

CS FOR SENATE BILL NO. 140(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 4/27/07

Referred: State Affairs, Finance

Sponsor(s): SENATOR ELTON

A BILL

FOR AN ACT ENTITLED

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

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

3 * **Section 1.** AS 23.10 is amended by adding a new section to read:

4 **Sec. 23.10.044. Paid leave for bone marrow donation.** (a) An employer who
5 employs 20 or more employees shall provide a paid leave of absence to an employee
6 for the purpose of making a personal bone marrow donation. The employer is not
7 required to provide more than 60 hours of leave under this section; however, the leave
8 may not be less than 40 hours unless the employee requests fewer hours.

9 (b) An employer may, before approving paid leave under this section, require
10 verification by the employee's physician of the purpose and length of the necessary
11 leave. If the determination is made that the employee does not qualify as a bone
12 marrow donor after approval by the employer of the leave, the leave must be paid by
13 the employer.

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

1 (d) In this section,

2 (1) "employee" means a person hired and currently employed by a
3 political subdivision of the state or a private employer to work for compensation an
4 average of 20 or more hours each week; "employee" does not include an independent
5 contractor;

6 (2) "political subdivision" means a municipality and its subdivisions, a
7 school district, a regional educational attendance area, or an instrumentality of the
8 state, except that the term does not include the executive, judicial, or legislative branch
9 of state government, the University of Alaska, or the Alaska Railroad Corporation.

10 * **Sec. 2.** AS 39.20.245(b) is amended to read:

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

23 * **Sec. 3.** AS 39.20.270 is amended to read:

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

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

1 **Sec. 39.20.275. Leave for donation of bone marrow.** (a) Notwithstanding
 2 AS 39.20.310(1) - (3) and (6) - (8), paid administrative leave of not less than 40 hours,
 3 unless the employee requests fewer hours, shall be granted under this section to an
 4 employee who requests leave to make a personal bone marrow donation.

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

7 (c) In this section, "employee" means an employee of the executive, judicial,
 8 or legislative branch of state government or the University of Alaska, whether the
 9 employee is a permanent, nonpermanent, or temporary employee, who is employed for
 10 an average of 20 or more hours each week.

11 * **Sec. 5.** 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.

6 * **Sec. 6.** AS 42.40 is amended by adding a new section to read:

7 **Sec. 42.40.882. Leave for donation of bone marrow.** (a) Notwithstanding
8 any other provision of law, paid administrative leave of not less than 40 hours, unless
9 the employee requests fewer hours, shall be granted under this section to an employee
10 who requests leave to make a personal bone marrow donation.

11 (b) In this section, "employee" means an employee of the corporation, whether
12 the employee is a permanent, nonpermanent, or temporary employee, who is
13 employed for an average of 20 or more hours each week.