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Referred: Health, Welfare
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1 IN THE SENATE

2 SENATE BILL NO. 223

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing educational leave for state
7 employees; and providing for an effective
8 date."

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

10 * Section 1. AS 39 is amended by adding a new chapter to read:

11 CHAPTER 45. EDUCATIONAL LEAVE.

12 Sec. 39.45.010. PURPOSE. In order to promote efficiency
13 and economy in the operation of all branches of state govern-
14 ment, and to provide means for the development of maximum
15 proficiency in the performance of official duties by
16 employees, to establish and maintain the highest standards of
17 performance in the transaction of the public business, and to
18 establish and utilize effectively the best modern practices
19 and techniques which have been developed, tested, and proved
20 inside or outside the state government, it is necessary and
21 desirable in the public interest that state employees receive
22 supplemental training, as provided in this chapter, to
23 develop skills, knowledge, and abilities which will best
24 qualify them for performance of official duties.

25 Sec. 39.45.020. TRAINING COMMITTEE: A State Employees
26 Training Committee is created in the Office of the Governor
27 and is composed of the commissioner of administration, the
28 commissioner of education, the chief justice of the supreme
29 court or his designee, and the executive director of the

1 Legislative Council.

2 Sec. 39.45.030. POWERS AND DUTIES OF THE TRAINING
3 COMMITTEE. (a) The committee is responsible, subject to
4 supervision and control by the governor, for the effective
5 promotion, direction and coordination of training programs
6 provided for in this chapter.

7 (b) The committee, after consideration of the needs
8 and requirements for employee training within each department
9 and agency, shall adopt regulations which specify

10 (1) the requirements for the determination and
11 continuing review by each department and agency of its
12 training needs and requirements;

13 (2) the scope and conduct of the programs and
14 plans for training;

15 (3) the procedures by which employees are selected
16 and assigned for training by departments and agencies;

17 (4) criteria for the utilization of services of
18 employees who have undergone training;

19 (5) by July 15 of each year, the maximum number
20 of employees from each department and agency, who will be
21 permitted to participate in training programs during the next
22 fiscal year;

23 (6) how information concerning training programs
24 is to be disseminated among departments and agencies;

25 (7) the form in which departments and agencies
26 report to the committee on the results and effects of pro-
27 grams and plans for training, including economies resulting
28 from these programs;

29 (8) standards of performance which an employee

1 must meet while participating in a training program;

2 (9) any other requirements and limitations
3 necessary to carry out the provisions of this chapter.

4 (c) Regulations adopted under this chapter relate to
5 the internal management of state departments and agencies and
6 are not subject to the Administrative Procedure Act (AS 44.62).
7 The regulations may be published in the Alaska Administrative
8 Code and Register for informational purposes.

9 (d) The committee may not prescribe types and methods
10 of, or regulate, intradepartmental or intra-agency training
11 programs.

12 (e) The committee shall submit an annual report to the
13 legislature no later than February 1 which summarizes the
14 operation of the training programs during the preceding
15 calendar year and may include recommendations for the im-
16 provement of the programs.

17 Sec. 39.45.040. TRAINING PROGRAMS. Training programs
18 authorized under this chapter shall be designed to lead to

19 (1) improved public service;

20 (2) dollar savings;

21 (3) the building and retention of a permanent
22 cadre of skilled and efficient state government employees,
23 well abreast of scientific, professional, technical, and
24 management developments both in and out of state government;

25 (4) lower turnover of personnel;

26 (5) reasonably uniform administration of training,
27 consistent with the missions of the state government;

28 (6) fair and equitable treatment of employees with
29 respect to training.

1 Sec. 39.45.050. REVIEW OF TRAINING NEEDS. Within 90
2 days after the effective date of this chapter and at least
3 once every three years thereafter, the head of each depart-
4 ment and agency shall review the needs and requirements for
5 training employees under its jurisdiction and report his
6 findings to the committee.

7 Sec. 39.45.060. EXPENSES OF TRAINING. An employee
8 selected for training under this chapter shall receive, during
9 his period of training, the regular salary or compensation,
10 excluding overtime, holiday, and night differential pay, which
11 he receives as a state employee and shall be paid, or reim-
12 bursed for, all or any part of the necessary expenses of
13 training, including

14 (1) travel and per diem during travel not to exceed
15 15 days;

16 (2) tuition and matriculation fees;

17 (3) library and laboratory services;

18 (4) purchase or rental of necessary books,
19 materials, and supplies; and

20 (5) other services or fees directly related to the
21 training of the employee.

22 Sec. 39.45.070. AGREEMENTS OF EMPLOYEES RECEIVING
23 TRAINING. (a) An employee who is selected for training shall,
24 before his actual assignment for training, enter into a
25 written agreement, approved as to form and legality by the
26 department of law, with the state which provides that

27 (1) after the expiration of the period of his
28 training he will continue in the service of his department
29 or agency for a period, known as the obligation period, of

1 two years, if the training period is for one to 90 days, or
2 for an obligation period of three years, if the training
3 period exceeds 90 days, unless he is involuntarily separated
4 from the service of his department or agency;

5 (2) if he voluntarily separates from the service
6 of his department or agency before the expiration of the obli-
7 gation period, he will pay to the state a sum equal to the
8 salary and expenses paid by the state in connection with his
9 training.

10 (b) No employee may be assigned for training unless he
11 has entered into an agreement under (a) of this section.

12 (c) An employee who leaves the service of the department
13 or agency which authorized his training before the expiration
14 of the applicable obligation period by reason of his entrance
15 into service with another department or agency of the state
16 government is not required to pay the state a sum equal to the
17 salary and expenses incurred by the state in connection with
18 his training, however, the agreement entered into by the em-
19 ployee remains in effect with the department or agency in
20 which the employee continues his service.

21 (d) If an employee, unless relieved of liability, fails
22 to fulfill his agreement to pay to the state a sum equal to
23 the salary and expenses incurred by the state in connection
24 with his training, a sum equal to the salary and expenses
25 shall be recoverable by the state from the employee or his
26 estate by setoff of accrued salary, pay, compensation, amount
27 of retirement credit, or other amount due the employee from
28 the state government; or by any other method as may be pro-
29 vided by law for the recovery of amounts owing to the state.

1 The head of the department or agency concerned may, in ac-
2 cordance with regulations of the committee, waive in whole
3 or in part the liability of an employee to the state for sala-
4 ry and expenses if it is shown that recovery by the state
5 would be against equity and good conscience or against the
6 public interest.

7 Sec. 39.45.080. LIMITATIONS ON TRAINING OF EMPLOYEES.

8 (a) The total number of employees who may receive training
9 under this chapter during a fiscal year may not exceed one per-
10 cent of the total number of permanent positions in all branches
11 of the state government.

12 (b) No employee having less than one year of current,
13 continuous service in the state government and who has not
14 been classified to permanent status is eligible for training
15 under this chapter unless the head of his department or agency
16 determines, in accordance with regulations of the committee,
17 that training for the employee is in the public interest.

18 (c) In the first 10-year period of an employee's
19 continuous or noncontinuous service in the state government
20 following the date of his initial entry into service of the
21 state government, and in each 10-year period of the service
22 occurring thereafter, the time spent by an employee in
23 training may not cumulatively exceed one year.

24 (d) The committee may waive, with respect to any
25 employee, any limitation in (a) - (c) of this section, upon
26 recommendation of the head of the department or agency con-
27 cerned, if the committee determines that the application of
28 the limitation is contrary to the public interest.

29 Sec. 39.45.090. PROHIBITION OF TRAINING. This chapter

1 shall not be construed to permit the selection and assignment
2 of an employee for training for the purpose of providing an
3 opportunity to the employee to obtain an academic degree in
4 order to qualify for appointment to a particular position for
5 which the degree is a basic requirement or for the sole
6 purpose of providing an opportunity to the employee to obtain
7 one or more academic degrees.

8 Sec. 39.45.100. TRAINING ARRANGEMENTS. The head of
9 each department and agency shall enter into agreements or
10 make other appropriate arrangements for the training of
11 employees under this chapter in or through government
12 facilities or nongovernmental facilities and may accept and
13 use federal funds to finance training programs.

14 Sec. 39.45.110. EXCLUSIONS. This chapter does not
15 apply to teachers and military personnel employed by the
16 state government or to the University of Alaska.

17 Sec. 39.45.120. DEFINITIONS. In this chapter

18 (1) "committee" means the State Employees Training
19 Committee;

20 (2) "department" and "agency" means a department
21 or agency in the executive, judicial or legislative branches
22 of the state government;

23 (3) "employee" means a civilian officer or
24 employee employed in the service of a department or agency;

25 (4) "government facility" means an institution
26 operated by the federal government, or a state government,
27 in which appropriate training may be obtained;

28 (5) "nongovernment facility" means a privately-
29 owned medical, scientific, technical, educational, research

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or professional institution, or a business, commercial or industrial firm where appropriate training may be obtained;

(6) "training" means the process of providing for and making available to an employee, and placing or enrolling an employee in, a planned, prepared, and coordinated program, course, curriculum, subject, system, or routine of instruction or education, in scientific, professional, technical, mechanical, trade, clerical, fiscal, administrative, or other fields which are or will be directly related to the performance by an employee of official duties for the state government, in order to increase the knowledge, proficiency, ability, skill, and qualifications of an employee in the performance of official duties.

* Sec. 2. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.