

Byron Mallott
Lieutenant Governor
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907.465.3520
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Minta Montalbo
Department of Administration

FROM: Scott Meriwether, Office of the Lieutenant Governor
465.4081

A handwritten signature in blue ink, likely of Scott Meriwether, written over a horizontal line.

DATE: January 29, 2018

RE: Filed Permanent Regulations: Personnel Board

Personnel Board Regulations re: 2 AAC 07.320(a)(4): Non-APA: Exceptions for Original
Appointments (2 AAC 07.320(a)(4))

Attorney General File: JU2017200562

Regulation Filed: 1/29/2018

Effective Date: 12/1/2017

Print: 225, April 2018

cc with enclosures: Linda Miller, Department of Law
Judy Herndon, LexisNexis

ORDER CHANGING REGULATIONS
DEPARTMENT OF ADMINISTRATION
DIVISION OF PERSONNEL & LABOR RELATIONS

Re: JU2017200562

The attached one page of regulations, allowing for an employee in the exempt and partially exempt service to maintain a salary higher than the minimum rate for the job class when the position is moved to the classified service due to reorganization unless otherwise provided in legislation are adopted and certified to be a correct copy of the regulations changed by the Department of Administration, Division of Personnel & Labor Relations, and approved by the Personnel Board under the authority of AS 39.20.320 and AS 39.25.140 at the board's meeting held on November 1, 2017.

The attached regulations are exempt from the adoption procedures of the Administrative Procedure Act and will take effect December 1, 2017.

DATE: 11-3-17
Juneau, Alaska


Leslie Ridle, Commissioner


DATE: 11/1/2017
Anchorage, Alaska


Alfred Tamagni Sr., Chair, Personnel Board



FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on Jan 29, 2018,
at 1801A .m., I filed the attached regulations.


Byron Mallott, Lieutenant Governor

Effective: December 1, 2017

Register: 225, April 2018

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, BYRON MALLOTT, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employee to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

Claire Richardson, Special Assistant

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on January 7th 2015.




.....

**BYRON MALLOTT
LIEUTENANT GOVERNOR**

Register 225, April 2017 ADMINISTRATION

2 AAC 07.320 (a) is amended to read:

(a) A beginning salary higher than the minimum rate for the job class may be authorized by the director for a position in the classified service or by the principal executive officer for a position in the partially exempt service. A salary rate higher than the minimum rate may only be authorized if

- (1) the appointee is exceptionally qualified;
- (2) recruitment is extremely difficult for a job class or particular position; [OR]
- (3) the salary is authorized by the appointing authority under 2 AAC 07.325; or
- (4) the appointee is an employee in the partially exempt service whose position was moved to the classified service due to reorganization.

(Eff. 4/15/2007, Register 182; am 12/1/2017, Register 225)

Authority: AS 39.25.070 AS 39.25.140 AS 39.25.150 AS 39.27.011

In effect before 6/29/84; am 6/29/84, Register 91;
am. 9/22/2004, Register 175;

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Byron Mallott
Lieutenant Governor
(hand delivery)

Date: January 26, 2018

File No.: JU2017200562

Tel. No.: 465-3600

From: Susan R. Pollard *SRP*
Chief Assistant Attorney General
and Regulations Attorney
Legislation and Regulations Section

Re: Personnel Board Regulations re:
2 AAC 07.320(a)(4): Non-APA:
Exceptions for Original
Appointments

We have reviewed the attached one page of Department of Administration, Division of Personnel and Labor Relations, changes to these regulations adopted by the Personnel Board. Based upon our review, we find no legal problems. Because these regulations were adopted under AS 39.25.140, they are effective 30 days after adoption by the board. The regulations were adopted by the board on November 1, 2017, and by the commissioner on November 3, 2017, and *were effective December 1, 2017*. Please note this effective date in the filing.

The regulations concern allowing an employee in the exempt and partially exempt service to maintain a salary higher than the minimum rate for the job class when the position is moved to the classified service due to a reorganization. These regulations are not subject to the Administrative Procedure Act (AS 44.62). We have made minor technical edits to the history note.

SRP:ljm

cc: Honorable Leslie Ridle, Commissioner, Department of Administration
Katherine Sheehan, Director, Division of Personnel and Labor Relations
Department of Administration
Alfred Tamagni Sr., Chair, Personnel Board, Department of Administration (*via Katherine Sheenan*)
Minta Montalbo, Regulations Contact, Department of Administration
Bill Milks, Senior Assistant Attorney General, Labor and State Affairs Section

FIRST JUDICIAL DISTRICT

Brian J. [Signature]
Notary Public in and for the
State of Alaska
My commission expires: with office

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AFFIDAVIT OF PUBLICATION

STATE OF ALASKA

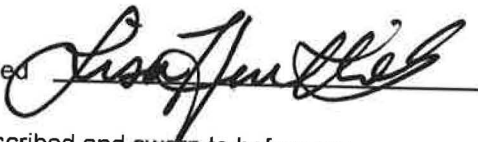
THIRD JUDICIAL DISTRICT

Lisa Hartlieb
being first duly sworn on oath deposes and
says that he/she is a representative of the
Alaska Dispatch News, a daily newspaper.
That said newspaper has been approved
by the Third Judicial Court, Anchorage,
Alaska, and it now and has been published
in the English language continually as a
daily newspaper in Anchorage, Alaska, and
it is now and during all said time was
printed in an office maintained at the
aforesaid place of publication of said
newspaper. That the annexed is a copy of
an advertisement as it was published in
regular issues (and not in supplemental
form) of said newspaper on

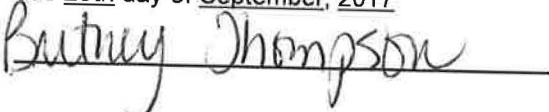
September 29, 2017

and that such newspaper was regularly
distributed to its subscribers during all of
said period. That the full amount of the fee
charged for the foregoing publication is not
in excess of the rate charged private
individuals.

Signed



Subscribed and sworn to before me
this 29th day of September, 2017



Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska

MY COMMISSION EXPIRES

2/23/2019

Notary Public
BRITNEY L. THOMPSON
State of Alaska

My Commission Expires Feb 23, 2019

Notice of Personnel Board Meeting
Department of Administration
Division of Personnel & Labor Relations

BRIEF DESCRIPTION: The Alaska State Personnel Board will consider exceptions for original appointments, will consider whether to expand the partially exempt service to include PCN 06-4016, and review outstanding ethics complaints and reports.

The Alaska State Personnel Board will hold a meeting on November 1, 2017, starting at 9:45 a.m., at Suite 880 in the Frontier Building, 3601 C Street, Anchorage, Alaska, pursuant to authority vested in it under AS 39.25.070 on the following matters:

To take action on minutes from earlier meetings; to review outstanding ethics cases and reports; to consider expansion of the partially exempt service to include PCN 06-4016, Deputy Director in Behavioral Health; to consider the adoption of proposed amendments to the Personnel Rules; and other matters that may come before the board within the scope of this notice. The deliberations on ethics matters will occur in executive session because these matters are required to be confidential under AS 39.52.340.

Proposed amendments to the Personnel Rules:

2 AAC 07.320 is amended to allow exceptions for original appointments. This adds a new section that allows for an employee in the exempt or partially exempt service to maintain a salary higher than the minimum rate for the job class when the position is moved to the classified service due to reorganization unless otherwise provided in legislation.

The full text of the proposed changes will be available at the meeting and may also be obtained in advance from the Division of Personnel & Labor Relations web site at: <http://doa.alaska.gov/dop/>

Copies may also be requested to the Secretary of the Personnel Board at the address shown below or by fax to (907)465-6624, or by email to PersonnelBoard@alaska.gov.

Notice is also given that any person interested may present written comments relevant to the proposed action by mail to:

Kate Sheehan
Secretary to the Personnel Board
Department of Administration
PO Box 110201
Juneau, AK 99811-0201,

by fax to (907)465-6624, or by e-mail to PersonnelBoard@alaska.gov so that the comments are received no later than October 31, by 12:00 p.m. Please note that any written comments received are public records and are open to inspection.

Additionally, any interested person may present oral comments relevant to the proposed action at the Personnel Board meeting to be held as noticed above in person or by telephone. A period of public comment will be held as outlined in the agenda, which is available by contacting PersonnelBoard@alaska.gov.

The Personnel Board operates open meetings free from discrimination on the basis of race, religion, sex, color, national origin, disability, or creed. Individuals or groups of people with disabilities, who require special accommodations, auxiliary aides, or alternative communication formats, please contact Jeff Hahnen in the Division of Personnel & Labor Relations at (907) 465-5661, PersonnelBoard@alaska.gov, or through Alaska Relay at 711 (in state) or 1-800-770-8255 (out of state) (TTY) by 10:00 a.m. on October 31, 2017.

The meeting is open to the public. Persons wishing to participate by phone may contact Jeff Hahnen in the Division of Personnel & Labor Relations at (907) 465-5661 for the teleconference number no later than 10:00 a.m. on October 31, 2017.

Date: 09/28/2017
Kate Sheehan,
Secretary to the Board

Published: September 29, 2017

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

AFFIDAVIT OF BOARD ACTION

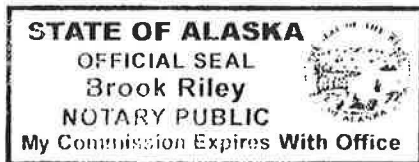
I, Kate Sheehan, Secretary for the Personnel Board, being duly sworn, state the following:

The motion dealing with 2 AAC 07.320 (a)(4) was passed by the Personnel Board during its November 1, 2017 meeting.

Date: 11/30/17
 Juneau, Alaska

Kate Sheehan
Kate Sheehan
Secretary to the Personnel Board

SUBSCRIBED AND SWORN TO before me this 30th day of November, 2017.



Brook Riley
Notary Public in and for the
State of Alaska
My commission expires: with office