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Representative Kay Brown

ALASKA STATE LEGISLATURE

Legislative Information Office
3111 C Street #435
Anchorage, Alaska 99503
(907) 561-7627

During Session
State Capitol
Juneau, Alaska 99801-1182
(907) 465-4998

TO: Senator Drue Pearce
Chair, Senate Labor & Commerce Committee

FROM: Representative Kay Brown

DATE: April 30, 1992

RE: Request for scheduling - CSHB 78 (Fin) am

I respectfully request that CSHB 78 (Fin) am, the Alaska Family Leave Act, be scheduled for a hearing at the earliest convenient time. The bill passed the House by a vote of 27-13 and was referred today to the Senate Labor & Commerce Committee.

This measure would provide public employees with up to 18 weeks of *unpaid* family and medical leave for the birth or adoption of a child or to care for a child, spouse or parent with a serious illness.

Enactment of a family and medical leave policy would allow workers the flexibility to manage work and family responsibilities.

In 1980, there were no state family leave laws. Now there are 18 (including the District of Columbia). In 1991, 35 states considered some type of family leave legislation.

The bill, a sponsor statement, and a list of groups and organizations that have endorsed the bill are attached.

During your term in the 15th Legislature you co-sponsored a similar version of this measure, HB 224. I hope you will continue to support this legislation.

I would be happy to provide you with additional information about the bill. Please contact me if you have questions or concerns. Given the limited time remaining in the legislative session, I hope that you will consider scheduling this bill as soon as possible. I look forward to working with you on this legislation.

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During Session
State Capitol
Juneau, Alaska 99801-1182
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TO: Members, Senate Labor and Commerce Committee

FROM: Representative Kay Brown

DATE: May 3, 1992

RE: CSHB 78 (Fin) am, Alaska Family Leave Act

In preparation for the Labor and Commerce hearing on this measure scheduled for Wednesday, I want to provide you with details about the bill. CSHB 78 (Fin) am has zero fiscal notes.

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 (Fin) am would provide public employees with *unpaid* family and medical leave.

CSHB 78 (Fin) am applies only to *public* employers:

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

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;

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- 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 (Fin) am 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).

Changes from Labor & Commerce CS to Finance CS

- deleted the application of medical leave for a child to whom the employee stands in loco parentis (still applies to employee's biological, adopted, or foster child, stepchild, or legal ward)

House Floor Amendments

- definition of "employer" does not include a regional Native housing authority created under AS 18.55.995 - 18.55.998
- short title amended from "Alaska Family Protection Act" to "Alaska Family Leave Act"
- Amended Section 6 of bill; Sec. 23.10.500 (b) relating to substitution of leave. Instead of specifying which type of accrued paid leave can be substituted (vacation, sick, personal or other), the bill was amended to provide 'accrued paid leave to which the employee is entitled.'
- minor changes in findings section
 - (a)(1) deleted "generally," and inserted "loving" parents are the best providers of care for their children; and
 - (b) inserted "public" before 'workplace' in (1), and before 'employees' in (2) and (3).

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSHB78 (FIN) AM

Revision Date: _____
 Title: Family Leave--An Act relating to employment rights based on pregnancy, childbirth and related conditions, sick leave, and family leave.
 Sponsor: Brown, Ulmer
 Requestor: _____

Department Affected: Administration
 BRU: Personnel/OEEO
 Component: Personnel/OEEO

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. King, Director *Robert P. King*
 Division: Personnel/OEEO

Phone: 465-4430
 Date: 5/3/92

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

Date: 5/12/92

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 (FIN) AM

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 (FIN) 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

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSHB 78 (FIN) AM

Revision Date: 5/29/92
Title: Alaska Family Leave 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)

	FY93	FY94	FY95	FY96	FY97	FY98
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

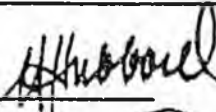
POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

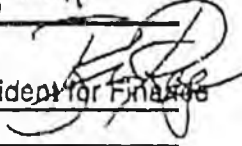
Estimate of current year impact: -0-

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: 474-7599
Date: 5/4/92

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

Date: 5/4/92

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

FISCAL NOTE

No. 3

Bill Version: CSHB 78(FIN)

(H). Publish Date: 2-26-92

STATE OF ALASKA
1992 LEGISLATIVE SESSION

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).

3/30/92
Rep. Kay Brown

CSHB 78 (Fin)
Alaska Family Protection Act

ENDORSEMENTS

Alaska Commission on Children and Youth
Alaska Family Support Group
Alaska League of Women Voters
Alaska State AFL-CIO
Alaska State District Council of Laborers
Alaska State Employees Assoc./AFSCME Local 52
Alaska Women's Commission
Alaska Women's Lobby
Alaska Women's Political Caucus
American Assoc. of University Women, Alaska
Anchorage Assoc. for the Education of Young Children
Business and Professional Women's Club
Coalition of Labor Union Women
KIDPAC
National Assoc. of Social Workers, Alaska
National Council of Children's Rights, Alaska
NEA-Alaska
Older Alaskans Commission
Older Persons Action Group, Inc.

ALASKA STATE LEGISLATURE
HOUSE BILL NO. 78

HISTORY IN THE HOUSE

1991
1/25 Read first time and referred to:
L&C, HESS, FIN

2/19 L&C RPT CS(L&C) New Title
3 DP 1 DNP NR 0 AM
FN ✓ OFN Previous FN

5/17 HES RPT CS(L&C) New Title
1 DP 0 DNP 3 NR 0 AM
FN OFN ✓ Previous FN

1992
2/26 FIN RPT CS(FIN) New Title
6 DP 1 DNP 1 NR 1 AM
FN 3 OFN Previous FN

4/27 Read second time
CS(FIN) Adopted

4/27 Amended
am 1, 2, 3

4/28 am # 1
Advanced

4/28 Read third time

4/28 Return to second for specific amendment # 6-f/d
7

PASSED	EFD Same ___ or
Yeas 26	Yeas
Nays 13	Nays
Excused 1	Excused
Absent 0	Absent

Intent adopted

4/29 Reconsideration by Taylor
4/29 Reconsideration taken up

PASSED ON RECON.	EFD Same ___ or
Yeas 40	Yeas
Nays 0	Nays
Excused 0	Excused
Absent 0	Absent

Intent adopted

4/29 Reported correctly engrossed
Signed by Speaker, to the Senate

Kurtis Gray
Chief Clerk of the House

HISTORY IN THE SENATE

1992
4/30 Read first time and referred to:
L&C

RPT() CS DP NR DNP AM
New Title Same Title Previous FN
FN OFN To

RPT() CS DP NR DNP AM
New Title Same Title Previous FN
FN OFN To

RPT() CS DP NR DNP AM
New Title Same Title Previous FN
FN OFN To

Rules Calendar() CS AM Other
New Title Same Title Previous FN
FN OFN

Read second time

CS Adopted () New Title
Amended Advanced

Read third time

Letter of Intent adopted
Return to second for specific amendment

PASSED	EFD Same ___ or
Yeas	Yeas
Nays	Nays
Excused	Excused
Absent	Absent

Reconsideration
Reconsideration not taken up

PASSED	EFD Same ___ or
Yeas	Yeas
Nays	Nays
Excused	Excused
Absent	Absent

Reported correctly engrossed
Signed by President, to the House

Secretary of the Senate

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO : CSHB 78 (Fin) am

Revision Date: _____
 Title: "An Act relating to employment rights
 based on ... family leave."
 Sponsor: Representative Brown
 Requestor: Senate Labor & Commerce

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: 5/5/92

Approved by Commissioner: C. W. Mahlen
 Agency: Department of Labor Date: 5/5/92

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