

THE ADVISOR

High moral and ethical standards are essential to assure the trust, respect, and confidence of the people of Alaska.



SELECT COMMITTEE ON LEGISLATIVE ETHICS

JANUARY 2022

New Employees Only!

2022 Legislative Ethics Training

➔ If you completed ethics training in 2021, you have no training requirement in 2022!

AS 24.60.155 requires that all **new** legislative employees, who will serve over a 30-day time period, complete within 30 days of beginning service, a legislative ethics course administered by the Select Committee on Legislative Ethics

Ethics training is delivered via online video and requires a legislative email address or credentials provided by media services. There are three training segments:

- Overview of the Ethics Act;
- Harassment Prevention, and
- Ethics and Civility

If you do not have a legislative email address, please email Media Services at media.services@akleg.gov for assistance. Provide your full name and employer or department in the email to media services. Media Services can also be reached at (907) 465-6437. Be prepared to provide your full name and employer or department.

Access the training video by following these steps.

1. Visit quickhelp.com and log in with your legislative email address (*first.last@akleg.gov*) and password **or** your login credentials provided by media services.
2. Go to the Legislative Ethics Training section of your assigned tasks and begin. Take note of the expected completion date.
3. **Complete all three training segments, which will take about three hours.**
4. When you finish viewing the segments, you will see a message saying, *You have completed the Ethics Training Skill Path.*

Note: There are useful documents accompanying the training link.

Contact the Ethics Office at 907-269-0150 or 907-269-8179 if you have training questions or if you encounter problems with any aspect of the training.

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**File Annual Ethics Disclosures
Now Through February 17**

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Reminder: Legislative Employees Required to Submit Timely Leave Slips

Legislative employees are required to submit a leave slip within 24 hours after return to duty when taking time off from regularly scheduled work hours. Failure to do so could be a violation under the Legislative Ethics Act AS 24.60.030(a)(2).

In the event an ethics complaint is filed alleging participation in campaign or non-legislative activities on government time, the burden of proof would be on the employee to show a pre-approved work schedule *or* show leave time had been requested for the time in question. Prevent the appearance of impropriety and a possible violation of the Legislative Ethics Act by completing and submitting leave slips on a timely basis. LAA policy requires leave slips be submitted within 24 hours after a return to duty.

If you need to complete late leave slip requests, contact the LAA Personnel Office at 465-3854.

From the State of Alaska Legislative Staff Employee Handbook Page 8

Use of Personal Leave

All uses of leave must be reported on a Leave Request/Report Form more commonly called a “leave slip”. The employee’s supervisor should approve use of personal leave. A leave slip should be submitted for each absence during a pay period. Blocks of leave taken over several pay periods should have separate leave slips submitted for each pay period.

Leave slips for planned absences should be completed by the employee, signed by the employee's supervisor and sent to personnel prior to the absence. Leave slips for unplanned absences (illness, accident, emergency, etc.) should be submitted immediately upon the employee's return to work. If an employee is unable to complete the leave slip by the pay period cutoff, it is the responsibility of the supervisor to complete the leave slip and turn it into the Personnel Office.

**[ETHICS OFFICE NOTE: “Comp Time” is not an appropriate accounting for Political Legislative Staff Employees].

From the State of Alaska Legislative Affairs Agency Handbook Page 6

Use of Personal Leave

All uses of leave must be reported on a Leave Request/Report Form more commonly called a “leave slip”. The employee’s supervisor must approve use of personal leave. A leave slip should be submitted for each absence during a pay period. Blocks of leave taken over several pay periods should have separate leave slips submitted for each pay period.

When an employee plans an absence from work, a leave slip should be submitted to the supervisor for approval. Upon return from leave the leave slip should be returned to the supervisor and submitted to the LAA Personnel Office for processing. If the absence from work encompasses a large block of time (more than a couple of days) the leave slip should be turned into the Personnel Office before the employee leaves the office. In the case of unplanned absences, such as an illness, the leave slip should be completed and submitted through the supervisor to the LAA Personnel Office as soon as the employee returns to work. If an employee has an unplanned absence such as illness, they are required to notify their supervisor as soon as possible via phone or e-mail. Preferable notification should occur prior to the start of their shift. The employer reserves the right to request a doctor’s slip to accompany any absence due to illness more than three days or for an absence that the supervisor deems suspicious.

If the employee is unable to turn in a leave slip by the pay period deadline, for whatever reason, it is the responsibility of the supervisor to fill out the leave slip and submit it to the Personnel Office.

Campaign Fundraising Prohibition

Remember that AS 24.60.031(a) and (b) prohibit campaign fundraising
...on a day when either house of the legislature is in regular or special session, solicit or accept a contribution or a promise or pledge to make a contribution...

Check for and remove donation language and payment buttons from your campaign websites during session. Contact the Ethics Office at 907-269-0150 or Ethics.Committee@akleg.gov for more information.

Revisiting Advisory Opinions AO 18-02 and AO 07-06

The Ethics Committee issued Advisory Opinion AO 18-02 and AO 07-06 that answer two questions frequently posed by both legislators and legislative employees.

May a legislator or legislative employee, after a state-funded relocation to Juneau for a legislative session, attend and sponsor a fundraiser for a state election campaign before the start of the legislative session?

YES. This comes up just before the start of a legislative session in Juneau. Generally, a legislator may attend and sponsor a fundraiser for a state election campaign before the start of a legislative session or after a legislative session is adjourned. However, AS 24.60.030(a)(2) and AS 24.60.030(a)(5) broadly prohibit a legislator from using state funds or other government assets or resources for political fundraising, campaigning, and other partisan political activity. These prohibitions extend to a legislator while traveling on legislative business if the travel is paid for with government assets or resources. This state funded relocation travel is an exception to that general rule. See AO 18-02 for a further explanation.

May a legislator, after a state-funded relocation to Juneau for a legislative session, attend a political forum or a fundraising dinner for a political party in Juneau during that legislative session?

YES. A legislator, after a state-funded relocation to Juneau for a legislative session, may attend a political forum or a fundraising dinner for a political party in Juneau during that legislative session, as long as the legislator merely attends and does not directly or indirectly host, co-host, solicit participation, promote the event, or aid the fundraising. We concluded in AO 07-06 that "directly or indirectly hosting, co-hosting, or soliciting participation in a fundraiser for a legislative candidate during a legislative session is prohibited by AS 24.60.031, unless the fundraiser is held outside of Juneau in the 90-day period immediately preceding an election." However, neither our advice in AO 07-06 nor the prohibition in AS 24.60.031 prohibit a legislator from merely attending a political forum or fundraising dinner in Juneau.

Using State Resources for Communicating with People Outside Your District

A legislator should not use state resources, including staff time, for communicating with people outside the boundaries of the district from which that legislator was elected. Therefore, a legislator may not use state resources to contact a person in a new district that under the redistricting plan are outside the boundaries of the old district unless that person asks to opt in to receive such communications. Communicating with persons outside the old district without the opt in by the person receiving the communication is considered campaigning under the Legislative Ethics Act, and is prohibited. AS 24.60.030(a)(2) and (5). Note that AO 15-01 has an exception for a "fact-specific communication."

Contact the Ethics Office at 907-269-0150 or 907-269-8179 if you need more information.

Disclaimer

Information in this newsletter is provided as a general overview. Your circumstances may require more specific information and advice. Contact the Ethics Office if you have any questions as to whether your intended action is in compliance with the [Legislative Ethics Act AS 24.60](#).

Contact the Select Committee on Legislative Ethics

Mailing Address:

PO Box 90251
Anchorage, AK 99509-0251

Physical Location:

Anchorage Legislative Office Building
1500 W Benson Blvd Suite 220
Anchorage, AK 99503

Phone: 907-269-0150**FAX:** 907-269-0152**Email:** Ethics.Committee@akleg.gov**Website:** <http://ethics.akleg.gov/>

Ethics Disclosure? What is an Ethics Disclosure?

The Ethics Act (AS 24.60) requires legislators, legislative employees, and public members of the Ethics Committee to disclose for the public certain activities and associations in which they engage.

Do I Have to File an Ethics Disclosure?

Only if you participate in any of the following activities or associations.

- Appointment or reappointment to a board or commission - AS 25.60.030(f)
- Participation in a state contract or lease - AS 24.60.040
- Participation in a state benefit program or obtained a state loan - AS 24.60.050
- Formation of a close economic association (financial relationship) with a legislator, legislative employee, lobbyist, or public official who is required to file a Financial Disclosure with the Alaska Public Offices Commission - AS 24.60.070
- Representation of a client for pay before a state agency, board, or commission - AS 24.60.100
- Receipt of a gift not connected to legislative status worth \$250 or more in value - AS 24.60.080(c)(8)
- Receipt of a gift of travel/hospitality for legislative matters worth \$250 or more in value - AS 24.60.080(c)(4)
- Receipt of a gift by a family member due to legislative connection worth \$250 or more in value - AS 24.60.080(i)
- Receipt of a gift of legal services related to legislative matters - AS 24.60.080(c)(8)
- Receipt of a gift for compassionate reasons - AS 24.60.075(c)
- Receipt of gift related to a sanctioned charity event - AS 24.60.080(d)
- Receipt by a family member of a gift related to a sanctioned charity event - AS 24.60.080(i)

NOTE: You do not need to file a disclosure if you have nothing to report.



File Your Annual Ethics Disclosure Through February 17



When Do I File an Ethics Disclosure?

- Within 30 days of the beginning of the association or within 30 days of the date you became subject to the Ethics Act;
- 90 days after final day of service under AS 24.60.115 **if the matter or interest was not previously disclosed**

Some activities and associations require annual disclosures as well. All legislators, legislative employees, and public members of the Ethics Committee are required to file annual disclosures within 30 days after the first day of session (February 17, 2022) for participation in or association with certain individuals or entities.

- Close economic associations with a legislator, legislative employee, lobbyist, or public official who is required to file a Financial Disclosure with the Alaska Public Offices Commission
- Close economic association with a lobbyist spouse or partner
- Participation in state benefit and loan programs. See Appendix C in the Standards of Conduct Handbook for a list of state benefit and loan programs requiring disclosure.
- Interest in state contracts and leases of \$5,000 or more
- Board membership with one or more of the following powers: advisory, investigatory, managerial, or supervisory power — even if you have no voting power — in a:
 - * Non-profit
 - * For profit
 - * Religious
 - * Educational
 - * Condo Association
 - * Native Corporation
 - * Governmental or National Board.

Are You Terminating Service with the Legislature?

Under AS 24.60.115, legislators, legislative employees, and public members of the Ethics Committee, must file — **within 90 days after leaving service** — a disclosure reporting any **new associations or interests that were not disclosed prior to leaving service.**

If you are unsure if you need to file a disclosure, contact the Ethics Office at 269-0150 or 269-8179.

How Do I Submit an Ethics Disclosure? File Online

1. Go to <http://intranet.akleg.gov/> and scroll down to the "File an Ethics Disclosure" section.
2. Click on the line that reads "CLICK HERE TO ACCESS THE ON-LINE PROCESS."
3. Enter your credentials (your computer log-in, not your email address).
4. Click on the type of disclosure you want to file.
5. Complete the form using drop down menus when available. (Provide complete information. Remember, gifts of travel are for the purpose of obtaining information about matters of legislative concern. **Include a one or two sentence narrative that addresses how the information you obtained is a matter of legislative concern.**)
6. Check your completed disclosure for accuracy and click "Proceed."
7. Review your disclosure and if correct, press "Submit."



Need More Help Filing A Disclosure?

Download a four-page detailed instruction handout at <https://ethics.akleg.gov/disclosures.php> or **contact the Ethics Office at 907-269-0150 or 907-269-8179 if you need more information.**

Wondering Whether to Accept that Gift of Travel?

Gifts of travel are for the purpose of obtaining information about matters of legislative concern. In Advisory Opinion 88-03, the Ethics Committee advises ... "Since inception, the committee adopted a conservative approach in the interpretation of the code of ethics, recognizing that avoidance of an appearance of conflict can be as important as avoiding conflicts."

Before accepting a gift of travel or hospitality, be sure that the activity has a legislative purpose.

- What legislative concern is being addressed in the activity?
- Will the activity help me better perform my official duties?
- Will the activity benefit the legislature as a whole?
- Does the activity have the appearance of reward or inducement for official action on my part?

If after reviewing the questions above, you are unsure whether the gift of travel or hospitality has a legislative purpose or whether it may have the appearance of a conflict, we advise contacting the Ethics Office at 907-269-0150 or Ethics.Committee@akleg.gov before accepting the gift.

How Do I Know If I Am a Board Member and Must File a Disclosure?

Do I have to file a board membership disclosure if I am a managing person in a limited liability corporation? What if I am on a church council? Or part of a management team of a charitable organization?

The answer is YES if you exercise one or more **managerial, supervisory, advisory, or investigatory powers.**

The Select Committee on Legislative Ethics adopted in AO 13-02 very broad definitions of "board of an organization" and "board membership."

*The complete term, "board of an organization," seems to be commonly understood as a board that has power to **manage, supervise, investigate, or advise** an administrative and functional structure, such as a business, or a group of people united by a common purpose, such as an association or society. ...*

Therefore, the meaning of "board membership," necessarily combining the commonly understood meanings of "board," "member," and "membership," seems to be "an individual who is one of the individuals composing a group of persons having managerial, supervisory, investigatory, or advisory powers. ...

Examples of board memberships include serving on a condo association board or managing an LLC. Legislators and legislative employees must disclose board memberships whether the board is a for profit or a not for profit organization. If your status on the board is "ex-officio" you still may be required to file a board disclosure. Contact the Ethics Office for more details.