

ALASKA STATE LEGISLATURE

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REPRESENTATIVE ANDY JOSEPHSON

HB130: Flexible Time Credit for Classified Employees

Sponsor Statement

Within the state's workforce, many employees are eligible for overtime compensation when they work more hours than their standard work week. Many others are not. The distinction is generally based on the federal Fair Labor Standards Act (FLSA). Generally, more senior employees who are classified as "executive, administrative, or professional" are exempt from FLSA protection and thus ineligible for overtime pay.

In practice, this has resulted in circumstances where an employee gets promoted to a more senior position within their same agency and work group, and in doing so progresses into a new job classification ineligible for overtime. Because of this, some employees have experienced substantial pay cuts following a promotion.

In partial compensation for this circumstance, many public employee contracts provide for Flexible Time Credit, generally known as "compensatory time" or "comp time," enabling employees to take additional paid time off, without using their accrued leave, in exchange for the additional time worked. However, most current agreements do not fully and equally compensate employees for their time. In some agreements, comp time is earned for only a fraction of the actual extra hours worked. In others, there is a "gap" where no time is earned on the first several extra hours per week.

HB130 is intended to correct this shortcoming. It requires that all future bargaining agreements provide for flexible time credit to accrue for all extra hours worked.

This requirement is limited to executive branch employees who are covered by a bargaining unit agreement, but ineligible for overtime compensation. It would not apply to exempt (non-covered) executive branch employees, nor would it apply to legislative or judicial staff. Employees with nontraditional schedules requiring them to remain in the workplace for 24 hour or longer periods would also not be covered by this bill.