

Introduced: 2/12/87  
Referred: Health, Education and  
Social Services, Labor  
and Commerce and Finance

5-0401A

1 IN THE SENATE BY JOSEPHSON

2 SENATE BILL NO. 124

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 is increasing signif-  
12 icantly;

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 allow an employee whose health is affected by  
26 pregnancy, childbirth, or a related medical condition to receive the  
27 same benefits or privileges of employment granted by that employer to  
28 other persons not so affected who are similar in their ability or  
29 inability to work, including allowing the employee to take disability

1 or sick leave or other accrued leave that the employer makes available  
2 to temporarily disabled employees. However, an employer is not re-  
3 quired to provide an employee health insurance coverage for the med-  
4 ical costs of pregnancy, childbirth, or a related medical condition.  
5 The inclusion in health insurance coverage of provisions or coverage  
6 relating to medical costs of pregnancy, childbirth, or a related  
7 medical condition does not require the inclusion of other provisions  
8 or coverage. Coverage of a related medical condition is not required  
9 by virtue of coverage of medical costs of pregnancy, childbirth, or  
10 another related medical condition.

11 (b) An employer shall permit an employee to take family leave  
12 for a total of 18 workweeks because of the birth of a child of the  
13 employee or the placement of a child with the employee for adoption or  
14 foster care. The employee may use accrued vacation leave during this  
15 period. The leave shall be taken immediately preceding and immediate-  
16 ly following the birth or placement of the child. If the employee is  
17 entitled to a longer period of time under (a) of this section, then  
18 the longer period applies.

19 (c) An employer may require an employee who plans to take leave  
20 under (a) or (b) of this section to give the employer reasonable  
21 notice of the date the leave will commence and the estimated duration  
22 of the leave.

23 (d) When an employee returns from leave under (a) or (b) of this  
24 section, the employer shall restore the employee

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

27 (2) to an equivalent position with equivalent employment  
28 benefits, pay, and other terms and conditions of employment.

29 (e) An employer may not refuse to temporarily transfer a

1 pregnant employee to a less strenuous or less hazardous position if  
2 the employee requests the transfer and

3 (1) the employer has a policy, practice, or collective bar-  
4 gaining agreement requiring or permitting the transfer of temporarily  
5 disabled employees to less strenuous or less hazardous positions for  
6 the duration of the disability; or

7 (2) the request is based on a physician's advice and can be  
8 reasonably accommodated.

9 (f) This section does not require an employer to

10 (1) create additional employment that the employer would  
11 not otherwise have created; or

12 (2) discharge an employee, transfer an employee with more  
13 seniority, or promote an employee who is not qualified for the new  
14 position.

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

17 (h) This section applies to an employer only if the employer  
18 employs at least 15 employees for each working day during each of at  
19 least 20 calendar workweeks in either the current calendar year or the  
20 preceding calendar year. However, this section does not apply to a  
21 facility of an employer at which fewer than 15 employees are employed  
22 if the combined number of employees employed by the employer within  
23 200 miles of the facility is fewer than 15.