

HB

226

SENATE COMMITTEE REPORT

DATE: 5/18/99

FURTHER:

DATE TURNED
IN TO OFFICE: 5/24/00

HES Committee considered 1/19/2000 CS FOR HOUSE BILL NO. 226(HES)

"An Act relating to credited service under the teachers' retirement system for education employees on leave without pay or receiving workers' compensation benefits because of certain on-the-job injuries."

and recommends:

- be replaced with _____ CS _____ (____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:
 - same title
 - new title
- House Bill:
 - same title
 - technical title
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	D.P.	AM
<i>[Signature]</i>	<input checked="" type="checkbox"/>				
<i>[Signature]</i>	<input checked="" type="checkbox"/>				
<i>[Signature]</i>	<input checked="" type="checkbox"/>				
CHAIR: <i>[Signature]</i>	<input checked="" type="checkbox"/>	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. CSHB 226 (HES)

Revision Date	1/20/00	Dept. Affected	Administration
Title	An act relating to credited service under th	BRU	Centralized Administrative Services
	teachers' retirement system for education employees	Component	Retirement and Benefits
Sponsor	Representative Coghill		
Requester	(S) HES	Component No.	64

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
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 EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2000) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Under this proposal, employee contributions will continue to be paid by the employer, in cases of physical assault, or by the employee in other cases of occupational injury or illness.

Because of the rarity of these situations, this legislation will have no material financial impact on the Public Employees' Retirement System or the Teachers' Retirement System.

Prepared by:	Guy Bell	Phone	465-4471
Division	Retirement and Benefits	Date/Time	1/20/00 3:47 PM
Approved by Commissioner	Robert Poe Jr.	Date	1/20/00 1/31/00
Agency	Department of Administration		

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Representative John Coghill

HB 226 - On-the-Job Assault Injuries Sponsor Statement

In recent years, parents and educators have been looking for ways to ensure the safety of the children and employees of the schools. I introduced HB 226 to address on-the-job safety of school employees.

This legislation is very basic and accomplishes two things:

- Provides equity of credited service between TERS and PERS
- Provides that when an employee of a public school losses work time from a physical assault on the job, the employer would contribute to the employee's credited service.

This legislation provides for a teacher or other employee of the public school system placed on leave without pay because of injuries received from an on-the-job assault to accrue credited service. While the individual is on unpaid leave or receiving workers' compensation benefits, the employer would pay the employee's contributions to credited service.

This legislation also amends the Teacher's Retirement System (TERS) so a teacher unable to work due to an on-the-job injury or occupational illness for which the teacher is receiving workers' compensation may opt to purchase credited service. Public employees already have this option under Public Employees Retirement System (PERS).

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Representative John Coghill

HB 226 Education Employees and On-The-Job Injuries Sectional Analysis

- *Section 1.** Amends AS 14.25.040, **TERS Membership**, to provide that if a teacher is injured on the job as a result of a physical assault, the teacher is entitled to accrue credited service. This entitlement would end when the teacher is eligible for retirement or is placed on disability because of the injury.
- *Section 2.** Amends AS 14.25.050(a), **Contribution by teachers**, to provide for an exception to the teacher contributing to TERS when that teacher has been physically assaulted, in which case the employer contributes.
- *Section 3.** Amends AS 14.25.050, **Contribution by teachers**, by adding subsections (c) & (d).

Subsection (c) provides that the employer shall pay for the teacher's contributions when the teacher is off the job because of an on-the-job physical assault injury.

Subsection (d) provides a teacher who is placed in a leave of absence status because of an on-the-job injury or occupational illness other than an physical assault injury, with the same option as employees in PERS to buy credited service for the period of time the teacher is off the job for the on-the-job injury, receives normal retirement, or receives a disability pension.
- *Section 4.** Amends AS 39.35.160(a), **Amount of employee contributions** in PERS, puts a limit on an employee receiving credited service being paid by the employer from an assault injury under PERS.
- *Section 5.** Amends AS 39.35.160(a), **Amount of employee contributions**. This provides that the employer not the employee who is on a leave of absence due to an on-the-job injury from a physical assault will make contribution at the prevailing rate.
- *Section 6.** Amends AS 39.35.330, **Amount of employee contributions**, to provide that that the employer shall pay for a public school employee's contributions to PERS when the employee is off the job because of an on-the-job assault injury.
- *Section 7.** Provides that credited service will be applicable only to injuries received on the day of or after the effective date of HB 226.

Bill History/Action Display



BILL: HB 226 SHORT TITLE: CREDITED SERVICE FOR ON-THE-JOB INJURIES
BILL VERSION: CSHB 226(HES)
SPONSOR(S): REPRESENTATIVES(S) COGHILL, Dyson, Whitaker, Morgan, Green,
Smalley, Phillips, Rokeberg, Kerttula, Kemplen, Harris, Brice, Masek,
Berkowitz

CURRENT STATUS: (S) HES

STATUS DATE: 5/18/99

TITLE: "An Act relating to credited service under the teachers' retirement system for education employees on leave without pay or receiving workers' compensation benefits because of certain on-the-job injuries."

Full Text Bill/Resolution has Zero Fiscal Note(s).

Committee Action With Bill History

Jrn-Date	Jrn-Page	Action
5/06/99	<u>1201</u>	(H) READ THE FIRST TIME - REFERRAL(S)
5/06/99	<u>1201</u>	(H) HES, L&C, FJN
5/12/99	<u>1358</u>	(H) COSPONSOR(S): WHITAKER, MORGAN, GREEN,
5/12/99	<u>1358</u>	(H) SMALLEY
5/13/99	<u>1365</u>	(H) HES RPT CS(HES) 7DP
5/13/99	<u>1366</u>	(H) DP: GREEN, MORGAN, DYSON, COGHILL,
5/13/99	<u>1366</u>	(H) WHITAKER, KEMPLN, BRICE
5/13/99	<u>1366</u>	(H) ZERO FISCAL NOTE (ADM)
5/15/99	<u>1435</u>	(H) L&C RPT CS(HES) 7DP
5/15/99	<u>1436</u>	(H) DP: ROKEBERG, HALCRO, SANDERS, BRICE,
5/15/99	<u>1436</u>	(H) CISSNA, HARRIS, MURKOWSKI
5/15/99	<u>1436</u>	(H) ZERO FISCAL NOTE (ADM) 5/13/99
5/15/99	<u>1463</u>	(H) FINANCE REFERRAL WAIVED
5/15/99	<u>1469</u>	(H) COSPONSOR(S): PHILLIPS, ROKEBERG,
5/16/99	<u>1507</u>	(H) COSPONSOR(S): KERTTULA
5/18/99	<u>1597</u>	(H) RULES TO CALENDAR 5/18/99
5/18/99	<u>1597</u>	(H) READ THE SECOND TIME
5/18/99	<u>1597</u>	(H) HES CS ADOPTED UNAN CONSENT
5/18/99	<u>1598</u>	(H) ADVANCED TO THIRD READING UNAN CONSENT
5/18/99	<u>1598</u>	(H) READ THE THIRD TIME CSHB 226(HES)
5/18/99	<u>1598</u>	(H) PASSED Y28 A12
5/18/99	<u>1598</u>	(H) GREEN NOTICE OF RECONSIDERATION
5/18/99	<u>1598</u>	(H) RECON TAKEN UP SAME DAY UNAN CONSENT
5/18/99	<u>1598</u>	(H) PASSED ON RECONSIDERATION Y28 A12
5/18/99	<u>1639</u>	(H) COSPONSOR(S): KEMPLN, HARRIS, BRICE,
5/18/99	<u>1639</u>	(H) MASEK, BERKOWITZ
5/18/99	<u>1641</u>	(H) TRANSMITTED TO (S)
5/18/99	<u>1649</u>	(S) READ THE FIRST TIME - REFERRAL(S)
5/18/99	<u>1650</u>	(S) HES

Similar Subject Match or Exact Subject Match

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RETIREMENT

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TEACHERS

WORKERS' COMPENSATION

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Alaska State Legislature
House Finance Committee



State Capitol, Juneau, Alaska 99601-1182

REPRESENTATIVE
ELDON MULDER
Co-Chair
(907) 465-2647
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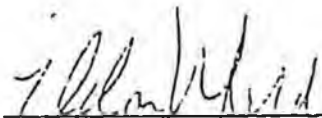
INTERIM ADDRESS
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House Finance Committee Waiver Request


Bill Number: HB 226

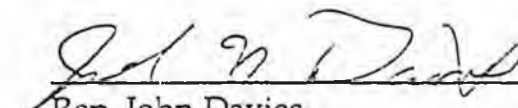
Short Title: CREDITED SERVICE FOR ON-THE-JOB INJURIES

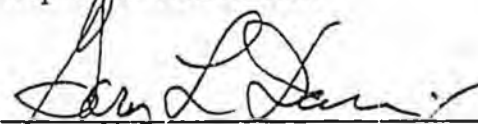
I have no objection to the waiver of this bill from a House Finance Committee hearing.



Rep. Eldon Mulder

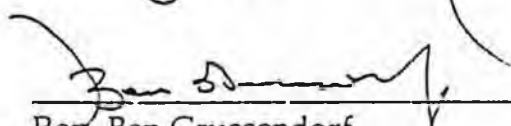

Rep. Con Bunde

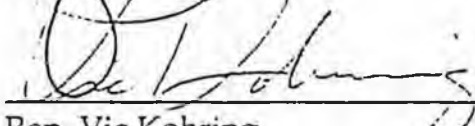

Rep. Alan Austerman

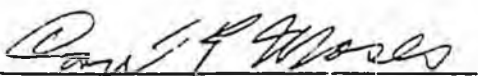

Rep. John Davies

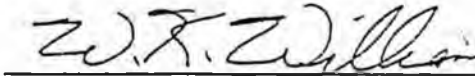

Rep. Gary Davis


Rep. Richard Foster


Rep. Ben Grussendorf


Rep. Vic Kohring


Rep. Carl Moses


Rep. Williams

Fiscal Notes: Zero, DOA

Recommendations from previous committee(s): HES RPT CS(HES) 7DP
L&C RPT 7DP



NEA-ALASKA

Affiliated with the National Education Association

HB 226 – Education Employees and On-the-Job Injuries

May 11, 1999

NEA-Alaska supports HB 226. The bill will prevent, either a loss of retirement service credit or out of pocket expense for school personnel injured through physical assault while at work. We offer the following thoughts in support of HB 226.

The 30th Annual Phi Delta Kappa/Gallup Poll of Public Attitudes Toward the Public Schools showed that concern about fighting and violence replaces lack of discipline, need for more control, and lack of financial support as the top problems facing local public schools.

School personnel are equally concerned about safety, order and discipline within schools and classrooms. The number of violent incidents against school staff has increased. School districts seek to identify ways to control and reduce violent acts within schools. The responsibility for control of classrooms falls directly on teachers and support personnel.

Because of the dedicated work of school staff, schools remain the safest place for students. However, as school personnel work to make our schools safe for all children, occasionally a staff member will sustain an injury as a result of a physical assault. If this should occur, an employee on worker's compensation as a result of injury or on an unpaid leave of absence associated with this type of injury will either lose money or service time in their respective retirement systems.

HB 226 provides a element of relief for a school staff person assaulted while in the line of duty by requiring the employer to pay either the TRS or PERS contribution for school personnel on leave due to on-the-job physical assault. HB 226 will eliminate a break in service retirement credit.

NEA-Alaska appreciates the work of Representative John Coghill in correcting a weakness in the PERS and TRS statutes for school personnel who work each day to make our schools safe places for children and families.

Cheryl Rankin
Dean Whaley School

April 29, 1999

It was a cold January day in 1993 and I was a special education secondary teacher at Whaley School. Whaley School is a specialized educational school for students who are certified severely emotionally disturbed. My secondary class was in physical education and because they had been somewhat unruly that day I was assisting the physical education teacher. One 11th grade boy was verbally and physically threatening another student. The 11th grader (I'll call him X) had a bat in his hand and was swinging it around in an extremely dangerous way. The boy he was threatening was yelling for assistance. I intervened on behalf of the victim and tried to talk the 11th grader into leaving the area. At that point I was approximately 6 feet away from X. X began walking towards the door and I followed him at that same distance when, without any warning he swung around and charged me catapulting me into the air like a rag doll. According to two staff members who witnessed the incident, I flew approximately 10 feet into the air and 15 feet across the gymnasium before landing on my lower spine with my head snapping back and cracking on the gymnasium floor. (At this point I should say X, was about 5'10" and weighed approximately 215 lbs. I am 5'2" and weigh approximately 110 lbs). My body felt paralyzed and I was unable to move at all for several minutes. I laid there completely unable to move while staff worked on me. The rest of my students were extremely agitated at what had happened and other staff members worked with them also. 911 was called and an ambulance arrived shortly to transport me to Providence Hospital. The paramedics placed me on a backboard and immobilized me for transportation. On a level of 0 - 10 for pain, with 0 being no pain and 10 being the worst pain you have ever experienced, I would have to say the pain was a 10 and covered my entire body. I was kept at the hospital for several hours and was finally released with a diagnosis of trauma to the back. The hospital gave me anti-inflammatories and pain medication that I took daily until I was able to return to work two weeks later.

Within 2 days of my returning to work, I again was put in a situation where I had to intervene between students and reinjured causing me to be off work for another week.

I received Workman's Compensation for the time lost from work due to these injuries; however, because at that time Workman's Comp is based on an average of the three previous years salary (and I had worked as a substitute teacher during one of these years) my average salary was not an accurate reflection of what I actually made. Therefore, monies contributed to my retirement account were, again, not an accurate reflection of my true earnings. I feel that due to my being injured on the job, I have lost money from my retirement account. Also, due to the chronic nature of my injury, I have lost, every year since my injury, approximately 4 - 6 sick days yearly. Because those days are generally not consecutive, Workman's Comp. does not cover them and I must use my personal sick days. I seldom use my personal or sick days, however, sick days lost through this act of aggression towards me, while I was doing my job, are sick days lost and cannot be applied towards my retirement or cashed out.

I am continually plagued by this injury and spend many of my own hours making doctor's and physical therapy appointments. I am no longer able to cross country ski and have difficulty sitting for more than a half hour at a time.

POM for Representative Coghill



From: Mr. Jerry Dixon
PO Box 1058

Telephone: 224-5844

Seward, AK 99664

NON Constituent

Registered Voter: Y

Bill: HB 226 Title: CREDITED SERVICE FOR ON-THE-JOB INJURIES
Message:

PLEASE SUPPORT THIS LEGISLATION. IT WORKS TOWARD STRONGER SCHOOLS.

Entered in SEW on 5/11/99 POMID:11735

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