

## Executive Committee

### Agenda

3745 Community Park Loop, Room 210

March 25, 2015

Trustees: Mike Barton (Chair), John McClellan (Vice Chair), Paula Easley (Secretary / Treasurer)

Call in number: (866)-469-3239; Session Number: 800 389 514 #; Attendee Number: #

		<u>Page No.</u>
11:00 am	<u><i>Call Meeting to Order (Mike Barton, Chair)</i></u>	
	Roll Call	
	Announcements	
	Ethics Disclosure	
	Approve Agenda	
	Approve Minutes	
	• October, 22, 2014	3
	• November 19, 2014	6
11:10	<u><i>Trust Regulations – Revisions / Draft</i></u>	8
11:45	<u><i>Trust Personnel Guide – Revisions / Draft</i></u>	84
12:30	Adjourn	

## **Future Meeting Dates**

### **Full Board of Trustee / Finance / Resource Management / Planning**

(updated 03/12/15)

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#### **FY15/16 - Finance Committee Dates:**

- April 16, 2015 (Thu)
- August 4, 2015 (Tue)
- October 21, 2015 (Wed)
- January 26, **2016** (Wed)
- April 14, **2016** (Thu)
- August 2, **2016** (Tue)
- October 20, **2016** (Thu)

#### **FY15/16 – Resource Management Committee Dates:**

- April 16, 2015 (Thu)
- August 4, 2015 (Tue)
- October 21, 2015 (Wed)
- April 14, **2016** (Thu)
- August 2, **2016** (Tue)
- October 20, **2016** (Thu)

#### **FY15/16 – Planning Committee Dates:**

- April 16, 2015 (Wed)
- August 5-6, 2015 (Wed, Thu)
- October 21, 2015 (Wed)
- January 26, **2016** (Tue) – JUNEAU
- April 14, **2016** (Thu)
- August 3-4, **2016** (Tue)
- October 20, **2016** (Thu)

#### **FY 15/16 – Full Board of Trustee Meeting Dates:**

- May 12-14, 2015 (Tue, Wed, Thu) – Kenai
- August 26-27, 2015 (Wed, Thu) – Anchorage
- November 18, 2015 (Wed) – Anchorage – TAB
- January 27-28, **2016** (Wed, Thu) – JUNEAU
- May 5, **2016** (Thu) – TBD
- August 24-26, **2016** (Wed, Thu, Fri)
- November 17, **2016** (Thu) – Anchorage – TAB

ALASKA MENTAL HEALTH TRUST AUTHORITY  
EXECUTIVE COMMITTEE

October 22, 2014

12:40 p.m.

Taken at:

Alaska Mental Health Trust Authority  
3745 Community Park Loop, Suite 120  
Anchorage, Alaska 99508

**OFFICIAL MINUTES**

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Trustees present:

Laraine Derr, Chair  
Mike Barton (via telephone)  
Larry Norene  
Paula Easley  
John McClellan  
Russ Webb

Trust staff present:

Jeff Jessee  
Nancy Burke  
Miri Smith-Coolidge  
Kevin Buckland  
Michael Baldwin  
Marilyn McMillan

Trust Land Office staff present:

John Morrison

**PROCEEDINGS**

CHAIR DERR calls the Executive Committee meeting to order, recognizes the Trustees present, and asks for any announcements. There being none, she asks for any ethics disclosures and any additions to the agenda, other than the audit. There being none, the agenda is approved. She moved on to the minutes of October 30, 2013.

MR. JESSEE asks to put them off.

CHAIR DERR moves the approval of the October 30, 2013 minutes to the next executive meeting. She recognizes Kevin Buckland with the audit presentation.

MR. BUCKLAND introduces Eric and Bikky from BDO who will be doing the audit presentation.

MR. CAMPBELL states that he is Eric Campbell with BDO who performed the audit of the 2014 financial statements. He continues that there is an audit wrap-up document that documents any issues, problems or concerns. He adds that there are no disagreements with management, adding that management is not doing anything that should be brought to the board's attention. He states that BDO has a Website that has a lot of board educational-type materials available free of charge to board members, if they are interested. He begins with the financial statements of the independent auditor's report, stating that they are presented as management's financial statements. He continues that, in their opinion, the financial statements are presented fairly in all respects, giving an unqualified opinion or a clean opinion on the financial statements. He adds that the management's discussion and analysis puts the year in summary form. He recommends that the board review that to get a good understanding of the year in review. He goes through the report, explaining as he goes along. He states that the total assets for the year are \$610 million, up \$39 million from the prior year. He continues that the biggest increase is the cash and investments. He added that liabilities decreased \$19 million, and assets increased \$39 million.

MR. BUCKLAND explains that the change in liability is largely due to securities lending, and explains how the investments at Alaska Permanent Fund Corporation work.

MR. CAMPBELL continues going through the audit, explaining as he goes along.

A short discussion ensues on the expenditures.

MR. CAMPBELL moves on to the footnotes. He states that all of the accounting policies, the decision of how and why revenue and expenses were recognized and different policies are all described in those statements. He continues going through the breakdown of cash and investments on the pooled investment and the Alaska Permanent Fund capital, then the State's internally managed pool and the Trust's cash holdings.

A short discussion ensues on alternative investments.

MR. CAMPBELL moves on to notes receivable, and continued his presentation. He moves on and talks about the new accounting pronouncements coming out.

A short discussion ensues.

CHAIR DERR asks for any other questions from Trustees in regard to the audit.

TRUSTEE BARTON thanks Kevin Buckland and all the Trust staff for getting such a clean opinion.

MR. BUCKLAND offers his thanks to the auditors, and also Sarah and John who were a huge help with getting through the audit.

MR. CAMPBELL states that the records both at the Trust and the TLO, are in very good shape; everything is laid out, easy to find and follow. He continues that management has done a good job of keeping the records in good, auditable order.

CHAIR DERR thanks all, and asks for anything else to come before the Executive Committee.

MR. JESSEE mentions, for the benefit of the other Trustees, that Mike Barton has appointed an AMPS Ad Hoc Committee consisting of Laraine Derr, Larry Norene, and Paula Easley to look at the AMPS amendments, including adding the PRI information there.

CHAIR DERR thanks Trustee Barton for the opportunity of chairing the meeting, and asks for anything else.

TRUSTEE BARTON adds that the idea behind appointing this AMPS committee is to bring it to the full November board meeting.

CHAIR DERR declares the Executive Committee meeting adjourned.

(Executive Committee meeting adjourned at 1:23 p.m.)

ALASKA MENTAL HEALTH TRUST AUTHORITY

EXECUTIVE COMMITTEE MEETING

November 19, 2014

11:45 a.m.

Taken at:

Alaska Mental Health Trust Authority  
3745 Community Park Loop, Suite 200  
Anchorage, Alaska 99508

**OFFICIAL MINUTES**

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Trustees present:

Mike Barton, Chair  
Laraine Derr  
Paula Easley  
Larry Norene  
Mary Jane Michael

AMHTA staff present:

Jeff Jessee

**PROCEEDINGS**

CHAIR BARTON calls the Executive Committee to order. He asks for any announcements, ethics disclosures, and changes to the agenda. There being none, he asks for a motion to approve the agenda.

TRUSTEE DERR makes a motion to approve the agenda.

TRUSTEE EASLEY seconds.

*There being no objection, the motion is approved.*

CHAIR BARTON moves to the minutes of October 30, 2013, and asks for any corrections or modifications.

TRUSTEE DERR makes a motion to approve the minutes of October 30, 2013.

TRUSTEE EASLEY seconds.

*There being no objection, the motion is approved.*

CHAIR BARTON asks for a motion to go into Executive Session.

TRUSTEE DERR makes a motion to go into Executive Session for the purposes of the CEO's annual performance review.

TRUSTEE EASLEY seconds.

*There being no objection, the motion is approved.*

CHAIR BARTON moves into Executive Session.

(Executive session from 12:00 o'clock until 1:00 o'clock p.m.)

CHAIR BARTON states that the meeting is back on record, and asks for a motion to adjourn.

TRUSTEE DERR makes a motion to adjourn the meeting.

TRUSTEE EASLEY seconds.

*There being no objection, the meeting is adjourned.*

(Executive Committee meeting adjourned at 1:00 o'clock p.m.)

**20 AAC is amended by adding a new chapter to read:**

**Title 20. Miscellaneous Boards and Commissions.**

**Chapter**

5. Commercial Fisheries Entry Commission (20 AAC 05.010 - 20 AAC 05.1990)
10. Professional Teaching Practices Commission (20 AAC 10.010 - 20 AAC 10.900)
15. Student Financial Aid (20 AAC 15.010 - 20 AAC 15.990)
16. Educational Incentive Grant Program (20 AAC 16.010 - 20 AAC 16.900)
17. Regulation of Postsecondary Educational Institutions (20 AAC 17.010 - 20 AAC 17.900)
18. WICHE Professional Student Exchange Loan Program (20 AAC 18.010 - 20 AAC 18.090)
19. Financial Support for the Wwami Program (20 AAC 19.010 - 20 AAC 19.900)
25. Alaska Oil and Gas Conservation Commission (20 AAC 25.005 - 20 AAC 25.990)
30. Alaska State Council on the Arts (20 AAC 30.010 - 20 AAC 30.985)
- 40. Mental Health Trust Authority (20 AAC 40.010 - 20 AAC 40.990)**

**Chapter 40. Mental Health Trust Authority.**

**Article**

1. Fiscal Matters Generally (20 AAC 40.010 - 20 AAC 40.040)
2. MHTAAR Money (20 AAC 40.100 - 20 AAC 40.110)
3. Authority Grants (20 AAC 40.200 - 20 AAC 40.270)
4. General Terms and Conditions Applicable to Authority Grants (20 AAC 40.300 - 20 AAC 40.415)
5. Beneficiaries of the Trust (20 AAC 40.500 - 20 AAC 40.590)
6. Administration of the Trust (20 AAC 40.600 - 20 AAC 40.620)
7. Real Property Assets (20 AAC 40.700 - 20 AAC 40.730)
8. Miscellaneous Provisions (20 AAC 40.900 - 20 AAC 40.990)



**Article 1. Fiscal Matters Generally.**

**Section**

- 10. Development of mental health budget recommendations to board
- 20. Authority consideration and action on budget recommendations
- 30. Grant program
- 40. Guiding principles

**20 AAC 40.010. Development of mental health budget recommendations to board.**

(a) The authority will use a two-year budget cycle for the authority's budget recommendations under AS 47.30.046. The first year of that budget cycle is the state's fiscal year that ends in an even-numbered year.

(b) The authority will invite each planning board and other agencies that serve the needs of beneficiaries as the authority considers appropriate to collaborate with the authority in developing budget recommendations to the board to meet the mental health needs of the state for the upcoming budget cycle. Recommendations will be developed for meeting both operating and capital needs to be paid, subject to appropriations, for the following:

(1) base adjustments to the state's general fund appropriations for the comprehensive program between

(A) the various appropriations authorized in the mental health budget appropriation bill; and

(B) the legislature's general fund appropriations that affect beneficiaries, but are not included in the mental health budget appropriation bill;

(2) other changes to the mental health budget appropriation bill, including

expenditures from the mental health trust settlement income account.

(c) Repealed \_\_/\_\_/\_\_.

(d) The participants in the collaboration process may break their efforts into smaller or multiple collaboration groups, as appropriate, to develop budget recommendations for individual focus areas.

(e) Early in the calendar year before the second year of a budget cycle begins, the authority will again invite the planning boards and such other agencies that serve the needs of beneficiaries as the authority considers appropriate to meet with the authority and evaluate whether and how the authority's budget recommendations for that second year should be changed. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register\_\_)

<b>Authority:</b>	AS 47.30.031	AS 47.30.046	AS 47.30.056
	AS 47.30.036	AS 47.30.051	

**20 AAC 40.020. Authority consideration and action on budget recommendations.**

(a) The board will consider the budget recommendations made to the board under 20 AAC 40.010 in light of the authority's guiding principles adopted by reference in 20 AAC 40.040 and the board's understanding of

(1) the mental health needs of the state; and

(2) current issues affecting beneficiaries.

(b) When the board considers the budget recommendations submitted under 20 AAC 40.010, the board will determine whether and to what extent those recommendations should be incorporated into the authority's budget recommendations to the governor and legislature. The

Register 202, May 2012 MISCELLANEOUS BOARDS

authority will then finalize its budget recommendations and submit those budget recommendations as required under AS 47.30.046. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_)

**Authority:** AS 47.30.031 AS 47.30.046 AS 47.30.056  
AS 47.30.036 AS 47.30.051

**20 AAC 40.030. Grant program.** (a) The authority will annually determine the total amount of money from the mental health trust settlement income account established by AS 37.14.036 available for grants in support of the mental health program under AS 37.14.041 and AS 37.14.045. The authority will allocate that total amount between

- (1) MHTAAR money; and
- (2) authority administrative money; and
- (3) authority grants.

(b) The purposes and amounts of expenditures of MHTAAR money available for expenditure for a particular fiscal year are determined by approval of the board and inclusion in the mental health budget appropriations bill enacted for that year.

(c) Authority administrative money is money used to meet necessary administrative expenses as described in AS 37.14.041 (a)(6) and AS 47.30.056(a)(2).

(d) Authority grants are grants made under 20 AAC 40.200 - 20 AAC 40.270. The purposes and amounts of authority grants are determined by the authority as provided in 20 AAC 40.200 - 20 AAC 40.270.

(e) The authority will consider, as applicable, the guiding principles adopted by reference

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in 20 AAC 40.040 when taking actions associated with grants under this chapter. (Eff.

10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_)

**Authority:** AS 37.14.045 AS 47.30.051 AS 47.30.056  
AS 47.30.031

**20 AAC 40.040. Guiding principles.** The *Guiding Principles*, adopted by the board on May 12, 2009, are adopted by reference. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_)

**Authority:** AS 37.14.045 AS 47.30.051 AS 47.30.056  
AS 47.30.031

**Editor's note:** The May 12, 2009 *Guiding Principles* adopted by reference in 20 AAC 40.040, are available for review on the Alaska Mental Health Trust Authority's Internet website at <http://www.mhtrust.org>, and at the office of the Alaska Mental Health Trust Authority, 3745 Community Park Loop, Suite 200, Anchorage, Alaska 99508.

**Article 2. MHTAAR Money.**

**Section**

- 100. Administration and operation of MHTAAR Money
- 110. Proposals arising in the legislative budget process

**20 AAC 40.100. Administration and operation of MHTAAR money.** (a) Subject to the requirements of this section, a designated agency shall administer and operate an award of MHTAAR money in accordance with the administrative and operational procedures and requirements generally applicable to that agency.

(b) Unless expressly authorized by the authority in writing, a designated agency may not use MHTAAR money to supplant the agency's own budgetary or financial obligations.

(c) Before the authority authorizes access to payment of MHTAAR money to a designated agency, the authority will

(1) prepare a written statement of the authority's intent for the use of the money;

(2) make any inquiry that it considers necessary to establish that the agency has sufficient experience and the organizational capacity to carry out the purposes for which the money was authorized; and

(3) establish written reporting and evaluation requirements for the money.

(d) The authority will not authorize payment of MHTAAR money to a designated agency until the agency has agreed, in writing, that the agency will

(1) adhere to and implement the authority's statement of intent for the money;

(2) not use the money in a manner that deviates from the authority's statement of intent for the money without first receiving written approval from the authority;

(3) not use MHTAAR money to supplant the agency's own budgetary or financial obligations;

(4) provide any information to the authority that the authority may request to show that the authority's statement of intent for the money is being carried out, including reports on the progress and current status of the project; and

(5) accept a reduction of the money, including possible termination of the payment of money, if the money is used in a manner that does not comply with the requirements of this section or the purpose of the award.

(e) The authority may reduce or terminate a grant of MHTAAR money and cut off further payment if the designated agency, without prior written approval from the authority, operates the project in a manner that does not comply with the applicable requirements of this section. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register)

**Authority:** AS 37.14.045 AS 47.30.051 AS 47.30.056  
AS 47.30.031

**20 AAC 40.110. Proposals arising in the legislative budget process. (a)**

Notwithstanding 20 AAC 40.010 - 20 AAC 40.040, this section applies to any proposal for financing a particular purpose or project that arises from negotiations between the authority and the governor or the legislature in the course of the legislative budget process. These proposals typically arise under short timelines and require a quick response by the authority.

(b) In considering whether to approve a proposal described in (a) of this section, the authority will seek information about the proposal that is reasonably available within the time constraints applicable to the authority's decision.

(c) In deciding whether and in what amount to approve a proposal described in (a) of this section, the authority will consider the proposal in light of its consistency with the purposes of the trust, the authority's guiding principles adopted by reference in 20 AAC 40.040, and the authority's other priorities. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_)

**Authority:** AS 37.14.045 AS 47.30.051 AS 47.30.056  
AS 47.30.031

**Article 3. Authority Grants.**

**Section**

- 200. Scope and applicability of 20 AAC 40.200 - 20 AAC 40.270
- 205. Eligibility for authority grants
- 210. Small projects grants
- 215. Expenditure of small projects grants
- 220. Competitive grants
- 225. Notice of application process for competitive grants
- 230. Submission of competitive grant application
- 235. Review of competitive grant applications
- 240. Criteria for review of competitive grant applications
- 245. Notification of award of competitive grant
- 250. Designated grants
- 255. Partnering grants
- 260. Emergency grants
- 265. Expenditure of emergency grants
- 270. Release of grant payments

**20 AAC 40.200. Scope and applicability of 20 AAC 40.200 - 20 AAC 40.270.**

(a) The provisions of 20 AAC 40.200 - 20 AAC 40.270 apply to grants of money by the authority that is not MHTAAR money. The source of money for these authority grants is the mental health trust settlement income account. The amounts and purposes of authority grants will be determined by the authority from time to time.

(b) Authority grants are made under 20 AAC 40.200 - 20 AAC.40.270. Authority grants include small projects grants, competitive grants, designated grants, ~~partnering~~ partnership grants, ~~and~~ emergency grants and other general authority grants. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_)

**Authority:** AS 37.14.045 AS 47.30.051 AS 47.30.056  
AS 47.30.031



**20 AAC 40.205. Eligibility for authority grants.** (a) Unless otherwise provided in 20 AAC 40.200 - 20 AAC 40.270 and any specific limitations on eligibility the authority establishes for a particular grant, any entity, including a government agency, with an interest in serving beneficiaries or otherwise advancing the mission of the authority is eligible to receive an authority grant. An individual is not eligible for an authority grant.

(b) Before a native entity may receive an authority grant, the entity must submit to the authority a resolution approved by the entity's governing body that waives the entity's sovereign immunity from suit with respect to claims by the authority or the state arising out of activities related to the grant.

(c) Repealed \_\_/\_\_/\_\_. (Eff. 10/24/2004, Register 172: am \_\_/\_\_/\_\_, Register \_\_\_\_)

**Authority:** AS 37.14.045                      AS 47.30.051                      AS 47.30.056  
AS 47.30.031

**20 AAC 40.210. Small projects grants.** (a) Subject to the provisions of this section and 20 AAC 40.215, the authority will make one-time small projects grants of up to \$~~1020~~20,000 for beneficiary-related purposes.

(b) The purpose of small projects grants is to provide for innovation or for enhancements in an existing activity or project, but not to maintain or create an ongoing program with trust money.

(c) An application for a small projects grant must be submitted on a form or in a format

prescribed by the authority. The board will set a schedule for applications for small projects grants.

(d) The authority staff shall return an application that requests a grant in excess of \$~~10~~20,000 that does not state the amount requested, or that does not state how a requested amount will be spent. The authority staff shall provide a written explanation of the reason the application is being returned.

(e) Repealed \_\_/\_\_/\_\_.

(f) The~~, the~~ authority staff shall evaluate the applications, and prepare a summary of each application and a written recommendation to the board for the award of the grant. After reviewing the application summary and the recommendation of the authority staff, the board will either approve or deny an application. If the board approves an application, the board will determine the amount of the grant award.

(g) The authority will notify each applicant for a small projects grant in writing of its decision to approve or deny the application as soon as practical after the decision is made. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register\_\_)

**Authority:** AS 37.14.045 AS 47.30.051 AS 47.30.056  
AS 47.30.031

**Editor's note:** Application information is available at the office of the Alaska Mental Health Trust Authority, 3745 Community Park Loop, Suite 200, Anchorage, Alaska 99508. Application information is also posted on the authority's web site. The Internet address for the Alaska Mental Health Trust Authority is <http://www.mhtrust.org>.

**20 AAC 40.215. Expenditure of small projects grants.** (a) Unless otherwise provided in the grant, a small projects grant under 20 AAC 40.210 is awarded in the fiscal year in which it is approved, but is available for payment for 12 months after the date of award, unless that period is extended by the written agreement between the authority and the grantee.

(b) If the full grant award has not been expended under a small projects grant within the agreed project term, the authority will inform the grantee in writing that money under the grant will no longer be available after a specific date. The authority will also inform the grantee that the grantee must respond in writing by a stated date if the grantee desires that the grant money remain available until that specific date given by the authority. If the grantee does not timely respond, the authority may close the grant. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_)

**Authority:** AS 37.14.045 AS 47.30.051 AS 47.30.056  
AS 47.30.031

**20 AAC 40.220. Competitive grants.** (a) The provisions of 20 AAC 40.220 - 20 AAC 40.245 apply to the award of competitive grants by the authority.

(b) If the authority decides to award an authority grant by competitive means, the authority will determine the purpose and amount of the grant. The authority will also determine whether to establish any specific limitations on eligibility for the grant and any other special qualifications or criteria that must be met by the grant recipient. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_)

**Authority:** AS 37.14.045 AS 47.30.051 AS 47.30.056  
AS 47.30.031

**20 AAC 40.225. Notice of application process for competitive grants.** (a) The authority will give notice of the availability of a competitive grant by

(1) posting on the authority's web site and on the Alaska Online Public Notice System established under AS 44.62.175; and

(2) any other method the authority may consider appropriate for a particular grant.

(b) In a notice provided under (a) of this section, the authority will include the following information:

(1) the purpose and anticipated amount of the grant;

(2) the categories of recipients that are eligible to apply for the grant;

(3) any special qualifications or criteria that must be met by the successful grantee;

(4) whether the grant is a single or multiple year grant;

(5) as applicable, whether the grant project will be fully paid by the authority or will require that the grantee contribute a portion of the costs of the project from other sources;

(6) the appropriate method and instructions for application;

(7) the deadline by which an applicant must submit an application to be considered for the grant. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_)

**Authority:** AS 37.14.045 AS 47.30.051 AS 47.30.056  
AS 47.30.031

**Editor's note:** The Internet address for the Alaska Mental Health Trust Authority is

<http://www.mhtrust.org>. The Internet address for the Alaska Online Public Notice System is

<http://notes3.state.ak.us/pn/pubnotice.nsf> <http://aws.state.ak.us/OnlinePublicNotices/>.

**20 AAC 40.230. Submission of competitive grant application.** (a) Unless otherwise stated in the grant notice given under 20 AAC 40.225, an application for a competitive grant must be submitted on a form or in a format prescribed by the authority. To be considered for a competitive grant, an applicant must include in the grant application the information requested in the application instructions. The authority will consider grant applications received on or before the date provided in the grant notice.

(b) If a grant project requires that the successful grantee contribute a portion of the costs of the project from another source, the applicant must acknowledge and agree to that requirement in the grant application and identify each proposed source of those contributions.

(c) A not-for-profit entity must submit documentation supporting its nonprofit status with its application.

(d) Upon request of the authority, the applicant must submit documentation supporting information and statements contained in the application. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_)

**Authority:** AS 37.14.045 AS 47.30.051 AS 47.30.056  
AS 47.30.031

**Editor's note:** Application information is available at the office of the Alaska

Mental Health Trust Authority, 3745 Community Park Loop, Suite 200, Anchorage, Alaska 99508. Application information is also posted on the authority's web site. The Internet address for the Alaska Mental Health Trust Authority is <http://www.mhtrust.org>.

**20 AAC 40.235. Review of competitive grant applications.** (a) No later than 10 working days after the deadline for submission of an application for a competitive grant, the authority will provide copies of properly completed and timely applications to each interested planning board or other beneficiary-related agency, as appropriate, for comment. Any comment or ranking by an interested planning board or other beneficiary-related agency must be in writing and must be submitted to the authority no later than 20 working days after receipt of copies of the grant applications from the authority.

(b) No later than 40 working days after the application submission deadline for a competitive grant, the authority staff shall review the applications and any comments on the applications or rankings received from a planning board or beneficiary-related agencies under (a) of this section. As part of the review process, the authority staff may request an applicant to provide additional information in support of its application. In reviewing the applications, the authority staff shall consider the criteria set out in 20 AAC 40.240 and any additional qualifications or criteria set out in the grant notice issued under 20 AAC 40.225.

(c) After reviewing the applications under (b) of this section, the authority staff shall make a recommendation to the board. At the next appropriate scheduled meeting the board will

make a decision on the award of grants and the amount of each grant.

(d) A decision of the board under (c) of this section will be to

(1) approve the grant application recommended by the authority staff;

(2) approve the grant application recommended by the authority staff, subject to acceptable revisions being made in the amount of the grant, the applicant's proposed grant project budget, or the proposed services or activities to be provided; or

(3) disapprove the grant application recommended by the authority staff and

(A) direct the authority staff to re-evaluate all applications and submit a new recommendation under (c) of this section; or

(B) determine that the grant project is to be re-noticed under 20 AAC 40.225 for new applications or canceled.

(e) If the board's decision is to approve the grant subject to revisions as described in (d)(2) of this section, the authority will negotiate with the applicant for necessary revisions in the applicant's proposed grant project budget or proposed services and activities. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register\_\_)

**Authority:** AS 37.14.045 AS 47.30.051 AS 47.30.056  
AS 47.30.031

**20 AAC 40.240. Criteria for review of competitive grant applications.** In addition to qualifications and criteria described in the grant notice issued under 20 AAC 40.225 and any applicable criteria established by law, the authority will use the following criteria, as applicable, in reviewing an application for a competitive grant:

(1) the extent to which the proposed services would provide a direct benefit to one or more beneficiary groups;

(2) the applicant's management and financial capabilities, including the applicant's ability to implement and carry out the grant project in accordance with 20 AAC 40.300 – 20 AAC 40.415;

(3) the applicant's previous experience and results in providing the same or similar services in an effective manner;

(4) whether the applicant's proposed grant project budget is complete, understandable, and appears likely to achieve the purposes of the grant in a cost effective manner;

(5) the feasibility and appropriateness of the applicant's plan for providing services, including accessibility of services to clients;

(6) demonstrated support of the applicant by each community in which services would be provided;

(7) if the applicant has previously been awarded a grant by the authority,

(A) the applicant's prior performance as a grantee; and

(B) the status of audits and the resolution of audit exceptions, if any, for any other grant awarded by the authority. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_)

**Authority:** AS 37.14.045 AS 47.30.051 AS 47.30.056  
AS 47.30.031

**20 AAC 40.245. Notification of award of competitive grant.** (a) After the board



makes a decision on the applications for a competitive grant under 20 AAC 40.235(d), the authority will send to each applicant for that grant

(1) a notice of intent to award the grant to the successful applicant contingent upon necessary revisions, if any, if the board decides to award the grant;

(2) a notice of grant denial to all unsuccessful applicants;

(3) a notice of cancellation of the grant proposal request if the board decides not to award the grant to any applicant.

(b) At least ~~seven~~10 working days after issuance of a notice of intent to award the grant under (a)(1) of this section and after any necessary revisions to the successful applicant's grant proposal are negotiated, the authority will issue a notice of grant award to the successful applicant. In the notice of grant award, the authority will state

(1) the amount of money that is available for the grant; and

(2) the terms and conditions of the grant, including the duration of the grant and the period over which grant money may be spent.

(c) The grantee must sign the notice of grant award issued under (b) of this section to indicate acceptance of and agreement to comply with the terms and conditions of the grant project, including the applicable provisions of 20 AAC 40.300 – 20 AAC 40.415. The signed notice of grant award constitutes a contract between the authority and the grantee.

(d) A notice of grant award issued under (b) of this section is a final decision of the authority. A person adversely affected by the decision may appeal to the superior court in accordance with the Alaska Rules of Appellate Procedure. (Eff. 10/24/2004, Register 172; am

\_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 37.14.045 AS 47.30.051 AS 47.30.056  
AS 47.30.031

**20 AAC 40.250. Designated grants.** (a) If the board identifies a specific purpose or need that is consistent with the purposes and goals of the comprehensive program, the board may award an authority grant to one or more designated recipients to provide money to serve that purpose or need.

(b) A proposal for a designated grant under this section may be initiated by the board, a board committee, the authority staff, a beneficiary-related agency, or a mental health service provider.

(c) The board will determine the amount and term of a designated grant awarded under this section.

(d) Unless otherwise specified in the grant, a designated grant under this section is subject to the terms and conditions for authority grants set out in 20 AAC 40.300 - 20 AAC 40.415.

(e) A decision of the board to make a designated grant under this section is a final decision of the authority. A person adversely affected by the decision may appeal to the superior court in accordance with the Alaska Rules of Appellate Procedure. (Eff. 10/24/2004, Register 172; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 37.14.045 AS 47.30.051 AS 47.30.056  
AS 47.30.031

**20 AAC 40.255. Partneringship grants.** (a) The board may set aside money for the purpose of paying for activities to be undertaken in partnerships with other entities to expand or enhance the quality, quantity, or range of services for beneficiaries or non-beneficiaries who may receive services paid for by the trust under 20 AAC 40.560. Appropriate uses of these partnering grants include

- (1) leveraging other money;
- (2) increasing facility or service capacity;
- (3) enhancing relationships within the mental health service system;
- (4) providing technical assistance to beneficiary-related agencies, mental health service providers, and other entities concerned with the needs or well-being of beneficiaries;
- (5) conducting beneficiary-related research;
- (6) encouraging policy or systems changes within the mental health service system; and
- (7) expanding opportunities for beneficiaries or beneficiary organizations.

(b) Within the amount set aside by the board under (a) of this section, the board will

- (1) identify appropriate opportunities for partnerships with other entities eligible for authority grants under 20 AAC 40.205;
- (2) determine the appropriate recipients and purposes of partnering grants; and
- (3) determine the amount, term, and other conditions of each partnering grant.

(c) Except as specifically provided in the grant, a partnering grant under this section is not subject to the terms and conditions for authority grants set out at 20 AAC 40.300 - 20 AAC

40.415.

(d) With the prior approval of the board, a partnering grant under this section may be administered directly by the authority.

(e) A decision of the board on a partnering grant under this section is a final decision of the authority. A person adversely affected by the decision may appeal to the superior court in accordance with the Alaska Rules of Appellate Procedure. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_)

**Authority:** AS 37.14.045 AS 47.30.051 AS 47.30.056  
AS 47.30.031

**20 AAC 40.260. Emergency grants.** (a) Subject to the provisions of this section and 20 AAC 40.265, the authority may make an emergency grant to a beneficiary-related agency, mental health service provider, or other entity that provides a significant part of its services to beneficiaries. Emergency grants are

(1) a one-time source of money to provide a bridge while securing other financial sources to maintain mental health-related services or programs or to replace property or equipment lost in an emergency;

(2) used to provide direct services to beneficiaries; and

(3) except in unusual circumstances, not used to replace lost grants or money from other sources.

(b) To qualify for consideration as an emergency grant under this section, a grant request

(1) may not have been submitted to the authority as part of a budget

recommendation under 20 AAC 40.100;

(2) may not have been part of a request submitted to the legislature by the authority;

(3) may not be the result of mismanagement by the applicant; and

(4) must reflect needs that are unique to the applicant and are not representative of broader issues affecting other entities that are similar to the applicant.

(c) A request for an emergency grant may be submitted at any time. The request must be submitted in writing. Information that must be provided by the applicant includes

(1) the nature and cause of the emergency situation;

(2) the reasons that the request could not be addressed by the authority within its regular budgeting process;

(3) the results of efforts made by the applicant to identify other sources of money for the emergency situation; and

(4) any corrective action to be taken by the applicant to avoid similar emergency situations in the future.

(d) No later than five working days after receipt of a request for an emergency grant, the authority staff shall review the grant request to determine if it addresses an emergency and is not the result of mismanagement by the applicant. If the authority staff determines that the request does not address an emergency, the authority staff shall notify the applicant of the reason. If the authority staff determines that the request addresses an emergency, the authority staff shall notify the following of the request:

- (1) the board's executive committee
- (2) appropriate planning boards;
- (3) other appropriate state agencies.

(e) In addition to a copy of the emergency grant request, the authority staff shall provide the staff's analysis of the request to the executive committee.

(f) No later than 10 working days after an initial determination by authority staff that the grant request addresses an emergency and is not the result of mismanagement by the applicant, the executive committee will conduct a meeting to determine whether the request qualifies for consideration as an emergency grant under (a) and (b) of this section. The authority staff shall provide notice of the meeting to the applicant and each appropriate planning board and state agency. The meeting may be held by teleconference.

(g) If the Executive committee determines after the meeting under (f) of this section that a request does not qualify for consideration as an emergency grant under (a) and (b) of this section or is otherwise not consistent with the purposes of the trust, the authority staff shall inform the applicant in writing.

(h) If the executive committee determines after the meeting under (f) of this section that a request qualifies for consideration as an emergency grant under (a) and (b) of this section and is otherwise consistent with the purposes of the trust, a decision to grant or deny the request shall be made as follows:

1) if the amount requested by the applicant is \$50,000 or less, the executive committee will approve or disapprove the request and establish the amount of the grant as the committee determines is in the best interest of the trust and its beneficiaries.

(2) if the amount requested by the applicant is more than \$50,000, the authority staff shall forward the executive committee's determination to the full board for consideration; unless a special meeting is scheduled earlier for that purpose, the board will consider the request at its next regular scheduled meeting and decide to approve or disapprove the request and establish the amount of the grant as the board determines is in the best interest of the trust and its beneficiaries.

(i) A decision of the board's executive committee under (h)(1) of this section may be appealed to the full board in accordance with 20 AAC 40.910.

(j) A decision of the board under (h)(2) of this section is final decision of the authority. A person adversely affected by the decision may appeal to the superior court in accordance with the Alaska Rules and Appellate Procedure. (eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register

**Authority:** AS 37.14.045 AS 47.30.051 AS 47.30.056  
AS 47.30.031

**20 AAC 40.265. Expenditure of emergency grants.** Unless otherwise provided in the grant, a grantee may only spend money from an emergency grant in the fiscal year in which the emergency exists. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_)

**Authority:** AS 37.14.045 AS 47.30.051 AS 47.30.056  
AS 47.30.031

**20 AAC 40.270. Release of grant payments.** (a) The authority may withhold payment under an authority grant until the grantee provides any documentation or other confirmation requested by the authority of information and statements submitted by the grantee either in the grant application or otherwise in support of the grant or implementation of the grant.

(b) With the prior approval of the board, the authority may retain a stated amount from an authority grant to pay the authority's out-of-pocket administrative costs incurred in connection with the grant. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register\_\_)

**Authority:** AS 37.14.045            AS 47.30.051            AS 47.30.056  
AS 47.30.031



**Article 4. General Terms and Conditions  
Applicable to Authority Grants.**

**Section**

- 300. Scope and applicability of 20 AAC 40.300 - 20 AAC 40.415
- 305. Grant duration
- 310. Accounting requirements
- 315. Payment
- 320. Allowable costs
- 325. Administrative policies of grantees
- 330. Subcontracts
- 335. Purchasing practices and procedures
- 340. Property management
- 345. Grant income
- 350. Methods for making contributions
- 355. Permissible contributions
- 360. Value of contributions
- 365. Audit requirements
- 370. Retention of records
- 375. Equal employment opportunity
- 380. Civil rights of clients
- 385. Confidentiality
- 390. Grantee compliance with applicable law
- 395. Grantee reports and evaluation
- 400. Authority monitoring and evaluation
- 405. Changes in approved grant project
- 410. Suspension and termination of a grant
- 415. Protest of grant decisions

**20 AAC 40.300. Scope and applicability of 20 AAC 40.300 - 20 AAC 40.415.** Except as otherwise provided in a grant agreement or this chapter, the provisions of 20 AAC 40.300 - 20 AAC 40.415 apply to authority grants awarded under 20 AAC 40.200 - 20 AAC 40.270. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_)

**Authority:** AS 37.14.045 AS 47.30.051 AS 47.30.056

AS 47.30.031

**20 AAC 40.305. Grant duration.** The authority will establish the term of a specific grant in the grant document. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_\_\_)

**Authority:** AS 37.14.045 AS 47.30.051 AS 47.30.056  
AS 47.30.031

**20 AAC 40.310. Accounting requirements.** A grantee shall, with respect to the financial records and accounts of the grant project, use generally accepted accounting practices and maintain those records and accounts in a manner that permits them to be audited. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_\_\_)

**Authority:** AS 37.14.045 AS 47.30.051 AS 47.30.056  
AS 47.30.031

**20 AAC 40.315. Payment.** (a) The authority will specify in the grant document the schedule by which payments under the grant are made. To receive a payment, the grantee must submit to the authority any documentation required by this chapter or in the grant document, along with a payment request made on a form provided by the authority.

(b) A grantee shall reimburse the authority for an advance payment made to the grantee to the extent that the grantee does not expend or encumber the payment before the end of the grant period. A grantee shall notify the authority in writing no later than 30 calendar days after the end of the grant term of an outstanding obligation against the grant. For the purposes of this subsection, an encumbrance must relate to a cost the payment of which is reflected in the grant

project budget.

(c) The authority may withhold one or more grant payments if the grantee

(1) fails timely to submit a report required for the grant by this chapter or the grant document;

(2) uses grant money to pay a cost that is not permitted under the grant; or

(3) is otherwise not in compliance with the applicable provisions of this chapter or the requirements of the grant document. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_)

**Authority:** AS 37.14.045      AS 47.30.051      AS 47.30.056  
AS 47.30.031

**Editor's note:** Application forms are available at the office of the Alaska Mental Health Trust Authority, 3745 Community Park Loop, Suite 200, Anchorage, Alaska 99508. Application forms are also posted on the authority's web site. The Internet address for the Alaska Mental Health Trust Authority is <http://www.mhtrust.org>.

**20 AAC 40.320. Allowable costs.** (a) Subject to (b) - (d) of this section, a grantee may use money received under a grant to pay for costs associated with the grant only if the cost is reflected in the budget of the grant project.

(b) A grantee must obtain the prior approval of the authority in writing before paying a cost associated with the grant that is not reflected in the budget of the grant project.

(c) If doing so is specified in the grant agreement or in the budget for the grant project, a

grantee may pay for indirect costs of the grant project in accordance with an indirect-cost rate that has been agreed upon between the federal government and the grantee as an accurate reflection of the cost of the items included under that rate. In computing the amount of the grant allocated to indirect costs, the authority will accept the grantee's indirect-cost rate most recently negotiated with the federal government at the time of the award of the grant. An amount allocated for indirect costs in a grant is considered part of the grant and not an addition to it. An increase or decrease in the grantee's federal indirect-cost rate made after the grant award does not affect the amount of the grant. A grantee shall make available to the authority upon request all federal audit data relating to indirect costs of the grant project paid by the federal government.

(d) A grantee that does not have a federally approved indirect-cost rate may include administrative costs in the grantee's proposed grant project budget as direct costs. The grantee shall document the proposed costs in its justification narrative for the proposed grant project budget.

(e) A grantee may not use grant money to supplant the grantee's own budgetary or financial obligations. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_)

**Authority:** AS 37.14.045 AS 47.30.051 AS 47.30.056  
AS 47.30.031

**20 AAC 40.325. Administrative policies of grantees.** (a) A grantee with more than six employees must have written policies relating to employee compensation and benefits, employee leave, employee relocation costs, use of consultants and consultant fees, training, including orientation for new employees, nepotism, and conflicts of interest. The grantee shall apply these

policies consistently in the administration of the grant project without regard to the source of the money used for the purposes to which the policies relate. The authority may require a grantee to submit these policies to the authority.

(b) A grantee that is a not-for-profit entity must establish and adhere to a written policy stating that an employee of the grantee may not be a member of the grantee's governing board.

(Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_\_\_)

**Authority:** AS 37.14.045 AS 47.30.051 AS 47.30.056  
AS 47.30.031

**20 AAC 40.330. Subcontracts.** (a) A grantee may enter into a subcontract for the performance of an activity required by a grant only if the grantee

(1) remains administratively and financially responsible for the activity and is responsible for the performance of the subcontractor; and

(2) provides written notice to the authority of intent to enter into a subcontract at least five business days before entering into the subcontract.

(b) A subcontract must be in writing and must include the subcontractor's agreement

(1) to provide the grantee and the authority, or a representative of the grantee or the authority, with reasonable access to the books, documents, papers, and records of the subcontractor if either the grantee or the authority determines that access to this information is necessary for the purposes of an audit; and

(2) to comply with the applicable provisions of 20 AAC 40.300 – 20 AAC 40.415 and the grant. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_\_\_)

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**Authority:** AS 37.14.045 AS 47.30.051 AS 47.30.056  
AS 47.30.031

**20 AAC 40.335. Purchasing practices and procedures.** A grantee shall apply uniform purchasing practices and procedures for the procurement of goods, equipment, and services. The authority may require a grantee to submit these practices and procedures to the authority. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_)

**Authority:** AS 37.14.045 AS 47.30.051 AS 47.30.056  
AS 47.30.031

**20 AAC 40.340. Property management.** (a) A grantee shall maintain accurate property records as well as effective inventory, control, and maintenance procedures for non-expendable personal property acquired with the grant. Records must include the following information:

- (1) a description of the property and the manufacturer's serial number or other identification number;
- (2) the grant project under which the property was acquired;
- (3) the acquisition date and cost of the property;
- (4) the percentage of the total cost of the property paid by the grant;
- (5) the location, use, and condition of the property and the date on which that information was recorded;
- (6) if the grantee disposes of the property, the disposition of the property, including the date of its disposal and its sales price or the method used to determine its fair market value at disposition.

(b) A grantee shall maintain a control system to ~~insure~~ensure adequate safeguards to prevent loss, damage, or theft of non-expendable personal property of the grant project. A grantee shall provide for the investigation and full documentation of a loss, damage, or theft of non-expendable personal property of the grant project.

(c) Repealed \_\_/\_\_/\_\_. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_\_\_)

**Authority:** AS 37.14.045 AS 47.30.051 AS 47.30.056  
AS 47.30.031

**20 AAC 40.345. Grant income.** (a) A grantee shall report grant income to the authority on a form or in a format prescribed by the authority.

(b) A grantee shall use grant income, including the grantee's share of proceeds from the sale of assets of the grant project, to further the objectives of the grant project

(1) as specified in the terms of the grant; or

(2) with approval from the authority in writing. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_\_\_)

**Authority:** AS 37.14.045 AS 47.30.051 AS 47.30.056  
AS 47.30.031

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**20 AAC 40.350. Methods for making contributions.** (a) If a grant requires that the

grantee contribute a portion of the project costs from other sources, the authority will specify in the grant either the amount of the required contribution or the proportion of the project cost that the grantee must provide from other sources. In the grant, the authority may also specify the timetable for the grantee to provide those contributions.

(b) The authority may require a grantee to verify that the grantee has provided required contributions and may withhold payments under the grant if those contributions are not timely provided. Unless another form of verification is permitted by the grant, provision of required contributions must be verified by a person certified or licensed as a public accountant under AS 08.04. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_)

**Authority:** AS 37.14.045                      AS 47.30.051                      AS 47.30.056  
AS 47.30.031

**20 AAC 40.355. Permissible contributions.** (a) Subject to (b) of this section, a grantee may contribute any of the following to satisfy the contribution requirements of a grant:

- (1) cash, other than cash received as a grant from the authority;
- (2) real or personal property, including the use of real or personal property;
- (3) personal services.

(b) To qualify as a contribution under (a) of this section, a contribution must be

- (1) used for a purpose that is an allowable cost under 20 AAC 40.320;
- (2) verifiable from the grantee's records of the grant project; and
- (3) in the determination of the authority, necessary and reasonable for proper and efficient accomplishment of the objectives of the grant project. (Eff. 10/24/2004, Register 172;



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am \_\_/\_\_/\_\_, Register \_\_\_\_)

**Authority:** AS 37.14.045 AS 47.30.051 AS 47.30.056  
AS 47.30.031

**20 AAC 40.360. Value of contributions.** (a) The authority will accept the following methods of determining the value of contributions made under 20 AAC 40.355:

(1) for real property, the grantee must determine the value of the contribution by using

(A) the fair rental value of the real property, or of that part of the real property used by the grant project, during use of the real property for the grant project; or

(B) if the real property is developed and the grantee elects not to use the method described in (A) of this paragraph, the amount of depreciation of the building or structure, or part of the building or structure used for the grant project that is located on the real property during use of the building or structure by the grant project, using the straight-line method of depreciation with an assumed life of the building or structure of 20 years;

(2) for personal property, the grantee must determine the value of the contribution by using

(A) the fair market value of the personal property; or

(B) if the fair market value of the personal property is greater than \$1,000, the fair rental value of the personal property; and

(3) for personal services, the grantee must determine the value of the contribution

by using the prevailing rate of pay for similar services in the area in which the grant project is located.

(b) A grantee shall maintain records of any personal services that are used to satisfy the contribution requirements of the grant. A grantee shall also maintain records of the methods used by the grantee to determine the value of contributions made to the grant project. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_)

**Authority:** AS 37.14.045 AS 47.30.051 AS 47.30.056  
AS 47.30.031

**20 AAC 40.365. Audit requirements.** (a) For an audit conducted by the authority, the grantee and any subcontractor of the grantee shall provide the auditor with reasonable access to the books, documents, papers, and records of the grantee or subcontractor. The auditor is a representative of the authority.

(b) When an audit report prepared under (a) of this section questions a cost or financial transaction incurred or recorded by the grantee or subcontractor, the grantee shall, within 30 calendar days after receiving written notice of the audit report, submit to the authority a response to the questions in the report. If the grantee fails to respond to the audit report or if the authority determines that the response does not adequately explain or justify a questioned cost or transaction, the authority may require the grantee to refund to the authority the amount of grant money used to pay the questioned cost or to otherwise correct a questioned transaction. The grantee shall refund the amount in accordance with procedures specified by the authority.

(c) In addition to an audit conducted under (a) of this section and unless otherwise

provided in the grant, a grantee and each subcontractor of the grantee under 20 AAC 40.330, except a subcontractor who is an individual, shall have a fiscal audit of the grantee's or subcontractor's operations, as applicable, under the grant program performed at least once every two years. However, the authority may accept a state or federal audit as a substitute for an audit required by this subsection. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_\_\_)

**Authority:** AS 37.14.045 AS 47.30.051 AS 47.30.056  
AS 47.30.031

**20 AAC 40.370. Retention of records.** The grantee and a subcontractor of a grantee shall retain grant and subcontract records, including records of the receipt and disposition of grant income, for a period of at least three full calendar years after closure of the grant. If an audit is in progress or audit findings, litigation, or claims that involve the records are pending three years after closure of the grant, the grantee or the subcontractor shall continue to retain those records until at least one calendar year after all those matters are concluded. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_\_\_)

**Authority:** AS 37.14.045 AS 47.30.051 AS 47.30.056  
AS 47.30.031

**20 AAC 40.375. Equal employment opportunity.** (a) A grantee shall post in conspicuous places, accessible to employees and applicants for employment, at the location of the grantee's grant project, notices setting out the provisions of AS 18.80.220.

(b) A grantee shall state, in solicitations or advertisements for employees to work on a grant project, that the grantee is an equal opportunity employer and that all qualified applicants

will be considered for employment without regard to race, religion, color, national origin, age, physical handicap, sex, or marital status.

(c) A grantee shall include the requirements of this section in the grantee's contracts and shall require compliance with those provisions in contracts entered into by the grantee's subcontractors. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_\_\_)

**Authority:** AS 37.14.045 AS 47.30.051 AS 47.30.056  
AS 47.30.031

**20 AAC 40.380. Civil rights of clients.** A grantee shall

(1) comply fully with 42 U.S.C. 2000d, as amended through October 24, 2004, and 42 U.S.C. 12101 - 42 U.S.C. 12213 (Americans with Disabilities Act of 1990), as amended through October 24, 2004;

(2) inform and instruct staff members concerning obligations under the statutes referred to in (1) of this section; and

(3) upon request, make available to the authority information relating to the grantee's compliance with the statutes referred to in (1) of this section. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_\_\_)

**Authority:** AS 37.14.045 AS 47.30.051 AS 47.30.056  
AS 47.30.031

**20 AAC 40.385. Confidentiality.** In a grant project to which federal or state requirements for confidentiality apply, the authority will establish procedures for preserving that confidentiality before the authority awards the grant. The authority will include the procedures

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as part of the terms of the grant. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_\_\_)

**Authority:** AS 37.14.045 AS 47.30.051 AS 47.30.056  
AS 47.30.031

**20 AAC 40.390. Grantee compliance with applicable law.** (a) In addition to satisfying the applicable requirements of 20 AAC 40.375 - 20 AAC 40.385, in order to receive an authority grant and continue to operate under that grant, a grantee must conduct its activities and operations in accordance with all other applicable state and federal law, including applicable wage and hour requirements, requirements for exemption from taxation under applicable tax codes, and requirements to attain and maintain the legal status that the grantee represents that it has.

(b) The authority may at any time request a grantee to demonstrate through appropriate documentation that the grantee is in compliance with (a) of this section.

(c) Failure of a grantee to comply with (a) of this section is grounds for suspension or termination of the grant under 20 AAC 40.410. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_\_\_)

**Authority:** AS 37.14.045 AS 47.30.051 AS 47.30.056  
AS 47.30.031

**20 AAC 40.395. Grantee reports and evaluation.** (a) A grantee shall submit to the authority, in a format established by the authority, grant project performance reports, financial reports, and evaluations of the grantee's management and operation of the grant project. The

grantee shall prepare the reports and evaluations in accordance with written instructions provided by the authority. The grantee shall submit the required reports and evaluations in accordance with the reporting schedule set out in the ~~written instructions~~grant agreement.

(b) If a grantee fails to submit complete and timely reports and evaluations as required by the written instructions described in (a) of this section, the authority may withhold grant payments under 20 AAC 40.315 or suspend or terminate the grant under 20 AAC 40.410. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_)

**Authority:** AS 37.14.045 AS 47.30.051 AS 47.30.056  
AS 47.30.031

**20 AAC 40.400. Authority monitoring and evaluation.** (a) The authority may monitor and evaluate the performance and progress of a grant project.

(b) When it is cost-efficient or otherwise effective to do so, the authority may enter into a contract to provide for monitoring and evaluation of a grant project under (a) of this section.

(Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_)

**Authority:** AS 37.14.045 AS 47.30.051 AS 47.30.056  
AS 47.30.031

**20 AAC 40.405. Changes in approved grant project.** (a) The scope and nature of activities for which grant money may be expended, and other terms and requirements of a grant project may not be changed without prior written approval of the authority. A request for approval of a change in the terms or requirements of a grant project must be submitted to the authority in writing and must describe the requested change and explain the reason for it. The

authority will notify the grantee of its decision in writing no later than 20 working days after receipt of the request.

(b) The appointment of the director of a grant project and any other key personnel specified by the authority in the grant award, including any changes in those positions during the term of the grant, are subject to prior written approval of the authority. The grantee shall immediately notify the authority in writing of any change in the director of a grant project or any other key personnel, including an absence due to incapacity that is expected to or does exceed three months, and, if applicable, advise the authority that the grantee desires to terminate the grant project because of the change. Any change is subject to the approval of the authority. The authority will notify the grantee in writing of any objections to the change.

(c) If a grantee informs the authority under (b) of this section that the grantee desires to terminate the grant project, the authority will provide the grantee with instructions for doing so. If the grantee does not desire to terminate the grant project, replacement of the director or other key personnel is subject to prior written approval of the authority. If the grantee is unable to recruit a qualified candidate who is approved by the authority and the grantee is otherwise unable to assure performance of the duties of the position, the authority may terminate the grant.

(d) Subject to (e) of this section, a grantee may reallocate money between budget categories within the total grant project budget to meet unanticipated expenditures necessary to the successful continuation or completion of the grant project, if the expenditures are authorized under the terms of the grant. A grantee must

(1) receive prior written approval from the authority before reallocating an

amount that exceeds 10 percent of a budget category established in the grant that is affected by the reallocation or \$2,500, whichever is less; and

(2) notify the authority within 15 calendar days after reallocating an amount not subject to (1) of this subsection.

(e) The grantee shall notify the authority of an increase or decrease in the total amount of the grant project budget from all sources within 30 calendar days after the increase or decrease.

(Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_)

**Authority:** AS 37.14.045 AS 47.30.051 AS 47.30.056  
AS 47.30.031

**20 AAC 40.410. Suspension and termination of a grant.** (a) If a grantee fails to comply with the terms of the grant or of 20 AAC 40.300 - 20 AAC 40.415, the authority may suspend or terminate the grant. The authority will give the grantee written notice of the grantee's failure to comply at least 15 calendar days before a suspension or termination of the grant takes effect. In the notice, the authority will state the reasons for the suspension or termination and the effective date of the suspension or termination.

(b) If a grant is suspended under (a) of this section, a grantee may not use grant money to pay an obligation incurred during the period of the suspension. However, the grantee may pay an obligation incurred before the period of suspension, if the grantee obtains the approval of the authority and if payment of the obligation would otherwise be allowed under 20 AAC 40.300 – 20 AAC 40.415 and the terms of the grant.

(c) A suspension under this section remains in effect until



(1) the grantee takes corrective action and gives assurance of the corrective action that the authority considers satisfactory;

(2) the grantee successfully protests or appeals the suspension; or

(3) the authority or grantee terminates the grant.

(d) If the authority terminates a grant under this section, the authority will make arrangements that the authority considers necessary for managing the grant before the effective date of a termination and for closing the grant upon termination.

(e) The authority may terminate a grant before the end of the grant period, in whole or in part, with the consent of the grantee.

(f) A grantee may terminate a grant, in whole or in part, before the end of the grant period upon 30 calendar days written notification to the authority stating the reasons for the termination, the effective date, and the portion of the grant to be terminated, if the termination is partial.

(g) A grantee may not incur any new obligation to be paid with money from a suspended or terminated grant or the terminated portion of a grant after receiving notice of the suspension or termination. The grantee shall make a reasonable effort to cancel the grantee's outstanding obligations that, but for the suspension or termination, would be payable, in whole or in part, with money from the grant. To the extent that the grantee is not able to cancel a properly incurred obligation, the authority may provide for payments to the grantee to satisfy that part of an obligation that, but for the suspension or termination, would be payable with money from the grant.

(h) If a grant is terminated under this section by either the authority or the grantee, the grantee shall, no later than 30 calendar days after the effective date of the termination, repay to the authority the unexpended portion of any advance payments received under the grant from the authority. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_\_\_)

**Authority:** AS 37.14.045 AS 47.30.051 AS 47.30.056  
AS 47.30.031

**20 AAC 40.415. Protest of grant decisions.** An applicant for a grant or a grantee may protest the following decisions of the authority in accordance with 20 AAC 40.900:

(1) a final decision denying an application for a small projects grant under 20 AAC 40.210;

(2) a determination under 20 AAC 40.260(d) that a request for an emergency grant does not qualify for consideration as an emergency or is otherwise not consistent with the purposes of the trust;

(3) a determination under 20 AAC 40.260(g) that a request for an emergency grant is not for an emergency for which support by the trust may be appropriate;

(4) a decision to withhold a grant payment under 20 AAC 40.315 or 20 AAC 40.350;

(5) a decision to require a refund of grant money under 20 AAC 40.365;

(6) a decision under 20 AAC 40.405 denying a requested change in an approved grant project;

(7) a decision to suspend or terminate a grant under 20 AAC 40.410. (Eff.

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10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_\_\_)

**Authority:** AS 37.14.045 AS 47.30.051 AS 47.30.056  
AS 47.30.031

**Article 5. Beneficiaries of the Trust.**

**Section**

- 500. Adoption by reference
- 510. Beneficiaries of the trust
- 520. People with mental illness
- 530. People with developmental disabilities
- 540. People with alcoholism
- 550. People with Alzheimer's disease or related dementia
- 560. Services to non-beneficiaries
- 590. Definitions

**20 AAC 40.500. Adoption by reference.** (a) The *DSM-~~IV-TR~~5* and future published revised editions are adopted by reference for the purposes of 20 AAC 40.500 - 20 AAC 40.590.

(b) The *ICD-~~910~~-CM* and future published revised editions are adopted by reference for the purposes of 20 AAC 40.500 - 20 AAC 40.590. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_)

**Authority:** AS 47.30.031 AS 47.30.056

**Editor's note:** Copies of the *DSM-~~IV-TR~~5* and the *ICD-~~910~~-CM* and future published revised editions, adopted by reference in 20 AAC 40.500, are available for review at the offices of the Alaska Mental Health Trust Authority, 550 West Seventh Avenue, Suite 18203745 Community Park Loop, Suite 200, Anchorage, Alaska 995048.

**20 AAC 40.510. Beneficiaries of the trust.** (a) A person in one or more of the groups listed in AS 47.30.056(b) and as more specifically described in AS 47.30.056(d) - (g) and 20 AAC 40.520 - 20 AAC 40.550 is a beneficiary of the trust.

(b) In addition to persons described in (a) of this section, a person shall also be

considered a beneficiary of the trust if, due to either a general medical condition such as a brain injury or a substance-induced disorder, the person can be diagnosed using the *DSM-~~IV-TR~~5* or the *ICD-910-CM and future published revised editions* with a disorder comparable to a disorder that would qualify a person as a beneficiary under (a) of this section.

(c) A beneficiary may receive mental health services and shall be given a priority in the delivery of those services if the beneficiary's condition qualifies under AS 47.30.056(c)(1). (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_\_\_)

**Authority:** AS 47.30.031 AS 47.30.056

**20 AAC 40.520. People with mental illness.** (a) Subject to (b) of this section, people with mental illness are persons who can be diagnosed using the *DSM-~~IV-TR~~5 and future published revised editions* with ~~an Axis I or Axis II-a~~ disorder comparable to those listed at AS 47.30.056(d)(1) - (8) or with an equivalent disorder using the *ICD-910-CM and future published revised editions*.

(b) In addition to persons described in (a) of this section, people with mental illness include persons with conditions that support a *DSM-~~IV-TR~~5 and future published revised editions* ~~Axis I~~ diagnosis of "other conditions that may be a focus of clinical attention" or a comparable *ICD-910-CM and future published revised editions* diagnosis, even though the condition is not due to a mental disorder described in AS 47.30.056(d)(1) - (8), AS 47.30.056(d)(10), or (a) of this section. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_\_\_)

**Authority:** AS 47.30.031 AS 47.30.056

**20 AAC 40.530. People with developmental disabilities.** (a) Subject to (b) of this

section, people with developmental disabilities are persons who

(1) can be diagnosed using the *DSM-~~IV-TR~~5* and future published revised editions with ~~an Axis I or Axis II~~ mental disorder usually first diagnosed in infancy, childhood, or adolescence that is comparable to a disorder listed at AS 47.30.056(e)(1) - (6);

(2) can be diagnosed using the *ICD-~~9~~10-CM* and future published revised editions with diseases of the nervous system, congenital malformations, deformation, or chromosomal abnormalities; or

(3) meet the definition of "person with a developmental disability" at AS 47.80.900 or are developmentally delayed within the meaning of AS 47.20.290(4).

(b) In addition to persons described in (a) of this section, people with developmental disabilities include persons with conditions that support a *DSM-~~IV-TR~~5* and future published revised editions ~~Axis I~~ diagnosis of "other conditions that may be a focus of clinical attention" or a comparable *ICD-~~9~~10-CM* and future published revised editions diagnosis, even though that condition is not due to a neurologic or mental disorder described in AS 47.30.056(e)(1) - (6) or (a) of this section. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_)

**Authority:** AS 47.30.031 AS 47.30.056

**20 AAC 40.540. People with alcoholism.** (a) Subject to (b) of this section, people with

alcoholism are persons who can be diagnosed using the *DSM-~~IV-TR~~5* and future published

revised editions with an ~~Axis I~~ alcohol-induced disorder comparable to those listed at AS 47.30.056(f)(1) - (6) or with a comparable disorder using the *ICD-~~9~~10-CM* and future published revised editions.

(b) In addition to persons described in (a) of this section, people with alcoholism include persons with conditions that support a *DSM-~~IV~~TR5* and future published revised editions ~~Axis I~~ diagnosis of "other conditions that may be a focus of clinical attention" or a comparable *ICD-~~9~~10-CM* and future published revised editions diagnosis, even though that condition is not due to an alcohol-induced disorder described at AS 47.30.056(f)(1) - (6) or (a) of this section. (Eff. 10/24/2004, Register 172; \_\_/\_\_/\_\_, Register \_\_\_\_)

**Authority:** AS 47.30.031 AS 47.30.056

**20 AAC 40.550. People with Alzheimer's disease or related dementia.** (a) Subject to

(b) of this section, people with Alzheimer's disease or related dementia are persons who

(1) can be diagnosed using the *DSM-~~IV~~TR5* and future published revised editions with ~~Axis I~~ delirium, dementia, amnestic, or other cognitive disorders comparable to those listed at AS 47.30.056(g)(1) - (4) or with a comparable disorder using the *ICD-~~9~~10-CM* and future published revised editions; or

(2) as a result of adult onset cognitive impairment that is progressive and degenerative in nature, require

(A) supervision and cueing from other individuals in order adequately and routinely to perform activities of daily living; or

(B) protection from the consequences of their impaired judgment, of fluctuations in their decision-making capacity, or of their frequent impulsive, inappropriate, or disruptive behavior when this behavior poses health or safety hazards to themselves or to others.

(b) In addition to persons described in (a) of this section, people with Alzheimer's disease or related dementia include persons with conditions that support a *DSM-~~IV-TR~~5* and future published revised editions *Axis-I* diagnosis of "other conditions that may be a focus of clinical attention" or a comparable *ICD-910-CM* and future published revised editions diagnosis, even though that condition is not due to a mental disorder described at AS 47.30.056(g)(1) - (4) or (a) of this section. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_)

**Authority:** AS 47.30.031 AS 47.30.056

**20 AAC 40.560. Services to non-beneficiaries.** A person who is not a beneficiary of the trust under 20 AAC 40.510 may receive mental health services paid for by the trust if the comprehensive program provides for those services or if providing those services is otherwise consistent with the authority's guiding principles, adopted by reference in 20 AAC 40.040. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_)

**Authority:** AS 47.30.031 AS 47.30.056

**20 AAC 40.590. Definitions.** As used in 20 AAC 40.500 - 20 AAC 40.590,

(1) "*DSM-~~IV-TR~~5*" means the *Diagnostic and Statistical Manual of Mental*



*Disorders*, ~~Fourth-Fifth~~ Edition, ~~Text Revision~~, published by the American Psychiatric Association in ~~2000~~2013, adopted by reference in 20 AAC 40.500(a);

(2) "ICD-~~9~~10-CM" means the *International Classification of Diseases*, ~~9th-10th~~ Revision, Clinical Modification, ~~1998~~, adopted by reference in 20 AAC 40.500(b);

(3) "people with alcoholism" has the meaning given "chronic alcoholics suffering from psychoses" in AS 47.30.056(f);

(4) "people with Alzheimer's disease or related dementia" has the meaning given "senile people who as a result of their senility suffer major mental illness" in AS 47.30.056(g);

(5) "people with developmental disabilities" has the meaning given "the mentally defective and retarded" in AS 47.30.056(e);

(6) "people with mental illness" has the meaning given "the mentally ill" in AS 47.30.056(d). (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_)

**Authority:** AS 47.30.031 AS 47.30.056

**Editor's note:** Copies of the *DSM-~~IV-TR~~5* and the *ICD-~~9~~10-CM* and future published revised editions, adopted by reference in 20 AAC 40.500, are available for review at the offices of the Alaska Mental Health Trust Authority, ~~550 West Seventh Avenue, Suite 1820~~3745 Community Park Loop, Suite 200, Anchorage, Alaska 99508~~1~~.

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**Article 6. Administration of the Trust.**

**Section**

- 600. Management of trust assets
- 610. Allocation of trust land revenues between principal and income
- 620. Contributions to the trust

**20 AAC 40.600. Management of trust assets.** The *Asset Management Policy*

*Statement*, adopted by the board on ~~September 7, 2011~~January 28, 2015, sets out the board's policies and practices for management of trust assets and accounts. The ~~September 7, 2011~~*Asset Management Policy Statement* is adopted by reference. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_)

**Authority:** AS 37.14.031 AS 37.14.041 AS 47.30.031  
AS 37.14.036

**Editor's note:** The ~~September 7, 2011~~*Asset Management Policy Statement*, adopted by reference in 20 AAC 40.600, is available for review at the office of the Mental Health Trust Authority, 3745 Community Park Loop~~s~~, Suite 200, Anchorage, Alaska 99508 and is posted on the authority's website at <http://www.mhtrust.org>.

**20 AAC 40.610. Allocation of trust land revenues between principal and income.**

Revenues received from the management of trust land will be allocated between principal and income as follows:

- (1) to principal,
  - (A) 100 percent of

- (i) land sale revenues;
- (ii) royalties on coal, oil, gas, materials, and minerals; and
- (iii) revenues from perpetual easements; and

(B) 85 percent of revenues from timber sales;

(2) to income,

(A) 100 percent of

- (i) interest from land sale contracts;
- (ii) bonus bids; and
- (iii) rents; and

(B) 15 percent of revenues from timber sales. (Eff. 10/24/2004, Register

172; am \_\_/\_\_/\_\_, Register \_\_)

**Authority:** AS 37.14.031 AS 47.30.031

**20 AAC 40.620. Contributions to the trust.** (a) Unless otherwise specifically provided in the document or instrument providing for a contribution to the trust, the authority will determine the appropriate account in which to deposit the contribution.

(b) The authority may decline to accept any contribution to the trust.

(c) In this section, "contribution" includes gifts and bequests. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_)

**Authority:** AS 37.14.031 AS 37.14.041 AS 47.30.031  
AS 37.14.036

**Article 7. Real Property Assets.**

**Section**

- 700. Real property development accounts
- 710. Requests for use of trust land at less than fair market value
- 720. Authority consultation with trust land office
- 730. Confidentiality

**20 AAC 40.700. Real property development accounts.** (a) From time to time, the board may determine that it is in the interest of the trust and its beneficiaries to use receipts from the management of trust land to

- (1) acquire for the trust new trust land; or
- (2) improve or develop existing trust land.

(b) The board will make a decision under (a) of this section in accordance with the applicable provisions of the *Asset Management Policy Statement* adopted by reference in 20 AAC 40.600.

(c) If the board decides under (a) of this section to acquire new trust land or to improve or develop existing trust land, the authority will establish a development account for the purpose of monitoring and accounting for the receipts used and the costs incurred by the trust to carry out that acquisition, improvement, or development project.

(d) The authority will maintain a development account established under (c) of this section until the project for which the account was established has been completed. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_)

**Authority:** AS 37.14.007 AS 37.14.009 AS 47.30.031

**20 AAC 40.710. Requests for use of trust land at less than fair market value. (a)**

This section applies to a beneficiary, or an organization acting on behalf of a beneficiary, who wants to be granted the use of trust land under 11 AAC 99.110 and wants to pay less than fair market value for that use.

(b) A request for approval to use trust land at less than fair market value must be submitted to the authority in writing and must include the following information:

- (1) the name of the beneficiary or the organization acting on behalf of a beneficiary;
- (2) contact information for the beneficiary or organization, including address, telephone number, and, as applicable, fax number and e-mail address;
- (3) a description of the property sufficient to identify the property's location and the area or portion of the property sought to be used;
- (4) an explanation of the purpose for which the property is sought to be used, with special emphasis on the manner in which its use by the beneficiary or organization furthers the authority's purpose to ensure a plan for an integrated, comprehensive mental health program;
- (5) the period of time for which use of the trust land is sought;
- (6) the rate proposed to be paid for use of the trust land.

(c) The authority staff shall review the request and determine whether sufficient information has been provided by the applicant to make a recommendation on the request. If the authority staff determines that insufficient information has been provided, the authority staff shall return the request to the applicant, along with an explanation of the additional information that is

necessary. If the authority staff determines that sufficient information has been provided to make a recommendation, the authority staff shall request that the trust land office determine whether the land is suitable for the use proposed by the applicant and the estimated fair market value of that use. After being advised of the land's suitability for the proposed use and the estimated fair market value of the use by the trust land office, the authority staff shall inform the board's resource management committee of those determinations and make a recommendation to the committee for appropriate action on the request.

(d) After receiving a recommendation from the authority staff under (c) of this section, the board's resource management committee will consider the request and make a recommendation to the full board to

- (1) approve the request as presented;
- (2) approve the request, subject to modification;
- (3) deny the request; or
- (4) return the recommendation to the authority staff for additional information.

(e) If the board's resource management committee recommends approval of a request under (d) of this section, the authority will give public notice of the request and the committee's recommendation in the manner provided under 11 AAC 99.050(a). The board will consider a recommendation of the board's resource management committee under (d) of this section at the board's next regular meeting that occurs at least 30 calendar days after that public notice is first published.

(f) In deciding whether to approve a request for the use of trust land under this section,

the board will consider

(1) whether and to what extent that use is consistent with the authority's plan for a comprehensive program;

(2) the applicant's ability to implement and carry out the purposes for which the land is to be used;

(3) the extent of any economic or other benefit to beneficiaries as a result of the proposed use of the land;

(4) the extent of any likely economic impact to the trust as a result of approving use of the land at less than fair market value;

(5) comments received from the public regarding the proposed use; and

(6) the nature and extent of any administrative burden on the authority or the trust land office to oversee the land or activities on the land.

(g) If the board approves a request for use of trust land under this section, the authority will forward that approval to the trust land office for consideration under 11 AAC 99.110.

Approval of a use of trust land under this section is not a disposal of land as that term is defined in 11 AAC 99.990.

(h) A decision of the board under (g) of this section is a final decision of the authority. A person adversely affected by the decision may appeal to the superior court in accordance with the Alaska Rules of Appellate Procedure. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_)

**Authority:** AS 37.14.007 AS 37.14.009 AS 47.30.031

**20 AAC 40.720. Authority consultation with trust land office.** For the purpose of consultation with the trust land office under 11 AAC 99, unless otherwise specifically provided by the board by resolution, any such consultation must involve either the board's resource management committee or the full board. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_)

**Authority:** AS 37.14.007 AS 37.14.009 AS 47.30.031

**20 AAC 40.730. Confidentiality.** Information determined to be confidential by the chief executive officer will be made available to the trust land office upon request, subject to the requirement that the material must remain confidential after receipt. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_)

**Authority:** AS 37.14.007 AS 37.14.009 AS 47.30.031



**Article 8. Miscellaneous Provisions.**

**Section**

- 900. Grant protest procedures
- 910. Appeals
- 920. Grievances regarding services not provided
- 990. Definitions

**20 AAC 40.900. Grant protest procedures.** (a) A person may seek review of a decision described in 20 AAC 40.415 only by filing a protest with the chief executive officer under this section. In order to be considered under this section, a protest must assert that the decision being protested was

- (1) based on a material error of fact by the authority;
- (2) made by the authority without following applicable procedures; or
- (3) made by the authority contrary to applicable
  - (A) statutes or regulations;
  - (B) terms of a specific grant; or
  - (C) authority policy or procedure.

(b) The chief executive officer must receive a protest within no later than 30 calendar days after

(1) the earliest date that the authority mailed or delivered the decision being protested to the protester; or

(2) the date that the authority conveyed the decision to the protester if the authority did not put the decision in writing.

(c) A protest is not effective unless it is submitted in writing, is signed by the protester or

the protester's representative, and includes

(1) a reference to any grant or grant application number under which the decision was made;

(2) a copy of the decision being protested, if written, or, if either the decision was not written or a copy of the decision is not available to the protester, a summary description of the decision;

(3) a detailed statement of the factual and legal basis of the protest, as applicable, including a statement of the facts alleged to be in dispute and a copy of any relevant documents, and a statement of the remedy requested;

(4) citation to the statute, regulation, terms of the grant, or authority policy or procedure upon which the protest is based;

(5) the address of the protester or the protester's representative to whom any notice or decision concerning the protest is to be mailed or delivered; and

(6) a reference, by grant or grant application number, if applicable, to any other affected grant or application.

(d) The chief executive officer may reject a protest that does not satisfy the requirements of (a) of this section. If the chief executive officer rejects a protest under this subsection, the chief executive officer shall inform the protestor of the reason for the rejection in writing.

(e) The proper and timely filing of a protest under this section stays the decision being protested until the protest is decided unless the chief executive officer determines in writing that it is contrary to the best interest of the authority or the trust to stay the decision beyond the date

of that determination or another stated date.

(f) The chief executive officer shall mail or deliver a written decision on the protest to the protester or the protester's representative no later than 15 calendar days after the protest is filed unless the protester agrees, in writing, to a longer period. If the chief executive officer does not mail or deliver a decision to the protester or the protester's representative within 15 calendar days, the protest is denied.

(g) The chief executive officer may delegate the functions of the chief executive officer under this section to another employee of the authority who was not involved in the decision being protested. If the decision being protested was made by the chief executive officer, the chair of the board, or another board member designated by the board chair, shall exercise the functions of the chief executive officer under this section.

(h) The protester may appeal an adverse decision on the protest in accordance with 20 AAC 40.910. A decision subject to this section but not timely protested in accordance with this section is not subject to appeal under 20 AAC 40.910. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_\_\_)

**Authority:** AS 47.30.031 AS 47.30.051

**20 AAC 40.910. Appeals.** (a) This section applies to an appeal of

(1) a decision on a protest under 20 AAC 40.900; and

(2) a decision of the board's executive committee on an application for an emergency grant under 20 AAC 40.260(h)(1).

(b) The authority must receive an appeal within 30 calendar days after

(1) the earliest date that the chief executive officer or the chief executive officer's designee mailed or delivered the decision being appealed to the appellant or the appellant's representative; or

(2) the date that is 15 calendar days after the protest was filed, if a decision on the protest was not mailed or delivered to the appellant or the appellant's representative by that date.

(c) An appeal must be in writing, must be signed by the appellant or the appellant's representative, and must include

(1) a reference to any grant or grant application number under which the decision was made;

(2) a copy of the decision being appealed;

(3) a detailed statement of the factual and legal basis of the appeal, including a statement of the facts alleged to be in dispute and a copy of the relevant documents, and a statement of the remedy requested;

(4) the address of the appellant or the appellant's representative to whom any notice or decision concerning the appeal is to be mailed or delivered;

(5) a reference, by grant or grant application number, if applicable, to any other affected grant or grant application; and

(6) if a material fact is disputed and a hearing is desired, a request for a hearing.

(d) The proper and timely filing of an appeal under this section stays the decision being appealed until the appeal is decided unless the board determines in writing that it is contrary to

the best interest of the authority or the trust to stay the decision beyond the date of that determination or another stated date.

(e) The board will decide the appeal. The board may appoint a committee of the board or a review officer to assist the board with the appeal. A person appointed as a review officer may not have any prior direct involvement in the decision being appealed.

(f) A hearing on the appeal will be held if the board or, as applicable, the committee or review officer determines that material facts are in dispute. The board, committee, or review officer, as applicable, may

(1) with the agreement of the appellant, review the appellant's appeal on the basis of the written submissions of the appellant and the grant agency, without a hearing, even though material facts are in dispute;

(2) upon the agreement of the appellant, for good cause shown, or as is otherwise in the interest of the state, extend the time set for the hearing;

(3) arrange for the hearing to be held by teleconference.

(g) In a hearing under this section,

(1) as applicable, the board will or the committee or review officer shall,

(A) at least 20 calendar days before the hearing or a lesser time as agreed to by the board, committee, or review officer and the parties, provide to the appellant and the chief executive officer written notice of the time and place for the hearing;

(B) upon the prior request of a person with a mental or physical disability who is either the appellant, the appellant's representative, or an interested person, provide

reasonable accommodation for that person in procedures or facilities to permit the person to participate in the hearing;

(2) as applicable, the chair of the board or of the committee or the review officer shall regulate the order of testimony and presentation of the appeal;

(3) interested persons may attend, give testimony, or submit written statements;

(4) formal rules of evidence do not apply; however, testimony must be given under oath; and

(5) the hearing must be recorded and will be transcribed at the request and expense of the person requesting the transcript.

(h) The appellant has the burden to prove by a preponderance of the evidence that the appellant is entitled to the remedy requested.

(i) If a committee or review officer is appointed to assist the board under (e) of this section, the committee or review officer, as applicable, shall provide a written recommendation on the appeal to the board. The board may

(1) accept the recommendation of the committee or review officer;

(2) reject the recommendation of the committee or review officer and remand the recommendation back to the committee or review officer, as applicable, with instructions; or

(3) issue a written decision based on the appeal record.

(j) The authority will mail or deliver to the appellant or the appellant's representative a copy of any decision or order the board issues on the appeal.

(k) The decision of the board on the appeal is a final administrative decision of the

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authority that may be appealed to the superior court under the Alaska Rules of Appellate Procedure. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_\_\_)

**Authority:** AS 47.30.031 AS 47.30.051

**20 AAC 40.920. Grievances regarding services not provided.** At each regular meeting of the board, the board will provide an opportunity on its meeting agenda for aggrieved persons or groups who believe they have not received services that should be provided by the trust to inform the board of their grievances and to request redress from the authority. (Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_\_\_)

**Authority:** AS 47.30.031 AS 47.30.051 AS 47.30.056

**20 AAC 40.990. Definitions.** Unless the context indicates otherwise, in this chapter

(1) "approval" means a written agreement or permission to proceed, signed by an authorized representative of the authority, in response to a written request from the grantee or applicant for approval of a proposed action;

(2) "authority" means the Alaska Mental Health Trust Authority established under AS 47.30.011; "authority" includes, as applicable, the board, a duly authorized committee of the board, and a duly authorized member of the staff of the Alaska Mental Health Trust Authority;

(3) "authority grant" means a grant described at 20 AAC 40.030(d);

(4) "authority staff" means the officers and employees of the Alaska Mental Health Trust Authority other than the board;

(5) "beneficiary" means a person described in 20 AAC 40.510;

(6) "beneficiary group" refers to the individual groups of persons in need of mental health services described at AS 47.30.056(b);

(7) "beneficiary-related agency" means a planning board or other agency of the state, including the authority, or of a political subdivision of the state that has responsibilities for the provision of mental health services to persons in one or more beneficiary groups;

(8) "board" means the board of trustees of the Alaska Mental Health Trust Authority established under AS 47.30.016;

(9) "client" means a person receiving mental health services from a recipient of a grant made by the authority;

(10) "comprehensive program" means the integrated comprehensive mental health program described at AS 47.30.056;

(11) "consumer" means a person receiving mental health services;

(12) "designated agency" means the state agency designated to receive an MHTAAR grant under a mental health budget appropriation bill;

(13) "direct cost" means a cost associated with a particular cost objective that is identified specifically with the grant;

(14) "duly authorized" means authorized to perform a particular act by the bylaws of the board, by board action, or by this chapter;

(15) repealed \_\_\_/\_\_\_/\_\_\_;

(16) "fair market value" has the meaning given in AS 38.04.910(3);



(17) "fiscal year" means the fiscal year for the state as provided in AS 37.05.920;

(18) "grant" means an award of financial or direct assistance by the authority under this chapter for a proposed activity or service;

(19) "grant income" means income earned by a grant project during the grant period; "grant income" includes proceeds from the sale of products or services such as testing or computer time, payments received for medical or hospital services, fees received for personal services, proceeds from the sale of assets of the grant project, and royalties from copyrights or publications;

(20) "grant period" means the time period for which a grant has been awarded;

(21) "grant project" means the project for which a grant has been awarded;

(22) "grant project budget" means the financial expenditure plan for a grant project approved by the authority; "grant project budget" includes money awarded by the authority for the grant project and any other financing sources used by the grantee for the grant project;

(23) "grantee" means the legally accountable entity that receives a grant;

(24) "indirect cost" means a cost that, because it is incurred for common or joint objectives, is not readily subject to treatment as a direct cost;

(25) "mental health budget appropriation bill" means the bill making appropriations for the state's annual implementation plan in support of the comprehensive program enacted for a particular fiscal year under AS 37.14.005;

(26) "mental health service system" means the system of governmental boards

and agencies, sources of money, and mental health service providers through which mental health services are delivered to consumers in the state;

(27) "mental health service provider" means a person, agency, or other organization that

(A) provides mental health services to consumers; and

(B) is recognized by one or more beneficiary-related agencies as providing necessary and appropriate mental health services to consumers;

(28) "mental health services" means services provided under or in furtherance of the comprehensive program;

(29) "MHTAAR" means mental health trust authority authorized receipts;

(30) "MHTAAR money" means a grant of money from the mental health trust settlement income account to a state agency in the form of a transfer of money that has been authorized under a mental health budget appropriation bill;

(31) "native entity" has the meaning given "tribal organization" in 25 U.S.C. 450b(l); "native entity" does not include a regional or village corporation as defined in or established under 43 U.S.C. 1601 - 1629h (Alaska Native Claims Settlement Act);

(32) "non-expendable personal property" means

(A) an article of tangible personal property that is complete in itself, is of a durable nature, has an expected useful life of more than one year, and has a value of \$300 or more; and

(B) intangible personal property, such as patents, inventions, and

copyrights;

(33) "not-for-profit entity" means an entity no part of the income or profit of which is distributable to its members, directors, or officers;

(34) "personal property" means property other than real property;

(35) "planning board" means, as applicable, the Advisory Board on Alcohol and Drug Abuse established under AS 44.29.100, the Alaska Commission on Aging established under AS 47.45.200, the Alaska Mental Health Board established under AS 47.30.661, or the Governor's Council on Disabilities and Special Education established under AS 47.80.030;

(36) "political subdivision of the state" means a borough or city organized under AS 29 or a school district under AS 14.12.010;

(37) "real property" means land, land improvements, and structures and appurtenances located on land other than moveable machinery and equipment;

(38) "true lease" means a lease other than one under which

(A) ownership of the property is transferred, under the terms of the lease, to the lessee by the end of the lease term;

(B) an option to buy the property at a price less than the fair market value of the property is in the lease;

(C) the lease term is 75 percent or more of the estimated economic life of the property; or

(D) the present value of the total payments made by the lessee under the lease is 90 percent or more of the fair market value of the property less the amount of

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investment tax credits to be retained by the lessor under 26 U.S.C. 38 during the term of the lease; the valuation date for purposes of this subparagraph is the date of the lease agreement or the date of a commitment to enter into a lease agreement, whichever is earlier.

(39) "trust land" has the meaning given "Alaska mental health trust land" in 11 AAC 99.990;

(40) "trust land office" means the unit within the Department of Natural Resources required by AS 44.37.050;

(41) "working day" means a day other than Saturday, Sunday, or a state holiday.  
(Eff. 10/24/2004, Register 172; am \_\_/\_\_/\_\_, Register \_\_\_\_)

**Authority:** AS 47.30.031

	A	B	C	D	E	F	G	H	I	J	K	L	M
1		Alaska Mental Health Trust Authority											
2		FY16 & FY 17 Master Budget Sheet											
3		For Full Board Consideration - September 2014											
4		(amounts in thousands)											
5													
6				FY 2016						FY 2017			
7				Sum of MHTAAR/ MHTAAR Admin & AG	MHTAAR / MHTAAR Admin	Authority Grant	GF/MH	Other		Sum of MHTAAR/ MHTAAR Admin & AG	GF/MH	Other	
8													
9		Non-Focus Area Allocations											
10		Trust / TLO Operating Budgets; LTCO increment		7,800.0	7,800.0	-	35.0	-		7,800.0	-	-	
11		Other Non-Focus Area Allocations		6,425.1	1,175.1	5,250.0	-	750.0		6,390.1	-	750.0	
12													
13		Focus Areas:											
14		Disability Justice		2,117.0	1,790.0	327.0	-	-		1,913.8	464.4	-	
15		Workforce Development		2,171.9	1,756.9	415.0	355.0	-		2,177.6	-	-	
16		Housing and Long-Term Services & Supports		4,037.5	2,872.5	1,165.0	3,200.0	8,350.0		4,392.5	3,200.0	8,350.0	
17		Beneficiary Employment and Engagement		3,385.0	675.0	2,710.0	-	-		3,385.0	-	-	
18		Substance Abuse Prevention and Treatment		1,675.0	60.0	1,615.0	-	-		1,625.0	-	-	
19													
20		Advisory Board Requests		515.0	515.0	-	2,675.0	-		550.0	1,250.0	-	
21													
22		Totals		28,126.5	16,644.5	11,482.0	6,265.0	9,100.0		28,234.0	4,914.4	9,100.0	
23					59.2%	40.8%							
24													
31													




Mike Barton, Chair

	B	C	D	E	F	G	K	AR	AS	AT	AU	AV	AW	AY	AZ	BC	BD	BE
4																		
5	Non-Focus Area Allocations						Type		FY16 Recommendations						FY17 Recommendations			
6		GIFTS ID	Dept/RDU   Component (or recipient)	Trans Type	IncT Begin	IncT End	Operating IO/ Capital IG/ Health Grant (AG)		Sum of MHTAAR/ MHTAAR Admin & AG	MHTAAR / MHTAAR Admin	Authority Grant	GF/MH	Other		Sum of MHTAAR/ MHTAAR Admin & AG	GF/MH	Other	
7	Trust, TLO & LTCO Budgets																	
8	Trust Authority Administrative Budget		DOR	IncM			O		3,473.0	3,473.0	-	-	-		3,473.0	-	-	
9	Long Term Care Ombudsman Increment		DOR	Inc			O		-	-	-	35.0	-		-	-	-	
10	Trust Land Office Administrative Budget		129 DNR	IncM			O		4,327.0	4,327.0	-	-	-		4,327.0	-	-	
11	Total Trust, TLO & LTCO								7,800.0	7,800.0	-	35.0	-		7,800.0	-	-	
12																		
13	Other Non-Focus Area Allocations																	
14																		
15	Grant Making Programs																	
16	Partnerships / Designated Grants						AG		1,500.0	-	1,500.0	-	-		1,500.0	-	-	
17	Small Projects		245				AG		350.0	-	350.0	-	-		350.0	-	-	
18																		
19	Mini Grants & Dental Projects								-									
20	Mini Grants for beneficiaries experiencing mental illness, chronic alcoholism & substance abuse. (FY14/previously in BPI focus area)		2338				AG		950.0	-	950.0	-	-		950.0	-	-	
21	Mini grants for ADRD beneficiaries (FY14/previously in BPI focus area)		2813 Alzheimer's Resource Agency				AG		300.0	-	300.0	-	-		300.0	-	-	
22	Mini grants for beneficiaries with disabilities (FY14/previously in BPI focus area)		124 DHSS/DSDS/Community Developmental Disabilities Grants	IncT	2015	2017	O		250.3	250.3	-	-	-		300.0	-	-	
23	Mini grants for beneficiaries with disabilities (FY14/previously in BPI focus area) - FY16 Additional Funding		124 DHSS/DSDS/Community Developmental Disabilities Grants	IncT	2016	2017	O		49.7	49.7	-	-	-		-	-	-	
24	Trust Directed Projects - Dental		Anch/Fbks Comm Hlth				AG		160.0	-	160.0	-	-		160.0	-	-	
25	Donated Dental		Dental Lifeline Network				AG		30.0	-	30.0	-	-		30.0	-	-	

  
Mike Barton, Chair

	B	C	D	E	F	G	K	AR	AS	AT	AU	AV	AW	AY	AZ	BC	BD	BE
5	Non-Focus Area Allocations						Type		FY16 Recommendations						FY17 Recommendations			
6		GIFTS ID	Dept/RDU   Component (or recipient)	Trans Type	IncT Begin	IncT End	Operating IO/ Capital IG/ Auth Grant (AG)		Sum of MHTAAR/ MHTAAR Admin & AG	MHTAAR / MHTAAR Admin	Authority Grant	GF/MH	Other		Sum of MHTAAR/ MHTAAR Admin & AG	GF/MH	Other	
26																		
27	Trust Statutory Advisory Boards								-									
28	ABADA/AMHB joint staffing	605	DHSS/DBH/AMHB-ABADA	IncT	2015	2017	O		459.0	459.0	-	-	-		459.0	-	-	
29	GCDSE operating/Research Analyst III (06-0534)	105	DHSS/DSDS/GCDSE	IncT	2015	2017	O		122.8	122.8	-	-	-		122.8	-	-	
30	ACoA Planner (06-1513)	151	DHSS/DSDS/ACoA	IncT	2015	2017	O		116.8	116.8	-	-	-		116.8	-	-	
31																		
32	Traumatic Brain Injury Efforts								-									
33	AK Brain Injury Network - operating		ABIN				AG		180.0	-	180.0	-	-		180.0	-	-	
34	State of Alaska Acquired and Traumatic Brain Injury (ATBI) Program Research Analyst & Registry Support (FY15/prior was under "Advisory Boards" section)	3178	DHSS/SDS   Senior & Disabilities Services Administration	IncM			O		136.5	136.5	-	-	-		136.5	-	-	
35	State of Alaska Acquired and Traumatic Brain Injury (ATBI) Program Resource Navigator (ABIN) (FY15/prior was under "Advisory Boards" section)						AG		150.0	-	150.0	-	-		150.0	-	-	
36																		
37	Rural Outreach & Rural Technical Assistance								-									
38	Rural outreach program						AG		120.0	-	120.0	-	-		-	-	-	
39	Rural technical assistance project		Agnew:Beck				AG		-	-	-	-	-		70.0	-	-	
40																		
41																		
42	BTKH Maintenance/Monitoring						AG		85.0	-	85.0	-	-		85.0	-	-	

  
 Mike Barton, Chair

Non-Focus Area Allocations



	B	C	D	E	F	G	K	AR	AS	AT	AU	AV	AW	AY	AZ	BC	BD	BE
5	Non-Focus Area Allocations						Type		FY16 Recommendations						FY17 Recommendations			
6		GIFTS ID	Dept/RDU   Component (or recipient)	Trans Type	IncT Begin	IncT End	Operating (O) / Capital (C) / Auth Grant (AG)		Sum of MHTAAR/ MHTAAR Admin & AG	MHTAAR / MHTAAR Admin	Authority Grant	GF/MH	Other		Sum of MHTAAR/ MHTAAR Admin & AG	GF/MH	Other	
43																		
44																		
45	Consultative & Technical Assistance Services								-									
46	Grant-writing technical assistance						AG		150.0	-	150.0	-	-		150.0	-	-	
47	Technical assistance for beneficiary groups & Trust initiatives (FY14/previously in BPI focus area)		2336				AG		265.0	-	265.0	-	-		265.0	-	-	
48	Consultative Services Strategic Planning						AG		85.0	-	85.0	-	-		100.0	-	-	
49	Coordinated Communications						AG		400.0	-	400.0	-	-		400.0	-	-	
50	Pooled predevelopment project (FY15/prior Housing focus area)		261	The Foraker Group			AG		300.0	-	300.0	-	-		300.0	-	-	
51	Pooled predevelopment project - other partner funds (FY15/Prior Housing focus area). FY15 budgeted amount was \$600.0 in partner funds.			Non-MHBB Funds (Rasmusson, Mat-Su Health Foundation, etc)					-	-	-	-	750.0		-	-	750.0	
52																		
53	Other								-									
54	Primary Care BH Integration Strategies						AG		150.0	-	150.0	-	-		150.0	-	-	
55	Sustaining Alaska 2-1-1			United Way			AG		50.0	-	50.0	-	-		50.0	-	-	
56	Scorecard Update			DHSS/DPH/HPSD			IncT	2015	2017	O					40.0	-	-	
57	Advocacy Regional Summits						AG		25.0	-	25.0	-	-		25.0	-	-	
58																		
59	Total Other Non-Focus Area Allocations								6,425.1	1,175.1	5,250.0	-	750.0		6,390.1	-	750.0	
60																		
61	Total Non-Focus Area Allocations								14,225.1	8,975.1	5,250.0	35.0	750.0		14,190.1	-	750.0	
62	Trust Authority and Land Office health insurance increases are to be populated once actual OMB rate calculations are available																	

  
 Mike Barton, Chair

Non-Focus Area Allocations



**MR. WILLIAMS:** And since there is this discussion of partnership, Designated Grant, it is something that we've talked about -- Carley, when she's been looking at our Web site, or looking on there when redoing the Web site, this is one area where in terms of guidelines or description of what grant program -- this is one area where we're going to be cleaning it up. So your questions are the same ones that staff -- we've had, Natasha, Amanda, as the two new staff, have been working through the system now for a little over a year and seeing how this works, asking some more questions. We'll be addressing that.

Small projects, row 19. In FY15 it was \$250,000. We've recommended an increase of \$100,000 to 350, and at the same time we will be -- if the Trustees in September actually go down this path, we will also be looking at changing the amount of small projects from -- right now small projects, the ceiling, the cap is \$10,000. It's never been increased. So, what we're seeing when we're receiving small projects is that's a really small amount of money given our current day, and to get organizations to come up with innovative projects for \$10,000, the projects they just aren't the quality that they once were. This is trying to recognize that and trying to incentivize -- they can apply up to \$15,000 or -- for right now, is what we're thinking. So that's the reasoning behind the increase.

**MS. MICHAEL:** Just a comment, Steve. That's a great idea, because mostly you're going to get furniture and fixtures when it's those small numbers, and if you want to -- people to be thinking outside the box on new initiatives, they're going to need more than that.

**MR. WILLIAMS:** Yes.

**MS. DERR:** So, when we do the budget discussion, Steve, are you okay with the idea that we increase that to 20,000 and we put more money in that line? Is that what you want to --

**MR. WILLIAMS:** Sure -- if you guys want to get into the discussion on what the small project ceiling amount should be, yeah, we can have it then. I can say, as staff, we're thinking \$15,000 would accommodate this \$100,000 and keep us in that same, probably, pool of applications that we get, but get a higher quality of project applications.

**MS. DERR:** So, I would take and just propose a budget line item near the same 35 grants at 15,000, and what would that amount be -- you know, propose that as a possibility when we come to the budget.

**MR. WILLIAMS:** The other piece to this that we're going to have to do as staff is we on -- Jeff mentioned, regulation. We have to go into regulation and change it, because it says \$10,000 in regulation. So this is one area where we will have to go back and do the work, and we're actually going to try and craft the language so there isn't a set amount so that, you know, the Trustees -- we can do -- increase this again if Trustees

want to, and it's needed and warranted. And we don't have to have a set amount for small projects, a cap in regulation.

**MS. MICHAEL:** Set it high, and then we don't –

**MR. WILLIAMS:** Or set it high.

**MS. MICHAEL:** We don't have to fund it at that level.

**MS. EASLEY:** Then, would you like some direction to proceed in that? Amending the regulation?

**MR. JESSEE:** Eventually.

**MR. WILLIAMS:** This is -- again, this is sort of like a precursor to September. This is good information and conversation to have so we get a sense of direction, additional information that folks need. But no action is needed now.

**MR. JESSEE:** When we get to September, we'll have two decisions on this: One is the cap for each project; and the other is the total expenditure for that purpose.

**MR. WEBB:** Have you looked -- overall -- it sounds like you thought through some things that will require regulatory changes, maybe a sense for how long it will take to get those regulatory changes?

**MR. JESSEE:** If -- if it stays small, then it wouldn't take that long. We could certainly do it within the fiscal year we're talking about. What we would probably do, though, in all honesty, is if we go through a regulatory process, we'll probably go back through and look at any other cleanup items that you may want to do, because you don't want to do anymore of those than you have to.

**MR. WEBB:** Well, part of the reason for my question is -- we have a regulatory restriction of \$10,000 for small projects, and it takes you a year to get -- you know, a regulatory change through. Then the practical effect of increasing it won't occur until the following year.

**MS. DERR:** It would be the budget cycle --

**MR. JESSEE:** So it would match pretty well. I was going to say something else.

**MR. WILLIAMS:** That's some of the information, Russ. We can get a sense for before September so we can come back and say we've looked into what the process is, we think we'll get this done in FY15, so come July 1, if you guys approve this money, we'll actually be able to implement it --

**MS. DERR:** Realistically, we don't do it around the spring anyway.

**MR. JESSEE:** Well, and remember, too, one of the bases for getting rid of the limit in the regulations is the limit was, in part in there -- if not major part -- because the staff was able to make these grants without Trustee approval. And when the AG's office put the kabosh on that and you guys have to approve all the grants, then having the regulatory limit makes less sense because you guys can approve any grant you want. The \$10,000 limit made sense when you were delegating that to staff so that we knew what the limit of our authority was. Now you guys approve them all. You could approve a bigger one, if you want.

**MR. WEBB:** Sure, but for the purposes of giving people guidance, you know, you would want to have a distinction about what small projects would be, but you could -- the regulatory language could say something like no greater than an amount established by Trustees on that basis.

**MR. JESSEE:** Exactly.

**MR. WILLIAMS:** And then every year you guys can set that ceiling, and the grantees -- the applicants would know, the staff would know here it is, and you will be allocating your resources in relative accordance.

# **Trust Personnel Guide**

## **(Draft – March 2015)**

*The* **TRUST**  
The Alaska Mental Health  
Trust Authority

**Trust**  

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Alaska Mental Health  
Trust Authority  

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**PERSONNEL GUIDE**

**20102015**

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## INTRODUCTION

These personnel guidelines have been written to provide employees with general information about The Trust's present guidelines with respect to employment practices; ~~these guidelines are subject to change without notice to the employees and do not represent implied or actual employee contract provisions.~~ These personnel guidelines apply to all Trust and The Trust Land Office positions with the exception of the Long-Term Care Ombudsman position who is a member of the Supervisory Collective Bargaining Unit. These guidelines are subject to change without notice to the employees and do not represent implied or actual employee contract provisions

The Trust employees are not covered by any implied or actual bargaining unit agreement, with the exception of the Long-Term Care Ombudsman, nor are they party to any implied, verbal, or actual contractual terms of employment.—The Trust employees have no seniority rights or benefits.—All employment is based upon The Trust's desire for employee services and may be terminated without cause at any time.

It is the intent of these personnel guidelines to comply with all federal, state, and local laws applicable to The Trust and its operations.—If any part of these policies conflicts with any law, or with the rules, regulations, and conditions prescribed by any regulatory body, those laws or regulatory specifications shall prevail.

The Trust offers no employment contracts nor does it guarantee any minimum length of employment. The Trust reserves the right to terminate any employee, at any time "at will" with or without cause. A supervisor of The Trust has no authority whatsoever to make any contrary representations to any employee except as may be otherwise provided by express written agreement signed by the Chief Executive Officer of The Trust.

~~If you have a~~Any questions or ~~wish to~~requests for ~~have~~ further information about any particular guideline—in—this—manual,—please—contact may be directed to—the Chief—Operating—Officer—or—the Administrative Manager.

These personnel guidelines supersede all previous manuals, letters, memoranda and understandings.



## Section 1. DEFINITIONS

Unless the context requires otherwise, the following definitions govern the construction of these guidelines.

Trust Administrative Office (TAO): ~~means the office tasked with providing support and administration to the Chief Executive Officer of The Trust and the Board of Trustees.~~

Trust Land Office (TLO): ~~means the office which is tasked with Trust resource management housed in the Department of Natural Resources.~~

Board: ~~means the~~ Alaska Mental Health Trust Authority Board of Trustees ~~of The Trust.~~

Chief Executive Officer (CEO): ~~means the~~ staff position as defined by AS 47.30.026 serving the Board as the chief executive officer of the Alaska Mental Health Trust Authority.;

Chief Operating Officer (COO): ~~means~~ the Chief Operating Officer of The Trust.

Class or Classification: ~~means~~ one or more positions sufficiently similar as to duties and responsibilities, degree of supervision exercised or required, and entrance requirements, so that the same descriptive title may be used to designate those positions.

Current Rate of Pay: ~~means~~ the salary received by an employee for scheduled hours of work.

Demotion: ~~means~~ the voluntary or involuntary change of an employee from a position in one class to a position in another class assigned a lower salary range or the voluntary or involuntary change of an employee ~~within a class~~ to a lower salary range in the same class.

Deputy Director: ~~means~~ the deputy director of the TLO.

Dismissal: ~~means~~ the termination of an employee from The Trust for reasons other than resignation, retirement or layoff.

Employee: ~~means~~ any person in The Trust's service who is paid a salary or wage and who is subject to these guidelines.

Ethics Supervisor: ~~means~~ a person designated by the commissioner in the Department of Revenue and the Department of Natural Resources.

Executive Director: ~~means~~ the Executive Director of the TLO which is the staff position serving the Board of Trustees and the Commissioner of Natural Resources.

Exempt Employee: ~~is~~ the terminology used to refer to all Trust positions not included in the classified service~~define every Trust employee~~, as provided by AS 39.25.110~~(11)(C)~~(34) and (37).

Full-time Employee: ~~means~~ an employee who works a minimum 30 hours a week.

Grievance: ~~means~~ an employee's ~~written~~ expression ~~to the~~ employee's immediate supervisor of feelings of dissatisfaction with (1) working conditions or environment; (2) ~~relationships with supervisors, other Trust employees or Trust officials;~~ or ~~(3)~~ employment decisions.

Grievance Procedure: ~~is~~ the mechanism available ~~only to Post Introductory employees for handling grievances, except that every employee (Introductory and Post Introductory) alleging an act of unlawful discrimination shall make mandatory use of the grievance procedure to attempt to resolve the dispute. Except where specifically prohibited by law, employees must first use the grievance procedure (Section 19) to resolve grievances prior to utilizing other judicial or non-judicial dispute resolution procedures.~~

Hiring Authority: ~~means~~ an employee person with authority to hire.

Human Resources Section: ~~means~~ the Human Resources Section within the Department of Revenue for the Trust Administrative Office and the Department of Natural Resources for the Trust Land Office.

Immediate Family: ~~an employee's~~ means father/step-father, mother/step-mother, husband, wife, mother-in-law, father-in-law, son/step-son, daughter/step-daughter, brother/step-brother and sister/step-sister.

Immediate Supervisor or Supervisor: ~~means~~ the person employee responsible for supervising a specific employee or group of employees(s) within The Trust.

Introductory Period: ~~is~~ the first six (6) months of employment for every full-time employee in a position in Ranges 13 and below, and ~~the period is one~~ (1) year in Ranges 14 and above.

Introductory Employee: ~~means~~ an employee who has not completed the introductory period for a position in accordance with these guidelines.

Layoff: ~~means~~ the termination of an employee because a position has been abolished ~~because due to~~ insufficient funds or ~~because of~~ lack of work/business need.

Leave Cash Value: ~~means~~ the number of hours accrued during a pay cycle of a month multiplied by the annualized hourly rate of pay for that pay cycle, added to the value of untaken leave from all previous pay cycles.

Leave of Absence: means an approved absence from the official performance of duties, with or without pay.

Leave Year: ~~is~~ December 16~~th~~ through December 15~~th~~.

~~Long-Term Care Ombudsman means the Long-Term Care Ombudsman who is a member of the supervisory collective bargaining unit (LTCO).~~

Part-time Employee: ~~means~~ an employee whose workday and workweek is less than the normal workday and/or normal workweek (as defined in Section 3).

Pay Plan: ~~means~~ a schedule of salaries established wholly or partially pursuant to these guidelines, covering all job classes or positions in The Trust.

Pay Cycle: ~~means~~ the first of the month through the 15~~th~~ eth, or the 16~~th~~ th through the last day of the month.

Per diem/Diem: ~~means~~ the compensation, over and above the employee's wages, authorized for payment to cover the cost of an employee's ~~lodging and meals~~ and incidental expenses while on pre-approved Trust business, as defined in AAM 60.250.-

Performance Evaluation Report: ~~means~~ a systematic and periodic appraisal (not less than annually) in writing of an employee's work performance on forms prescribed by The Trust and the TLO.

Personnel File: ~~means~~ the official employee personnel file kept by the Department of Revenue and the Department of Natural Resources.

Personnel Officer: ~~means~~ ~~the~~ ~~Trust's~~ Administrative Manager and the TLO Business Manager.

Post Introductory (Post "I") Employee: ~~means~~ an employee who has satisfactorily completed the introductory period in accordance with these guidelines.

Promotion: ~~means~~ the movement of an employee from a position in one class to a position in another class assigned a higher salary range, or the movement to a higher range within a class.

Position: ~~means~~ paid employment in The Trust's service composed of specific duties and requiring the full-time or part-time services of an employee.

Position- Control Number (or PCN): ~~is the~~ unique number ~~assigned to~~ identify a ~~budgeted~~ position.

Range: ~~means~~ the pay range assigned to each position on the basis of the duties, responsibilities and qualifications required for the position as defined in the pay scale.

Reassignment: ~~is~~ a change of position or duties ~~and that~~ is not considered a demotion or promotion under these guidelines.

Reclassification: ~~means~~ the action taken to place an existing position in another job class due to changes in the requirements for the position, or as an amendment of the classification plan.

Resignation: ~~means~~ the voluntary termination of employment by an employee.

Retirement: ~~means~~ the voluntary termination of employment after the completion of a period of employment service or upon reaching a certain age as defined by the Public Employees' Retirement System applicable Statutes and Regulations.

State: ~~means~~ the State of Alaska.

Step: ~~means~~ the level of salary within a range authorized by the Chief Executive Officer or Executive Director.

Suspension: ~~means~~ an enforced leave of absence for disciplinary purposes or pending investigation.

Temporary Position: ~~means~~ a position established with an anticipated duration of less than ~~a four months~~ s period or a or one year ~~period;~~, depending on identified need.

Temporary Employee: ~~means~~ an employee hired into a position with an anticipated duration of less than ~~a four months~~ s period or a one year ~~period;~~, depending on identified need.

Termination: ~~means~~ the end of employment due to. ~~There are four types of termination:~~

- ~~1. Dismissal,~~
- ~~2. Layoff,~~
- ~~3. Resignation, or~~
- ~~4. Retirement.~~

The Trust: ~~means~~ the Alaska Mental Health Trust Authority, including the Trust Administrative Office, Trust Land Office, and Office of Long-Term Care Ombudsman, unless specifically stated otherwise.

Trust administrative office: the office tasked with providing support and administration to the Chief Executive Officer of The Trust and the Board of Trustees and is housed in the Department of Revenue.

Trust Land Office (TLO): the office which is tasked with Trust resource management, and is housed in the Department of Natural Resources.

Long-Term Care Ombudsman (LTCO): the Long-Term Care Ombudsman incumbent who is a member of the supervisory collective bargaining unit and manages the Office of Long-Term Care Ombudsman.

Unlawful Discrimination: ~~means~~ discrimination prohibited by State or Federal statute.

## Section 2. INTRODUCTORY PERIODS

**Objective:**—The introductory period for each employee is an integral part of the employment process and shall be utilized for closely observing the employee's work performance and for securing the most effective adjustment of the employee to the employee's position.

**Duration:** Except where specifically excluded elsewhere in these guidelines, all new hires and rehires, shall be subject to an introductory period of six (6) months of continuous service for employees in Ranges 13 and below, or twelve (12) months of continuous service for employees ~~in Ranges 14 and above.~~ The introductory period ~~for part-time employees is computed on a pro-rata basis (i.e., if an employee works half of a normal work week, the employee's introductory period is doubled).~~

For each period of leave without pay totaling 23 working days or more within the Introductory Period, whether taken consecutively or at separate times, the Introductory Period shall be increased by one month. For periods less than 23 working days, no change will be made in the Introductory Period.

An employee who is promoted to a higher level position in the same class series prior to the completion of the employee's introductory period ~~to a higher level position in the same class series~~ shall be deemed to have completed ~~the balance of their~~ introductory ~~period in the lower position by~~ the completion of an equal amount of service ~~(balance needed in the lower position)~~ in the higher position. If the higher position requires a longer introductory period, the employee is required to complete the additional introductory time in the new position.

Former employees do not have to complete an introductory period for a position in which they previously completed an introductory period, but do have to complete an introductory period for new positions.

**Performance Evaluation Report:**—Unless previously terminated, approximately two (2) weeks prior to the end of their introductory period, full-time employees shall receive from their immediate supervisor a copy of a written performance evaluation that includes a recommendation to the Chief Executive Officer or Executive Director to either terminate or continue the employee's employment.

**Dismissal During the Introductory Period:** At any time during an introductory period an employee may be dismissed from The Trust at the discretion of the Chief Executive Officer or Executive Director after prior notice to the employee. The reason(s) for the dismissal shall be given to the employee and placed in the employee's personnel file.

~~New employees dismissed during their introductory period have no appeal rights through the grievance procedure, except where the employee alleges the dismissal was due to unlawful discrimination. Allegations of unlawful discrimination must be appealed through the grievance procedure~~ outlined in (Section 19).

| Post Introductory (Post "I") Employees:—Post "I" status shall be granted to an employee upon satisfactory completion of the introductory period. If an employee is rehired to a position in which Post "I" status was previously held, the employee does not have to repeat the Introductory Period for that previously held position, but automatically attains Post "I" status.

If the employee is retained, the employee shall be given Post "I" status beginning the day after the end of satisfactory completion of the introductory period.

|

### Section 3. HOURS OF WORK

Scheduled Hours of Work:— Each supervisor, with ~~the prior~~ approval of the Chief Executive Officer or Executive Director, shall establish the scheduled hours of work for employees under their supervision within the parameters of The Trust's Alternate Work Schedule.— Employees shall document hours of work each Pay Cycle on time sheets and accompanying leave slips, where appropriate. Time sheets and leave slips, where appropriate, must be signed by the employee and approved by their supervisor.

Minimum Work Week for non-Alternate Work Employees:— ~~37½ and 1/2~~ hours of actual, authorized duty between midnight Sunday to the following Sunday at midnight shall constitute ~~the minimum work week for full-time employees with~~ recognition ~~for~~ authorized holidays and personal leave.

Minimum Work Week for Alternate Work Schedule Employees: ~~37½ and 1/2~~ hours of actual, authorized duty between 11:00 a.m. Friday to the following Friday at 11:30 a.m. shall constitute the minimum work week for full-time employees with recognition for authorized holidays and personal leave who select Friday as their regular day off. Alternate work week schedule requests are reviewed and approved on a case by case basis.

Normal Work Week: The normal work week shall consist of five consecutive work days, Monday through Friday.

Normal Work Day:— The normal work day shall consist of seven and one-half (~~7½-4/2~~) hours with the exception of those employees who are working under an alternate work schedule agreement. The Trust offices are open from 8:00 A.M. to 4:30 P.M. Monday through Friday.

Timesheets:— Timesheets must be completed by overtime eligible employees on or before the last work day of each Pay Cycle for that Pay Cycle.— Hours worked must be documented on the days actually worked and include all hours worked on each work day. Timesheets are not required for overtime ineligible employees.

Overtime:— Overtime compensation shall be paid at the employee's regular hourly rate for hours actually worked by overtime eligible employees in excess of 37.5 hours and up to 40 hours during the work week. Overtime compensation, at time and one-half the employee's hourly rate, will be paid for hours (approved in advance by the employee's supervisor) actually worked by overtime eligible employees in excess of 40 hours per week. Leave and holiday time is not considered worked for purposes of overtime compensation.

All overtime must be approved in advance by the employee's supervisor.— All hours of work performed by overtime eligible employees which fall between any Sunday midnight and the following Sunday midnight, with the exception of those under alternate work schedule agreement, whether regularly scheduled or authorized to meet peak



workloads or emergency situations, shall be included for payment during that work week if the full 37.5 hour work week is met.

~~Overtime compensation shall be paid at the employee's regular hourly rate for hours actually worked by overtime-eligible employees in excess of 37.5 hours and up to 40 hours during the work week. Overtime compensation, at time and one-half the employee's hourly rate, will be paid for hours (approved in advance by the employee's supervisor) actually worked by overtime-eligible employees in excess of 40 hours per week. Leave and holiday time is not considered worked for purposes of overtime compensation.~~

Other Employment:—Under the terms of the Alaska Executive Branch Ethics Act (AS 39.52), ~~if you are compensated for work in addition to your state employment, the work must be reported by July 1 of each year to the department's Ethics Supervisor.~~ Any volunteer or non-compensated work in addition to your state employment must be reported by July 1 of each year to the department's Ethics Supervisor ~~disclosed~~ if there is any possibility that the work might conflict with your official state duties.

Legal Holidays:—~~The following days are observed as paid Trust holidays for non-temporary employees:~~

- ~~(1)~~ the 1st of January, known as New Year's Day
- ~~(2)~~ the 3rd Monday in January, known as Martin Luther King, Jr. Day
- ~~(3)~~ the 3rd Monday in February, known as President's Day
- ~~(4)~~ the last Monday in March, known as Seward's Day ~~(5)~~
- the last Monday in May, known as Memorial Day
- ~~(6)~~ the 4th of July, known as Independence Day
- ~~(7)~~ the first Monday in September, known as Labor Day
- ~~(8)~~ the 18th of October, known as Alaska Day
- ~~(9)~~ the 11th of November, known as Veteran's Day
- ~~(10)~~ the fourth Thursday in November, known as Thanksgiving Day
- ~~(11)~~ the 25th of December, known as Christmas Day
- ~~(12)~~ every day designated by public proclamation by the President of the United States or the Governor of the State as a legal holiday.

If a holiday listed above falls on a Sunday, the following Monday shall be observed a holiday. If a holiday listed above falls on a Saturday, the preceding Friday shall be observed a holiday.

## Section 4. COMPENSATION

~~General:~~ The ~~Personnel Officer~~ shall maintain and administer a pay plan for all employee positions based upon, at a minimum, the State's exempt pay scale.

### Beginning Salary:

*New Employee:* The Chief Executive Officer or the Executive Director will approve a starting salary based on the position range and the recommendations of the hiring supervisor. Salaries will be based on experience and current market conditions for similar positions.

*Promoted Employee:* When an employee is promoted, the employee's salary shall at a minimum, provide a 2% increase in salary.

*Transferred Employee:* An employee transferred from one position to another position assigned to the same pay range shall be appointed, at minimum, at the same salary held prior to transfer and the employee's merit anniversary date shall remain unchanged.

*Demoted Employee:* An employee, who is demoted because of inability to perform satisfactorily at the higher level, or for any other reason, shall enter the new range at the salary assigned by the Chief Executive Officer or the Executive Director. The merit anniversary date of a demoted employee shall remain unchanged.

*Reclassified Employee:* An employee occupying a position which is reclassified to a different classification has the option to accept the reclassified position at the salary assigned by the Chief Executive Officer or the Executive Director.

Merit Anniversary Date: The merit anniversary date of all employees shall be the ~~sixteenth~~ 1st or the 16th of the month following completion of one year of service in their current position, including the introductory period. For each 172½-5 hours of non-worked time, for part-time employees, the merit anniversary date moves by one month. At the beginning of each merit year, the computation begins anew.

Merit Increases: Merit increases shall be based upon The Trust's evaluation of an employee's performance and are subject to approval of the Chief Executive Officer or Chief Operating Officer, or the Executive Director and the Chief Executive Officer for the TLO staff. A merit increase within the salary range may be, but is not required to be, given to an employee who has received a satisfactory rating or above on their performance evaluation. Such increases shall be based on merit and are not mandatory even if acceptable performance is observed.

For the first five years in a specific position with The Trust or Trust Land Office, merit increases within the salary range may be at twelve month intervals when an employee has demonstrated satisfactory service or a progressively greater value to The Trust. The actual rate of increase can be from 0 to 5%. Every year thereafter, an employee may be granted a merit increase of up to 2%.

~~Merit Increases within the salary range may be at twelve month intervals where an employee has demonstrated satisfactory service of a progressively greater value to The Trust within the discretion of the Chief Executive Officer or the Executive Director. The actual rate of increase can be from 0 to 5%.~~

The merit anniversary date does not change when a merit increase is not granted. If the employee's standard of performance reaches acceptable levels later in the merit year, the salary increase may be granted effective the sixteenth of the month in which The Trust determines "acceptable" performance and no change in the merit anniversary date will result.

When an employee's work performance becomes less than acceptable in the judgment of their immediate supervisor, an interim performance evaluation may be prepared.

~~When such an evaluation is prepared, the employee shall be made aware of the required improvements to be made in the employee's performance. If the employee's performance does not improve to an acceptable level within a specified period of time to be determined by the supervisor, the employee's salary may be lowered on the sixteenth day of the month following completion of the period allotted for improvement. Any determination to reduce an employee's salary shall be approved by the Chief Executive Officer or Chief Operating Officer, or the Executive Director and the Chief Executive Officer for the TLO staff.~~  
Chief Executive Officer or Chief Operating Officer, or the Executive Director and the Chief Executive Officer for the TLO staff  
~~Reducing an employee's salary is not~~

~~intended to be the exclusive remedy for substandard performance; The Trust may take other appropriate disciplinary action as described in Section 8.~~

Before a personnel action withdrawing salary is prepared, the employee shall be notified in writing that their performance has not improved and that such action is being taken.

If the employee's level of performance subsequently becomes acceptable, the salary reduction may be restored effective the sixteenth of the month in which The Trust determines "acceptable" performance, as documented in a performance evaluation. ~~Salary~~ sSalary restoration must be approved by the Chief Executive Officer or the Executive Director.

Cost of Living Increases: ~~Cost of living increases are subject to and dependent upon approval of such increases by the Chief Executive Officer or the Executive~~

Director of and approval of administrative budgets by the Board of Trustees and the Legislature.

Total Remuneration:—The salary paid to an employee shall represent the total remuneration for services rendered by the employee. Except as otherwise provided in these guidelines or unless approved in advance by the Chief Executive Officer or the Executive Director, no employee shall receive pay from the State in addition to the salary authorized under the schedule provided in the pay plan for services rendered by the employee either in the discharge of their ordinary duties or any additional duties which may be assigned to the employee by The Trust or which the employee may volunteer to perform.

Compensation includes payment for hours of authorized paid leave and holidays, in accordance with these guidelines.

Hourly and Semi-Monthly Rates:—Semi-monthly rates of pay shall normally be paid except that where the payment of semi-monthly rates for certain positions is not feasible for stated reasons, the Chief Executive Officer or the Executive Director may authorize payment of hourly rates for the positions concerned. Such hourly rates shall be computed from the semi-monthly rates established in the pay plan by the following formula:

$$\text{Hourly Rate} = \frac{\text{Semi-monthly rate} \times 24}{\text{No. of hours per work week} \times 52}$$

Rates for part-time service shall be proportionate to the rates for full-time service.

A full-time employee who works less than a full pay period will be paid a proportional part of the employee's semi-monthly salary based on the ratio of hours worked to the total number of hours in the pay period.

Overtime Compensation:—An employee who is overtime eligible ~~for overtime pay~~ in accordance with these guidelines and who is required to work in excess of 40 hours in a work week shall be compensated, at one and one-half times their hourly rate, as described in Section 3-~~above~~, for such excess hours worked.

Alternate Work Schedule:—An Alternate Work Schedule may be authorized to allow for the execution of duties outside the normal work week and outside an employee's normal work day, including under the Flexible Work Day Policy.—Flex time must be approved in advance by the employee's immediate supervisor or—the Chief Executive Officer and the Executive Director.

## Section 5. PERSONNEL EVALUATION AND TRAINING

Personnel Evaluation:—Performance levels established for personnel evaluation shall refer to the quality and quantity of work performed, the manner in which the service is rendered, the faithfulness of the employee to their duties, and such other characteristics measuring the value of the employee to The Trust.

The Chief Operating Officer or the Executive Director shall prescribe the nature, form, and frequency of the evaluation reports. To the extent possible, the Chief Operating Officer or the Executive Director shall provide for uniform application of evaluation criteria by different supervisors. All evaluations must be typed, signed and approved by the employee's immediate supervisor, and the ~~Chief Operating Officer~~, Chief Executive Officer or the Chief Operating Officer, or the Executive Director for the TLO staff.

The employee's immediate supervisor shall prepare draft personnel evaluation and provide the draft to that supervisor's immediate supervisor for review and approval.

The employee's immediate supervisor shall then discuss the evaluation with the employee to assist the employee to better understand what is expected, how the employee can improve, and how the employee is measuring up to the expectations for the position.

The reports and records of an employee's evaluation shall be filed in the employee's personnel file and may be open to inspection by the employee or the employee's designated legal representative. Trust officials authorized to act under the grievance procedure are ~~also~~ authorized ~~to~~ review ~~an~~ employee's ~~personnel~~ file. ~~With the exception of the employee's supervisor, any supervisor of the employee's supervisor, the Chief Executive Officer or the Executive Director and the Personnel Officer~~ personnel files are confidential and are not open to inspection by any other fellow employee or non-Trust personnel except by proper written demand based on proper judicial or statutory authority.

Reimbursement Agreement for Educational Costs:—Employees receiving approved training for which they desire reimbursement, travel, or educational costs to be paid by The Trust shall be required to sign an agreement with The Trust prior to the commencement of training or prior to any lawful obligation of payment for training,

whichever comes first. This agreement is intended to cover the costs associated with college or other education/training costs, not workshops and/or seminars required by The Trust. The requirement to sign a training agreement may be waived by the Chief Executive Officer or the Executive Director.

A training agreement will bind the employee to reimburse 100% of all related training expenses paid for by The Trust, if the employee fails to successfully complete the

training course (must receive a passing grade) or if the employee voluntarily leaves The Trust prior to the completion of training.—An employee who voluntarily leaves The Trust after the successful completion of training shall be bound to reimburse The Trust for related training expenses; ~~above greater than~~ \$500-00, paid for by The Trust according to the following:

- Terminates within 3 months of the date of graduation or successful completion of training, reimburse 100% of all expenses paid by The Trust.
- Terminates after 3 months but less than 6 months from the date of graduation or successful completion of training, reimburse 75% of all expenses paid by The Trust.
- Terminates after 6 months but less than 9 months from the date of graduation or successful completion of training, reimburse 50% of all expenses paid by The Trust.
- Terminates after 9 months but less than 12 months from the date of graduation or successful completion of training, reimburse 25% of all expenses paid by The Trust.
- No reimbursement is required if the employee remains in The Trust's employ for a period of at least 12 months from the date of graduation or successful completion of training.

The reimbursement may be deducted from the employee's final pay check.

## Section 6. LEAVE ACCRUAL AND LEAVES OF ABSENCE

~~Note: Senate Bill 95; approved in 2013 has not been enacted into law as of the publish date of this document. Some of the information provided (*IN ITALICS*) is subject to the adoption of regulations by the State of Alaska Personnel Board.~~

### Leave Accrual:

Full-time permanent employees of The Trust ~~(or sState)~~ first employed prior to 7/1/2013 accrue "Personal Leave" at the following rates:

- ~~1.~~ 7.5 hours for each full semi-monthly pay period if the employee has less than two
  - (2) years of state service.
- ~~2.~~ 8.44 hours for each full semi-monthly pay period if the employee has two (2) but less than five (5) years of state service.
- ~~3.~~ 9.38 hours for each full semi-monthly pay period if the employee has five (5) but less than ten (10) years of state service.
- ~~4.~~ 11.25 hours for each full semi-monthly pay period if the employee has ten (10) or more years of state service.

~~Accrual:~~ Full-time permanent employees of The Trust (or ~~st~~State) first employed on or after 7/1/2013 accrue "Personal Leave" at the following rates:

- ~~1.~~ 6.5625 hours for each full semi-monthly pay period if the employee has less than two
  - (2) years of state service.
- ~~2.~~ 7.5 hours for each full semi-monthly pay period if the employee has two (2) but less than five (5) years of state service.
- ~~3.~~ 8.44 hours for each full semi-monthly pay period if the employee has five (5) but less than ten (10) years of state service.
- ~~4.~~ 9.38 hours for each full semi-monthly pay period if the employee has ten (10) but less than 15 years of state service.
- ~~5.~~ 11.25 hours for each full semi-monthly pay period if the employee has ~~fifteen (-15)~~ or more years of state service.

Part-time employees accrue leave on a prorated basis as follows:

~~(tTotal hours in pay period for full-time employees) x (-x applicable accrual rate)~~ ~~Hhours Wwork~~

There shall be no accrual of leave for any pay period during which an employee is absent without approved leave.—The accrual will be adjusted for periods of

approved leave without pay.—No leave accrual is posted until after 30 days of employment.

Changes in the rate of accrual, as stipulated herein, shall take effect on the 16th day of the month immediately following the month in which the employee completes the prescribed period of service. This date is referred to as the leave anniversary date.

Application for Leave:—Applications for leave will be made on a form approved by the Personnel Officer.—Supervisors shall document approval of requested leave time by signing and dating the leave request form.

Posting of Leave Accrued and Taken:—Records of leave accrued and taken shall be maintained. An employee cannot use paid leave time before it has been earned and posted to the employee's leave record at the end of each pay period.

When authorized, all leave shall be documented by submitting the approved leave request form along with the appropriate time sheet for the effected pay period. These leave forms shall be retained ~~in the employee's personnel file~~ for reference and audit purposes for a period of 5 years.

Use of Leave:—With prior supervisory approval, an employee may take accrued and posted leave when The Trust's business makes such leave convenient. At least one week prior notice is required for leave in excess of five consecutive work days. Leave in excess of three weeks requires the advance approval of the Chief Executive Officer or the Executive Director.

#### Leaves and Holidays:

1.—If an employee is on leave without pay (LWOP) the majority of the day before or after a holiday, the employee is considered to be on leave without pay for the holiday.

2.—Personal leave credit is not deducted for holidays falling within a period of paid personal leave.

3.—An employee may not be paid for a holiday which falls after the effective date of the employee's termination, unless the holiday falls within the period covered by lump sum payment for personal leave. If the employee's termination is effective on a holiday because the employee worked on that holiday, the employee will be paid for that holiday.

4.—An employee's final day cannot be a leave day, unless it relates to illness (i.e., workers' compensation, family leave, sickness, etc.).

Medical Leave:—An employee may take personal leave for medical reasons upon notification to ~~the~~ ~~employee's~~ ~~supervisor.~~—The ~~supervisor~~ ~~may~~ ~~require~~



written notification from a physician to verify the medical leave requirement for an absence exceeding one day. Written notification may be requested to verify the employee's ability to safely return to work. ~~Employees must mark "sick leave" on their leave slips.~~

The following constitute "medical reasons" for taking accrued leave and are subject to the conditions noted:

- 1. ~~Illness or injury of an employee is a medical reason for taking accrued leave.~~ The supervisor may require a doctor's certificate in support of said leave.
- 2. ~~Illness or injury of a member of an employee's immediate family is a medical reason for taking accrued leave,~~ provided that the attendance of the employee is required. The supervisor may require a doctor's certificate in support of said leave.
- 3. ~~A medical condition of an employee which makes their presence at work a danger to the health of fellow employees is a medical reason for taking accrued leave.~~ The supervisor may require a doctor's certificate in support of said leave and to support a return to work.
- 4. ~~Death of a member of an employee's immediate family is medical reason for taking five days of accrued leave.~~ Additional days may be granted at the discretion of the supervisor.

An employee on approved medical leave will receive payment at their current salary to the extent that they have leave accrued. If wage continuation payments are made to the employee under the Alaska Workmen's Compensation Act, the amount of such payments shall be deducted from payments for leave. In such cases, accrued leave shall be charged only in the amount that payment is made for personal leave.

~~Leave Under the~~ Family and Medical Leave Act of 1993 and Alaska's Family Leave Act: The Trust complies with all requirements under the Federal Family and Medical Leave Act of 1993 and the Alaska Family Leave Act. The provisions of these acts are complex and employees are encouraged to consult with the Personnel Officer with respect to these acts' applicability to the employees' particular circumstances.

The following is a general description of rights under these acts:

*The Family ~~A~~and Medical Leave Act (~~Fmla~~FMLA)* requires covered employers to provide up to 12 weeks of unpaid job-protected leave to eligible employees for certain family and medical reasons. Employees are eligible if they have worked for The Trust or the State for at least one year and for 1,250 hours over the previous 12 months.

*The Alaska Family Leave Act* has certain requirements that the employee must meet to qualify. ~~A~~ qualified employee may take family leave of 18 work weeks during any 24-

month period for a serious health condition or 18 work weeks within a 12-month period following child birth or adoption.

*Reasons ~~For~~ for Taking Leave:* Unpaid leave must be granted for any of the following reasons:

- The birth of a child and to bond with the newborn child within one year of birth~~to care for the employee's child after birth~~, or placement for adoption or foster care and to bond with the newly placed child within one year of placement;
- ~~to~~ to care for the employee's spouse, son, daughter, or parent, who has a serious health condition; or
- ~~for~~ for a serious health condition that makes the employee unable to perform the employee's job.

At the employee's or The Trust's option, certain kinds of paid leave may be substituted for unpaid leave.

*Advance Notice ~~A~~ and Medical Certification:* The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if the requirements are not met.

• ~~The~~ The employee ordinarily must provide 30 days advance notice when the leave is foreseeable.

• ~~The~~ The Trust may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at The Trust's expense), periodic updates, and a fitness for duty report to return to work.

*Job Benefits ~~A~~ and Protection:*

• ~~For~~ For the first twelve weeks of FMLA leave, The Trust must maintain the employee's health coverage under any group health plan.

• ~~Upon~~ Upon return from FMLA leave, most employees must be restored to their original position or a position with equivalent pay, benefits and other employment terms.

• ~~The~~ The use of FMLA cannot result in the loss of any employment benefit that accrued prior to the start of the employee's leave.

*Unlawful Acts By Employers:* ~~F~~ FMLA makes it unlawful for The Trust to ~~to~~.

• ~~\_\_\_\_\_~~ interfere with, restrain, or deny the exercise of any right provided under FMLA; ~~or~~

• ~~\_\_\_\_\_~~ discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

#### *Complaints/Enforcement:*

• ~~\_\_\_\_\_~~ Employees may file a complaint with the State of Alaska, Department of Labor and if not brought to a satisfactory conclusion, with the U.S. Department of Labor, the federal agency authorized to investigate and resolve complaints of violations.

• ~~\_\_\_\_\_~~ An ~~eligible~~ ~~employee~~ ~~may~~ ~~bring~~ ~~a~~ ~~civil~~ ~~action~~ ~~against~~ ~~The~~ Trust ~~for~~ violations.

Court Leave: ~~\_\_\_\_\_~~ A full-time employee called to serve as a juror or subpoenaed as a witness is entitled to court leave at no loss of pay.

Court leave must be supported by written documents such as subpoena, marshal's statement of attendance, payment for jury duty, jury duty per diem and travel pay, etc.

An employee shall submit payment received from the Court for jury duty to The Trust's ~~\_\_\_\_\_~~ Personnel Officer.

Military Leave: ~~\_\_\_\_\_~~ An employee is entitled to a Military Leave of Absence without pay to serve in the Armed Forces of the United States and is entitled to the reemployment benefits granted under Section 9 of the Universal Military Training and Service Act, as amended, 50 USC Section 459.

An employee who is a member of a reserve component of the United States Armed Forces is entitled to a leave of absence without loss of pay, time, or performance rating on all days during which the employee is ordered to training duty, as distinguished from active duty, with troops or field exercises, or for instruction; ~~\_\_\_\_\_~~ ~~I~~ the leave of absence with pay shall not exceed 16~~½~~~~-1/2~~ working days in any calendar period beginning January 16 and ending the following January 15.

Leaves of Absence Without Pay: ~~\_\_\_\_\_~~ Upon application by an employee, a leave of absence without pay may be granted by the Chief Executive Officer or the Executive Director for disability because of sickness or injury. Such leave shall be limited to one month for each full month of service to a maximum of 24 months. The Trust, from time to time, may require that the employee submit a certificate from the attending physician or from a designated physician. In event of a failure or refusal to supply such certificate or if the certificate does not clearly show sufficient disability to

preclude the employee from the performance of the employee's duties, The Trust may cancel such leave without pay and require the employee to report for duty on a specified date.

Employees may be granted leave without pay, not to exceed a total of 12 months, on the basis of applications for leave without pay approved by the Chief Executive Officer or the Executive Director. Such leave shall be granted only when it will not result in undue prejudice to the interests of The Trust beyond any benefits to be realized.

When a leave of absence for travel or study will equip the employee to render more effective service to The Trust deemed beneficial to the interests of The Trust and where the leave exceeds 6 months, The Trust may keep the position open by hiring a temporary or part-time employee on a substitute basis to perform the necessary duties of the position, until the return of the employee.

Cancellation of Leaves of Absence:—All leaves of absence without pay may be canceled by The Trust upon written notice to the employee specifying a reasonable date of termination of the leave. The Chief Executive Officer or the Executive Director, upon prior notice to the employee, may cancel an approved leave of absence if the Chief Executive Officer or the Executive Director finds that the employee is using the leave for purposes other than those specified at the time of approval.

Effect of Leave Without Pay on Anniversary Date:—The leave anniversary date and the merit anniversary date of an employee shall be set forward one month for any leave without pay totaling 172-~~5~~<sup>1</sup>/<sub>2</sub> hours in the leave year.

Mandatory Usage of Accrued Leave:—Leave accrued but not used shall carry over from one year to the next and accumulate until separation from service. However, at least ~~five consecutive~~ten (10) days of personal leave must be used each leave year (December 16th through December 15th).—Employees and their ~~supervisors~~ shall be ~~advised~~ on or before ~~November~~October 16th of each year how many days of personal leave must be used to fulfill the ten (10)-day minimum requirement.—~~if the employee has not yet met the five consecutive day minimum requirement. If the employee does not schedule the mandatory five consecutive days of leave, the supervisor may direct that the leave be taken to satisfy the five consecutive day requirement.~~—If the employee does not schedule the mandatory ~~ten (10)~~ 10-days of personal leave or remainder of it, the employee's supervisor may direct the employee to use the appropriate amount of personal leave to satisfy the 10-day requirement.

If at the end of the leave year the employee has failed to use the ~~ten (10)~~ days of personal leave required, the difference between ~~ten (10)~~ days and the amount of personal leave actually used and its cash value will be deducted from the employee's personal leave account and cash value balances.—No payment will be made to the employee for the personal leave that was deducted.

Five or fewer days of personal leave cashed-in may be applied to the employee's mandatory personal leave requirement.

#### Accumulation of Personal Leave:

#### Maximum Accumulation Limit and Mandatory Leave Usage:

- If ~~your~~an employee's leave balance as of December 16, 2013 is 400 hours or less, then ~~your~~their Maximum Accumulation Limit is 1,000 hours as of 12/16 of each leave year, and ~~your~~their Mandatory Leave Usage each leave year is 10 days.
- If ~~your~~an employee's leave balance as of December 16, 2013 is more than 400 hours, then ~~they~~you are ~~e~~Exempt from the 1,000 hour limit ~~UNTIL~~until such time as the personal leave balance is equal to or less than 400 hours on 12/16 of any leave year. ~~— Your~~Their Mandatory Leave Usage each leave year while it is above 400 hours is 15 days.

Leave Cash-in:—Employees who have accumulated at least ~~5—five (5)—~~days ~~or~~ (37½-5 hours) of accrued leave have the option to cash-in personal leave ~~up to six or fewer~~ times in a leave year (December 16~~th~~ through December 15~~th~~).—The employee's leave balance will be reduced by the number of days and the leave cash value reduced on a first-in-first-out

basis (the value of the leave accrued earliest shall be subtracted first).—The amount paid to the employee will be the value reduced from the leave balance.—Leave cash-in's must not reduce the employee's leave balance to less than five days.

Donation of Leave:—Employees—may—donate—accrued—personal—leave—to another employee for medical leave purposes only.—Donated leave will be deducted from the donor's account and credited to the recipient's leave account during the next payroll period.; ~~t~~The amount of donated leave is based upon the hourly rate of the donor at the time of transfer; the total donation in hours by the donor will be transferred to the recipient in equal dollar amount but translated into hours based upon the recipient's hourly rate at the time of transfer. As an example, a 15 hour donation by one staff member may translate into 20 hours for the recipient.—Leave donations must be submitted on the appropriate form available from the Personnel Officer. No leave is transferable or usable until properly posted.

Leave donatedion does not reduce the mandatory leave requirements stated earlier in this Guide.

Accrued Leave upon Termination:—An employee shall receive a lump sum payment within 30 days of termination for any unused, accrued personal leave. Compensation for leave balances shall equal the leave cash value of the employee's leave account at the time of termination.

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## Section 7. TERMINATION, DEMOTION AND SUSPENSION

Termination:—The Trust employees may be terminated from employment due to retirement, resignation, layoff, or dismissal.

Retirement:—Employees are eligible for retirement in accordance with applicable statutes and the regulations of the Public Employees Retirement System. Retirement must be voluntary with the employee.

Resignation: Employees are normally required to give The Trust written notice at least 14 calendar days prior to the effective date of resignation. Resignations may be rescinded with the approval of the Chief Executive Officer or the Executive Director. Additionally The Trust will consider an employee to have resigned employment if the employee does either of the following:

- 1.—Does not return from an approved leave of absence on the date specified by The Trust; or
- 2.—Fails to report to work and fails to call in for three or more consecutive work days.

Layoff:—The Trust may lay off an employee if the employee's position is abolished, if there is a shortage of work or funds, or for other reasons outside the employee's control that do not reflect discredit on the services of the employee. At a minimum, the Personnel Officer will attempt to provide a minimum 14 day written notice of layoff to affected employees. Layoff notices will be in writing and state the reason for layoff.

Dismissal:—An employee may be dismissed at any time with the written approval of the Chief Executive Officer or the Executive Director. The employee shall be advised in writing of the reason for the dismissal. Except as specifically provided elsewhere in these guidelines, only Post "I"—employees may utilize the grievance procedure to appeal a dismissal.

Suspension:—As a disciplinary action, the Chief Executive Officer or the Executive Director may suspend any employee by putting the employee on leave without pay status. The employee will be notified in writing prior to suspension; the reason for suspension will be given at that time. Except as specifically provided elsewhere in these guidelines, only Post "I" employees may utilize the grievance procedure to appeal a suspension.

An employee suspended without pay is not eligible for leave accrual for the suspended time.

Demotion:—An employee may be demoted because of inability to satisfactorily perform their work or for any other job related reason, with the written approval of the

Chief Executive Officer or the Executive Director. The employee shall be advised in writing of the reason for the demotion.

Except as specifically provided for elsewhere in these guidelines, only Post "I" employees may utilize the grievance procedure to appeal a demotion.—Post "I" employees will maintain their Post "I" status when entering the demoted position, if it is in the same class series, and maintain the merit anniversary dates established in the higher position from which the employee was demoted.

Voluntary Demotion:—A Post "I" employee may request in writing a voluntary demotion to a lower class of position in the same series of positions. If approved by the Chief Executive Officer or the Executive Director, Post "I" will maintain their Post "I" status in the lower position, along with their established merit and leave anniversary dates from the former position.

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## Section 8. PROGRESSIVE DISCIPLINE

Where appropriate, ~~the Trust will follow progressive disciplinary procedures.~~  
~~progressive discipline will be followed by The Trust.~~ Depending upon the facts and circumstances involved in each situation, disciplinary action may begin at any step. In general, however, disciplinary action may follow this pattern:

1. ~~1. — Oral Verbal~~ Warning: For minor infractions, the employee may be issued a ~~verbal~~ ~~oral~~ warning by the employee's supervisor. — If the situation does not improve within a reasonable time (one to four months, depending on the seriousness of the issue), the supervisor may reissue the warning, or implement a more severe option.
2. ~~2. — Written Warning:~~ For repeated minor infractions, or a more substantial infraction, the employee may be issued a written warning. — The CEO/COO or the Executive Director must approve the written warning prior to it being given to the employee. If the situation does not improve within a reasonable time (one to four months, depending on the seriousness of the issue), the supervisor may reissue the warning or take the steps required to suspend or discharge the employee.

The written warning will be prepared and provided to the employee prior to a disciplinary interview with the employee. The employee will be given an opportunity to comment in writing and will be asked to sign the warning, acknowledging receipt. Five copies of the warning will be distributed as follows:

- ~~A. — Employee.~~ ~~B.~~
  - ~~Supervisor~~
  - ~~Personnel Officer~~
3. —
4. ~~C. — Personnel Officer.~~
- ~~D. — CEO/COO or Executive Director.~~
  - ~~E. — Personnel File.~~

3. —

- ~~5-3.~~ Suspension: For major infractions, or failure to respond appropriately to prior disciplinary action, suspension without pay may be the appropriate recourse. Written approval of the supervisor's supervisor, with written notification to the Chief Executive Officer CEO/COO or the Executive Director must be obtained prior to the suspension of an employee under any circumstances.

If events compel a supervisor to take immediate action when discharge or other disciplinary action appears possible, the supervisor may immediately suspend the employee, pending conclusion of the investigation. The employee will be required to leave the premises immediately. The CEO/COO Chief Executive Officer or the Executive Director will be notified immediately. The

investigation will be conducted at the direction of the ~~Chief Executive Officer~~  
~~CEO/COO~~ or the Executive Director.

- ~~6.4.~~ *Discharge:* For major infractions, or continued failure to respond appropriately to prior disciplinary action, discharge may be warranted. Written approval of the supervisor's supervisor, and the Chief Operating Officer ~~CEO/COO~~ or the Executive Director must be obtained prior to the discharge of an employee under any circumstances.

~~7.4.~~

#### Other Disciplinary Procedures

~~1. *Suspension:* If events compel a supervisor to take immediate action when discharge or other disciplinary action appears possible, the supervisor may immediately suspend the employee, pending conclusion of the investigation. The employee will be required to leave the premises immediately. The CEO/COO or the Executive Director will be notified immediately. The investigation will be conducted at the direction of the CEO/COO or the Executive Director.~~

~~2. *Documentation:* Documentation of disciplinary action will become part of the employee's personnel record.~~

~~3. *Discharge:* Without limiting the discretion of Trust supervisory personnel, the following are examples of conduct that may result in immediate discharge without warning:~~

- ~~A.~~ Malicious or willful destruction or damage to Trust property or supplies, or to the property of another employee, a customer, or a visitor.
- ~~B.~~ Stealing or removing without permission Trust property or property of another employee, a customer, or a visitor.
- ~~C.~~ Obtaining a job by lying or giving false or misleading information; falsifying any employment documents or records, including an employee's time records; and other acts of dishonesty.
- ~~D.~~ Bringing or possessing firearms, weapons, or other hazardous or dangerous devices or substances onto Trust property without proper authorization.
- ~~E.~~ Insubordination, including improper conduct toward a supervisor or refusal to perform tasks assigned by a supervisor.
- ~~F.~~ Fighting on Trust property.
- ~~G.~~ Harassing, threatening, intimidating, or coercing a supervisor, another employee or a member of the public on The Trust's premises.

Documentation of disciplinary action will become part of the employee's personnel record.

## Section 9. PERSONNEL RECORDS AND PRIVACY

Changes in Status:—All changes of legal name, address and/or telephone number must be reported immediately to the Personnel Officer.

Personnel Files:—Access to personnel files is restricted to the employee, the employee's designated legal representative, the employee's supervisor, any supervisor of the employee's supervisor, the Chief Operations Officer, the CEO/~~COO~~ or the Executive Director and the Personnel Officer.

~~Information Request and~~ Employment References:—~~Verbal or written requests for information from employee files received from outside The Trust, including requests for~~ references of current or former employees, will be directed to the supervisor or the Personnel Officer. ~~Human Resources Section. Supervisors and o~~Other employees are prohibited from providing ~~personal or~~ employment references on ~~ex-employees or~~ current or former employees.

~~1. Telephone Inquiries. Information will be verified by the Human Resources Section via telephone, but will be limited to the following:~~

- ~~• date of hire and date of separation~~
- ~~• most recent job title~~

~~2. Written Inquiries. If the request for information is in writing at the employee's request, salary information will be verified in addition to the above. This verification will be in writing and a copy retained in the employee's file.~~

~~3. References with Written Approval. With written approval of the employee or ex-employee, salary, job chronology and performance information may be released in writing only. This will be explained to separating employees by the Human Resources Section at the exit interview and employees will be given the opportunity to sign a release if they so choose.~~

Information Requests: Requests for information from employee files received from outside The Trust will be directed to the department's Human Resources Section. Information will be verified via telephone, but will be limited to the following:

- date of hire
- date of separation
- most recent job title

If the request for information is in writing at the employee's request, salary information will be verified in addition to the above. This verification will be in writing and a copy retained in the employee's file.

With written approval of the employee or ex-employee, salary, job chronology and performance information may be released in writing only. This will be explained to

separating employees by the Human Resources Section at the exit interview and employees will be given the opportunity to sign a release if they so choose.

Release and Examination of Personnel Records:— Trust personnel records, including employment applications, are confidential and generally are not open to public inspection.

The following information, however, is generally available for public inspection during office hours by contacting the Human Resources Section:

- ~~1.~~ The names and position titles of all Trust employees;
- 
- ~~2.~~ The position held by a Trust employee;
- 
- ~~3.~~ Prior positions held by a Trust employee;
- 
- ~~4.~~ The dates of appointment and separation of a Trust employee; and
- ~~5.~~ The compensation authorized for a Trust employee.

A Trust employee has the right to examine their own personnel file and may designate legal representatives to examine those files.

## Section 10. EMPLOYMENT OF IMMEDIATE FAMILY

~~General:~~ Applications for employment from Immediate Family will be considered with other qualified applications when personnel vacancies occur. ~~Some restrictions in job placement will apply to help prevent problems of supervision, safety, security and morale.~~

Policy:

- ~~1.~~ Immediate Family will not be hired into the office where they directly or indirectly supervise or are supervised by another family member.
- ~~2.~~ Immediate Family will not be placed in positions where they have access to sensitive or confidential information regarding other Immediate Family.
- ~~3.~~ If employees become related after employment and a conflict such as described ~~in 1. or 2. above~~ exists, ~~or~~ if a reorganization creates such a conflict, reasonable time will be provided to resolve the matter voluntarily or by transfer of one of the employees or some other method.

## Section 11. PROHIBITIONS AND PENALTIES

Code of Ethics:—Alaska Statute, AS 39.52, enacted in 1987, as amended in 1998, applies to all "public officers," that is, all current and former executive branch public employees and members of statutorily created boards and commissions. Accordingly, this Act and the regulations adopted there under apply to all Trust employees.—This law does not discourage independent pursuits, as long as those activities are arranged so that employees do not benefit financially or personally from their actions as public employees.—Employees are required to carefully review the Act and the regulations promulgated there under. If you are involved in outside employment or activities that may appear to be in conflict with the public trust, contact the Department of Law, ~~Box K, Juneau, Alaska 99811 or call 465-3600~~ for more information. (The general headings covered ~~in the Code of Ethics~~ include ~~misuse of official position; improper gifts; improper use or disclosure of information; improper influence in state grants, contracts, leases or loans; improper representation; outside employment restricted; and, restrictions on employment after leaving state service.~~)

Outside Employment:—An employee must complete, submit, and have an approved Ethics Disclosure Form available from the Personnel Officer prior to accepting or engaging in paid or unpaid private employment or rendering services for private interests. Approval for outside employment and services is at the discretion of the Chief Executive Officer or the Executive Director or their designee. The Ethics Disclosure Form must be re-submitted and re-approved by July 1 each year.

Securing of Positions:—No person may give, render, pay for, offer, solicit, or accept any money, service, gift or other object of value in connection with any Trust employment decision or condition.

Party Assessments:—No person may require any assessment, subscription, contribution, or service for any political party from any Trust employee.

Party Endorsement:—~~No person may seek or attempt to use any political party endorsement in connection with any Trust employment decision or condition.~~

Post Trust Employment:—Any employee who leaves The Trust service may not, for two years after leaving The Trust service, represent, advise, or assist a person for compensation regarding a matter that was under consideration by The Trust and in which the employee participated personally and substantially through the exercise of the employee's work duties. See AS 39.52 for additional information on restrictions.

Nomination and Candidacy:—Any employee who seeks nomination or becomes a candidate for any statewide elective political office (other than a non-partisan office in a local governmental unit) shall immediately resign the employee's position.

Misrepresentation:—No employee shall knowingly make false statement, certificate, mark, rating or report with regard to any test, certification, employment decision, or other official Trust action.

Rights of Others:—An employee shall not defeat, deceive, or obstruct any other Trust employee or other individual's right to examination, eligibility, certification, appointment, or promotion under these guidelines.

Investments:—An employee shall not own, or invest, or hold any investment directly or indirectly in a financial, business, commercial or private entity or transaction in which the employee's duties with The Trust may include taking or withholding official action related to the business, entity or transactions.

Use of Information:—No employee shall use information peculiarly within the employee's knowledge or purview concerning the property, government or affairs of The Trust to advance the financial or other private interest of himself or others.

Use of Office Technologies:—The Trust provides various office technology, including but not limited to voice mail, electronic mail, and Internet access, to enable employees to further The Trust's interest. Personal use of office technology shall be kept to a minimum.— Usage of provided technologies must comply with the State's Information Security Policy Business Use/Acceptable Use ISP-172. The Trust may routinely monitor usage and report such uses to appropriate Supervisors and the Chief Executive Officer, Chief Operating Officer, or Executive Director.

Gifts and Favors:—No employee shall accept any form of salary, payment, gift, loan, or any gratuity for the performance of their duties, other than the salary paid by The Trust. The cumulative value of gifts (whether in the form of money, service, loan, travel, entertainment, hospitality, employment, promise or any other form) an employee may accept in any calendar year shall not exceed \$500 from any individual, organization or combination of individuals and organizations representing identical or similar interests, upon whom the employee may take or withhold action. Employees may not accept a gift with a value in excess of \$50 from a giver, upon whom the employee may take or withhold action, if the gift benefits the employee's personal or financial interests and is given under circumstances in which it could reasonably be inferred that the gift is intended to influence the performance of official duties, actions or judgment.—All gifts over \$50 must be disclosed to the Chief Executive Officer or the Executive Director or their designee on an Ethics Disclosure form within 30 days after its receipt.

Purchases of Commodities and Services:—No employee may be a party to the purchase of or influence the purchase of goods or services by The Trust from any person, company or business in which they have a substantial financial interest unless approved in advance by the Chief Executive Officer or the Executive Director. Such approval shall be in written form and be open to inspection by the public.



Legal Counsel:—No employee may retain private legal counsel at the expense of The Trust for advice or defense in any matters regarding the employee's job performance or exercise of official duties without the prior approval of the Chief Executive Officer or the Executive Director.

## Section 12. VEHICLE PARKING AND USAGE

Employee Parking: The Trust shall provide reasonable parking for employees.

Incidental Use of Private Vehicle:—It is The Trust's policy to utilize courier services for Trust errands to the maximum extent possible. Use by an employee of the employee's personal vehicle for Trust purposes will only be permitted in limited circumstances. It is The Trust's policy to use rental cars when deemed necessary.

Employees are expected to comply with the State of Alaska's mandatory insurance requirements. An employee using their vehicle for Trust purposes can receive reimbursement at a flat rate per mile (~~per mile rate equals~~ the lower of that currently recognized by the IRS or the State of Alaska ~~Administrative Manual~~ travel mileage rate in AAM 60.140). The rate paid by The Trust for use of personal automobiles covers all operating, maintenance, and insurance costs.

The Trust will respond to claims for damage or injury as a result of personal use of a private vehicle in limited circumstances, i.e., only in a third-party liability situation, and then ~~only to act as excess insurer to supplement existing liability~~ insurance the employee has previously obtained. In order for The Trust to respond, the employee must be on bona fide Trust business and it must be established that the employee's negligence was the proximate cause of the accident.

Generally, The Trust does not pay for damages to an employee's vehicle or personal injury to the employee (other than as may be required by Workers Compensation laws). In ~~the discretion of the Chief Executive Officer or the Executive Director~~ after consultation with the State of Alaska Division of Risk Management, however, The Trust may pay for such damages in a particular case and then only as an excess insurer to supplement existing insurance and only to the extent determined by the Chief Executive Officer or the Executive Director.

## ~~Section 13. SMOKING~~

~~Smoking is not permitted within any Trust building or office. Smoking outside of The Trust will be confined to designated smoking areas.~~

## Section 14. OFFICE CONDUCT

Employees shall conduct themselves in a courteous, organized and professional manner. Personal phone calls and visitations shall be kept to a minimum; such activities must not interfere with the employee's ability to accomplish assigned duties, meet deadlines, or hinder the work performance of fellow employees in the execution of their duties.

The following Standards of Conduct are established for the guidance of all employees. This list is intended to be representative of the types of activities which may result in disciplinary action. It is not intended to be comprehensive and does not alter the "employment at will" relationship between the employee and The Trust.

Infractions may lead to disciplinary action up to and including discharge:

### Breaches of Standards of Conduct:

- ~~1.~~ Falsification of Trust records including, but not limited to, employment application or timesheets.
- ~~2.~~ Unauthorized possession of Trust or another employee's property or fraud.
- ~~3.~~ Gambling or carrying weapons or explosives on Trust premises.
- ~~4.~~ Fighting, throwing things, horseplay, practical jokes or other disorderly conduct which may endanger the well-being of any employee or Trust operations.
- ~~5.~~ Threatening, ~~intimidating,~~ ~~coercing,~~ ~~using abusive~~ ~~or~~ ~~lewd~~ language, ~~or~~ interfering with the job performance of fellow employees.
- ~~6.~~ Insubordination ~~or~~ ~~refusal to~~ ~~comply with~~ instructions ~~or~~ failure to ~~perform~~ reasonable duties which are assigned.
- ~~7.~~ Unauthorized use of Trust materials, time or equipment.
- ~~8.~~ Conduct by the employee which The Trust feels reflects adversely on The Trust.
- ~~9.~~ Performance which in The Trust's opinion, does not meet the requirements of the position.
- ~~10.~~ Engaging in such other practices as may be inconsistent with the ordinary and reasonable rules of conduct necessary to the welfare of The Trust and its employees.

- ~~11.~~ Other circumstances in which The Trust feels that discipline is warranted.
-

## Section 15. DRUG-FREE WORKPLACE

It is The Trust's policy to provide a drug-free workplace. Any employee who unlawfully manufactures, distributes, uses or dispenses a controlled substance at the workplace or during working hours is subject to discipline including immediate dismissal.

Any employee under the influence of illegal drugs or alcohol which impairs judgment, performance or behavior while on Trust premises or while on Trust business is subject to progressive disciplinary action up to and including dismissal.

An employee who has been convicted of an offense at the workplace involving a controlled substance must report that conviction to The Trust within two working days; an employee who fails to make this report is subject to progressive disciplinary action up to and including dismissal.

Smoking is not permitted within any Trust building or office. Smoking outside of  
The~~any~~  
Trust building or office will be confined to designated smoking areas.

## Section 16. WHISTLEBLOWER ACT

Trust employees who wish to report certain matters of public concern involving The Trust or any other State agency including, a violation of a State, Federal, or municipal law, ~~regulation, or ordinance;~~ ~~a danger to public health or safety;~~ gross mismanagement, a substantial waste of funds, or a clear abuse of authority; may be afforded protection under the Alaska Whistleblower Act. The provisions of this Act are found under Alaska Statute, Title 39 (AS 39.90.100-150).

In general, the Act requires an employee to first report the matter in writing to the employee's supervisor, unless the employee's supervisor is the source of the concern; in that case, the matter should be reported to the Chief Executive Officer or the Executive Director.

## Section 17. BENEFITS

Eligible employees are entitled to participate in several State benefit packages:

- ~~Alaska Care Health Plans (employer provided, with optional programs)~~
- Life Insurance (employer provided)

~~Life Insurance (employer provided)~~

- Alaska Public Employees' Retirement System (PERS) (mandatory)
- ~~Supplemental Benefits System (SBS) (mandatory)~~
- Deferred Compensation Plan (DCP) (optional)

For more information on these benefit packages, contact the State of Alaska, Division of Retirement and Benefits or the Personnel Officer.

## Section 18. SEXUAL HARASSMENT

The Trust complies with the State of Alaska's Executive Branch Policy on Sexual Harassment and Other Discriminatory Harassment. A copy of the ~~Policy~~ policy is posted on The Trust bulletin board.

## Section 19. GRIEVANCE PROCEDURE

Any employee who has completed ~~the employee's~~ introductory period during the employee's current tenure of employment with The Trust and who has a grievance relating to their position, working conditions, discipline, or employment over which The Trust may lawfully exercise discretion or any person who alleges they are subject to an unlawful act of discrimination must use this grievance procedure as the means for settling the dispute prior to seeking outside legal counsel, except where such prior or concurrent legal counsel is specifically authorized or required by law.—It is anticipated that prior to reducing a grievance to writing an employee will attempt to work with their supervisor up through the chain of command, or the Personnel Officer.

Employees covered by these procedures shall have the freedom to seek adjudication of their ~~grievances~~ without ~~fear~~ of ~~restraint~~, ~~interference~~, ~~coercion~~, ~~discrimination~~ or reprisal. This principle applies equally to any employee taking part in the presentation and adjudication of a grievance. There shall be no retaliation for good faith use by an employee of these Grievance Procedures.

Failure by the grieving party to follow the time limitations identified in each Step of this grievance procedure shall constitute a withdrawal of the grievance by the employee and terminate further recourse under these procedures. Failure by The Trust to follow the time limitations identified in each Step of this grievance procedure shall, at the request of the employee, advance the grievance procedure to the next step in the process. Deadlines may be extended by written agreement of the employee and employer representative.

*Step 1:*—The employee shall present the grievance in writing to the immediate or acting supervisor, if the immediate supervisor is unavailable, within five working days of the grieved act or the date the employee becomes aware of the act. The supervisor will attempt to resolve the grievance and will issue a written finding to the employee within ten (10) working days after presentation of the grievance.

*Step 2:*—If ~~not~~ satisfied ~~with~~ the ~~report~~ of ~~the~~ supervisor ~~under~~ Step 1, ~~the employee shall within five~~ (5) ~~working days after the written response~~ is issued by the supervisor is due, submit the grievance in writing to the ~~Chief Executive Officer or the Executive Director~~, including a statement of desired relief.

The Chief Executive Officer, ~~or the Executive Director~~, <sup>+</sup> or their designee will investigate, in consultation with the Personnel Officer or Human Resources Manager as needed, the grievance and provide the grievant a written determination within ten (10) working days from the receipt of the grievance.

~~<sup>+</sup>Actions to be performed by the Chief Executive Officer or the Executive Director within the Grievance Procedure may be performed either by themselves or their designee~~

The decision is final in all cases.