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Introduced: 1/27/84  
Referred: State Affairs and  
Finance

ST  
3-30-84  
18-0

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

1 IN THE SENATE

2 SENATE BILL NO. 387

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to state employment."

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

8 \* Section 1. AS 39.20.225(c) is amended to read:

9 (c) Each officer and employee shall, during each 12-month per-  
10 iod, take at least five days of personal leave. If the officer or  
11 employee does not take at least five days of personal leave during a  
12 12-month period, the difference between five days and the amount of  
13 personal leave taken [HE DID TAKE] shall be cancelled without pay un-  
14 less the officer's or employæ's [HIS] department or agency head cer-  
15 tifies in writing that the officer or employee [HE] was denied the  
16 opportunity to take five days of personal leave during the 12-month  
17 period. This subsection does not apply to part-time officers or em-  
18 ployees.

19 \* Sec. 2. AS 39.20.245(b) is amended to read:

20 (b) An officer or employee, [OF THE LEGISLATURE OR OF A LEGISLA-  
21 TIVE AGENCY] with the approval of the person authorizing the employ-  
22 ment, may donate accrued personal leave to another officer or employee  
23 [OF THE LEGISLATURE OR OF A LEGISLATIVE AGENCY] only for use as leave  
24 for medical reasons. The official responsible for [LEGISLATIVE] em-  
25 ployee accounts shall debit the donor's personal leave account and  
26 credit the donee's personal leave account, for medical reasons only,  
27 by converting the donated leave into cash value at the donor's rate of  
28 pay and reconvertng the cash value to hours of leave at the donee's  
29 rate of pay. Leave donated under this subsection is not leave taken

1 by the donor for purposes of AS 39.20.225(c).

2 \* Sec. 3. AS 39.20.256(f) is amended to read:

3 (f) Upon an officer's or employee's separation from state ser-  
4 vice, [HIS] banked medical leave shall be cancelled without pay, un-  
5 less separation is caused by the officer's or employee's death, in  
6 which case banked medical leave shall be treated as unpaid compensa-  
7 tion in accordance with AS 39.20.360.

8 \* Section 4. AS 39.25.130 is amended by adding a new subsection to  
9 read:

10 (d) The commissioner of administration shall submit to the  
11 lieutenant governor for publication in the Alaska Administrative Code  
12 (AS 44.62.130) a list of all positions to which the partially exempt  
13 service is extended under (a) of this section. As changes in the list  
14 are adopted, the commissioner shall submit that information to the  
15 lieutenant governor for publication.

SENATE BILL NO. 387 by the Rules Committee by request of the Governor, entitled:

"An Act relating to state employment."

was read the first time and referred to the State Affairs Committee and the Finance Committee.

Fiscal note appears in Senate Supplement No. 46.

SB 387

SENATE JOURNAL - PAGE 1871- 1 1/27/84

January 27, 1984

The Honorable Jalmar Kerttula  
President of the Senate  
Pouch V  
Juneau, AK 99811

Dear Senator Kerttula:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to state employment. The bill would also amend the state's leave statutes in three respects, affecting state officers and employees who are not covered by a collective bargaining agreement ((see) the current AS 39.20.310(9) which is not being amended by this bill).

Section 1 of the bill addresses the requirement that nearly all state officers and employees take at least five days of personal leave per year. (See) AS 39.20.225(c). The amendment would exempt part-time employees from that requirement.

Section 2 amends state law concerning the donation of sick leave by one state worker for use by another. Currently, the law speaks only to legislative employees. (See) AS 39.-20.245(b). The amendment would allow the same charitable act to be accomplished by executive and judicial branch workers. State employees covered by a collective bargaining agreement are already allowed to donate sick leave in this same manner.

Section 3 allows the beneficiary of a state worker who dies to collect the monetary equivalent of the decedent's unused, banked sick leaves. Currently, unused, banked sick leave is cancelled upon the separation from service of a state worker, regardless of the cause. (See) AS 39.20.256(f). Currently, state employees covered by a collective bargaining agreement are provided this benefit.

Section 4 requires the commissioner of administration to submit to the lieutenant governor for publication in the Alaska Administrative Code a list of all positions to which the partially exempt service has been extended by the personnel board under AS 39.25.130. No official, comprehensive list

is currently published to inform the public of which positions are included in the partially exempt service.

Sincerely,

Bill Sheffield  
Governor

SB 387

SENATE JOURNAL - PAGE 2037- 2 2/13/84

The State Affairs Committee considered SENATE BILL NO. 387 (state employment) and recommended do pass. The report was signed by Senator Vic Fischer, Chairman and concurred in by Senators Kelly, Sturgulewski, Rodey and Ray.

The State Affairs Committee attached a zero fiscal note with the same analysis as shown in Senate Supplement No. 46.

SENATE BILL NO. 387 was referred to the Finance Committee.

SB 387

SENATE JOURNAL - PAGE 2359- 1 3/15/84

The Finance Committee considered SENATE BILL NO. 387 (state employment). Senator Bennett, Co-Chairman and Senators Sackett, Mulcahy and Faiks signed "no recommendation". Senators Josephson and Vic Fischer signed "do pass".

SENATE BILL NO. 387 was referred to the Rules Committee.



# Alaska State Legislature

## Senate Committee on State Affairs

Vic Fischer, Chair • Pouch V  
Juneau, Alaska 99811  
(907) 465-4954

Official Business

### MEMORANDUM

TO: Senate State Affairs Committee  
FROM: Senate State Affairs Committee Staff  
RE: SB 387 Leave Time for State Employees  
DATE: February 9, 1984

### Sectional Analysis

Section 1: Exempts ~~part-time~~ officers and employees from taking the mandatory five days of personal leave a year. *can if want*

Section 2: Extends to all employees under 39.20 the ability to donate accrued personal leave to another employee for medical reasons. *(classified now can)*

Section 3: Provides for the payment of banked medical leave to the beneficiary upon an employee's death for employees not covered under collective bargaining. *(this provision is most covered by I have)*

Section 4: Requires that positions placed by the personnel board in the partially exempt service be published in the Alaska Administrative Code. *(the personnel board can change classification to partially exempt. this requires the change to be published)*

### Fiscal Information

The cost of this legislation is estimated at \$5.3 thousand a year.

### Enclosed as Back-up

A position paper and fiscal note from the Department of Administration.

*already away*

*classified by emp case*

*(this provision is very cheap & cost wise)*

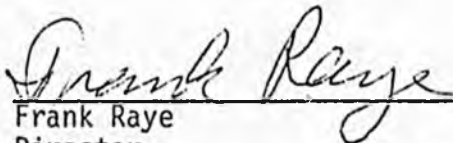
*(the personnel board can change classification to partially exempt. this requires the change to be published)*

Senate Bill 387  
Position Paper  
Prepared by Division of Personnel  
Department of Administration  
February 7, 1984

SB 387 makes four changes to the Compensation and Allowances (AS 39.20) and State Personnel Act (AS 39.25). Section 1 relieves part-time officers and employees from the requirement to take five days of personal leave each year. Section 2 extends to all officers and employees covered by the statute the ability to donate accrued personal leave to another officer or employee for use for medical reasons. This ability is currently limited to employees of the legislature; however, most collective bargaining agreements contain such a provision. Section 3 provides for the payment of banked medical leave to the beneficiary upon an employee's death. Most employees are covered by this provision through collective bargaining agreements. Section 4 provides for publication in the Alaska Administrative Code of positions placed in the partially exempt service by the Personnel Board. There is no current means of notifying the public of such actions.

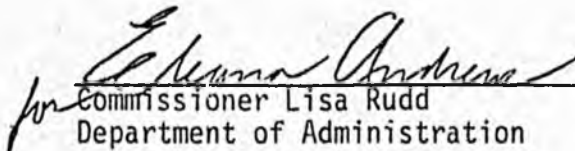
This bill was submitted by the Governor on the recommendation of this Department.

The Department of Administration supports this bill.



Frank Raye  
Director  
Division of Personnel  
Department of Administration

2/8/84  
Date

  
for Commissioner Lisa Rudd  
Department of Administration

2/8/84  
Date

Revision Date: \_\_\_\_\_

**REQUEST**

Bill/Resolution No.: SB 387  
Title: An act relating to state employment.

**FISCAL DETAIL**

Agency Affected: All  
Program Category Affected: All

Sponsor: Rules by request of the Governor  
Requestor: \_\_\_\_\_  
Date of Request: \_\_\_\_\_

BRU, Program of Subprogram(s) Affected: All

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES	5.3	5.3	5.3	5.3	5.3	5.3
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>5.3</b>	<b>5.3</b>	<b>5.3</b>	<b>5.3</b>	<b>5.3</b>	<b>5.3</b>
<b>CAPITAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>REVENUE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**FUNDING: (Thousands of Dollars)**

GENERAL FUND	5.3	5.3	5.3	5.3	5.3	5.3
FEDERAL FUNDS						
OTHER (Specify Source)						
<b>TOTAL</b>	<b>5.3</b>	<b>5.3</b>	<b>5.3</b>	<b>5.3</b>	<b>5.3</b>	<b>5.3</b>

**POSITIONS:**

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

**SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:**

Personal Services appropriation in existing budgets.

ANALYSIS: Attach a separate page for any analysis

Prepared By: Frank Raye  
Division: Personnel

Phone: 465-4430  
Date: 1/16/84

Approved by Commissioner: Lisa Rudd  
Department: ADMINISTRATION

Date: 1/17/84

4/BDFS2/0111-09/FISCAL NOTE

- Distribution:
- Legislative Finance
  - Legislative Sponsor
  - Registrar
  - Office of Management and Budget
  - Impacted Agency(ies)

Senate Bill 387  
Fiscal Note Analysis  
Prepared by Division of Personnel  
Department of Administration

Date:

Section 3 of this bill would extend the payment for unused banked medical leave upon death to employees not covered by collective bargaining. Only employees employed continuously since July 1, 1978 and not covered by a collective bargaining agreement, or employees who change from collective bargaining coverage to coverage of this statute will be eligible. At present, there are only 264 employees to whom this change in statute would apply. The number is likely to decrease over time.

Data from the Division of Retirement and Benefits indicates a death rate among state employees of 1.4 per thousand per year. Therefore for the potentially eligible employees, the annual death rate is less than .4 employees per year. For purposes of calculation, one death per year is used.

The average hours of banked medical leave for potentially eligible employees is 207 hours. The average pay range is range 23.

The estimated annual costs are:

$$1 \text{ employee} \times 207 \text{ hours} \times \$25.66 \text{ per hour} = \$5,312.$$

While this fiscal note shows the \$5.3 thousand annual expense, the actual costs will be borne from existing budgets in a similar manner as payments for sick or terminal leave.

Section 2 of this bill has the potential of shifting the expense associated with use of personal leave to an earlier period. For example, an employee who might separate in FY86 and be paid for unused personal leave may donate leave to another employee who uses it in FY85. There is no net effect in the present value cost to the state for such transfers.

4/BDGSF2/0111-09/2

SB 387. Questions for Mike McMullen  
Division of Personnel

SECTION 4:

① What does placing <sup>persons in</sup> partially exempt positions have to do with the title of the Bill

② Does Section 1, lines 17 & 18 reduce the amount of time a part-time employee may have during a year?



# Alaska State Legislature

## Senate Committee on State Affairs

Vic Fischer, Chair • Pouch V  
Juneau, Alaska 99811  
(907) 465-4954

Official Business

JA  
Here is Victor's  
back-up from  
SB 387.

### MEMORANDUM

TO: Senate State Affairs Committee  
FROM: Senate State Affairs Committee Staff  
RE: SB 387 Leave Time for State Employees  
DATE: February 9, 1984

### Sectional Analysis

- Section 1: Exempts part-time officers and employees from taking the mandatory five days of personal leave a year.
- Section 2: Extends to all employees under 39.20 the ability to donate accrued personal leave to another employee for medical reasons.
- Section 3: Provides for the payment of banked medical leave to the beneficiary upon an employee's death for employees not covered under collective bargaining.
- Section 4: Requires that positions placed by the personnel board in the partially exempt service be published in the Alaska Administrative Code.

### Fiscal Information

~~The cost of this legislation is estimated at \$5.3 thousand a year.~~  
ZERO FISCAL NOTE WAS ADOPTED BY SSA.  
Enclosed as Back-up

A position paper and fiscal note from the Department of Administration.

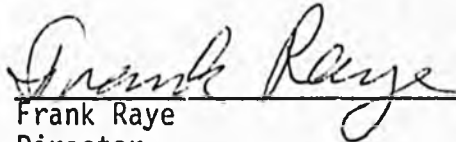
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Dead  
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Senate Bill 387  
Position Paper  
Prepared by Division of Personnel  
Department of Administration  
February 7, 1984

SB 387 makes four changes to the Compensation and Allowances (AS 39.20) and State Personnel Act (AS 39.25). Section 1 relieves part-time officers and employees from the requirement to take five days of personal leave each year. Section 2 extends to all officers and employees covered by the statute the ability to donate accrued personal leave to another officer or employee for use for medical reasons. This ability is currently limited to employees of the legislature; however, most collective bargaining agreements contain such a provision. Section 3 provides for the payment of banked medical leave to the beneficiary upon an employee's death. Most employees are covered by this provision through collective bargaining agreements. Section 4 provides for publication in the Alaska Administrative Code of positions placed in the partially exempt service by the Personnel Board. There is no current means of notifying the public of such actions.

This bill was submitted by the Governor on the recommendation of this Department.

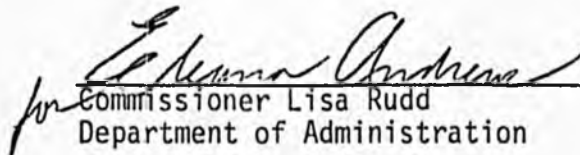
The Department of Administration supports this bill.



Frank Raye  
Director  
Division of Personnel  
Department of Administration

2/8/84

Date

  
for Commissioner Lisa Rudd  
Department of Administration

2/8/84

Date

Revision Date: \_\_\_\_\_

Page 1 of 2

## REQUEST

Bill/Resolution No.: SB 387  
Title: An act relating to state employment.

## FISCAL DETAIL

Agency Affected: A11  
Program Category Affected: A11Sponsor: Rules by request of the Governor  
Requestor: \_\_\_\_\_  
Date of Request: \_\_\_\_\_BRU, Program of Subprogram(s) Affected:  
A11

## EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES	5.3	5.3	5.3	5.3	5.3	5.3
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	5.3	5.3	5.3	5.3	5.3	5.3
	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

## FUNDING: (Thousands of Dollars)

GENERAL FUND	5.3	5.3	5.3	5.3	5.3	5.3
FEDERAL FUNDS						
OTHER (Specify Source)						
TOTAL	5.3	5.3	5.3	5.3	5.3	5.3

## POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

## SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Personal Services appropriation in existing budgets.

ANALYSIS: Attach a separate page for any analysis

Prepared By: Frank Raye *Frank Raye*  
Division: Personnel

Phone: 465-4430

Date: 1/16/84

Approved by Commissioner: Lisa Rudd *Lisa Rudd*  
Department: ADMINISTRATION

Date: 1/17/84

4/BDFS2/0111-09/FISCAL NOTE

## Distribution:

Legislative Finance  
Legislative Sponsor  
Registrar  
Office of Management and Budget  
Impacted Agency(ies)

12/1/83

Senate Bill 387  
Fiscal Note Analysis  
Prepared by Division of Personnel  
Department of Administration

Date:

Section 3 of this bill would extend the payment for unused banked medical leave upon death to employees not covered by collective bargaining. Only employees employed continuously since July 1, 1978 and not covered by a collective bargaining agreement, or employees who change from collective bargaining coverage to coverage of this statute will be eligible. At present, there are only 264 employees to whom this change in statute would apply. The number is likely to decrease over time.

Data from the Division of Retirement and Benefits indicates a death rate among state employees of 1.4 per thousand per year. Therefore for the potentially eligible employees, the annual death rate is less than .4 employees per year. For purposes of calculation, one death per year is used.

The average hours of banked medical leave for potentially eligible employees is 207 hours. The average pay range is range 23.

The estimated annual costs are:

$$1 \text{ employee} \times 207 \text{ hours} \times \$25.66 \text{ per hour} = \$5,312$$

While this fiscal note shows the \$5.3 thousand annual expense, the actual costs will be borne from existing budgets in a similar manner as payments for sick or terminal leave.

Section 2 of this bill has the potential of shifting the expense associated with use of personal leave to an earlier period. For example, an employee who might separate in FY86 and be paid for unused personal leave may donate leave to another employee who uses it in FY85. There is no net effect in the present value cost to the state for such transfers.

4/BDGSF2/0111-09/2

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

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

(4) three days for each full monthly pay period in the case of officers and employees with 10 years or more service. (§ 11-5-6 a ACLA 1949; am § 1 ch 182 SLA 1957; am § 1 ch 145 SLA 1960; am § 10 ch 148 SLA 1976; am § 1 ch 136 SLA 1978)

**Effect of amendments.** — The 1976 amendment rewrote this section.

The 1978 amendment rewrote this section.

Cited in *State v. Worden*, 7 Alas. L.J. No. 9, p. 641 (Sept., 1969).

**Am. Jur. 2d reference.** — 63 Am. Jur. 2d, Public Officers and Employees, §§ 158, 403.

**Sec. 39.20.210. Determining years of service.** In determining years of service for the purpose of computing personal leave, all service with the Territory and State of Alaska is included. A change in the rate of accrual of personal leave by an officer or employee takes effect upon the beginning of the monthly pay period following the monthly pay period in which the officer or employee completes the prescribed period of service. (§ 11-5-6 b ACLA 1949; am § 1 ch 182 SLA 1957; am § 1 ch 145 SLA 1960; am § 2 ch 136 SLA 1978)

**Effect of amendment.** — The 1978 amendment substituted "personal leave" for "annual leave" in the first and second sentences.

**Sec. 39.20.220. Requirement that employment be continuous.** Notwithstanding AS 39.20.200, an officer or employee is entitled to personal leave only after having been employed currently for a continuous period of 30 days under one or more appointments without break in service. When an officer or employee completes a period of continuous employment of 30 days, an amount of personal leave is credited to him equal to the amount which, but for this section, would have accrued under AS 39.20.200 during the period. (§ 11-5-6 c ACLA 1949; am § 1 ch 182 SLA 1957; am § 1 ch 145 SLA 1960; am § 3 ch 136 SLA 1978)

**Effect of amendment.** — The 1978 amendment substituted "personal leave" for "annual leave" and "30 days" for "90 days" in the first and second sentences.

**Sec. 39.20.225. Use of personal leave.** (a) An officer or employee may take personal leave at any time business permits upon permission by the head of the department or agency for which he works.

(b) An officer or employee may take personal leave for medical reasons, regardless of whether business permits, upon permission by the head of the department or agency for which he works. A

department or agency head shall grant personal leave for medical reasons if he is satisfied that the officer or employee is absent for medical reasons. The taking of personal leave for medical reasons shall be reduced by the amount of wage continuation payments made under the Alaska Workers' Compensation Act (AS 23.30). The following constitute "medical reasons" and are subject to the conditions noted.

(1) Medical disability of an officer or employee is a medical reason for taking personal leave. A department or agency head may require a doctor's certificate showing the disability if the absence exceeds three consecutive working days.

(2) Medical disability of a member of an officer's or employee's immediate family is a medical reason for taking personal leave if the disability is such that the attendance of the officer or employee is required. A department or agency head may require a doctor's certificate showing the disability if the absence exceeds three consecutive working days.

(3) A medical condition of an officer or employee which makes his presence at work a danger to the health of his fellow employees is a medical reason for taking personal leave. A department or agency head may require a doctor's certificate showing the condition if the absence exceeds three consecutive working days.

(4) Pregnancy and childbirth is a medical reason for a female officer or employee to take personal leave. A female officer or employee, otherwise qualified for a leave of absence, is entitled to take a maximum of nine weeks leave immediately preceding and following childbirth. If the officer's or employee's accrued personal leave is insufficient for this purpose, she is entitled to take leave without pay for the balance of the nine-week period.

(5) Death of a member of an officer's or employee's immediate family is a medical reason for taking personal leave. No more than five days of personal leave may be taken for this purpose.

(c) Each officer and employee shall, during each 12-month period, take at least five days of personal leave. If the officer or employee does not take at least five days of personal leave during a 12-month period, the difference between five days and the amount of personal leave he did take shall be cancelled without pay unless his department or agency head certifies in writing that he was denied the opportunity to take five days of personal leave during the 12-month period. (§ 4 ch 136 SLA 1978; am § 60 ch 94 SLA 1980)

Effect of amendment. — The 1980 amendment substituted "Workers' Compensation Act" for "Workmen's Compensation Act" in the introductory paragraph of subsection (b).

Sec. 39.20.230. When annual leave may be taken.  
Repealed by § 15 ch 136 SLA 1978.

Cross refer provisions cover the repealed sect

Sec. 39.20. provided in A officer or emp succeeding 12 SLA 1957; an ch 31 SLA 19

Effect of am amendment rew

Sec. 39.20. employee may memorial sch in the fund, t administration revolving loan equal to the v the officer or e am § 6 ch 136

Effect of am amendment subst "A state" in the fi

Sec. 39.20. personal leave payment equa have received the period of u employee shall a period of tin (b) If the o before the exp: leave payment: leave payment: and the expir: him. The leave or employee b

(c) The pay or compensati 1949; am § 1 c SLA 1978; am:

**Sec. 39.05.110. Definitions. In AS 39.05.010 -- 39.05.110**

(1) "confirmation" means confirmation or approval by the legislature of a name submitted for appointment to a position or membership;

(2) "position or membership" means an executive position or membership on a state board, commission, authority, council, or committee which by law requires appointment by the governor and confirmation by the legislature. (§ 2 ch 64 SLA 1955; am §§ 73, 74 ch 59 SLA 1982)

**Effect of amendments.** — The 1982 amendment deleted "or either house of the legislature" following "by the legislature" in paragraphs (1) and (2), and, deleted "or other appointing authority" following

"appointment by the governor" in paragraph (2).

**Editor's notes.** — AS 39.05.010, referred to in the introductory language, was repealed by § 29, ch. 208, SLA 1975.

**Chapter 20. Compensation and Allowances.**

**Article**

1. Salaries (§ 39.20.100)

3. Leaves of Absence (§§ 39.20.245, 39.20.310, 39.20.320, 39.20.340)

**Article 1. Salaries.**

**Section**

100. [Repealed]

**Sec. 39.20.100. Fees, mileage or compensation.**

Repealed by § 75 ch 59 SLA 1982.

**Editor's notes.** — The repealed section derived from § 11-3-9 ACLA 1949.

**Article 3. Leaves of Absence.**

**Section**

245. Donation of personal leave

310. Exceptions

320. Adoption of regulations

**Section**

340. Leave of absence for reserve or auxiliary members of armed forces

**Sec. 39.20.245. Donation of personal leave.** (a) An officer or employee may donate one or more days of personal leave a year to the memorial scholarship revolving loan fund, or to a scholarship account in the fund, under AS 14.43.250 — 14.43.325. The commissioner of administration shall pay to the account of the memorial scholarship revolving loan fund, or to a scholarship account in the fund, an amount equal to the value of the day or days of personal leave contributed by the officer or employee.

(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

mentation of this chapter. (§ 2 ch 61 SLA 1982)

Sec. 47.90.050. State employment assistance. Contractors operating programs under AS 47.90.010 shall, to the maximum extent possible, provide displaced homemakers with assistance in qualifying on state employment registers under regulations of the commissioner. (§ 2 ch 61 SLA 1982)

Sec. 47.90.060. Regulations. The commissioner may adopt regulations to implement this chapter. (§ 2 ch 61 SLA 1982)

Sec. 47.90.070. Definitions. In this chapter

(1) "commissioner" means the commissioner of community and regional affairs;

(2) "displaced homemaker" means a person who

(A) has worked as a homemaker providing unsalaried services for the family for a period of at least seven years;

(B) faces a significant reduction in family income or support through divorce, death, separation, desertion, or disability; and

(C) has encountered difficulty in finding employment. (§ 2 ch 61 SLA 1982)

This table shows laws not codified in the temporary act that repealed Code

A. cap. = amended Statutes; c. = chapter first special session laws of Alaska

ACLA 1949

35-1-15 . . . . .

35-2-173 . . . . .

35-2-174 . . . . .

37-10-41 . . . . .

37-10-42 . . . . .

37-10-43 . . . . .

37-10-44 . . . . .

37-10-45 . . . . .

40-5-11 . . . . .

40-5-12 . . . . .

40-5-13 . . . . .

40-5-14(a) . . . . .

40-5-14(b) . . . . .

40-5-14(c) . . . . .

40-5-14(d), (e) . . . . .

40-5-14(f) . . . . .

40-5-15 . . . . .

1949

c. 59, § 2 . . . . .

c. 59, § 5 . . . . .

c. 59, § 6 . . . . .

1953

c. 86, § 1 . . . . .

1935

c. 82, art. I, § 1 . . . . .

c. 82, art. I, § 2 . . . . .

c. 112, § 1 . . . . .

c. 112, § 2 . . . . .

c. 140, § 1 . . . . .

pay, time or efficiency rating on all days during which he or she is ordered to training duty, as distinguished from active duty, with troops or 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. (§ 1 ch 49 SLA 1976)

Revisor's note. — Chapter 49, SLA 1976 changed "12-month period" back to "calendar year" in the last sentence of subsection (a). As a change was the result of drafting error "12-month period" has been retained.

Effect of amendment. — The 1976

amendment, in subsection (a), inserted "or auxiliary" following "member of a reserve" and "or she" following "during which he" near the middle of the first sentence and added "or when under direct military control in the performance of a search and rescue mission" to the end of that sentence.

Sec. 39.20.350. Restoration of reserve members to former positions. A member of a reserve component of the United States Armed Forces employed by the state, or a political subdivision or a municipal corporation with the approval of the city council who is ordered to duty by proper authority, shall, when relieved from duty, be restored to the position held by him when ordered to duty. (§ 2 ch 20 SLA 1951)

Article 4. Payments Due to Deceased State Employees.

Section	Section
360. Order of payment	390. Employees to be informed
370. Inapplicability of provisions to certain benefits, funds, or interest	400. Definitions
380. Change or revocation of designation	

Sec. 39.20.360. Order of payment. All unpaid compensation due to a deceased employee of the state at the time of his death shall be paid to the person or persons surviving at the date of death, in the following order of precedence, and the payment is a bar to recovery by any other person of amounts so paid:

- (1) to the beneficiary or beneficiaries designated by the employee in writing to receive the compensation filed with Department of Administration at the time of his death; if he designates more than one beneficiary, each shall share equally unless he specifies a different allocation or preference;
- (2) if there is no beneficiary designated, to his surviving spouse;
- (3) if there is no beneficiary or surviving spouse, to his child or children and descendants of deceased children by representation;
- (4) if none of the above, to his parents, or the survivor of them;
- (5) if none of the above, to the legal representative of his estate, or if there is none, to the person determined to be entitled under the laws of his domicile. (§ 1 ch 72 SLA 1964)

Sec. 39.20.370. benefits, funds, to any benefit, re Retirement System the disposition of (§ 1 ch 72 SLA 1976)

Cross reference. Employees' Retirement 39.35.

Sec. 39.20.380. employee may ch at any time with with the Department

Sec. 39.20.390. shall inform its e SLA 1964)

- Sec. 39.20.400
- (1) "unpaid compensation other than compensation due the state;
- (2) "employee" compensation from

Chapter

Section 10-130. [Repealed]

Secs. 39.23.01 Repealed by §

Editor's note. — 7 derived from § 1, ch. 80, SLA 1978.

Ch:

- Article
- 1. Administration 39.25.080)
- 2. Coverage of Personnel — 39.25.130)
- 3. Personnel Rules 39.25.155)
- 4. Prohibitions (§ 39

**Sec. 39.25.130. Extension of partially exempt and classified services.** (a) After June 30, 1961, the personnel board; upon written recommendation of the commissioner of administration, may extend the partially exempt service to include any position which was in the classified service on April 19, 1960, which, in the judgment of the board:

- (1) involves principal responsibility for the determination of policy;
- (2) involves principal responsibility for the way in which policies are carried out; or
- (3) involves responsibilities and duties of a type not susceptible to the ordinary recruiting and examining procedures.

(b) No positions may be included in the partially exempt service under this section if the inclusion is inconsistent with federal requirements for state agencies supported in whole or in part by federal funds.

(c) After June 30, 1961, the personnel board, upon written recommendation of the commissioner of administration, may extend the classified service to include any position which was in the partially exempt service on April 19, 1960. (§ 7 ch 144 SLA 1960)

Cited in *Haffling v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

### Article 3. Personnel Rules.

#### Section

140. Amendment of personnel rules
150. Scope of rules
153. Personnel rules for certain departments
155. Vocational substitution program

**Sec. 39.25.140. Amendment of personnel rules.** (a) The director of personnel shall prepare and submit to the commissioner of administration any proposed amendments to the personnel rules for all positions and employees subject to this chapter.

(b) The commissioner of administration shall review the amendments and submit them to the personnel board.

(c) At the time he submits the amendments to the personnel board, the commissioner of administration shall, by posting in public buildings throughout the state, give notice that the personnel board has the amendments under consideration. The amendments have the effect of law 30 days after they are submitted to the personnel board if not disapproved by the personnel board. The personnel board, if requested, may hold public hearings on the amendments.

(d) The rules may provide for exemptions and modifications which are necessary to assure the continuity of federal grants to agencies supported in whole or in part by federal contributions.





# Alaska State Legislature

## Senate Committee on State Affairs

Vic Fischer, Chair • Pouch V  
Juneau, Alaska 99811  
(907) 465-4954

Official Business

### COMMITTEE REPORT

February 9, 1984  
3:00 pm

Butrovich room  
Capitol building

#### Members Present:

- Senator Vic Fischer, Chair
- Senator Bill Ray
- Senator Tim Kelly
- Senator Pat Rodey
- Senator Arliss Sturgulewski

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EO 56 Transferring the distribution of session laws from the Department of Administration to the Department of Education.

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The meeting was brought to order at 3:00 by Senator Vic Fischer. Senator Vic Fischer introduced Dick Engen from the Department of Education.

Dick Engen testified in favor of EO 56.

Senator Arliss Sturgulewski moved that EO 56 be approved.

EO 56 was moved from committee with no objections.

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HB 110 Relating to fire weather and avalanche forecasting.

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Ned Fahrquhar testified in favor of HB 110. He said the Department of Natural resources was a good department to handle the forecasting because they also do avalanche training. Ned Fahrquhar made a few points about the avalanche forecasting.

Senator Bill Ray said that the Alpine Ski Club was opposed to the way the Division of Parks was using their avalanche training money.

The committee decided to hold the bill over.

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SB 386 Displaced homemakers  
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Karen Perdue from the Department of Community and Regional Affairs explained the displaced homemaker program. She said that 36% of those who seek assistance from the displaced homemaker's programs are ineligible under the state statutes. She also added that the bill had no fiscal note.

The committee members discussed the fiscal note.

SB 386 was moved out of committee with individual recommendations.  
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SB 323 relating to the Pioneers' homes  
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Lou Keller, Director of the Division of Pioneer home benefits, testified in favor of the proposed committee substitute.

Senator Vic Fischer suggested an additional change on page 2 of the proposed committee substitute allowing persons designated by the resident an extended amount of time to retrieve the belongings of a deceased resident.

Senator Rodey suggested they re-word the title on the proposed committee substitute.

There was discussion on possible options for a new title. The title on the proposed committee substitute was not changed.

Senator Rodey made a motion to adopt the CS and move it out of committee.

CSSB 323 was moved out of committee with individual recommendations.  
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*file ✓*  
SB 387 Relating to working hours of state employees  
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Mike McMullen from the Division of Personnel testified in favor of the bill. He said that the employees covered under section 1 should be able to take 5 days of personal leave a year as an option. He said the provision should not be mandatory. He explained and also spoke in favor of the disbursement of the banked medical leave to the beneficiaries of a state employee who has died.

Discussion occurred on the number of people the above provision would affect.

The committee decided to request a new fiscal note from the Department of Administration.

The bill was moved out of committee with a new fiscal note.

The committee meeting was adjourned at 3:50 pm.

12/1  
Sylvia Taylor

SENATE STATE AFFAIRS COMMITTEE

Bill Number 387 Title \_\_\_\_\_ Date received \_\_\_\_\_

Fiscal Position	Date requested	From	Amount	Date Rec'd
Note Paper				Note Paper
<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	4/26	VOA		

CONTACTS Backup list

Rebecca Bunn  
Sherric Sulley 586-2334  
(2384)

tpar

HEARING INFORMATION

NOTES

partially exempt or exempted  
Doesn't affect AREA.

FINAL ACTION \_\_\_\_\_ DATE \_\_\_\_\_

Suzanne:

The medical leave bank was created effective July 1, 1978, when the personal leave amendments were made to the leave statute.

See AS 39.20.256 attached.

Under collective bargaining, most employees now have unused sick leave paid to beneficiaries in case of death while still an employee.

See highlighted portion of current General Government Unit collective bargaining agreement attached.

Section 3 of SB 387 would extend the payoff to employees not covered by collective bargaining. The fiscal note shows the added cost, but does

not require any additional appropriation.

Call me if you need any more information.

Trish

X4430

Title 39  
Title 39  
Public Officers  
and Employees

**Effect of amendments.** — The 1978 amendment substituted "personal leave" for "annual leave" in the first and second sentences of subsection (a).

The 1979 amendment, in subsection (a), deleted "as a lump sum" following "shall be allowed" in the first sentence, deleted "lump-sum" preceding "payment" in the second sentence, and added the third

sentence; in subsection (b), the amendment inserted "balance of the" preceding "unused leave payment" and substituted "equal to the leave payment" for "equal to the compensation" in the first sentence and added "which has been paid to him" to the end of the first sentence; and in subsection (c), deleted "lump-sum" preceding "payment."

**Sec. 39.20.255. Conversion of accrued annual leave to personal leave.** An officer or employee who has accrued annual leave shall have that annual leave transferred to his personal leave account. (§ 8 ch 136 SLA 1978)

**Sec. 39.20.256. Transfer of accrued medical leave.** (a) An officer or employee who has accrued medical leave shall have 40 per cent of that medical leave transferred to his personal leave account and 60 per cent of that medical leave transferred to a medical leave bank. Banked medical leave may be taken only in accordance with this section.

(b) An officer or employee may not take any of his banked medical leave unless

(1) he has no accrued personal leave; and

(2) he has a medical disability exceeding 10 consecutive working days in duration; or

(3) he has a medical disability exceeding 30 consecutive working days in duration.

(c) Once the requirements of (b) and (d) of this section have been met, an officer or employee may take banked medical leave until the medical disability is terminated or his banked medical leave is exhausted. If an officer or employee qualifies for banked medical leave under (b)(3) of this section, his banked medical leave may be taken for all working days of the medical disability following the 10th working day of the disability.

(d) When leave is taken under (b)(1) and (2) of this section, a department or agency head may require a doctor's certificate showing the disability. When leave is taken under (b)(3) of this section, the officer or employee must submit a doctor's certificate showing the disability.

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

(f) Upon an officer's or employee's separation from state service, his banked medical leave shall be cancelled without pay. (§ 8 ch 136 SLA 1978; am §§ 1 — 3 ch 52 SLA 1979; am § 60 ch 94 SLA 1980)

**Effect of amendments.** — The 1979 amendment, retroactive to July 9, 1975, in subsection (b), added "or" to the end of paragraph (2) and added paragraph (3); in

subsection (c), inserted "and (d)" in the first sentence and added the second sentence; and in subsection (d), substituted "under (b)(1) and (2)" for

between  
the  
**STATE OF ALASKA**  
and



**ALASKA PUBLIC  
EMPLOYEES  
ASSOCIATION**

covering  
**General Government Unit Employees**  
1980-1982

over to be used within ninety (90) days.

2. If an employee has an amount of annual leave in excess of sixty (60) days as of January 15, such amount in excess of sixty (60) days shall be paid in cash except as otherwise provided in paragraph (1).

F. **Terminal Leave.** Any employee who is separated from State service for any reason including layoff shall receive within thirty (30) days a lump sum payment for the number of working days of accrued annual leave. If an employee who resigned is reemployed in State service prior to the end of the period covered by his/her terminal leave, he/she shall refund to the State an amount equal to the compensation covering the period between the date of reemployment and the expiration of terminal leave. The hours of leave represented by this refund shall then be recredited to the employee's annual leave account.

#### Section 2 - Sick Leave

A. **Accrual.** Full-time employees of the bargaining unit shall accrue sick leave at the rate of one and one-quarter (1-1/4) days prorated over the monthly pay period. Employees of less than full-time shall accrue sick leave credit monthly on a prorated basis according to the hours in pay status. There shall be no accrual of sick leave during any monthly pay period during which the employee is absent without approved leave. An employee on approved sick leave shall receive payment at his current salary to the extent that he has sick leave accrued.

B. Sick leave accrued but not used shall accumulate until termination of employment in accor-

dance with Personnel Rule 10 02.15. Upon the death of an employee, any unused sick leave balance shall be paid in cash to his/her beneficiary/s at his/her current rate of pay.

C. **Availability of Sick Leave:** Sick leave shall be granted by the department or agency only in the following instances:

1. An employee may be granted sick leave for a medical or dental appointment or illness or injury for himself or his immediate family at the discretion of the supervisor. Such absence, at the discretion of the supervisor, may be required to be supported by a physician's certificate. Employees will not be required to provide a physician's certificate for illness of less than three (3) days unless improper use is suspected.

2. Illness within the officer's or employee's immediate family which requires the attendance of the officer or employee or where his presence on the job could jeopardize the health of fellow employees, such absence in all instances shall be supported by a physician's certificate.

3. Upon the death of the spouse or other member of the immediate family of an officer or employee, the officer or employee may avail himself of not more than five (5) days of accrued sick leave with pay.

4. In each case of absence due to illness or injury it shall be the responsibility of the employee to notify his/her supervisor of his/her absence immediately and to report periodically the anticipated duration of his absence. Failure to notify the supervisor may result in disciplinary action.