

**HOUSE BILL NO. 252**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES LEDOUX, Foster, Lynn, Doogan, Kohring, Thomas, Kawasaki

Introduced: 5/3/07

Referred: Health, Education and Social Services, State Affairs

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act requiring paid leave from employment for organ and bone marrow donation."**

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

3 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
4 to read:

5 SHORT TITLE. This Act may be known as the Richard Foster and Alec Cesar Donor  
6 Act.

7 \* **Sec. 2.** AS 23.10 is amended by adding a new section to read:

8 **Sec. 23.10.044. Paid leave for organ and bone marrow donation.** (a) An  
9 employer who employs 100 or more employees shall provide a paid leave of absence  
10 to an employee for the purpose of making a personal organ or bone marrow donation.  
11 The employer is not required to provide more than 80 hours of leave under this  
12 section; however, the leave may not be less than 40 hours unless the employee  
13 requests fewer hours.

14 (b) An employer may, before approving paid leave under this section, require  
15 verification by the employee's physician of the purpose and length of the necessary

1 leave.

2 (c) An employer may not retaliate or otherwise sanction an employee for  
3 requesting or obtaining leave under this section.

4 (d) In this section, "employee" means a person hired and currently employed  
5 by a public or private employer to work for compensation an average of 30 or more  
6 scheduled hours each week; "employee" does not include an independent contractor or  
7 an employee as defined under AS 39.20.275.

8 \* **Sec. 3.** AS 39.20.245(b) is amended to read:

9 (b) An officer or employee, with the approval of the person authorizing the  
10 employment, may donate accrued personal or annual leave to another officer or  
11 employee only for use as leave for medical reasons. The official responsible for  
12 employee accounts shall debit the donor's personal or annual leave account and credit  
13 the donee's personal leave account, or sick leave account, as appropriate, for medical  
14 reasons only, by converting the donated leave into cash value at the donor's rate of pay  
15 and reconverting the cash value to hours of leave at the donee's rate of pay. Leave  
16 donated under this subsection is not leave taken by the donor for purposes of  
17 AS 39.20.225(c). An employee who is covered by a collective bargaining agreement  
18 may donate leave to or receive donations of leave from an employee or officer who is  
19 not covered by a collective bargaining agreement, notwithstanding AS 39.20.310(7)  
20 and (8) [AS 39.20.310(8) AND (9)].

21 \* **Sec. 4.** AS 39.20.270 is amended to read:

22 **Sec. 39.20.270. Court leave.** Notwithstanding AS 39.20.310(6)  
23 [AS 39.20.310(7)], court leave shall be granted to an employee who is classified as  
24 full time, whether permanent, nonpermanent, or temporary. An officer or employee  
25 called to serve as a juror or subpoenaed as a witness is entitled to administrative leave  
26 with pay, but compensation received by the employee or to which the employee is  
27 entitled, whichever is greater, for service as a juror or witness shall be deducted from  
28 pay to which the employee is entitled as a state officer or employee.

29 \* **Sec. 5.** AS 39.20 is amended by adding a new section to read:

30 **Sec. 39.20.275. Leave for organ or bone marrow donation.** (a)  
31 Notwithstanding AS 39.20.310(1) - (3) and (6) - (8), paid administrative leave of not

1 less than 40 hours, unless the employee requests fewer hours, shall be granted under  
 2 this section to an employee who requests leave to make a personal organ or bone  
 3 marrow donation.

4 (b) The director of personnel in the Department of Administration shall adopt  
 5 regulations to implement this section.

6 (c) In this section, "employee" means an employee of the executive, judicial,  
 7 or legislative branch of state government, the Alaska Railroad Corporation, or the  
 8 University of Alaska, whether the employee is a permanent, nonpermanent, or  
 9 temporary employee, who is employed for an average of 30 or more scheduled hours  
 10 each week.

11 \* **Sec. 6.** AS 39.20.310 is amended to read:

12 **Sec. 39.20.310. Exceptions. Except as provided in AS 39.20.275,**  
 13 AS 39.20.200 - 39.20.330 do not apply to

14 (1) members of the state legislature, the governor, the lieutenant  
 15 governor, and justices and judges of the supreme and superior courts and of the court  
 16 of appeals, but nothing in AS 39.20.200 - 39.20.330 may be construed to diminish the  
 17 salaries fixed by law for these officers by reason of absence from duty on account of  
 18 illness or otherwise;

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

20 (3) officers, members of the teaching staff, and employees of the  
 21 University of Alaska;

22 (4) [REPEALED

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

26 (5) [(6)] members of boards, commissions, and authorities who are not  
 27 otherwise employed by the state;

28 (6) [(7)] temporary employees hired for periods of less than 12  
 29 consecutive months;

30 (7) [(8)] persons employed by the division of marine transportation as  
 31 masters and members of the crews operating the state ferry system who are covered by

1 collective bargaining agreements as provided in AS 23.40.040, except as expressly  
2 provided by law;  
3 (8) [(9)] persons employed by the state who are covered by collective  
4 bargaining agreements as provided in AS 23.40.210, except as expressly provided by  
5 law.