

h. No state employee or other person may defeat, deceive, or obstruct any person in his right to examination, eligibility, certification, appointment, or promotion under this Act.

Sec. 20. **Penalties.** a. Any person who wilfully violates any provision of this Act or of the personnel rules adopted pursuant to this Act is guilty of a misdemeanor.

b. Any state employee who is convicted of a misdemeanor under this Act or the personnel rules adopted pursuant to this Act shall immediately forfeit his office or position.

Sec. 21. **Transition.** The merit system in effect and applying to the agencies receiving federal grants-in-aid shall continue in effect until the commissioner of administration certifies to the governor that the division of personnel is organized to administer the system as required for eligibility for federal grants.

Sec. 22. **Conflict with Federal Requirements.** If any part of this Act is found to be in conflict with Federal requirements which are a condition precedent to the allocation of federal funds to the state, the conflicting part of this Act is hereby declared to be inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and such findings shall not affect the operation of the remainder of this Act in its application to the agencies concerned.

Sec. 23. **Repeals of Existing Legislation.** a. On the date that the initial rules prepared pursuant to Secs. 12 and 13 of this Act are in full force and effect the following are repealed:

(1) Sec. 11-5-3, ACLA 1949 as repealed and re-enacted by Ch. 88, SLA 1955;

(2) Secs. 11-5-4 and 11-5-5, ACLA 1949;

(3) Secs. 3 and 4, Ch. 144, SLA 1953.

b. On the date that the commissioner of administration certifies to the governor as required by Sec. 21 of this Act, Sec. 314, Ch. 5, ESLA 1955 is repealed.

c. On the date that the pay plan prepared according to the provisions of this Act is put into effect the following are repealed:

(1) Sec. 11-3-7, ACLA 1949 as repealed and re-enacted by Ch. 82, SLA 1957;

(2) Sec. 2, Ch. 105, SLA 1959.

Sec. 24. **Date of Effect of Pay Plan.** Notwithstanding any other provisions of this Act, the pay plan prepared according to the provisions of Sec. 13 (2) will not take effect until approved by the legislature; provided, however, that during the interim between the approval by the personnel board of the initial pay plan and its approval by the legislature, said pay plan may be put into effect in all affected agencies by executive order signed by the governor. This pay plan shall be valid under such executive order until such time as it is altered or approved in full by the legislature.

Sec. 25. **Effective Date of Act.** This Act takes effect on the day after its passage and approval on or the day it becomes law without such approval.

Approved April 18, 1960

CHAPTER 145

AN ACT

Relating to leaves of absence of state officers and employees; repealing and re-enacting Sec. 11-5-6, ACLA 1949 as amended by Ch. 182, SLA 1957; and providing for an effective date.

(H.B. 454)

Be it enacted by the Legislature of the State of Alaska:

Section 1. Sec. 11-5-6, ACLA 1949 as

amended by Ch. 182, SLA 1957 is repealed and re-enacted to read as follows:

Sec. 11-5-6. **Leaves of Absence.** a.

Officers and employees of the State of Alaska shall be entitled to annual leave with pay which shall accrue as follows:

(1) one and one-quarter days for each full monthly pay period in the case of officers and employees with less than two years of service;

(2) one and three-quarters days for each full monthly pay period in the case of officers and employees with two but less than five years of service;

(3) two days for each full monthly pay period in the case of officers and employees with five but less than 10 years of service;

(4) two and one-half days for each full monthly pay period in the case of officers and employees with 10 years or more of service.

b. In determining years of service for the purposes of this section there shall be included all service with the Territory and State of Alaska. Any change in the rate of accrual of annual leave by an officer or employee under the provisions of this section shall take effect as of the beginning of the monthly pay period following the monthly pay period in which such officer or employee completes the prescribed period of service.

c. Notwithstanding the provisions of paragraph a. of this section, an officer or employee shall be entitled to annual leave under this section only after having been employed currently for a continuous period of 90 days under one or more appointments without break in service. In any case in which an officer or employee completes a period of continuous employment of 90 days there shall be credited to him an amount of annual leave equal to the amount which, but for this paragraph, would have accrued under paragraph a. of this section during such period.

d. Annual leave may be taken by an officer or employee at any time business permits upon permission by the head of the department or agency for whom the officer or employee works, provided that each officer and employee shall, during each 12 months period, take at least five days annual leave.

e. The annual leave provided for in this section which is not used by an officer or employee shall accumulate for use in succeeding years until it totals not to exceed 60 days at the end of the last complete monthly pay period in any calendar year.

f. Terminal leave for unused annual leave shall be allowed as a lump-sum upon separation from service. Such lump-sum payment shall equal the compensation that such officer or employee would have received had he remained in the service until the expiration of the period of such annual leave. If such officer or employee is re-employed in the state service prior to the expiration of the period covered by such leave payment, he shall refund to the state an amount equal to the compensation covering the period between the date of re-employment and the expiration of such leave period. The leave represented by any such refund shall be re-credited to such officer or employee or by the employing department or agency. The lump-sum payment authorized by this section shall not be regarded as salary or compensation except for purposes of taxation.

g. Officers and employees of the State of Alaska shall be entitled to sick leave with pay which shall accrue at the rate of one and one-quarter days for each full monthly pay period. Sick leave which is not used during the year in which it accrues shall accumulate and be available for use in succeeding years. No department or agency head shall grant sick leave with pay unless he is satisfied that the absent officer or employee is actually sick, and, if the absence exceeds three consecutive working days, a doctor's certificate showing the disability may be required. Any payment of sick leave with pay shall be reduced by the amount of any wage continuation payments made under the Alaska Workmen's Compensation Act. When a member or members of an officer's or employee's immediate family is afflicted with an illness requiring the attendance of such officer or employee, or where his presence at his job would jeopardize the health of fellow employees, and either of such contingencies is supported by a doctor's certificate, such officer or employee

may, with the consent of the employee's department or agency head, avail himself of sick leave with pay, within the limits prescribed by this section, the same as if he were personally ill. Upon his separation from state service, the unused sick leave of an officer or employee will be automatically cancelled without pay therefor.

h. Court leave shall be granted to employees who are classified as full-time, whether permanent or temporary. Officers and employees who are called to serve as jurors or subpoenaed as witnesses shall be entitled to administrative leave with pay, but compensation received or to which entitled, whichever is greater, for service as a juror or witness shall be deducted from pay to which entitled as a state officer or employee.

i. Maternity Leave. Female employees taking leave of absence for childbirth shall be entitled to take a total of nine weeks leave of absence immediately preceding and following childbirth. Such leave shall be charged first to sick leave and if that is not sufficient, then to annual leave, provided that after sick and annual leave have been used, that employee shall be granted leave without pay for balance of period of nine weeks.

j. The days of leave provided for in this section mean days upon which an officer or employee would otherwise work and receive pay, and are exclusive of holidays.

k. When an officer or employee terminates employment with one department, office, institution or agency of the state government and is employed by another department, office, institution or agency of the state government without break in service his accumulated annual and sick leave shall transfer with him and be credited to him in the employing department, office, institution or agency.

l. The provisions of this section do not apply to:

(1) members of the state legislature, the governor, the secretary of state, and justices and judges of the supreme and superior courts, but nothing in this Act shall be construed to

diminish the salaries fixed by law for these officers by reason of absence from duty on account of illness or otherwise;

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

(3) members of the teaching staff and student employees of the University of Alaska;

(4) certificated teachers employed by the state to teach in schools operated by the Department of Education;

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

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

(7) temporary employees hired for periods of less than 12 consecutive months.

m. The director of the division of personnel in the Department of Administration shall prepare and submit rules necessary to carry out the intent of this section. These regulations shall be submitted to the commissioner of administration within 60 days of July 1, 1960. The commissioner of administration shall review the rules and submit them to the personnel board. The rules, or any part of the rules, will have the force and effect of law 60 days after they have been submitted to the personnel board if not disapproved by the personnel board. Amendments to the rules shall be prepared and submitted in the same manner, and will have the force and effect of law 30 days after they have been submitted to the personnel board, if not disapproved by the personnel board. The rules adopted pursuant to this section relate to the internal management of state agencies and their adoption is not subject to the provisions of the Administrative Procedure Act.

n. Every department, office, institution or agency of the state government shall keep for its files a complete

annual and sick leave record, covering each of its employees, on forms prepared and supplied by the Department of Administration. These records shall be subject to annual audit and approval

by the director of personnel of the Department of Administration.

Sec. 2. This Act takes effect July 1, 1960.

Approved April 18, 1960

CHAPTER 146

AN ACT

Relating to the Alaska World War II Veterans' Act; amending Subsecs. (1) and (3), Sec. 1, Ch. 139, SLA 1953 as amended by Ch. 19, SLA 1955.

(H.B. 432)

Be it enacted by the Legislature of the State of Alaska:

Section 1. Subsec. (1), Sec. 1, Ch. 139, SLA 1953 as amended by Ch. 19, SLA 1955 is amended to read as follows:

(1) Persons who have served in the armed forces of the United States for ninety days or more, or whose service was for a lesser period because of injury, or disability incurred in line of duty, between June 25, 1950 (the beginning of the conflict in Korea), and the cessation of the present national emergency as determined and proclaimed by the Governor of Alaska; who have been honorably separated or discharged from the armed forces or who have been released to a reserve component; who at the time of entry into the service were bona fide residents of the Territory of Alaska and had been residents thereof for not less than one year prior to their entry into the service; and who have returned to Alaska within a reasonable length of time after discharge or separation as residents with the intention of remain-

ing in Alaska; or who, not being bona fide residents of the Territory prior to their entry into the service, have lived in Alaska for at least 10 years following their release from active military service.

Sec. 2. Subsec. (3), Sec. 1, Ch. 139, SLA 1953 as amended by Ch. 19, SLA 1955 is amended to read as follows:

(3) No person, unless he has lived in Alaska for at least 10 years following his release from active military service, shall be eligible to receive any of the benefits of Chapter 139, Session Laws of Alaska, 1953, who is eligible for veterans benefits under the laws of any State or other Territory. Any World War II veteran who has received a bonus under the provision of Sections 44-2-11 to 44-2-14, inclusive, ACLA 1949, as amended by Chapter 87, Session Laws of Alaska 1949, and Chapter 83, Session Laws of Alaska 1951, need not repay said bonus in order to qualify under the loan provisions of Chapter 139, Session Laws of Alaska 1953.

Became law without signature April 18, 1960

CHAPTER 147

AN ACT

Relating to the regulation of credit life insurance and credit accident and health insurance; and providing penalties.

(C.S.H.B. 307)

Be it enacted by the Legislature of the State of Alaska:

Section 1. **Purpose.** The purpose of this Act is to promote the public welfare