

SENATE BILL NO. 310

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 5/20/91

Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to annual leave, sick leave, and personal leave for certain officers and
2 employees of the state; and providing for an effective date."

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

4 * Section 1. AS 39.20.200 is repealed and reenacted to read:

5 Sec. 39.20.200. COMPUTATION OF ANNUAL LEAVE. Officers and employees of
6 the state are entitled to annual leave with pay, which accrues as follows:

7 (1) one and one-quarter days for each full monthly pay period in the case of
8 officers and employees with less than two years of service;

9 (2) one and three-quarters days for each full monthly pay period in the case of
10 officers and employees with two but less than five years of service;

11 (3) two days for each full monthly pay period in the case of officers and
12 employees with five but less than 10 years of service;

13 (4) two and one-half days for each full monthly pay period in the case of officers
14 and employees with 10 or more years of service.

1 * **Sec. 2.** AS 39.20.210 is amended to read:

2 **Sec. 39.20.210. DETERMINING YEARS OF SERVICE.** In determining years of service
3 for the purpose of computing annual [PERSONAL] leave, all service with the Territory and State
4 of Alaska is included. A change in the rate of accrual of annual [PERSONAL] leave by an
5 officer or employee takes effect upon the beginning of the monthly pay period following the
6 monthly pay period in which the officer or employee completes the prescribed period of service.

7 * **Sec. 3.** AS 39.20.220 is amended to read:

8 **Sec. 39.20.220. REQUIREMENT THAT EMPLOYMENT BE CONTINUOUS.**
9 Notwithstanding AS 39.20.200, an officer or employee is entitled to annual [PERSONAL] leave
10 only after having been employed currently for a continuous period of 30 days under one or more
11 appointments without break in service. When an officer or employee completes a period of
12 continuous employment of 30 days, an amount of annual [PERSONAL] leave is credited to the
13 officer or employee equal to the amount which, but for this section, would have accrued under
14 AS 39.20.200 during the period.

15 * **Sec. 4.** AS 39.20 is amended by adding a new section to read:

16 **Sec. 39.20.227. WHEN ANNUAL LEAVE MAY BE TAKEN.** An officer or employee
17 may take annual leave at any time business permits upon permission by the head of the
18 department or agency for whom the officer or employee works. Each officer and employee shall,
19 during each 12-month period, take at least five days of annual leave.

20 * **Sec. 5.** AS 39.20.240 is repealed and reenacted to read:

21 **Sec. 39.20.240. ACCUMULATION OF ANNUAL LEAVE.** The annual leave that is not
22 taken by an officer or employee during a 12-month period accumulates for use in succeeding
23 12-month periods until it totals no more than 45 days at the end of the 12-month period. If an
24 officer or employee will have accumulated an amount of annual leave in excess of 45 days at the
25 end of a 12-month period, the department or agency head, after consultation with the officer or
26 employee, may either schedule the officer or employee to take the excess annual leave before the
27 end of the 12-month period or request in writing the approval of the commissioner of the
28 Department of Administration for an excess annual leave carry-over, to be taken within 90 days
29 after the end of the 12-month period. Except as provided in this section, at the end of each
30 12-month period any amount of annual leave in excess of 45 days shall be transferred to the
31 officer's or employee's medical leave account and is available for use as provided in

1 AS 39.20.262. The Department of Administration shall adopt regulations under AS 39.20.320
2 to implement this section.

3 * Sec. 6. AS 39.20.245 is amended to read:

4 Sec. 39.20.245. DONATION OF ANNUAL LEAVE. (a) An officer or employee may
5 donate one or more days of annual [PERSONAL] leave a year to the memorial scholarship
6 revolving loan fund, or to a scholarship account in the fund, under AS 14.43.250 - 14.43.325.
7 The commissioner of administration shall pay to the account of the memorial scholarship
8 revolving loan fund, or to a scholarship account in the fund, an amount equal to the value of the
9 day or days of annual [PERSONAL] leave contributed by the officer or employee.

10 (b) An officer or employee, with the approval of the person authorizing the employment,
11 may donate banked [ACCRUED] personal or accrued annual leave to another officer or
12 employee only for use as leave for medical reasons. The official responsible for employee
13 accounts shall debit the donor's banked personal or annual leave account and credit the donee's
14 medical [PERSONAL LEAVE ACCOUNT, OR SICK] leave account[, AS APPROPRIATE, FOR
15 MEDICAL REASONS ONLY,] by converting the donated leave into cash value at the donor's
16 rate of pay and reconvertng the cash value to hours of leave at the donee's rate of pay. Leave
17 donated under this subsection is not leave taken by the donor for purposes of AS 39.20.227
18 [AS 39.20.225(c)]. An employee who is covered by a collective bargaining agreement may
19 donate leave to or receive donations of leave from an employee or officer who is not covered by
20 a collective bargaining agreement, notwithstanding AS 39.20.310(8) and (9).

21 * Sec. 7. AS 39.20.250(a) is amended to read:

22 (a) Terminal leave for unused annual [PERSONAL] leave shall be allowed upon
23 separation from service. The payment equals the officer's or employee's leave balance times
24 the officer's or employee's current hourly rate of pay [COMPENSATION THAT THE
25 OFFICER OR EMPLOYEE WOULD HAVE RECEIVED IF THE OFFICER OR EMPLOYEE
26 HAD REMAINED IN THE SERVICE UNTIL THE EXPIRATION OF THE PERIOD OF
27 UNUSED PERSONAL LEAVE]. A payment of terminal leave to an officer or employee shall
28 be made as a lump sum payment or in installments over a period of time, as the officer or
29 employee elects.

30 * Sec. 8. AS 39.20 is amended by adding new sections to read:

31 Sec. 39.20.257. TRANSFER OF ACCRUED PERSONAL LEAVE. An officer's or

1 employee's accrued personal leave, up to a maximum of 337.5 hours, shall be transferred to that
2 person's annual leave account; any remaining amount of accrued personal leave shall be
3 transferred to that person's banked personal leave account.

4 Sec. 39.20.258. **BANKED PERSONAL LEAVE.** (a) Except as provided in (g) of this
5 section, an officer or employee may not take banked personal leave unless the officer or
6 employee

7 (1) has no accrued medical leave and has a medical disability that has exceeded
8 10 consecutive working days in duration; or

9 (2) has a medical disability that has exceeded 30 consecutive working days in
10 duration.

11 (b) When an officer or employee seeks to take banked personal leave under (a) of this
12 section, the officer or employee must submit a doctor's certificate showing the disability.

13 (c) Once the requirements of (a) and (b) of this section have been met, an officer or
14 employee may take banked personal leave until the medical disability is terminated or the banked
15 personal leave is exhausted.

16 (d) The taking of leave under this section shall be reduced by the amount of wage
17 continuation payments made under the Alaska Workers' Compensation Act (AS 23.30).

18 (e) An officer or employee may cash in banked personal leave at the discretion of the
19 principal executive officer of the officer's or employee's agency, subject to standards adopted
20 by the commissioner of administration. The officer's or employee's banked personal leave will
21 be reduced by the number of days cashed in. Leave cashed in under this subsection does not
22 reduce the five-day mandatory taking of annual leave under AS 39.20.227.

23 (f) Upon an officer's or employee's separation from state service, the officer's or
24 employee's banked personal leave shall be paid as terminal leave in the manner provided in
25 AS 39.20.250.

26 (g) If annual leave is exhausted, the officer or employee may take banked personal leave
27 in place of annual leave, subject to the requirements of AS 39.20.227.

28 Sec. 39.20.259. **CONVERSION OF BANKED MEDICAL LEAVE TO MEDICAL**
29 **LEAVE.** The leave balance of an officer's or employee's banked medical leave account under
30 former AS 39.20.256 shall be transferred to that person's medical leave account.

31 Sec. 39.20.262. **MEDICAL LEAVE.** (a) Officers and employees are entitled to medical

1 leave with pay, which accrues at the rate of one and one-quarter days for each full monthly pay
2 period. Medical leave that is not used during the 12-month period in which it accrues
3 accumulates and is available for use in succeeding 12-month periods.

4 (b) No department or agency head may grant medical leave with pay unless that person
5 is satisfied that the absent officer or employee is absent for medical reasons. If the absence
6 exceeds three consecutive working days, the department or agency head may require a doctor's
7 certificate showing the disability.

8 (c) The taking of medical leave with pay shall be reduced by the amount of wage
9 continuation payments made under the Alaska Workers' Compensation Act (AS 23.30).

10 (d) At the discretion of an officer's or employee's agency or department head, and if
11 supported by a doctor's certificate, an officer or employee may be granted medical leave for an
12 illness or injury within the officer's or employee's immediate family which requires the
13 attendance of the officer or employee or where the officer's or employee's presence on the job
14 could jeopardize the health of fellow employees. Under these conditions, the officer or employee
15 may, with the consent of the officer's or employee's agency or department head, use paid
16 medical leave as if the officer or employee was under a medical disability.

17 (e) A female officer or employee, otherwise qualified for a leave of absence, may take
18 a maximum of nine weeks of maternity leave during the period immediately preceding and
19 following childbirth. This leave is chargeable first to medical leave, then, if accrued medical
20 leave is not sufficient, to annual leave. If the officer's or employee's medical and annual leave
21 are exhausted before the end of the nine-week period, the officer or employee may take leave
22 without pay for the balance of the nine-week period, or may take banked personal leave for the
23 balance of the nine-week period if the durational requirement of AS 39.20.258(a)(1) is met. A
24 person taking maternity leave shall otherwise be treated as any other employee taking medical
25 or annual leave of absence.

26 (f) Upon the death of the spouse or other member of the immediate family of an officer
27 or employee, the officer or employee may take no more than five days of accrued medical leave
28 with pay.

29 (g) Upon an officer's or employee's separation from state service, the officer's or
30 employee's unused medical leave shall be automatically canceled without pay.

31 * Sec. 9. AS 39.20.300 is amended to read:

1 **Sec. 39.20.300. ANNUAL, MEDICAL, AND BANKED PERSONAL [AND BANKED**
2 **MEDICAL] LEAVE TRANSFERS WITH OFFICER OR EMPLOYEE.** When an officer or
3 employee terminates employment with one department, office, institution, or agency of the state
4 government and is employed by another department, office, institution, or agency of the state
5 government without break in service, accumulated annual leave, medical leave, and banked
6 personal leave [AND BANKED MEDICAL LEAVE ALSO] transfer with the officer or
7 employee and shall be credited to the officer or employee in the employing department, office,
8 institution, or agency.

9 * **Sec. 10.** AS 39.20.225, 39.20.255, and 39.20.256 are repealed.

10 * **Sec. 11.** This Act takes effect July 1, 1991.