

**ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE**

March 12, 2009

8:06 a.m.

MEMBERS PRESENT

Representative Paul Seaton, Vice Chair
Representative Carl Gatto
Representative Craig Johnson
Representative Max Gruenberg
Representative Pete Petersen

MEMBERS ABSENT

Representative Bob Lynn, Chair
Representative Peggy Wilson

COMMITTEE CALENDAR

HOUSE BILL NO. 77

"An Act allowing certain public employees to take leave without pay to volunteer with the American Red Cross in a disaster."

- MOVED CSHB 77(STA) OUT OF COMMITTEE

HOUSE BILL NO. 76

"An Act relating to the membership of the Alaska Legislative Council and the membership of the Legislative Budget and Audit Committee."

- SCHEDULED BUT NOT HEARD

HOUSE BILL NO. 73

"An Act relating to honorary foreign consul license plates; and providing for an effective date."

- BILL HEARING CANCELED

PREVIOUS COMMITTEE ACTION

BILL: HB 77

SHORT TITLE: PUBLIC EMPLOYEE DISASTER LEAVE

SPONSOR(S): REPRESENTATIVE(S) MILLETT

01/20/09	(H)	READ THE FIRST TIME - REFERRALS
01/20/09	(H)	STA, FIN

03/12/09

(H)

STA AT 8:00 AM CAPITOL 106

WITNESS REGISTER

REPRESENTATIVE CHARISSE MILLETT

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Introduced HB 77 as prime sponsor.

JEFF TURNER, Staff

Representative Charisse Millett

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 77 on behalf of Representative Millett, prime sponsor.

NICKI NEAL, Director

Division of Personnel & Labor Relations

Department of Administration (DOA)

Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 77.

MICHELLE HOULIHAN, Chief Executive Officer

Alaska Chapter of the American Red Cross

Anchorage, Alaska

POSITION STATEMENT: Testified and answered questions during the hearing on HB 77.

ACTION NARRATIVE

8:06:33 AM

VICE CHAIR PAUL SEATON called the House State Affairs Standing Committee meeting to order at 8:06 a.m. Representatives Gatto, Johnson, Petersen, and Seaton were present at the call to order. Representative Gruenberg arrived as the meeting was in progress.

HB 77-PUBLIC EMPLOYEE DISASTER LEAVE

8:07:13 AM

VICE CHAIR SEATON announced that the only order of business was HOUSE BILL NO. 77, "An Act allowing certain public employees to take leave without pay to volunteer with the American Red Cross in a disaster."

8:07:36 AM

REPRESENTATIVE CHARISSE MILLETT, Alaska State Legislature, introduced HB 77 as prime sponsor. She said disasters can strike anywhere at any time, and Alaska's unique geography makes responding to disasters more challenging. The proposed legislation would permit state employees to take unpaid leave to join the American Red Cross and use their skills to help during disasters that strike the state. Forty-seven states currently allow their employees to do so. Disaster training is provided at no cost to the state and its employees. Employees would be allowed 15 days of unpaid leave without losing any employee benefits.

REPRESENTATIVE MILLETT noted that there is a committee substitute for HB 77, which includes the Alaska Railroad Corporation in the list of exempted entities, which include the University of Alaska Anchorage and the court system. She explained that was an oversight that would be corrected by adopting the committee substitute.

8:10:06 AM

REPRESENTATIVE JOHNSON moved to adopt the proposed committee substitute (CS) to HB 77, Version 26-LS0250\S, Wayne, 3/10/09, as a work draft. There being no objection, Version S was before the committee.

REPRESENTATIVE MILLETT, in response to Representative Gatto and Vice Chair Seaton, noted that the definition of "disaster" is found in Version S, on page 2, lines [18-19], and read as follows:

(1) "disaster" means an event or circumstance that has been formally designated a disaster at level II or higher by the American Red Cross;

8:12:47 AM

JEFF TURNER, Staff, Representative Charisse Millett, Alaska State Legislature, responding to questions on behalf of Representative Millet, prime sponsor of HB 77, explained to Representative Gruenberg that representatives of the Alaska Railroad Corporation expressed concern about how the bill would apply to their employees and asked to be exempted at this time. He commented that the Alaska Railroad Corporation is a separate,

public corporation and, thus, treats its employees differently. He clarified that consideration of the Alaska Railroad Corporation may be made in future legislation, but would not be made in HB 77.

[8:13:43 AM](#)

MR. TURNER, in response to Vice Chair Seaton, confirmed that disasters referred to in the bill would be those disasters in Alaska declared by the American Red Cross.

[8:14:17 AM](#)

MR. TURNER, in response to Representative Gatto, explained that if a state employee chose to volunteer for an American Red Cross disaster relief, that employee would be on unpaid leave and would not be covered by workman's compensation, but would be covered by state health insurance.

[8:14:53 AM](#)

MR. TURNER, in response to Representative Petersen, said although the bill covers disasters in Alaska, a state employee with American Red Cross disaster training could ask his/her supervisor for unpaid time off to help the American Red Cross with disasters outside Alaska. The bill puts language in statute related to in-state disasters.

[8:15:40 AM](#)

MR. TURNER confirmed for Representative Gruenberg that HB 77 is modeled upon legislation from other states.

REPRESENTATIVE GRUENBERG asked if the other states have a clause similar to the language on page 2, lines 1-3, which read as follows:

(b) Leave without pay under this section is subject to approval by the supervisor of the employee who requests it; however, approval may not be unreasonably withheld.

MR. TURNER offered his understanding that that language is standard.

[8:16:17 AM](#)

REPRESENTATIVE GRUENBERG, in response to Vice Chair Seaton, noted that the language on page 1, lines 13-14 addresses the issue of instate disasters.

[8:16:53 AM](#)

VICE CHAIR SEATON opened public testimony.

[8:17:41 AM](#)

NICKI NEAL, Director, Division of Personnel & Labor Relations, Department of Administration (DOA), in response to a question from Representative Gatto, said the term "unreasonably withheld" is standard language used in collective bargaining, and it means that if the work allows, the request an employee makes to take unpaid leave to take part in disaster relief work with the American Red Cross cannot be denied. In response to Vice Chair Seaton, she confirmed that if an employee's leaving would adversely affect an agency or put someone at risk, and there was no replacement for that employee, then a supervisor could refuse that request. In response to Representative Johnson, she confirmed that another reason a supervisor could deny the employee the aforementioned request is if that employee's absence at that time would result in an undue burden on the state's budget.

[8:19:37 AM](#)

MICHELLE HOULIHAN, Chief Executive Officer, Alaska Chapter of the American Red Cross, stated that HB 77 would improve Alaska's disaster preparedness and allow state employees to benefit fellow Alaskans. She reported that since the earthquake of 1964, the American Red Cross has been designated as the disaster response agency for the state, and it has perpetuated that role over the years. She said allowing state employees to volunteer will strengthen the agency's volunteer numbers and allow it to "provide quality service during times of disaster and need."

[8:21:00 AM](#)

MR. TURNER, in response to a question from Representative Gruenberg, said the proposed bill applies to state employees and does not include those serving in the Alaska National Guard.

REPRESENTATIVE GRUENBERG suggested the sponsor may want to consider that possibility.

[8:21:47 AM](#)

REPRESENTATIVE GRUENBERG asked if all classes of municipalities currently have the power by ordinance to allow [their employees to take unpaid leave to respond to disasters as American Red Cross volunteers].

MS. HOULIHAN said she does not know.

MR. TURNER said he could find out.

[8:22:58 AM](#)

REPRESENTATIVE JOHNSON asked about training opportunities.

MS. HOULIHAN, in response to Representative Johnson, relayed that the American Red Cross offers volunteer training at no cost to any individual who wants to volunteer. She named some of the areas in which a person can be trained, including mental health and case management.

REPRESENTATIVE JOHNSON opined that that training is a great opportunity to improve the State of Alaska's workforce.

MS. HOULIHAN, in response to Representative Petersen, confirmed that the names of those who have undergone training are provided on a list so that the American Red Cross can contact them and ask if they would like to help out during a disaster.

[8:24:12 AM](#)

MS. HOULIHAN, in response to Representative Gruenberg, said the State of Alaska would not be held responsible in the event that a state employee committed a tort while volunteering with the American Red Cross. In response to a follow-up question, she said she would need to verify her present understanding that the American Red Cross would not be responsible should such an event occur. She confirmed that the American Red Cross is insured.

[8:25:10 AM](#)

REPRESENTATIVE SEATON, after ascertaining that there was no one else to testify, closed public testimony. He asked the committee members to express their wishes regarding whether to move the bill or hold on to it.

[8:27:59 AM](#)

VICE CHAIR SEATON, in response to Representative Johnson, said he thinks most of the time a member of the National Guard is an employee of "somebody else." He asked Mr. Turner to ensure that the proposed legislation does not allow a person working a job while serving in the National Guard "to qualify and take off from his other employer." He said he does not think that is a problem, but wants to make certain it is not.

[8:29:13 AM](#)

REPRESENTATIVE PETERSEN pointed out that if the disaster was serious enough, a person serving in the National Guard may be called out by the governor anyway and would not be volunteering at that point.

VICE CHAIR SEATON reminded the committee that the bill deals with level II disasters declared in Alaska by the American Red Cross, not disasters declared by state.

[8:30:15 AM](#)

REPRESENTATIVE GRUENBERG noted that on page 2, lines 19-20, in the original bill version, the language specifies that the Alaska Railroad Corporation and the University of Alaska are included in "state government"; however, when those entities were dropped in Version S, the language left only mentions "state government", and he said that may not be clear years from now that that does not include the Alaska Railroad Corporation and the University of Alaska. He suggested that Mr. Turner speak with the bill drafter regarding the term "state government" to ensure that the intent is clear.

MR. TURNER said in his discussions with the bill drafter, that issue was discussed; however, he said he would contact Mr. Wayne again to double-check.

REPRESENTATIVE GRUENBERG recollected having seen language in statute that specifically mentions the Alaska Railroad Corporation "as being excluded."

REPRESENTATIVE JOHNSON indicated that he thinks Representative Gruenberg is right that the language is in statute.

The committee took an at-ease from [8:32:42 AM](#) to [8:33:25 AM](#).

[8:33:27 AM](#)

REPRESENTATIVE JOHNSON moved to report CSHB 77, Version 26-LS0250\S, Wayne, 2/10/09, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 77(STA) was reported out of the House State Affairs Standing Committee.

The committee took an at-ease from [8:34:36 AM](#) to [8:35:18 AM](#).

[8:35:25 AM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 8:35 a.m.