

Offered: 4/30/85
Referred: Finance

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

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CS FOR HOUSE BILL NO. 238 (Judiciary)

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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For an Act entitled: "An Act relating to personal leave for pregnancy, childbirth and adoption; credit for service in the state's retirement systems for certain leave without pay; and providing for an effective date."

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

11 * Section 1. AS 14.20.345(b) is amended to read:

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(b) A leave of absence is not an interruption of the continuous service necessary to attain or retain retirement or tenure rights according to AS 14.20.150, 14.20.155, or 14.20.160. However, the time spent on leave of absence may not be counted in determining when a teacher has sufficient service to enable the teacher to acquire [RETIREMENT OR] tenure rights or, except as provided in AS 14.25.102, retirement rights.

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* Sec. 2. AS 14.25 is amended by adding a new section to read:

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Sec. 14.25.102. CREDIT FOR SERVICE FOR LEAVE OF ABSENCE WITHOUT PAY DUE TO PREGNANCY, BIRTH, ADOPTION, AND CERTAIN CHILD CARE. (a) A member is entitled to credit for service for up to 16 weeks of leave of absence without pay authorized by an employer if the reason for the leave of absence is

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(1) pregnancy of the member;

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(2) birth of the child of the member;

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(3) placement of a child with the member in connection with

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the adoption of the child by the member; or

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(4) care of the child immediately following the child's

1 birth or placement with the member.

2 (b) To obtain credit for service under this section, the member
3 must elect to do so and shall provide verification from the employer
4 for the approved leave of absence under (a) of this section.

5 (c) After eligibility for the leave of absence service credit is
6 established, the administrator shall determine the indebtedness. The
7 indebtedness is equal to the full actuarial cost of providing benefits
8 for the service claimed and shall be based on base salary and age at
9 the time the approved leave began. Interest as prescribed by regula-
10 tion accrues on the indebtedness from the date that the approved leave
11 of absence ended.

12 (d) An outstanding indebtedness existing at the time that the
13 member retires requires an actuarial adjustment to the benefits pay-
14 able based on the approved leave of absence.

15 (e) This section does not require an employer to approve a leave
16 of absence without pay for a period longer than that allowed by stat-
17 ute or regulation. This section does not prevent approval of leave of
18 absence without pay, for the reasons set out in (a) of this section,
19 under AS 14.20.345 if a district has a policy of approving leave
20 without pay for those reasons under AS 14.20.345 and if approval of
21 leave without pay under that section would be more advantageous to the
22 member.

23 * Sec. 3. AS 22.25 is amended by adding a new section to read:

24 Sec. 22.25.015. CREDIT FOR SERVICE FOR LEAVE OF ABSENCE WITHOUT
25 PAY DUE TO PREGNANCY, BIRTH, ADOPTION, AND CERTAIN CHILD CARE. (a) A
26 justice or judge is entitled to credit for service for up to 16 weeks
27 of authorized leave of absence without pay if the reason for the leave
28 of absence is

29 (1) pregnancy of the justice or judge;

- 1 (2) birth of the child of the justice or judge;
2 (3) placement of a child with the justice or judge in
3 connection with the adoption of the child by the justice or judge; or
4 (4) care of the child immediately following the child's
5 birth or placement with the justice or judge.

6 (b) To obtain credit for service under this section, the justice
7 or judge must elect to do so and shall provide verification from the
8 court administrator for the approved leave of absence under (a) of
9 this section.

10 (c) After eligibility for the leave of absence service credit is
11 established, an indebtedness shall be determined, equal to the full
12 actuarial costs of providing benefits for the service claimed. In-
13 debtedness shall be based on base salary and age at the time the ap-
14 proved leave began. Interest, as prescribed by regulation, accrues on
15 the indebtedness from the date that the approved leave of absence
16 ended.

17 * Sec. 4. AS 39.20.225(b)(4) is amended to read:

18 (4) Pregnancy and childbirth or adoption is a medical
19 reason for an [A FEMALE] officer or employee to take personal leave.
20 An [A FEMALE] officer or employee, otherwise qualified for a leave of
21 absence, is entitled to take a maximum of 16 [NINE] weeks leave imme-
22 diately preceding and following childbirth or adoption. If the offi-
23 cer's or employee's accrued personal leave is insufficient for this
24 purpose, the officer or employee is entitled to take leave without pay
25 for the balance of the 16-week [NINE-WEEK] period.

26 * Sec. 5. AS 39.35.330(b) is amended to read:

27 (b) Except as provided in AS 39.35.335, a [A] leave of absence
28 without pay that exceeds 10 working days in any calendar year or lay-
29 off status authorized by an employer will be considered as an

1 interruption of employment and no credited service will be granted.

2 * Sec. 6. AS 39.35 is amended by adding a new section to read:

3 Sec. 39.35.335. CREDIT FOR SERVICE FOR LEAVE OF ABSENCE WITHOUT
4 PAY DUE TO PREGNANCY, BIRTH, ADOPTION, AND CERTAIN CHILD CARE. (a)

5 An employee is entitled to credit for service for up to 16 weeks of
6 leave of absence without pay authorized by an employer if the reason
7 for the leave of absence is

8 (1) pregnancy of the employee;

9 (2) birth of the child of the employee;

10 (3) placement of a child with the employee in connection
11 with the adoption of the child by the employee; or

12 (4) care of the child immediately following the child's
13 birth or placement with the employee.

14 (b) To obtain credit for service under this section, the employ-
15 ee must elect to do so and shall provide verification from the employ-
16 er for the approved leave of absence under (a) of this section.

17 (c) After eligibility for the leave of absence service credit is
18 established, an indebtedness must be determined, equal to the full
19 actuarial cost of providing benefits for the service claimed. Indebt-
20 edness shall be based on the employee's age and on the actual compen-
21 sation during the 12 months before the approved leave of absence
22 began, or, if the employee did not work full time during the 12 months
23 before the approved leave began, on the annualized compensation.
24 Interest, as prescribed by regulation, accrues on the indebtedness
25 from the date that the approved leave of absence ended.

26 (d) Any outstanding indebtedness existing at the time that the
27 employee retires requires an actuarial adjustment to the benefits pay-
28 able based on the approved leave of absence.

29 (e) This section does not require an employer to approve a leave

1 of absence without pay for a period longer than that allowed by stat-
2 ute or regulation.

3 * Sec. 7. Within 90 days after the effective date of this section, the
4 Department of Administration shall publish notice of the provisions of this
5 Act in the regularly published newsletters of the division of retirement
6 and benefits and in newspapers of general distribution in each judicial
7 district of the state.

8 * Sec. 8. Section 7 of this Act takes effect immediately in accordance
9 with AS 01.10.070(c).