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SB 83

Temporary, & nonpermanent employees
deserve the same benefits w/ regard
to court leave as permanent
employees.

1)
administrative leave w/ pay.

Introduced: 1/18/83
Referred: State Affairs and
Judiciary

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. 59 *(new)*

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 government interests in intellec-
7 tual work products developed at the expense of the
8 state."

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

10 * Section 1. AS 39 is amended by adding a new chapter to read:

11 CHAPTER 52. INTELLECTUAL PROPERTY DEVELOPED

12 AT THE EXPENSE OF THE STATE.

13 Sec. 39.52.010. RIGHT TO INTELLECTUAL WORK PRODUCT. (a) Except
14 as provided in AS [39.52.040] and AS 14.40.345, all right, title, and
15 interest in and to an intellectual work product of any kind that is
16 subject to the trademark, copyright, or patent laws of the United
17 States or this state or any foreign country that is developed by a
18 public officer or employee or a person under contract with the state
19 is the property of the state if developed

20 (1) during working hours;

21 (2) with the contribution of the state beyond what is
22 available to the public in general in the form of facilities, equip-
23 ment, materials, money, or information, or of time or services of
24 another public officer or employee in the course of state employment
25 or another person under contract with the state; or

26 (3) in connection with the official duties of the public
27 officer or employee or the person under contract, including but not
28 limited to circumstances in which the public officer or employee or
29 the person is employed or assigned to

1 (A) produce or improve an intellectual work product;
2 (B) conduct or perform research, development work, or
3 both;

4 (C) supervise, direct, coordinate, or review state
5 financed or conducted research, development work, or both; or

6 (D) act in a liaison capacity among governmental or
7 nongovernmental agencies or individuals engaged in such work.

8 (b) If a public officer or employee or a person under contract
9 with the state develops an intellectual work product that is the
10 property of the state, the developer is obligated to

11 (1) fully and promptly disclose the intellectual work
12 product to the Alaska Council on Science and Technology (AS 44.21.-
13 241);

14 (2) assign to the state the entire right, title, and inter-
15 est in and to the intellectual work product if not already waived by
16 signing of a general waiver upon commencement of employment in accor-
17 dance with AS 39.05.160 or as part of a contract for services; and

18 (3) upon request by the council, execute and reasonably
19 assist in the prosecution of an application for a trademark, copy-
20 right, or patent.

21 (c) If the state has a right to an intellectual work product
22 under (a) of this section but the council decides that it is inadvis-
23 able to prosecute an application for trademark, copyright, or patent,
24 the council, on behalf of the state, may, after consultation with
25 affected state agencies,

26 (1) waive all right, title, and interest in and to the
27 intellectual work product; or

28 (2) waive all right, title, and interest in and to a trade-
29 mark, copyright, or patent but reserve a nonexclusive, irrevocable,

1 royalty-free license in the intellectual work product with power to
2 grant licenses for all governmental purposes.

3 Sec. 39.52.020. COUNCIL AUTHORIZED TO GRANT MONETARY RECOGNITION
4 FOR CREATION OF INTELLECTUAL WORK PRODUCT. (a) The council is autho-
5 rized to give monetary recognition to a [public officer or employee] who
6 develops an intellectual work product that is the property of the
7 state and who discharges the obligations set out in AS 39.52.010.

8 (b) The council shall determine the guidelines, terms, and
9 conditions, as well as amount, source, distribution, and manner of
10 payments under (a) of this section. [The council shall consider the
11 actual or potential value of the intellectual work product in terms of
12 revenue or reduced operating costs to the state.]

13 Sec. 39.52.030. ARBITRATION OF DISAGREEMENTS. (a) Disagree-
14 ments between a public officer or employee or a person under contract
15 with the state and the council pertaining to ownership of an intellec-
16 tual work product or obligations of the respective parties shall be
17 disposed of by

18 (1) voluntary arbitration of all relevant issues, if the
19 disagreeing parties agree to be bound by the decision upon arbitra-
20 tion;

21 (2) compulsory arbitration if that is provided for in any
22 applicable contract between the disagreeing parties; or

23 (3) recourse to the court if arbitration cannot be resorted
24 to.

25 (b) The council is authorized to make contracts for compulsory
26 arbitration on behalf of the state.

27 (c) If arbitration is used to settle disagreements, the provi-
28 sions of AS 09.43 (Uniform Arbitration Act) shall govern.

29 Sec. 39.52.040. EXCEPTIONS. The provisions of this chapter do

see also 10/1/1979

delimiting

1 not apply to a public officer or employee associated with or a person
2 under contract with the University of Alaska. Those persons shall be
3 governed by the provisions of AS 14.40.345. The provisions of this
4 chapter do not apply to a member of the legislature.

5 Sec. 39.52.050. ADOPTION OF RULES. The council may adopt rules
6 implementing the provisions of this chapter in accordance with the
7 Administrative Procedure Act (AS 44.62).

8 Sec. 39.52.099. DEFINITIONS. As used in this chapter, unless
9 the context otherwise requires,

10 (1) "council" means the Alaska Council on Science and Tech-
11 nology established in AS 44.21.241;

12 (2) "intellectual work product" means any product of the
13 mind including but not limited to the following:

14 (A) discovery, invention, or idea;

15 (B) process, system, or method;

16 (C) machine, manufacture, or product;

17 (D) composition of matter;

18 (E) design or composition in letters, art, or graph-
19 ics;

20 (F) literary, dramatic, musical, educational, or
21 artistic work;

22 (G) certification mark, trademark, patent, or copy-
23 right.

24 * Sec. 2. AS 14.40 is amended by adding a new section to read:

25 Sec. 14.40.345. INTELLECTUAL PROPERTY DEVELOPED AT THE EXPENSE
26 OF THE UNIVERSITY. All right, title, and interest in and to an intel-
27 lectual work product developed by a public officer or employee asso-
28 ciated with or a person under contract with the University of Alaska
29 is the property of the university in accordance with a general policy

1 established by the university. The policy adopted by the University
2 of Alaska may provide for ownership, control, management, and disposal
3 of intellectual work products by an independent foundation created for
4 the purpose of obtaining intellectual work products, receiving gifts,
5 administering or disposing of interests in intellectual work products,
6 and promoting research.

7 * Sec. 3. AS 39.05 is amended by adding a new section to read:

8 ARTICLE 5. WAIVER OF RIGHT TO INTELLECTUAL PROPERTY.

9 Sec. 39.05.160. WAIVER OF RIGHT TO INTELLECTUAL PROPERTY. (a)

10 A public officer or employee of the state, before engaging in the
11 duties of the office or employment, shall sign a waiver of all right,
12 title, and interest in and to an intellectual work product that may be
13 developed by the officer or employee at the expense of the state as
14 set out in AS 39.52.

15 (b) Notwithstanding the requirement in (a) of this section, the
16 state, in accordance with AS 39.52.020, may share a portion of the
17 resulting revenue with or grant a cash award for resulting reductions
18 in operating costs to a public officer or employee who develops an
19 intellectual work product at the expense of the state.

20 (c) A public officer or employee may be required to sign, before
21 engaging in the duties of the office or employment, an acknowledgement
22 that the public officer or employee will not receive a share of the
23 revenue or reduction in operating costs attributable to an intellec-
24 tual work product developed as a duty of the office or employment.

25 (d) The waiver under (a) of this section and the acknowledgement
26 under (c) of this section are not considered terms and conditions of
27 employment that are subject to negotiation for purposes of collective
28 bargaining under the Public Employment Relations Act (AS 23.40).

29 * Sec. 4. AS 44.21.242(b) is amended by adding new paragraphs to read:

1 (9) consistent with the provisions of AS 39.52, retain,
2 assign, license, transfer, sell, or otherwise dispose of, in whole or
3 in part and upon terms that the council may direct, any and all rights
4 to, interests in, or income from intellectual work products acquired
5 by the council under AS 39.52;

6 (10) adopt rules implementing the provisions of AS 39.52.

7 * Sec. 5. AS 37.12.070(9) and AS 46.12.110(10) are repealed.

NOI

1) I would like to see Person get
some kind of percentage for amount
The project saves the state in
Revenue.



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

M E M O R A N D U M

January 25, 1983

TO: Senate State Affairs Committee

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

SUBJECT: Senate Bill 59 - Government Interests in Intellectual Work
Products Developed at the Expense of the State

The Blue Ribbon Commission is proposing legislation to create and protect the state's interest in inventions, discoveries and creations developed by state employees or contractors during their employment or developed with the use of state facilities or resources.

The commission became interested in the issue when an employee of the Department of Fish and Game testified about employment problems arising from his patenting of a production scale salmon incubator. He had begun developing the incubator before he accepted employment with the state. He began working for the department and continued his project after securing advice from the Department of Law concerning avoiding the potential conflict of interest. His job for Fish and Game was closely related to the development of incubators. The employee stated that he created the incubator on his own time. He then patented it and sold the patent to a private corporation which marketed it. Thereafter, the department was required to pay royalties for use of the process.

The employee has filed several grievances over poor performance evaluations, lost promotional opportunities, and an alleged retaliatory layoff which he believed resulted from his patenting the invention. The department testified that there had been considerable morale problems because other employees believed that they had contributed to the development of the process. They thought it unfair that one individual could secure a patent and potentially profit from an invention in which others had participated and in which the state should have an interest.

The Blue Ribbon Commission is concerned that there is no statute protecting the state's interest in the inventions, discoveries and creations made by its employees or made through the use of its facilities. Legislation for the Alaska Energy Center and the Alaska

Resources Corporation gives each agency the authority to hold patents. Nothing in either chapter spells out how the state acquires that interest.

While the proposed legislation does not specifically address the situation which occurred in the Department of Fish and Game, the commission believes that this system would alleviate similar problems in the future. Information about the number of conflict of interest hearings before the Personnel Board indicates that there will probably be no more than two or three applications of the bill per year.

Bill Analysis

- Page 1
Line 10 The first section of the proposed legislation gives the state all right, title and interest in any intellectual work product developed during working hours or with the use of state facilities or by employees whose duties include responsibility for research.
- Page 4
Line 12 "Intellectual work product" is broadly defined later in the bill to include anything which is subject to patent, trademark or copyright laws.
- Page 2
Line 8 A state employee or person under contract with the state is obliged to disclose the development of an intellectual work product to the Alaska Council on Science and Technology and to assign any interest in it to the state. If requested, the person is required to assist the Council in applying for a trademark, patent or copyright. The commission believes that the Council is the most appropriate existing state agency to administer the program.
- Page 2
Line 21 The Council is given broad discretion to decide whether to pursue patenting, trademarking, or copyrighting the invention after consultation with affected state agencies. The Council may waive any state interest in the discovery or may waive all interest but retain a royalty-free license in the intellectual work product so that the state would not have to pay for its use in the future. If the state waives its interest, then the inventor would be able to pursue protection of his own interest in the discovery.
- Page 3
Line 3 The proposed legislation gives the Council authority to grant monetary recognition to employees who develop an intellectual work product. The recognition could be in

the form of a cash award, a share in any royalties generated by the invention, or in any other manner the Council find appropriate. Payment would, of course, be subject to legislative appropriation. The commission believes that the Council should have wide discretion in implementing the monetary award system in order to best encourage employees in their work and serve the state's interests.

Page 3
Line 13

Any disagreements between an employee and the state pertaining to ownership of an intellectual work product would be subject to voluntary arbitration if the parties agreed to be bound by the result. If not, then the disagreement could be settled in court. In addition, the state and the employee or contractor may enter into an employment contract which requires compulsory arbitration.

Page 3
Line 29

Legislators and employees of the University of Alaska are exempted from the chapter. The University has its own policy on intellectual property developed at its expense which is codified in section 2 of the proposed legislation.

Page 4
Line 5

The Council is granted rule-making authority for the chapter in accordance with the Administrative Procedure Act.

Page 4
Line 24

Section 2 of the legislation adds language to codify the University of Alaska's right to intellectual work products developed by its employees.

Page 5
Line 7

Section 3 requires state employees to waive their interest in intellectual work products developed at the expense of the state as set out in section 1 of the bill. The waiver is not subject to negotiation under the Public Employment Relations Act.

Page 5
Line 29

Section 4 amends the Alaska Council on Science and Technology statutes to add the powers and responsibilities granted by the proposed legislation.

Page 6
Line 7

Section 5 repeals the patenting powers currently granted to the Alaska Energy Center and the Alaska Resources Corporation. The commission believes that there should be a single system which applies to all legislative, judicial and executive branch employees of the state.

ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

SENATOR VIC FISCHER, CHAIRMAN

POUCH V, JUNEAU 99811

(907) 465-4954



MEMO

TO: Senate State Affairs Committee Members

FROM: Senate State Affairs Staff

RE: SB 83, court leave for nonpermanent and temporary employees.

DATE: March 14, 1983

SB 83 enables classified nonpermanent and temporary employees to receive "leave with pay" for court leave. Currently, their only compensation is the \$25 a day service fee, while permanent employees receive their regular salaries and return the service fee to the state.



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 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.

Senate State Affairs Committee
February 3, 1983
Page Two

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.

"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; § 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,

his accumulated personal leave and banked medical leave transfers with him and shall be credited to him in the employing department, office, institution, or agency. (§ 11-5-6 k ACLA 1949; am § 1 ch 182 SLA 1957; am § 1 ch 145 SLA 1960; am § 9 ch 136 SLA 1978)

Effect of amendment. — The 1978 amendment substituted "personal leave and banked medical leave" for "annual and sick leave."

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) certificated teachers employed by the state to teach in schools operated by the Department of Education or by the state-operated schools;

(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. (§ 11-5-6 l ACLA 1949; am § 1 ch 182 SLA 1957; am § 1 ch 145 SLA 1960; am § 1 ch 134 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)

Revisor's note. — In this section "secretary of state" has been changed to "lieutenant governor" in conformity with the 1970 Alaska constitutional amendment (SJR 2) changing the designation of that office.

Effect of amendment. — The 1978 amendment added paragraph (9).

The 1980 amendment inserted "and of the court of appeals" following "superior courts" near the middle of paragraph (1).

The thrust of the exemptions in the State Personnel Act, AS 39.25.110, the Public Employees Retirement System, AS 39.35.680 (5)(c), and the statutory leave provisions for state employees is to provide for those public employees who are not susceptible to ordinary recruiting and examining procedures. *Hasling v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

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units might want some
provision as SB85). At any
pt in time 125, persons not
permanent. At any pt in
time how many could need
cont leave there wouldn't
be that much of an impact.

2716 03, SHIRLEE AND LIO, 6903

TO: ALL MEMBERS, ALASKA LEGISLATURE

FROM: DOROTHY BASSETT
2415 DOUGLAS DRIVE
ANCHORAGE, AK 99503 (H) 243-4875

IN VIEW OF THE SUIT MRS. WILLIAMS OF SITKA HAS FILED REGARDING THE STATE'S HIRING PRACTICES, THE RECENT LAYOFFS AND REPORTED INCIDENTS OF UNFAIR STATE HIRING PRACTICES, I ASK YOU TO STOP ALL RECLASSIFICATIONS OF POSITIONS, PUT A FREEZE ON HIRING AND INVESTIGATE THE ENTIRE HIRING PRACTICE PROCEDURE. ANYONE WHO IS VIOLATING THE REGISTER PROCEDURE FOR HIRING SHOULD BE PUNISHED AS ALLOWED IN THE PRESENT PERSONNEL REGULATIONS.

*Suzanne
would you pls
find out what
she told shes
referring to?
C.B.*

ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

SENATOR VIC FISCHER, CHAIRMAN

POUCH V, JUNEAU 99811

(907) 465-4954



MEMO

TO: Senate State Affairs Committee Members

FROM: Senate State Affairs Staff

RE: SB 83, court leave for nonpermanent and temporary employees.

DATE: March 14, 1983

SB 83 enables classified nonpermanent and temporary employees to receive "leave with pay" for court leave. Currently, their only compensation is the \$25 a day service fee, while permanent employees receive their regular salaries and return the service fee to the state.

This bill impacts only those employees that are not covered by a union contract that contains a provision on "court leave." The union stipulations supercede the statutes. This bill is directed to compensate in an equitable manner those who would otherwise "fall between the cracks."

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:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/8/83

ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

SENATOR VIC FISCHER, CHAIRMAN

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JUNE 4, U. 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

M E M O R A N D U M

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

ch. 182, SLA 1957; § 2, 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,

his accumulated personal leave and banked medical leave transfers with him and shall be credited to him in the employing department, office, institution, or agency. (§ 11-5-6 k ACLA 1949; am § 1 ch 182 SLA 1957; am § 1 ch 145 SLA 1960; am § 9 ch 136 SLA 1978)

Effect of amendment. — The 1978 amendment substituted "personal leave and banked medical leave" for "annual amendment substituted "personal leave and sick leave."

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) certificated teachers employed by the state to teach in schools operated by the Department of Education or by the state-operated schools;

(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. (§ 11-5-6 l ACLA 1949; am § 1 ch 182 SLA 1957; am § 1 ch 145 SLA 1960; am § 1 ch 134 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)

Revisor's note. — In this section "secretary of state" has been changed to "lieutenant governor" in conformity with the 1970 Alaska constitutional amendment (SJK 2) changing the designation of that office.

Effect of amendment. — The 1978 amendment added paragraph (9).

The 1980 amendment inserted "and of the court of appeals" following "superior courts" near the middle of paragraph (1).

The thrust of the exemptions in the State Personnel Act, AS 39.25.110, the Public Employees Retirement System, AS 39.35.680 (5)(c), and the statutory leave provisions for state employees is to provide for those public employees who are not susceptible to ordinary recruiting and examining procedures. *Hafsling v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

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COMMITTEE REPORT
SENATE

1/27/83

FURTHER: FINANCE

Date: 03/15/83

Mr. President:

The Committee on STATE AFFAIRS has had SB NO. 83

Relating to court leave for nonpermanent and temporary employees of the state.

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
- and recommends _____ new title
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Tim Kelly

V. Trueman do pass

CHAIRMAN

John, I felt that (3/20)
you may want a CS
to fix the language
problems w/ the last
sentence.

S

John,

3/20

- 1) There should be a departmental position paper - has not arrived.
- 2) TO TESTIFY ~~SSA~~ SSA HAD:
 - A) Terry Cramer X4442
 - B) Frank Page
OR Michael McMeullen
(Division of Personnel)
- 3) Need anything, of course
let me know
S.

SEC. 39.25.200 (4)

"non~~st~~ permanent^{is} employee" means a person who is employed in state service, in a position which is not in the exempt or partially exempt service and who is not a permanent or an emergency employee.

(5) "permanent employee" means an employee who has been appointed to an authorized, permanent full-time or part-time or permanent seasonal position in the classified service, and who is in the process of completing or has successfully completed the required probationary service in that position. One who is hired for specific time less than 20 days.