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Wayne  
3/10/09

**CS FOR HOUSE BILL NO. 77( )**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-SIXTH LEGISLATURE - FIRST SESSION**

**BY**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVES MILLETT, Holmes, Dahlstrom**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act allowing certain public employees to take leave without pay to volunteer with**  
2 **the American Red Cross in a disaster."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **\* Section 1.** AS 23.30.244 is amended by adding a new subsection to read:

5 (d) A person who is injured during the course and within the scope of  
6 providing service as an American Red Cross volunteer while on leave without pay  
7 from state service under AS 39.20.285 is not an employee of the state for purposes of  
8 a claim under this chapter for compensation for that injury.

9 **\* Sec. 2.** AS 39.20 is amended by adding a new section to read:

10 **Sec. 39.20.285. Leave without pay for disaster relief.** (a) Notwithstanding  
11 AS 39.20.310(1) - (3) and (6) - (8), an employee may take leave without pay not to  
12 exceed 15 regularly scheduled work days in a calendar year to volunteer with the  
13 American Red Cross while that organization is providing relief from a disaster located  
14 in the state.

1 (b) Leave without pay under this section is subject to approval by the  
2 supervisor of the employee who requests it; however, approval may not be  
3 unreasonably withheld.

4 (c) While on leave without pay under this section,

5 (1) an employee is not eligible to accrue state employee pay and  
6 benefits;

7 (2) the employee, for the limited purpose of ensuring that the  
8 employee's eligibility for employer-provided group health or group life insurance is  
9 unaffected by the leave, shall be considered to be in pay status.

10 (d) Notwithstanding (g) of this section, an employee of the Alaska Housing  
11 Finance Corporation or the Alaska Railroad Corporation is not eligible for leave  
12 without pay under this section.

13 (e) A claim by an employee for an injury the employee sustains while on leave  
14 without pay under this section is subject to the limitations of AS 23.30.244(d).

15 (f) The director of personnel in the Department of Administration shall adopt  
16 regulations to carry out the purposes of (a) - (d) of this section.

17 (g) In this section,

18 (1) "disaster" means an event or circumstance that has been formally  
19 designated a disaster at level II or higher by the American Red Cross;

20 (2) "employee" means an employee of a branch of state government,  
21 including the University of Alaska, whether the employee is a permanent,  
22 nonpermanent, or temporary employee.

23 \* **Sec. 3.** AS 39.20.310 is amended to read:

24 **Sec. 39.20.310. Exceptions.** Except as provided in AS 39.20.275 **and**  
25 **39.20.285**, AS 39.20.200 - 39.20.330 do not apply to

26 (1) members of the state legislature, the governor, the lieutenant  
27 governor, and justices and judges of the supreme and superior courts and of the court  
28 of appeals, but nothing in AS 39.20.200 - 39.20.330 may be construed to diminish the  
29 salaries fixed by law for these officers by reason of absence from duty on account of  
30 illness or otherwise;

31 (2) magistrates serving the state on less than a full-time basis;

1                   (3) officers, members of the teaching staff, and employees of the  
2 University of Alaska;

3                   (4) persons employed in a professional capacity to make a temporary  
4 and special inquiry, study, or examination as authorized by the governor, the  
5 legislature, or a legislative committee;

6                   (5) members of boards, commissions, and authorities who are not  
7 otherwise employed by the state;

8                   (6) temporary employees hired for periods of less than 12 consecutive  
9 months;

10                  (7) persons employed by the division of marine transportation as  
11 masters and members of the crews operating the state ferry system who are covered by  
12 collective bargaining agreements as provided in AS 23.40.040, except as expressly  
13 provided by law;

14                  (8) persons employed by the state who are covered by collective  
15 bargaining agreements as provided in AS 23.40.210, except as expressly provided by  
16 law.