

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2

HOUSE BILL NO. 454

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIRST LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the annual and sick leave  
7 of state officers and employees; repealing  
8 and re-enacting Sec. 11-5-6, ACLA 1949 as  
9 amended by Ch. 182, SLA 1957; and providing  
10 for an effective date."

11

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

12

Section 1. Sec. 11-5-6, ACLA 1949 as amended by Ch. 182, SLA

13

1957 is repealed and re-enacted to read as follows:

14

Sec. 11-5-6. LEAVES OF ABSENCE. a. Officers and

15

employees of the State of Alaska shall be entitled to annual

16

leave with pay which shall accrue as follows:

17

(1) one and one-quarter days for each full monthly

18

pay period in the case of officers and employees with less

19

than three years of service;

20

(2) one and three-quarters days for each full

21

monthly pay period in the case of officers and employees with

22

three but less than 15 years of service;

23

(3) two and one-quarter days for each full monthly

24

pay period in the case of officers and employees with 15

25

years or more of service.

26

b. In determining years of service for the purposes

27

of this section there shall be included all service

28

with the Territory and State of Alaska. Any change in the

29

rate of accrual of annual leave by an officer or employee

1 under the provisions of this section shall take effect as of  
2 the beginning of the monthly pay period following the monthly  
3 pay period in which such officer or employee completes the  
4 prescribed period of service.

5 c. Notwithstanding the provisions of paragraph a. of  
6 this section, an officer or employee shall be entitled to  
7 annual leave under this section only after having been em-  
8 ployed currently for a continuous period of 90 days under one  
9 or more appointments without break in service. In any case  
10 in which an officer or employee completes a period of con-  
11 tinuous employment of 90 days there shall be credited to him  
12 an amount of annual leave equal to the amount which, but for  
13 this paragraph, would have accrued under paragraph a. of this  
14 section during such period.

15 d. Annual leave may be taken by an officer or employee  
16 at any time business permits upon permission by the head of  
17 the department or agency for whom the officer or employee  
18 works, provided that each officer and employee shall, during  
19 each 12 month period, take at least five days annual leave.

20 e. The annual leave provided for in this section which  
21 is not used by an officer or employee shall accumulate for  
22 use in succeeding years until it totals not to exceed 45 days  
23 at the end of the last complete monthly pay period in any  
24 calendar year.

25 f. Terminal leave for unused annual leave shall be  
26 allowed as a lump-sum upon separation from service. Such  
27 lump-sum payment shall equal the compensation that such of-  
28 ficer or employee would have received had he remained in the  
29 service until the expiration of the period of such annual

1 leave. If such officer or employee is reemployed in the  
2 state service prior to the expiration of the period covered by  
3 such leave payment, he shall refund to the state an amount  
4 equal to the compensation covering the period between the date  
5 of reemployment and the expiration of such leave period. The  
6 leave represented by any such refund shall be re-credited to  
7 such officer or employee by the employing department or agency.  
8 The lump-sum payment authorized by this section shall not be  
9 regarded as salary or compensation except for purposes of  
10 taxation.

11 g. Officers and employees of the State of Alaska shall  
12 be entitled to sick leave with pay which shall accrue at the  
13 rate of one and one-quarter days for each full monthly pay  
14 period. Sick leave which is not used during the year in which  
15 it accrues shall accumulate and be available for use in suc-  
16 ceeding years. No department or agency head shall grant sick  
17 leave with pay unless he is satisfied that the absent officer  
18 or employee is actually sick, and, if the absence exceeds  
19 three consecutive working days, a doctor's certificate show-  
20 ing the disability may be required. Any payment of sick  
21 leave with pay shall be reduced by the amount of any wage con-  
22 tinuation payments made under the Alaska Workmen's Compensa-  
23 tion Act. When a member or members of an officer's or  
24 employee's family is afflicted with a contagious disease re-  
25 quiring the attendance of such officer or employee, or where  
26 his presence at his job would jeopardize the health of fellow  
27 employees, and either of such contingencies is supported by a  
28 doctor's certificate, such officer or employee may avail him-  
29 self of sick leave with pay, within the limits prescribed by

1 this section, the same as if he were personally ill. Upon  
2 his separation from state service, the unused sick leave of  
3 an officer or employee will be automatically cancelled with-  
4 out pay therefor.

5 h. The days of leave provided for in this section mean  
6 days upon which an officer or employee would otherwise work  
7 and receive pay, and are exclusive of holidays.

8 1. When an officer or employee terminates employment  
9 with one department, office, institution or agency of the  
10 state government and is employed by another department, of-  
11 fice, institution or agency of the state government without  
12 break in service his accumulated annual and sick leave shall  
13 transfer with him and be credited to him in the employing  
14 department, office, institution or agency.

15 j. The provisions of this section do not apply to:

- 16 (1) members of the state legislature;  
17 (2) deputy magistrates serving the state on less  
18 than a full-time basis;  
19 (3) members of the teaching staff and student  
20 employees of the University of Alaska;  
21 (4) certificated teachers employed by the state to  
22 teach in schools operated by the Department of Education;  
23 (5) persons employed in a professional capacity to  
24 make a temporary and special inquiry, study, or examination  
25 as authorized by the governor, the legislature or a legisla-  
26 tive committee;  
27 (6) members of boards, commissions and authorities  
28 who are not otherwise employed by the state;  
29 (7) temporary employees hired for periods of less

1 than 12 consecutive months.

2 k. The director of the division of personnel in the  
3 Department of Administration shall prepare and submit rules  
4 necessary to carry out the intent of this section. These  
5 regulations shall be submitted to the commissioner of adminis-  
6 tration within 60 days of July 1, 1960. The commissioner of  
7 administration shall review the rules and submit them to the  
8 personnel board. The rules, or any part of the rules, will  
9 have the force and effect of law 60 days after they have been  
10 submitted to the personnel board if not disapproved by the  
11 personnel board. Amendments to the rules shall be prepared  
12 and submitted in the same manner, and will have the force and  
13 effect of law 30 days after they have been submitted to the  
14 personnel board, if not disapproved by the personnel board.  
15 The rules adopted pursuant to this section relate to the in-  
16 ternal management of state agencies and their adoption is not  
17 subject to the provisions of the Administrative Procedure Act.

18 1. Every department, office, institution or agency of  
19 the state government shall keep for its files a complete  
20 annual and sick leave record, covering each of its employees,  
21 on forms prepared and supplied by the Department of Adminis-  
22 tration. These records shall be subject to annual audit and  
23 approval by the director of personnel of the Department of  
24 Administration.

25 m. In any case in which an officer or employee under the  
26 provisions of this section and of the law applicable on June  
27 30, 1960 has to his credit accumulated annual leave in excess  
28 of 45 days on December 31, 1960, such excess not to exceed 15  
29 days shall remain to his credit until used, but the use during

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

any year of an amount of leave in excess of the aggregate amount which shall have accrued during such year shall automatically reduce the maximum allowable accumulation at the end of any calendar year until the accumulation of such officer or employee no longer exceeds 45 days.

Sec. 2. This Act takes effect July 1, 1960.