

**SENATE BILL NO. 152**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Introduced: 4/15/99

Referred: Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to civil actions by and compensation for certain state employees;  
2 and providing for an effective date."

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

4 \* **Section 1.** AS 09.50.250 is amended by adding a new subsection to read:

5 (b) This section does not allow a civil action by an employee of the state that  
6 is prohibited under AS 23.30.055.

7 \* **Sec. 2.** AS 23.40.075 is amended by adding a new subsection to read:

8 (b) Notwithstanding AS 23.40.070(2), the parties may negotiate terms that  
9 permit an employee to advance in salary from one step to another or otherwise receive  
10 a salary increase based on longevity in service or merit, other than an increase under  
11 AS 39.27.022, only if

12 (1) the employee has been employed in the position for at least 12  
13 months;

14 (2) the commissioner of the department or the chief executive officer

1 of the agency, if the employee is employed by a public corporation or another quasi-  
 2 independent state agency, in which the employee is employed has approved the  
 3 increase or other advancement; and

4 (3) the advancement or increase is based on the employee's exceptional  
 5 performance during the year.

6 \* **Sec. 3.** AS 29.60.160(a) is amended to read:

7 (a) Payments to a municipality or other eligible recipient under AS 29.60.110  
 8 - 29.60.130 shall reflect area cost-of-living differentials. Payments shall be based on  
 9 the sum of per capita, per mile, and per bed or facility grants due each municipality  
 10 or other recipient multiplied by the appropriate area cost-of-living differential. The  
 11 area cost-of-living differential for each recipient shall be determined annually by  
 12 election district under the provisions of **former AS 39.27.020 and** AS 39.27.030.  
 13 Application of the area cost-of-living differential may not result in distribution of an  
 14 amount less than the amount of the payment determined without reference to  
 15 application of this section.

16 \* **Sec. 4.** AS 29.60.290(b) is amended to read:

17 (b) The area cost-of-living differential payable to each municipality under this  
 18 section shall be determined annually by election district under the provisions of **former**  
 19 **AS 39.27.020 and** AS 39.27.030. Except as provided in AS 29.60.300, application of  
 20 the area cost-of-living differential may not result in a payment that is less than the  
 21 minimum payment determined under (a) of this section. For purposes of this  
 22 subsection, the election districts used are those designated by the proclamation of  
 23 reapportionment and redistricting of December 7, 1961, and retained for the house of  
 24 representatives by proclamation of the governor September 3, 1965.

25 \* **Sec. 5.** AS 39.20.240 is amended to read:

26 **Sec. 39.20.240. Accumulation of personal leave.** Except as provided in  
 27 AS 39.20.225(c), **at the end of a calendar year, no more than 165 hours of** personal  
 28 leave that is not taken by an officer or employee [DURING A 12-MONTH] period  
 29 accumulates for use in succeeding 12-month periods.

30 \* **Sec. 6.** AS 39.27.011 is amended by adding a new subsection to read:

31 (h) An employee is not eligible for a step increase based on the salary

1 schedule under this section unless the employee has been employed in the position for  
 2 at least 12 months and unless the step increase is approved by the commissioner of the  
 3 department in which the employee is employed based on the employee's exceptional  
 4 performance during the year. An employee employed by a public corporation of the  
 5 state or another quasi-independent state agency is eligible for a step increase only if  
 6 the increase is approved by the chief executive officer of the agency.

7 \* **Sec. 7.** AS 39.27 is amended by adding a new section to read:

8 **Sec. 39.27.021. Pay differentials by election district and in other states.**

9 (a) The following pay differentials are approved as an amendment to the basic salary  
 10 schedules provided in AS 39.27.011:

11	Percentage Pay	Geographic Areas
12	Differential	(Election Districts)
13	0	1, 2, 3, 4, 7, 8, 9, and 10
14	4	16a (Fairbanks South of the Arctic Circle except
15		the duty stations of Tok and Delta Junction)
16	5	5
17	9	11
18	11	6
19	16	16b (the duty stations of Tok and Delta Junction)
20	20	15b (the duty station of Nenana)
21	27	12 and 13
22	30	15a (Yukon-Kuskokwim except the duty station
23		of Nenana) and 19
24	34	18
25	38	14
26	42	16c (Fort-Yukon - North of the Arctic Circle) and
27		17
28	-13	Seattle-Tacoma

29 (b) For purposes of (a) of this section, "election district" means an election  
 30 district designated in the governor's proclamation of reapportionment and redistricting  
 31 of December 7, 1961.

1 (c) The director of the division of personnel shall establish salary differentials  
 2 for positions in other states or foreign countries. The differentials shall be adjusted  
 3 annually, effective July 1, to maintain equitable relationships between salaries for  
 4 positions in other states or foreign countries and salaries for positions in Alaska.

5 \* **Sec. 8.** AS 39.27.030 is amended to read:

6 **Sec. 39.27.030. Cost-of-living survey.** Subject to an appropriation for this  
 7 purpose, the director shall conduct a survey, at least every five years, to review the pay  
 8 differentials established in AS 39.27.021 [AS 39.27.020]. The survey may address  
 9 factors, as determined by the director, that are also relevant in review of state salary  
 10 schedules, entitlement for beneficiaries of state programs, and payments for state  
 11 service providers. The survey must reflect the costs of living in various election  
 12 districts of the state, and Seattle, Washington, by using the cost of living in Anchorage  
 13 as a base.

14 \* **Sec. 9.** AS 39.27.045 is amended to read:

15 **Sec. 39.27.045. Definition.** In AS 39.27.021 - 39.27.045 [AS 39.27.020 -  
 16 39.27.030], "director" means the director of the division of personnel.

17 \* **Sec. 10.** AS 39.30 is amended by adding a new section to read:

18 **Sec. 39.30.165. Limitation on participation by state employees.** A state  
 19 employee may participate in the supplemental benefits program under AS 39.50.150 -  
 20 39.50.180 only if

21 (1) the employee was in pay status, on approved leave without pay, or  
 22 on seasonal leave without pay on June 30, 1999;

23 (2) the state made a contribution to the system under AS 39.30.150 -  
 24 39.30.180 for the pay period that included June 30, 1999, for that employee or, in the  
 25 case of an employee on approved leave without pay or on seasonal leave without pay,  
 26 the state made a contribution for the last pay period that the employee worked before  
 27 beginning the leave; and

28 (3) the employee remains continuously employed by the state after  
 29 June 30, 1999; for purposes of this paragraph, an employee is continuously employed  
 30 if the employee is in pay status, on approved leave of absence, or on seasonal leave  
 31 without pay.

1 \* **Sec. 11.** AS 39.35.675(d) is amended to read:

2 (d) In this section, "cost-of-living differential" means an adjustment to salary  
3 based on the cost of living in the geographic region where the employee works and  
4 includes a pay step differential under **former** AS 39.27.020 **or a pay differential**  
5 **under AS 39.27.021.**

6 \* **Sec. 12.** AS 39.27.020 is repealed.

7 \* **Sec. 13.** Notwithstanding the amendment to AS 39.20.240, made by sec. 5 of this Act,  
8 an officer or employee may retain accumulated leave earned before the effective date of this  
9 Act for use in succeeding years.

10 \* **Sec. 14.** APPLICABILITY. (a) Section 1 of this Act applies to a civil action that  
11 accrues on or after July 1, 1999.

12 (b) Nothing in this Act modifies or terminates a collective bargaining agreement in  
13 effect on the effective date of this Act.

14 \* **Sec. 15.** This Act takes effect July 1, 1999.