

COMMITTEE REPORT
HOUSE

(11)

FURTHER:

2/15/85

Date: 2-27-85

Mr. Speaker:

The Committee on FINANCE has had HR 153

"An Act relating to state employment."

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HR 153 (SA) same title
- new title
- and recommends No Recommendation
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- 2-11-85 Administration
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]

[Signature]

[Signature]

[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]

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CHAIRMAN

Offered: 2/15/85
Referred: Finance

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR HOUSE BILL NO. 153 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST 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 shall be canceled without pay unless the offi-
14 cer's or employee's department or agency head certifies in writing
15 that the officer or employee was denied the opportunity to take five
16 days of personal leave during the 12-month period. This subsection
17 does not apply to part-time officers or employees.

18 * Sec. 2. AS 39.20.240 is amended to read:

19 Sec. 39.20.240. ACCUMULATION OF PERSONAL LEAVE. Except as
20 provided in AS 39.20.225(c), [PERSONAL LEAVE THAT IS NOT TAKEN BY] an
21 officer or employee may accumulate personal leave that is not taken
22 during a 12-month period [ACCUMULATES] for use in succeeding 12-month
23 periods, or the employee may request the cash value of the leave under
24 procedures established by the commissioner.

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

26 (f) Upon an officer's or employee's separation from state ser-
27 vice, the officer's or employee's banked medical leave shall be can-
28 celed without pay. However, if the separation is caused by the offi-
29 cer's or employee's death, the banked medical leave shall be treated

1 as unpaid compensation in accordance with AS 39.20.360.

2 * Sec. 4. AS 39.25.130 is amended by adding a new subsection to read:

3 (d) When the personnel board changes the positions included in
4 the partially exempt service under (a) of this section, the commis-
5 sioner of administration shall submit to the lieutenant governor for
6 publication in the Alaska Administrative Code (AS 44.62.130) a list of
7 all positions included in the partially exempt service.

8 * Sec. 5. The commissioner of administration shall submit to the lieu-
9 tenant governor for publication in the Alaska Administrative Code (AS 44.-
10 62.130) a list of all positions included in the partially exempt service on
11 the effective date of this Act.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

February 14, 1985

Revision Date: _____

Page 1 of 2

REQUEST Page 1 of 2 No 1
 Bill/Resolution No.: CSHB 153(SA)
 Title: An act relating to State employment
 Sponsor: Rules by request of Governor
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL
 Agency Affected: Administration
 Program Category Affected: Centralized Administrative Services
 BRU, Program or Subprogram(s) Affected: Personnel

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
100 PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
200 TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
300 CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
400 SUPPLIES	-0-	-0-	-0-	-0-	-0-	-0-
500 EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS	-0-	-0-	-0-	-0-	-0-	-0-
800 MISCELLANEOUS	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

Prepared By: Frank Rave *Frank Rave* Phone: 465-4430
 Division: Personnel Date: 2/14/85

Approved by Commissioner: Lisa Rudd *Lisa Rudd* Date: 2-14-85
 Agency: Department of Administration

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies) 2/4K1/1101-09

No 1
CSHB 153(SA) Page 2 of 2
Fiscal Note Analysis
Prepared by Division of Personnel
Department of Administration

Date: February 14, 1985

This bill has no fiscal impact.

Two sections of this bill have the potential of causing minor changes in the way in which the Personal Services line item is spent, but will not require additional funding. They are described in this Analysis to avoid any suggestion that this bill does have a fiscal impact.

Section 2 of this bill has the potential of shifting the expense associated with the use of personal leave to an earlier period. For example, an employee who might take a long vacation in FY 86 and be paid for use of personal leave may instead "cash in" some of the leave during FY 85 and have it paid at the FY 85 pay rate. There is no net effect in the present value cost to the state for such a transfer. No additional appropriation is needed to fund this provision.

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 changed from collective bargaining coverage to coverage of this statute will be eligible. At the beginning of 1984 there were 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:

$$1 \text{ employee} \times 207 \text{ hours} \times \$25.66 \text{ per hour} = \$5,321.$$

The actual costs will be borne from existing budgets in a similar manner as payments for sick or terminal leave. No additional appropriation is required.

HR 153

HOUSE BILL NO. 153 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 and Finance Committees.

Two zero fiscal notes with analysis were attached and appear in House Journal Supplement No. 11.

The Governor's transmittal letter dated January 30, 1985, appears below:

"Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to state employment. The bill amends the state's leave statutes in three respects, primarily affecting state officers and employees who are not covered by a collective bargaining agreement.

Section 1 of the bill addresses the requirement that nearly all non-covered state officers and employees take at least five days of personal leave per year. See AS 39.20.225(c). The amendment would make clear that part-time employees are not subject to that requirement.

Section 2 permits non-covered state employees annually to cash in accumulated leave. Under existing law the accumulated leave may be used in later years but no cash-in option is provided.

Section 3 of the bill amends AS 39.20.245(b), concerning the donation of personal or annual leave by one state worker for use as sick leave by another. Currently, the law speaks only to legislative employees. The amendment would allow the same charitable act to be accomplished by executive and judicial branch non-covered workers. State employees covered by a collective bargaining agreement are already allowed to donate sick leave in this way. The amendment also allows covered and noncovered employees and officers to donate leave to each other for use as sick leave.

Alaska
Legislature

HR 153

The amendment to AS 39.20.256(f) in sec. 4 of the bill allows the beneficiary of a state worker who dies to collect the monetary equivalent of the decedent's unused, banked sick leave. Currently, unused, banked sick leave is cancelled upon the separation from service of a state worker, regardless of the cause. State employees covered by a collective bargaining agreement are already provided this benefit.

Sections 5 and 6 of the bill amend AS 39.20.310(8) and (9), respectively, to clarify that employees covered by a collective bargaining agreement are excluded from AS 39.20.200 -- 39.20.330 "except as expressly provided by law." This provides consistency with the amendment in sec. 4.

Section 7 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,

/s/

Bill Sheffield
Governor"

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF LAW

POUCH K - STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

OFFICE OF THE ATTORNEY GENERAL

February 1, 1985

Honorable Katie Hurley, Chair
House State Affairs Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Re: HB 153 (state employment)
Our file: 377-042-85

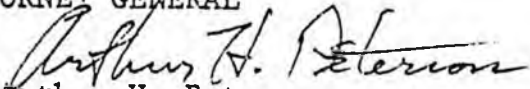
Dear Representative Hurley:

HB 153, introduced at the request of the governor January 30, has been referred to your committee. Now that HB 70 am (donation of leave) has been passed by the legislature, secs. 3, 5, and 6 of HB 153 should be deleted. They are on exactly the same point as HB 70 am.

Thank you for your consideration of this matter.

Yours truly,

NORMAN C. GORSUCH
ATTORNEY GENERAL

By: 
Arthur H. Peterson
Assistant Attorney General

NCG:AHP:md

cc: Hon. Lisa Eudd, Commissioner
Dept. of Administration

Ray Gillespie
Legislative Assistant
Governor's Office

(3) "official travel" means travel inside or outside the state on official business of the state, for which payment or reimbursement is expected or authorized;

(4) "per diem allowance" means a daily flat rate of payment instead of actual expenses;

(5) "state agency," "agency," or "department" means department, office, institution, board, commission, bureau, division, or other administrative unit forming the state government;

(6) "subsistence" means lodging, meals, and other necessary expenses incidental to the personal sustenance or comfort of the traveler;

(7) "traveler" means the official or employee engaged in official travel for the state. (§ 3 ch 60 SLA 1957)

Article 3. Leaves of Absence.

Section	Section
200. Computation of personal leave	290. Definition of days of leave
210. Determining years of service	295. Special regulations on leave period
220. Requirement that employment be continuous	300. Personal and banked medical leave transfers with officer or employee
225. Use of personal leave	310. Exceptions
240. Accumulation of personal leave	320. Adoption of regulations
245. Donation of personal leave	330. Departments to keep leave records
250. Terminal leave	340. Leave of absence for reserve or auxiliary members of armed forces
255. Conversion of accrued annual leave to personal leave	350. Restoration of reserve members to former positions
256. Transfer of accrued medical leave	
270. Court leave	

Sec. 39.20.200. Computation of personal leave. Officers and employees of the state are entitled to personal leave with pay that accrues as follows:

(1) two days for each full monthly pay period in the case of officers and employees with less than two years of service;

(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)

NOTES TO DECISIONS

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

Collateral references. — 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)

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 the officer or employee 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)

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 the officer or employee 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 the officer or employee works. A department or agency head shall grant personal leave for medical reasons if the department or agency head 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 that makes presence at work a danger to the health of 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, the officer or employee 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 taken shall be canceled without pay unless the department or agency head certifies in writing that the officer or employee was denied the opportunity to take five days of personal leave during the 12-month period. (§ 4 ch 136 SLA 1978)

Sec. 39.20.230. When annual leave may be taken. [Repealed, § 15 ch 136 SLA 1978. For current law see AS 39.20.225.]

Sec. 39.20.240. Accumulation of personal leave. Except as provided in AS 39.20.225(c) personal leave that is not taken by an officer or employee during a 12-month period accumulates for use in succeeding 12-month periods. (§ 11-5-6 e ACLA 1949; am § 1 ch 182 SLA 1957; am § 1 ch 145 SLA 1960; am § 1 ch 37 SLA 1967; am § 1 ch 31 SLA 1971; am § 1 ch 151 SLA 1972; am § 5 ch 136 SLA 1978)

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 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 reconvertng the cash value to 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 § 6 ch 136 SLA 1978; am § 1 ch 75 SLA 1981)

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

Sec. 39.20.250. Terminal leave. (a) Terminal leave for unused personal leave shall be allowed upon separation from service. The payment equals the compensation that the officer or employee would have received if the officer or employee had remained in the service until the expiration of the period of unused personal leave. A payment of terminal leave to an employee shall be made as a lump sum payment or in installments over a period of time, as the employee elects.

(b) If the officer or employee is re-employed in the state service before the expiration of the period covered by the balance of the unused leave payment, the officer or employee shall refund to the state an amount equal to the leave payment covering the period between the date of re-employment and the expiration of the unused leave period which has been paid. The leave represented by a refund shall be recredited to the officer or employee by the employing department or agency.

(c) The payment authorized by this section is not considered salary or compensation except for purposes of taxation. (§ 11-5-6 f ACLA 1949; am § 1 ch 182 SLA 1957; am § 1 ch 145 SLA 1960; am § 7 ch 136 SLA 1978; am § 1 ch 16 SLA 1979)

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 the officer's or employee's 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 the officer's or employee's 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 banked medical leave unless the officer or employee

- (1) has no accrued personal leave; and
- (2) has a medical disability exceeding 10 consecutive working days in duration; or
- (3) 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 the banked medical leave is exhausted. If an officer or employee qualifies for banked medical leave under (b)(3) of this section, the 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, the officer's or employee's banked medical leave shall be canceled without pay. (§ 8 ch 136 SLA 1978; am §§ 1 — 3 ch 52 SLA 1979)

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

Sec. 39.20.260. Medical leave. [Repealed, § 15 ch 136 SLA 1978. For current law see AS 39.20.225 (b).]

Sec. 39.20.270. Court leave. Notwithstanding AS 39.20.310(7), court leave shall be granted to an employee who is classified as full time, whether permanent, nonpermanent, 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 the employee or to which the employee is entitled, whichever is greater, for service as a juror or witness shall be deducted from pay to which the employee 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; am § 1 ch 39 SLA 1984)

Effect of amendments. — The 1984 amendment, in the first sentence, added "Notwithstanding AS 39.20.310(7)" at the beginning, inserted "nonpermanent" near the end, and, in the second sentence, substituted "the employee" for "him" in the first place it occurs and for "he" in the last two places it occurs.

Sec. 39.20. current law s

Sec. 39.20. provided for i officer or emp exclusive of ho am § 1 ch 14

Sec. 39.20.: with the proc Administratio uniform begin periods applic employees of s

Sec. 39.20.: with officer c employment w state governm tution, or age: accumulated p and shall be cr ment, office, in 182 SLA 1957

Sec. 39.20.: apply to

(1) members governor, and and of the cour may be constru by reason of al

(2) magistra

(3) officers, University of ,

(4) [Repeale

(5) persons e and special inq nor, the legisla

(6) members otherwise emp

(7) temporar months;

(8) persons c masters and me are covered by 23.40.040.

Sec. 39.20.280. Maternity leave. [Repealed. § 2 ch 67 SLA 1974. For current law see AS 39.20.225 (b) (4).]

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 adopt regulations 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, accumulated personal leave and banked medical leave also transfer and shall be credited to the officer or employee 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)

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 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; am § 76 ch 59 SLA 1982)

Revisor's notes. — 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 1980 amendment inserted "and of the court of appeals" following "superior courts" near the middle of paragraph (1).

The 1982 amendment repealed paragraph (4).

NOTES TO DECISIONS

The thrust of the exemptions in the State Personnel Act, AS 39.25.110, the Public Employees Retirement System, former 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. *Halling v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

Sec. 39.20.320. Adoption of regulations. The director of the division 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 the officer or employee is subject to AS 39.20.200 — 39.20.330 and a department or agency of the state government where the officer or employee 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 personnel 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 amendment deleted "and labor relations" following "division of personnel" in the

first sentence, and, deleted "within 60 days of July 9, 1978" following "commissioner of administration" in the third sentence.

Sec. 39.20. department, keep for its f and employee Administrati approval by tl tion. (§ 11-5-t SLA 1960; an

Sec. 39.20. bers of armc subdivision, w who is a mem States Armed pay, time or ef ordered to train or at field exer control in the p of absence may (b) If an em employee other days leave of ab ch 20 SLA 195. am § 1 ch 49 S

Revisor's notes. 1976 changed "12-1 "calendar year" in tl

Sec. 39.20.35 tions. A membe Forces employec corporation with by proper author position the emp:

Article 4. P

Section 360. Order of payment 370. Inapplicability t tain benefits, fi

Sec. 39.20.360. to a deceased emp to the person or pe order of precedenc person of amounts (1) to the benefi

Sec. 39.20.330. Departments to keep leave records. Each department, office, institution, or agency of the state government shall keep for its files a complete leave record, covering each of its officers and employees, on forms prepared and supplied by the Department of Administration. These records are subject to annual audit and approval by the director of personnel of the Department of Administration. (§ 11-5-6 n ACLA 1949; am § 1 ch 182 SLA 1957; am § 1 ch 145 SLA 1960; am § 12 ch 136 SLA 1978)

Sec. 39.20.340. Leave of absence for reserve or auxiliary members of armed forces. (a) An employee of the state, or a political subdivision, 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 pay, time or efficiency rating on all days during which the employee 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.

(b) 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 ch 20 SLA 1951; am § 1 ch 154 SLA 1970; am § 4 ch 151 SLA 1972; am § 1 ch 49 SLA 1976)

Revisor's notes. — Chapter 49, SLA 1976 changed "12-month period" back to "calendar year" in the last sentence of sub-

section (a). As this change was the result of drafting error, "12-month period" has been retained.

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, 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 the employee held when ordered to duty. (§ 2 ch 20 SLA 1951)

Article 4. Payments Due to Deceased State Employees.

Section

360. Order of payment
370. Inapplicability of provisions to certain benefits, funds, or interest

Section

380. Change or revocation of designation
390. Employees to be informed
400. Definitions

Sec. 39.20.360. Order of payment. All unpaid compensation due to a deceased employee of the state at the time of 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

Introduced: 1/30/85
Referred: State Affairs
and Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 153

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST 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 must [SHALL] be canceled without pay unless the
14 officer's or employee's department or agency head certifies in writing
15 that the officer or employee was denied the opportunity to take five
16 days of personal leave during the 12-month period. This subsection
17 does not apply to part-time officers or employees.

18 * Sec. 2. AS 39.20.240 is amended to read:

19 Sec. 39.20.240. ACCUMULATION OF PERSONAL LEAVE. Except as
20 provided in AS 39.20.225(c), personal leave that is not taken by an
21 officer or employee during a 12-month period accumulates for use in
22 succeeding 12-month periods, or the employee may request the cash
23 value of the leave under procedures established by the commissioner.

24 * Sec. 3. AS 39.20.245(b) is amended to read:

25 (b) An officer or employee, [OF THE LEGISLATURE OR OF A LEGISLA-
26 TIVE AGENCY] with the approval of the person authorizing the employ-
27 ment, may donate accrued personal or annual leave to another officer
28 or employee [OF THE LEGISLATURE OR OF A LEGISLATIVE AGENCY] only for
29 use as leave for medical reasons. The official responsible for

1 [LEGISLATIVE] employee accounts shall debit the donor's personal leave
2 account and credit the donee's personal leave account, for medical
3 reasons only, by converting the donated leave into cash value at the
4 donor's rate of pay and reconverting the cash value to hours of leave
5 at the donee's rate of pay. Leave donated under this subsection is
6 not leave taken by the donor for purposes of AS 39.20.225(c). An
7 employee who is covered by a collective bargaining agreement may
8 donate leave to or receive donations of leave from an employee or
9 officer who is not covered by a collective bargaining agreement,
10 notwithstanding AS 39.20.310(8) and (9).

11 * Sec. 4. AS 39.20.256(f) is amended to read:

12 (f) Upon an officer's or employee's separation from state ser-
13 vice, the officer's or employee's banked medical leave must [SHALL] be
14 canceled without pay. However, if the separation is caused by the
15 officer's or employee's death, the banked medical leave must be
16 treated as unpaid compensation in accordance with AS 39.20.360.

17 * Sec. 5. AS 39.20.310(8) is amended to read:

18 (8) persons employed by the division of marine transporta-
19 tion as masters and members of the crews operating the state ferry
20 system who are covered by collective bargaining agreements as provided
21 in AS 23.40.040, except as expressly provided by law;

22 * Sec. 6. AS 39.20.310(9) is amended to read:

23 (9) persons employed by the state who are covered by col-
24 lective bargaining agreements as provided in AS 23.40.210, except as
25 expressly provided by law.

26 * Sec. 7. AS 39.25.130 is amended by adding a new subsection to read:

27 (d) The commissioner of administration shall submit to the
28 lieutenant governor for publication in the Alaska Administrative Code
29 (AS 44.62.130) a list of all positions to which the partially exempt

1 service is extended under (a) of this section. As changes in the list
2 are adopted, the commissioner shall submit that information to the
3 lieutenant governor for publication.