

State of Alaska
Department of Commerce, Community & Economic Development
Division of Corporations, Business, and Professional Licensing

Board of Social Work Examiners



Public Meeting Packet

BOARD MEETING
SEPTEMBER 11, 2023
VIA ZOOM

Board of Social Work Examiners

Name	Appointed	Reappointed	Expires
Applebee, Ann (Palmer) Licensed Clinical Social Worker	05/25/2022		03/01/2025
Stone, Stacey (Anchorage) Public	03/08/2023		03/01/2027
Taylor, Amber (JBER) Master of Social Work	08/03/2022		03/01/2026
Wells, Anne (Fairbanks) Licensed Clinical Social Worker	06/22/2023		03/01/2024
Woodward, Sharon (Juneau) Licensed Baccalaureate Social Worker	03/08/2021	03/01/2022	03/01/2026



Board of Social Work Examiners Meeting

Alaska Division of Corporations, Business and Professional Licensing
Sep 11, 2023 at 9:00 AM AKDT to Sep 11, 2023 at 4:00 PM AKDT

Meeting Details: <https://us02web.zoom.us/j/89539292628?pwd=ZGUvaVRza0l2MFIFOGtjYjBCOCszZz09>

Meeting ID: 895 3929 2628

Passcode: 409181

Additional Meeting Details: Zoom Link

Agenda

I. 9:00 AM Call to Order/Roll Call/Introductions

II. Review/Approve Agenda

III. Ethics Disclosures

IV. Administrative Business

A. Correspondence

B. Supervisor Questions

V. 9:30 AM Public Comment

VI. 10:00 AM Social Work Compact Presentation

VII. 11:00 AM Investigations

A. Investigative Report

VIII. 11:30 AM Regulations Discussion

IX. 12:00 PM LUNCH

X. 1:00 PM Executive Session- Consent Agreements

XI. 2:00 PM Tabled Applications

XII. 2:15 PM Application Review

XIII. Old Business

A. Approve Draft Meeting Minutes

B. Teletherapy Definition Discussion

C. Mission Statement

XIV. New Business

A. Future Meetings

B. TBD

XV. 4:00 PM Adjourn

**LAW RESOURCES**[Law Resources](#)[Alaska Statutes & Regulations](#)[Alaska Constitution](#)[Regulations Drafting Manual](#)[Victim-Witness Resources](#)[Protecting Children](#)[Attorney General Opinions](#)[Executive Branch Ethics](#)[Natural Resources & Environment](#)[Regulatory Affairs & Public Advocacy](#)[Pro Bono Legal Services](#)[한국어](#) [Русский](#) [Español](#) [Tagalog](#)

Chapter 39.52.

ALASKA EXECUTIVE BRANCH ETHICS ACT

Article 01. DECLARATIONS

Sec. 39.52.010. Declaration of policy.

(a) It is declared that

(1) high moral and ethical standards among public officers in the executive branch are essential to assure the trust, respect, and confidence of the people of this state;

(2) a code of ethics for the guidance of public officers will

(A) discourage those officers from acting upon personal or financial interests in the performance of their public responsibilities;

(B) improve standards of public service; and

(C) promote and strengthen the faith and confidence of the people of this state in their public officers;

(3) holding public office or employment is a public trust and that as one safeguard of that trust, the people require public officers to adhere to a code of ethics;

(4) a fair and open government requires that executive branch public officers conduct the public's business in a manner that preserves the integrity of the governmental process and avoids conflicts of interest;

(5) in order for the rules governing conduct to be respected both during and after leaving public service, the code of ethics must be administered fairly without bias or favoritism;

(6) no code of conduct, however comprehensive, can anticipate all situations in which violations may occur nor can it prescribe behaviors that are appropriate to every situation; in addition, laws and regulations regarding ethical responsibilities cannot legislate morality, eradicate corruption, or eliminate bad judgment; and

(7) compliance with a code of ethics is an individual responsibility; thus all who serve the state have a solemn responsibility to avoid improper conduct and prevent improper behavior by colleagues and subordinates.

(b) The legislature declares that it is the policy of the state, when a public employee is appointed to serve on a state board or commission, that the holding of such offices does not constitute the holding of incompatible offices unless expressly prohibited by the Alaska Constitution, this chapter and any opinions or decisions rendered under it, or another statute.

Article 02. CODE OF ETHICS

Sec. 39.52.110. Scope of code.

(a) The legislature reaffirms that each public officer holds office as a public trust, and any effort to benefit a personal or financial interest through official action is a violation of that trust. In addition, the legislature finds that, so long as it does not interfere with the full and faithful discharge of an officer's public duties and responsibilities, this chapter does not prevent an officer from following other independent pursuits. The legislature further recognizes that

(1) in a representative democracy, the representatives are drawn from society and, therefore, cannot and should not be without personal and financial interests in the decisions and policies of government;

- (2) people who serve as public officers retain their rights to interests of a personal or financial nature; and
 - (3) standards of ethical conduct for members of the executive branch need to distinguish between those minor and inconsequential conflicts that are unavoidable in a free society, and those conflicts of interests that are substantial and material.
- (b) Unethical conduct is prohibited, but there is no substantial impropriety if, as to a specific matter, a public officer's
- (1) personal or financial interest in the matter is insignificant, or of a type that is possessed generally by the public or a large class of persons to which the public officer belongs; or
 - (2) action or influence would have insignificant or conjectural effect on the matter.
- (c) The attorney general, designated supervisors, hearing officers, and the personnel board must be guided by this section when issuing opinions and reaching decisions.
- (d) Stock or other ownership interest in a business is presumed insignificant if the value of the stock or other ownership interest, including an option to purchase an ownership interest, is less than \$5,000.

Sec. 39.52.120. Misuse of official position.

- (a) A public officer may not use, or attempt to use, an official position for personal gain, and may not intentionally secure or grant unwarranted benefits or treatment for any person.
- (b) A public officer may not
- (1) seek other employment or contracts through the use or attempted use of official position;
 - (2) accept, receive, or solicit compensation for the performance of official duties or responsibilities from a person other than the state;
 - (3) use state time, property, equipment, or other facilities to benefit personal or financial interests;
 - (4) take or withhold official action in order to affect a matter in which the public officer has a personal or financial interest;
 - (5) attempt to benefit a personal or financial interest through coercion of a subordinate or require another public officer to perform services for the private benefit of the public officer at any time; or
 - (6) use or authorize the use of state funds, facilities, equipment, services, or another government asset or resource for partisan political purposes; this paragraph does not prohibit use of the governor's residence for meetings to discuss political strategy and does not prohibit use of state aircraft or the communications equipment in the governor's residence so long as there is no charge to the state for the use; in this paragraph, "for partisan political purposes"
- (A) means having the intent to differentially benefit or harm a
- (i) candidate or potential candidate for elective office; or
 - (ii) political party or group;
- (B) but does not include having the intent to benefit the public interest at large through the normal performance of official duties.
- (c) In addition to other provisions of this section, a public officer who is a member of the Board of Fisheries or the Board of Game may not act on a matter before the board if the public officer has not disclosed in the manner set out in AS 39.52.220 all personal or financial interests in a business or organization relating to fish or game resources.
- (d) In this section, when determining whether a public officer is considered to be performing a task on government time, the attorney general and personnel board shall consider the public officer's work schedule as set by the public officer's immediate supervisor, if any. A public officer other than the governor and lieutenant governor who, during the work days, engages in political campaign activities other than minor, inconsequential, and unavoidable campaign activities shall take approved leave for the period of campaigning.
- (e) Except for supplying information requested by the hearing officer or the entity with authority to make the final decision in the case, or when responding to contacts initiated by the hearing officer or the individual, board, or commission with authority to make the final decision in the case, a public officer may not attempt to influence the outcome of an administrative hearing by directly or indirectly contacting or attempting to contact the hearing officer or individual, board, or commission with authority to make the final decision in the case assigned to the hearing officer unless the

- (1) contact is made in the presence of all parties to the hearing or the parties' representatives and the contact is made a part of the record; or
 - (2) fact and substance of the contact is promptly disclosed by the public officer to all parties to the hearing and the contact is made a part of the record.
- (f) Use of state aircraft for partisan political purposes is permitted under (b) of this section only when the use is collateral or incidental to the normal performance of official duties and does not exceed 10 percent of the total of the use of the aircraft for official purposes and partisan political purposes, combined, on a single trip. A public officer who authorizes or makes any partisan political use of a state aircraft under (b) of this section shall disclose the authorization and use under AS 39.52.210 or 39.52.220 for each trip, and the person who uses the aircraft shall reimburse the state for the proportionate share of the actual cost of the use.

Sec. 39.52.130. Improper gifts.

- (a) A public officer may not solicit, accept, or receive, directly or indirectly, a gift, whether in the form of money, service, loan, travel, entertainment, hospitality, employment, promise, or in any other form, that is a benefit to the officer's personal or financial interests, under circumstances in which it could reasonably be inferred that the gift is intended to influence the performance of official duties, actions, or judgment. A gift from a person required to register as a lobbyist under AS 24.45.041 to a public officer or a public officer's immediate family member is presumed to be intended to influence the performance of official duties, actions, or judgment unless the giver is an immediate family member of the person receiving the gift.
- (b) Notice of the receipt by a public officer of a gift with a value in excess of \$150, including the name of the giver and a description of the gift and its approximate value, must be provided to the designated supervisor within 30 days after the date of its receipt
- (1) if the public officer may take or withhold official action that affects the giver; or
 - (2) if the gift is connected to the public officer's governmental status.
- (c) In accordance with AS 39.52.240, a designated supervisor may request guidance from the attorney general concerning whether acceptance of a particular gift is prohibited.
- (d) The restrictions relating to gifts imposed by this section do not apply to a campaign contribution to a candidate for elective office if the contribution complies with laws and regulations governing elections and campaign disclosure.
- (e) A public officer who, on behalf of the state, accepts a gift from another government or from an official of another government shall, within 60 days after its receipt, notify the Office of the Governor in writing. The Office of the Governor shall determine the appropriate disposition of the gift. In this subsection, "another government" means a foreign government or the government of the United States, another state, a municipality, or another jurisdiction.
- (f) A public officer who knows or reasonably ought to know that a family member has received a gift because of the family member's connection with the public office held by the public officer shall report the receipt of the gift by the family member to the public officer's designated supervisor if the gift would have to be reported under this section if it had been received by the public officer or if receipt of the gift by a public officer would be prohibited under this section.

Sec. 39.52.140. Improper use or disclosure of information.

- (a) A current or former public officer may not disclose or use information gained in the course of, or by reason of, the officer's official duties that could in any way result in the receipt of any benefit for the officer or an immediate family member, if the information has not also been disseminated to the public.
- (b) A current or former public officer may not disclose or use, without appropriate authorization, information acquired in the course of official duties that is confidential by law.

Sec. 39.52.150. Improper influence in state grants, contracts, leases, or loans.

- (a) A public officer, or an immediate family member, may not attempt to acquire, receive, apply for, be a party to, or have a personal or financial interest in a state grant, contract, lease, or loan if the public officer may take or withhold official action that affects the award, execution, or administration of the state grant, contract, lease, or loan.
- (b) The prohibition in (a) of this section does not apply to a state grant, contract, or lease competitively solicited unless the officer

- (1) is employed by the administrative unit awarding the grant, contract, or lease or is employed by the administrative unit for which the grant, contract, or lease is let; or
- (2) takes official action with respect to the award, execution, or administration of the grant, contract, or lease.
- (c) The prohibition in (a) of this section does not apply to a state loan if
 - (1) the public officer does not take or withhold official action that affects the award, execution, or administration of the loan held by the officer, or an immediate family member;
 - (2) the loan is generally available to members of the public; and
 - (3) the loan is subject to fixed eligibility standards.
- (d) A public officer shall report in writing to the designated supervisor a personal or financial interest held by the officer, or an immediate family member, in a state grant, contract, lease, or loan that is awarded, executed, or administered by the agency the officer serves.

Sec. 39.52.160. Improper representation.

- (a) A public officer may not represent, advise, or assist a person in any matter pending before the administrative unit that the officer serves, if the representation, advice, or assistance is
 - (1) for compensation, unless the representation, advice, assistance, and compensation are required by statute, regulation, or court rule, or is otherwise customary; or
 - (2) without compensation, but rendered to benefit a personal or financial interest of the public officer.
- (b) This section does not prohibit activities related to collective bargaining.
- (c) This section does not preclude a nonsalaried member of a board or commission from representing, advising, or assisting in any matter in which the member has a personal or financial interest regulated by the board or commission on which the member serves, except that the member must act in accordance with AS 39.52.220.

Sec. 39.52.170. Outside employment restricted.

- (a) A public employee may not render services to benefit a personal or financial interest or engage in or accept employment outside the agency which the employee serves, if the outside employment or service is incompatible or in conflict with the proper discharge of official duties.
- (b) A public employee rendering services for compensation, or engaging in employment outside the employee's agency, shall report by July 1 of each year the outside services or employment to the employee's designated supervisor. During the year, any change in an employee's outside service or employment activity must be reported to the designated supervisor as it occurs.
- (c) The head of a principal executive department of the state may not accept employment for compensation outside the agency that the executive head serves.

Sec. 39.52.180. Restrictions on employment after leaving state service.

- (a) A public officer who leaves state service may not, for two years after leaving state service, represent, advise, or assist a person for compensation regarding a matter that was under consideration by the administrative unit served by that public officer, and in which the officer participated personally and substantially through the exercise of official action. For the purposes of this subsection, "matter" includes a case, proceeding, application, contract, determination, proposal or consideration of a legislative bill, a resolution, a constitutional amendment, or other legislative measure, or proposal, consideration, or adoption of an administrative regulation.
- (b) This section does not prohibit an agency from contracting with a former public officer to act on a matter on behalf of the state.
- (c) The head of an agency may waive application of (a) of this section after determining that representation by a former public officer is not adverse to the public interest. The waiver must be in writing and a copy of the waiver must be provided to the attorney general for approval or disapproval.
- (d) An individual who formerly held a position listed in this subsection may not engage in activity as a lobbyist under AS 24.45 for a period of one year after leaving that position. This subsection does not prohibit service as a volunteer lobbyist described in AS 24.45.161(a)(1) or a representational lobbyist as defined under regulations of the Alaska Public Offices Commission. This subsection applies to the position of
 - (1) governor;

- (2) lieutenant governor;
- (3) head or deputy head of a principal department in the executive branch;
- (4) director of a division or legislative liaison within a principal department in the executive branch;
- (5) legislative liaison, administrative assistant or other employee of the Office of the Governor or Office of the Lieutenant Governor in a policy-making position;
- (6) member of a state board or commission that has the authority to adopt regulations, other than a board or commission named in AS 08.01.010;
- (7) member of a governing board and executive officer of a state public corporation.

(e) A former head of a principal department in the executive branch may not, for a period of one year after leaving service as the head of that department, serve on the governing board of a company, organization, or other entity that was regulated by that department or with which the former department head worked as part of an official duty as the department head. A former employee of the Office of the Governor in a policy-making position may not, for a period of one year after leaving employment in that office, serve on the governing board of a company, organization, or other entity with which the former employee worked as part of an official duty for the Office of the Governor.

(f) In this section, "employee of the Office of the Governor in a policy-making position" means a person who is an employee required, because of the person's position in the Office of the Governor, to file a statement under AS 39.50.020.

Sec. 39.52.190. Aiding a violation prohibited.

It is a violation of this chapter for a public officer to knowingly aid another public officer in a violation of this chapter.

Article 03. DISCLOSURE AND ACTION TO PREVENT VIOLATIONS

Sec. 39.52.210. Declaration of potential violations by public employees.

(a) A public employee who is involved in a matter that may result in a violation of AS 39.52.110 - 39.52.190 shall

- (1) refrain from taking any official action relating to the matter until a determination is made under this section; and
- (2) immediately disclose the matter in writing to the designated supervisor and the attorney general.

(b) A public employee's designated supervisor shall make a written determination whether an employee's involvement violates AS 39.52.110 - 39.52.190 and shall provide a copy of the written determination to the public employee and to the attorney general. If the supervisor determines that a violation could exist or will occur, the supervisor shall,

- (1) reassign duties to cure the employee's potential violation, if feasible; or
- (2) direct the divestiture or removal by the employee of the personal or financial interests that give rise to the potential violation.

(c) A designated supervisor may request guidance from the attorney general, in accordance with AS 39.52.240, when determining whether a public employee is involved in a matter that may result in a violation of AS 39.52.110 - 39.52.190.

Sec. 39.52.220. Declaration of potential violations by members of boards or commissions.

(a) A member of a board or commission who is involved in a matter that may result in a violation of AS 39.52.110 - 39.52.190 shall disclose the matter on the public record and in writing to the designated supervisor and to the attorney general. The supervisor shall determine whether the member's involvement violates AS 39.52.110 - 39.52.190 and shall provide a copy of the written determination to the board or commission member and to the attorney general. If a member of the board or commission objects to the ruling of the supervisor, or if the supervisor discloses an involvement requiring a determination, the members present at a meeting, excluding the involved member, shall vote on the matter. If the supervisor or a majority of the members voting determine that a violation will exist if the member continues to participate, the member

shall refrain from voting, deliberating, or participating in the matter.

(b) The designated supervisor or the board or commission may request guidance from the attorney general, in accordance with AS 39.52.240, when determining whether a member of a board or commission is involved in a matter that may result in a violation of AS 39.52.110 - 39.52.190.

Sec. 39.52.225. Disclosures in connection with executive clemency.

Before granting executive clemency to an applicant for executive clemency, the governor shall disclose in writing to the attorney general whether granting the clemency would benefit a personal or financial interest of the governor. The attorney general shall publish a written determination whether granting executive clemency to the applicant would violate AS 39.52.110-39.52.190. The written determination of the attorney general is not confidential, but information set out in that determination identifying a person, other than the applicant for clemency, who is a victim or witness in a criminal matter may not be made public.

Sec. 39.52.230. Reporting of potential violations.

A person may report to a public officer's designated supervisor, under oath and in writing, a potential violation of AS 39.52.110 - 39.52.190 by the public officer. The supervisor shall provide a copy of the report to the officer who is the subject of the report and to the attorney general, and shall review the report to determine whether a violation may exist. The supervisor shall act in accordance with AS 39.52.210 or 39.52.220 if the supervisor determines that the matter may result in a violation of AS 39.52.110 - 39.52.190.

Sec. 39.52.240. Advisory opinions.

(a) Upon the written request of a designated supervisor or a board or commission, the attorney general shall issue opinions interpreting this chapter. The requester must supply any additional information requested by the attorney general in order to issue the opinion. Within 60 days after receiving a complete request, the attorney general shall issue an advisory opinion on the question.

(b) The attorney general may offer oral advice if delay would cause substantial inconvenience or detriment to the requesting party.

(c) The designated supervisor or a board or commission shall make a written determination based on the advice of the attorney general. If the advice of the attorney general provides more than one way for a public officer to avoid or correct a problem found under AS 39.52.110 - 39.52.190, the designated supervisor or the board or commission shall, after consultation with the officer, determine the alternative that is most appropriate and advise the officer of any action required of the officer to avoid or correct the problem.

(d) A public officer is not liable under this chapter for any action carried out in accordance with a determination made under AS 39.52.210 - 39.52.240 if the officer fully disclosed all relevant facts reasonably necessary to the determination.

(e) The attorney general may reconsider, revoke, or modify an advisory opinion at any time, including upon a showing that material facts were omitted or misstated in the request for the opinion.

(f) A person may rely on an advisory opinion that is currently in effect.

(g) A request for advice made under (a) of this section is confidential.

(h) The attorney general shall post on the Alaska Online Public Notice System (AS 44.62.175), with sufficient deletions to prevent disclosure of the persons whose identities are confidential under (g) of this section, the advisory opinions issued under this section that the attorney general determines to be of major import because of their general applicability to executive branch officers.

Sec. 39.52.250. Advice to former public officers.

(a) A former public officer may request, in writing, an opinion from the attorney general interpreting this chapter. The attorney general shall give advice in accordance with AS 39.52.240(a) or (b) and publish opinions in accordance with AS 39.52.240(h).

(b) A former public officer is not liable under this chapter for any action carried out in accordance with the advice of the attorney general issued under this section, if the public officer fully disclosed all relevant facts reasonably necessary to the issuance of the advice.

Sec. 39.52.260. Designated supervisor's report and attorney general review.

(a) A designated supervisor shall quarterly submit a report to the attorney general which states the facts,

circumstances, and disposition of any disclosure made under AS 39.52.210 - 39.52.240.

(b) The attorney general shall review determinations reported under this section. The attorney general may request additional information from a supervisor concerning a specific disclosure and its disposition.

(c) The report prepared under this section is confidential and not available for public inspection unless formal proceedings under AS 39.52.350 are initiated based on the report. If formal proceedings are initiated, the relevant portions of the report are public documents open to inspection. The attorney general shall, however, make available to the public a summary of the reports received under this section, with sufficient deletions to prevent disclosure of a person's identity.

(d) The attorney general shall submit to the personnel board a copy of the quarterly reports received from designated supervisors under (a) of this section together with a report on the attorney general's review conducted under (b) of this section.

Sec. 39.52.270. Disclosure statements.

(a) A public officer required to file a disclosure statement under this chapter shall meet the requirements of this subsection in making the disclosure. When the public officer files a disclosure statement under this chapter, the public officer signing the disclosure shall certify that, to the best of the public officer's knowledge, the statement is true, correct, and complete. The disclosure must state that, in addition to any other penalty or punishment that may apply, a person who submits a false statement that the person does not believe to be true is punishable under AS 11.56.200 - 11.56.240.

(b) A designated supervisor who receives a disclosure statement under AS 39.52.110 - 39.52.220 shall review it. If the designated supervisor believes that there is a possibility that the activity or situation reported in a disclosure statement filed under AS 39.52.110 - 39.52.190 may result in a violation of this chapter, the designated supervisor shall take appropriate steps under AS 39.52.210 - 39.52.240. Failure of the designated supervisor to proceed under AS 39.52.210 - 39.52.240 does not relieve the public officer of the public officer's obligations under those statutes.

(c) In this section, "disclosure statement" means a report or written notice filed under AS 39.52.110 - 39.52.220.

Article 04. COMPLAINTS; HEARING PROCEDURES

Sec. 39.52.310. Complaints.

(a) The attorney general may initiate a complaint, or elect to treat as a complaint, any matter disclosed under AS 39.52.210, 39.52.220, 39.52.250, or 39.52.260. The attorney general may not, during a campaign period, initiate a complaint concerning the conduct of the governor or lieutenant governor who is a candidate for election to state office.

(b) A person may file a complaint with the attorney general regarding the conduct of a current or former public officer. A complaint must be in writing, be signed under oath, and contain a clear statement of the details of the alleged violation.

(c) If a complaint alleges a violation of AS 39.52.110 - 39.52.190 by the governor, lieutenant governor, or the attorney general, the matter shall be referred to the personnel board. The personnel board shall return a complaint concerning the conduct of the governor or lieutenant governor who is a candidate for election to state office as provided in (j) of this section if the complaint is initiated during a campaign period. The personnel board shall retain independent counsel who shall act in the place of the attorney general under (d) - (i) of this section, AS 39.52.320 - 39.52.350, and 39.52.360(c) and (d). Notwithstanding AS 36.30.015(d), the personnel board may contract for or hire independent counsel under this subsection without notifying or securing the approval of the Department of Law.

(d) The attorney general shall review each complaint filed, to determine whether it is properly completed and contains allegations which, if true, would constitute conduct in violation of this chapter. The attorney general may require the complainant to provide additional information before accepting the complaint. If the attorney general determines that the allegations in the complaint do not warrant an investigation, the attorney general shall dismiss the complaint with notice to the complainant and the subject of the complaint.

(e) The attorney general may refer a complaint to the subject's designated supervisor for resolution under AS 39.52.210 or 39.52.220.

(f) If the attorney general accepts a complaint for investigation, the attorney general shall serve a copy of the complaint upon the subject of the complaint, for a response. The attorney general may require the subject to provide, within 20 days after service, full and fair disclosure in writing of all facts and circumstances pertaining to the alleged violation. Misrepresentation of a material fact in a response to the attorney general

is a violation of this chapter. Failure to answer within the prescribed time, or within any additional time period that may be granted in writing by the attorney general, may be considered an admission of the allegations in the complaint.

(g) If a complaint is accepted under (f) of this section, the attorney general shall investigate to determine whether a violation of this chapter has occurred. At any stage of an investigation or review, the attorney general may issue a subpoena under AS 39.52.380.

(h) A violation of this chapter may be investigated within two years after discovery of the alleged violation.

(i) The unwillingness of a complainant to assist in an investigation, the withdrawal of a complaint, or restitution by the subject of the complaint may, but need not in and of itself, justify termination of an investigation or proceeding.

(j) The personnel board shall return a complaint concerning the conduct of the governor or lieutenant governor who is a candidate for state office received during a campaign period to the complainant unless the governor or lieutenant governor, as appropriate, permits the personnel board to assume jurisdiction under this subsection. If the personnel board receives a complaint concerning the conduct of the governor or lieutenant governor who is a candidate during the campaign period, the personnel board shall immediately notify the subject of the complaint of the receipt of the complaint, of the suspension of the personnel board's jurisdiction during the campaign period, and of the candidate's right to waive the suspension of jurisdiction under this subsection. The candidate may, within 11 days after the personnel board mails or otherwise sends notice of the complaint to the candidate, notify the personnel board that the candidate chooses to have the personnel board proceed with the complaint under this section. If the candidate does not act within that time or if the candidate notifies the personnel board that the candidate is not waiving the suspension of jurisdiction, the personnel board shall return the complaint to the complainant with notice of the suspension of jurisdiction under this subsection and of the right of the complainant to file the complaint after the end of the campaign period.

(k) A campaign period under this section begins on the later of 45 days before a primary election in which the governor or lieutenant governor is a candidate for state office or the day on which the individual files as a candidate for state office and ends at the close of election day for the general or special election in which the individual is a candidate or on the day that the candidate withdraws from the election, if earlier. For a candidate who loses in the primary election, the campaign period ends on the day that results of the primary election showing that another individual won the election are certified.

Sec. 39.52.320. Dismissal before formal proceedings.

If, after investigation, it appears that there is no probable cause to believe that a violation of this chapter has occurred, the attorney general shall dismiss the complaint. The attorney general shall communicate disposition of the matter promptly to the complainant under AS 39.52.335(c) and to the subject of the complaint.

Sec. 39.52.330. Corrective or preventive action.

After determining that the conduct of the subject of a complaint does not warrant a hearing under AS 39.52.360, the attorney general shall recommend action to correct or prevent a violation of this chapter. The attorney general shall communicate the recommended action to the complainant and the subject of the complaint. The subject of the complaint shall comply with the attorney general's recommendation.

Sec. 39.52.335. Summary of disposition of complaints and review by personnel board.

(a) When the attorney general initiates or receives a complaint under AS 39.52.310, the attorney general shall immediately forward a copy of the complaint to the personnel board.

(b) Each month, the attorney general shall file a report with the personnel board concerning the status of each pending complaint and the resolution of complaints that have been closed since the previous report.

(c) If a complaint is dismissed under AS 39.52.320 or resolved under AS 39.52.330, the attorney general shall promptly prepare a summary of the matter and provide a copy of the summary to the personnel board and the complainant. The summary is confidential unless the

(1) dismissal or resolution agreed to under AS 39.52.320 or 39.52.330 is public; or

(2) superior court makes the matter public under (h) of this section.

(d) Within 15 days after receipt of a summary under this section, a complainant may file comments with the personnel board regarding the disposition of the complaint.

(e) At its next regular meeting that begins more than 15 days after receipt of a summary under this section, the personnel board shall review the summary and comments, if any, filed by the complainant. The personnel board may compel the attendance of the subject of the complaint or the complainant at the meeting and may compel the production of documents. Attendance may be by teleconference. The attorney general or the attorney general's designee shall be available to respond to questions from the personnel board concerning the disposition of the complaint.

(f) After review of the summary, the personnel board may issue a report on the disposition of the complaint. If the matter is confidential and the board determines that publication of the name of the subject is in the public interest, the report may include a recommendation that the matter be made public.

(g) If the summary is confidential under (c) of this section,

(1) comments filed by the complainant, if any, are confidential;

(2) the personnel board shall conduct the review of the summary in executive session; and

(3) the personnel board report, if any, is confidential; the personnel board shall make available to the public an expurgated copy of a confidential report with sufficient deletions and editing to prevent disclosure of the identity of the persons involved in the matter.

(h) If the disposition of a complaint is not made public and the personnel board report under (f) of this section includes a recommendation that the matter be made public, an interested party may file an action against the state in superior court requesting that the court make public the complaint, the attorney general's disposition of the complaint, and the personnel board report. The court may order the matter or portions of the matter made public if the court determines that

(1) the dismissal or resolution of the complaint was clearly contrary to the requirements of this chapter;

(2) one or more of the allegations in the information to be released is supported by substantial evidence;

(3) the matter concerns the public interest; and

(4) release of the information will not infringe on any protected rights or liberties of the subject.

Sec. 39.52.340. Confidentiality.

(a) Except as provided in AS 39.52.335, before the initiation of formal proceedings under AS 39.52.350, the complaint and all other documents and information regarding an investigation conducted under this chapter or obtained by the attorney general during the investigation are confidential and not subject to inspection by the public. In the case of a complaint concerning the governor, lieutenant governor, or attorney general, all meetings of the personnel board concerning the complaint and investigation before the determination of probable cause are closed to the public. If, in the course of an investigation or probable cause determination, the attorney general finds evidence of probable criminal activity, the attorney general shall transmit a statement and factual findings limited to that activity to the appropriate law enforcement agency. If the attorney general finds evidence of a probable violation of AS 15.13, the attorney general shall transmit a statement to that effect and factual findings limited to the probable violation to the Alaska Public Offices Commission. The attorney general and all persons contacted during the course of an investigation shall maintain confidentiality regarding the existence of the investigation.

(b) It is not a violation of this section for a person to contact an attorney or to participate in a criminal investigation.

(c) The subject of the complaint may, in writing, waive the confidentiality protection of this section.

Sec. 39.52.350. Probable cause for hearing.

(a) If the attorney general determines that there is probable cause to believe that a knowing violation of this chapter or a violation that cannot be corrected under AS 39.52.330 has occurred, or that the subject of a complaint failed to comply with a recommendation for corrective or preventive action, the attorney general shall initiate formal proceedings by serving a copy of an accusation upon the subject of the accusation. The accusation shall specifically set out the alleged violation. After service, the accusation is a public document open to inspection. Except as provided in AS 39.52.370(c), all subsequent proceedings are open to the public.

(b) The subject of the accusation shall file an answer with the attorney general within 20 days after service of the accusation, or at a later time specified by the attorney general. If the subject of the accusation fails to timely answer, the allegations are considered admitted.

(c) If the subject of the accusation denies that a violation of this chapter has occurred, the attorney general shall refer the matter to the personnel board, which shall notify the chief administrative law judge (AS 44.64.010), who shall appoint an administrative law judge to serve as a hearing officer to conduct a hearing.

(d) If the subject of the accusation admits a violation of this chapter, the attorney general shall refer the matter to the personnel board to impose penalties under AS 39.52.410, 39.52.440, and 39.52.450, as appropriate.

Sec. 39.52.360. Hearings.

(a) The hearing officer may convene a prehearing conference to set a time and place for the hearing, and for stipulation as to matters of fact and to simplify issues, identify and schedule prehearing matters, and resolve other similar matters before the hearing.

(b) The hearing officer may administer oaths, hold hearings, and take testimony. Upon application by a party to the hearing, the hearing officer may issue subpoenas under AS 39.52.380.

(c) The attorney general shall present the charges before the hearing officer. At a hearing, the attorney general has the burden of demonstrating by a preponderance of the evidence that the subject of the accusation has, by act or omission, violated this chapter.

(d) The parties to a hearing are the attorney general and the subject of the accusation. The subject of an accusation may be represented by counsel. Each party has an opportunity to be heard and cross-examine witnesses, who shall testify under oath.

(e) The Administrative Procedure Act does not apply to hearings under this section, except as provided in AS 39.52.380.

(f) Technical rules of evidence do not apply, but the hearing officer's findings must be based upon reliable and relevant evidence. All testimony and other evidence taken at the hearing must be recorded and the evidence maintained. Copies of transcripts of the hearing record are available to the subject of the accusation at the subject's expense; however, upon request, a copy of the recording of the hearing must be furnished without charge to the subject of the accusation.

(g) At the conclusion of the formal hearing, the hearing officer may direct either or both parties to submit proposed findings of fact, conclusions of law, and recommendation to be filed within 10 days after the conclusion of the hearing.

(h) Within 30 days after the conclusion of a formal hearing, the hearing officer shall serve a written report on the personnel board and the parties, unless the personnel board grants an extension of time. The report must contain the officer's findings of fact, conclusions of law, and recommendation. The hearing officer shall submit the record to the personnel board.

Sec. 39.52.370. Personnel board action.

(a) Within 10 days after receipt of the hearing officer's report, either party may protest the officer's findings of fact, conclusions of law, and recommendation, and, if a protest is filed, shall serve a copy on the other party. Oral argument before the personnel board must be provided only if requested by either party. The board chair shall set the deadline for submission of requests for oral argument, and set the dates for submission of briefs and oral argument before the board, if requested.

(b) The board may issue subpoenas under AS 39.52.380, and may, for good cause shown, augment the hearing record, in whole or in part, or hold a hearing de novo.

(c) The personnel board shall review each report submitted by a hearing officer and shall either adopt or amend the findings of fact, conclusions of law, and recommendation of the officer. Deliberations of the personnel board must be conducted in sessions not open to the public.

(d) If the personnel board determines that a violation occurred, it may impose the penalties in AS 39.52.410, 39.52.440, and 39.52.450, as appropriate. If the board determines that no violation occurred, the board shall issue a written order of dismissal.

(e) The personnel board secretary shall promptly notify the parties and the public officer's designated supervisor of the board's action.

(f) The subject of the accusation may appeal the personnel board's decision by filing an appeal in the superior court as provided in the Alaska Rules of Appellate Procedure.

Sec. 39.52.380. Subpoenas.

(a) As provided in AS 39.52.310(g), 39.52.360(b), and 39.52.370(b), the attorney general, independent counsel retained under AS 39.52.310(c), a hearing officer, the subject of an accusation, and the personnel board may summon witnesses and require the production of records, books, and papers by the issuance of subpoenas.

(b) Subpoenas must be served in the manner prescribed by AS 44.62.430 and Rule 45 of the Alaska Rules of

Civil Procedure. Failure or refusal to obey a subpoena issued under this chapter is punishable as contempt in the manner provided by law and court rule. The superior court may compel obedience to the subpoena in the same manner as prescribed for obedience to a subpoena issued by the court.

Sec. 39.52.390. Service.

Service of an accusation must be accomplished in accordance with Rule 4 of the Alaska Rules of Civil Procedure. Service of any other pleading, motion, or other document must be accomplished in accordance with Rule 5 of the Alaska Rules of Civil Procedure.

Article 05. ENFORCEMENT; REMEDIES

Sec. 39.52.410. Violations; penalties for misconduct.

- (a) If the personnel board determines that a public employee has violated this chapter, it
- (1) shall order the employee to stop engaging in any official action related to the violation;
 - (2) may order divestiture, establishment of a blind trust, restitution, or forfeiture; and
 - (3) may recommend that the employee's agency take disciplinary action, including dismissal.
- (b) If the personnel board determines that a nonsalaried member of a board or commission has violated this chapter, it (1) shall order the member to refrain from voting, deliberating, or participating in the matter; (2) may order restitution; and (3) may recommend to the appropriate appointing authority that the member be removed from the board or commission. A violation of this chapter is grounds for removal of a board or commission member for cause. If the personnel board recommends that a board or commission member be removed from office, the appointing authority shall immediately act to remove the member from office.
- (c) If the personnel board determines that a former public officer has violated this chapter, it shall
- (1) issue a public statement of its findings, conclusions, and recommendation; and
 - (2) request the attorney general to exercise all legal and equitable remedies available to the state to seek whatever relief is appropriate.
- (d) If the personnel board finds a violation of this chapter by a public officer removable from office only by impeachment, it shall file a report with the president of the Senate, with its finding. The report must contain a statement of the facts alleged to constitute the violation.

Sec. 39.52.420. Disciplinary action for violation.

- (a) In addition to any other cause an agency may have to discipline a public employee, an agency may reprimand, demote, suspend, discharge, or otherwise subject an employee to agency disciplinary action commensurate with the violations of this chapter. This section does not prohibit the review of a disciplinary action in the manner prescribed by an applicable collective bargaining agreement or personnel statute or rule.
- (b) An agency may initiate appropriate disciplinary action in the absence of an accusation under this chapter or during the pendency of a hearing or personnel board action.

Sec. 39.52.430. Actions voidable.

- (a) In addition to any other penalty provided by law, a state grant, contract, or lease entered into in violation of this chapter is voidable by the state. In a determination under this section of whether to void a grant, contract, or lease, the interests of third parties who could be damaged may be taken into account. The attorney general shall give notice of intent to void a state grant, contract, or lease under this section no later than 30 days after the personnel board's determination of a violation under this chapter.
- (b) In addition to any other penalty provided for by law, the state may require a state loan received in violation of this chapter to become immediately payable.
- (c) Any state action taken in violation of this chapter is voidable, except that the interests of third parties and the nature of the violation may be taken into account. The attorney general may pursue any other available legal and equitable remedies.
- (d) The attorney general may recover any fee, compensation, gift, or benefit received by a person as a result of a violation of this chapter by a current or former public officer. Action to recover under this subsection must be brought within two years after discovery of the violation.

Sec. 39.52.440. Civil penalties.

The personnel board may impose on a current or former public officer civil penalties not to exceed \$5,000 for a violation of this chapter. A penalty imposed under this section is in addition to and not instead of any other penalty that may be imposed according to law.

Sec. 39.52.450. Payment of twice the financial benefit.

The personnel board may, in addition to the civil penalties described in this chapter, require a current or former public officer who has financially benefited a person in violation of this chapter to pay to the state up to twice the amount that the person realized from the violation.

Sec. 39.52.460. Criminal sanctions additional.

To the extent that violations under this chapter are punishable in a criminal action, that sanction is in addition to the civil remedies set out in this chapter.

Article 06. GENERAL PROVISIONS

Sec. 39.52.910. Applicability.

(a) Except as specifically provided, this chapter applies to all public officers within executive-branch agencies, including members of boards or commissions. This chapter does not apply to

- (1) a former public officer of an executive-branch agency unless a provision specifically states that it so applies;
- (2) legislators covered by AS 24.60; or
- (3) the University of Alaska and an employee of the University of Alaska as to activities or employment under a contract between the employee and the university described in AS 14.40.210(a)(4).

(b) The provisions of this chapter supersede the common law on conflicts of interests that may apply to a public officer of an executive-branch agency and any personnel rules relating to conflicts of interests, excluding nepotism, adopted under AS 39.25. However, nothing in this chapter precludes a prosecution under an applicable criminal statute nor prevents enforcement of any other state law that imposes a stricter standard of ethical conduct on public officers.

(c) The provisions of this chapter are not subject to negotiation by collective bargaining under AS 23.40.

(d) Nothing in this chapter

- (1) supersedes AS 39.90.020; or
- (2) precludes an immediate family member of a public employee from employment in the same agency or administrative unit as that public employee, so long as the public employee does not have authority to take or withhold official action affecting the terms or conditions of the immediate family member's employment in a manner that violates state law.

Sec. 39.52.920. Agency policies.

Subject to the review and approval of the attorney general, an agency may adopt a written policy that, in addition to the requirements of this chapter, limits the extent to which a public officer in the agency or an administrative unit of the agency may

- (1) acquire a personal interest in an organization or a financial interest in a business or undertaking that may benefit from official action taken or withheld by the agency or unit;
- (2) have a personal or financial interest in a state grant, contract, lease, or loan administered by the agency or unit; or
- (3) accept a gift.

Sec. 39.52.930. Cooperation.

All agencies and instrumentalities of the state shall cooperate fully with the attorney general and the personnel board in the performance of their duties under this chapter.

Sec. 39.52.940. Construction.

This chapter shall be construed to promote high standards of ethical conduct in state government.

Sec. 39.52.950. Regulations.

The attorney general may adopt regulations under the Administrative Procedure Act necessary to interpret and implement this chapter.

Sec. 39.52.960. Definitions.

In this chapter, unless the context requires otherwise,

- (1) "administrative unit" means a branch, bureau, center, committee, division, fund, office, program, section, or any other subdivision of an agency;
- (2) "agency" means a department, office of the governor, or entity in the executive branch, including but not limited to the University of Alaska, public or quasi-public corporations, boards or commissions, and the Alaska Railroad Corporation;
- (3) "benefit" means anything that is to a person's advantage or self-interest, or from which a person profits, regardless of the financial gain, including any dividend, pension, salary, acquisition, agreement to purchase, transfer of money, deposit, loan or loan guarantee, promise to pay, grant, contract, lease, money, goods, service, privilege, exemption, patronage, advantage, advancement, or anything of value;
- (4) "board or commission" means a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch, including the Alaska Railroad, but excluding members of a negotiated regulation making committee under AS 44.62.710 - 44.62.800;
- (5) "business" includes a corporation, company, firm, partnership, sole proprietorship, trust or foundation, or any other individual or entity carrying on a business, whether operated for profit or non-profit;
- (6) "child" includes a biological child, an adoptive child, and a stepchild;
- (7) "compensation" means any money, thing of value, or economic benefit conferred on or received by a person in return for services rendered or to be rendered by the person for another;
- (8) "designated supervisor" or "supervisor" means
 - (A) the commissioner of each department in the executive branch, for public employees within the department;
 - (B) the president of the University of Alaska, for university employees;
 - (C) the attorney general, for the governor and lieutenant governor;
 - (D) the executive director of a board or commission for the staff of the board or commission;
 - (E) the chair or acting chair of the board or commission, for the members and the executive director of a board or commission; and
 - (F) the governor, for commissioners and for other public officers not included in (A) - (E) of this paragraph; or
 - (G) a public officer designated by a commissioner, the university president, or the governor to act as the supervisor if the name and position of the officer designated has been reported to the attorney general;
- (9) "financial interest" means
 - (A) an interest held by a public officer or an immediate family member, which includes an involvement or ownership of an interest in a business, including a property ownership, or a professional or private relationship, that is a source of income, or from which, or as a result of which, a person has received or expects to receive a financial benefit;
 - (B) holding a position in a business, such as an officer, director, trustee, partner, employee, or the like, or holding a position of management;
- (10) "gain" includes actual or anticipated gain, benefit, profit, or compensation;
- (11) "immediate family member" means
 - (A) the spouse of the person;
 - (B) another person cohabiting with the person in a conjugal relationship that is not a legal marriage;
 - (C) a child, including a stepchild and an adoptive child, of the person;

(D) a parent, sibling, grandparent, aunt, or uncle of the person; and

(E) a parent or sibling of the person's spouse;

(12) "instrumentality of the state" means a state agency or administrative unit, whether in the legislative, judicial, or executive branch, including such entities as the University of Alaska, the Alaska Railroad, and any public or quasi-public corporations, boards, or commissions; the term includes municipalities;

(13) "nonsalaried member of a board or commission" means a member of a board or commission who is not a public employee by virtue of membership on a board or commission; receipt of per diem, nominal compensation for attendance at meetings, and travel expense reimbursement does not make a member of a board or commission a public employee for purposes of this chapter;

(14) "official action" means advice, participation, or assistance, including, for example, a recommendation, decision, approval, disapproval, vote, or other similar action, including inaction, by a public officer;

(15) "organization" includes a group, association, society, political party, or other entity made up of two or more persons, whether operated for profit or nonprofit;

(16) "parent" includes a biological parent, an adoptive parent, and a step-parent of the public officer;

(17) "person" includes a natural person, a business, and an organization;

(18) "personal interest" means an interest held or involvement by a public officer, or the officer's immediate family member or parent, including membership, in any organization, whether fraternal, nonprofit, for profit, charitable, or political, from which, or as a result of which, a person or organization receives a benefit;

(19) "personnel board" or "board" means the personnel board established in AS 39.25.060;

(20) "public employee" or "employee" means a permanent, probationary, seasonal, temporary, provisional, or nonpermanent employee of an agency, whether in the classified, partially exempt, or exempt service;

(21) "public officer" or "officer" means

(A) a public employee;

(B) a member of a board or commission; and

(C) a state officer designated by the governor to act as trustee of the trust or a person to whom the trustee has delegated trust duties; in this paragraph, "trust" has the meaning given in AS 37.14.450;

(22) "source of income" means an entity for which service is performed for compensation or which is otherwise the origin of payment; if the person whose income is being reported is employed by another, the employer is the source of income; if the person is self-employed by means of a sole proprietorship, partnership, professional corporation, or a corporation in which the person, the person's spouse or child, or a combination of them, holds a controlling interest, the "source" is the client or customer of the proprietorship, partnership, or corporation; if the entity which is the origin of payment is not the same as the client or customer for whom the service is performed, both are considered the source.

7/10/07

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Ethics Disclosure Form

<p style="text-align: center;">CONFIDENTIAL REQUEST FOR ETHICS DETERMINATION</p>
--

TO: _____, Designated Ethics Supervisor

(Identify Your Department, Agency, Public Corporation, Board, Commission)

I request advice regarding the application of the Executive Branch Ethics Act (AS 39.52.010 - .960) to my situation. The situation involves the following:

I have provided additional information in the attached document(s).

I believe the following provisions of the Ethics Act may apply to my situation:

- AS 39.52.120, Misuse of Official Position
- AS 39.52.130, Improper Gifts
- AS 39.52.140, Improper Use or Disclosure of Information
- AS 39.52.150, Improper Influence in State Grants, Contracts, Leases or Loans
- AS 39.52.160, Improper Representation
- AS 39.52.170, Outside Employment Restricted
- AS 39.52.180, Restrictions on Employment after Leaving State Service
- AS 39.52.190, Aiding a Violation Prohibited

I understand that I should refrain from taking any official action relating to this matter until I receive your advice. If the circumstances I described above may result in a violation of AS 39.52.110 - .190, I intend that this request serve as my disclosure of the matter in accordance with AS 39.52.210 or AS 39.52.220.

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

(Signature)

(Date)

(Printed Name)

(Division, Board, Commission)

(Position Title)

(Location)

Designated Ethics Supervisor: Provide a copy of your written determination to the employee advising whether action is necessary under AS 39.52.210 or AS 39.52.220, and send a copy of the determination and disclosure to the attorney general with your quarterly report.

Ethics Disclosure Form

Receipt of Gift

TO: _____, Designated Ethics Supervisor, _____
(Agency, Public Corporation, Board,
Commission or Council)

This disclosure reports receipt of a gift with value in excess of \$150.00 by me or my immediate family member, as required by AS 39.52.130(b) or (f).

1. Is the gift connected to my position as a state officer, employee or member of a state board or commission?

Yes No

2. Can I take or withhold official action that may affect the person or entity that gave me the gift?

Yes No

(If you answer "No" to both questions, you do not need to report this gift. If the answer to either question is "Yes," or if you are not sure, you must complete this form and provide it to your designated ethics supervisor.)

The gift is _____

Identify gift giver by full name, title, and organization or relationship, if any:

Describe event or occasion when gift was received or other circumstance explaining the reason for the gift:

My estimate of its value is \$ _____ The date of receipt was _____

The gift was received by a member of my family. Who? _____

If you checked "Yes" to question 2 above, explain the official action you may take that affects the giver (attach additional page, if necessary):

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

(Signature)

(Date)

(Printed Name)

(Division)

(Position Title)

(Location)

Ethics Supervisor Determination: Approve Disapproved

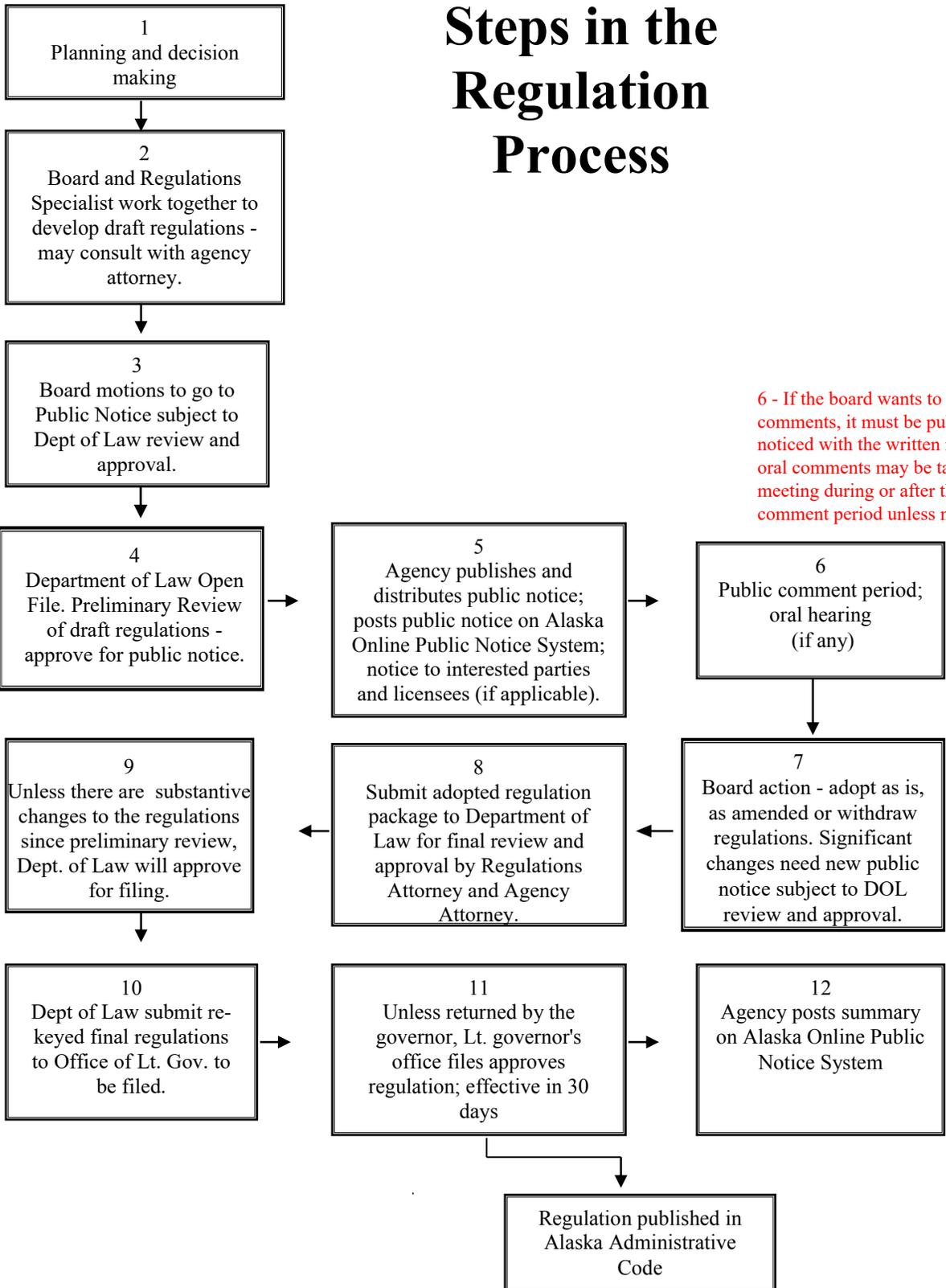
Designated Ethics Supervisor*

(Date)

**Designated Ethics Supervisor: Provide a copy of the approval or disapproval to the employee. If action is necessary under AS 39.52.210 or AS 39.52.220, attach a determination stating the reasons and send a copy of the determination and disclosure to the attorney general with your quarterly report.*

REGULATION ADOPTION PROCESS

Steps in the Regulation Process



2 - Consultation with the agency attorney would occur if the board would like assistance with a difficult or controversial subject, otherwise it's not usually necessary.

4- It is at this point that the attorney may contact the Reg Spec for more information, clarification, or changes that would need to be made.

6 - If the board wants to take oral comments, it must be public noticed with the written notice. No oral comments may be taken at a meeting during or after the public comment period unless noticed.



Regulation Changes Questionnaire

Division/Board: _____ Meeting Date: _____

Regulation change being proposed: 12 AAC _____

General top of the regulation: _____

This worksheet is designed to help the board think through an anticipated regulations project. Staff will provide this worksheet to the board at the time a regulations project is being approved for public notice. This information will be used to develop a FAQ to be posted on the board's web page to help the public understand the project. Staff will submit the completed worksheet with the draft board minutes to the Regulations Specialist within 10 days of the meeting and provide a copy to the supervisor. Appropriate staff will be assigned to complete this worksheet if a division regulation. **NOTE: Use a separate worksheet for each section being proposed.**

1. Is the new regulation needed to comply with new legislation? If yes, effective date of new statute: _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Does the change add a new license type? If yes: Does it affect current licensees? Do current licensees/non-licensees already perform the service for which the new license type is required? Is there a grace period or date explicitly included in the regulation to allow for a transition period?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
3. Does it change the qualifications or requirements of an existing license? If yes, does it affect current licensees?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
4. Does it affect continuing education/competency requirements? If yes: Does it add additional requirements or hours? Does it clarify existing regulations? Is there an effective date in the future to give licensees time to comply?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
5. Is it a fee change or does it create a new fee? If yes: Does it move fees in the centralized regulations to a new number, therefore affecting other program regulations?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
6. Does it make changes to the requirements of licensees? If yes: All licensees Certain licensees (List: _____) Initial licensees	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
7. In addition to interested parties, who should receive the public notice? (All licensees or certain license types?)	

8. In addition to the 30-day minimum written notice, does the board request a public hearing? If yes, when and where.
9. What will the regulation do?
10. What is the demonstrated public need or purpose of this regulation?
11. What is the known or estimated cost of the new regulation to a private person, another agency, or a municipality (see Step 3 of the <i>Steps in the Regulation Process...</i>)?
12. What <u>positive</u> consequences may this regulation have on public or private people, businesses, or organizations?
13. What <u>negative</u> consequences may this regulation have on public or private people, business, or organizations?
14. If any <u>negative</u> consequences, please address the reasons why the public need for this change outweighs the negative impact.
15. List any additional questions or comments that may arise from the public during the comment period. Include a response to the questions.

Staff submitting this worksheet: _____ Date submitted to Regulations Specialist:

1 State of Alaska
2 DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT
3 DIVISION OF CORPORATION, BUSINESS AND PROFESSIONAL LICENSING
4

5 BOARD OF SOCIAL WORK EXAMINERS
6 Minutes of the meeting May 8, 2023
7

8 By the authority of AS 08.01.070(2) and AS 08.86.030, and in compliance with the provisions of 8 AS 44.62, Article
9 6, a scheduled meeting of the Board of Social Work Examiners originated from Juneau, 333 Willoughby Ave.; this
10 meeting was held via Zoom.

11
12 *These are draft minutes prepared by Division of Corporations, Business and Professional Licensing staff and have
13 not been approved by the Board.*

14
15 Monday, May 8, 2023
16

17 The Chair brought the meeting to order at 8:58 am.
18

19 **Board Members Present Constituting a Quorum**

20 Ann Applebee, Licensed Clinical Social Worker
21 Amber Taylor, Licensed Master Social Worker
22 Sharon Woodward, Bachelor's Degree
23 Stacey Stone, Attorney
24

25 **Board Members Absent**

26 None
27

28 **Staff Members Present**

29 Jeanne Pace, Program Coordinator I
30 Stefanie Davis, Regulations Specialist
31 Marlo Adams, Occupational Licensing Examiner
32

33 **Members of the Public Present**

34 None
35

36 **Agenda Item - Call to Order/Roll Call/Introductions**

37 Jeanne Pace stated, there is a new social work occupational licensing examiner starting next Monday. Marlo is the
38 licensing examiner for the psychology program, and she is helping us to keep continuity of service for social work
39 in the interim.
40

41 Board introductions were made. Ann Applebee, licensed clinical social worker, has been on the board almost a
42 year now. Amber Taylor, licensed master social worker, has been with the board since September 2022. Sharon
43 Woodward holds a bachelor's degree and has been on the board for 3 years now. Stacey Stone, public member of
44 the Board, and by trade an attorney, new board member.
45

46 **Agenda Item - Review/Approve Agenda**

47 **In a motion duly made by Stacey Stone, seconded by Sharon Woodward with unanimous consent, it was**
48 **resolved to approve the May 8, 2023, agenda as presented.**

49
50 **Agenda Item - Ethics Disclosures**

51 All members said they had no potential ethical conflicts to disclose.

52
53 **Agenda Item - Financial Report/3rd Quarter Report FY2023**

54 Melissa Dumas gave the financial report. This report covers through March 2023. The year-end closes June 2023.
55 Discussion and break down of where revenue and expenditures are coming from was shared. This program
56 currently has a surplus of \$229,000 going into the 4th quarter. Brief discussion was had about ways to off-set
57 investigative costs.

58
59 **Agenda Item - Division Update/Introduction to Board**

60 Sylvan Robb, Division Director of Corporations Business and Professional Licensing introduced herself. Sylvan has
61 been the new director since January. Sylvan has been with the State in various capacities prior to becoming
62 division director. Sylvan thanked the Board for their service and time commitment.

63
64 **Agenda Item - Application Review**

65 Chair gave the new board member an overview of how the board reviews an applicant's application and
66 supporting documents. Stacey Stone asked if applications are approved pending the license fee. Applicants can
67 pay the license fee after taking the exam. Licensure by credentials license fee isn't paid until the board approves
68 the application. A question was asked about when the Teletherapy Continuing Education (CE) requirement will be
69 updated on the checklist form. Question was asked about the Suicide CE. This CE has not been passed or filed with
70 the Lt. Governor yet. Question was asked. What is DARS, DARS is now PPD which stands for Public Protection
71 Database. This is a search function to verify if an applicant has any disciplinary actions against them. We accept 12
72 CEs per day.

73
74 **Agenda Item - Office of Administrative Hearings/Deliberative Process with Administrative Law Judge Kathleen**
75 **Frederick**

76 **In accordance with the provisions of Alaska Statute 44.62.310(c) and Alaska Constitutional Right to Privacy**
77 **Provisions, Amber Taylor moved that the State Board of Social Work Examiners go into executive session for**
78 **the purpose of discussing matters which by law, municipal charter, or ordinance are required to be confidential.**
79 **Board staff excused for the session. Sharon Woodward seconded the motion. Motion passed via unanimous**
80 **consent.**

81
82 Off record at 9:32 am.

83 Return to record at 9:52 am.

84
85 **On a motion duly made by Stacey Stone, seconded by Sharon Woodward, via roll call vote, it was RESOLVED to**
86 **accept the non-disciplinary letter with advisement for case #2020-000258 as presented. Motion passed;**
87

Board Member	Approve	Deny	Recuse	Absent
Ann Applebee	x			
Amber Taylor	X			
Sharon Woodward	X			
Stacey Stone	X			

88

89 **Agenda Item- New Business/Add Examination Date to Online Applications**

90 Discussion was had about adding a date indicating when the exam has been taken. This will help determine if
91 the applicant is meeting the time limit requirement in statute. The best time to make this application
92 modification is when another regulation change is occurring or renewals. This request will be added to the
93 task list to be modified at the same time as the regulation update regarding the suicide CE.
94

95 Off record 10:00 am - Break
96 Return to record at 10:15 am
97

98 **Agenda Item - Public Comment**

99 No public members in attendance.
100

101 **Agenda Item - New Business/Teletherapy CE Definition Discussion**

102 Brief discussion took place on how to make the teletherapy CE definition clear for applicants. There are two places
103 where this definition appears in statutes and regulations. Teletherapy CE definition appears in the definition
104 section and in the continuing education section. We need to remove the piece about data.
105

106 Proposed wording changes:

107 "Delivery of services through the use of interactive audio and video technology." "Continuing education that
108 relates to teletherapy practice. "
109

110 This can be updated at your next meeting or added to the annual report.
111

112 Board decided to wait to update the wording.
113

114 **Agenda Item - Right Touch Regulation Project – Explanation**

115 Sara Chambers, Boards and Regulations Advisor with Commissioner's Office gave an overview of the concept of
116 Right Touch Regulation. A copy of the Right Touch Regulations Project presentation is available in the Board
117 workbook. This presentation has been given to CPBL boards since 2019. Right Touch Regulations is a concept
118 coming out of Great Britain. Right Touch is finding a balance between the tensions that exist with entry to practice
119 and letting people practice their profession. Then on the other side is public protection, and making sure people
120 are safe to practice. Sara Chambers and Stefanie Davis are available to help the Board when modifications need to
121 be made to regulations.
122

123 **Agenda Item - Investigations/Consent Agreements (Executive Session) with Marilyn Zimmerman.**

124 **In accordance with the provisions of Alaska Statute 44.62.310(c) and Alaska Constitutional Right to Privacy**
125 **Provisions, Stacey Stone moved that the State Board of Social Work Examiners go into executive session for the**
126 **purpose of discussing matters which by which by law, municipal charter, or ordinance are required to be**
127 **confidential. Board staff excused for the session. Sharon Woodward seconded the motion. Motion passed via**
128 **unanimous consent.**
129

130 Off record 11:08 am
131 Return to record at 11:30 am
132

133 **On a motion duly made by Amber Taylor, seconded by Sharon Woodward, via roll call vote, it was RESOLVED to**
134 **accept consent agreement for case #2022-000955 as presented. Motion passed;**
135

Board Member	Approve	Deny	Recuse	Absent
Ann Applebee	x			

Amber Taylor	X			
Sharon Woodward	X			
Stacey Stone	X			

136 **On a motion duly made by Amber Taylor, seconded by Sharon Woodward, via roll call vote, it was RESOLVED to**
 137 **accept consent agreement for case #2022-000952 as presented. Motion passed;**
 138

Board Member	Approve	Deny	Recuse	Absent
Ann Applebee	x			
Amber Taylor	X			
Sharon Woodward	X			
Stacey Stone	X			

139 **On a motion duly made by Amber Taylor, seconded by Stacey Stone, via roll call vote, it was RESOLVED to**
 140 **accept consent agreement for case #2022-000951 as presented. Motion passed;**
 141
 142

Board Member	Approve	Deny	Recuse	Absent
Ann Applebee	x			
Amber Taylor	X			
Sharon Woodward	X			
Stacey Stone	X			

143 **On a motion duly made by Amber Taylor, seconded by Stacey Stone, via roll call vote, it was RESOLVED to**
 144 **accept consent agreement for case #2022-000945 as presented. Motion passed;**
 145
 146

Board Member	Approve	Deny	Recuse	Absent
Ann Applebee	x			
Amber Taylor	X			
Sharon Woodward	X			
Stacey Stone	X			

147 **On a motion duly made by Amber Taylor, seconded by Stacey Stone, via roll call vote, it was RESOLVED to**
 148 **accept consent agreement for case #2022-000946 as presented. Motion passed;**
 149
 150

Board Member	Approve	Deny	Recuse	Absent
Ann Applebee	x			
Amber Taylor	X			
Sharon Woodward	X			
Stacey Stone	X			

151 **On a motion duly made by Amber Taylor, seconded by Stacey Stone, via roll call vote, it was RESOLVED to**
 152 **accept consent agreement for case #2022-001027 as presented. Motion passed;**
 153
 154

Board Member	Approve	Deny	Recuse	Absent
Ann Applebee	x			
Amber Taylor	X			
Sharon Woodward	X			
Stacey Stone	X			

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Agenda Item - Investigations/Investigative Report with Jasmine

32 open cases between clinical social work and master social work.
11 closed cases between clinical social work and master social work.
Question asked: Are open investigation at different stages, and sent to the Board as you get to the part the Board needs to be involved? Yes, this is correct.

Agenda Item - Investigations/Disciplinary Matrix Finalization with Jasmine

In accordance with the provisions of Alaska Statute 44.62.310(c) and Alaska Constitutional Right to Privacy Provisions, Amber Taylor moved that the State Board of Social Work Examiners go into executive session for the purpose of discussing matters which by law, municipal charter, or ordinance are required to be confidential. Board staff excused for the session. Amber Taylor seconded the motion. Motion passed via unanimous consent.

Off record 11:37 am
Return to record at 11:42 am

On a motion duly made by Stacey Stone, seconded by Amber Taylor, via roll call vote, it was RESOLVED to approve the version of the disciplinary matrix as discussed as a final version to be used as a guideline as presented. Motion passed;

Board Member	Approve	Deny	Recuse	Absent
Ann Applebee	x			
Amber Taylor	X			
Sharon Woodward	X			
Stacey Stone	X			

Division staff is directed to provide this final version to investigative staff and post to the program web page for public access.
Stefanie is adding this to the task list to have this posted to the website. A copy will be sent to Jenny and Jasmine. Board members must stick to this guideline, and if not, it must be explained in the review worksheet to investigators.

Agenda Item - Board Member Updates/ASWB New Board Member Training

Ann Applebee, chair shared information she learned from the ASWB training. The Board carries out the intent of the legislature.

Items we can look at as a Board:

Frequency and length of our meetings. Do we need to change length, location, etc.

Question asked if minutes can just be recordings. Answer: Minutes are condensed. We need written motions for regulations changes for various items. Anyone can request the full recording of the meetings.

What are we looking at when we ask about good moral character. Moral character includes criminal history, finances, child support, alimony, and professional licensure issues.

198 How do we as a Board know of legislation changes that affect our program? What is the role of the Board with
199 legislatures? Licensing examiners get notification of legislative changes that affect the program, and the licensing
200 examiner informs the board. If the Board wants to make a statutory change, at that point, the Board will reach out
201 to legislators to get a bill started to make the change.

202
203 Sylvan Robb, division director and Glenn Saviers, deputy director will let the Board know if a statutory change is
204 happening.

205 What about our visibility with the legislature? Do we want to visit the legislature during a meeting we have in
206 Juneau? Do we want to reach out to the legislature more?

207
208 What do we do with expired and lapsed licenses? We don't publish that information, but you can search for any
209 licensee on our website and see the status of their license.

210
211 One point made was the litigiousness of today's society. Are we functioning in the principal scope of the board,
212 and are we acting in good faith? If we keep that in mind, we can keep ourselves safe.

213
214 Do we have a mission statement? No, we do not. Other boards do. Sara Chambers sent a previous email asking if
215 Boards would like to create mission statements. Is this something we would like to think about and do?

216
217 We need to think about any potential statute changes that we would like to make for 2024 legislative session.

218
219 When we look at the budget do we want to budget for all meetings to be in-person? Audit meetings are usually
220 in-person. Board may be able to get a couple of in-person meetings approved. It might be nice to meet in-person
221 a couple times of the year. Per statute, the board is required to have two meeting per year, and may hold
222 additional meetings at the call of the chair or a majority of the Board.

223
224 We tend to have quarterly meetings to keep up with everything. Meetings need to be public noticed a month in
225 advance. Stefanie recommended one 2-day meeting a year in the fall. One suggestion was to have two meetings
226 that are two days, and then the other meetings to be one day, but keep meeting quarterly.

227
228 What does the Board think about the Right Touch Project? Do we want to do a deep dive into our statutes and
229 regulations. At some, point it will be a good idea to look at statutes and regulations. We could possibly look at it
230 individually and then come together as a Board.

231
232 The previous board started the Right Touch Project. Some of their thoughts were shared in February and March of
233 2022 minutes. There is a starting point to look at past Board notes. It was recommended to the Board to look at
234 2019 and early 2022 Board minutes when Right Touch first was done.

235
236 Off record 12:05 pm - Lunch
237 Return to record at 1:00 pm

238
239 **Agenda Item - Old Business/Position Statement Update/Exams with Renee Carbajal, Program Coordinator II**
240 The board is welcome to adopt a position statement for exams; however, position statements do not carry any
241 legal authority. Your statute/regulation stipulates that applicants must take the ASWB exam, and until your
242 statute/regulations are changed, applicants will need to complete the ASWB exam. If an applicant's state doesn't
243 require the ASWB, we need something to allow the Board to accept a different exam. The position statement can
244 clarify the boards' opinion while trying to get the statutes and regulations changed. This has been approved by
245 the Board previously to be posted on the website. Stefanie is adding this to the task list to post to the website.

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Agenda Item - Old Business/ Regulations Approval Update – 12 AAC 18.112; 12 AAC 18.210; 12 AAC 18.990 with Division Regulations Specialist(s)

Law is sending paperwork over to the office of the Lt. governor for filing. By the end of June, we should have an effective date for the regulations. Stefanie to provide the email regarding this to the Board.

Agenda Item - Old Business Delegatory Authority Response/with Renee Carbajal, Program Coordinator II

The board asked if they could delegate authority to staff to issue permanent licenses. Your statute 08.95.030 specifically requires the Board to issue the license. If you want staff to issue licenses, you will need to change the statute.

Agenda Item - New Business/Transition of License Examiner with Stefanie Davis

Stefanie is transitioning out of the licensing examiner position and into her new role with the state as a regulations specialist. Stefanie is already in the regulations specialist role and has been helping Jeanne and Marlo with questions about social work. The new licensing examiner for social work will start Monday. The new staff person will gradually be introduced to the program. We just want you to know that you have support until the new person is up and running. The chair wished Stefanie well in her new role and thanked her for her time with the social work program.

Agenda Item - New Business/Annual Report -Assign Tasks

This annual report will be for fiscal year 2024. The licensing examiner will format the information into the template so the Board can send information in a word document. Tasks were assigned to Board members.

Stefanie shared a prior annual report, so Board members know what is expected on the report. In-person meetings must be included on this report. ASWB meetings should be included. Board members were assigned tasks to complete for the Annual report.

- Narrative Statement – Sharon Woodward
- Budget Recommendations – Ann Applebee
- Legislative Recommendations – Amber Taylor/Sharon Woodward
- Regulations Recommendations – Stacey Stone/Ann Applebee
- Goals and Objectives – Ann Applebee

June 30th is the deadline. Get information for annual report to staff by June 12th. Have report in On-Board by the 19th-22nd. Board to vote on the annual report within 48 hours of upload to On-Board. After final vote, annual report goes to the publication’s specialist.

Agenda Item - Administrative Business/Correspondence

An email was received from an LCSW applicant in Wasilla. She wants an associate social worker license. This would be a statute change. If the Board wants to make this change, this item can be added to the annual report.

Let’s look at Washington’s associate social worker status. Board decided to research this for more information.

Ask the individual who sent the email to put together a presentation to give to the Board on this subject. Staff should reach out to the individual.

292 This next piece of correspondence is a “for your information” piece. Sara Chambers wanted this passed onto the
293 Board. ASWB is accepting proposals for research relating to occupational and professional regulation with
294 emphasis on social work regulatory best practices. This is due May 31st to ASWB if the Board is interested.

295 **Agenda Item -Administrative Business/ASWB Delegate Meeting Update**

296 Amber Taylor is attending the online new board member training meeting June 8-9. Stacey plans to attend the
297 September 28- 30 new board member training in Washington DC.

298
299 The travel request will need to be completed once the information is on ASWB’s website. The meeting is
300 November 3-4 in Memphis. We need a primary delegate for this.

301
302 Ann Applebee should be able to go as the primary delegate, and Stacey Stone will serve as the alternate.
303

304 **Agenda Item - Administrative Business/Schedule Future Meetings**

305 A Board meeting was scheduled to take place December 11-12, in Anchorage. This meeting will be an in-person
306 meeting. We will cover Right Touch Project information as this meeting. The travel request will need to be placed
307 mid-July to gain approval.

308
309 **Agenda Item - Administrative Business/Review Minutes – March 6-7, 2023**

310 **In a motion duly made by Sharon Woodward, seconded by Amber Taylor with unanimous consent, it was**
311 **RESOLVED to approve the meeting minutes from March 6-7, 2023, as presented. Motion passed;**
312

Board Member	Approve	Deny	Recuse	Absent
Ann Applebee	x			
Amber Taylor	X			
Sharon Woodward	X			
Stacey Stone			X	

313
314 Having concluded all scheduled business, Chair Applebee adjourned the meeting.

315
316 Off record at 2:28 pm.

317
318 Respectfully Submitted,

319
320
321 _____
322 Jeanne Pace, Program Coordinator I

Date

323
324
325 _____
326 Ann Applebee, Board Chair

Date

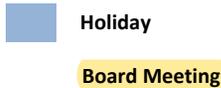
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State of Alaska 2023 HOLIDAY CALENDAR

State Holidays

Date	Holiday
01/01/2023	New Year's Day (observed 01/02/2023)
01/16/2023	MLK Jr.'s Birthday
02/20/2023	Presidents' Day
03/27/2023	Seward's Day
05/29/2023	Memorial Day
07/04/2023	Independence Day
09/04/2023	Labor Day
10/18/2023	Alaska Day
11/11/2023	Veterans' Day (observed 11/10/2023)
11/23/2023	Thanksgiving Day
12/25/2023	Christmas Day

Please refer to appropriate collective bargaining unit agreement for more information regarding holidays.



JANUARY

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State of Alaska 2024 HOLIDAY CALENDAR

State Holidays

Date	Holiday
01/01/2024	New Year's Day
01/15/2024	MLK Jr.'s Birthday
02/19/2024	Presidents' Day
03/25/2024	Seward's Day
05/27/2024	Memorial Day
07/04/2024	Independence Day
09/02/2024	Labor Day
10/18/2024	Alaska Day
11/11/2024	Veterans' Day
11/28/2024	Thanksgiving Day
12/25/2024	Christmas Day

Please refer to appropriate collective bargaining unit agreement for more information regarding holidays.

 Holiday



JANUARY

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SEPTEMBER

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DECEMBER

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