

# COMMITTEE REPORT

## HOUSE

(11)

4/30/85

FURTHER:

Date: 5-9-85

The Committee on FINANCE has had HB 238

"An Act relating to credit for service in the state's retirement systems for certain leave without pay; and providing for an effective date."

under consideration and recommends:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for HB 238 (JUN)  same title  new title
- and recommends ~~DO PASS~~ NO RECOMMENDATION
- AND attaches a "Letter of Intent"  <sup>5-7-85 12.11</sup> New Fiscal Note
- reports it back without recommendation  Zero Fiscal Note Attached
- referred to the \_\_\_\_\_ Committee

### MEMBERS SIGNING DO PASS

Jan G. [Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

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### MEMBERS HAVING OTHER RECOMMENDATIONS:

[Signature] No Rec.

[Signature] No Rec.

[Signature] No Rec.

[Signature] No Rec.

[Signature] No Rec.

[Signature] No Rec.

[Signature] No Rec.

[Signature] No Rec.

Jan G. [Signature]  
ACTING CHAIRMAN

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_ Page 1 of 2

**REQUEST**

Bill/Resolution No.: CSHB 238 (Jud)  
 Title: "An Act relating to credited service..."  
 Sponsor: Riles  
 Requestor: Miller  
 Date of Request: 4/29/85

**FISCAL DETAIL**

Agency Affected: All State  
 Program Category Affected: Labor Services  
 BRU, Program or Subprogram(s) Affected: PERS. TRS

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

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
Operating						
100 Personal Svcs						
100 Rtmnt & Bnfts		79.5	85.9	92.7	100.1	108.2
200 Travel						
300 Contractual						
400 Supplies						
500 Equipment						
600 Land & Struct						
700 Grants, Claims						
700 Tr.S Match		41.6	44.9	48.5	52.4	56.6
TOTAL OPERATING	-0-	121.1	130.8	141.2	152.5	164.8
CAPITAL						
REVENUE						

**FUNDING: (Thousands of Dollars)**

GENERAL FUND		114.2	123.3	133.2	143.9	155.4
FEDERAL FUNDS		3.3	3.6	4.8	4.2	4.5
OTHER		3.6	3.9	4.2	4.4	4.9
TOTAL	-0-	121.1	130.8	141.2	152.5	164.8

POSITIONS:	-0-	-0-	-0-	-0-	-0-	-0-
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared By: J.K. Humphreys, Director Phone: 465-4470  
 Division: Retirement & Benefits Date: 4/29/85

Approved by Commissioner: Lisa Rudd Date: 5/7/85  
 Agency: Department of Administration

Distribution (by Agency preparing fiscal note):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

CSHB 238 (JUDICIARY)  
Fiscal Note Analysis  
Prepared by Division of Retirement & Benefits  
Department of Administration

April 29, 1985

IV Analysis:

Passage of this bill will allow members of the Public Employees (PERS), Judicial (JRS) and Teachers' (TRS) Retirement Systems to claim and purchase service for periods of authorized Leave Without Pay which resulted from pregnancy, birth of a member's child, adoption or care of the child immediately following birth. The bill also establishes a sixteen week limit on the amount of Leave Without Pay which may be claimed.

To fund this bill, the state PERS contribution rate would be increased by .0133% in FY 86. The state PERS payroll is estimated to be \$544,046,592 in FY 86 and to increase by 8% each year thereafter.

The state TRS contribution rate must be increased by .01% for FY 86. The state TRS payroll is estimated to be \$71,490,744 in FY 86 and to increase by 8% each year thereafter. The TRS State Match contribution would increase by .01% in FY 86. The TRS State Match salary is estimated to be \$416,297,654 for FY 86 and to increase by 8% each year thereafter.

The State FY 86 cost of \$121.1 is calculated as follows:

The increase in State PERS contribution rate (.0133%) times the estimated FY 86 State PERS salary (\$544,046,592.00) equals;  
\$72,400.00

The increase in State TRS contribution rate (.01%) times the estimated FY 86 State TRS salary (\$71,490,744.00) equals;  
\$ 7,100.00

The increase in TRS State Match contribution rate (.01%) times the estimated FY 86 TRS State Match salary (\$416,297,654) equals;  
\$41,600.00

Total cost \$121,100.00

We have also estimated that Political Subdivision and School Districts costs would increase as follows:

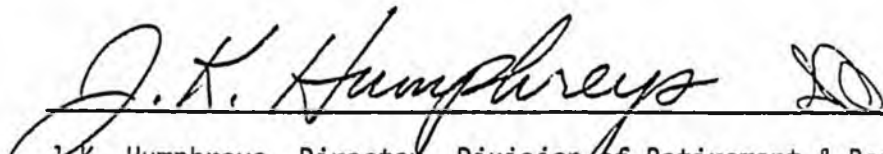
<u>FY 86</u>	<u>FY 87</u>	<u>FY 88</u>	<u>FY 89</u>	<u>FY 90</u>
\$91.4	\$98.7	\$106.6	\$115.1	\$124.3

Position Paper

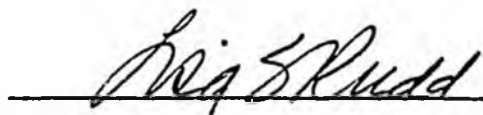
CS House Bill 238 (Judiciary)

Passage of this bill would allow members of the Public Employees', Teachers' and Judicial Retirement Systems to claim and purchase up to 16 weeks of service for periods of Authorized Leave Without Pay which resulted from pregnancy, birth of a member's child, adoption or care of a child immediately following birth. The members availing themselves of this opportunity would have to pay the full actuarial cost.

The Department supports this legislation because it contributes to social good in Alaska by allowing members who are raising a family the opportunity to continue accruing service under the PERS.

  
\_\_\_\_\_  
J.K. Humphreys, Director, Division of Retirement & Benefits

5/2/84  
Date

  
\_\_\_\_\_  
Lisa Rudd, Commissioner, Department of Administration

5/7/85  
Date

Offered: 4/30/85  
Referred: Finance

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

CS FOR HOUSE BILL NO. 238 (Judiciary)

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 personal leave for pregnancy, childbirth and adoption; credit for service in the state's retirement systems for certain leave without pay; and providing for an effective date."

7

8

9

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

11 \* Section 1. AS 14.20.345(b) is amended to read:

12

(b) A leave of absence is not an interruption of the continuous

13

service necessary to attain or retain retirement or tenure rights

14

according to AS 14.20.150, 14.20.155, or 14.20.160. However, the time

15

spent on leave of absence may not be counted in determining when a

16

teacher has sufficient service to enable the teacher to acquire [RE-

17

TIREMENT OR] tenure rights or, except as provided in AS 14.25.102,

18

retirement rights.

19

\* Sec. 2. AS 14.25 is amended by adding a new section to read:

20

Sec. 14.25.102. CREDIT FOR SERVICE FOR LEAVE OF ABSENCE WITHOUT

21

PAY DUE TO PREGNANCY, BIRTH, ADOPTION, AND CERTAIN CHILD CARE. (a) A

22

member is entitled to credit for service for up to 16 weeks of leave

23

of absence without pay authorized by an employer if the reason for the

24

leave of absence is

25

(1) pregnancy of the member;

26

(2) birth of the child of the member;

27

(3) placement of a child with the member in connection with

28

the adoption of the child by the member; or

29

(4) care of the child immediately following the child's

1 birth or placement with the member.

2 (b) To obtain credit for service under this section, the member  
3 must elect to do so and shall provide verification from the employer  
4 for the approved leave of absence under (a) of this section.

5 (c) After eligibility for the leave of absence service credit is  
6 established, the administrator shall determine the indebtedness. The  
7 indebtedness is equal to the full actuarial cost of providing benefits  
8 for the service claimed and shall be based on base salary and age at  
9 the time the approved leave began. Interest as prescribed by regula-  
10 tion accrues on the indebtedness from the date that the approved leave  
11 of absence ended.

12 (d) An outstanding indebtedness existing at the time that the  
13 member retires requires an actuarial adjustment to the benefits pay-  
14 able based on the approved leave of absence.

15 (e) This section does not require an employer to approve a leave  
16 of absence without pay for a period longer than that allowed by stat-  
17 ute or regulation. This section does not prevent approval of leave of  
18 absence without pay, for the reasons set out in (a) of this section,  
19 under AS 14.20.345 if a district has a policy of approving leave  
20 without pay for those reasons under AS 14.20.345 and if approval of  
21 leave without pay under that section would be more advantageous to the  
22 member.

23 \* Sec. 3. AS 22.25 is amended by adding a new section to read:

24 Sec. 22.25.015. CREDIT FOR SERVICE FOR LEAVE OF ABSENCE WITHOUT  
25 PAY DUE TO PREGNANCY, BIRTH, ADOPTION, AND CERTAIN CHILD CARE. (a) A  
26 justice or judge is entitled to credit for service for up to 16 weeks  
27 of authorized leave of absence without pay if the reason for the leave  
28 of absence is

29 (1) pregnancy of the justice or judge;

- 1 (2) birth of the child of the justice or judge;  
2 (3) placement of a child with the justice or judge in  
3 connection with the adoption of the child by the justice or judge; or  
4 (4) care of the child immediately following the child's  
5 birth or placement with the justice or judge.

6 (b) To obtain credit for service under this section, the justice  
7 or judge must elect to do so and shall provide verification from the  
8 court administrator for the approved leave of absence under (a) of  
9 this section.

10 (c) After eligibility for the leave of absence service credit is  
11 established, an indebtedness shall be determined, equal to the full  
12 actuarial costs of providing benefits for the service claimed. In-  
13 debtedness shall be based on base salary and age at the time the ap-  
14 proved leave began. Interest, as prescribed by regulation, accrues on  
15 the indebtedness from the date that the approved leave of absence  
16 ended.

17 \* Sec. 4. AS 39.20.225(b)(4) is amended to read:

18 (4) Pregnancy and childbirth or adoption is a medical  
19 reason for an [A FEMALE] officer or employee to take personal leave.  
20 An [A FEMALE] officer or employee, otherwise qualified for a leave of  
21 absence, is entitled to take a maximum of 16 [NINE] weeks leave imme-  
22 diately preceding and following childbirth or adoption. If the offi-  
23 cer's or employee's accrued personal leave is insufficient for this  
24 purpose, the officer or employee is entitled to take leave without pay  
25 for the balance of the 16-week [NINE-WEEK] period.

26 \* Sec. 5. AS 39.35.330(b) is amended to read:

27 (b) Except as provided in AS 39.35.335, a [A] leave of absence  
28 without pay that exceeds 10 working days in any calendar year or lay-  
29 off status authorized by an employer will be considered as an

1 interruption of employment and no credited service will be granted.

2 \* Sec. 6. AS 39.35 is amended by adding a new section to read:

3 Sec. 39.35.335. CREDIT FOR SERVICE FOR LEAVE OF ABSENCE WITHOUT  
4 PAY DUE TO PREGNANCY, BIRTH, ADOPTION, AND CERTAIN CHILD CARE. (a)

5 An employee is entitled to credit for service for up to 16 weeks of  
6 leave of absence without pay authorized by an employer if the reason  
7 for the leave of absence is

8 (1) pregnancy of the employee;

9 (2) birth of the child of the employee;

10 (3) placement of a child with the employee in connection  
11 with the adoption of the child by the employee; or

12 (4) care of the child immediately following the child's  
13 birth or placement with the employee.

14 (b) To obtain credit for service under this section, the employ-  
15 ee must elect to do so and shall provide verification from the employ-  
16 er for the approved leave of absence under (a) of this section.

17 (c) After eligibility for the leave of absence service credit is  
18 established, an indebtedness must be determined, equal to the full  
19 actuarial cost of providing benefits for the service claimed. Indebt-  
20 edness shall be based on the employee's age and on the actual compen-  
21 sation during the 12 months before the approved leave of absence  
22 began, or, if the employee did not work full time during the 12 months  
23 before the approved leave began, on the annualized compensation.  
24 Interest, as prescribed by regulation, accrues on the indebtedness  
25 from the date that the approved leave of absence ended.

26 (d) Any outstanding indebtedness existing at the time that the  
27 employee retires requires an actuarial adjustment to the benefits pay-  
28 able based on the approved leave of absence.

29 (e) This section does not require an employer to approve a leave

1 of absence without pay for a period longer than that allowed by stat-  
2 ute or regulation.

3 \* Sec. 7. Within 90 days after the effective date of this section, the  
4 Department of Administration shall publish notice of the provisions of this  
5 Act in the regularly published newsletters of the division of retirement  
6 and benefits and in newspapers of general distribution in each judicial  
7 district of the state.

8 \* Sec. 8. Section 7 of this Act takes effect immediately in accordance  
9 with AS 01.10.070(c).

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Page 1 of 2

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

Page 1 of 2

**REQUEST**

Bill/Resolution No.: HB 238

Title: "An Act Relating to  
Credited Service..."

Sponsor: \_\_\_\_\_

Requestor: \_\_\_\_\_

Date of Request: \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected: All State Agencies

Program Category Affected: Elementary &  
Secondary Education, Labor Services

BRU, Program or Subprogram(s) Affected: PERS, JRS & TRS

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

Operating	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
100 Personal Svcs						
100 Rtmnt & Bnfts		44.8	48.4	52.3	56.3	60.9
200 Travel						
300 Contractual						
400 Supplies						
500 Equipment						
600 Land & Struct						
700 Grants, Claims						
700 TRS Match		23.3	25.2	27.2	29.4	31.7
TOTAL OPERATING	-0-	68.1	73.5	79.4	85.8	92.6

CAPITAL						
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REVENUE						
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FEDERAL FUNDS		64.2	69.3	74.9	80.9	87.3
OTHER		1.9	2.1	2.2	2.4	2.6
TOTAL	-0-	2.0	2.2	2.3	2.5	2.7
		68.1	73.5	79.4	85.8	92.6

**POSITIONS:**

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

Prepared By: J.K. Humphreys, Director  
Division: Retirement & Benefits

Phone: 465-4470  
Date: 2/21/85

Approved by Commissioner: Lisa Rudd  
Agency: Department of Administration

Date: 2-22-85

Distribution (by Agency preparing fiscal note):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

HB 238: Maternity Credit Bill  
Fiscal Note Analysis  
Prepared by Division of Retirement & Benefits  
Department of Administration

February 21, 1985

IV Analysis:

Passage of this bill will allow members of the Public Employees (PERS), Judicial (JRS) and Teachers' (TRS) Retirement Systems to claim and purchase service for periods of authorized Leave Without Pay which resulted from pregnancy, birth of a member's child, adoption or care of the child immediately following birth. The bill also establishes a nine week limit on the amount of Leave Without Pay which may be claimed.

To fund this bill, the state PERS contribution rate would be increased by .0075% in FY 86. The state PERS payroll is estimated to be \$544,046,592 in FY 86 and to increase by 8% each year thereafter.

The state TRS contribution rate must be increased by .0056% for FY 86. The state TRS payroll is estimated to be \$71,490,744 in FY 86 and to increase by 8% each year thereafter. The TRS State Match contribution would increase by .0056% in FY 86. The TRS State Match salary is estimated to be \$416,297,654 for FY 86 and to increase by 8% each year thereafter.

The State FY 86 cost of \$68.1 is calculated as follows:

The increase in State PERS contribution rate (.0075%) times the estimated FY 86 State PERS salary (\$544,046,592.00) equals;  
\$40,800.00

The increase in State TRS contribution rate (.0056%) times the estimated FY 86 State TRS salary (\$71,490,744.00) equals;  
\$ 4,000.00

The increase in TRS State Match contribution rate (.0056%) times the estimated FY 86 TRS State Match salary (\$416,297,654) equals; \$23,300.00

Total cost \$68,100.00

We have also estimated that Political Subdivision and School Districts costs would increase as follows:

<u>FY 86</u>	<u>FY 87</u>	<u>FY 88</u>	<u>FY 89</u>	<u>FY 90</u>
\$51.4	\$55.5	\$60.0	\$64.7	\$69.9

BILL SHEFFIELD  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

NR 238

*cc*

The Honorable Ben Grussendorf  
Speaker of the House  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the state's retirement systems. This bill amends statutes pertaining to the teachers', judicial, and public employees' retirement systems to allow credit for service for certain approved leave without pay.

The bill allows for credited service to be obtained for up to nine weeks of approved leave of absence without pay taken in connection with pregnancy, birth, or adoption of a child, and care of a child immediately after the birth or adoption of the child. Once an employee returns to work after such a leave of absence, the employee may obtain credited service by paying the full actuarial cost of providing benefits for the service claimed. Any unpaid indebtedness for the service claimed at the time of retirement will result in an actuarial reduction in benefits.

The bill requires the commissioner of administration to inform retirement system participants of the changes accomplished by this bill.

Sincerely,

A handwritten signature in cursive script that reads "Bill Sheffield".

Bill Sheffield  
Governor

# Pediatrician pushes for family power

By GLENN COLLINS  
The New York Times

**B**OSTON — Dr. T. Berry Brazelton was concerned. "There's something I started noticing in my practice over the last year or so and it really shook me up," said the Harvard University pediatrician before an utterly silent conference audience. "It's a phenomenon I've begun to be aware of among expectant mothers who know they'll have to be going back to work up to three months after the baby is born."

"There is a lack of passionate commitment to the pregnancy," he said. "They don't have the dreams and fears and fantasies normal to most expectant mothers. It's as if they are guarding themselves from the turmoil of attachment. As if they are grieving already for what might be lost."

He surveyed the audience of pediatricians, developmental psychologists, health-care professionals, lawyers, policy makers

and business leaders. "If it's true that this is happening, then we'd better do something about it real quick," he said.

What he would like to do, he said, was to help such expectant mothers to understand what their denial meant, and to work actively to create a national movement to provide four months' paid maternity leave for working women.

"Because," Brazelton said, "women have remarkable strengths in coping with the stresses of job and motherhood if we can just give them enough time with that baby."

He spoke as the host of a gathering of some of the nation's leading authorities on children, parents and families. They assembled to examine "Stress and Supports for Families in the 1980s" for three days recently at the Parker House, under the auspices of Harvard University Medical School and Children's Hospital Medical Center.

Experts considered the relationship

of families to work, to chronic illn divorce and to the influence of Am corporate culture on parenthood. Pr over it all was the benign prese Brazelton, a sturdy, fatherly figu infrequently encountered wearin glasses and a half smile.

It was a collection that perhaps Brazelton could have arrayed: States Rep. George Miller was the California Democrat who heads the Select Committee on Children, You Families. Betty Friedan was there, the psychologists Jerome Kagan of H and David Elkind of Tufts Universi James R. Utaski, president of Joh Johnson Baby Products, spoke on co responsibility to families and endure sharp questioning about corporate for child care.

"I'm here," Utaski said, "because an important event and because Be

See Page C-2, CON

Illustration by Deborah

## Concerned pediatrician wants to increase family power

Continued from Page C-1

talented arm-twister."

Berry, as everyone calls him, is a bit more than that. Since 1969, when his book "Infants and Mothers" was published, parents have relied on Brazelton's nonjudgmental descriptions of children's development as an antidote to anxiety that their offspring

weren't creeping, crawling, talking or walking as fast as the Joneses' tots. Other books, like "Toddlers and Parents" in 1974, have followed.

Brazelton has been called "the new Dr. Spock," a designation that amuses him.

"'New' is hardly the term to use for a man of 66," he jested. "Ben Spock is my col-

lective unconscious," he said of the man he has called his hero.

The Boston gathering, Brazelton said, was intended to extend the educational work he has fostered among pediatricians and other child-care professionals as chief of the Division of Child Development at Children's Hospital.

Of late, his educational influence has extended beyond not only the national community of parents but also the academic world, where, as an associate professor at Harvard Medical School, he has significantly influenced the training of pediatricians. On Feb. 2, 1983, the day the House Select Committee on Children, Youth and Families was created by Congress, Brazelton was the first witness to testify at the first hearing.

"Berry spoke about children and parents and his be-

lief in the power of families," Miller said, "and the conservatives were absolutely enamored of what he was saying. And I thought right then in that one hearing we paid the rent on this committee."

"We don't need more programs for children, we need different programs," Brazelton commented — programs, he said, that embody a new view of the family.

He sees the family as a system, an organism in which parents and children reciprocally influence one another. Brazelton has worked hardest to change traditional attitudes of health-care professionals, "who see families in terms of the problems they present," he said, "and not in terms of the positive strengths they offer. Too many see parents as being incompetent."



## Congressional Caucus for Women's Issues

### FACT SHEET ON PARENTAL LEAVE

#### PARENTS IN THE WORKFORCE:

- \* The ranks of women in the work force have increased 173% from 1947 to 1980.
- \* 85% of working women are likely to become pregnant during their working lives. Over half of those women who work while pregnant are back at work within less than a year after childbirth.
- \* The view that most mothers stay at home until their children begin school is no longer valid. Half the mothers of preschool-aged children, including 57% of the mothers of children aged three to five and 46% of the mothers of children under age three, were working in 1982.
- \* Women are increasingly responsible for providing family income. More than six million families are supported by working female heads-of-household. 27% of working women have husbands who earn less than \$10,000; 51% have husbands earning less than \$15,000.

Due to the lack of employment policies to accommodate working parents, many individuals are forced to choose between their job security and parenting. Parenting is an important social function. Work place policies must adapt to the increasing number of parents in the workforce.

#### CURRENT POLICY:

The Pregnancy Discrimination Act passed in 1978 amends Title VII of the Civil Rights Act of 1964 to provide that discrimination on the basis of pregnancy is sex discrimination under the law. The law requires that pregnancy be treated like other short-term disabilities depending upon the employee's ability or inability to work.

HOWEVER, federal law neither requires employers to provide disability leave for employees nor addresses the infant child care aspect of the experience. Consequently, there is a substantial range in what employers provide:

- \* Only about half of the 150 employers surveyed by Columbia University in 1980 provided disability insurance (leave with some wage-replacement) for their employees. There is little information available on the number of employers permitting unpaid job-protected leave for employees who are temporarily disabled.

In California, for example, when Lillian Garland returned to work eight weeks after childbirth by Caesarean section, her position had been filled, and she was unemployed.

- \* One-third of employers surveyed provided no paid sick leave. Some employers permit no sick leave at all in the first year of work. In Montana, for example, Tamara Buley was dismissed after missing five days of work due to pregnancy-related illness.
- \* Approximately one-third of women working at least 20 hours per week in 1977, were not permitted unpaid "maternity" leave with a guarantee of the same or similar job.
- \* Only 9% of the companies surveyed provided any leave for fathers.

This complete inadequacy of disability and parenting policies seriously jeopardizes family economic security.

#### INTERNATIONAL PERSPECTIVE:

75 countries, including many developing countries and every industrialized country EXCEPT the United States, provide some period of job-protected "maternity" leave with some amount of wage replacement. Most countries provide a benefit equal to 100% of wages.

Sweden has the most liberal policy allowing 12 months leave, with fathers enjoying an equal entitlement. Many other countries are moving toward providing paternity benefits.

By contrast, American employees are not even guaranteed job protection in the event of a short-term disability or provided a job-protected leave to care for newborn or newly-adopted infants.

#### MATERNITY LEAVE:

The traditional concept of maternity leave consists of a period of leave from work to accommodate the woman's physical recuperation and to allow some time for infant child care.

This pairing of the physical aspect affecting only the woman with the child care aspect, does nothing to encourage men to participate in early child rearing and in fact, locks women into this role. Furthermore, this construct does not make any provision for male employees who are temporarily disabled.

In the past, the "maternity" concept led to problems of discrimination against women in the work force. By separating pregnancy out as a unique condition, all benchmarks of what is fair or reasonable go by the wayside. The needs of the work force tend to control women's fate in maintaining their job security.

Recently, a California maternity leave statute requiring employers to provide a minimum unpaid leave of four months to women having children, was struck down as discriminatory under Title VII and the Pregnancy Discrimination Act.

#### PROPOSED LEGISLATION:

Federal legislation is necessary to respond to the confusion in the states about maternity policies and to address the new realities of working parents. Legislation is now being developed by Rep. Howard Berman (D-CA) and the Congressional Caucus for Women's Issues to provide:

- \* Minimum disability <sup>leave?</sup> for all employees who are temporarily disabled.
- \* Minimum parental leave for all employees upon the birth or adoption of a child.
- \* Minimum paid sick leave for all employees and for illnesses of employees' dependents.

Under this policy, both men and women who are temporarily disabled will retain their job security for a minimum period of time. Both mothers and fathers will be able to take a minimum period of time from their jobs in order to participate in the early care of newborn or newly-adopted children. Finally, parents will be able to be with their children when they are ill without jeopardizing their employment status.

The United States has been left behind in adapting work place conditions and policies to the realities of modern family life. By providing basic employment security, this comprehensive legislation goes a long way toward meeting our obligation to the health and well-being of American children and families.

#### Sources:

U.S. Department of Commerce, Bureau of the Census, "American Women: Three Decades of Change," August 1983.

Kammerman, Maternity Policies and Working Women, Columbia University Press, 1983.



STATE OF ALASKA  
OFFICE OF THE GOVERNOR

ALASKA WOMEN'S COMMISSION  
3601 C STREET - SUITE 742  
ANCHORAGE, ALASKA 99503

April 18, 1985

Representative M. Mike Miller  
Chair, House Judiciary Committee  
Pouch V  
Juneau, Alaska 99811

Dear Representative Miller:

The Alaska Women's Commission supports the amendment to HB 238 requested by Representative Clocksin which would change maternity leave to parental leave and increase the leave available from 9 weeks to 16 weeks.

Approximately one half of the workforce employed by the State of Alaska are women. Eighty percent are of childbearing age and it is estimated that 93 percent of these women will become pregnant sometime during their work career. Yet, little has been done to ensure the children of these women will receive the critical care necessary to reach their full emotional, physical and psychological potential during the first critical months of development. According to Dr. T. Berry Brazelton, a leading pediatrician in the country from Harvard Medical School, working women need to stay home at least the first four months of a baby's life. "The first three months with any new infant are bound to be a major adjustment. If the colicky period can be lived through, the parents can enjoy at least a month of reciprocity which cements an intense parent-infant relationship." Without the fourth month the attachment is not made. Only parents can provide the irrational love needed to stimulate the infant's developmental processes during this period. Dr. Brazelton testified in 1983 at a hearing by the House Select Committee on Children, Youth and Families. He advocates a national 16 week parental leave policy.

Extensive parental benefits are provided in over 80 nations either by the employer or by national insurance plans. In France, women are entitled to 90% of their earnings for a sixteen week period and guaranteed the same or a comparable job on their return. In Sweden, "parent insurance" allows either parent to leave work for up to nine months after the birth of a child, without loss of pay. In West Germany, women receive a seven-and-one-half month paid leave.

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Page Two

The proposed amendment to HB 238 is in line with and in many ways more restrictive than leave without pay programs being offered by major institutions in Alaska.

The Anchorage School District offers up to a year of leave without pay to all employees covered in their bargaining agreement. Teachers who work nine months of the year are entitled, in addition to sick and annual leave, to partially paid emergency leave, partially paid sabbatical leave and fully paid military leave. In addition, a teacher having completed one year of service is entitled to one year of leave without pay for "personal reasons" which need only be accompanied by a statement of justification.

The federal government outlines a very flexible leave without pay policy for parental leave. It specifically authorizes "paternity" leave on an annual leave, and leave without pay basis. Our proposal is made on the same basis. The federal government has also instituted a six year experiment, through 1986, to institute a flexible workday schedule.

Chugach Electric Association provides eight weeks of paid leave to new fathers and to parents adopting a child. The law firm of Bogle and Gates is in the process of formulating a policy of 90 days paid paternity leave. We are proposing no paid leave to adopting parents or new fathers or mothers in excess of leave they have already accrued.

In addition, a brief review of major law firms in Anchorage found the following policies established:

Perkins, Cole, Stone, Olsen  
& Williams

No established "maternity leave"  
Women attorneys given 90 days  
paid leave, followed by 6 months  
leave without pay.

Lane, Powell, Moss & Miller

3 months leave with pay followed  
undetermined amount of leave  
without pay.

Bogle and Gates

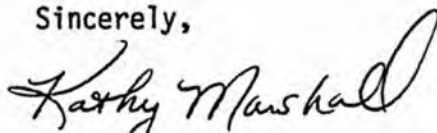
3 months paid maternity leave -  
would grant 3 months paid  
paternity, returning mother  
given option of part time work.  
Leave without pay policy  
flexible, depending on  
personal/firm needs.

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Page Three

The Women's Commission believes that increasing parental leave without pay will strengthen families and provide a benefit to Alaska's children without costing the state additional money.

Please feel free to contact me if you have any questions about the Commission's position.

Sincerely,

A handwritten signature in cursive script that reads "Kathy Marshall". The signature is written in dark ink and is positioned above the typed name.

Kathy Marshall  
Executive Director

Offered: 4/30/85  
Referred: Finance

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

CS FOR HOUSE BILL NO. 238 (Judiciary)

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 personal leave for pregnancy,  
7 childbirth and adoption; credit for service in the  
8 state's retirement systems for certain leave without  
9 pay; and providing for an effective date."

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

11 \* Section 1. AS 14.20.345(b) is amended to read:

12

(b) A leave of absence is not an interruption of the continuous  
13 service necessary to attain or retain retirement or tenure rights  
14 according to AS 14.20.150, 14.20.155, or 14.20.160. However, the time  
15 spent on leave of absence may not be counted in determining when a  
16 teacher has sufficient service to enable the teacher to acquire [RE-  
17 TIREMENT OR] tenure rights or, except as provided in AS 14.25.102,  
18 retirement rights.

19

\* Sec. 2. AS 14.25 is amended by adding a new section to read:

20

Sec. 14.25.102. CREDIT FOR SERVICE FOR LEAVE OF ABSENCE WITHOUT  
21 PAY DUE TO PREGNANCY, BIRTH, ADOPTION, AND CERTAIN CHILD CARE. (a) A  
22 member is entitled to credit for service for up to 16 weeks of leave  
23 of absence without pay authorized by an employer if the reason for the  
24 leave of absence is

25

(1) pregnancy of the member;

26

(2) birth of the child of the member;

27

(3) placement of a child with the member in connection with

28

the adoption of the child by the member; or

29

(4) care of the child immediately following the child's

1 birth or placement with the member.

2 (b) To obtain credit for service under this section, the member  
3 must elect to do so and shall provide verification from the employer  
4 for the approved leave of absence under (a) of this section.

5 (c) After eligibility for the leave of absence service credit is  
6 established, the administrator shall determine the indebtedness. The  
7 indebtedness is equal to the full actuarial cost of providing benefits  
8 for the service claimed and shall be based on base salary and age at  
9 the time the approved leave began. Interest as prescribed by regula-  
10 tion accrues on the indebtedness from the date that the approved leave  
11 of absence ended.

12 (d) An outstanding indebtedness existing at the time that the  
13 member retires requires an actuarial adjustment to the benefits pay-  
14 able based on the approved leave of absence.

15 (e) This section does not require an employer to approve a leave  
16 of absence without pay for a period longer than that allowed by stat-  
17 ute or regulation. This section does not prevent approval of leave of  
18 absence without pay, for the reasons set out in (a) of this section,  
19 under AS 14.20.345 if a district has a policy of approving leave  
20 without pay for those reasons under AS 14.20.345 and if approval of  
21 leave without pay under that section would be more advantageous to the  
22 member.

23 \* Sec. 3. AS 22.25 is amended by adding a new section to read:

24 Sec. 2' 15.015. CREDIT FOR SERVICE FOR LEAVE OF ABSENCE WITHOUT  
25 PAY DUE TO PREGNANCY, BIRTH, ADOPTION, AND CERTAIN CHILD CARE. (a) A  
26 justice or judge is entitled to credit for service for up to 16 weeks  
27 of authorized leave of absence without pay if the reason for the leave  
28 of absence is

29 (1) pregnancy of the justice or judge;

- 1 (2) birth of the child of the justice or judge;  
2 (3) placement of a child with the justice or judge in  
3 connection with the adoption of the child by the justice or judge; or  
4 (4) care of the child immediately following the child's  
5 birth or placement with the justice or judge.

6 (b) To obtain credit for service under this section, the justice  
7 or judge must elect to do so and shall provide verification from the  
8 court administrator for the approved leave of absence under (a) of  
9 this section.

10 (c) After eligibility for the leave of absence service credit is  
11 established, an indebtedness shall be determined, equal to the full  
12 actuarial costs of providing benefits for the service claimed. In-  
13 debtedness shall be based on base salary and age at the time the ap-  
14 proved leave began. Interest, as prescribed by regulation, accrues on  
15 the indebtedness from the date that the approved leave of absence  
16 ended.

17 \* Sec. 4. AS 39.20.225(b)(4) is amended to read:

18 (4) Pregnancy and childbirth or adoption is a medical  
19 reason for an [A FEMALE] officer or employee to take personal leave.  
20 An [A FEMALE] officer or employee, otherwise qualified for a leave of  
21 absence, is entitled to take a maximum of 16 [NINE] weeks leave imme-  
22 diately preceding and following childbirth or adoption. If the offi-  
23 cer's or employee's accrued personal leave is insufficient for this  
24 purpose, the officer or employee is entitled to take leave without pay  
25 for the balance of the 16-week [NINE-WEEK] period.

26 \* Sec. 5. AS 39.35.330(b) is amended to read:

27 (b) Except as provided in AS 39.35.335, a [A] leave of absence  
28 without pay that exceeds 10 working days in any calendar year or lay-  
29 off status authorized by an employer will be considered as an

1 interruption of employment and no credited service will be granted.

2 \* Sec. 6. AS 39.35 is amended by adding a new section to read:

3 Sec. 39.35.335. CREDIT FOR SERVICE FOR LEAVE OF ABSENCE WITHOUT  
4 PAY DUE TO PREGNANCY, BIRTH, ADOPTION, AND CERTAIN CHILD CARE. (a)

5 An employee is entitled to credit for service for up to 16 weeks of  
6 leave of absence without pay authorized by an employer if the reason  
7 for the leave of absence is

8 (1) pregnancy of the employee;

9 (2) birth of the child of the employee;

10 (3) placement of a child with the employee in connection  
11 with the adoption of the child by the employee; or

12 (4) care of the child immediately following the child's  
13 birth or placement with the employee.

14 (b) To obtain credit for service under this section, the employ-  
15 ee must elect to do so and shall provide verification from the employ-  
16 er for the approved leave of absence under (a) of this section.

17 (c) After eligibility for the leave of absence service credit is  
18 established, an indebtedness must be determined, equal to the full  
19 actuarial cost of providing benefits for the service claimed. Indebt-  
20 edness shall be based on the employee's age and on the actual compen-  
21 sation during the 12 months before the approved leave of absence  
22 began, or, if the employee did not work full time during the 12 months  
23 before the approved leave began, on the annualized compensation.  
24 Interest, as prescribed by regulation, accrues on the indebtedness  
25 from the date that the approved leave of absence ended.

26 (d) Any outstanding indebtedness existing at the time that the  
27 employee retires requires an actuarial adjustment to the benefits pay-  
28 able based on the approved leave of absence.

29 (e) This section does not require an employer to approve a leave

1 of absence without pay for a period longer than that allowed by stat-  
2 ute or regulation.

3 \* Sec. 7. Within 90 days after the effective date of this section, the  
4 Department of Administration shall publish notice of the provisions of this  
5 Act in the regularly published newsletters of the division of retirement  
6 and benefits and in newspapers of general distribution in each judicial  
7 district of the state.

8 \* Sec. 8. Section 7 of this Act takes effect immediately in accordance  
9 with AS 01.10.070(c).

Introduced: 2/25/85  
Referred: State Affairs,  
Judiciary and Finance

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 238

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 credit for service in the state's  
7 retirement systems for certain leave without pay; and  
8 providing for an effective date."

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

10 \* Section 1. AS 14.20.345(b) is amended to read:

11 (b) A leave of absence is not an interruption of the continuous  
12 service necessary to attain or retain retirement or tenure rights  
13 according to AS 14.20.150, 14.20.155, or 14.20.160. However, the time  
14 spent on leave of absence may not be counted in determining when a  
15 teacher has sufficient service to enable the teacher to acquire [RE-  
16 TIREMENT OR] tenure rights or, except as provided in AS 14.25.102,  
17 retirement rights.

18 \* Sec. 2. AS 14.25 is amended by adding a new section to read:

19 Sec. 14.25.102. CREDIT FOR SERVICE FOR LEAVE OF ABSENCE WITHOUT  
20 PAY DUE TO PREGNANCY, BIRTH, ADOPTION, AND CERTAIN CHILD CARE. (a) A  
21 member is entitled to credit for service for up to nine weeks of leave  
22 of absence without pay authorized by an employer if the reason for the  
23 leave of absence is

24 (1) pregnancy of the member;

25 (2) birth of the child of the member;

26 (3) placement of a child with the member in connection with  
27 the adoption of the child by the member; or

28 (4) care of the child immediately following the child's  
29 birth or placement with the member.

1 (b) To obtain credit for service under this section, the member  
2 must elect to do so and must provide verification from the employer  
3 for the approved leave of absence under (a) of this section.

4 (c) After eligibility for the leave of absence service credit is  
5 established, an indebtedness must be determined, equal to the full  
6 actuarial cost of providing benefits for the service claimed. Indebt-  
7 edness must be based on base salary and age at the time the approved  
8 leave began. Interest, as prescribed by regulation, accrues on the  
9 indebtedness from the date that the approved leave of absence ended.

10 (d) Any outstanding indebtedness existing at the time that the  
11 member retires requires an actuarial adjustment to the benefits pay-  
12 able based on the approved leave of absence.

13 (e) This section does not require an employer to approve a leave  
14 of absence without pay for a period longer than that allowed by stat-  
15 ute or regulation. This section does not prevent approval of leave of  
16 absence without pay, for the reasons set out in (a) of this section,  
17 under AS 14.20.345 if a district has a policy of approving leave  
18 without pay for those reasons under AS 14.20.345 and if approval of  
19 leave without pay under that section would be more advantageous to the  
20 member.

21 \* Sec. 3. AS 22.25 is amended by adding a new section to read:

22 Sec. 22.25.015. CREDIT FOR SERVICE FOR LEAVE OF ABSENCE WITHOUT  
23 PAY DUE TO PREGNANCY, BIRTH, ADOPTION, AND CERTAIN CHILD CARE. (a) A  
24 justice or judge is entitled to credit for service for up to nine  
25 weeks of authorized leave of absence without pay if the reason for the  
26 leave of absence is

- 27 (1) pregnancy of the justice or judge;  
28 (2) birth of the child of the justice or judge;  
29 (3) placement of a child with the justice or judge in

1 connection with the adoption of the child by the justice or judge; or  
2 (4) care of the child immediately following the child's  
3 birth or placement with the justice or judge.

4 (b) To obtain credit for service under this section, the justice  
5 or judge must elect to do so and must provide verification from the  
6 court administrator for the approved leave of absence under (a) of  
7 this section.

8 (c) After eligibility for the leave of absence service credit is  
9 established, an indebtedness must be determined, equal to the full  
10 actuarial costs of providing benefits for the service claimed. In-  
11 debtedness must be based on base salary and age at the time the ap-  
12 proved leave began. Interest, as prescribed by regulation, accrues on  
13 the indebtedness from the date that the approved leave of absence  
14 ended.

15 \* Sec. 4. AS 39.35.330(b) is amended to read:

16 (b) Except as provided in AS 39.35.335, a [A] leave of absence  
17 without pay that exceeds 10 working days in any calendar year or lay-  
18 off status authorized by an employer will be considered as an inter-  
19 ruption of employment and no credited service will be granted.

20 \* Sec. 5. AS 39.35 is amended by adding a new section to read:

21 Sec. 39.35.335. CREDIT FOR SERVICE FOR LEAVE OF ABSENCE WITHOUT  
22 PAY DUE TO PREGNANCY, BIRTH, ADOPTION, AND CERTAIN CHILD CARE. (a)  
23 An employee is entitled to credit for service for up to nine weeks of  
24 leave of absence without pay authorized by an employer if the reason  
25 for the leave of absence is

26 (1) pregnancy of the employee;

27 (2) birth of the child of the employee;

28 (3) placement of a child with the employee in connection  
29 with the adoption of the child by the employee; or

1           (4) care of the child immediately following the child's  
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3           (b) To obtain credit for service under this section, the employ-  
4 ee must elect to do so and must provide verification from the employer  
5 for the approved leave of absence under (a) of this section.

6           (c) After eligibility for the leave of absence service credit is  
7 established, an indebtedness must be determined, equal to the full  
8 actuarial cost of providing benefits for the service claimed. Indebt-  
9 edness must be based on the employee's age and on the actual compensa-  
10 tion during the 12 months before the approved leave of absence began,  
11 or, if the employee did not work full time during the 12 months before  
12 the approved leave began, on the annualized compensation. Interest,  
13 as prescribed by regulation, accrues on the indebtedness from the date  
14 that the approved leave of absence ended.

15           (d) Any outstanding indebtedness existing at the time that the  
16 employee retires requires an actuarial adjustment to the benefits pay-  
17 able based on the approved leave of absence.

18           (e) This section does not require an employer to approve a leave  
19 of absence without pay for a period longer than that allowed by stat-  
20 ute or regulation.

21 \* Sec. 6. Within 90 days after this Act becomes law, the Department of  
22 Administration shall provide notification of the provisions of this Act in  
23 the regularly published newsletters of the division of retirement and  
24 benefits and by publication in newspapers of general distribution in each  
25 judicial district of the state.

26 \* Sec. 7. Section 6 of this Act takes effect immediately in accordance  
27 with AS 01.10.070(c).