

SCOMM

#51:32

July 1, 1983

HB 135 - Court Leave for Nonpermanent & Temporary Employees

History - IN THE HOUSE

State Affairs: Hearing 3/16/83. Passed with fiscal note (I don't have a copy in the file - it's probably a zero note because they couldn't calculate what it might be - no easily-accessible records.)

Finance: Referred 3/16 - no hearings.

Companion bill: SB 83 is identical and in Senate Finance. Copies of pertinent statutes (as they existed in 1983 - and probably unchanged) may be found in the file.

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§ 39.20.260

PUBLIC OFFICERS AND EMPLOYEES

§ 39.20.300

"under (b)" in the first sentence and added
the second sentence.

The 1980 amendment substituted
"Workers' Compensation Act" for
"Workmen's Compensation Act" in
subsection (e).

Legislative history report. — For the
House State Affairs Committee letter of
intent on Senate Bill No. 116 (ch. 52, SLA
1979), see 1979 House Journal, p. 1052.

Sec. 39.20.260. Medical leave.

Repealed by § 15 ch 136 SLA 1978.

Cross reference. — For present
provisions covering the subject matter of
the repealed section, see AS 39.20.225(b).

Editor's note. — The repealed section
derived from § 11-5-6 g, ACLA 1949; § 1,

ch. 182, SLA 1957; § 1, ch. 145, SLA 1960;
§ 1, ch. 82, SLA 1966; § 2, ch. 37, SLA
1967; § 51, ch. 32, SLA 1971; § 3, ch. 151,
SLA 1972; § 1, ch. 67, SLA 1974; § 11, ch.
148, SLA 1976.

Sec. 39.20.270. Court leave. Court leave shall be granted to an
employee who is classified as full time, whether permanent or
temporary. An officer or employee called to serve as a juror or
subpoenaed as a witness is entitled to administrative leave with pay,
but compensation received by him or to which he is entitled, whichever
is greater, for service as a juror or witness shall be deducted from pay
to which he is entitled as a state officer or employee. (§ 11-5-6 h ACLA
1949; am § 1 ch 182 SLA 1957; am § 1 ch 145 SLA 1960)

Sec. 39.20.280. Maternity leave.

Repealed by § 2 ch 67 SLA 1974.

Cross reference. — For present
provisions covering the subject matter of
the repealed section, see AS
39.20.225(b)(4).

Editor's note. — The repealed section
derived from § 11-5-6 i ACLA 1949; § 1,
ch. 182, SLA 1957; § 1, ch. 145, SLA 1960;
§ 105, ch. 127, SLA 1974.

Sec. 39.20.290. Definition of days of leave. The days of leave
provided for in AS 39.20.200 — 39.20.330 mean days upon which an
officer or employee would otherwise work and receive pay, and are
exclusive of holidays. (§ 11-5-6 j ACLA 1949; am § 1 ch 182 SLA 1957;
am § 1 ch 145 SLA 1960)

Sec. 39.20.295. Special regulations on leave period. In accord
with the procedures established in AS 39.20.320, the Department of
Administration shall promulgate rules defining and establishing a
uniform beginning and a uniform concluding date for the 12-month
periods applicable to leave use and accumulation by officers and
employees of state government. (§ 2 ch 151 SLA 1972)

**Sec. 39.20.300. Personal and banked medical leave transfers
with officer or employee.** When an officer or employee terminates
employment with one department, office, institution, or agency of the
state government and is employed by another department, office,
institution, or agency of the state government without break in service,

*see also
39.20.310(7)-(9)*

(b) An employee of the legislature or of a legislative agency with the approval of the person authorizing the employment may donate accrued personal leave to another employee of the legislature or of a legislative agency only for use as leave for medical reasons. The official responsible for legislative employee accounts shall debit the donor's personal leave account and credit the donee's personal leave account for medical reasons only, by converting the donated leave into cash value at the donor's rate of pay and reconverting the cash value into hours of leave at the donee's rate of pay. Leave donated under this subsection is not leave taken by the donor for purposes of AS 39.20.225(c). (§ 2 ch 33 SLA 1969; am § 23 ch 136 SLA 1974; am § 1 ch 136 SLA 1978; am § 1 ch 75 SLA 1981)

Effect of amendments. — The 1981 amendment added subsection (b).

Sec. 39.20.310. Exceptions. AS 39.20.200 — 39.20.330 do not apply to

(1) members of the state legislature, the governor, the lieutenant governor, and justices and judges of the supreme and superior courts and of the court of appeals, but nothing in AS 39.20.200 — 39.20.330 may be construed to diminish the salaries fixed by law for these officers by reason of absence from duty on account of illness or otherwise;

(2) magistrates serving the state on less than a full-time basis;

(3) officers, members of the teaching staff, and employees of the University of Alaska;

(4) Repealed by § 76 ch 59 SLA 1982;

(5) persons employed in a professional capacity to make a temporary and special inquiry, study, or examination as authorized by the governor, the legislature, or a legislative committee;

(6) members of boards, commissions, and authorities who are not otherwise employed by the state;

(7) temporary employees hired for periods of less than 12 consecutive months;

(8) persons employed by the division of marine transportation as masters and members of the crews operating the state ferry system who are covered by collective bargaining agreements as provided in AS 23.40.040.

(9) persons employed by the state who are covered by collective bargaining agreements as provided in AS 23.40.210. (§ 11-5-61 ACLA 1949; am § 1 ch 182 SLA 1957; am § 1 ch 145 SLA 1960; am § 1 ch 136 SLA 1961; am § 4 ch 93 SLA 1962; am § 3 ch 24 SLA 1966; am § 1 ch 62 SLA 1972; am § 10 ch 136 SLA 1978; am § 26 ch 12 SLA 1980; am § 76 ch 59 SLA 1982)

Effect of amendments. — The amendment, effective May 28, 1982,

Sec. 39.20.320. Adoption of personnel in the Department of Personnel and submit regulations necessary to AS 39.20.200 — 39.20.330. These regulations, after crediting and, if necessary, converting employee transfers, without breach of agency of the state government AS 39.20.330 and a department or division is not subject to AS 39.20.200. The regulations shall be submitted to the commission of administration shall review the regulations with the personnel board. The regulation shall have the force and effect of law 30 days after adoption by the personnel board if not disapproved by the personnel board. The regulations shall be promulgated in the same manner, and have the force and effect of law after submitted to the personnel board. The regulations adopted under this section shall be subject to the internal management of state government subject to the provisions of the AS 44.62. (§ 11-5-6 m ACLA 1949; am § 145 SLA 1960; am § 11 ch 136 SLA 1978)

Effect of amendments. — The 1982 amendment, effective May 28, 1982, amended "and labor relations" following "division of personnel" in the first sentence.

Sec. 39.20.340. Leave of absence for members of armed forces. (a) An employee of a subdivision, with the approval of the person authorizing the employment who is a member of a reserve or component of the United States Armed Forces is entitled to leave of absence without pay, time or efficiency rating on assignment to training duty, as distinguished from duty at field exercises, or for instruction or control in the performance of a sea duty. The leave of absence may not exceed 16½ working days.

(b) If an employee is called to active duty in the armed forces, an employee otherwise qualified in (a) may be granted leave of absence without loss of pay. (§ 20 SLA 1951; am § 1 ch 154 SLA 1975; am § 1 ch 49 SLA 1976)

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in AS 23.40.210. (§ 11-5-61 ACLA
§ 1 ch 145 SLA 1960; am § 1 ch 146
2; am § 3 ch 24 SLA 1966; am § 1 ch
A 1978; am § 26 ch 12 SLA 1982 am

Effect of amendments. — The 1982 repealed paragraph (4) as that paragraph
amendment, effective May 28, 1982, appears in the main pamphlet.

Sec. 39.20.320. Adoption of regulations. The director of the divi-
sion of personnel in the Department of Administration shall prepare
and submit regulations necessary to carry out the intent of AS
39.20.200 — 39.20.330. These regulations shall include provisions for
crediting and, if necessary, converting accrued leave when an officer or
employee transfers, without break in service, between a department or
agency of the state government where he is subject to AS 39.20.200 —
39.20.330 and a department or agency of the state government where
he is not subject to AS 39.20.200 — 39.20.330. These regulations shall
be submitted to the commissioner of administration. The commissioner
of administration shall review the regulations and submit them to the
personnel board. The regulations, or any part of the regulations, have
the force and effect of law 30 days after they are submitted to the
personnel board if not disapproved by the personal board. Amendments
to the regulations shall be prepared and submitted in the same
manner, and have the force and effect of law 30 days after they are
submitted to the personnel board, if not disapproved by the personnel
board. The regulations adopted under AS 39.20.200 — 39.20.330 relate
to the internal management of state agencies and their adoption is not
subject to the provisions of the Administrative Procedure Act (AS
44.62). (§ 11-5-6 m ACLA 1949; am § 1 ch 182 SLA 1957; am § 1 ch
145 SLA 1960; am § 11 ch 136 SLA 1978; am § 77 ch 59 SLA 1982)

Effect of amendments. — The 1982 tence, and, deleted "within 60 days of July
amendment, effective May 28, 1982, 9, 1978" following "commissioner of
deleted "and labor relations" following administration" in the third sentence.
"division of personnel" in the first sen-

**Sec. 39.20.340. Leave of absence for reserve or auxiliary mem-
bers of armed forces.** (a) An employee of the state, or a political
division, with the approval of the city council or borough assembly,
who is a member of a reserve or auxiliary component of the United
States Armed Forces is entitled to a leave of absence without loss of
time or efficiency rating on all days during which he or she is
assigned to training duty, as distinguished from active duty, with troops
at field exercises, or for instruction, or when under direct military
control in the performance of a search and rescue mission. The leave
of absence may not exceed 16½ working days in any 12-month period.

If an employee is called to active duty by the governor, an
employee otherwise qualified in (a) of this section is entitled to five
days leave of absence without loss of pay, time, or efficiency rating. (§ 1
145 SLA 1951; am § 1 ch 154 SLA 1970; am § 4 ch 151 SLA 1972;
am § 1 ch 49 SLA 1976)



JUNEAU, ALASKA

Alaska State Legislature

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT

Senator Bill Ray, Chairman

Pouch YG
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.

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



JUNEAU, ALASKA

Alaska State Legislature

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT

Senator Bill Ray, Chairman

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

MEMORANDUM

February 3, 1983

TO: Members of the House State Affairs 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. The person who called was working as a nonpermanent employee on a project which was expected to last for nine months. She was summoned to serve on a jury for a criminal trial. The proceedings lasted two weeks.

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. Short-term employees in the partially exempt and exempt services are called temporary employees. Nonpermanent employees must be hired based on their relative ability from the lists of eligibles maintained by the Division of Personnel for that job class. They are paid according to the pay rate assigned to that job class. They are not eligible for state leave, health or retirement benefits.

Most state employees continue to receive their regular salaries while serving on juries or when they are subpoenaed to serve as a witness in a court proceeding. 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.

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

Bill Analysis

Paragraph (7) of AS 39.20.310 denies temporary employees the leave benefits granted to other state employees. 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.

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.