McLeod would like to request a copy of the records she previously requested, along with a copy of the recording for the September 29th meeting, so that means three meetings total. The Public Records Act requires ten business days to respond back with the release of the requested copies and it's been over two months. Ms. McLeod asked when she can expect her request to be fulfilled? Chairperson Tamagni asked if Ms. McLeod put her request in writing or was it in email? Ms. McLeod confirmed she submitted her request by email, which is allowable under the Records Act. Chairperson Tamagni responded that under the Freedom of Information Act, which she should have access to, that you can provide that in writing and fax it the appropriate party that you sent the email to. Ms. McLeod stated that she's been doing this for the past 15 years and that emails are sufficient. Chairperson Tamagni stated that Ms. McLeod should do what he told her, and she'll get her information through the Freedom of

Information Act. Ms. McLeod said that she was supposed to get this information by email anyway. Chairperson Tamagni asked Ms. McLeod who she thinks is supposed to send that information by email? Ms. McLeod responded that the law states that even email are a request, even informal emails for a request for information and records are sufficient for the Alaska Public Records Act. Deputy Director Sutch stated that the written meeting minutes are available online, but Ms. McLeod responded that she wants the records and that she's received these in the past. Chairperson Tamagni stated that he would pass her concerns along and that the board doesn't have the authority to order those be provided to her. The board motioned to recess until Thursday, September 3rd at 10:30 a.m. The board tentatively planned to meet again in November and that Director Kate Sheehan would reach out to the board members to establish the specific date.

9. ADJOURNMENT

The meeting adjourned September 3rd at 10:39 a.m.