



LAWS OF ALASKA

1978

Source

FCCS SCS CSHB 25

Chapter No.

136

AN ACT

Relating to state officers, state employees, and teachers; and providing for an effective date.

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

* Section 1. AS 39.20.200 is repealed and re-enacted to read:

Sec. 39.20.200. COMPUTATION OF PERSONAL LEAVE. Officers and employees of the state are entitled to personal leave with pay which accrues as follows:

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

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

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

* Sec. 2. AS 39.20.210 is amended to read:

Sec. 39.20.210. DETERMINING YEARS OF SERVICE. In determining years of service for the purpose of computing personal leave, all service with the Territory and State of Alaska is included. A change in the rate of accrual of personal leave by an officer or employee takes effect upon the beginning of the monthly pay period following the monthly pay period in which the officer or employee

completes the prescribed period of service.

* Sec. 3. AS 39.20.220 is amended to read:

Sec. 39.20.220. REQUIREMENT THAT EMPLOYMENT BE CONTINUOUS. Notwithstanding sec. 200 of this chapter, an officer or employee is entitled to personal leave only after having been employed currently for a continuous period of 30 days under one or more appointments without break in service. When an officer or employee completes a period of continuous employment of 30 days, an amount of personal leave is credited to him equal to the amount which, but for this section, would have accrued under sec. 200 of this chapter during the period.

* Sec. 4. AS 39.20 is amended by adding a new section to read:

Sec. 39.20.225. USE OF PERSONAL LEAVE. (a) An officer or employee may take personal leave at any time business permits upon permission by the head of the department or agency for which he works.

(b) An officer or employee may take personal leave for medical reasons, regardless of whether business permits, upon permission by the head of the department or agency for which he works. A department or agency head shall grant personal leave for medical reasons if he is satisfied that the officer or employee is absent for medical reasons. The taking of personal leave for medical reasons shall be reduced by the amount of wage continuation payments made under the Alaska Workmen's Compensation Act (AS 23.30). The following constitute "medical reasons" and are subject to the conditions noted.

(1) Medical disability of an officer or employee is a medical reason for taking personal leave. A department or agency head may require a doctor's certificate showing the disability if the absence exceeds three consecutive working days.

(2) Medical disability of a member of an officer's or employee's immediate family is a medical reason for taking personal leave if the disability is such that the attendance of the officer or employee is required. A department or agency head may require a doctor's certificate showing the disability if the absence exceeds three consecutive working days.

(3) A medical condition of an officer or employee which makes his presence at work a danger to the health of his fellow employees is a medical reason for taking personal leave. A department or agency head may require a doctor's certificate showing the condition if the absence exceeds three consecutive working days.

(4) Pregnancy and childbirth is a medical reason for a female officer or employee to take personal leave. A female officer or employee, otherwise qualified for a leave of absence, is entitled to take a maximum of nine weeks leave immediately preceding and following childbirth. If the officer's or employee's accrued personal leave is insufficient for this purpose, she is entitled to take leave

without pay for the balance of the nine-week period.

(5) Death of a member of an officer's or employee's immediate family is a medical reason for taking personal leave. No more than five days of personal leave may be taken for this purpose.

(c) Each officer and employee shall, during each 12-month period, take at least five days of personal leave. If the officer or employee does not take at least five days of personal leave during a 12-month period, the difference between five days and the amount of personal leave he did take shall be cancelled without pay unless his department or agency head certifies in writing that he was denied the opportunity to take five days of personal leave during the 12-month period.

- * Sec. 5. AS 39.20.240 is repealed and re-enacted to read:

Sec. 39.20.240. ACCUMULATION OF PERSONAL LEAVE. Except as provided in sec. 225(c) of this chapter, personal leave which is not taken by an officer or employee during a 12-month period accumulates for use in succeeding 12-month periods.

- * Sec. 6. AS 39.20.245 is amended to read:

Sec. 39.20.245. DONATION OF PERSONAL LEAVE. An officer or employee may donate one or more days of personal leave a year to the memorial scholarship revolving loan fund, or to a scholarship account in the fund, under AS 14.40.810 - 14.40.845. The commissioner of administration shall pay to the account of the memorial scholarship revolving loan fund, or to a scholarship account in the fund, an amount equal to the value of the day or days of personal leave contributed by the officer or employee.

- * Sec. 7. AS 39.20.250(a) is amended to read:

(a) Terminal leave for unused personal leave shall be allowed as a lump sum upon separation from service. The lump-sum payment equals the compensation that the officer or employee would have received if he had remained in the service until the expiration of the period of unused personal leave.

- * Sec. 8. AS 39.20 is amended by adding new sections to read:

Sec. 39.20.255. CONVERSION OF ACCRUED ANNUAL LEAVE TO PERSONAL LEAVE. An officer or employee who has accrued annual leave shall have that annual leave transferred to his personal leave account.

Sec. 39.20.256. TRANSFER OF ACCRUED MEDICAL LEAVE. (a) An officer or employee who has accrued medical leave shall have 40 per cent of that medical leave transferred to his personal leave account and 60 per cent of that medical leave transferred to a medical leave bank. Banked medical leave may be taken only in accordance with this section.

(b) An officer or employee may not take any of his banked medical leave unless

(1) he has no accrued personal leave; and

(2) he has a medical disability exceeding 10 consecutive working days in duration.

(c) Once the requirements of (b) of this section have been met, an officer or employee may take banked medical leave until the medical disability is terminated or his banked medical leave is exhausted.

(d) When leave is taken under (b) of this section, a department or agency head may require a doctor's certificate showing the disability.

(e) The taking of leave under this section shall be reduced by the amount of wage continuation payments made under the Alaska Workmen's Compensation Act (AS 23.30).

(f) Upon an officer's or employee's separation from state service, his banked medical leave shall be cancelled without pay.

* Sec. 9. AS 39.20.300 is amended to read:

Sec. 39.20.300. PERSONAL AND BANKED MEDICAL LEAVE TRANSFERS WITH OFFICER OR EMPLOYEE. 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 personal leave and banked medical leave transfers with him and shall be credited to him in the employing department, office, institution, or agency.

* Sec. 10. AS 39.20.310 is amended by adding a new paragraph to read:

(9) persons employed by the state who are covered by collective bargaining agreements as provided in AS 23.40.210.

* Sec. 11. AS 39.20.320 is amended to read:

Sec. 39.20.320. ADOPTION OF REGULATIONS. The director of the division of personnel and labor relations in the Department of Administration shall prepare and submit regulations necessary to carry out the intent of secs. 200 - 330 of this chapter. These regulations shall include provisions for crediting and, if necessary, converting accrued leave when an officer or employee transfers, without break in service, between a department or agency of the state government where he is subject to secs. 200 - 330 of this chapter and a department or agency of the state government where he is not subject to secs. 200 - 330 of this chapter. These regulations shall be submitted to the commissioner of administration within 60 days of the effective date of this Act. The commissioner of administration shall review the regulations and submit them to the personnel board. The regulations, or any part of the regulations, have the force and effect of law 30 days after they are submitted to the personnel board if not disapproved by the personnel board. Amendments to the regulations shall be prepared and submitted in the same manner, and have the force and effect of

law 30 days after they are submitted to the personnel board, if not disapproved by the personnel board. The regulations adopted under secs. 200 - 330 of this chapter relate to the internal management of state agencies and their adoption is not subject to the provisions of the Administrative Procedure Act (AS 44.62).

- * Sec. 12. AS 39.20.330 is amended to read:

Sec. 39.20.330. DEPARTMENTS TO KEEP LEAVE RECORDS. Each department, office, institution, or agency of the state government shall keep for its files a complete leave record, covering each of its officers and employees, on forms prepared and supplied by the Department of Administration. These records are subject to annual audit and approval by the director of personnel of the Department of Administration.

- * Sec. 13. AS 14.25 is amended by adding a new section to read:

Sec. 14.25.125. UNUSED SICK LEAVE CREDIT. (a) A teacher in membership service on or after July 1, 1977 who is appointed to retirement on or after July 1, 1978 may elect to apply his unused sick leave credit in computing the total number of years of creditable service under sec. 120(c)(1) and (4) of this chapter. To obtain service credit for unused sick leave, a teacher must apply to the administrator no later than one year after appointment to retirement. Unused sick leave shall be credited on a day-for-day basis in accordance with the table for service after July 1, 1969 contained in sec. 220(16) of this chapter. No teacher contributions may be required for credited unused sick leave.

(b) A teacher appointed to retirement before July 1, 1978 who returns to membership service on or after July 1, 1978 and is subsequently reappointed to retirement is eligible for unused sick leave credit only with respect to sick leave accrued during membership service on or after July 1, 1978.

(c) Benefits payable under this section accrue from the first day of the month after which all the following requirements are met: (1) the teacher meets the eligibility requirements of this section; (2) the teacher's written application for unused sick leave credit is received and verified by the administrator; and (3) a period of time has elapsed since the date of appointment to retirement equal to the amount of verified unused sick leave. Benefits are payable on the last day of the month.

- * Sec. 14. AS 14.25.060(b) is amended by adding a new paragraph to read:

(3) A member who joins the system on or after July 1, 1978 and claims Alaska BIA service is exempt from (1) and (2) of this subsection with respect to that service. His arrearage indebtedness for the Alaska BIA service shall be calculated under (a) of this section. However, such a member may claim no more than five years Alaska BIA service. This paragraph does not apply to a member who has, at the time he claims Alaska BIA service, a vested military or

Chapter 136

federal retirement benefit. A member who acquires a vested military or federal retirement benefit after claiming Alaska BIA service under this paragraph shall have his arrearage indebtedness for that service recalculated under (1) or (2) of this subsection, as appropriate, retroactive to the date he claimed the service.

* Sec. 15. AS 39.20.230 and 39.20.260 are repealed.

* Sec. 16. This Act takes effect immediately in accordance with AS 01.10.070(c).