

SCOMM

#51:23

July 1, 1983

SB 83 - Court Leave for Nonpermanent Employees

History - IN THE SENATE

State Affairs: Hearing 3/16 - Redcommended do pass

Finance: No hearing held. Assigned to Senator Ferguson. Talked with Kathy Hathaway to ask that she let me know if any more information was needed.

Companion bill: HB 135 is identical and resides, at the moment, in House Finance.

Sec. 09.20.020. Disqualification of jurors.**NOTES TO DECISIONS**

Mere service in another case in which a guilty verdict was returned does not disqualify a juror. *Vail v. State*,

Sup. Ct. Op. No. 1922 (File Nos. 3309, 3382), 599 P.2d 1371 (1979).

Sec. 09.20.025. Limitation on jury service. No person may be required to serve more than a total of three months as a juror during any consecutive two-year period. However, if a person is serving as a juror at the conclusion of the three months period, that person shall complete the trial then in progress. In this section, a person is "serving as a juror" whenever that person is in attendance in court as a member of a jury or a jury panel. (§ 1 ch 147 SLA 1968; am § 2 ch 66 SLA 1981)

Effect of amendments. — The 1981 amendment, effective July 11, 1981, added "a total of" preceding "three months" in the first sentence, substituted "that per-

son" for "he" preceding "shall complete" in the second sentence and added the third sentence.

JURY SERVICE

Sec. 09.20.030. Exemptions [Effective January 1, 1982]. A person may claim exemption and may be excused from service as a juror if it is shown that his health, the health or proper care of his family, a permanent physical or mental disability, or other substantial hardship expected to last more than two years makes it necessary for him to be excused, or if he is a judicial officer. (§ 2.03 ch 101 SLA 1962; am § 1 ch 8 SLA 1964; am § 1 ch 70 SLA 1981)

Effect of amendments. — The 1981 amendment, effective January 1, 1982, deleted "jury service will cause him to suffer material injury or destruction to his property or to the property entrusted to him, or if" preceding "his health," substituted "a permanent physical or mental disability, or other substantial hardship expected to last more than two years" for "or the sickness or death of a member of his family" preceding "makes it necessary" and deleted former paragraph designation

(1) preceding "a judicial officer." The amendment also deleted paragraphs (2) — (7) which read "(2) any other civil officer of the state or United States whose duties are at the time inconsistent with his attendance or service as a juror; (3) an attorney; (4) a minister of the gospel or priest of any denomination; (5) a teacher in a university, college, academy, or school; (6) a practicing physician; (7) a practicing dentist."

Sec. 09.20.035. Deferral of jury service [Effective January 1, 1982]. A person may have his jury service deferred if he shows that jury service at the time for which he is summoned will cause hardship to himself or others, or that transportation problems make it temporarily impossible for him to serve. Jury service may be deferred under this section only if the person seeking the deferment agrees to a deferred date. Jury service may not be deferred for more than 10 months from the date the initial jury service was to begin. (§ 2 ch 70 SLA 1981)



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: Senate Finance Committee

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

SUBJECT: Senate Bill 83 - 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

Introduced: 1/27/83
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 SENATE

2

SENATE BILL NO. 83

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.



JUNEAU, ALASKA

Alaska State Legislature

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT

Senator Bill Ray, Chairman

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Juneau, Alaska 99811
(907) 465-4442

MEMORANDUM

February 3, 1983

TO: Members of the Senate State Affairs Committee

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

SUBJECT: Senate Bill 83 - 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.