

Introduced: 3/25/85  
Referred: Labor & Commerce  
and Finance

1 IN THE HOUSE

BY SZYMANSKI

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HOUSE BILL NO. 318

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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FOURTEENTH LEGISLATURE - FIRST SESSION

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A BILL

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For an Act entitled: "An Act relating to rights of injured state employees."

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

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\* Section 1. AS 39.25 is amended by adding new sections to read:

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Sec. 39.25.157. POSITION DESCRIPTIONS. The director of personnel, in consultation with the appropriate department or agency, shall prepare and maintain a position description for each position in the classified and partially exempt services. The position description shall describe the essential functions of the position and the actual skills and abilities required to perform the tasks assigned to the position. A general requirement for physical abilities may not be imposed on a job classification unless each position within the class requires the use of the physical ability.

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Sec. 39.25.158. REHIRE RIGHTS FOR INJURED STATE EMPLOYEES. (a)

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A state agency shall offer an injured employee the employee's former position if the employee is able to perform the tasks assigned to the position. However, if another employee has attained permanent status in that position, then the agency shall, at the request of the injured employee,

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(1) offer the injured employee the position as soon as a vacancy occurs; or

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(2) immediately offer the injured employee a comparable position in the same agency.

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(b) If an employee is no longer able to perform all of the tasks

1 assigned to the position the employee held when the employee was  
2 injured, then the agency shall rehire the employee after making a  
3 reasonable accommodation to the physical and mental limitations of the  
4 employee. Reasonable accommodation may include imposing work restric-  
5 tions on the tasks performed by the employee, making job or site  
6 modifications necessary to permit the employee to perform the tasks of  
7 the position, removing institutional and architectural barriers, and  
8 providing additional support services.

9 (c) The agency may refuse to rehire or continue the employment  
10 of a former employee if the accommodation imposes an undue hardship on  
11 the operation of the agency's program or if, after reasonable efforts  
12 at accommodation, the injured employee cannot perform the essential  
13 functions of the position in a manner that would not endanger the  
14 health or safety of

15 (1) the employee because the job imposes an imminent and  
16 substantial degree of risk to the employee; or

17 (2) others to a greater extent than if a nonhandicapped  
18 person performed the job.

19 (d) Factors to consider in determining undue hardship include  
20 the current number of employees in the section or office, number and  
21 type of facilities, size of budget, nature and cost of the accommoda-  
22 tion needed, and the type, composition, and structure of the work  
23 force.

24 (e) If an agency is unable to rehire an employee under this  
25 section, then the employee may request preference for a position in  
26 another agency. If the employee can perform the tasks assigned to  
27 that position or if the employee can perform those tasks after reason-  
28 able accommodation, the agency shall hire the employee.

29 (f) This section applies to permanent, probationary, and

1 provisional employees in the executive, legislative, and judicial  
2 branches of state government, including the University of Alaska, who

3 (1) were injured on-the-job;

4 (2) were laid off or terminated after the injury; and

5 (3) have requested to return to work for the state.

6 (g) In this section "agency" includes a department, division,  
7 office, agency, board, commission, authority, or other organizational  
8 unit of the executive, legislative, and judicial branches of state  
9 government including the University of Alaska.