

Original sponsors: Duncan and Miller

Offered: 6/10/78
Referred: Rules

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 25

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to state officers, state employees,
7 and teachers; and providing for an effective date."

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

9 * Section 1. AS 39.20.200 is repealed and re-enacted to read:

10 Sec. 39.20.200. COMPUTATION OF PERSONAL LEAVE. Officers and
11 employees of the state are entitled to personal leave with pay which
12 accrues as follows:

13 (1) two days for each full monthly pay period in the case of
14 officers and employees with less than two years of service;

15 (2) two and one-quarter days for each full monthly pay period
16 in the case of officers and employees with two but less than five years
17 of service;

18 (3) two and one-half days for each full monthly pay period in
19 the case of officers and employees with five but less than 10 years of
20 service;

21 (4) three days for each full monthly pay period in the case
22 of officers and employees with 10 years or more service.

23 * Sec. 2. AS 39.20.210 is amended to read:

24 Sec. 39.20.210. DETERMINING YEARS OF SERVICE. In determining
25 years of service for the purpose of computing personal [ANNUAL] leave,
26 all service with the Territory and State of Alaska is included. A
27 change in the rate of accrual of personal [ANNUAL] leave by an officer
28 or employee takes effect upon the beginning of the monthly pay period
29 following the monthly pay period in which the officer or employee com-

1 pletes the prescribed period of service.

2 * Sec. 3. AS 39.20.220 is amended to read:

3 Sec. 39.20.220. REQUIREMENT THAT EMPLOYMENT BE CONTINUOUS. Not-
4 withstanding sec. 200 of this chapter, an officer or employee is
5 entitled to personal [ANNUAL] leave only after having been employed
6 currently for a continuous period of 30 [90] days under one or more
7 appointments without break in service. When an officer or employee
8 completes a period of continuous employment of 30 [90] days, an amount
9 of personal [ANNUAL] leave is credited to him equal to the amount which,
10 but for this section, would have accrued under sec. 200 of this chapter
11 during the period.

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

13 Sec. 39.20.225. USE OF PERSONAL LEAVE. (a) An officer or
14 employee may take personal leave at any time business permits upon
15 permission by the head of the department or agency for which he works.

16 (b) An officer or employee may take personal leave for medical
17 reasons, regardless of whether business permits, upon permission by the
18 head of the department or agency for which he works. A department or
19 agency head shall grant personal leave for medical reasons if he is
20 satisfied that the officer or employee is absent for medical reasons.
21 The taking of personal leave for medical reasons shall be reduced by the
22 amount of wage continuation payments made under the Alaska Workmen's
23 Compensation Act (AS 23.30). The following constitute "medical reasons"
24 and are subject to the conditions noted.

25 (1) Medical disability of an officer or employee is a medical
26 reason for taking personal leave. A department or agency head may
27 require a doctor's certificate showing the disability if the absence
28 exceeds three consecutive working days.

29 (2) Medical disability of a member of an officer's or

1 employee's immediate family is a medical reason for taking personal
2 leave if the disability is such that the attendance of the officer or
3 employee is required. A department or agency head may require a doc-
4 tor's certificate showing the disability if the absence exceeds three
5 consecutive working days.

6 (3) A medical condition of an officer or employee which makes
7 his presence at work a danger to the health of his fellow employees is a
8 medical reason for taking personal leave. A department or agency head
9 may require a doctor's certificate showing the condition if the absence
10 exceeds three consecutive working days.

11 (4) Pregnancy and childbirth is a medical reason for a female
12 officer or employee to take personal leave. A female officer or
13 employee, otherwise qualified for a leave of absence, is entitled to
14 take a maximum of nine weeks leave immediately preceding and following
15 childbirth. If the officer's or employee's accrued personal leave is
16 insufficient for this purpose, she is entitled to take leave without pay
17 for the balance of the nine-week period.

18 (5) Death of a member of an officer's or employee's immediate
19 family is a medical reason for taking personal leave. No more than five
20 days of personal leave may be taken for this purpose.

21 (c) Each officer and employee shall, during each 12-month period,
22 take at least five days of personal leave. If the officer or employee
23 does not take at least five days of personal leave during a 12-month
24 period, the difference between five days and the amount of personal
25 leave he did take shall be cancelled without pay unless his department
26 or agency head certifies in writing that he was denied the opportunity
27 to take five days of personal leave during the 12-month period.

28 * Sec. 5. AS 39.20.240 is repealed and re-enacted to read:

29 Sec. 39.20.240. ACCUMULATION OF PERSONAL LEAVE. Except as pro-

1 vided in sec. 225(c) of this chapter, personal leave which is not taken
2 by an officer or employee during a 12-month period accumulates for use
3 in succeeding 12-month periods.

4 * Sec. 6. AS 39.20.245 is amended to read:

5 Sec. 39.20.245. DONATION OF PERSONAL [ANNUAL] LEAVE. An officer
6 or [A STATE] employee may donate one or more days of personal [ANNUAL]
7 leave a year to the memorial scholarship revolving loan fund, or to a
8 scholarship account in the fund, under AS 14.40.810 - 14.40.845. The
9 commissioner of administration shall pay to the account of the memorial
10 scholarship revolving loan fund, or to a scholarship account in the
11 fund, an amount equal to the value of the day or days of personal
12 [ANNUAL] leave contributed by the officer or employee.

13 * Sec. 7. AS 39.20.250(a) is amended to read:

14 (a) Terminal leave for unused personal [ANNUAL] leave shall be
15 allowed as a lump sum upon separation from service. The lump-sum pay-
16 ment equals the compensation that the officer or employee would have
17 received if he had remained in the service until the expiration of the
18 period of unused personal [ANNUAL] leave.

19 * Sec. 8. AS 39.20 is amended by adding new sections to read:

20 Sec. 39.20.255. CONVERSION OF ACCRUED ANNUAL LEAVE TO PERSONAL
21 LEAVE. An officer or employee who has accrued annual leave shall have
22 that annual leave transferred to his personal leave account.

23 Sec. 39.20.256. TRANSFER OF ACCRUED MEDICAL LEAVE TO MEDICAL LEAVE
24 BANK. (a) An officer or employee who has accrued medical leave shall
25 have that medical leave transferred to a medical leave bank. Banked
26 medical leave may be taken only in accordance with this section.

27 (b) An officer or employee may take up to 15 days of banked medi-
28 cal leave under the same circumstances as he could take personal leave
29 for medical reasons under sec. 225(b) of this chapter.

1 (c) Once 15 days of banked medical leave have been exhausted, an
2 officer or employee may not take any of the balance unless

3 (1) he has no accrued personal leave; or

4 (2) he has a medical disability exceeding seven working days
5 in duration.

6 (d) In the situation described in (c)(1) of this section, an
7 officer or employee may take banked medical leave under the same cir-
8 cumstances as he could take personal leave for medical reasons under
9 sec. 225(b) of this chapter.

10 (e) In the situation described in (c)(2) of this section, an
11 officer or employee may take only accrued personal leave until the
12 earlier of the following occurs:

13 (1) his accrued personal leave is exhausted; or

14 (2) seven working days of the medical disability elapse after
15 exhaustion of the 15 days of banked medical leave.

16 (f) Once the requirements of (e) of this section have been met, an
17 officer or employee may take banked medical leave until the medical
18 disability is terminated.

19 (g) When this section authorizes the taking of banked medical
20 leave under the same circumstances as personal leave for medical reasons,
21 a department or agency head may require a doctor's certificate to the
22 extent provided in sec. 225(b) of this chapter. When leave is taken
23 under (e) or (f) of this section, a department or agency head may re-
24 quire a doctor's certificate showing the disability.

25 (h) The taking of leave under this section shall be reduced by the
26 amount of wage continuation payments made under the Alaska Workmen's
27 Compensation Act (AS 23.30).

28 (i) Upon an officer's or employee's separation from state service,
29 his banked medical leave shall be cancelled without pay.

1 * Sec. 9. AS 39.20.300 is amended to read:

2 Sec. 39.20.300. PERSONAL AND BANKED MEDICAL [ANNUAL AND SICK]
3 LEAVE TRANSFERS WITH OFFICER OR EMPLOYEE. When an officer or employee
4 terminates employment with one department, office, institution, or
5 agency of the state government and is employed by another department,
6 office, institution, or agency of the state government without break in
7 service, his accumulated personal leave and banked medical [ANNUAL AND
8 SICK] leave transfers with him and shall be credited to him in the
9 employing department, office, institution, or agency.

10 * Sec. 10. AS 39.20.310 is amended by adding a new paragraph to read:

11 (9) persons employed by the state who are covered by collec-
12 tive bargaining agreements as provided in AS 23.40.210.

13 * Sec. 11. AS 39.20.320 is amended to read:

14 Sec. 39.20.320. ADOPTION OF REGULATIONS [RULES]. The director of
15 the division of personnel and labor relations in the Department of
16 Administration shall prepare and submit regulations [RULES] necessary to
17 carry out the intent of secs. 200 - 330 of this chapter. These regula-
18 tions shall include provisions for crediting and, if necessary, convert-
19 ing accrued leave when an officer or employee transfers, without break
20 in service, between a department or agency of the state government where
21 he is subject to secs. 200 - 330 of this chapter and a department or
22 agency of the state government where he is not subject to secs. 200 -
23 330 of this chapter. These regulations shall be submitted to the commis-
24 sioner of administration within 60 days of the effective date of this
25 Act [JULY 1, 1960]. The commissioner of administration shall review the
26 regulations [RULES] and submit them to the personnel board. The
27 regulations [RULES], or any part of the regulations [RULES], have the
28 force and effect of law 30 [60] days after they are submitted to the
29 personnel board if not disapproved by the personnel board. Amendments

1 to the regulations [RULES] shall be prepared and submitted in the same
2 manner, and have the force and effect of law 30 days after they are
3 submitted to the personnel board, if not disapproved by the personnel
4 board. The regulations [RULES] adopted under secs. 200 - 330 of this
5 chapter relate to the internal management of state agencies and their
6 adoption is not subject to the provisions of the Administrative Proce-
7 dure Act (AS 44.62).

8 * Sec. 12. AS 39.20.330 is amended to read:

9 Sec. 39.20.330. DEPARTMENTS TO KEEP LEAVE RECORDS. Each depart-
10 ment, office, institution, or agency of the state government shall keep
11 for its files a complete [ANNUAL AND SICK] leave record, covering each
12 of its officers and employees, on forms prepared and supplied by the
13 Department of Administration. These records are subject to annual audit
14 and approval by the director of personnel of the Department of Adminis-
15 tration.

16 * Sec. 13. AS 14.25 is amended by adding a new section to read:

17 Sec. 14.25.125. UNUSED SICK LEAVE CREDIT. (a) A teacher in
18 membership service on or after July 1, 1977 who is appointed to retire-
19 ment on or after July 1, 1978 may elect to apply his unused sick leave
20 credit in computing the total number of years of creditable service
21 under sec. 120(c)(1) and (4) of this chapter. To obtain service credit
22 for unused sick leave, a teacher must apply to the administrator no
23 later than one year after appointment to retirement. Unused sick leave
24 shall be credited on a day-for-day basis in accordance with the table
25 for service after July 1, 1969 contained in sec. 220(16) of this chap-
26 ter. No teacher contributions may be required for credited unused sick
27 leave.

28 (b) A teacher appointed to retirement before July 1, 1978 who
29 returns to membership service on or after July 1, 1978 and is subse-

1 quently reappointed to retirement is eligible for unused sick leave
2 credit only with respect to sick leave accrued during membership service
3 on or after July 1, 1978.

4 (c) Benefits payable under this section accrue from the first day
5 of the month after which all the following requirements are met: (1)
6 the teacher meets the eligibility requirements of this section; (2) the
7 teacher's written application for unused sick leave credit is received
8 and verified by the administrator; and (3) a period of time has elapsed
9 since the date of appointment to retirement equal to the amount of
10 verified unused sick leave. Benefits are payable on the last day of the
11 month.

12 * Sec. 14. AS 14.25.060(b) is amended by adding a new paragraph to read:

13 (3) A member who joins the system on or after July 1, 1978
14 and claims Alaska BIA service is exempt from (1) and (2) of this sub-
15 section with respect to that service. His arrearage indebtedness for
16 the Alaska BIA service shall be calculated under (a) of this section.
17 However, such a member may claim no more than five years Alaska BIA
18 service. This paragraph does not apply to a member who has, at the time
19 he claims Alaska BIA service, a vested military or federal retirement
20 benefit. A member who acquires a vested military or federal retirement
21 benefit after claiming Alaska BIA service under this paragraph shall
22 have his arrearage indebtedness for that service recalculated under (1)
23 or (2) of this subsection, as appropriate, retroactive to the date he
24 claimed the service.

25 * Sec. 15. AS 39.20.230 and 39.20.260 are repealed.

26 * Sec. 16. This Act takes effect immediately in accordance with AS 01.10.-
27 070(c).