

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 535

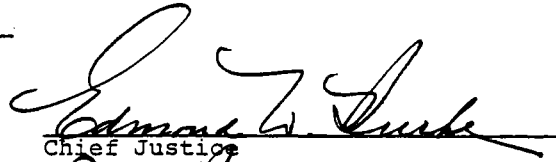
Amending the Alaska Court  
System Personnel Rules

IT IS ORDERED:

The Alaska Court System Personnel Rules are amended as set forth  
in the attached revisions dated August 1982.

DATED: August 18, 1982

EFFECTIVE DATE: October 1, 1982

  
Chief Justice

  
Justice

  
Justice

  
Justice

  
Justice

ALASKA COURT SYSTEM  
PERSONNEL RULES

Revisions August 1982

RULE 1, GENERAL PROVISIONS:

1.02 Scope of Rules:

Partially exempt employees are subject to Personnel Rules 1 and 2 and 4 through 7, Personnel Rule 10 and the following sections of Personnel Rule 8:

1.03 Definitions:

"Alaska Court System" includes the [SUPREME] Appellate Courts, the Administrative Office, and the trial courts, but does not include the Alaska Judicial Council or the Commission on Judicial Qualifications.

"Appellate Court Employees" means employees of the Supreme Court and employees of the Court of Appeals.

"Appellate Courts" means the Supreme Court and the Court of Appeals.

"Close Relative" [SECOND DEGREE OF KINDRED] means father, mother, son, daughter, brother, sister, grandfather, grandmother, grandson, granddaughter, uncle, [AND] aunt, first cousin, niece, nephew, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law and daughter-in-law, including those involving half or step relationships.

"Judicial Officer" means a Supreme Court Justice, a judge of the Court of Appeals, a judge of the Superior Court, a District Court Judge or a Magistrate.

1.06 Personnel Records:

[THE] Dates of present and/or past employment with the Alaska Court System, class title, location by town and salary are public information. All other personnel records, including applications, leave records, and home address and telephone number of Alaska Court System employees and former employees are confidential and are not available to the general public [.] nor to other private or public agencies. However, the employee's personnel file [LATEST PERFORMANCE EVALUATIONS ARE MADE] is available to the employee's supervisors, and to Alaska Court System supervisors to whom the employee has applied for promotion or transfer [DEPARTMENTS IN THE EXECUTIVE BRANCH FOR EMPLOYEES APPLYING TO WORK FOR THE EXECUTIVE BRANCH]. In all other cases the only way personnel records may be released is by a written authorization from the employee or former employee or by order of the Superior Court for good cause. The Director of Personnel shall make reasonable effort to notify any employee or former employee of issuance of a court order causing

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release of the employee's of former employee's personnel records.

RULE 2, CLASSIFICATION:

2.06 Procedure for Reallocation:

An employee may appeal the results of a reallocation of his position accomplished by a representative of the Director of Personnel by appealing directly to the Director of Personnel. Such appeals must be filed within thirty (30) calendar days of the date of the finding, which is being appealed. If the employee is not satisfied with the decision of the Director of Personnel, he may appeal it to the Administrative Director. Such appeals must be filed within thirty (30) calendar days of the date of the finding, which is being appealed. The Administrative Director's decision on allocation of the position is final.

RULE 3, SELECTION:

3.02 Recruitment:

For any open selection process for which a specific closing date for receipt of applications is designated, public notice shall be given at least seven (7) calendar days in advance in accordance with procedures established by the Director of Personnel.

3.03 Promotional Selection Process:

3.03.01 When it is determined by the Director of Personnel [TO BE IN THE BEST INTEREST OF THE ALASKA COURT SYSTEM AND WHERE] that adequate competition exists among permanent and probationary employees qualified for promotion, a selection process may be announced on a promotional basis at the discretion of the Director of Personnel. When a promotional selection process is announced, applications will be accepted only from probationary and permanent employees of the Alaska Court System.

3.03.02 A departmental promotional selection process may be authorized by the Director of Personnel provided that sufficient qualified probationary and permanent employees work in the department in which the vacancy exists. Prior to approval by the Director of Personnel a written statement shall be submitted by the hiring supervisor to the Director of Personnel giving the reasons why a departmental selection process is requested. Before being submitted to the Director of Personnel, the request must first be approved by the Area Court Administrator for trial court employees, the Clerk of Appellate Courts for appellate

court employees or the Administrative Director for administration employees. When a departmental promotional selection process is announced, applications shall be accepted only from probationary and permanent Alaska Court System employees in the department in which the vacancy exists.

3.03.03 For any promotional selection process, including departmental promotional selection processes, for positions in salary range 10 or above, including flexibly staffed 8/10 positions, written notice of the vacancy shall be posted at least three (3) working days in advance.

[30.03.02] 3.03.04

3.04 Applications:

Applications for appointments shall be made on forms prescribed by the Director of Personnel and shall constitute an integral part of every selection process. On these forms the Director of Personnel may require information as to education, training and experience of the applicant and such other information as he/she may deem pertinent. The Director of Personnel may require any applicant for any selection process to submit documented proof of the possession of any license, certificate, degree or other such requirement. Application forms, resumes and other documents submitted to the Alaska Court System in support of an application for Administrative Director, Administrative Senior Staff, Area Court Administrators, and Clerks of Court at salary range 16 and above are public information. All other applications are confidential.

3.06 Disqualification of Applicants:

3.06.03 has been convicted of a crime which [RELATES TO THE DUTIES OF THE POSITION FOR WHICH HE APPLIED;] is punishable by imprisonment. However, such applicants may be certified to an eligible list for which they meet the minimum qualifications provided they first obtain a written waiver from the Administrative Director.

3.07 Character of Selection Process:

No test or question in any application or other part of any selection process shall be used to discriminate on the basis of race, color, religion, national origin, sex, physical handicap, age, marital status, change in marital status, pregnancy, [OR] parenthood or any other non-merit reason.

3.11 Eligible Lists:

3.11.06 Any permanent [OR PROBATIONARY] classified employee who has separated in good standing may upon

written request have his/her name placed on the rehire list for his/her former classification. Such a request must be made within [THREE (3)] two (2) years of the date of resignation. Upon advance approval of the Director of Personnel, the name of the individual may be placed on the rehire list for a lower class in the same series or in a parallel class series. If the class no longer exists or if major changes have been made in minimum qualifications the name may be placed on the list of the most closely related class for which qualified.

3.14 Removal of Names:

[3.14.03(i) UNSATISFACTORY REFERENCE WHICH HAS RESULTED IN REJECTION BY ONE OR MORE HIRING SUPERVISORS.]

3.14.02(J) (i)

RULE 4, CERTIFICATION AND APPOINTMENT

4.05 Acting Appointments:

Employees in positions which have their salary set partially on the basis of relieving their supervisor in the supervisor's absence, are not eligible for acting pay unless their supervisor is on leave for more than three (3) calendar months within any twelve (12) month period.

4.06 Re-employment (See Personnel Rule 8.07):

An employee who separated in good standing while holding a permanent [OR PROBATIONARY] appointment in [EITHER] the Alaska Court System [OR THE EXECUTIVE BRANCH OF GOVERNMENT'S MERIT SYSTEM] may be re-employed [WITHOUT EXAMINATION OR CERTIFICATION] in the same class of positions provided such re-employment takes place within [THREE (3)] two (2) years from the date of separation. Upon advance approval of the Director of Personnel, such re-employment may be made in a lower class in the same class series or in a parallel class series.

4.07 Transfers:

4.07 Intra-Jurisdictional Transfer

The transfer of an employee within a judicial district or service area to a different position in the same job class in the same city or town may be made at the discretion of the judicial district's Area Court Administrator or Presiding Judge or in the case of Administration employees, the Administrative Director, and in the case of [SUPREME] appellate court employees, the Clerk of the [SUPREME] Appellate Courts. The Director of Personnel must be informed of such transfers prior to their

accomplishment. With prior approval of the Director of Personnel, the judicial district's Area Court Administrator or Presiding Judge or Clerk of [SUPREME] the Appellate Courts for [SUPREME] appellate court employees may transfer an employee to a different position in the same job class in a different city or town within the judicial district or service area. The employee to be transferred must agree to the transfer and shall be entitled to all accrued fringe benefits in the new position inasmuch as his/her length of service is unbroken. The merit anniversary date will remain the same.

4.08 Probationary Period:

4.08.04 Extension of Probationary Period

With prior approval of the Director of Personnel, the probationary period of an employee may be extended not to exceed three (3) months. Approval will be granted only when circumstances result in the inability to thoroughly evaluate an employee during his/her normal probationary period. Requests for extension of probationary periods for trial court employees must first be approved by the Area Court Administrator or Presiding Judge before being sent to the Director of Personnel for final approval. Requests for extension of probationary periods for administration employees must first be approved by the Director of Personnel before being sent to the Administrative Director for final approval. Requests for extension of probationary periods for [SUPREME] appellate court employees must first be approved by the Clerk of the [SUPREME] Appellate Courts.

4.08.05 Performance Evaluation Report

At any time or times during the probationary period and in such manner as the Director of Personnel may prescribe, the hiring supervisor shall report in writing his/her evaluation of the employee's work performance to the Director of Personnel. The evaluation shall be discussed with and signed by the employee prior to submission to the Director of Personnel. The employee has a right to make a written response to the supervisor's evaluation. The evaluation and the employee's response, if any, shall be made a permanent part of the employee's personnel file. A written statement from the supervisor's superior may also be made a permanent part of the employee's personnel file. No other statements made in reaction to a single evaluation shall be made a permanent part of the employee's personnel file.

4.10 Types of Employees:

4.10.01 Exempt

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The exempt service consists of justices, judges, magistrates, the Administrative Director, the Clerk of the [SUPREME] Appellate Courts; law clerks and other officials whose salary is set by the State Legislature or by the Supreme Court.

4.10.02 Partially Exempt

The partially exempt service consists of employees who are not subject to the appointment, dismissal and grievance provisions of these rules, but whose positions have salaries which are set in accordance with the classification and salary provisions of these rules and applicable Alaska Statutes. Partially exempt employees must meet the minimum qualifications established for the classification to which they are appointed. Partially exempt employees serve at the pleasure of their respective hiring supervisors and are not eligible to file grievances under Personnel Rule 9. These positions consist of the following:

[THE PERSONAL SECRETARY TO THE CLERK OF THE SUPREME COURT]  
The Chief Deputy Clerk of the [SUPREME] Appellate Courts  
The Personal Secretary to a Supreme Court Justice  
The Personal Secretary to a Court of Appeals Judge  
The Personal Secretary to a Superior Court Judge  
The Personal Secretary to the Administrative Director  
The Personal Secretary to the Deputy Administrative  
Director

[LAW CLERKS AND ATTORNEYS]

Area Court Administrators  
Members of the Administrative Director's senior staff,  
including:

Deputy Administrative Director  
Administrative Associate  
[MANAGER OF FISCAL OPERATIONS] Fiscal Officer  
[STAFF] General Counsel  
Director of Personnel  
Magistrate [TRAINING] System Coordinator  
Manager of Materiel Operations  
Manager of Technical Operations  
[PLANNING AND GRANTS COORDINATOR] Court Specialist  
[DIRECTOR OF LEGAL EDUCATION AND INFORMATION]  
Judicial Education Coordinator  
State Law Librarian

Partially exempt employees need not be hired from an eligible list except that Area Court Administrators shall be appointed from a list of qualified candidates provided by the Administrative Director. Appointment shall be made by the Presiding Judge of each judicial district provided that the District and Superior Court Judges of that district collectively concur with the appointment by at least a two-thirds majority vote. If the Presiding Judge

does not wish to hire from the list provided, one additional list of qualified candidates may be compiled by the Administrative Director provided it is requested by a collective two-thirds of the District and Superior Court Judges of the judicial district.

An Area Court Administrator serves at the pleasure of the District and Superior Court Judges of his/her judicial district. An Area Court Administrator may be dismissed by the Presiding Judge provided the District and Superior Court Judges of the judicial district collectively concur with the dismissal by simple majority vote. The Presiding Judge shall dismiss an Area Court Administrator if the District and Superior Court Judges of the judicial district collectively vote for his/her dismissal by a two-thirds majority vote or greater.

The provisions of this rule shall not be construed as limiting the inherent authority of the Chief Justice to dismiss any exempt or partially-exempt employee of the Alaska Court System other than the Administrative Director.

#### 5.0 Work Week

Thirty-seven and one-half (37.5) hours of [ACTUAL] attendance on duty shall constitute the minimum work week for full-time employees in the Alaska Court System with due allowance for authorized holidays and leaves of absence with pay. The normal work week shall consist of five (5) consecutive work days, Monday through Friday. All hours worked by an employee between any Sunday midnight and the following Sunday midnight shall be included in the same work week.

#### 5.03 Flexible Scheduling of Work Hours: Flextime and the Four Day Week

Flextime is the scheduling of an employee to work seven and one-half hours per day between the hours of 6 a.m. and 6:30 p.m. Hours worked are to be consecutive other than the lunch period. Flextime must be approved by the employee's supervisor and the Area Court Administrator, or by the Clerk of the [SUPREME] Appellate Courts for [SUPREME] appellate court employees and by the Administrative Director for administration employees.

#### 5.04 Other Employment:

No employee shall engage in any other employment, either public, private, or self-employment, during the hours he/she is scheduled to work for the Alaska Court System. No employee [MAY] shall engage in employment during off-duty work hours which conflicts with the Alaska Court System's interest or adversely affects the employee's availability and usefulness to



the Alaska Court System. Any employee who wishes to engage[S] in any employment outside his/her normally scheduled hours of duty shall first [NOTIFY] request approval of his/her hiring supervisor in writing [OF] stating the nature and extent of such employment. The hiring supervisor [WILL FORWARD A COPY OF THE EMPLOYEE'S NOTICE TO THE DIRECTOR OF PERSONNEL] shall recommend approval of the request if there is no apparent conflict of interest nor adverse impact on the Alaska Court System. The hiring supervisor shall then send the request to the Director of Personnel for final review and approval.

If, after initial approval, a conflict of interest develops or becomes apparent or if an adverse impact on the Alaska Court System develops, the hiring supervisor shall request the Director of Personnel to revoke the approval for other employment. The Director of Personnel may revoke the approval provided that a minimum of two (2) weeks notice is given to the employee.

5.05 Legal Holidays:

NOTE: See Personnel Rule 6.07 for shift differential.

RULE 6, COMPENSATION

6.02.04 Demotions:

6.02.04(b) Voluntary

Employees taking a voluntary demotion shall be appointed to the same step in the [NEW] lower range as [THEY] held [PRIOR TO PROMOTION PLUS ANY EARNED STEPS ACQUIRED WHILE] in the higher range. Promoted employees shall return to the highest step previously held in the lower range plus any earned steps acquired while in the higher range provided there has been no break in service. Promoted employees voluntarily demoting to a range not previously held shall be appointed to the same step in the lower range as held in the higher range. The merit anniversary date will remain unchanged for any employee taking a voluntary demotion.

6.03 Merit Increase:

Merit increases shall be based on the supervisor's evaluation of an employee's performance. A merit increase of one step in the salary range may be given to an employee who has not received a performance evaluation of "unacceptable" [OR BETTER ON HIS MERIT ANNIVERSARY DATE]. The 16th day of the month which coincides with the completion of his/her probationary period shall [CONSTITUTE AN] be an employee's merit anniversary date. NOTE: Law clerks are not eligible for merit increases. (See Personnel Rule 4.08.01 for permanent part-time employees.)

6.07 Shift Differential:

Employees who are eligible for overtime compensation are also eligible for shift differential. A shift differential of a one step salary increase shall be paid to employees who regularly work a "swing" shift beginning between 2:00 p.m. and 9:59 p.m. A shift differential of a two step salary increase shall be paid to employees who regularly work a "graveyard" shift beginning between 10:00 p.m. and 5:59 a.m. No employee may work a "swing" or "graveyard" shift without specific written authorization by the Area Court Administrator, the Director of Personnel, and the Administrative Director for trial court employees, the Clerk of Appellate Courts, the Director of Personnel and the Administrative Director for appellate court employees, the Director of Personnel and the Administrative Director for administration employees.

RULE 7, LEAVES OF ABSENCE

7.02.01

Personal leave may be taken when business permits and when an employee is given his supervisor's prior permission. Routine medical and dental appointments require prior approval by the employee's supervisor.

Personal leave may not be taken within the last ten (10) working days of employment with the Alaska Court System except under the following conditions:

- (1) All personal leave taken for medical purposes shall be accompanied by a doctor's certificate.
- (2) Personal leave for non-medical purposes may be approved for no more than two (2) consecutive days or fifteen (15) consecutive hours.

7.02.02

- (4) Pregnancy and childbirth is a medical reason for a female employee to take personal leave. A female employee, otherwise qualified for a leave of absence, is entitled to take a maximum of nine weeks leave immediately preceding and following childbirth. If an employee's accrued personal leave is insufficient for this purpose, she may use any banked medical leave she has (see approval required for sick bank leave and leave without pay in Personnel Rules 7.07.01 and 7.11.02). If that leave is insufficient, she is entitled to take leave without pay for the balance of the nine week period. Upon application and under extenuating circumstances,

additional leave may be granted. A physician's certificate shall be required to support the additional leave request.

7.03 Reporting of Personal Leave:

All personal leave shall be reported on forms specified by the Director of Personnel. All leave taken shall be submitted on the specified form to the employee's supervisor no more than thirty (30) calendar days following the employee's return to duty. All leave reports shall be received in the Anchorage Personnel Office no later than sixty (60) calendar days following the employee's return to duty. Failure to report leave taken within these time frames is a serious violation of these rules (see Personnel Rule 10.07).

7.04.02

Upon approval by the Director of Personnel, [A] an employee may donate [ONE OR MORE DAYS] a maximum of five days of personal leave to another employee who is without personal leave provided it is to be used as personal leave for bonafide medical purposes as defined by Personnel Rule 7.02.02.

Once transferred, leave cannot be re-transferred.

No monetary payment shall be made to the donor for donating leave. Any such payment shall be considered a violation of these rules for all parties involved in any monetary exchange for leave donation (see Personnel Rule 10.07).

7.07 Transfer of Accrued Medical Leave to a Leave Bank  
(AS 39.20.256):

7.07.01

An employee who has accrued medical leave shall have forty (40) percent of that medical leave transferred to his/her personal leave account and sixty (60) percent of that medical leave transferred to a medical leave bank. Banked medical leave may be taken only when [BOTH OF] the following conditions are met:

1. An employee has not accrued personal leave; and
2. An employee has a medical disability exceeding ten (10) consecutive working days in duration; or
3. An employee has a medical disability exceeding thirty (30) consecutive working days in duration.

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Once [THE ABOVE TWO REQUIREMENTS HAVE] eligibility has been met, an employee may take banked medical leave until the medical disability is terminated or until his/her banked medical leave is exhausted. If an employee qualifies for banked medical leave under subparagraph 3 of this section, the employee's banked medical leave may be taken for all working days of the medical disability following the tenth (10th) working day of the disability.

7.11 Leave Without Pay

7.11.02

Employees may be granted leave without pay not to exceed a total of five (5) working days in any calendar year at the discretion of their immediate supervisor. Leave without pay in excess of five (5) days must be approved by the Director of Personnel upon the recommendation of the Area Court Administrator or Presiding Judge for trial court employees and by the Clerk of the [SUPREME] Appellate Courts for [SUPREME] appellate court employees. Administration employees must have leave without pay in excess of five (5) days approved by the Administrative Director upon recommendation of the Director of Personnel.

RULE 8, SEPARATION, SUSPENSION AND DEMOTION

8.0 Resignation:

An employee may resign in good standing from the service of the Alaska Court System by presenting his/her resignation in writing to his/her supervisor at least fourteen (14) calendar days prior to its effective date. For trial court employees a copy of such resignation shall be supplied by the supervisor to the Area Court Administrator or Presiding Judge and to the Director of Personnel. For administration employees a copy of the resignation will be supplied by the supervisor to the Administrative Director and to the Director of Personnel. For [SUPREME] appellate court employees a copy of the resignation [WILL] shall be supplied to the Clerk of the [SUPREME] Appellate Courts and to the Director of Personnel. Upon approval of the supervisor, an employee may withdraw his/her resignation at any time prior to the effective date of the resignation provided that a replacement has not be [HIRED] informed of his/her selection. No form of resignation filed without an effective date shall be accepted as a resignation.

8.01 Suspension:

An Alaska Court System employee may be suspended without pay for misconduct, insubordination, persistent substandard performance, or other similar cause[, PROVIDED THAT IN EACH CASE THE EMPLOYEE BE GIVEN WRITTEN NOTICE SIGNED BY THE AREA

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COURT ADMINISTRATOR OR PRESIDING JUDGE FOR TRIAL COURT EMPLOYEES, BY THE ADMINISTRATIVE DIRECTOR FOR ADMINISTRATION EMPLOYEES AND BY THE CLERK OF THE SUPREME COURT FOR SUPREME COURT EMPLOYEES. THE WRITTEN NOTICE WILL GIVE THE EMPLOYEE THE REASONS FOR SUSPENSION AND THE LENGTH OF THE SUSPENSION. A COPY OF THE NOTICE WILL BE SENT TO THE DIRECTOR OF PERSONNEL] by his or her hiring supervisor for up to five (5) consecutive working days provided that the hiring supervisor gives the employee written notification in advance stating the reason(s) for the suspension and specifying the length of the suspension. A copy of that notification shall be sent to the Area Court Administrator or Clerk of Court for trial court employees, the Clerk of the Appellate Courts for appellate court employees, the Administrative Director for administration employees and to the Director of Personnel. An employee suspended under this section has the right to challenge in writing the suspension either during the suspension or within five (5) working days thereafter, and the decision of the appropriate notified authority (the Area Court Administrator, the Clerk of Court or the Clerk of the Appellate Courts, or the Administrative Director) is final under this section.

A hiring supervisor may suspend an employee for misconduct, insubordination, persistent substandard performance, or other similar cause for a period of more than five (5) consecutive working days and up to fifteen (15) calendar days provided that the employee is given, at least one working day in advance, written notification stating the reason(s) for the suspension, and providing that the written notification is endorsed and approved by the Area Court Administrator or Clerk of Court for trial court employees, the Clerk of the Appellate Courts for appellate court employees, or the Administrative Director for Administration employees. An employee suspended under this section has the right to challenge in writing the suspension either during the suspension or within five working days thereafter, with the appropriate notified authority (the Area Court Administrator, the Clerk of Court, the Clerk of the Appellate Courts, or the Administrative Director). If the employee is dissatisfied with the decision at this level, he may within two working days file a written, informal grievance with the Director of Personnel. The Director of Personnel shall have five (5) working days in which to investigate and render his written decision. It is the employee's responsibility to obtain a copy of that written decision from the Director of Personnel's usual place of work. The Director of Personnel's decision is final under this section.

An employee suspended for misconduct, insubordination, persistent substandard performance, or other similar cause for more than 15 calendar days shall have the right to a formal hearing pursuant to Alaska Court System Personnel Rule 9.05.

8.02 Action Upon Being Charged With a Crime:

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When any Alaska Court System employee is charged with a crime punishable by imprisonment, the decision on what action, if any, is to be taken shall be made by the Administrative Director. To assist the Administrative Director in making his/her decision, the following procedure should be followed: The employee's hiring supervisor, upon being informed of the criminal charge, shall immediately prepare a written statement explaining the nature of the charge and the facts as the supervisor knows them forming the basis of the charge. The written statement shall recommend appropriate action, if any, against the employee pending disposition of the case. The supervisor shall immediately send this statement to the employee charged with the crime as notification of action that may be taken against the employee. The supervisor shall also immediately send the written statement for concurrence and/or revision to the Area Court Administrator for trial court employees, the Clerk of the Appellate Courts for appellate court employees, or through the Director of Personnel to the Administrative Director for administration employees. The Area Court Administrator and the Clerk of Appellate Courts shall forward the recommendation through the Director of Personnel to the Administrative Director. An employee against whom action may be taken under this Rule has the right to a formal hearing pursuant to Alaska Court System Personnel Rule 9.05 prior to a final decision by the Administrative Director.

8.0[2]3 Layoff:

8.0[2]3.01  
8.0[2]3.02  
8.0[2]3.03

In every case of layoff of a probationary or permanent employee, the affected employee shall, at least fifteen (15) days before the effective date of layoff, be given written notice [TO THE EMPLOYEE]. Such notice [WILL] shall be given to trial court employees by the Presiding Judge or Area Court Administrator, administration employees by the Administrative Director and [SUPREME] appellate court employees by the Clerk of the [SUPREME] Appellate Courts. In all cases a copy of the written notice [WILL] shall be sent to the Director of Personnel.

8.0[2]3.04  
8.0[2]3.05

8.0[3]4 Dismissal:

8.0[3]4.01

Employees who do not hold permanent status may be dismissed at any time. The employee shall be advised in writing of the reasons for dismissal, and a copy shall be filed with the Director of Personnel. All such notices

shall be endorsed and approved by the Area Court Administrator or Clerk of Court for trial employees, the Clerk of Appellate Courts for appellate court employees, and the Administrative Director for administration employees. However, the right to file a grievance under Rule 9 exists only if the dismissal was allegedly due to discrimination on the basis of race, color, religion, national origin, sex, physical handicap, age, marital status, change in marital status, pregnancy or parenthood.

8.0[3]4.02

An employee who holds permanent status may be dismissed for just cause only. An employee who is being dismissed for cause shall be provided with a written statement setting forth the reasons for dismissal and indicating his/her right to appeal through the established grievance procedure. A copy of the dismissal notice shall be sent to the Director of Personnel. All such notices shall be endorsed and approved by the Area Court Administrator or Clerk of Court for trial court employees, the Clerk of Appellate Courts for appellate court employees and the Administrative Director for administration employees.

8.0[3]4.03

8.0[4]5 Demotion:

8.0[4]5.01 Demotion for Cause

8.0[4]5.02 Voluntary Demotion

8.06 Constructive and Progressive Discipline:

There are circumstances such as insubordination or abandonment of a position when a supervisor must immediately discipline or dismiss an employee. However, in an effort to modify an employee's on-going substandard performance, supervisors normally should use constructive and progressive discipline. The constructive nature of this process means informing the employee of the specific substandard performance and the specific steps needed to make that performance standard. The progressive nature of the discipline typically means the following steps taken in a timely manner:

1. A verbal reprimand.
2. A written reprimand.
3. Suspension without pay.
4. Dismissal.

These steps are provided as a guideline and are not meant to be hard and fast rules to be followed in every situation.

8.07 Not Recommended for Rehire:

A former employee whose final evaluation includes a statement indicating the employee is not recommended for rehire shall not be eligible for rehire for a minimum of one (1) year following the date of termination. However, upon showing written proof of a minimum of twelve (12) months satisfactory employment with another employer, the former employee may be placed on an eligible list by the Director of Personnel.

8.08 Written Reprimand:

A written reprimand is a written notice to an employee from one of his or her supervisors which defines that employee's job related behavior, attitude, action or inaction as unacceptable an/or substandard.

A copy of the written reprimand shall be sent to the Director of Personnel for inclusion in the employee's personnel file. The employee has a right to make a written response to the reprimand. A copy of the employee's response shall be sent to the Director of Personnel for inclusion in the employee's personnel file.

The written reprimand and the employee's written response (if any) shall be a permanent part of the employee's personnel file unless either:

1. The employee files an informal grievance and as a result of the grievance, the reprimand (and the response, if any) is ordered to be removed from the employee's personnel file, or
2. After a minimum of twelve (12) calendar months the Personnel Director shall remove the reprimand (and the response, if any) from the employee's personnel file, upon written request of both the employee and the employee's supervisor who wrote the reprimand (or a new supervisor in the same position provided the new supervisor has been a supervisor for a minimum of three (3) calendar months).

9.02 Eligibility to File an Informal Grievance:

Any permanent classified employee shall have the right to file an informal grievance on any matter affecting the terms and conditions of his employment over which the Alaska Court System had complete jurisdiction except those major disciplinary actions which shall be filed as a formal grievance (involuntary demotion, suspension without pay for more than [30] 15 calendar days, or dismissal). All other grievances shall be filed as informal grievances.

9.04 Eligibility to File a Formal Grievance:



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Any permanent classified employee shall have the right to file a formal grievance over action taken against him resulting in any of the following:

- (a) involuntary demotion
- (b) suspension without pay of more than [30] 15 calendar days
- (c) action pending disposition of the case upon employee being charged with a crime
- ~~[(c)]~~ (d) dismissal

9.05 Formal Grievance Procedure:

An eligible employee, as defined above, may file a grievance following written notification of major disciplinary action taken against that employee. Dismissal, involuntary demotion, and suspension without pay for more than [30] 15 calendar days are grievable items under the formal grievance procedure. Disciplinary actions shall not be stayed pending the outcome of the formal grievance procedure. Within five (5) working days of receipt of notification of the disciplinary action by the employer, the employee may present a written formal grievance to the Director of Personnel at his usual place of work. In the grievance, the employee shall state clearly and concisely the specific nature of the grievance and corrective action desired with supporting reasons and attachments, if applicable.

RULE 10, PROHIBITIONS AND PENALTIES

10.0 Political Activity:

No employee [IN THE ALASKA COURT SYSTEM MAY BE A MEMBER OF ANY NATIONAL, STATE OR LOCAL COMMITTEE OF A POLITICAL PARTY, OR TAKE PART IN THE MANAGEMENT OF ANY POLITICAL CAMPAIGN. NOTHING IN THIS RULE SHALL BE CONSTRUED TO LIMIT THE RIGHT OF AN EMPLOYEE TO EXPRESS HIS OPINION, REGISTER HIS PARTY PREFERENCE, IF ANY, AND CAST HIS VOTE. NOTHING IN THIS RULE SHALL BE CONSTRUED TO LIMIT THE RIGHT OF AN EMPLOYEE TO VOLUNTARILY CONTRIBUTE TO A POLITICAL PARTY OR HIS RIGHT TO BELONG TO A PARTISAN POLITICAL CLUB. NOTHING IN THIS RULE SHALL BE CONSTRUED TO LIMIT THE RIGHT OF ANY EMPLOYEE TO ATTEND PARTY MEETINGS AND PARTISAN FUNCTIONS: NOR DOES THIS RULE PROHIBIT APPOINTMENT, NOMINATION, OR ELECTION TO NONPARTISAN PUBLIC OFFICE IN ANY LOCAL GOVERNMENT UNIT] of the Alaska Court System may use his/her official position in connection with the election of a federal, state or local candidate nor in the endorsement of a political party. No employee of the Alaska Court System may campaign for, or perform services in support of, a federal, state or local political candidate or political party while on duty. No employee of the Alaska Court System may use Court System materials, equipment or labor at any time in support of a federal, state or local political candidate or a political party.

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Any Alaska Court System employee who seeks nomination or becomes a candidate for state or national elective political office shall immediately resign his/her position with the Alaska Court System.

Justices, judges, magistrates and special masters' political activity is restricted by Canon 7 of the Alaska Code of Judicial Conduct. All other Alaska Court System employees may voluntarily contribute money to a political candidate or political party, may attend party conventions, may work on campaigns of political candidates in their off-duty hours and may seek and hold a local elective office provided they do so as private citizens and do not use their official positions in connection with these activities. However, no Alaska Court System employee may take an active part in the management of a political party above the precinct level.

10.03 NOMINATION AND CANDIDACY Prohibited Acts (AS 39.26.010):

[ANY EMPLOYEE IN THE ALASKA COURT SYSTEM WHO SEEKS NOMINATION OR BECOMES A CANDIDATE FOR ANY STATE OR NATIONAL ELECTIVE POLITICAL OFFICE SHALL IMMEDIATELY RESIGN HIS POSITION IN THE COURT SYSTEM.] No member or representative of the Alaska Court System, no department, agency, official, officer, or any person employed by the state may directly or indirectly:

require or coerce any Alaska Court System employee to participate in any way in any activity or undertaking unless the activity or undertaking is related to the performance of official duties;

require or coerce any Alaska Court System employee to make any report concerning any of his/her activities or undertakings unless the activity or undertaking is related to the performance of his/her official duties;

except as directly related to the performance of his/her official duties, require or coerce any Alaska Court System employee to submit to any interrogation or examination or psychological test which is designed to elicit from him/her information concerning

his/her personal relationship with any person;

his/her religious beliefs or practices;

sexual matters; or

his/her political affiliation or philosophy;

coerce any Alaska Court System employee to invest or contribute his/her earnings in any manner or for any purpose; or

restrict or attempt to restrict after-working-hour statements, pronouncements or other activities not otherwise prohibited by law or personnel rule, of any Alaska Court System employee, if the employee does not purport to speak or act in an official capacity.

The provisions of this section do not diminish the authority of an authorized law enforcement agency to conduct criminal investigations of Alaska Court System employees suspected of being involved in criminal activity.

10.09 Nepotism:

10.09.01

No person may be employed in a position who is the spouse of or is [RELATED BY BLOOD OR MARRIAGE WITHIN AND INCLUDING THE SECOND DEGREE OF KINDRED TO] a close relative to a judicial officer or to the Administrative Director or to the Director of Personnel; provided that the Administrative Director may, upon request by the hiring supervisor, approve the employment of a person who is so related to a judicial officer. Such approval shall be in writing, shall set forth the reasons for approval, and shall be placed in the employee's personnel records. This prohibition shall continue for a period of three (3) months after a judicial officer's retirement, resignation or death. No approval may be granted to a person who is so related to the Chief Justice or to the Administrative Director or to the Director of Personnel.

10.09.02

No person may be employed in a position in any district, division or section who is the spouse of or is [RELATED BY BLOOD OR MARRIAGE WITHIN AND INCLUDING THE SECOND DEGREE OF KINDRED] a close relative to the supervisor of the district, division or section; provided that the Administrative Director may, upon request by the hiring supervisor, approve the employment of a person so long as there is not direct supervisory relationship between the employees so related. Such approval shall be in writing, shall set forth the reasons for approval, and shall be placed in both employees' personnel records.

10.09.03

No person may be employed in a position who is the spouse of or is [RELATED BY BLOOD OR MARRIAGE WITHIN AND INCLUDING THE SECOND DEGREE OF KINDRED] a close relative to any other employee in the Alaska Court System without the express approval of the hiring supervisor and the Administrative Director.