

Introduced: 1/28/83
Referred: State Affairs
and Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE LEGISLATIVE
COUNCIL (for the Blue
Ribbon Commission on the
State Personnel Act)

1 IN THE HOUSE

2

HOUSE BILL NO. 135

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to court leave for nonpermanent and
7 temporary employees of the state."

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

9 * Section 1. AS 39.20.270 is amended to read:

10 Sec. 39.20.270. COURT LEAVE. Notwithstanding AS 39.20.310(7),
11 court [COURT] leave shall be granted to an employee who is classified
12 as full time, whether permanent, nonpermanent, or temporary. An
13 officer or employee called to serve as a juror or subpoenaed as a
14 witness is entitled to administrative leave with pay, but compensation
15 received by the employee [HIM] or to which the employee [HE] is en-
16 titled, whichever is greater, for service as a juror or witness shall
17 be deducted from pay to which the employee [HE] is entitled as a state
18 officer or employee.

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

AFC

Revision Date: November 28, 1983

I. REQUEST
 Bill/Resolution No.: HB135 (SB 83)
 Title: Court leave for nonperms & temps
 Sponsor: Rules/Legislative Council
 Requestor: House State Affairs
 Date of Request: January 1983

II. FISCAL DETAIL
 Agency Affected: Personnel
 Program Category Affected: Cent. Adm. Serv.
 BRU, Program of Subprogram(s) Affected: Personnel

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						
TOTAL						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Frank Raye *Frank Raye* Phone: 465-4430
 Division: Personnel Date: November 28, 1983 *12/6/83*

Approved by Commissioner: Lisa Rudd *Lisa Rudd* Date: 12/20/83
 Department: ADMINISTRATION

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9/14/83

OPENING REMARKS FOR HB 135:

HB 135, introduced by the 1983 Blue Ribbon Commission on the State Personnel Act, would allow nonpermanent classified employees of the court system to receive leave with pay when they have jury duty. Nonpermanent classified employees are those who work for less than six months who are not in the partially exempt or exempt categories.

The purpose of the bill is to treat these employees in the same fashion as permanent and temporary court employees when they have jury duty. Currently, only permanent and temporary employees are allowed leave time for jury duty. If HB 135 passes, all court employees will be entitled to take leave for jury duty. However, according to the terms of the statute their compensation for serving on the jury is deducted from their pay check. Therefore, the only leave they get is what is left over after their jury compensation is subtracted.

There is a zero fiscal note on this bill. This is because the current collective bargaining agreement with nonpermanent employees does not provide for leave for jury duty. This was apparently bargained away in return for another contract term.

The statute change would make it clear that nonpermanent court employees are entitled to leave time for jury duty. However, this is subject to the terms of the final collective bargaining agreement and may be bargained away.



JUNEAU, ALASKA

Alaska State Legislature

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT

Senator Bill Ray, Chairman

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Mail Stop 3123
Juneau, Alaska 99811
(907) 465-4442

MEMORANDUM

March 24, 1983

TO: House Finance Committee

FROM: Teresa B. Cramer *Teresa B. Cramer*
Administrative Assistant

SUBJECT: House Bill 135 - Granting Court Leave to Nonpermanent Employees

The Blue Ribbon Commission received a request that it consider whether nonpermanent employees should receive court leave benefits. Nonpermanent employees are short-term classified service employees. By statute their period of service is limited to 120 calendar days or to the duration of a program or project. Nonpermanent employees are not entitled to receive state leave, health or retirement benefits. Short-term employees in the partially exempt and exempt services are called temporary employees.

Most state employees continue to receive their regular salaries while serving as jurors or when they are subpoenaed to serve as a witness in a court proceeding. In return, the employee gives the state his or her jury service fee (currently \$25 a day) or witness fee. Nonpermanent and temporary employees are not entitled to this benefit. They must take leave without pay since they do not earn annual, sick or personal leave, and their only compensation is the jury service or witness fee provided by the court.

Collective bargaining agreements set out the leave provisions for their members. The statutory leave benefits set out in AS 39.20 do not apply to state employees covered by contracts. AS 39.20.810(8) and (9). Amending the law to permit nonpermanents and temporaries to receive court leave would therefore apply only to short-term employees in the exempt and partially exempt services and to those few classified service nonpermanent employees who are not members of collective bargaining units. Extending leave benefits to unionized employees would remain the subject of possible negotiation between the state and employee representatives.

House Finance Committee
March 24, 1983
Page Two

Jury service is a civic duty. All state employees should be treated equally while meeting this obligation. The Blue Ribbon Commission strongly recommends that the Alaska Statutes be amended to provide that nonpermanent and temporary employees are entitled to receive the same court leave benefits as other state employees.

Bill Analysis

Paragraph (7) of AS 39.20.310 exempts temporary employees from all leave benefits granted to other state employees by statute. The proposed legislation amends the court leave statute to nullify the general exclusion. Temporary and nonpermanent employees would therefore be eligible to receive the court leave benefits provided other state employees.

TBC:lmk

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

HFC

Revision Date: November 28, 1983

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FULL-TIME						
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TOTAL						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Frank Raye *Frank Raye* Phone: 465-4430
Division: Personnel Date: November 28, 1983- 12/6/83

Approved by Commissioner: Lisa Rudd *Lisa Rudd* Date: 12/20/83
Department: ADMINISTRATION

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cc

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: HB 135 (SB 83) Date on Bill: January 28, 1983
Title: An Act relating to court leave for nonpermanent and temporary employees.
Sponsor: Rules - Legislative Council (for the Blue Ribbon Commission)
Requestor: House State Affairs

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operating				
Total	-0-	-0-	-0-	-0-

b. Revenues:

Revenue				

2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor

Prepared By: Frank Raye *Frank Raye* Phone: 465-4430
Division: Personnel Date: _____

Approved by Commissioner: Lisa Rudd *Lisa Rudd* Date: 3/10/83
Department: Administration

5. Distribution:

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2/8/83