

**HB**

**78**

(11)

# HOUSE COMMITTEE REPORT

Date Referred: May 17, 1991

FURTHER REFERRALS:

Date of Committee Action: 2/24/92

The FINANCE Committee considered:

HB 78

HOUSE BILL NO. 78

MATERNITY/ADOPTION/FAMILY LEAVE

"An Act relating to employment rights based on pregnancy, childbirth, and related conditions, sick leave, and family leave."

### RECOMMENDATIONS:

be replaced with \_\_\_\_\_

CS HB 78 (FIN)

the same title  
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept) \_\_\_\_\_

APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_

fiscal impact \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

3  zero fiscal note UNIVERSITY of ALASKA; Admini labor

zero fiscal note(s) \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<u>Mark Bauer</u> Bayer	X	<u>Eileen P. McKeon</u> McKeon		<input checked="" type="checkbox"/>	
<u>Ken Brown</u> Brown	<input checked="" type="checkbox"/>	<u>Ray Sharp</u> Sharp			<input checked="" type="checkbox"/>
<u>Thomas Koponen</u> Koponen	<input checked="" type="checkbox"/>	<u>Less need (amending)</u>			
<u>Ronald J. Larson</u> Larson	X	<u>Reed E. Phillips</u> Phillips		<input checked="" type="checkbox"/>	
<u>Ann Ulmer</u> Ulmer	<input checked="" type="checkbox"/>				
<u>Mike Thavane</u> NAUAVVE	<input checked="" type="checkbox"/>				

Mike Thavane NAUAVVE  
E P McKeon McKeon  
CO-CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. CSHB 78

Revision Date: 2/19/91  
Title: Alaska Family Protection Act

Department Affected: UNIVERSITY OF ALASKA  
BRU: ALL  
Component: Statewide Programs and Services

Sponsor: Rep. Brown  
Requestor: Rep. Brown

Component Serial No: ALL

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY83	FY84	FY85	FY86	FY87	FY88
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTURAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL						
REVENUE FD SOURCE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUNDS						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSTINGS:

FL						
PAF. TIME						
TEMPORARY						

Estimate of current year impact: -0-

ANALYSIS (Attach additional pages as necessary)

The University of Alaska is of the opinion that its present employee leave regulations and financial procedures are adequate to comply with the intent of this bill without incurring significant cost increases.

Prepared by: Marsha Hubbard, Director  
Division: Statewide Budget Office

Phone: 474-7593  
Date: 2/14/92

Approved by: Brian Rogers, Vice President for Finance  
Agency: University of Alaska

Date: 2/14/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies)

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

FEB 9 1992

BILL NO. CSHB78 (L&C)

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

Department Affected: Administration

Title: Family Leave--An Act relating to employment rights based on pregnancy, childbirth and related conditions, sick leave, and family leave.

BRU: Personnel/OEEO

Sponsor: Brown, Ulmer

Component: Personnel/OEEO

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

COMPONENT SERIAL NO. 

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE:	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

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.)  
This bill will not have a direct fiscal impact on the Division of Personnel/OEEO. Although full implementation of this legislation would result in costs throughout state government, these costs cannot be quantified accurately.

Prepared by: Robert H. Kno, Director *Robert H. Kno*  
Division: Personnel/OEEO

Phone: 465-4430  
Date: \_\_\_\_\_

Approved by Commissioner: Nancy Bear Usura *Nancy Bear Usura*  
Agency: Administration

Date: 2/18/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. & Impacted Agency(ies).

## FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. CSHB78 (L&C)

### ANALYSIS: (continued)

Current law, AS 39.20.225(b)(4), entitles female employees to a maximum of nine weeks of leave for childbirth. Collective bargaining agreements are made consistent with this statute. CSHB 78 (L&C) would:

1. Increase the maximum leave entitlement associated with childbirth to 18 weeks;
2. Provide an 18-week leave entitlement for adoption;
3. Entitle male and female employees to take leave in association with birth or placement of a child for adoption;
4. Entitle an officer or employee to take 18 weeks of leave to care for a child, spouse, or parent who has a serious health condition.

The leave guarantees found in this legislation would result in the following costs:

1. Sick leave usage could be expected to increase because it will become available under an additional set of circumstances;
2. Training costs would increase. Employees who exercise their full rights under this legislation could be absent for 18 weeks in a 12- or 24-month period. Substitutes would be required for many of these employees. Most substitutes would require either on-the-job or outside training before they could perform the full duties of the position temporarily vacated by the absent employee. If the training is provided on the job, the cost to the employee would be reduced productivity. If the required training is provided by an outside agency, such as computer training, the costs could be measured in lost productivity, plus the direct cost of providing the training;
3. Although substitute employees could be hired and possibly trained to temporarily replace employees who take leave, they could not be expected to produce at the same level as permanent, journey level employees;
4. With the exception of leave taken for the birth or placement of a child, this legislation does not require that employees take the 18 weeks of leave consecutively. If leave is taken sporadically and in short increments, it would be difficult to plan for the effective replacement of the absent employee. In cases where a replacement could not be found, an employee's absence could result in increased overtime, reduced productivity, and/or lowered morale. These results may be most prevalent in institutions that require 24-hour coverage, such as Pioneers' Homes, correction facilities, or the Alaska Psychiatric Institute.

FISCAL NOTE

FEB 19 1992

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO : CSHB 78 (L&C)

Revision Date: \_\_\_\_\_  
Title: "An Act relating to employment rights based on ... family leave."  
Sponsor: Brown, et al.  
Requestor: House Finance

Department Affected: Labor  
BRU: Labor Standards & Safety  
Component: Wage & Hour  
COMPONENT SERIAL NO. 345

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Randy Carr, Acting Director Phone: 264-2452  
Division: Labor Standards & Safety Date: 2/14/92  
Approved by Commissioner: John Abshire, Acting Commissioner  
Agency: Department of Labor Date: 2/14/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMS, & Impacted Agency(ies).

CS FOR HOUSE BILL NO. 78 (FINANCE)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES BROWN, Ulmer, Donley, Ellis, Koponen, Kubina, Finkelstein, Gruenberg,  
B.Davis, Bruckman

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to employment rights based on pregnancy, childbirth, and related  
2 conditions, sick leave, and family leave."

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

4 \* Section 1. SHORT TITLE. This Act may be known as the Alaska Family Protection Act.

5 \* Sec. 2. FINDINGS AND PURPOSE. (a) The legislature finds that

6 (1) generally, parents are the best providers of care for their children;

7 (2) the number of single-parent households and two-parent households in which the single  
8 parent or both parents work outside the home is increasing significantly;

9 (3) it is important to the development of a child and to the family unit that parents be  
10 able to participate in early childrearing and the care of a child who has a serious health condition;

11 (4) the lack of employment opportunities to accommodate working parents can force  
12 individuals to choose between job security and parenting; and

13 (5) it is important for the family unit that a person be able to care for a parent or spouse  
14 who has a serious health condition.

1 (b) The legislature declares that the purposes of this Act are

2 (1) to balance the demands of the workplace with the needs of families, and to promote  
3 stability and economic security in families;

4 (2) to entitle employees to take reasonable leave for the birth or adoption of a child, for  
5 the care of a child, spouse, or parent who has a serious health condition, and in case of their own serious  
6 health condition; and

7 (3) to accommodate the legitimate interests of employers.

8 \* Sec. 3. AS 14.20.140 is amended by adding a new subsection to read:

9 (c) Notwithstanding a teacher's right to continued employment under AS 23.10.500 -  
10 23.10.550, a school district may notify a teacher of nonretention under this section for the  
11 following school year for a permissible reason.

12 \* Sec. 4. AS 14.20.145 is amended to read:

13 Sec. 14.20.145. AUTOMATIC REEMPLOYMENT. If notification of nonretention is not  
14 given according to AS 14.20.140, a teacher is entitled to be re-employed in the same district for  
15 the following school year on the contract terms the teacher and the employer may agree upon,  
16 or if no terms are agreed upon, the provisions of the previous contract are continued for the  
17 following school year, subject to AS 14.20.158. The right to be reemployed according to this  
18 section expires if the teacher does not accept reemployment within 30 days after the date on  
19 which the teacher receives a contract of reemployment. A teacher who is on family leave  
20 under AS 23.10.500 - 23.10.550 must comply with the 30-day deadline in this section to  
21 retain the teacher's reemployment rights under this section.

22 \* Sec. 5. AS 14.20.590 is amended by adding a new subsection to read:

23 (b) Notwithstanding any provision of AS 14.20.550 - 14.20.610 to the contrary, unless  
24 the commissioner of education has waived compliance with AS 23.10.500 - 23.10.550 under  
25 AS 23.10.530(c), a negotiations agreement between an employer subject to AS 23.10.500 -  
26 23.10.550 and an employee bargaining organization that does not contain benefit provisions at  
27 least as beneficial to the employee as those provided by AS 23.10.500 - 23.10.550 shall be  
28 considered to contain the benefit provisions of those statutes.

29 \* Sec. 6. AS 23.10 is amended by adding new sections to read:

30 ARTICLE 8. PREGNANCY, CHILDBIRTH, AND FAMILY LEAVE.

31 Sec. 23.10.500. EMPLOYMENT BENEFITS AND PRIVILEGES FOR HEALTH AND

1 FAMILY CARE. (a) An employer shall grant an employee whose health is affected by  
2 pregnancy, childbirth, or a related medical condition the same employment benefits and privileges  
3 that the employer grants to other employees with similar ability to work who are not so affected,  
4 including allowing the employee to take disability or sick leave or other accrued leave that the  
5 employer makes available to temporarily disabled employees.

6 (b) An employee is eligible to take family leave if the employee has been employed by  
7 the employer for at least 35 hours a week for at least six consecutive months or for at least  
8 17 1/2 hours a week for at least 12 consecutive months immediately preceding the leave. The  
9 leave may be unpaid leave. However, the employee may choose to substitute, or the employer  
10 may require the employee to substitute, accrued paid vacation leave, sick leave, personal leave,  
11 or other paid leave during this period. An employer shall permit an eligible employee to take  
12 family leave because of a serious health condition for a total of 18 workweeks during any 24-  
13 month period. An employer shall permit an eligible employee to take family leave because of  
14 pregnancy and childbirth or adoption for a total of 18 workweeks within a 12-month period; the  
15 right to take leave for this reason expires on the date one year after the birth or placement of the  
16 child. If the employee is entitled to a longer period of time under (a) of this section, then the  
17 longer period applies. An eligible employee is entitled to take family leave

18 (1) because of pregnancy and the birth of a child of the employee or the  
19 placement of a child, other than the employee's stepchild, with the employee for adoption; an  
20 employer may require that an employee using family leave under this paragraph take the leave  
21 in a single block of time;

22 (2) in order to care for the employee's child, spouse, or parent who has a serious  
23 health condition; in this paragraph, "child" includes the employee's biological, adopted, or foster  
24 child, stepchild, or legal ward; and

25 (3) because of the employee's own serious health condition.

26 (c) Notwithstanding (b) of this section, if a parent or child of two employees employed  
27 by the same employer has a serious health condition, the employer is not required to grant family  
28 leave to both employees simultaneously.

29 (d) During the time that an employee is on leave under this section, the employer shall  
30 maintain coverage under any group health plan at the level and under the conditions that  
31 coverage would have been provided if the employee had been employed continuously from the

1 date the leave began to the date the employee returns from leave under (e) of this section.  
2 However, the employer may require that the employee pay all or part of the costs for maintaining  
3 health insurance coverage during a period of unpaid leave.

4 (e) Unless the employer's business circumstances have changed to make it impossible  
5 or unreasonable, when an employee returns from leave under this section, the employer shall  
6 restore the employee

7 (1) to the position of employment held by the employee when the leave began;  
8 or

9 (2) to a substantially similar position with substantially similar benefits, pay, and  
10 other terms and conditions of employment.

11 (f) This section does not apply to an employer's small employment facility if the total  
12 number of employees employed within 50 road miles of the small employment facility, including  
13 those employed at the facility, was fewer than 21 during the 20 consecutive workweeks in which  
14 the employer employed at least 21 employees at all business facilities.

15 Sec. 23.10.510. EMPLOYEE NOTICE. If the necessity for leave under AS 23.10.500  
16 is foreseeable based on an expected birth or adoption or on planned medical treatment or  
17 supervision, the employee shall provide the employer with prior notice of the expected need for  
18 leave in a manner that is reasonable and practicable. If the necessity for leave under that section  
19 is foreseeable based on planned medical treatment or supervision, the employee shall also make  
20 a reasonable effort to schedule the treatment or supervision so as not to disrupt unduly the  
21 operations of the employer, subject to the approval of the health care provider of the employee  
22 or the employee's child, spouse, or parent.

23 Sec. 23.10.520. EMPLOYEE TRANSFER. (a) A pregnant employee may request a  
24 transfer to a suitable position under this section. An employer may not fill the position with a  
25 person other than the requesting employee until the employer has offered the position to the  
26 employee and the employee has refused the offer. A position is suitable if

27 (1) it is an existing unfilled position in the same administrative division in which  
28 the employee is currently employed and is less strenuous or less hazardous than the employee's  
29 current position;

30 (2) transfer to the position is recommended by a licensed health care provider;

31 (3) the employee is qualified and immediately able to perform the duties of the

1 position; and

2 (4) the transfer will not subject the employer to legal liability under a collective  
3 bargaining contract or employment contract.

4 (b) An employer shall compensate an employee who receives a transfer under this section  
5 at a rate at least equal to the lesser of the rate, as adjusted by changes to compensation that apply  
6 generally to the work force, at which

7 (1) the employee was compensated immediately before requesting the transfer;  
8 or

9 (2) the position into which the employee transfers is compensated.

10 Sec. 23.10.530. APPLICATION TO OTHER LAWS. (a) The provisions of  
11 AS 23.10.500 - 23.10.550 do not affect any other provision of law relating to sex discrimination,  
12 pregnancy, or parenthood.

13 (b) The provisions of AS 23.10.500 - 23.10.550 are subject to collective bargaining.  
14 However, except as provided in (c) of this section, a collective bargaining contract that does not  
15 contain benefit provisions at least as beneficial to the employee as those provided by  
16 AS 23.10.500 - 23.10.550 shall be considered to contain the benefit provisions of those statutes.

17 (c) The commissioner of education may approve a collective bargaining agreement  
18 entered into between a school district or a regional educational attendance area and a bargaining  
19 organization representing certificated employees that does not meet the leave requirements of  
20 AS 23.10.500 - 23.10.550, if the district or attendance area establishes to the satisfaction of the  
21 commissioner that a variance from the requirements of AS 23.10.500 - 23.10.550 is necessary  
22 to avoid a hardship on the school district based on the lack of qualified, available substitute  
23 teachers to replace teachers on leave under AS 23.10.500 - 23.10.550 or the lack of available  
24 housing for replacement teachers who do not live in the community.

25 Sec. 23.10.540. INVESTIGATION AND CONCILIATION OF COMPLAINTS. (a) A  
26 person aggrieved by a denial of a right or privilege granted by AS 23.10.500 - 23.10.540 may  
27 file a complaint with the department.

28 (b) The department shall informally, promptly, and impartially investigate the matters set  
29 out in a filed complaint. If the investigator determines that the allegations are supported by  
30 substantial evidence, the investigator shall immediately try to eliminate the denial of rights or  
31 privileges by conference, conciliation, and persuasion.

1           Sec. 23.10.550. DEFINITIONS. In AS 23.10.500 - 23.10.550,

2           (1) "child" means an individual who is

3                   (A) under 18 years of age; or

4                   (B) 18 years of age or older and incapable of self-care because of mental  
5           or physical disability;

6           (2) "employer" means the state and a political subdivision of the state that  
7           employed at least 21 employees in the state for each working day during any period of 20  
8           consecutive workweeks in the preceding two calendar years;

9           (3) "health care provider" means a dentist licensed under AS 08.36, a physician  
10           licensed under AS 08.64, or a psychologist licensed under AS 08.86;

11           (4) "parent" means a biological or adoptive parent, a parent-in-law, or a  
12           stepparent;

13           (5) "serious health condition" means an illness, injury, impairment, or physical  
14           or mental condition that involves

15                   (A) inpatient care in a hospital, hospice, or residential health care facility;

16           or

17                   (B) continuing treatment or continuing supervision by a health care  
18           provider;

19           (6) "small employment facility" means a facility of an employer that did not  
20           employ 21 or more employees during any period of 20 consecutive workweeks in the preceding  
21           two calendar years;

22           (7) "state" includes the University of Alaska, the Alaska Railroad, and the  
23           executive, legislative, and judicial branches of state government including public and quasi-public  
24           corporations and authorities established by law.

25   \* Sec. 7. AS 23.40.200 is amended by adding a new subsection to read:

26           (g) Notwithstanding any provision of AS 23.40.070 - 23.40.260 to the contrary, an  
27           agreement between the employer subject to AS 23.10.500 - 23.10.550 and an employee  
28           bargaining organization that does not contain benefit provisions at least as beneficial to the  
29           employee as those provided by AS 23.10.500 - 23.10.550 shall be considered to contain the  
30           benefit provisions of those statutes.

31   \* Sec. 8. AS 39.20.225(b)(4) is amended to read:

1                   (4) Pregnancy and childbirth or the placement of a child, other than the  
2 employee's stepchild, with the employee for adoption is a medical reason for an [A FEMALE]  
3 officer or employee to take personal leave. [A FEMALE OFFICER OR EMPLOYEE,  
4 OTHERWISE QUALIFIED FOR A LEAVE OF ABSENCE, IS ENTITLED TO TAKE A  
5 MAXIMUM OF NINE WEEKS LEAVE IMMEDIATELY PRECEDING AND FOLLOWING  
6 CHILDBIRTH. IF THE OFFICER'S OR EMPLOYEE'S ACCRUED PERSONAL LEAVE IS  
7 INSUFFICIENT FOR THIS PURPOSE, THE OFFICER OR EMPLOYEE IS ENTITLED TO  
8 TAKE LEAVE WITHOUT PAY FOR THE BALANCE OF THE NINE-WEEK PERIOD.]

9 \* Sec. 9. AS 39.20 is amended by adding a new section to read:

10                   Sec. 39.20.305. FAMILY AND HEALTH LEAVE. (a) An officer or employee of the  
11 state who is otherwise qualified to take leave of absence may take family leave because of a  
12 serious health condition for a total of 18 workweeks during any 24-month period. An otherwise  
13 qualified officer or employee may take family leave because of pregnancy and childbirth or  
14 adoption for a total of 18 workweeks within a 12-month period; the right to take leave for this  
15 reason expires on the date one year after the birth or placement of the child. An officer or  
16 employee taking leave under this section shall use accrued paid leave until the officer or  
17 employee has only five days of paid leave remaining. The officer or employee may choose  
18 whether to retain a balance of five days of paid leave and take the remaining leave as unpaid  
19 leave or whether to exhaust the paid leave balance. After reducing accrued paid leave as required  
20 by this subsection, the officer or employee may take leave without pay for the balance of the  
21 family leave. If the employee is entitled to a longer period of time under AS 23.10.500, then the  
22 longer period applies. An eligible employee is entitled to take family leave

23                   (1) because of pregnancy and the birth of a child of the employee or the  
24 placement of a child, other than the employee's stepchild, with the employee for adoption; the  
25 department or agency may require that an employee using family leave under this paragraph take  
26 the leave in a single block of time;

27                   (2) in order to care for the employee's child, spouse, or parent who has a serious  
28 health condition; in this paragraph, "child" includes the employee's biological, adopted, or foster  
29 child, stepchild, or legal ward; and

30                   (3) because of the employee's own serious health condition.

31                   (b) If the necessity for family leave under (a) of this section is foreseeable based on an

1 expected birth or adoption or on planned medical treatment or supervision, the employee shall  
2 provide the employee's department or agency head with prior notice of the expected need for  
3 leave in a manner that is reasonable and practicable. If the necessity for leave under this section  
4 is foreseeable based on planned medical treatment or supervision, the employee shall also make  
5 a reasonable effort to schedule the treatment or supervision so as not to disrupt unduly the  
6 operations of the state department or agency, subject to the approval of the health care provider  
7 of the employee or the employee's child, spouse, or parent.

8 (c) Notwithstanding (a) of this section, if a parent or child of two employees employed  
9 by the state has a serious health condition, the state is not required to grant family leave to both  
10 employees simultaneously.

11 (d) In this section, "child," "health care provider," "parent," and "serious health condition"  
12 have the meanings given in AS 23.10.550.

13 \* Sec. 10. AS 42.40.860 is amended by adding a new subsection to read:

14 (d) Notwithstanding any provision of AS 42.40.710 - 42.40.890 to the contrary, an  
15 agreement between the corporation and an employee bargaining organization that does not  
16 contain benefit provisions at least as beneficial to the employee as those provided by  
17 AS 23.10.500 - 23.10.550 shall be considered to contain the benefit provisions of those statutes.

18 \* Sec. 11. Notwithstanding AS 14.20.590(b), enacted by sec. 5 of this Act, AS 23.10.500 - 23.10.550,  
19 enacted by sec. 6 of this Act, AS 23.40.200(g), enacted by sec. 7 of this Act, and AS 42.40.860(d)  
20 enacted by sec. 10 of this Act, a collective bargaining agreement in effect on the effective date of this  
21 Act that does not comply with AS 23.10.500 - 23.10.550 remains valid until the agreement expires.  
22 However, the contract may not be extended by agreement or renewed unless it complies with  
23 AS 14.20.590(b), AS 23.10.530, AS 23.40.200(g), or AS 42.40.860(d), as applicable.

# Representative Kay Brown


ALASKA STATE LEGISLATURE

Legislative Information Office  
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Anchorage, Alaska 99503  
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During Session  
P.O. Box V  
Juneau, Alaska 99811  
(907) 465-4998

TO: Members, House Finance Committee

FROM: Representative Kay Brown

DATE: February 18, 1992 

RE: CSHB 78 (L&C), Alaska Family Protection Act

In preparation for the Finance Committee hearing on this measure scheduled for Friday, I want provide you with details about the bill. CSHB 78 (L&C) has a zero fiscal note.

In 1980, there were no state family leave laws; now, 17 states (plus the District of Columbia) have enacted some type of family leave policy. In 1991, 35 states considered legislation addressing family and medical leave.

Even though 135 countries have some form of parental leave policy for working parents, the United States is the only industrial nation that doesn't have job-guaranteed leave.

CSHB 78 (L&C) would provide public employees with *unpaid* family and medical leave.

CSHB 78 (L&C) applies only to *public* employers:

- State: Executive/Legislative/Judicial  
University of Alaska  
Authorities and Corporations  
Alaska Railroad Corporation
- Political Subdivisions of the State

DISTRICT 12

Downtown • Fairview • City View • Bootleggers Cove • Inlet View • South Addition • Thunderbird Terrace  
Eastridge • Penland Park • Airport Heights • Government Hill

This legislation balances demands of the workplace with the needs of families:

- allows up to 18 weeks of unpaid leave within a 12-month period for each birth or adoption in a family;
- allows up to 18 weeks of unpaid leave to care for the employee's own serious health condition, or serious medical condition of the employee's child, spouse, or parent during any 24-month period;
- makes family leave available to both male and female employees;
- requires that an employer reinstate the employee in the same or a substantially similar position at the end of the leave;
- protects the health of a pregnant woman and her baby by requiring that an employer transfer a pregnant employee to a less hazardous or strenuous position if an unfilled position exists in the same administrative division, and if the transfer is requested by a health care provider;
- provides for investigation and conciliation of complaints by the Department of Labor; and
- requires that labor negotiation agreements contain terms that are at least as beneficial as the legislation.

CSHB 78 (L&C) accommodates the interests of employers by including the following provisions:

- applies only to employers with 21 or more employees; does not apply where there are fewer than 21 employees working within 50 road miles of a small employment facility;
- requires that an employee work part-time at least 17 1/2 hours per week for 12 consecutive months, or full-time at least 35 hours per week for 6 consecutive months to qualify for family leave;
- disallows simultaneous leave to care for a sick family member if both parents work for the same employer;
- defines "serious health conditions" that is the basis for entitlement to family leave;

- allows the employer to require the employee to use up any accrued, paid leave and to take maternity or adoption leave in one block of time;
- requires the employee to give reasonable prior notice of anticipated leave;
- exempts employer from reinstating the employee in the same or a similar position after returning from family leave if the employer's business circumstances have changed to make it impossible or unreasonable;
- provides that collective bargaining agreements in effect remain valid until they expire; subsequent agreements must be at least as beneficial as the provisions of the bill;
- during the unpaid family leave, the employer may require the employee to pay for continuation of health insurance coverage; and
- allows the Commissioner of Education to approve a collective bargaining agreement which does not contain these leave benefits when a regional educational attendance area or a school district can demonstrate that the variance is necessary to avoid a hardship due to the lack of qualified substitute teachers or a lack of available housing for substitute teachers.

#### Changes from original version to Labor & Commerce CS

- Original version applied to private and public work sectors; private sector was deleted in the CS.
- Incorporated employees of the Alaska Railroad Corporation (not included in original version).
- Technical changes (redefined "health care provider", clarification of sections applying to applications of future contracts by expressly stating that if the contract provisions pertaining to family and medical leave are not at least as beneficial as those provided by this bill, then the leave provisions of this bill apply, and expansion upon "legal liability" under employee transfer taking into account collective bargaining contract or employment contract).

# MATERNITY AND PARENTAL LEAVE POLICIES: A COMPARATIVE VIEW

COUNTRY	DURATION	JOB SECURITY	AMOUNT/DURATION	RECIPIENT
CANADA	17-41 WEEKS	YES	60%/15 WEEKS	MOTHER
ITALY	22-48 WEEKS	YES	80%/22 WEEKS	MOTHER
GERMANY	14-26 WEEKS	YES	100%/14-18 WEEKS	MOTHER
SWEDEN	12-52 WEEKS	YES	90%/30 WEEKS	MOTHER or FATHER
FINLAND	35 WEEKS	YES	100%/35 WEEKS	MOTHER or FATHER
AUSTRIA	16-52 WEEKS	YES	100%/20 WEEKS	MOTHER
CHILE	18 WEEKS	YES	100%/18 WEEKS	UNSPECIFIED
USA†	0	0	0	0

† No Federal Policy

Sources: Women at Work, ILO Global Survey, 1984;  
Kamerman, Maternity & Parental Benefits & Leave, 1980.

Working Mothers Best Companies 1991

COMPANY	SICK LEAVE SICK CHILD	LEAVE FOR CHILDBIRTH	DISABILITY DISABILITY	DISABILITY PLUS	NO DISABILITY	COMMENTS
Axiom		12 weeks	X			
Aetna	1 week paid	34 weeks		X		
Am West Airlines		150 days (60 pd) 90 day benefits				2 days paid paternity
Am. Express		12 weeks		X		Plus 8 more weeks part time for new moms
AT&T		1 year		X		
Apple Computer	12 days/yr	8 1/2 months	X			\$500 gift for birth or adoption
Arther Andersen & Co		1 year		X		option for managers to work up to 3 yrs part time after childbirth
Atlantic Richfield	6 days	90 days		X		
BE&K		6 months		X		
Baptist Hospital Miami		6 months			X	
Baxter Internat'l	15 days/yr	12 weeks		X		
Bellcore		58 weeks		X		health benefits paid for 6 months; can return to work on part time basis (15 hours/week for up to 24 weeks); leave can be for health reasons of child or relative
Ben & Jerry's Home-made Ice Cream		12 weeks			X	
Boston's Beth Israel Hospital		12 weeks				personal time off can be used for care of sick kid
Bright Horizons Children Cntr		3 months	X			
Bureau of Nat'l Affairs		6 months			X	sick days can bu used for care of sick child if sick child, can take fully paid "emergency leave" or get outside care & be reimbursed 90% (up to \$500/year)
Leo Burnett	emergency time	5 months		X		
Catherine McAuley Health System		6 weeks	X			
Centra Health		1 year			X	
Champion Internat'l		32 weeks		X		
Citibank	12 days/yr	24 weeks		X		
Con Edison Co. NY		34 weeks		X		
Corning, Inc.		26 weeks		X		
Dayton Hudson		16 or 26 wks	X	X		dependent upon branch store

Working Mothers Best Companies 1991

COMPANY	SICK LEAVE SICK CHILD	LEAVE FOR CHILDBIRTH	DISABILITY	DISABILITY PLUS	NO DISABILITY	COMMENTS
Dominion Bankshares	5 days/year	4 months		X		
Dow Chemical		18 weeks		X		
Du Pont		6 months		X		
Eastman Kodak		17 weeks		X		
Fel-Pro		15 weeks		X		Baby gift \$1000 saving bond
Gannett		6 weeks		X		
Genentech Inc.		4 months		X		baby gift - 1 share of stock
G.T. Water Products	6 1/2 days	6 months	X			Baby gift - \$500
Hallmark		6 months			X	no paid maternity leave, must use sick days; worker with 3 months experience entitled to 25 days for extended illness
John Hancock Mutual Life In	3 days	1 year		X		
Hanna Andersson	5 days/year	12 weeks			X	
Hewitt Associates	6-9 personal days	112 weeks		X		
Hewlett-Packard		22 weeks	X			recently increased parental leave from 2 to 4 months
Hill, Holliday, Connors		16 weeks		X		
Hoffman-La Roche		18 weeks		X		
Home Box Office (HBO)		18 weeks		X		paternity & adoption leave 1 week paid
Honeywell	60 days	32 weeks		X		paternity leave 1 week paid
IDS Financial Services		12 weeks				can use sick time to care for sick child
IBM		162 weeks		X		option for part-time phase-in (20-30 hours per week over 3 year period and retain full benefits) After that, can continue to work part time with 75% of medical coverage or pay \$40/month for full coverage.
Johnson & Johnson		1 year		X		
S.C. Johnson & Son		5 months		X		
Lancaster Laboratories		14 weeks	X			personal/sick time can be used to care for sick dependents
Lincoln National		6 weeks		X		
Little Co. of Mary Hospital		4 months	X			
Little Tikes		3 months		X		
Lotus Development	5 sick/5 personal	10 weeks		X		paternity leave up to 4 paid weeks

Working Mothers Best Companies 1991

COMPANY	SICK LEAVE SICK CHILD	LEAVE FOR CHILDBIRTH	DISABILITY	DISABILITY PLUS	NO DISABILITY	COMMENTS
Lucasarts Entertainment Co	10 days	4 months		X		paternity leave 3 months unpaid
Marquette Electronics		6 weeks		X		
Marriott		6 weeks	X			
Massachusetts Mutual Life Insurance Co.	3 days/year	16 weeks		X		
Merck & Co.		18 months		X		
Herman Miller		18 weeks		X		paternity leave up to 1 month, 2 days paid baby gift rocking chair or \$100 savings bond sick leave can be taken for health emergencies, school events or other family matters
3M	5 days/year	18 weeks				
Morrison & Foerster	10 days	6 months lawyers 18 weeks staff		X		
NCNB	10 days	6 months		X		paternity leave up to 6 weeks paid if father is primary caregiver; phase-in period for new parents returning to work is available
Neuville Industries		32 weeks		X		
Northern Trust Corp.	2 days	18 weeks		X		paternity leave 12 weeks
Official Airline Guides		3 months		X		
Pacific Gas & Electric		12 months		X		
Patagonia		4 months-2paid				paternity leave 2 months paid
Phoenix Mutual Life Insur. Co.		6 months		X		
Pitney Bowes		22 weeks		X		
Procter & Gamble		1 year				childbirth leave includes 8 weeks paid. Part- time return to work available new moms can return to work on part time basis without losing medical benefits
Prudential Insurance Co.	2 days	32 weeks		X		
St. Paul Companies	10 days	6 months		X		
SAS Institute		6 weeks		X		
Seattle Times Co.		6 months			X	generous sick child care benefits, can prereg. ill child at local hospital and co will pay all but \$10 of hospital cost
South Shore Bank		6 months	X			
Steelcase		5 months		X		can use sick days to care for ill child

Working Mothers Best Companies 1991

COMPANY	SICK LEAVE SICK CHILD	LEAVE FOR CHILDBIRTH	DISABILITY	DISABILITY PLUS	NO DISABILITY	COMMENTS
Stride Rite		26 wks (8 paid)				
Syntex	3 days	24 weeks				
Tenneco		6 months		X		
Travelers Companies	3 days	32 weeks		X		subsidizes not only child care but elderly care
TRW Space & Defense Sector		10 weeks		X		
Unum Life Insurance	3 days	3 months		X		parents have an extra day per year to meet school obligations
U.S. Hosiery Corp.		90 days			X	
US Sprint		58 weeks		X		one year leave to care for dependent
Wegmans		6 weeks	X			
Wells Fargo		4 months	X			
Westinghouse Electric Corp		58 weeks		X		
Xerox		18 wks (8 paid)				provides resourse & referral for elderly care

Headings:

DISABILITY: Women receive partial pay for six to eight weeks after childbirth, through their firms disability plan

DISABILITY PLUS: Company has a disability plan that pays women full salary for at least some of the time after childbirth, usually based on length of service

NO DISABILITY: The Company has no disability policy that covers childbirth. To be paid for time off after childbirth, a woman must use accrued sick and vacation days.

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DOCUMENTS WHICH HAVE NOT BEEN  
FILMED BUT ARE AVAILABLE IN THE  
ORIGINAL FILE INCLUDE:

- letters of support -

- miscellaneous reports re: state family  
and medical leave laws / policies

- news clippings

- Legislative Research Agency Reports:

1. Parental leave policies in AK 91.158  
(3-15-91)

2. Employee leave policies 92.037.  
(2-4-92)