

SENATE BILL NO. 189

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY SENATOR BJORKMAN

Introduced: 5/2/25

Referred: Community and Regional Affairs, Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to minimum paid sick leave requirements; and providing for an
2 effective date."

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

4 * **Section 1.** AS 23.10.066 is amended to read:

5 **Sec. 23.10.066. Minimum paid sick leave benefit.** Employers in the state
6 with 50 or more employees are required to provide their employees paid sick leave as
7 follows:

8 (1) [EMPLOYERS WITH 15 OR MORE EMPLOYEES SHALL
9 ALLOW EMPLOYEES TO ACCRUE] a minimum of one hour of paid sick leave
10 shall accrue for every 30 hours worked, but employees are not entitled to accrue or
11 use more than 56 hours of paid sick leave a [PER] year, unless their employer sets a
12 higher limit;

13 (2) [EMPLOYERS WITH FEWER THAN 15 EMPLOYEES SHALL
14 ALLOW EMPLOYEES TO ACCRUE A MINIMUM OF ONE HOUR OF PAID

1 SICK LEAVE FOR EVERY 30 HOURS WORKED, BUT EMPLOYEES ARE NOT
 2 ENTITLED TO ACCRUE OR USE MORE THAN 40 HOURS OF PAID SICK
 3 LEAVE PER YEAR, UNLESS THEIR EMPLOYER SETS A HIGHER LIMIT;

4 (3)] employees who are exempt from overtime requirements under 29
 5 U.S.C. 213(a)(1) shall be assumed to work 40 hours in each work week for purposes
 6 of paid sick leave accrual unless their normal work week is less than 40 hours, in
 7 which case paid sick leave accrues based on [UPON] that normal work week;

8 (3) [(4)] paid sick leave shall carry over to the following year, but an
 9 employer is not required to allow an employee to use more than the applicable
 10 amounts of paid sick leave described in (1) [AND (2)] of this section a [PER] year;

11 (4) [(5)] paid sick leave as provided in this section shall begin to
 12 accrue at the commencement of employment or July 1, 2025, whichever is later; an
 13 employee shall be entitled to use paid sick leave as it is accrued;

14 (5) [(6)] any employer with a paid leave or paid time off policy [,] who
 15 makes available an amount of paid leave that is sufficient to meet the requirements of
 16 this section and that may be used for the same purposes and under the same conditions
 17 as paid sick leave under this section [,] is not required to provide additional paid sick
 18 leave;

19 (6) [(7)] an employee who is transferred to a separate entity or
 20 location, but remains employed by the same employer, is entitled to all paid sick leave
 21 accrued at the former [PRIOR] entity or location; when there is a separation from
 22 employment, but the employee is rehired within six months after [OF] separation by
 23 the same employer, previously accrued and unused paid sick leave shall be
 24 immediately reinstated; when a different employer succeeds or takes the place of an
 25 existing employer, all employees of the original employer who remain employed by
 26 the successor employer are entitled to all accrued and unused paid sick leave.

27 * **Sec. 2.** AS 23.10.067 is amended to read:

28 **Sec. 23.10.067. Use [UTILIZATION] of paid sick leave benefit.** The paid
 29 sick leave benefit required under AS 23.10.066 may be used [UTILIZED] as follows:

30 (1) employees shall be permitted to use paid sick leave for [:]

31 (A) an employee's mental or physical illness, injury, or health

1 condition; the employee's need for medical diagnosis, care, or treatment; or the
2 employee's need for preventative medical care;

3 (B) care or assistance to the employee's family member relating
4 to the needs described in (A) of this paragraph; **in this subparagraph**, "family
5 member" means an immediate family member as defined **in AS 39.52.960**
6 **[PURSUANT TO AS 39.52.960(11)]**; a domestic partner; a foster child, legal
7 ward, or person to whom the employee stands in loco parentis; a foster parent,
8 adoptive parent, legal guardian, or [A] person who stood in loco parentis when
9 the employee was a minor child; or any other individual related by blood or
10 whose close association is the equivalent of a family relationship; or

11 (C) absences necessary due to domestic violence, sexual
12 assault, or stalking, **if** [PROVIDED] the leave is to allow the employee to
13 obtain, for the employee or a family member, [:] medical or psychological
14 attention; services from a victim's aid organization; relocation or steps to
15 secure an existing home; or legal services, including participation in any
16 investigation or civil or criminal proceeding;

17 (2) when the need for paid sick leave is foreseeable, **an** [THE]
18 employee **who is not incapacitated** shall make a good faith effort to provide notice to
19 the employer in advance of the use of paid sick leave **and before the beginning of the**
20 **employee's workday for which the sick leave is used** and make a reasonable effort
21 to schedule use of paid sick leave in a manner that does not unduly disrupt the
22 employer's operations;

23 (3) for paid sick leave of more than three consecutive workdays, an
24 employer may require reasonable documentation **as follows, showing** that the paid
25 sick leave has been used for a purpose covered by (1) of this section;

26 **(A)** [:] documentation signed by a health care professional
27 indicating that paid sick leave is or was necessary shall be considered
28 reasonable documentation for **the purposes of** (1)(A) or (B) of this section
29 [PURPOSES], but an employer may not require that the documentation explain
30 the nature or details of the illness or underlying health needs;

31 **(B)** [(A)] in cases of domestic violence, sexual assault, or

1 stalking [,] under (1)(C) of this section, one of the following types of
 2 documentation selected by the employee shall be considered reasonable
 3 documentation: a police report; a written statement from a witness advocate
 4 affirming services from a victim's aid organization; a court document
 5 indicating relevant legal action; or a written, non-notarized statement from the
 6 employee affirming that paid sick leave was taken for a qualifying purpose of
 7 (1)(C) of this section;

8 (C) [(B)] unless otherwise required by law, an employer may
 9 not require disclosure of the details of an employee's or an employee's family
 10 member's health or safety information as a condition of providing paid sick
 11 leave under AS 23.10.066 and must treat any health or safety information
 12 regarding an employee or employee's family member as confidential medical
 13 records;

14 (4) paid sick leave under AS 23.10.066 may be used in the smaller of
 15 hourly increments or the smallest increment that the employer's payroll system uses to
 16 account for absences or use of other time;

17 (5) an employer may not interfere with, restrain, or deny the exercise
 18 of, [:] or the attempt to exercise, the right to paid sick leave under AS 23.10.066; an
 19 employer may not [:]

20 (A) engage in retaliation or discrimination [,] or take any other
 21 adverse action, against an employee who uses [UTILIZES], or attempts to use
 22 [UTILIZE], their paid sick leave;

23 (B) require, as a condition of an employee's taking paid sick
 24 leave under this section and AS 23.10.066, that the employee search for or find
 25 a replacement worker to cover the hours during which the employee is using
 26 paid sick leave; or

27 (C) use an absence control policy that counts paid sick leave
 28 taken under AS 23.10.066 and this section as an absence that may lead to or
 29 result in retaliation or any other adverse action.

30 * **Sec. 3.** AS 23.10.068(c) is amended to read:

31 (c) Employers shall give employees who are entitled to paid sick leave

1 written notice of the following at the commencement of employment or within 30 days
2 after [OF] this section's effective date, whichever is later: that beginning July 1, 2025,
3 employees are entitled to paid sick leave and the amount of paid sick leave, the terms
4 of its use guaranteed under AS 23.10.066 and 23.10.067, and that retaliation against
5 employees who request or use paid sick leave is prohibited.

6 * **Sec. 4.** AS 23.10.069 is amended by adding a new subsection to read:

7 (d) Employment of seasonal workers is exempt from the requirements of
8 AS 23.10.066 - 23.10.068. In this subsection, "seasonal worker" means an employee
9 who is hired for a specific period related to peak business need, not to exceed six
10 months in each calendar year.

11 * **Sec. 5.** This Act takes effect July 1, 2025.