

Original sponsor: Duncan and Miller

Offered: 6/16/78

1 IN THE HOUSE BY THE FREE CONFERENCE COMMITTEE

2 FREE CONFERENCE CS FOR 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 AS 39.20.200 is repealed and re-enacted to read: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. (a) An
24 officer or employee who has accrued medical leave shall have 40 per cent
25 of that medical leave transferred to his personal leave account and 60
26 per cent of that medical leave transferred to a medical leave bank.
27 Banked medical leave may be taken only in accordance with this section.

28 (b) An officer or employee may not take any of his banked medical
29 leave unless

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(1) he has no accrued personal leave; and

(2) he has a medical disability exceeding 10 consecutive working days in duration.

(c) Once the requirements of (b) of this section have been met, an officer or employee may take banked medical leave until the medical disability is terminated or his banked medical leave is exhausted.

(d) When leave is taken under (b) of this section, a department or agency head may require a doctor's certificate showing the disability.

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

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

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

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

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

(9) persons employed by the state who are covered by collective bargaining agreements as provided in AS 23.40.210.

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

Sec. 39.20.320. ADOPTION OF REGULATIONS [RULES]. The director of the division of personnel and labor relations in the Department of Administration shall prepare and submit regulations [RULES] necessary to

1 carry out the intent of secs. 200 - 330 of this chapter. These regula-
2 tions shall include provisions for crediting and, if necessary, convert-
3 ing accrued leave when an officer or employee transfers, without break
4 in service, between a department or agency of the state government where
5 he is subject to secs. 200 - 330 of this chapter and a department or
6 agency of the state government where he is not subject to secs. 200 -
7 330 of this chapter. These regulations shall be submitted to the commis-
8 sioner of administration within 60 days of the effective date of this
9 Act [JULY 1, 1960]. The commissioner of administration shall review the
10 regulations [RULES] and submit them to the personnel board. The
11 regulations [RULES], or any part of the regulations [RULES], have the
12 force and effect of law 30 [60] days after they are submitted to the
13 personnel board if not disapproved by the personnel board. Amendments
14 to the regulations [RULES] shall be prepared and submitted in the same
15 manner, and have the force and effect of law 30 days after they are
16 submitted to the personnel board, if not disapproved by the personnel
17 board. The regulations [RULES] adopted under secs. 200 - 330 of this
18 chapter relate to the internal management of state agencies and their
19 adoption is not subject to the provisions of the Administrative Proce-
20 dure Act (AS 44.62).

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

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

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

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

12 (b) A teacher appointed to retirement before July 1, 1978 who
13 returns to membership service on or after July 1, 1978 and is subse-
14 quently reappointed to retirement is eligible for unused sick leave
15 credit only with respect to sick leave accrued during membership service
16 on or after July 1, 1978.

17 (c) Benefits payable under this section accrue from the first day
18 of the month after which all the following requirements are met: (1)
19 the teacher meets the eligibility requirements of this section; (2) the
20 teacher's written application for unused sick leave credit is received
21 and verified by the administrator; and (3) a period of time has elapsed
22 since the date of appointment to retirement equal to the amount of
23 verified unused sick leave. Benefits are payable on the last day of the
24 month.

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

26 (3) A member who joins the system on or after July 1, 1978
27 and claims Alaska BIA service is exempt from (1) and (2) of this sub-
28 section with respect to that service. His arrearage indebtedness for
29 the Alaska BIA service shall be calculated under (a) of this section.

1 However, such a member may claim no more than five years Alaska BIA
2 service. This paragraph does not apply to a member who has, at the time
3 he claims Alaska BIA service, a vested military or federal retirement
4 benefit. A member who acquires a vested military or federal retirement
5 benefit after claiming Alaska BIA service under this paragraph shall
6 have his arrearage indebtedness for that service recalculated under (1)
7 or (2) of this subsection, as appropriate, retroactive to the date he
8 claimed the service.

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

10 * Sec. 16. This Act takes effect immediately in accordance with AS 01.10.-
11 070(c).