

**HOUSE CS FOR CS FOR SENATE BILL NO. 150(FIN)**

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

**TWENTIETH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE FINANCE COMMITTEE**

**Offered: 5/8/97**

**Referred: Rules**

**Sponsor(s): SENATE FINANCE COMMITTEE**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to moving expenses of state employees, to compensatory time for**  
2 **state employees, and to calculation of compensation for the public employees'**  
3 **retirement system."**

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

5 **\* Section 1.** AS 23.40.075, as amended by sec. 10, ch. 107, SLA 1996, is amended to  
6 read:

7 **Sec. 23.40.075. Items not subject to bargaining.** The parties may not  
8 negotiate terms contrary to the

9 (1) reemployment rights for injured state employees under  
10 AS 39.25.158;

11 (2) reemployment rights of the organized militia under AS 26.05.075;

12 (3) **limitations on payment of a state employee's moving expenses**  
13 **under AS 39.20.450;**

14 (4) **requirements concerning compensatory time under**

**AS 39.20.460;**

(5) authority of the Department of Health and Social Services under AS 47.27.035 to assign Alaska temporary assistance program participants to a work activity considered appropriate by the Department of Health and Social Services; or

(6) [(4)] authority for agencies to create temporary positions under AS 47.27.055(c).

\* **Sec. 2.** AS 39.20 is amended by adding new sections to read:

**Article 5. Moving Expenses and Compensatory Time Restriction.**

**Sec. 39.20.450. Restriction on payment of moving expenses for certain state employees.** (a) The state may not pay the moving expenses of a state employee in the classified service who transfers voluntarily from one location to another unless the payment complies with this section.

(b) The state may pay the moving expenses of a state employee in the classified service who transfers voluntarily from one location to another if the employee intends to stay in the location to which the employee is moving for at least five years and if the employee signs an agreement to repay the state for the entire moving expenses, plus interest as required by regulation, if the employee moves or leaves state service before the end of five years. In the case of certified peace officers employed by the Department of Public Safety, the commissioner of public safety may shorten, in advance in writing, the time that a certified peace officer is required to stay in the new location to avoid the repayment obligation under this section and may waive a moving expense repayment required by this subsection if the commissioner makes a written finding that the employee's relocation is in the best interest of the state. This subsection does not require repayment if the employee moves or leaves state service before the end of five years because

(1) of a certified medical necessity of the employee or the spouse or a dependent of the employee;

(2) the state involuntarily transfers the employee; or

(3) the employee accepts a promotion offered by

(A) the department or agency that paid the employee's initial moving expenses; or

1 (B) another state department or agency.

2 (c) The Department of Administration shall adopt regulations to implement this  
3 section.

4 (d) In this section, "transfers voluntarily" means a transfer, either at the request  
5 of the employee or the employer, that the employee is free to decline without incurring  
6 adverse consequences regarding the employee's compensation, terms, conditions, or  
7 privileges of employment.

8 **Sec. 39.20.460. Restrictions on compensatory time.** A state employee who  
9 is eligible to be paid overtime may not receive compensatory time for overtime hours  
10 worked unless receipt of the compensatory time is in accordance with the terms of a  
11 written agreement, approved by the employee's appointing authority, and, for an  
12 employee who is covered by a collective bargaining agreement under AS 23.40, the  
13 terms for receipt of the compensatory time are consistent with the terms of the  
14 agreement.

15 \* **Sec. 3.** AS 39.35.680(8) is amended to read:

16 (8) "compensation"

17 (A) means the total remuneration earned by an employee for  
18 personal services rendered to an employer, including employee contributions  
19 under AS 39.35.160, cost-of-living differentials only as provided in  
20 AS 39.35.675, payments for leave that is actually used by the employee, the  
21 amount by which the employee's wages are reduced under AS 39.30.150(c),  
22 and any amount deferred under an employer-sponsored deferred compensation  
23 plan;

24 (B) includes, for noncertificated employees of municipal  
25 school districts and regional educational attendance areas, overtime pay;

26 [.] but

27 (C) does not include retirement benefits, severance pay or other  
28 separation bonuses, welfare benefits, per diem, expense allowances, workers'  
29 compensation payments, overtime pay except as provided in (B) of this  
30 paragraph, or payments for leave not used by the employee whether those  
31 leave payments are scheduled payments, lump-sum payments, donations, or

**1** cash-ins;