

Offered: 5/9/87
Referred: Finance

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Original sponsors: Brown, Ulmer,
Pearce, et al.

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 224 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to employment rights based on preg-
7 nancy, childbirth, and adoption."

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

9 * Section 1. FINDINGS AND PURPOSE. (a) The legislature finds that

10 (1) the number of single-parent households and two-parent house-
11 holds in which the single parent or both parents work outside the home is
12 increasing significantly;

13 (2) it is important to the development of a child and to the
14 family unit that parents be able to participate in early childrearing; and

15 (3) the lack of employment opportunities to accommodate working
16 parents can force individuals to choose between job security and parenting.

17 (b) The legislature declares that the purposes of this Act are

18 (1) to balance the demands of the workplace with the needs of
19 families, and to promote stability and economic security in families;

20 (2) to entitle employees to take reasonable leave for the birth
21 or adoption of a child; and

22 (3) to accommodate the legitimate interests of employers.

23 * Sec. 2. AS 18.80 is amended by adding a new section to read:

24 Sec. 18.80.225. PREGNANCY, CHILDBIRTH, AND RELATED CONDITIONS.

25 (a) An employer shall grant an employee whose health is affected by
26 pregnancy, childbirth, or a related medical condition the same employ-
27 ment benefits and privileges that the employer grants to other employ-
28 ees with similar ability to work who are not so affected, including
29 allowing the employee to take disability or sick leave or other

1 accrued leave that the employer makes available to temporarily dis-
2 abled employees. However, except as provided in (d) of this section,
3 an employer is not required to provide an employee health insurance
4 coverage for the medical costs of pregnancy, childbirth, or a related
5 medical condition. The inclusion in health insurance coverage of
6 provisions or coverage relating to medical costs of pregnancy, child-
7 birth, or a related medical condition does not require the inclusion
8 of other provisions or coverage. Coverage of a related medical condi-
9 tion is not required by virtue of coverage of medical costs of preg-
10 nancy, childbirth, or another related medical condition.

11 (b) An employer shall permit an employee who has been employed
12 by the employer for at least three consecutive months immediately
13 preceding the anticipated leave, to take family leave for a total of
14 18 workweeks because of the birth of a child of the employee or the
15 placement of a child with the employee for adoption. The leave may be
16 unpaid leave. However, the employee may choose to substitute, or the
17 employer may require the employee to substitute, accrued paid vacation
18 leave, sick leave, personal leave, or other paid leave during this
19 period. The leave shall be taken immediately preceding and immediate-
20 ly following the birth or placement of the child. If the employee is
21 entitled to a longer period of time under (a) of this section, then
22 the longer period applies.

23 (c) An employee who plans to take leave under (a) or (b) of this
24 section shall give the employer reasonable notice of the date the
25 leave will commence and the estimated duration of the leave.

26 (d) During the time that an employee is on leave under this
27 section, the employer shall maintain coverage under any group health
28 plan at the level and under the conditions that coverage would have
29 been provided if the employee had continued in employment continuously

1 from the date the leave commenced to the date the employee returns
2 from leave under (e) of this section. However, the employer may
3 require that the employee pay all of the costs for maintaining health
4 insurance coverage during a period of unpaid leave.

5 (e) Unless the employer's business circumstances have changed to
6 make it impossible or unreasonable, when an employee returns from
7 leave under (a) or (b) of this section, the employer shall restore the
8 employee

9 (1) to the position of employment held by the employee when
10 the leave began; or

11 (2) to a substantially similar position with substantially
12 similar benefits, pay, and other terms and conditions of employment.

13 (f) An employer may not refuse to temporarily transfer a preg-
14 nant employee to an existing, unfilled position that is less strenuous
15 or less hazardous if the employee requests the transfer, the transfer
16 is recommended by a licensed health care provider, the employee is
17 qualified to perform the job, and the transfer will not subject the
18 employer to legal liability. An employer shall compensate an employee
19 who requests a transfer under this subsection at least the lesser of

20 (1) the rate at which the employee was compensated immedi-
21 ately before requesting the transfer, as adjusted by changes to com-
22 pensation that apply generally to the work force; or

23 (2) the rate of compensation set for the position into
24 which the employee transfers, as adjusted by changes to compensation
25 that apply generally to the work force.

26 (g) This section does not affect any other provision of law
27 relating to sex discrimination or pregnancy.

28 (h) This section applies to an employer only if the employer
29 employs at least 15 employees for each working day during each of at

1 least 20 calendar workweeks in either the current calendar year or the
2 preceding calendar year. However, this section does not apply to a
3 facility of an employer at which fewer than 15 employees are employed
4 if the combined number of employees employed by the employer within 50
5 road miles of the facility is fewer than 15.

6 * Sec. 3. AS 39.20.225 is amended by adding a new subsection to read:

7 (d) An officer or employee who is otherwise qualified to take
8 leave of absence may take a maximum of 18 weeks of leave immediately
9 preceding and following the birth of a child or the placement of a
10 child with the officer or employee for adoption. An officer or em-
11 ployee taking leave under this subsection shall use accrued personal
12 leave. After exhausting accrued personal leave, the officer or em-
13 ployee may take leave without pay for the balance of the 18-week
14 period.

15 * Sec. 4. AS 39.20.225(b)(4) is repealed.