

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 480

Amending Personnel Rule 4.10.02,
Relating to Partially Exempt
Employees.

IT IS ORDERED:

Rule 4.10.02 of the Personnel Rules of the Alaska Court System, as most recently amended by Supreme Court Order No. 442, is further amended as follows:

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 to Alaska Statutes. 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 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 Director
Attorneys
Area Court Administrators
Members of the Administrative Director's
senior staff, including:

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

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 judicial district. An Area Court Administrator may be dismissed by the Presiding Judge provided that 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 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.

DATED: July 20, 1981

EFFECTIVE: August 17, 1981

Chief Justice *

Roger M. Connor

Justice

Ernest W. Suske

Justice

Justice

Allen H. King

Justice

Distribution:

as usual

* Chief Justice Rabinowitz dissents for the reasons given in the attached dissenting statement.

RABINOWITZ, Chief Justice, dissenting.

Assuming the Chief Justice does have the authority to dismiss any exempt or partially-exempt employee of the Alaska Court System, I am of the opinion that such decisions are better left to the hiring supervisors of those employees. I therefore see no need to amend the Personnel Rules to specifically articulate the scope of the Chief Justice's authority in this context.