

Offered: 4/30/85  
Referred: Finance

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE  
2 CS FOR HOUSE BILL NO. 238 (Judiciary) am  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - SECOND SESSION

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

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

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

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

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

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

- 25 (1) pregnancy of the member;  
26 (2) birth of the child of the member;  
27 (3) placement of a child with the member in connection with  
28 the adoption of the child by the member; or  
29 (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, the administrator shall determine the indebtedness. The  
19 indebtedness is equal to the full actuarial cost of providing benefits  
20 for the service claimed and shall be based on the employee's age and  
21 on the actual compensation during the 12 months before the approved  
22 leave of absence began, or, if the employee did not work full time  
23 during the 12 months before the approved leave began, on the annual-  
24 ized compensation. Interest, as prescribed by regulation, accrues on  
25 the indebtedness from the date that the approved leave of absence  
26 ended.

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

1           (e) This section does not require an employer to approve a leave  
2 of absence without pay for a period longer than that allowed by stat-  
3 ute or regulation.

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

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