

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672

4685 HJUD HB 223 - HB 224

25



ALASKA STATE LEGISLATURE  
HOUSE OF REPRESENTATIVES  
RESEARCH AGENCY

P.O. Box Y, State Capitol  
Juneau, Alaska 99811-3100  
Mail Stop 3100  
(907) 465-3991

March 19, 1987

MEMORANDUM

TO: Representative C. E. Swackhammer

ATTN: Tom Wright

FROM: Penelope Weyhrauch *[Signature]*  
Legislative Analyst

RE: Outstanding Court Fines: Attaching Permanent Fund Dividends  
Research Request 87.187 (Supplemental Information)

I have received additional information on the collection of outstanding court fines by the courts in Juneau and Anchorage, which might be of interest to you. Dave Haas, Clerk of the Court in Juneau, said that about \$5,000 was collected in 1986 by the assignment of PFDs for the payment of outstanding fines. Goldeen Goodfellow, Clerk of the Court in Anchorage, said that the Anchorage court does not have the manpower to pursue the collection of outstanding fines. The court can issue warrants for the arrest of individuals with outstanding fines, although this practice has not been followed in the last year or two.



ALASKA STATE LEGISLATURE  
HOUSE OF REPRESENTATIVES  
RESEARCH AGENCY

P.O. Box Y, State Capitol  
Juneau, Alaska 99811-3100  
Mail Stop 3100  
(907) 465-3991

March 23, 1987

MEMORANDUM

TO: Representative C. E. Swackhammer

ATTN: Tom Wright

FROM: Penelope Weyhrauch  
Legislative Analyst *PW*

RE: Outstanding Court Fines: The Collection Process in Other States  
Research Request 87.204

You asked for information on the collection of outstanding fines owed to court systems in other states. In researching your request, I contacted the National Center for State Courts and the states of Arizona, California, Colorado, Idaho, Oregon, Utah, Washington and Wyoming.<sup>1</sup>

The collection of outstanding court fines is considered a judicial function in Arizona, Oregon, Washington and Wyoming. In Colorado, the attorney general's office has a collection unit which handles the collection of some outstanding court fines. In California, Idaho and Utah, each county or jurisdiction is responsible for the collection of outstanding fines; collection practices vary from jurisdiction to jurisdiction.

In Arizona, failing to pay a fine levied by the court can result in imprisonment. Allen Hellman, Director of the Court Services Division, said that a recently enacted statute authorizes courts to use the contempt power to imprison those who refuse to pay outstanding fines. Mr. Hellman said that the constitutionality of this statute has not yet been tested. Courts in Arizona have also recently been provided with garnishment authority as a collection measure, although Mr. Hellman said that the garnishment process is very complex, with many due process safeguards built in to protect debtors. Several counties in Arizona tried using private agencies to collect fines but found that the amount of fines collected did not warrant their use.

<sup>1</sup>-----  
The National Center for State Courts may be sending me some information on the collection of outstanding court fines. I will share this information with you if, and when, it is received.

In Colorado, \$7 million is owed to the court system in attorney fees and outstanding fines. Collection efforts are made both through the courts and through the executive branch. The collection of attorney fees levied against a defendant on probation is the responsibility of the probation department. If a defendant receives a fine, he/she is immediately required to visit a "collection clerk." The clerk demands that the defendant fill out a lengthy questionnaire regarding his/her assets and agree to a payment plan. James Thomas, Court Administrator in Colorado, said that many defendants pay fines on the spot to avoid filling out questionnaires. Defendants are allowed to use Mastercard and Visa to pay fines.

The attorney general's office has a collection unit which charges the court system 25 percent of each fine collected. Mr. Thomas said that this agency is no more successful than a collection agency. He said that the use of collection clerks is more expensive but also more successful than the attorney general's office.

In Oregon, \$8 to \$10 million is currently owed to the court system in outstanding fines. John Radford, with the court system, said that the court system is not doing very well in its collection efforts because there is no comprehensive collection policy for the courts to follow. He said that nothing happens to the vast majority of people who do not pay their court fines. Because of overcrowding in Oregon's jails and prisons, people know that they will not go to jail and this encourages them to avoid paying their fines.

Mr. Radford said that the court system turns some outstanding fines over to the Department of Revenue to garnish tax returns. He also said that the courts are trying to pursue collection more aggressively and are considering hiring collection agencies. He said that collection agencies use methods to collect that the court system would not conceive of using; primarily because of the strict due process requirements which also make collection a lengthy and complex process.

In Washington, \$10 million is currently owed to the court system in outstanding fines. Susan Curtright, Court Specialist, said that the collection of fines is currently a hot issue in the Washington legislature. She said that courts want to share the responsibility for collection with the police and other agencies, but that the legislature believes it is a judicial responsibility. Ms. Curtright said that some courts are more aggressive than others in pursuing collection. Some courts have initiated the

Representative Swac hammer

March 23, 1987

Page 3

use of collection agencies, while others have installed telephone systems which automatically, and repeatedly, contact debtors to remind them of their obligations. Some courts also allow debtors to pay their fines by using credit cards. These methods have all added to the success of the court system's collection efforts.

In Wyoming, the accrual and collection of outstanding fines does not appear to be a problem. Robert Duncan, Court Administrator, estimated that less than one million dollars is owed to the state in outstanding fines. He said that the greatest problem in Wyoming in regard to the collection of outstanding fines is collecting them from nonresidents. Mr. Duncan estimated that 60 percent of Wyoming's outstanding court fines are owed by nonresidents. Courts in Wyoming have the authority to issue a warrant for the arrest of someone who does not respond to a letter sent by the court in regard to the outstanding fine. This brings the debtor before the court to make arrangements for paying the fine.

I hope this information is useful to you. If you have any questions or would like additional information, please contact our agency.

SUMMARY OF DEFAULT LOANS  
STATE LOAN PROGRAMS  
FOURTH QUARTER, FY 87

	LOAN PROGRAM
<u>INDIRECT LENDERS (BOND SALES)</u>	
AK HOUSING FINANCE CORP (ALL PROGRAMS)	129,345,072.00
AK INDUSTRIAL DEVELOPMENT AUTHORITY	
AIDA PURCHASED	23,769,309.00
APPROPRIATED TO AIDA	2,585,041.00
AK MEDICAL FACILITY AUTHORITY	.00
AK MUNICIPAL BOND BANK	.00
 <u>DIRECT LENDERS (APPROPRIATIONS)</u>	
AGRICULTURAL REVOLVING LOAN FUND	4,792,353.00
ALASKA POWER AUTHORITY	
POWER PROJECT FUND	.00
RURAL ELECT. REVOLVING LOAN FUND	.00
ALASKA RESOURCES CORPORATION	7,718,760.00
ALTERNATE TECH. REVOLVING LOAN FUND	474,000.00
BULK FUEL REVOLVING LOAN FUND	4,000.00
CHILD CARE FACILITY REVOLVING LOAN FUND	184,000.00
COMMERCIAL FISHING REVOLVING LOAN FUND	3,104,000.00
FISHERIES ENHANCEMENT REVOLV. LOAN FUND	1,553,900.00
GRAIN RESERVE LOAN FUND	33,802.00
HISTORICAL DISTRICT REVOLVING LOAN FUND	.00
HOUSING ASSISTANCE LOAN FUND	4,875,346.00
MED. MALPRACTICE LIABILITY LOAN FUND	.00
MINING LOAN FUND	3,877,000.00
POWER DEVELOPMENT REVOLVING LOAN FUND	.00
RESIDENTIAL ENERGY CONSERVATION FUND	118,000.00
SCHOLARSHIP REVOLVING LOAN FUND	49,275,864.00
SMALL BUSINESS REVOLVING LOAN FUND	4,343,000.00
TEACHER SCHOLARSHIP LOAN FUND	.00
TOURISM REVOLVING LOAN FUND	108,000.00
VETERANS REVOLVING LOAN FUND	1,353,000.00
WATER RESOURCES REVOLVING LOAN FUND	.00
 <u>TOTAL LOANS IN DEFAULT</u>	 <u>237,514,447.00</u>

LEGISLATION - CLERK  
00000 ALL SECTION 50 43.23.085

43.23.085 DOCUMENT# 1 OF 1

CHAPTER = 43.23  
SECTION = 43.23.085  
TITLE = 43  
HEADINGS TITLE 43.  
REVENUE AND TAXATION.  
CHAPTER 23.  
PERMANENT FUND DIVIDENDS.

CITATION SEC. 43.23.085.

CATCH LINE

EXEMPTION OF PERMANENT FUND DIVIDENDS.

TEXT

(A) EXCEPT AS PROVIDED IN (B) OF THIS SECTION, 50 PERCENT OF THE ANNUAL PERMANENT FUND DIVIDEND PAYABLE TO AN INDIVIDUAL IS EXEMPT FROM LEVY, EXECUTION, GARNISHMENT, ATTACHMENT, OR ANY OTHER REMEDY FOR THE COLLECTION OF DEBT. THIS EXEMPTION APPLIES TO AN ELIGIBLE INDIVIDUAL'S PERMANENT FUND DIVIDEND BOTH BEFORE AND AFTER PAYMENT IS MADE TO THE INDIVIDUAL.

(B) AN EXEMPTION IS NOT AVAILABLE UNDER THIS SECTION FOR PERMANENT FUND DIVIDENDS TAKEN TO SATISFY

(1) CHILD SUPPORT OBLIGATIONS REQUIRED BY COURT ORDER OR DECISION OF THE CHILD SUPPORT ENFORCEMENT AGENCY UNDER AS 47.23.140 - 47.23.220;

(2) COURT ORDERED RESTITUTION UNDER AS 12.55.045 - 12.55.051 OR 12.55.100;

(3) A COURT ORDERED PROBATION FEE UNDER AS 12.55.105;  
OR

(4) A DEBT OWED BY AN ELIGIBLE INDIVIDUAL TO AN AGENCY OF THE STATE, UNLESS THE DEBT IS CONTESTED AND AN APPEAL IS PENDING, OR THE TIME LIMIT FOR FILING AN APPEAL HAS NOT EXPIRED.

(C) CLAIMS LISTED IN (B) OF THIS SECTION HAVE PRIORITY IN THE ORDER LISTED OVER OTHER CLAIMS ON A PERMANENT FUND DIVIDEND.

HISTORY (SEC. 1 CH 102 SLA 1982; AM SEC. 1 CH 157 SLA 1984; AM SEC. 1 CH. 57 SLA 1985; AM SEC. 67 CH 138 SLA 1986)

ANNOTATIONS

CROSS REFERENCES FOR PROPERTY EXEMPT FROM EXECUTION GENERALLY, SEE AS 09.38.

REVISOR'S NOTES SECTIONS 12 AND 13, CH. 99, SLA 1985, AMEND THIS SECTION AND ADD NEW (B) AND (C). THE AMENDMENTS ARE EFFECTIVE IF &SEC 1, CH. 99, SLA 1985 IS REPEALED (SEE &SEC 25, CH. 99, SLA 1985). IF THE AMENDMENTS BECOME LAW, THE SECTION WILL READ: "(A) FIFTY PERCENT OF A CASH PERMANENT FUND DIVIDEND PAYMENT IS EXEMPT FROM LEVY, EXECUTION, GARNISHMENT, ATTACHMENT, OR ANY OTHER REMEDY FOR THE COLLECTION OF DEBT. THIS EXEMPTION APPLIES TO AN ELIGIBLE INDIVIDUAL'S PERMANENT FUND DIVIDEND BOTH BEFORE AND AFTER PAYMENT IS MADE TO THE INDIVIDUAL. AN EXEMPTION IS NOT AVAILABLE UNDER THIS SECTION FOR CASH PERMANENT FUND DIVIDEND PAYMENTS TAKEN TO SATISFY (1) CHILD SUPPORT OBLIGATIONS REQUIRED BY COURT ORDER OR DECISION OF THE CHILD SUPPORT ENFORCEMENT AGENCY UNDER AS 47.23.140 -47.23.220; (2) A DEBT OWED BY AN ELIGIBLE INDIVIDUAL TO AN AGENCY OF THE STATE, UNLESS THE DEBT IS CONTESTED AND AN APPEAL IS PENDING, OR THE TIME LIMIT FOR FILING

AN APPEAL HAS NOT BEEN FILED. OF THE COURT ORDER RESTITUTION UNDER AS 12.55.045 - 12.55.051 OR 12.55.100. A CHILD SUPPORT OBLIGATION UNDER (1) OF THIS SECTION HAS PRIORITY OVER A DEBT OWED TO AN AGENCY OF THE STATE, AND A PERMANENT FUND DIVIDEND MAY NOT BE TAKEN TO SATISFY A DEBT UNDER (2) OF THIS SECTION UNTIL ANY PORTION OF THE DIVIDEND NECESSARY TO SATISFY A CHILD SUPPORT OBLIGATION HAS BEEN TAKEN.

"(B) THE DEPARTMENT SHALL REQUIRE AN INDIVIDUAL TO TAKE 100 PERCENT OF THE PERMANENT FUND DIVIDEND IN CASH IF THE DEPARTMENT RECEIVES A LEVY, EXECUTION, GARNISHMENT, ATTACHMENT OR OTHER LEGAL REMEDY FOR THE COLLECTION OF A PAST DUE DEBT DESCRIBED IN (A)(1) OR (2) OF THIS SECTION.

"(C) THE COURTS OF THIS STATE MAY, AS A CONDITION OF ANY CIVIL JUDGMENT OR RESTITUTION ORDER UNDER AS 12.55.045 - 12.55.051 OR 12.55.100, REQUIRE THE DEFENDANT TO TAKE THE DEFENDANT'S PERMANENT FUND DIVIDEND IN CASH."

SECTION 22, CH. 99, SLA 1985 PROVIDES FOR AN ADVISORY VOTE TO BE HELD AT THE GENERAL ELECTION IN 1986. FOR THE TEXT OF THAT PROVISION, SEE &SEC 22, CH. 99, SLA 1985 IN THE TEMPORARY AND SPECIAL ACTS.

#### AMENDMENT NOTES

EFFECT OF AMENDMENTS THE 1984 AMENDMENT ADDED THE LAST SENTENCE AND, IN THE NEXT-TO-LAST SENTENCE, SUBSTITUTED "AN EXEMPTION IS NOT" FOR "NO EXEMPTION IS," INSERTED "(1)," AND ADDED THE LANGUAGE BEGINNING WITH "(2) A DEBT" AT THE END OF THE SENTENCE. SECTION 2, CH. 157, SLA 1984 LIMITS THE APPLICATION OF THE 1984 AMENDMENT TO DIVIDENDS ISSUED FOR 1984 AND SUBSEQUENT YEARS.

THE FIRST 1985 AMENDMENT ADDED "OR (3) COURT ORDERED RESTITUTION UNDER AS 12.55.045 - 12.55.051 OR 12.55.100" AT THE END OF THE NEXT-TO-LAST SENTENCE AND IN THE LAST SENTENCE INSERTED "OR COURT ORDERED RESTITUTION" AND "AND COURT ORDERED RESTITUTION."

THE SECOND 1985 AMENDMENT, EFFECTIVE IF &SEC 1, CH. 99, SLA 1985 IS REPEALED, REWROTE SUBSECTION (A) AND ADDED SUBSECTIONS (B) AND (C).

THE 1986 AMENDMENT, EFFECTIVE JULY 1, 1986, REWROTE THIS SECTION.

00601 \* END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

FISCAL NOTE

REQUEST: \_\_\_\_\_

Revision Date: \_\_\_\_\_  
Title: An act relating to collection of debt involving permanent fund dividends  
Sponsor: Judiciary  
Requestor: House Judiciary Committee

Agency Affected: Revenue  
BRU: Permanent Fund Dividend

Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
OPERATING						
PERSONAL SERVICES	-	82.0	82.0	82.0	82.0	82.0
TRAVEL	-	-	-	-	-	-
CONTRACTUAL	-	83.1	63.1	63.1	63.1	63.1
SUPPLIES	-	1.8	1.8	1.8	1.8	1.8
EQUIPMENT	-	20.4	-	-	-	-
LANDS & STRUCTURES	-	-	-	-	-	-
GRANTS, CLAIMS	-	-	-	-	-	-
MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	-	187.3	139.9	139.9	139.9	139.9
CAPITAL	-	-	-	-	-	-
REVENUE	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	-	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER (PFD)	-	187.3	139.9	139.9	139.9	139.9
TOTAL	-	187.3	139.9	139.9	139.9	139.9

POSITIONS:

FULL-TIME	-	-	-	-	-	-
PART-TIME	-	7	7	7	7	7
TEMPORARY	-	-	-	-	-	-

ANALYSIS: (Attach a separate page if necessary)

Prepared By: Ervin B. Jones  
Division: Permanent Fund Dividend

Phone: 465-2323

Date: 1/12/88

Approved by Commissioner: \_\_\_\_\_  
Agency: Revenue

Date: 1/13/88

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

Department of Revenue  
Permanent Fund Dividend Division  
Fiscal Note Analysis  
CSHB 223  
1/12/88

Assumptions:

- 1) Since a claim under the proposed section 3 would be infinitely easier for state agencies, municipalities and the courts to use, those entities would use this mechanism exclusively. It is impossible to estimate the number of such claims the Department of Revenue might receive. However, the following will give some idea of the volume.
  - a) In 1986, the Postsecondary Education Commission was able to get only 800 of their 2,000 attachments through the courts and served on the Department of Revenue. In 1987, under provisions similar to the proposal in this bill, the Commission was able to serve 5,038 certified claims on the Department of Revenue, a 500% increase.
  - b) The Child Support Enforcement Division currently serves approximately 6,012 attachments. This is an almost 50% increase over 1986.
  - c) The City-Borough of Juneau has 3,500 delinquent accounts for such things as property taxes, sales tax, utilities, harbor fees, hospital bills, etc.
  - d) The Anchorage Telephone/Utility has 8,226 "real problem cases."
  - e) Between Anchorage and Juneau, there are over 22,000 outstanding traffic tickets.
  - f) The court system of Alaska processes approximately 25,000 criminal cases, alone, a percentage of which result in fines.
  - g) Under the present system, private parties account for 8,820 claims each year. Given that the cost of service will stay the same and that the amount of recovery has gone from a potential \$400 to a potential \$700, the number of private party services will increase dramatically.
  - h) In 1987, the department experienced 37,393 claims on Permanent Fund Dividends, almost twice as many as in 1986 and four times as many as in 1985. Even without the passage of this bill, we expect at least 50,000 claims in 1988. With the passage of this bill, the total numbers could easily reach 100,000.
- 2) I would assume and hope that this bill would not effect the 1988 dividend distribution. Assuming that the bill became law in mid-May it would be impossible to get everything in place, and complete the printing, programming, staff recruitment and training necessary to implement the bill before the filing deadline of June 30. By that time, the department has already received thousands of claims and assignments, made under the expectation that they will be processed under the current law. It is arguably not fair to take an applicant's dividend (except \$100) when the applicant filed under a law which provided for a 50% exclusion.

If the provisions of this bill are intended to take effect in mid-stream, a new analysis of costs will have to be done to include the cost of dealing with a very irate public.

Program Summary:

The department's responsibilities under this bill would be as follows:

- a) Forms Printing: The Department of Revenue would print an auxiliary Permanent Fund Dividend "Claim by Government Agency" to be distributed to all agencies identified in the definition of agency. The "PFD Claim form" would require of the agency:
  - 1) The name and address of the agency.
  - 2) The full name, address and birthdate of the obligee.
  - 3) The amount of the claim.
  - 4) A statement of the basis of the claim. (Some consistent, short form of reasons would have to be worked out with the many "agencies." The data capture of a free form reason would be very expensive.)
  - 6) If applicable, a case name and number.
- b) Systems/Programming Changes: The bill will require many changes, including the recognition of a new category of "claim form."
- c) Individual, private claims will continue to be processed one at a time, with unique problems. Claims from state agencies and perhaps some municipalities will be automated to some extent. The court system and many municipalities will not be prepared to provide automated services of claim; via tape matches, and so the claims will be served and processed the same as private claims.
- d) Agencies which are part of the Alaska State Accounting System will be paid through the system with supporting information provided. Municipalities and the court system will be paid by check.
- e) The department currently receives thousands of contacts from debtors whose dividends have been attached, despite our best efforts to steer their complaints, appeals, etc. to the creditor who served the attachment. At the point when 50,000 - 60,000 Alaskan families are being affected by this expedited process, the number of such contacts, and the number of contacts with the Legislature, the Governor's Office and the Ombudsman is definitely going to increase.

1. Positions:

3 PPT Accounting Clerk I, R8,  
@ \$2,270.18/Mo each including  
salary and benefits for  
8 months = \$54.8

These positions will assist the existing Accounting Clerk II in the processing of the existing attachments and assignments.

This also involves correspondence and telephone contact with the many competing garnishors.

4 PPT Data Processing Clerk I,  
R8, @ \$2,270.18/Mo each including  
salary and benefits for 3 months = 27.2

These positions will perform the  
data capture necessary on the  
claims to enable the department to  
comply with the provisions of  
the bill.

Total Personal Services \$82.0

2. Other Costs:

a) Travel: None.

b) Contractual:

Printing \$5.1

Includes printing costs associated  
with 75,000 claim forms, 60,000  
notices of appeal rights, and  
60,000 notices of claim.

Postage 28.0

Includes postage for claim  
notices and bulk shipment of  
claim forms to agencies.

Data Processing Chargeback from 50.0  
Department of Administration  
estimated 50.0 in FY89, including  
development; 30.0 in years  
thereafter.

TOTAL Contractual \$83.1

c) Equipment

Purchase 3 Wang 4250 workstations  
to provide access to the PFD  
System for the accounting staff = \$7.2

Purchase 4 Wang 4230 workstations  
for data capture = 9.6

Purchase 1 Wang VS-100 IOP = 3.6

TOTAL Equipment \$20.4

d) Supplies: \$1.8

TOTAL COST \$187.3

Suggested Amendments:

It is impractical for the Department of Revenue to be sending thousands of notices of claim and appeal rights to applicants, on behalf of other agencies. The notices and all further contact should be by the creditor agency, not Revenue. We will need to work with the concerned agencies and the committee staff to effect this change.

Attachments: None.

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: "...relating to...the collection of  
debt involving permanent fund dividends..."  
Sponsor: House Judiciary Committee  
Requestor: House Judiciary Committee

Agency Affected: Department of Law  
BRU: Legal Services  
Components: Operations

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, ELLIAMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

Please see attached analysis.

Prepared by: Richard I. Pegues, Director

Division: Administrative Services

Approved by Commissioner: Attorney General

Agency: Department of Law

Phone: 465-3672

Date: January 12, 1988

Date: January 12, 1988

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill Resolution No. CSHB 223 (S.S.)

This bill expands and simplifies the procedures whereby permanent fund dividends may be attached to satisfy debts owed to the state and extends the procedures to municipalities. The bill provides for an agency hearing process when claims against an individual's permanent fund dividend are contested. The bill further provides for an appeal process from hearing decisions. These changes have the effect of amending Alaska Rule of Civil Procedure 69 by authorizing agencies of the state, state courts, and municipalities to execute on permanent fund dividends without using the execution procedures provided in that rule. This substitution of agency execution procedures in place of formal court procedures will greatly enhance the state's ability to collect debts owed to it, including unpaid fines owed to the state courts that totalled \$1,150,000 for the two-year period ending January 1, 1987. Moreover, adoption of the bill will also assist the efforts of the collections unit, proposed in the Department of Law's FY 1989 budget request, to collect debts owed to the state in a cost effective manner.

It is estimated that in any given year between 6,000 and 8,000 individual dividends are subject to attachment. Of this number, up to 1,000 claims are expected to be contested. Under the provisions of the bill, contested claims hearings would be handled at the agency level and would not involve the Department of Law. However, it is anticipated that about thirty to fifty hearings will result in appeals involving Department of Law attorneys and paraprofessionals. Because of the simplified execution procedures provided by this bill, only two to three hours of the department's staff time will be required for each appeal. This minimal increase in staff time, estimated at 150 hours annually, does not warrant fiscal note costs.

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

Bill Version: HB 223  
Publish Date:

REQUEST:

Revision Date:  
Title: An act relating to permanent  
fund dividends  
Sponsor: Swackhammer, Larson  
Requestor:

Agency Affected: Alaska Court System  
BRU: Trial Courts  
Components:

<u>EXPENDITURES/REVENUES:</u> (Thousands of Dollars)						
	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
OPERATING						
Personal Services	. . . .	112.4	112.4	112.4	112.4	112.4
Travel	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Contractual	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Supplies	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Equipment	. . . .	13.8	. . . .	. . . .	. . . .	. . . .
Land & Structures	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Grants & Claims	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
TOTAL OPERATING	0.0	126.2	112.4	112.4	112.4	112.4
CAPITAL	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
REVENUE	. . . .	See analysis		. . . .	. . . .	. . . .

<u>FUNDING:</u> (Thousands of Dollars)						
	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
General Funds	0.0	126.2	112.4	112.4	112.4	112.4
Federal Funds	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Other	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
TOTAL	0.0	126.2	112.4	112.4	112.4	112.4

<u>POSITIONS:</u>						
	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
Full-time	. . . .	1.0	1.0	1.0	1.0	1.0
Part-time	. . . .	5.0	5.0	5.0	5.0	5.0
Temporary	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .

ANALYSIS: (Attach a separate page if necessary)

See attached fiscal analysis.

Prepared by: Robert G. Fisher, Fiscal Officer Phone: 264-8215  
Division: Alaska Court System Date: 4-9-87  
Approved by: *Arthur H. Snowden II* Administrative Director Date: 4-9-87  
Agency: Alaska Court System

- Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management & Budget  
Impacted Agency(ies)  
Senate Secretary

ALASKA COURT SYSTEM

HB 223 - FISCAL ANALYSIS

Personal Services:	Salary	Benefits	Total
Court Clerk II, Range 10B, Anchorage, PFT - 12 months	\$22,836	\$8,290	\$31,126
Court Clerk II, Range 10B, Fairbanks, PPT - 6 months	12,870	4,468	17,338
Court Clerk II, Range 10B, Juneau, PPT - 6 months	11,418	4,145	15,563
Court Clerk II, Range 10B, Kenai, PPT - 6 months	12,120	4,301	16,421
Court Clerk II, Range 10B, Ketchikan, PPT - 6 months	11,418	4,145	15,563
Court Clerk II, Range 10B, Palmer, PPT - 6 months	12,120	4,301	16,421
			-----
Total Personal Services			112,432
Equipment: (one time cost)			
Desk, chair, filing cabinet, and typewriter for each new employee			13,848
			-----
Total First Year Cost			\$126,280
			=====

ALASKA COURT SYSTEM  
HB 223 - FISCAL ANALYSIS

Court	Estimated Number of New State Cases with Fines Due	Estimated Number of Court Applications for Dividends	Estimated Number of Court Writs of Execution on Dividends	Estimated Personnel Hours for Applications	Estimated Personnel Hours for Writs	Estimated Total Personnel Hours
Anchorage	517	129	388	129	1,164	1,293
Fairbanks	467	117	350	117	1,050	1,167
Juneau	208	75	224	75	672	747
Ketchikan	228	57	171	57	513	570
Kenai	350	88	263	88	789	877
Palmer	324	81	243	81	729	810

## ALASKA COURT SYSTEM

## CS HB 223 (State Affairs) - FISCAL ANALYSIS

Personal Services:	Salary	Benefits	Total
Court Clerk II, Range 10B, Anchorage, PPT - 12 months	\$22,836	\$8,290	\$31,126
Court Clerk II, Range 10B, Fairbanks, PPT - 6 months	12,870	4,468	17,338
Court Clerk II, Range 10B, Kenai, PPT - 6 months	12,120	4,301	16,421
Court Clerk II, Range 10B, Palmer, PPT - 6 months	12,120	4,301	<u>16,421</u>
 Total Personal Services			 81,306
 Equipment: (one time cost)			
Desk, chair, filing cabinet, and typewriter for each new employee			<u>9,232</u>
 Total First Year Cost			 <u>\$90,538</u> =====

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

Bill Version: HB 223  
 Publish Date: \_\_\_\_\_  
 Revision Date: April 14, 1987  
 Title: An act relating to permanent fund dividends; and providing for an effective date  
 Sponsor: Swackhammer and Larson  
 Requestor: House State Affairs  
 Agency Affected: Revenue  
 BRU: Permanent Fund Dividend  
 Components: Enforcement

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
<b>OPERATING</b>						
PERSONAL SERVICES	-	-	498.0	498.0	498.0	498.0
TRAVEL	-	-	-	-	-	-
CONTRACTUAL	-	-	41.6	41.6	41.6	41.6
SUPPLIES	-	-	3.5	3.5	3.5	3.5
EQUIPMENT	-	-	117.1	-	-	-
LANDS & STRUCTURES	-	-	-	-	-	-
GRANTS, CLAIMS	-	-	-	-	-	-
MISCELLANEOUS	-	-	-	-	-	-
<b>TOTAL OPERATING</b>	-	-	660.2	543.1	543.1	543.1
<b>CAPITAL</b>	-	-	-	-	-	-
<b>REVENUE</b>	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	-	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER (PFD)	-	-	660.2	543.1	543.1	543.1
<b>TOTAL</b>	-	-	660.2	543.1	543.1	543.1

POSITIONS:

FULL-TIME	-	-	14	14	14	14
PART-TIME	-	-	-	-	-	-
TEMPORARY	-	-	-	-	-	-

ANALYSIS: Please see the attached analysis.

Prepared By: Thomas C. Williams Phone: 465-2366  
 Division: Enforcement Division Date: April 14, 1987  
 Approved by Commissioner: [Signature] Date: 4/19/87  
 Agency: Revenue

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

ALASKA DEPARTMENT OF REVENUE  
ENFORCEMENT DIVISION  
FISCAL NOTE ANALYSIS FOR HB 223  
April 14, 1987

A. Assumptions

1. Governmental Agencies will apply on behalf of everyone who has an outstanding obligation due to the Agency.
2. Total Agency claims will be in excess of 60,000. Of these, approximately 10% will be for individuals who have not otherwise applied for a permanent fund dividend (non-competing applications).
3. The department will have to investigate all 6,000 of the non-competing applications to determine if the individuals are eligible for a permanent fund dividend.
4. All 54,000 of the competing applicants' applications will have to be denied. The denial will be subject to appeal. At least 10% of those denied will appeal, resulting in at least 5,400 appeals.
5. Each PFD Specialist I will be able to annually resolve 1,000 investigations or 1,000 appeals requiring the following staff increase:

6,000 investigations/1,000 per PFD Specialist I = 6 PFD Specialist I's  
5,400 appeals /1,000 per PFD Specialist I = 6 PFD Specialist I's

Total minimum number: 12 PFD Specialist I's

6. The 12 new PFD Specialist I's will require one additional Clerk Typist and one supervisory PFD Specialist III.
7. The effective date in section 6 is changed to correspond to the 1988 PFD program.

ALASKA DEPARTMENT OF REVENUE  
 ENFORCEMENT DIVISION  
FISCAL NOTE ANALYSIS FOR HB 223  
 April 14, 1987

B. Computations

	<u>Amount</u> <u>(In thousands)</u>
<u>Personal Services</u>	
1 PFD Specialist III (range 18, @ 50.4/year)	\$ 50.4
12 PFD Specialists I (range 13, @ 35.0/year)	420.0
1 Clerk Typist III (range 08, @ 27.6/year)	<u>27.6</u>
<u>Total Personal Services</u>	<u>498.0</u>
<u>Contractual Services</u>	
Long distance telephone charges, postage, printing, etc.	40.0
Space lease cost (776 sq. ft. @ 2.03/sq. ft.)	<u>1.6</u>
<u>Total Contractual</u>	<u>41.6</u>
<u>Commodities</u>	
Miscellaneous office supplies (14 employees @ \$250/year)	<u>3.5</u>
<u>Total Commodities</u>	<u>3.5</u>
<u>Equipment (FY89 only)</u>	
14 Workstations for Support Personnel @ \$5,273.73	73.8
14 Swivel-Tilt Chairs with arms @ \$640.81	9.0
2 File cabinets (5 drawer legal w/lock) @ \$341.35	.7
14 12 digit Desk Calculators (printing) @ \$135.03	1.9
6 IBM Computer Terminals @ \$1,200.00	7.2
2 IBM 3287 Printers @ \$3,700.00	7.4
2 WANG Computer Terminals @ \$4,900.00	9.8
1 WANG Printer @ \$2,500.00	2.5
14 Telephones @ \$343.00	<u>4.8</u>
<u>Total Equipment</u>	<u>117.1</u>
<u>Total Required Budget</u>	<u>\$660.2</u>

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

C

REQUEST \_\_\_\_\_

Bill Version: HB 223  
Publish Date: \_\_\_\_\_

Revision Date: \_\_\_\_\_  
Title: An act relating to permanent fund dividends  
Sponsor: Swackhammer, Larson  
Requestor: State Affairs

Agency Affected: Revenue  
BRU: Administrative Services  
Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
OPERATING						
PERSONAL SERVICES	-	208.6	105.9	105.9	105.9	105.9
TRAVEL	-	-	-	-	-	-
CONTRACTUAL	-	83.1	63.1	63.1	63.1	63.1
SUPPLIES	-	1.8	1.8	1.8	1.8	1.8
EQUIPMENT	-	15.6	-	-	-	-
LANDS & STRUCTURES	-	-	-	-	-	-
GRANTS, CLAIMS	-	-	-	-	-	-
MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	-	309.1	170.8	170.8	170.8	170.8
CAPITAL	-	-	-	-	-	-
REVENUE	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	309.1	170.8	170.8	170.8	170.8
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
TOTAL	-	309.1	170.8	170.8	170.8	170.8

POSITIONS:

FULL-TIME	-	5	3	3	3	3
PART-TIME	-	4	4	4	4	4
TEMPORARY	-	-	-	-	-	-

ANALYSIS: Attach a separate page if necessary

(See attached)

Prepared By: Ervin E. Jones  
Division: Administrative Services

Phone: 465-2313  
Date: 4/13/87

Approved by Commissioner: [Signature]  
Agency: Revenue

Date: 4/19/87

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

Department of Revenue  
Administrative Services Division  
Fiscal Note Analysis  
HB 223  
4/13/87

Assumptions:

- 1) Since a claim under the proposed subsection AS 43.23.005 would be infinitely easier for state agencies, municipalities and the courts to use, those entities would use this mechanism exclusively. It is impossible to estimate the number of such claims the Department of Revenue might receive. However, the following will give some idea of the volume.
  - a) The Postsecondary Education Commission recently testified at hearings for HB 133 that they were able to get only 800 of their 2,000 attachments through the courts. Were that true for all "agencies," we could expect a 250% increase over the current number of attachments by state agencies.
  - b) The City-Borough of Juneau has 3,500 delinquent accounts for such things as property taxes, sales tax, utilities, harbor fees, hospital bills, etc.
  - c) The Anchorage Telephone/Utility has 5,800 "real problem cases."
  - d) Between Anchorage and Juneau, there are over 22,000 outstanding traffic tickets.
  - e) The court system of Alaska processes approximately 25,000 criminal cases, alone, a percentage of which result in fines.
  - f) The Child Support Enforcement Division currently serves approximately 4,500 attachments.
  - g) All other state agencies combined file approximately 2,000 attachments. It is fairly easy to envision 60,000 claims being filed under Section 1 of HB 223.
- 2) I would assume and hope that this bill would not effect the 1987 dividend distribution. Assuming that the bill became law in mid-May it would be impossible to get everything in place, and complete the printing, programming, staff recruitment and training necessary to implement the bill before the filing deadline of June 30.
- 3) It is assumed that the several legal questions raised by the Attorney General and Legal Services are resolved and that the bill as drafted is passed into law. Please see Attorney General memo of 4/2/87, file no. 663-87-0446.

Program Summary:

The department's responsibilities under this bill would be as follows:

- a) Forms Printing: The Department of Revenue would print an auxiliary Permanent Fund Dividend "Claim by Government Agency" to be distributed to all agencies identified in the definition of agency. The "PFD Claim form" would require of the agency:
  - 1) The name and address
  - 2) The full name, address and birthdate of the obligee.
  - 3) The amount of the claim.
  - 4) A statement of the basis of the claim. (Some consistent, short form of reasons would have to be worked out with the many "agencies." The data capture of a free form reason would be very expensive.)
  - 5) A statement by an officer of the agency of the basis for its belief that the individual is eligible to receive a dividend for that year. This statement would need to include an affirmation that the individual obligee was known to have physically resided in Alaska for the full eligibility period, that the individual was still a resident of Alaska and most importantly, a statement of the basis for belief by the agency that the individual obligee has the intent to remain a resident.
  - 6) If applicable, a case number.
- b) Systems/Programming Changes: The entire dividend system is premised upon processing applications voluntarily filed by applicants claiming to be residents. The bill will require many changes, including the recognition of a new category of "claim form," the identification and denial of competing applications from the obligees, allocating dividend payments to multiple claimants, notification of obligees of claim(s) filed and reconciliation of all amounts paid. I envision this as a fairly major change to the existing PFD system which will require additional programming staff and computer resources.
- c) Claims filed under Section 1 will have to be microfilmed, reviewed for completeness, and data captured. Notice of acceptance or non-availability of funds will be sent to the claimant.
- d) Incomplete claims will result in request letters.
- e) All claims based on an agency's belief that the obligee is eligible will be reviewed by the Enforcement Division for residency. All claims will be matched against the PFD application file. Competing PFD applications will be denied with statutory appeal rights being extended, and hearings provided. Information from competing applications will be used to help verify residency, and when there is no competing application, Enforcement may contact obligees directly to obtain information.
- f) Agencies which are part of the Alaska State Accounting System will be paid through the system with supporting information provided. Municipalities and the court system will be paid by check.

Questions:

- 1) As noted in Mr. Bush's 4/2/87 memo, it is unclear as to what the Department of Revenue is supposed to do with the residual of a Permanent Fund Dividend if a claim is for less than the full amount. Do we pay the individual, as with normal attachments? What is the obligee never fil on his own behalf?
- 2) Does a claim, regardless of the face amount, constitute an application for an "eligible individual" for purposes of calculating the value of the dividend?
- 3) If a claim under Section 1 is the only application filed on behalf of an individual, is it subject to attachment? Is the balance, after AS 43.23.065(b) claims, assignments and attachments are paid, subject to normal attachment?

1. Positions:

3 PFT Accounting Clerk I, R8,  
@ \$2,221.64/Mo each including  
salary and benefits for  
12 months = \$79.9

These positions will assist the existing Accounting Clerk II in the processing of the existing attachments and assignments. This also involves correspondence with the many competing garnishors.

2 PPT Data Processing Clerk I,  
R8, @ \$2,221.64/Mo each including  
salary and benefits for 3 months = 13.3

These positions will perform the data capture necessary on the claims to enable the department to comply with the provisions of Sec. 1

2 PFT Analyst/Programmer IV, R19,  
@ \$4,281/Mo each including  
salary and benefits for 12 months = 102.7

This would be a one-time cost for FY88 development. The maintenance of the system changes will be accomplished by the existing staff.

2 PPT Document Processor I, R7,  
@ \$2,117.76/Mo each including  
salary and benefits for 3 months = 12.7

These positions will assist in  
the denials of approximately  
60,000 applicants and the  
resulting appeals.

Total Personal Services \$208.6

2. Other Costs:

a) Travel: None.

b) Contractual:

Printing \$5.1

Includes printing costs associated  
with 75,000 claim forms, 60,000  
denial notices, and 60,000 notices  
of appeal rights, and 60,000  
notices of claim.

Postage 28.0

Includes postage for denial notices,  
claim notices and bulk shipment of  
claim forms to agencies.

Data Processing Chargeback from 50.0  
Department of Administration  
estimated 50.0 in FY88, including  
development; 30.0 in years  
thereafter.

TOTAL Contractual \$83.1

c) Equipment

Purchase 3 Wang 4250 workstations  
to provide access to the PFD  
System for the accounting staff = \$7.2

Purchase 2 Wang 4230 workstations  
for data capture = 4.8

Purchase 1 Wang VS-100 ICP = 3.6

TOTAL Equipment \$15.6

d) Supplies: \$1.8

TOTAL COST

\$309.1

Suggested Amendments:

As suggested in Mr. Jeffrey Bush's AG's memo, file no. 663-87-0446.

Attachments: None.

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

Bill Version: SB 227 / HB 223  
Publish Date: 4/1/87

REQUEST: \_\_\_\_\_

Revision Date: 4/13/87  
Title: An Act relating to claims of state agencies to permanent fund dividends.  
Sponsor: Senators Uehling and Faiks  
Requestor: Senator Uehling

Agency Affected: Commerce & Economic Dev.  
BRU: Occupational Licensing  
Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
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
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

(See Attached)

Prepared by: Jennifer Strickler, Management Analyst  
Division: Occupational Licensing

Phone: 465-2144

Date: 4/13/87

Approved by Commissioner: J. Anthony Smith  
Agency: Commerce and Economic Development

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

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

# HOUSE COMMITTEE REPORT

(7)  
Date referred: 3/27/87

FURTHER REFERRALS: Judiciary  
Finance

DATE: 5-4-87

The State Affairs Committee has considered HB 223

"An Act relating to permanent fund dividends; and providing for an effective date."

**RECOMMENDS:**

- replace with CS HB 223 (SA)  the same title
- attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

**ADOPTS:**  \_\_\_\_\_ letter of intent

**ATTACHES NEW FISCAL NOTE(S):**

- <sup>2</sup>  fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published \_\_\_\_\_
- <sup>1</sup>  zero with analysis

**SIGNING DO PASS:**

Derek Douley  
D.D. [Signature]  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**SIGNING OTHER RECOMMENDATIONS:**

Terry Martin - No Rec.  
Cly Davidson No Rec  
Lynn Hoffman No Rec  
Mr. Palma No Rec  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

[Signature]  
 Chairman's signature

H B

224

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H. JUD.      5-9-87      8:30 a.m.

# HOUSE COMMITTEE REPORT

(7)

Date referred 4/29/87

FURTHER REFERRALS: Finance

DATE: 5-9-87

The Judiciary Committee has considered HB 224

"An Act relating to employment rights based on pregnancy, childbirth, and adoption."

**RECOMMENDS:**

- replace with CS HB 224 (Jud)  the same title
- attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

**ADOPTS:**  \_\_\_\_\_ letter of intent

**ATTACHES NEW FISCAL NOTE(S):**

- fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published 4-29-87
- zero with analysis

**SIGNING DO PASS:**

[Signature]

[Signature]

[Signature]

[Signature]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**SIGNING OTHER RECOMMENDATIONS:**

[Signature] <sup>NO REC</sup>

[Signature] - NO REC

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

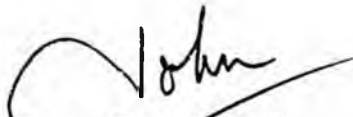
[Signature]

Chairman's signature:

# Kay Brown

Alaska State Legislature  
House of Representatives


May 15, 1987

  
Dear Rep. Sund,

Thank you for your "yes" vote today  
on HB 224, the parental leave bill.  
I do appreciate your support.

If this legislation becomes law, I truly  
believe that it will help strengthen  
families and get children off to  
a better start.

Sincerely

  
Rep. Kay Brown

P. O. Box 20-266  
Anchorage, AK 99520-2661  
(907) 272-0207

During Session:  
P. O. Box V  
Juneau, AK 99811  
(907) 465-4998

MEMORANDUM  
5/15/87  
TO: SUND  
FROM: HARTLE

JK

RE: HB 224 (Brown) An Act relating to employment rights based on pregnancy, childbirth, and adoption.

Referrals: HESS, JUD, FIN

Judiciary CS:

Page 2, line 12-13 after "three consecutive months" added "immediately preceding the anticipated leave"

Page 3, line 3, added "health insurance" before "coverage"

Page 4, line 4, changed 200 miles to 50 road miles in the section defining who this law applies to.

Page 4, line 6, added new section 3 at request of the Dept. of Administration, Division of Personnel - a conforming amendment in the state's personnel statutes.

Original sponsors: Brown, Ulmer,  
Pearce, et al.

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 224 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to employment rights based on preg-  
7 nancy, childbirth, and adoption."

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

9 \* Section 1. FINDINGS AND PURPOSE. (a) The legislature finds that

10 (1) the number of single-parent households and two-parent house-  
11 holds in which the single parent or both parents work outside the home is  
12 increasing significantly;

13 (2) it is important to the development of a child and to the  
14 family unit that parents be able to participate in early childrearing; and

15 (3) the lack of employment opportunities to accommodate working  
16 parents can force individuals to choose between job security and parenting.

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

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

20 (2) to entitle employees to take reasonable leave for the birth  
21 or adoption of a child; and

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

23 \* Sec. 2. AS 18.80 is amended by adding a new section to read:

24 Sec. 18.80.225. PREGNANCY, CHILDBIRTH, AND RELATED CONDITIONS.

25 (a) An employer shall grant an employee whose health is affected by  
26 pregnancy, childbirth, or a related medical condition the same employ-  
27 ment benefits and privileges that the employer grants to other employ-  
28 ees with similar ability to work who are not so affected, including  
29 allowing the employee to take disability or sick leave or other

1 accrued leave that the employer makes available to temporarily dis-  
2 abled employees. However, except as provided in (d) of this section,  
3 an employer is not required to provide an employee health insurance  
4 coverage for the medical costs of pregnancy, childbirth, or a related  
5 medical condition. The inclusion in health insurance coverage of  
6 provisions or coverage relating to medical costs of pregnancy, child-  
7 birth, or a related medical condition does not require the inclusion  
8 of other provisions or coverage. Coverage of a related medical condi-  
9 tion is not required by virtue of coverage of medical costs of prag-  
10 nancy, childbirth, or another related medical condition.

11 (b) An employer shall permit an employee who has been employed  
12 by the employer for at least three consecutive months immediately  
13 preceding the anticipated leave, to take family leave for a total of  
14 13 workweeks because of the birth of a child of the employee or the  
15 placement of a child with the employee for adoption. The leave may be  
16 unpaid leave. However, the employee may choose to substitute, or the  
17 employer may require the employee to substitute, accrued paid vacation  
18 leave, sick leave, personal leave, or other paid leave during this  
19 period. The leave shall be taken immediately preceding and immediate-  
20 ly following the birth or placement of the child. If the employee is  
21 entitled to a longer period of time under (a) of this section, then  
22 the longer period applies.

23 (c) An employee who plans to take leave under (a) or (b) of this  
24 section shall give the employer reasonable notice of the date the  
25 leave will commence and the estimated duration of the leave.

26 (d) During the time that an employee is on leave under this  
27 section, the employer shall maintain coverage under any group health  
28 plan at the level and under the conditions that coverage would have  
29 been provided if the employee had continued in employment continuously

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

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

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

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

13 (f) An employer may not refuse to temporarily transfer a preg-  
14 nant employee to an existing, unfilled position that is less strenuous  
15 or less hazardous if the employee requests the transfer, the transfer  
16 is recommended by a licensed health care provider, the employee is  
17 qualified to perform the job, and the transfer will not subject the  
18 employer to legal liability. An employer shall compensate an employee  
19 who requests a transfer under this subsection at least the lesser of

20 (1) the rate at which the employee was compensated immedi-  
21 ately before requesting the transfer, as adjusted by changes to com-  
22 pensation that apply generally to the work force; or

23 (2) the rate of compensation set for the position into  
24 which the employee transfers, as adjusted by changes to compensation  
25 that apply generally to the work force.

26 (g) This section does not affect any other provision of law  
27 relating to sex discrimination or pregnancy.

28 (h) This section applies to an employer only if the employer  
29 employs at least 15 employees for each working day during each of at

1 least 20 calendar workweeks in either the current calendar year or the  
2 preceding calendar year. However, this section does not apply to a  
3 facility of an employer at which fewer than 15 employees are employed  
4 if the combined number of employees employed by the employer within 50  
5 road miles of the facility is fewer than 15.

6 \* Sec. 3. AS 39.20.225 is amended by adding a new subsection to read:

7 (d) An officer or employee who is otherwise qualified to take  
8 leave of absence may take a maximum of 18 weeks of leave immediately  
9 preceding and following the birth of a child or the placement of a  
10 child with the officer or employee for adoption. An officer or em-  
11 ployee taking leave under this subsection shall use accrued personal  
12 leave. After exhausting accrued personal leave, the officer or em-  
13 ployee may take leave without pay for the balance of the 18-week  
14 period.

15 \* Sec. 4. AS 39.20.225(b)(4) is repealed.  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

A M E N D M E N T

By Brown

TO: CSHB 224(HESS)

Adopted

Page 4, after line 4:

Insert new bill sections to read:

"\* Sec. 3. AS 39.20.225 is amended by adding a new subsection to read:

(d) An officer or employee who is otherwise qualified to take leave of absence may take a maximum of 18 weeks of leave immediately preceding and following the birth of a child or the placement of a child with the officer or employee for adoption. An officer or employee taking leave under this subsection shall use accrued personal leave. After exhausting accrued personal leave, the officer or employee may take leave without pay for the balance of the 18-week period.

\* Sec. 4. AS 39.20.225(b)(4) is repealed."

Offered: 4/29/87  
Referred: Judiciary and  
Finance

5-0887B

Original sponsors: Brown, Ulmer,  
Pearce, et al.

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

1 IN THE HOUSE

2

CS FOR HOUSE BILL NO. 224 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to employment rights based' on preg-  
7 nancy, childbirth, and adoption."

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

9 \* Section 1. FINDINGS AND PURPOSE. (a) The legislature finds that

10 (1) the number of single-parent households and two-parent house-  
11 holds in which the single parent or both parents work outside the home is  
12 increasing significantly;

13 (2) it is important to the development of a child and to the  
14 family unit that parents be able to participate in early childrearing; and

15 (3) the lack of employment opportunities to accommodate working  
16 parents can force individuals to choose between job security and parenting.

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

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

20 (2) to entitle employees to take reasonable leave for the birth  
21 or adoption of a child; and

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

23 \* Sec. 2. AS 18.80 is amended by adding a new section to read:

24 Sec. 18.80.225. PREGNANCY, CHILDBIRTH, AND RELATED CONDITIONS.

25 (a) An employer shall grant an employee whose health is affected by  
26 pregnancy, childbirth, or a related medical condition the same employ-  
27 ment benefits and privileges that the employer grants to other employ-  
28 ees with similar ability to work who are not so affected, including  
29 allowing the employee to take disability or sick leave or other

*Immediately preceding.*

1 accrued leave that the employer makes available to temporarily dis-  
2 abled employees. However, except as provided in (d) of this section,  
3 an employer is not required to provide an employee health insurance  
4 coverage for the medical costs of pregnancy, childbirth, or a related  
5 medical condition. The inclusion in health insurance coverage of  
6 provisions or coverage relating to medical costs of pregnancy, child-  
7 birth, or a related medical condition does not require the inclusion  
8 of other provisions or coverage. Coverage of a related medical condi-  
9 tion is not required by virtue of coverage of medical costs of preg-  
10 nancy, childbirth, or another related medical condition.

11 (b) An employer shall permit an employee who has been employed  
12 by the employer for at least three consecutive months to take family  
13 leave for a total of 18 workweeks because of the birth of a child of  
14 the employee or the placement of a child with the employee for adop-  
15 tion. The leave may be unpaid leave. However, the employee may  
16 choose to substitute, or the employer may require the employee to  
17 substitute, accrued paid vacation leave, sick leave, personal leave,  
18 or other paid leave during this period. The leave shall be taken  
19 immediately preceding and immediately following the birth or placement  
20 of the child. If the employee is entitled to a longer period of time  
21 under (a) of this section, then the longer period applies.

22 (c) An employee who plans to take leave under (a) or (b) of this  
23 section shall give the employer reasonable notice of the date the  
24 leave will commence and the estimated duration of the leave.

25 (d) During the time that an employee is on leave under this  
26 section, the employer shall maintain coverage under any group health  
27 plan at the level and under the conditions that coverage would have  
28 been provided if the employee had continued in employment continuously  
29 from the date the leave commenced to the date the employee returns

health insurance  
coverage.

1 from leave under (e) of this section. However, the employer may  
2 require that the employee pay all of the costs for maintaining cover-  
3 age during a period of unpaid leave.

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

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

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

12 (f) An employer may not refuse to temporarily transfer a preg-  
13 nant employee to an existing, unfilled position that is less strenuous  
14 or less hazardous if the employee requests the transfer, the transfer  
15 is recommended by a licensed health care provider, the employee is  
16 qualified to perform the job, and the transfer will not subject the  
17 employer to legal liability. An employer shall compensate an employee  
18 who requests a transfer under this subsection at least the lesser of

19 (1) the rate at which the employee was compensated immedi-  
20 ately before requesting the transfer, as adjusted by changes to com-  
21 pensation that apply generally to the work force; or

22 (2) the rate of compensation set for the position into  
23 which the employee transfers, as adjusted by changes to compensation  
24 that apply generally to the work force.

25 (g) This section does not affect any other provision of law  
26 relating to sex discrimination or pregnancy.

27 (h) This section applies to an employer only if the employer  
28 employs at least 15 employees for each working day during each of at  
29 least 20 calendar workweeks in either the current calendar year or the

1 preceding calendar year. However, this section does not apply to a  
2 facility of an employer at which fewer than 15 employees are employed  
3 if the combined number of employees employed by the employer within  
4 200 miles of the facility is fewer than 15.

FBO  
SD road

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

Bill Version: HB 224  
Publish Date: \_\_\_\_\_

REQUEST \_\_\_\_\_

Revision Date: \_\_\_\_\_ Agency Affected: All  
Title: An Act Relating to Employment Rights BRU: All  
Based on Pregnancy, Child Birth, and Adoption  
Sponsor: \* \_\_\_\_\_ Components: All  
Requestor: \_\_\_\_\_

\* Brown, Ulmer, Pearce, Ellis, Collins, Gruenberg, and Coll

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
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
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

HB 224 will not cause an increase in expenditures.

Prepared By: Diana DeSimone *DD* *MS* Phone: 465-4430  
Division: Personnel *IV* Date: 4/6/87

Approved by Commissioner: Garrey Peska *[Signature]* Date: 4/7/87  
Agency: Department of Administration

Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)  
Senate Secretary

# Kay Brown

## Alaska State Legislature House of Representatives

### M E M O R A N D U M

TO: Rep. John Sund, Chair  
Rep. Fran Ulmer, Vice-Chair  
Judiciary Committee

DATE: May 4, 1987

FROM: Rep. Kay Brown

RE: CSHB 224 (HESS), an  
act relating to em-  
ployment rights

CSHB 224 (HESS), the "parental leave bill", has received a "Do Pass" recommendation from the House HESS Committee and has been referred to the House Judiciary Committee for consideration.

Thank you for scheduling a hearing on Wednesday, May 6 at 1:30 p.m. I have attached a revised sectional. The Fiscal Note, included with the Judiciary Committee materials, indicates that the bill would have a zero fiscal impact.

The problem is that research indicates that bonding is seriously impaired if parents cannot spend time with a new child. Nonetheless, many parents may lose their jobs if they take a leave of absence when they have a baby.

The problem is widespread: according to the Economic Policy Council of the United Nations, the majority of working women nationwide will be forced to return to work within three weeks of a child's birth. Many of these women are responsible for the economic security of the child.

The problem is particularly acute in Alaska where, as the Bill Analysis included with the Judiciary Committee materials points out, both parents in 46% of Alaska's two-parent households and 60% of Alaska's single mothers with children under the age of six work outside the home. Furthermore, many parents in Alaska do not have extended family members to help during the critical adjustment period.

Because the problem is so widespread, response is occurring nationwide. Nineteen states have passed some sort of job protection for pregnant women or new parents. Twenty-eight states are currently considering legislation or amending existing legislation in this area. Federal legislation, upon which CSHB 224 (HESS) is modeled, is pending before the U.S.

P. O. Box 20-2661  
Anchorage, AK 99520-2661  
(907) 272-0207

During Session:  
P. O. Box V  
Juneau, AK 99811  
(907) 465-4998

House and Senate. Similar legislation, SB 124, has been introduced before the Alaska Senate by Senator Josephson.

CSHB 224 (HESS) would provide employees with a degree of employment security and a reasonable opportunity to adjust to and bond with a new family member by allowing an employee to take up to 18 weeks of unpaid leave at the time of birth or adoption of a child. It also would require an employer to make temporary disability benefits equally available to all employees (including those incapacitated by pregnancy) and, under certain circumstances, to transfer pregnant employees to less hazardous or strenuous positions.

The concept of Parental Leave enjoys wide support. To date, the Department of Health and Social Services, the National Organization of Women, the Alaska Public Employees Association, the Alaska State AFL-CIO, the American Association of University Women, Alaska Women's Lobby, the International Brotherhood of Electrical Workers, the Alaska Women's Commission, KIDPAC, the League of Women Voters, the Association of School Boards, and NEA-Alaska have become supporters of CSHB 224 (HESS). The only opposition has been from a small business organization, the National Federation of Independent Businesses. However, the bill exempts small employers having fewer than 15 employees; 88.2% of small employers (under 50 employees) in Alaska would not be affected by this bill. See Table of Employment in Alaska, September 1986, attached.

CSHB 224 (HESS) has made other important compromises in favor of business: it does not apply when changed business circumstances make application impossible or unreasonable, it does not mandate leave to care for seriously ill family members, and it only requires restoration to a "substantially similar position" (not the "same" or "equivalent" position).

The protection offered by CSHB 224 (HESS) is modest compared to the policies of other industrialized nations. See: Comparison of National Maternity Leave Policies, attached. See, also, Global Survey, 1984, included with Judiciary Committee materials. It is also less encompassing than the proposed federal legislation.

# Kay Brown

## Alaska State Legislature House of Representatives

### M E M O R A N D U M

SUBJECT: CSHB 224 (HESS), an act relating to employment rights based on pregnancy, childbirth, and adoption

DATE: May 4, 1987

FROM: Rep. Kay Brown



The following is a section-by-section analysis of CSHB 224 (HESS), the Parental Leave bill.

Section 1 states the legislative findings regarding the social conditions which support this legislation.

Section 2, paragraph (a) requires an employer to grant pregnant employees the same benefits that the employer would grant to other employees who were temporarily disabled for other reasons. The section makes it clear that the employer is not required to carry health insurance covering pregnancy.

Section 2, paragraph (b) requires an employer to give an employee up to 18 weeks leave for the birth or adoption of a child. The leave may be unpaid. The employer can require or the employee can choose to substitute accrued paid leave.

Section 2, paragraph (c) requires the employee to give reasonable notice of the time and duration of leave.

Section 2, paragraph (d) requires the employer to maintain health insurance coverage during the period of leave. The employer may require the employee to bear all costs.

Section 2, paragraph (e) requires an employer to restore the employee to the same or substantially similar employment. The employer need not do so if the employer's business circumstances have changed to make restoration impossible or unreasonable.

Section 2, paragraph (f) requires an employer to transfer a pregnant employee to a vacant, existing and less hazardous or strenuous job if the employee's request is based on the recommendation of a licensed health care provider, the employee is qualified for the requested position, and the transfer will not subject the employer to legal liability (for

example, under a collective bargaining agreement). The employee will be paid at the lower salary.

Section 2, paragraph (g) prevents the bill from affecting any existing law regarding sex discrimination or pregnancy.

Section 2, paragraph (h) limits the scope of this bill to employers with at least 15 employees located within an 200 mile area.



**STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
BILL ANALYSIS**

DEPARTMENT Health and Social Services	DIVISION Family and Youth Services	BILL NUMBER HR 224	SPONSOR Brown, et al.
DEPARTMENT POSITION  Support in Concept			
PREPARED BY Yvonne M. Chase, Director	DATE 4/8/87	COMMISSIONER'S SIGNATURE <i>Marya M. Muxson</i>	DATE 4/15/87

**SUMMARY**

OTHER AGENCIES AFFECTED BY BILL  State Retirement and Benefits	CONSTITUENT GROUP(S) AFFECTED BY BILL  Employers
ORGANIZATIONAL SUPPORT FOR BILL	ORGANIZATIONAL OPPOSITION TO BILL

FISCAL IMPACT:       NONE                       FISCAL NOTE ATTACHED

**BACKGROUND/LEGISLATIVE INTENT**

To provide support to infants and working parents by mandating that employers allow parents reasonable leave from work at the time a child is born or adopted or placed into foster care.

**ANALYSIS OF BILL/PROGRAM EFFECTS**

Maternity leave for working parents is a need for the majority of families in Alaska and the U.S. In 46% of households in Alaska containing two parents, both work outside the home. 11% of Alaska's families are headed by a single parent and 60% of single mothers with children under age six are in the labor force. Research indicates that adjustment or bonding to newborns is seriously impaired if parents are not allowed to spend adequate time with the newborn. Positive adjustment of the family to any new family member is more likely if parents are provided an opportunity to bond with the child immediately after the placement.

**AMENDMENTS PROPOSED**

Due to the wide range of foster care situations and the number of placements which realistically may be made into a single foster home within a year, it is recommended that leave for placements into foster homes be either restricted in length of time or that leave be restricted to foster placements that are intended to be permanent at the time the placement is made. Generally, the recruitment of foster homes for preschool age children is focused on families in which one parent does not work outside the home since the adjustment of young children who have been removed involuntary from the parental home requires more support and attention than could generally be provided in a home in which both parents work.

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

POSITION PAPER

For HB 224

House Bill 224 outlines the conditions and rights of employees and employers in regards to leave and medical insurance associated with the birth, adoption, or foster placement of a child and provides for continuing employment upon return from such leave unless the employer's business circumstances have changed to make it impossible or unreasonable.

The provisions concerning medical insurance and return employment rights are not inconsistent with current State practice. The proposed legislation would, however, make changes to existing State policy and practice concerning leave associated with childbirth and adoption. Current law [AS 39.20.225(b)(4)] entitles a female officer or employee to a maximum of nine weeks of leave for childbirth. Current collective bargaining agreements are consistent in providing nine weeks, and would not be affected by this proposed legislation as written. HB 224 would 1) increase the maximum leave entitlement associated with childbirth to 18 weeks; 2) provide a leave entitlement for adoption or foster placement; and 3) entitle male employees to take leave in association with the birth or placement of a child.

As the language is proposed, it appears that each parent would be eligible to take 18 weeks of leave, for a total of 36 weeks of family leave associated with the birth, adoption, or foster placement of a child. For an employer employing both parents, such a requirement may prove burdensome. We suggest consideration of the following additional language on page 2, following line 22:

Unless a longer period of leave is authorized under (a) of this section, a single employer need not provide its employees more than a total of 18 weeks of family leave associated with each instance of childbirth, adoption, or foster placement.

If this proposed legislation were to become law, Title 18 would be inconsistent with Title 39.

To provide for consistency in statute, we recommend that AS 39.20.225 be amended as follows:

Sec. 39.20.225. Use of personal leave. (a) An officer or employee may take personal leave at any time business permits upon permission by the head of the department or agency for which the officer or employee works.

(b) An officer or employee may take personal leave for medical reasons, regardless of whether business permits, upon permission by the head of the department or agency for which the officer or employee works. A department or agency head shall grant personal leave for medical reasons if the department or agency head is satisfied that the officer or employee is absent for medical reasons. The taking of personal leave for medical reasons shall be reduced by the amount of wage continuation payments made under the Alaska Workers' Compensation Act (AS 23.30). The following constitute "medical reasons" and are subject to the conditions noted:

(1) Medical disability of an officer or employee is a medical reasons for taking personal leave. A department or agency head may require a doctor's certificate showing the disability if the absence exceeds three consecutive working days.

(2) Medical disability of a member of an officer's or employee's immediate family is a medical reason for taking personal leave if the disability is such that the attendance of the officer or employee is required. A department or agency head may require a doctor's certificate showing the disability if the absence exceeds three consecutive working days.

(3) A medical condition of an officer or employee that makes presence at work a danger to the health of fellow employees is a medical reason for taking personal leave. A department or agency head may require a doctor's certificate showing the condition if the absence exceeds three consecutive working days.

(4) [PREGNANCY AND CHILDBIRTH IS A MEDICAL REASON FOR A FEMALE OFFICER OR EMPLOYEE TO TAKE PERSONAL LEAVE. A FEMALE OFFICER OR EMPLOYEE, OTHERWISE QUALIFIED FOR A LEAVE OF ABSENCE, IS ENTITLED TO TAKE A MAXIMUM OF NINE WEEKS LEAVE IMMEDIATELY PRECEDING AND FOLLOWING CHILDBIRTH. IF THE OFFICER'S OR EMPLOYEE'S ACCRUED PERSONAL LEAVE IS INSUFFICIENT FOR THIS PURPOSE, THE OFFICER OR EMPLOYEE IS ENTITLED TO TAKE LEAVE WITHOUT PAY FOR THE BALANCE OF THE NINE-WEEK PERIOD.

(5)] Death of a member of an officer's or employee's immediate family is a medical reasons for taking personal leave. No more than five days of personal leave may be taken for this purpose.

(c) Each officer and employee shall, during each 12-month period, take at least five days of personal leave. If the officer or employee does not take at least five days of personal leave during a 12-month period, the difference between five days and the amount of personal leave taken shall be canceled without pay unless the department or agency head certifies in writing that the officer or employee was denied the opportunity to take five days of personal leave during the 12-month period.


(d) An officer or employee, otherwise qualified for a leave of absence, is entitled to take a maximum of 18 weeks of leave immediately preceding and following the birth of a child or the placement of a child with the officer or employee for adoption or foster care. If the officer's or employee's accrued personal leave is insufficient for this purpose, the officer or employee is entitled to take leave without pay for the balance of the 18-week period. For each instance of childbirth, adoption, or foster placement of a child, officers or employees are entitled to a total of 18 weeks of leave under this section.

The Department of Administration is neutral on this legislation.



Diana DeSimone  
Director  
Division of Personnel

4/7/87  
Date



Commissioner Garrey Peska  
Department of Administration

4/7/87  
Date

Table 1. Pregnancy Leave Policies of Some Public and Private Sector Employers in Alaska

Employer	Applicable Policy	Number of Weeks Allowed	Compensation During Leave	Return Rights	Comments
<b>PRIVATE SECTOR</b>					
Cook Inlet Region, Inc.	medical leave	12	LWOP	Yes	medical LWOP is used for all situations where an employee is absent for medical reasons, does not commence until sick and annual leave are used, health insurance is paid during medical leave; may be extended up to an additional 12 weeks
electrical utilities (IBEW-represented workers)	disability leave	8	LWOP	Yes, with seniority	the eight weeks begins after any medical disability ends, policy applies to the mother and father of newborns and adoptions
grocery stores (retail clerks represented by the UFCW)	maternity leave	25	use sick, may be paid \$100/wk for first 6 weeks	Yes, with seniority	
National Bank of Alaska	medical leave of absence	6	use sick, then annual, then LWOP	not guaranteed but will try to place in old or similar position	

Table 1. Pregnancy Leave Policies of Some Public and Private Sector Employers in Alaska

Employer	Applicable Policy	Number of Weeks Allowed	Compensation During Leave	Return Rights	Comments
<b>PRIVATE SECTOR</b>					
SeaAlaska	medical leave	varies	use sick, then annual, then LWOP	yes	medical leave is used for any situation where it is medically prudent for the employee to be absent, the length of leave determined between the employee and the Vice-President of Administration; temporary disability applies to extended illness or pregnancy, and a doctor's certificate is required
	or temporary disability leave	varies	LWOP	yes	
Sohio	disability leave	12-25, but generally 6 for pregnancy	may be paid	yes	
	or personal leave of absence	varies	no pay	no	

Data collected by telephone survey conducted during the week of January 19 - 23, 1987.

APEA = Alaska public Employees' Association

IBEW = International Brotherhood of Electrical Workers

LWOP = Leave Without Pay

NEA = National Education Association

UFCW = United Food and Commercial Workers

Prepared by the House Research Agency, January 1987 (87-079.wk1)

# 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%/38 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.

Table 1. Pregnancy Leave Policies of Some Public and Private Sector Employers in Alaska

Employer	Applicable Policy	Number of Weeks Allowed	Compensation During Leave	Return Rights	Comments
PUBLIC SECTOR					
Anchorage School District (NEA represented employees)	disability leave	6 if natural, 8 if Cesarean	use sick leave then LWOP	Yes	
Bristol Bay Borough	maternity leave	9	use sick, then annual then LWOP	Yes	supervisor approval required if more than 9 weeks are required
City and Borough of Juneau	none	---	---	---	no policy for pregnant workers, an employee may use their accumulated personal leave or other employees may donate their leave
Fairbanks North Star Borough (APEA-represented employees)	maternity leave	13	use personal, then LWOP	Yes, with no loss of service time	may be extended an additional 90 days with a physicians statement; covered by medical benefits while on maternity leave
Juneau School District (NEA-represented employees)	maternity leave inc. in parental leave policy	not specified	use sick, then LWOP	Yes	the length of the leave period is determined by the employee and her doctor
Hatanuska-Susitna Borough	maternity leave	8	use sick, then annual, then LWOP	Yes	this policy was just instituted with negotiation of current contract, prior policy was not formal, but generally 6 weeks were allowed
Municipality of Anchorage	medical LWOP or short-term disability	6  varies	no pay  some possible	Yes	

100-301-100  
Municipal Services

Table 1. Pregnancy Leave Policies of Some Public and Private Sector Employers in Alaska

Employer	Applicable Policy	Number of Weeks Allowed	Compensation During Leave	Return Rights	Comments
<b>PUBLIC SECTOR</b>					
North Slope Borough	maternity leave	9	may use personal, then LWOP	Yes	may extend the leave period with doctor's certificate
State of Alaska (APEA-represented employees)	maternity leave	9	use sick, then annual, then LWOP	Yes	extensions may be granted with a doctor's certificate or by the supervisor
<b>PRIVATE SECTOR</b>					
ARCO	anticipated disability leave	25	may or may not be paid, can use sick leave for period actually disabled	yes, if return immediately after disability, otherwise, job not guaranteed	
construction companies (Teamsters)	disability leave	25	use sick, then annual may also be paid time loss benefits (\$100/week)	Yes, with seniority	



STATE OF ALASKA

OFFICE OF THE GOVERNOR

ALASKA WOMEN'S COMMISSION

3601 C STREET - SUITE 742

ANCHORAGE, ALASKA 99503

STATEMENT OF SUPPORT  
FOR PARENTAL LEAVE

The demographic forces shaping the Alaskan workforce require new solutions for the care of our children. Since 1950, Alaska women have increased their labor force participation by more than 500 percent. This rate of increase has been faster for Alaska women than for women nationally. More than one-half of all women in Alaska participate in the labor force, narrowing the gap of participation between men and women to only 22 percent.

The pattern of labor force participation for Alaska women has changed radically over the decade. Fewer women drop out of the workforce during their childbearing years, yet they continue to raise families, thus creating an increasing need for a policy on parental leave.

The two income family is no longer an anomaly but a necessity of life. Yet the dilemma exists. How do you balance the competing needs of job security and parenting?

This is a national problem since, unlike most other industrialized nations, the United States does not have a policy on parental leave. 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 are 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 about seven months paid leave.

The absence of a national parental leave policy has left the determination of parental leave up to individual employers. Some employers have recognized the important relationship of family to work. However, very often employers do not routinely assure that employees who must be out of work for any period of time can get their jobs back, regardless of whether they were out of work because they were having a child.

Two bills which have been introduced this session represent a positive response to the social and economic reality that the majority of parents - fathers and mothers - work outside the

home. HB224, introduced by Representative Kay Brown, and SB124, introduced by Senator Joe Josephson, provide 18 weeks of unpaid leave for either parent after the birth or adoption of a child. Both bills ease the burden on small businesses by exempting firms with fewer than 15 employees.

These bills represent an important starting place for Alaska employers and families. The details may change as the bills are discussed. Is 18 weeks too long or too short? Is the exemption for small businesses too high or too low?

But discussion of these details should not be allowed to obscure the need for the law. Alaska can no longer view family life as entirely separate from work responsibilities. These bills, and the policy that they will create, will put Alaska in the forefront of states whose employment policies recognize the importance of family life.

*Kris Chatfield*  
Kris Chatfield,  
Chair

# ALASKA WOMEN'S LOBBY

POST OFFICE BOX 10-1571, ANCHORAGE, ALASKA 99510

---

April 22, 1987

Representative Niilo Koponen  
Representative Johnny Ellis  
Chairmen  
House Committee on Health, Education and Social Services  
P.O. Box V  
Juneau, Alaska 99811

Mr. Chairman and Members of the Committee:

The Alaska Women's Lobby welcomes the introduction of House Bill 224, which would establish a statewide parental leave policy.

Statistics show that half of all mothers of children under three work outside the home, and that 85 per cent of all women in today's work-force are likely to become pregnant during their working years. The majority of mothers work because of economic necessity.

In January, the U.S. Supreme Court ruled that states may require employers to provide short, unpaid disability leave for new mothers.

We believe this legislation which would guarantee job security for all workers who want unpaid leave to care for newborn or newly adopted children is long overdue. It is time the workplace changed to accommodate the changing work force.

Nine (\*) other states already give some job protection to new parents. Even these protections pale when compared to those in nations such as Sweden, West Germany and France, where workers get from 4.5 to 9.5 months of parental leave with pay of up to 90 per cent of their salary.

---

(\*) Connecticut, Hawaii, Kansas, Montana, New Hampshire, Ohio, Washington, Massachusetts and California.

A recent survey of 400 major U.S. companies found that 65 per cent offered up to three months unpaid leave with the guarantee of a job upon return, and 46 per cent guaranteed a comparable job. Many Alaskan public and private sector employers already provide leave for childbirth.

Family leave is not a radical idea, but is an important step towards ensuring that families can function in today's environment. Society can no longer view the workplace and the family as two completely separate parts of an employee's life.

House Bill 224 will accommodate family life in the workplace, and will result in more productive workers and in healthier families. We urge its speedy passage.

Sincerely,

*Sherrie Goll*

Sherrie Goll  
for the Alaska Women's Lobby

TESTIMONY PRESENTED BEFORE HOUSE JUDICIARY COMMITTEE  
REGARDING CS FOR HB 224

NATIONAL ORGANIZATION FOR WOMEN, STATE OF ALASKA

My name is Jan Erickson and I am legislative vice president for the National Organization for Women, State of Alaska. We are the largest women's organization in the Alaska with over 700 members in communities ranging from Barrow to Ketchikan. I would like to make a few comments today on the need for House Bill 224, an act relating to employment rights based on pregnancy, childbirth, and adoption.

We need this legislation. Without it, women will continue to be penalized for bearing children and both parents and children will suffer for lack important nurturing and bonding experiences that need to take place early in life. Protection provided by CSHB 224 is no less than has been provided for years in many countries in Europe and elsewhere. In some of those countries, leave is up to a full year, sometimes with pay, and always with guaranteed return to the job.

I know that among women's rights advocates there is some controversy over the effect of such laws. One group argues that we are setting up women for another special treatment situation which, in the past, has meant that equal rights could be more

easily denied women. The other body of thought holds that these employment rights must be guaranteed for women to prevent the common experience of dismissal or demotion when an extended leave is taken after the birth of a baby. Because this legislation offers protection for both parents it seems to me that the special treatment concern is not warranted. Male parents are treated the same as female parents. One of the principle beliefs of feminists is that men must become more involved in parenting. A protection of men's jobs through parental leave guarantees is the best opportunity for them to begin the parenting process.

For America to become truly a nation which values family life, we have to reduce the economic barriers that society has created which make it so hard for parents to raise children. We can do it; employment rights for pregnancy, childbirth and adoption plus reasonable leave policies, flexible work schedules, on-site day care, benefit options which help pay for day care expenses, and other such initiatives will help tremendously.

The provisions spelled out in the bill before us, in our opinion, are fair and do not place an undue burden on employers. The permitted 18 weeks of leave is reasonable; the option for leave to be unpaid certain makes it an easy proposition for employers; the requirement for continuation of health coverage during the leave period is important; and the escape valve for employers who have experienced a business reversal and can not re-instate that individual is probably a necessary feature. We would hope that this will not be abused by employers.

Provisions concerning guarantees of substantially similar positions with substantially similar benefits, pay, and other terms of employment (page 3, lines 10-11) as well as those conditions that should prevail when a transfer is made (page 3, lines 12 - 24) are vital. They should be maintained so that retention of employees following the leave period does not also occur with an erosion of employment gains.

As you may know, similar legislation is before Congress; the Washington, D.C. headquarters for the National Organization for Women is lobbying hard on behalf of parental leave legislation. Alaska can become a leader by enacting CSHB 224. A sensible parental leave policy for employers will not only help improve family life, but add tremendously to our State's quality of life. This is not an insignificant fact when we are looking to stabilize our economy and expand our base by attracting new businesses and industries.

Thank you for the opportunity to testify.



# Action Alert

American Association of University Women

2401 Virginia Avenue, N.W., Washington, DC 20037

202/785-7712

February 1987

Volume VII, Issue 1

## SENATE PARENTAL LEAVE BILL INTRODUCED ON FIRST DAY OF 100TH CONGRESS

On January 6, 1987, the historic day the Senate convened for the 100th Congress, Sens. Chris Dodd (D-CT) and Arlen Specter (R-PA) introduced parental leave bill S 249. This is the Senate companion legislation to Representative Patricia Schroeder's (D-CO) Family and Medical Leave Act scheduled to be introduced in the House in early February.

Both bills provide job security to employees who take unpaid leave for serious family or medical reasons. An exemption is provided for employers with less than 15 employees. Pre-existing health benefits must continue to be provided during the leave period, and the employee has the right to the same or an equivalent position upon returning to work. The provisions of S 249 are:

\* Family leave--An employee may take up to 18 weeks of unpaid leave over a 24 month period for the birth, adoption or serious illness of a child. The House bill also includes dependent parents, but the Senate bill only covers children.

\* Medical leave--An employee may take up to 26 weeks of unpaid leave over a 24 month period if the employee is unable to work as a result of a serious health condition.

AAUW has endorsed the Family and Medical Leave Act because mothers and fathers deserve the right to take a period of leave from their jobs to participate in the early care of newborn or newly adopted children, or to care for a child or an elderly dependent with a serious health problem. Support for family leave is part of AAUW's historic commitment to principles and policies that promote the economic well-being of all persons and ensure protection from discrimination.

Changes in the work force and in American families in the last decade have dramatically increased the need for a national family leave policy. More women work outside the home than ever before,

and people are living longer, often requiring the care of their families. The traditional family of two children, working father, and homemaker mother now makes up only 7% of all families. The federal government estimates that by 2025, 40% of the dependent care population will be over 65.

In 1986, there were 52 million women in the paid work force, an increase of 178% since 1950. Also, 80% of working women are likely to become pregnant during their working lives, and over half of these women are back at work within a year after childbirth. More than half of the 45.6 million children in two-parent families have both parents in the work force, and the majority of mothers in these families work because of economic need. Yet current federal labor policies force parents to choose between their families and their jobs.

Despite the increasing number of company-sponsored family leave policies, at least 60% of women employed by large companies (those with more than 500 employees) lack paid maternity-related benefits that would permit a six-week leave. Also, almost a third of all American workers are employed by companies with fewer than 25 employees, with women workers constituting 43% of this segment of the work force. While such small companies create the largest percentage of new jobs, they are the least likely to provide adequate employee benefits.

**ACTION: FIRST, WRITE YOUR REPRESENTATIVE URGING HIM/HER TO BE AN ORIGINAL COSPONSOR OF THE FAMILY AND MEDICAL LEAVE ACT BY SIGNING ON TO THE BILL BEFORE ITS INTRODUCTION. THEN WRITE YOUR SENS. URGING THEM TO SUPPORT AMERICAN FAMILIES BY COSPONSORING S 249. TARGET MCS IN THE SOUTH BY URGING THEM TO SUPPORT FAMILIES AND COSPONSOR THESE BILLS.**

---

**Mission Statement** The American Association of University Women promotes equity for women, education and self-development over the life span, and positive societal change.

---

# Maternity leaves

## There are pluses, minuses to consider

By JOHN CREED  
Staff Writer

Dentist Dennis Andersen has an all-women work force in his downtown Fairbanks office.

Like many Alaska businesses, most of his six full-time and two part-time employees, including his expectant wife Joan, are in their child-bearing years.

But unlike some American businesses, Andersen acknowledges his workers have babies.

"We give them time off to have their babies without pay," he said. "They have usually stayed out for about four months. And then they come back to work for us at the same job."

The term for this policy is maternity leave. Some call it parental leave, however, to include fathers—amid a radically changed family scene nation-

wide over the past couple decades.

See related stories on maternity trends and legislation, pages 3 and 15.

wide over the past couple decades.

"The traditional American family model used to work well in the olden days when we had the husband at work and the wife at home," said Mia Oxley of the Anchorage Women's Commission. She is also a board member of Child Care Connection, a referral agency promoting pro-family work policies.

"But since the model of the traditional family is only 10 percent of the nation's families today, it just doesn't work anymore," she said.

Despite that change, Oxley said, less than 40 percent of to-  
(See MATERNITY, Back Page)

# MATERNITY

(Continued from page 1)

day's working women have the benefits of either parental or maternity leave.

Dentist Andersen wouldn't think of letting employees go because they need more time to give birth or to "bond" with their babies during those critical first few months.

"We put so much time and energy into our staff, it's worth it to us to get them back," he said.

Andersen has never considered paid maternity leave and "no one ever asked for it.

"It would be prohibitive for our small business to do that," he said. "Doing what we're doing is about as far as we can go."

Although this local example of an apparently viable parental leave policy might be following a growing trend to assist two-wage-earner households with children, Andersen has an added feature for mothers after they return to work.

Across the hall from the dental office is a "child development center," staffed by a certified primary teacher for the infant children of Andersen and his employees.

Nationally, Andersen may be more of an exception than the rule in private business.

The United States is the world's only industrialized nation without a national policy for parental leave or day-care centers, Oxley said.

"The main difference of the United States with every other country, is that they are not blindly com-

mitted to what's called free enterprise," said Andrea Helms, political science professor at the University of Alaska-Fairbanks.

In Sweden, workers are granted up to 52 weeks of paternity leave, with 38 of those weeks at 90 percent of their weekly salary. In Canada, workers receive up to 17 weeks parental leave at 60 percent salary for 15 weeks, according to the International Labor Office in Geneva.

Nevertheless, last month's U.S. Supreme Court decision, allowing states to order private companies to grant short, unpaid disability leaves to new mothers, promises to again push the issue of parental benefits before Congress and state legislatures.

In Alaska, the parental leave issue has potential political ramifications because much of the population is in its child-bearing years, so many more women with infants and young children are in the workforce, so many mothers in Alaska are single, and because families here are larger than the national average.

For example, the United States has 1.8 children per family while Alaska has 2.4, according to state demographer Greg Williams.

"We have the highest fertility rate in the nation," he said. "There's a mini baby boom going on up here."

Nationally, about 50 percent of women are in the work force, while in Alaska, 60 percent of women

work, Williams said.

Alaska is first per capita nationwide for adults with high school diplomas and No. 3 behind the District of Columbia and Colorado for adults with college degrees.

Higher education levels, Williams said, makes it even more likely for families to have two wage earners. Add to that, he said, the fact that the biggest bulge in Alaska's population chart occurs in the 15-44 age group—or the child-bearing years.

In addition, for the state's non-Native population, Alaskans lack extended family members who often help in child rearing.

Adding that up might point to a need for parental and maternity leave laws in Alaska, but private employers especially might balk at the potentially added costs of doing business in an already battered economy.

"We are small-scale enough at UAF so that we can close relationships to our employees," Helms said. "But training of employees is free at the university. If you are running a store downtown, that training is not free. We've socialized the costs at the university, and the taxpayer pays the price. Not so in private industry."

Nevertheless, having a baby might be postponed indefinitely if it might mean losing your job.

"It can be very devastating to a family if mothers go with the assumption that the job is going to

be there when they get back and it's not," said Penney Sales, coordinator for the Anchorage-based Northern Institute's Working and Family Project.

Clifford Brennen, head of the department of behavioral sciences and human resources at the University of Alaska-Fairbanks, said on-site day care facilities often cost employers less in the long run.

"One of the main reasons for employee absenteeism is for child care," he said. "It makes good dollar sense to provide facilities, when the company is large enough, for women with infants to care for them there. They could extend child care all the way to pre-school. Arrangements with baby sitters and the like causes mothers a lot of stress."

As for the recent Supreme Court decision on maternity leave, however, Brennen said the ruling has put the women's movement in a dilemma.

"You really can't have equality and ask for gender differences," he said.

"I think the ruling was a very good first step," said Ruth Lister, executive director of Women in Crisis Counseling and Adoption, or WICCA, which assists domestic-violence victims.

"Women that we see are very often in low-paying jobs, so they wouldn't be able to take that leave if no other means of support were there."

# Parental leave law overdue?

## Congress reacts to 'baby boomlet'

By JUDI HASSON  
United Press International

WASHINGTON — With half of today's working women the mothers of young children, Congress is considering a controversial bill that would guarantee job security for all workers who want time off to care for their newborns.

The bill is the Parental and Medical Leave Act of 1986 and it would guarantee for the first time 4½ months off — without pay — and job security for parents who want to take time out to care for their newborn, newly adopted or seriously ill children.

With the nation's post-war "baby boom" generation now having a "baby boomlet" and with more mothers remaining in the workforce, experts say a national parental leave policy is long overdue.

The United States, they say, is the only industrialized nation with no guaranteed parental leave, lagging behind Canada, Italy, Finland and Chile, which provide as much as 39 weeks leave, some of it paid.

"When you have a demographic change such as we've witnessed, the country has to do something in order to make it possible for families to function," said Wendy Williams, a Georgetown Law School professor. "This is a very minor but important step to assuring that families can function well."

The bill, however, is facing stiff opposition from the U.S. Chamber of Commerce, the major business lobby, which maintains it is not the government's role to dictate employment policy.

The chamber's position and opposition from some key conservative lawmakers who say it is bad for business might make it hard to get the

But supporters hope to hold hearings and press for a vote on the issue before November when the 435 House seats and one-third of the senators are up for re-election.

"One would think that this being an election year, the people in Congress are going to be attentive to the needs of their constituencies," Williams said. "And this has got to be high on the list of women in the workforce."

The bill, introduced in the House and Senate last week, calls for up to 18 weeks of unpaid leave and returning workers to their previous positions with full benefits and seniority.

"The new reality for most working women today involves remaining in the labor force despite pregnancy and childbirth, as well as child-caring and child-rearing responsibilities," said Sheila Kammerman, a professor of social policy and planning at Columbia University.

Labor Department statistics show that in 1985, half of all mothers of children under 3 were working — up from 34 percent a decade ago. The total number of mothers in the workforce with children under age 18 rose to 20 million last year — an increase of nearly 500,000 in just 12 months.

Statistics also say that 85 percent of the 50 million women in today's workforce are likely to become pregnant during their working years.

The surge of mothers into the labor force in recent years has increased the pressure on Congress and the corporate world for better child care, flexible work hours and other benefits.

"It is no longer 'Leave it to Beaver' time," said Rep. Patricia Schroeder, D-Colo., referring to the classic TV family model of father at work and mother at home.

"The superwoman has collapsed, collapsed of exhaustion," said Schroeder, the mother of two and a sponsor of the bill. She said it is time the workplace changed to accommodate the changing workforce.

Catalyst, a New York research firm on career and family issues, found in a recent survey of 400 major companies that 65 percent offered up to three months unpaid leave with the guarantee of a job and 46 percent guaranteed a comparable job.

Employment in Alaska, September 1986

Number of Employees	Employment		Number Employers		<i>Estimate:</i>
					Women Employees Age 20 through 44
0 -14	45,544	19.9%	13,453	84.1%	15,381
15-20	12,006	5.2%	698	4.4%	4,055
21-50	35,040	15.3%	1,101	6.9%	11,834
51+	136,507	59.6%	752	4.7%	46,101
					0
TOTAL	229,097	100.0%	16,004	100.0%	77,370
TOTAL 15+	183,553	80.1%	2,551	15.9%	61,989

33.77% of employees are women age 20 through 44 (1985 annual average)

Source: Department of Labor

Prepared by the House Research Agency 04-May-87 (860519-01;87-277)

*Comparison of National Maternity Leave Policies*

Country	Duration	Job Security	Salary during leave
<b>ASIA</b>			
JAPAN	12 WKS	YES	60%
THAILAND	60 DAYS	YES	100%
<b>AFRICA</b>			
EGYPT	50 DAYS	YES	75%
NIGERIA	12 WKS	YES	50%
<b>SOUTH AMERICA</b>			
BRAZIL	12 WKS	YES	100%
CHILE	18 WKS	YES	100%
<b>MIDDLE EAST</b>			
IRAQ	10 WKS	YES	100%
ISRAEL	12 WKS	YES	75%
<b>EUROPE</b>			
FINLAND	258 DAYS	YES	45%
FRANCE	16 WKS	YES	90%
GERMANY	14 WKS	YES	100%
ITALY	5 MONTHS	YES	80%
<b>EASTERN EUROPE</b>			
BULGARIA	120 DAYS	YES	100%
POLAND	16-18 WKS	YES	100%
USSR	112 DAYS	YES	100%
<b>NORTH AMERICA</b>			
MEXICO	12 WKS	YES	100%
U.S.A.	0	NO	0

*Figures for June 1984. Figures from survey by International Labour Office, Switzerland.  
Reprinted with permission from the August/September 1986 issue of National Business Woman*

## ~~PARENTAL LEAVE~~ WOULD COST JOBS, REDUCE EMPLOYMENT OPPORTUNITIES

by Gary Jenkins

Advocates of the parental leave concept would have us believe that it is as innately American as apple pie and baseball. After all, everybody recognizes the benefits of post-natal bonding. And requiring businesses to give employees four<sup>1/2</sup> months of leave to care for newborns seems, at first glance, natural and desirable.

But take a second look. Parental leave is not without cost to employees as well as employers. If we're smart, we'll take a lesson from Europe. There, mandated parental leave has led to decreased economic growth, as well as a decline in full-time job opportunities for women.

Bills requiring employers to grant parental leave are now before the Alaska legislature and Congress. In Juneau, Representative Kay Brown (D-Anchorage) has introduced H.B. 224. This bill would require all businesses with 15 or more employees to grant up to four<sup>1/2</sup> months of leave to men and women for care of newborn (and adopted) infants and guarantee their job (or an equivalent) upon return. It is patterned after a bill introduced in Congress by Rep. Pat Schroeder (D-Colorado).

While everybody is in favor of strengthening the family unit, the passage of restrictive legislation that would weaken the economy of our state and the nation is not the answer. The National Federation of Independent Business, the nation's largest small-business organization, has taken the lead in opposing the parental leave bills because they would hit small-business owners particularly hard.

Why care about the impact on small business? Because 70 to 80 percent of all new jobs created in the nation today come from the small-business sector, not the Fortune 500, which actually lost three million jobs between 1980-83. At a time when the President and Congress have widely acknowledged that our nation is on the brink of losing its competitiveness, placing such burdens as mandated parental leave on our most productive economic resource is highly unwise.

MORE

There is no such thing as a free lunch, and there is no such thing as a free benefit. Again, just look at European countries, which have burdened employers with a wide range of mandated benefits, of which maternal leave is one of the most expensive.

The major European countries -- France, Germany, England, Holland -- all require paid, or partially paid, leave for mothers for 12 to 26 weeks. Between 1969-1984, according to Europe's Organization of Economic Cooperation and Development (OECD), employment in these countries grew less than 10 percent (Germany and England actually lost jobs). By comparison, employment in the United States grew by 36 percent.

While mandated benefits reduce job growth overall, mandated maternal leave especially reduced full-time employment opportunities for women. A comparison (see chart 1) of the major European countries plus Sweden and Japan (which also mandate maternal leave) shows that between 1973 and 1983, growth of full-time employment of women has been flat. However, in the United States, which has no such requirement, the number of women workers has grown by more than 36 percent in the same period.

During this period, these European countries have experienced major growth in part-time employment for women. Employers -- reluctant to incur the costs of providing maternal leave -- chose to hire women as part-time workers (who are exempt from the benefit).

Part-time employment, of course, eliminates the possibility of any serious career advancement. Therefore, relegating women to part-time employment would mean a return to the days when females were economically dependent upon males and worked primarily for "pin money."

Rep. Schroeder <sup>(U.S. Congress)</sup> has stated that parental leave should be seen as a "minimum labor standard" rather than a fringe benefit -- not unlike child labor laws or wage and hour laws.

This attitude reveals a shocking naivete by Rep. Schroeder about the relationship between benefits and jobs in the United States. Should mandated employee benefits such as parental leave and medical leave become "family rights," they will pre-empt the economic discretion of the individual employer.

At the 1986 White House Conference on Small Business attended by 2,000 business owners from across the country, delegates named mandated benefits as the top issue facing them nationwide. Small businesses --

MORE

because of their small work force and fluctuating work loads -- need to be able to negotiate individually with employees over hours, wages and benefits.

Health insurance is the most common type of fringe benefit provided to employees in small businesses. Yet over one-third of small-business employers do not provide coverage, largely because of workforce composition or cost. Clearly, mandating benefits, such as parental leave or health insurance, is likely to result in the elimination of jobs altogether.

Mandated parental leave would be a particularly onerous requirement for small business because small companies cannot operate efficiently while tolerating vacancies among very limited numbers of employees.

Large companies, with hundreds or thousands of employees, are often able to transfer workers or shift work loads to cover absent employees. In fact, because of this ability, many large companies already offer maternal leave to their employees.

Smaller companies cannot afford the cost of training new workers to fill temporary vacancies or the expense of making room for employees who return after an absence of several months.

These expenses are high, in many cases prohibitive, for small-business employers. For example, studies have found that the cost of replacing a skilled clerical worker in Washington D.C. for 18 weeks was \$5,188.

It is hidden, added costs like these that have caused problems in Europe. As noted earlier, the European countries in which employees receive increasing numbers of non-wage benefits have not created any additional new jobs since 1975. America's small, entrepreneurial businesses were responsible for the creation of one million new jobs during the recession years 1980-83, while large businesses had a net decline.

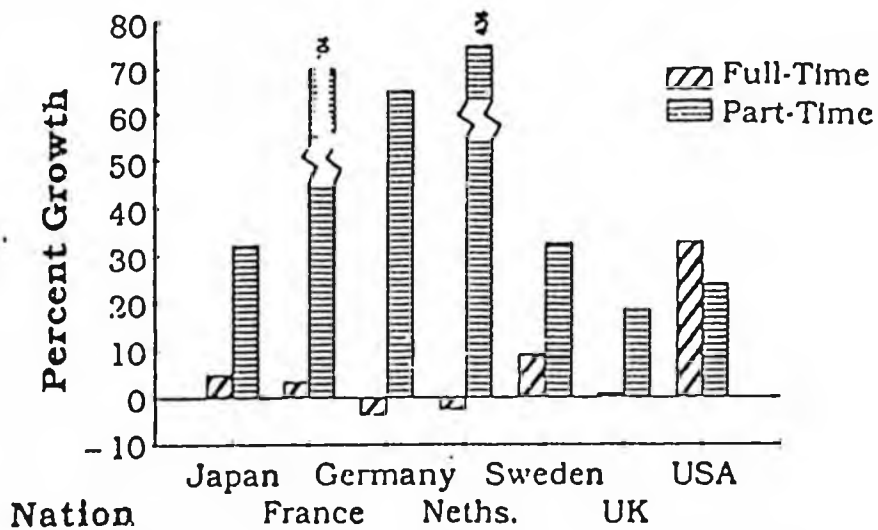
If we "Europeanize" employee benefits in the United States with requirements like parental leave, we may also Europeanize job growth.

###

Gary Jenkins is state director of the National Federation of Independent Business/Alaska, the state's largest small-business organization with 3,300 members. Nationally, the NFIB has 500,000 members and offices in all 50 states.

(xxNF8705xx)

**Chart**  
**Growth Rates of Female Full-Time**  
**and Part-Time Employment**  
**By Selected Nation: 1973-1983**



Source: *International Labour Review*, Sept./Oct. 1985

RESPONSE TO INTRODUCTION OF PARENTAL LEAVE LEGISLATION  
BY JOHN SLOAN  
PRESIDENT AND CEO  
NATIONAL FEDERATION OF INDEPENDENT BUSINESS

FEB. 3, 1987

As the representative for more than a half-million small- and independent-business owners all across America, the National Federation of Independent Business today re-confirms its opposition to any proposed legislation mandating benefits by employers.

The bill introduced today by Reps. Patricia Schroeder of Colorado and William Clay of Missouri is a measure which has been created in an atmosphere devoid of substantive information and input from the small-business community.

Rep. Schroeder, in a recent interview with a major daily newspaper, said that parental leave is more a "minimum labor standard" than a fringe benefit---not unlike child labor laws or wage and hour laws.

This statement reveals a shocking naivete by Rep. Schroeder concerning the relationship between benefits and jobs in the U.S. economy. Should mandated employee benefits such as parental leave and medical leave become "family rights," they will pre-empt the economic discretion of the employer and supplant bargaining between employee and employer.

The number one problem for American small businesses, according to a survey of NFIB members, is the cost of health insurance. Legislating new benefits will only exacerbate this problem and threaten the survival of smaller firms. For small businesses, health insurance is the most common type of fringe benefit provided to employees and yet, over one third of small employers do not provide coverage largely because of workforce composition or cost. Small businesses expand benefit coverage as their profitability increases; nowhere is this fact recognized in the legislation. Rather, dictating a new benefit is more likely to reduce an employee's total benefits package, eliminate some key benefits such as health insurance or pension coverage or worse, eliminate new jobs.

-more-

Rep. Schroeder also claims that parental leave has not caused problems in countries that have gone much further on the issue. We have only to look at the misbegotten European experience to see how devastating government-imposed benefits can be. Although the U.S. is the only industrialized nation without a policy for job and income-protected medical and family leaves, it continues to create jobs at an overwhelming rate. European countries, with their growing non-wage benefits, have seen no net job creation since 1975.

The major share, 70-80 percent, of all new job creation in this nation today comes from the small-business sector, not the Fortune 500, which lost 3 million jobs between 1980-83. At a time when the President and Congress have widely acknowledged that our nation is teetering on the brink of losing its competitiveness, to place burdens such as mandated parental leave on our most productive and competitive economic resource is unimaginable and most certainly unwise in today's rapidly changing global market.

Attached to this statement are charts which detail the relationships between such policies and economic indicators among the European nations. To highlight:

\*Those nations with the lowest proportion of benefits to wages--Australia, USA and Japan--also have the highest levels of employment growth. (Charts 1 & 2)

\*These same nations exhibit lower levels of unemployment and duration of unemployment. (Charts 3 & 4)

\*Moreover, in looking at female labor participation rates, it would appear that increasing fringe benefits (as a percentage of wages) has no effect. (Chart 5)

\*American companies have been boosting their productivity by adding more capital and more labor, but European companies have been utilizing capital instead of labor. Labor market rigidities, wage and benefit mandates are resulting in excessive substitutions of capital for labor in Europe. (Chart 6)

NFIB members, 82 percent of whom opposed mandated parental and disability leave in a recent survey, have been vocal on this subject. Here are some of their comments:

-Paris, TX: "These bills effectively increase an employer's cost of labor with no commensurate increase in productivity. It can only have an inflationary impact on our economy. It seems obvious that this discourages additional hiring instead of the encouragement that is needed."

-Pocatello, ID: "We are all sympathetic toward our employee's needs. We want the best for our people and therefore let us take care of our people on an individual basis. We certainly do not need any more paperwork and red-tape from our government. ...you could be doing everyone a disservice if this proposed legislation forces some of us out of business. The jobs for 30 people could be lost for the sake of one or two."

-Albany, GA: "If this bill came about, with 75 percent of my employees being female, I would have to add 10-15 employees to my payroll just to make up for their leave. I do have a voluntary plan with my employees that when they do leave for parental and family sicknesses they have paid days off and some unpaid days off. I do hold jobs open for them. I believe this action is better voluntary rather than mandatory."

-Dallas, TX: "Our company, as policy, has always granted non-paid leave for maternity and injury/health recovery, so this would make no difference to our pattern of employee relationships--what we feel is objectionable is the 'mandatory' nature of the policy. Step One in legislation is usually followed by Step Two, and that would be paid leave time for these extended periods. This, we feel, would be an oppressive burden of a small business."

As you can see from these statements, small-business owners are not anti-family or only pro-profit. They know the value of recruiting and retraining productive employees. An NFIB survey reveals that three-quarters of our members already provide time off to employees without loss of jobs or benefits. But, they are also realists who know that their operations can only sustain a certain level of government intervention.

Tomorrow, the National Commission on Jobs and Small Business will release its report: MAKING AMERICA WORK AGAIN: JOBS, SMALL BUSINESS, AND THE INTERNATIONAL CHALLENGE. That report, which for the most part is embargoed, reaches some very important conclusions---not the least of which is that America must work to improve the environment for small business and encourage entrepreneurship, business formation and job creation---or suffer the consequences. The call for mandated employee benefits is contrary to that idea.

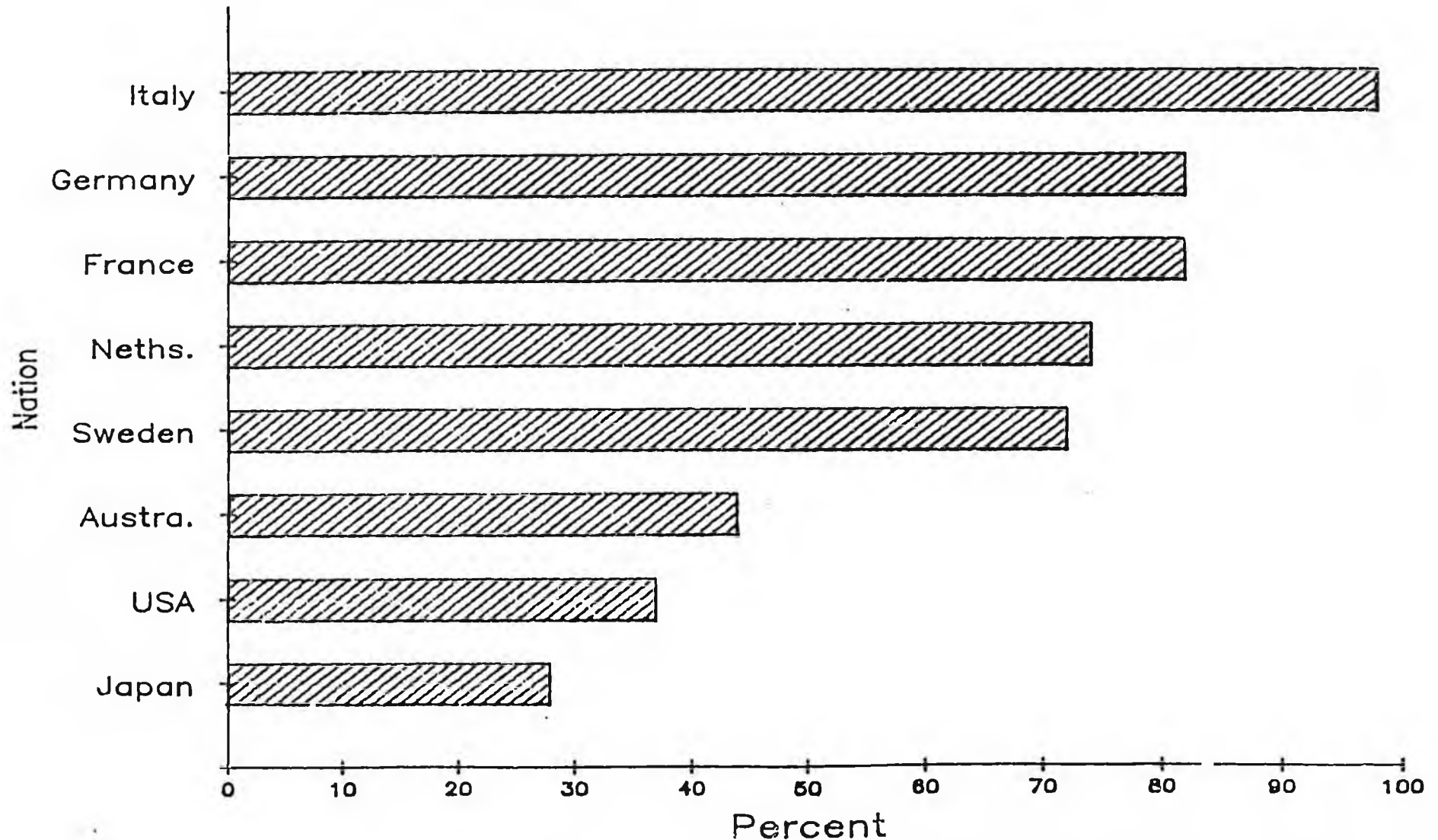
Legislation that mandates such benefits as parental leave will devastate small businesses and destroy the very jobs advocates seek to protect. We encourage Congress to weigh the costs of such a measure very carefully before proceeding toward action on this bill. To enact such an ill-conceived law will almost certainly eliminate jobs, bankrupt companies and, in the long run, ensure the continued downhill slide of our national competitiveness.

-end-

(SEE ATTACHED CHARTS ON EUROPEAN EXPERIENCE)  
For Further Information Contact: Terry Hill, (202) 554-9000

CHART 1

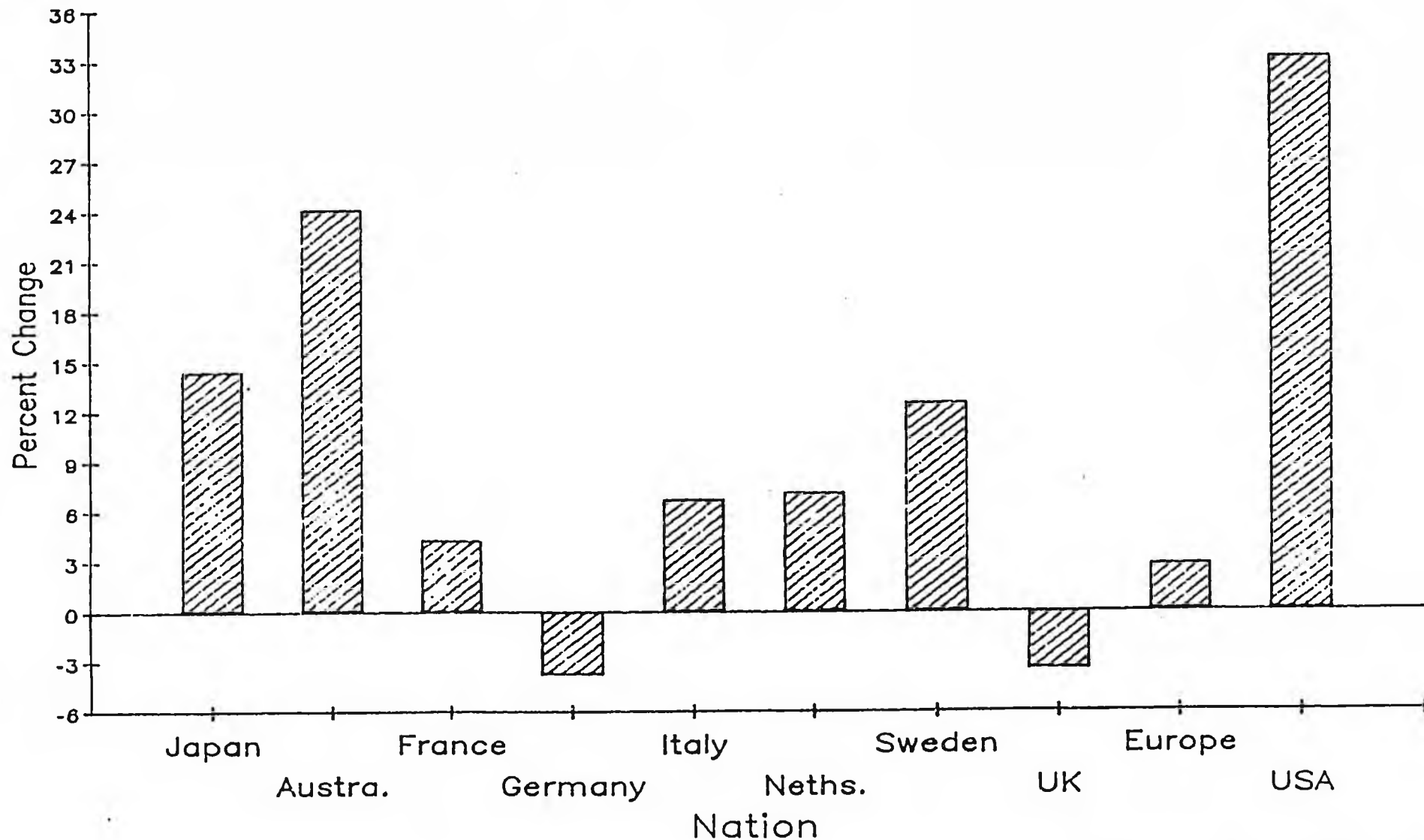
# FRINGE BENEFITS AS A PERCENTAGE OF WAGES IN MANUFACTURING INDUSTRIES BY SELECTED NATION: 1985



Source: Cologne Institute of the German Economy

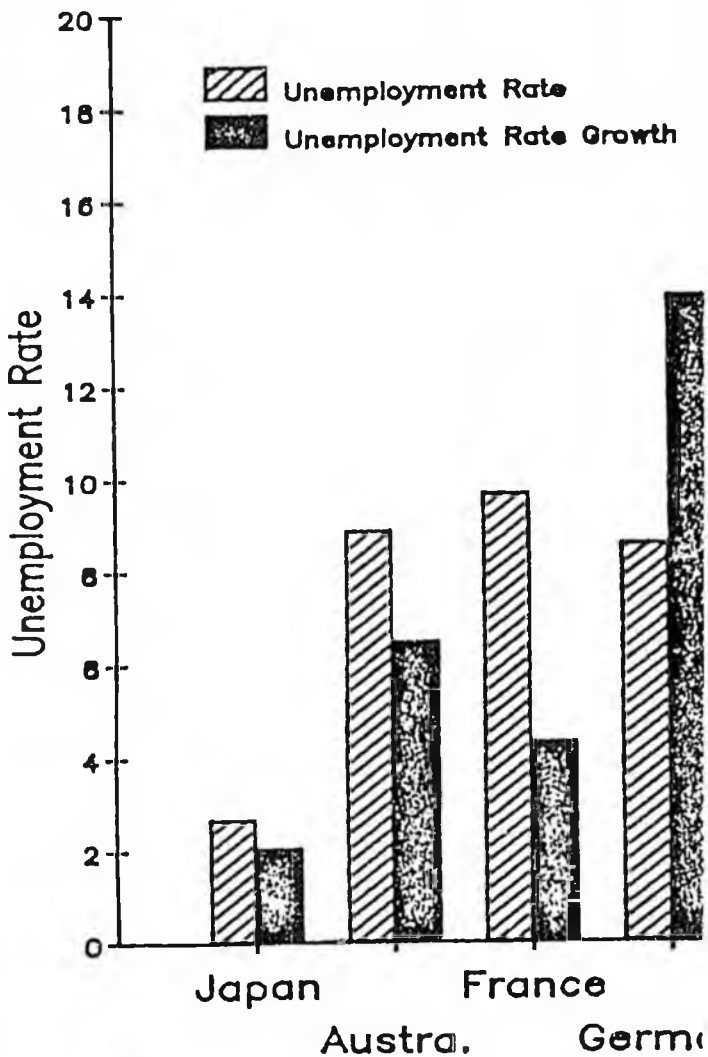
CHART 2

# PERCENT EMPLOYMENT GROWTH IN SELECTED NATIONS: 1969-1984

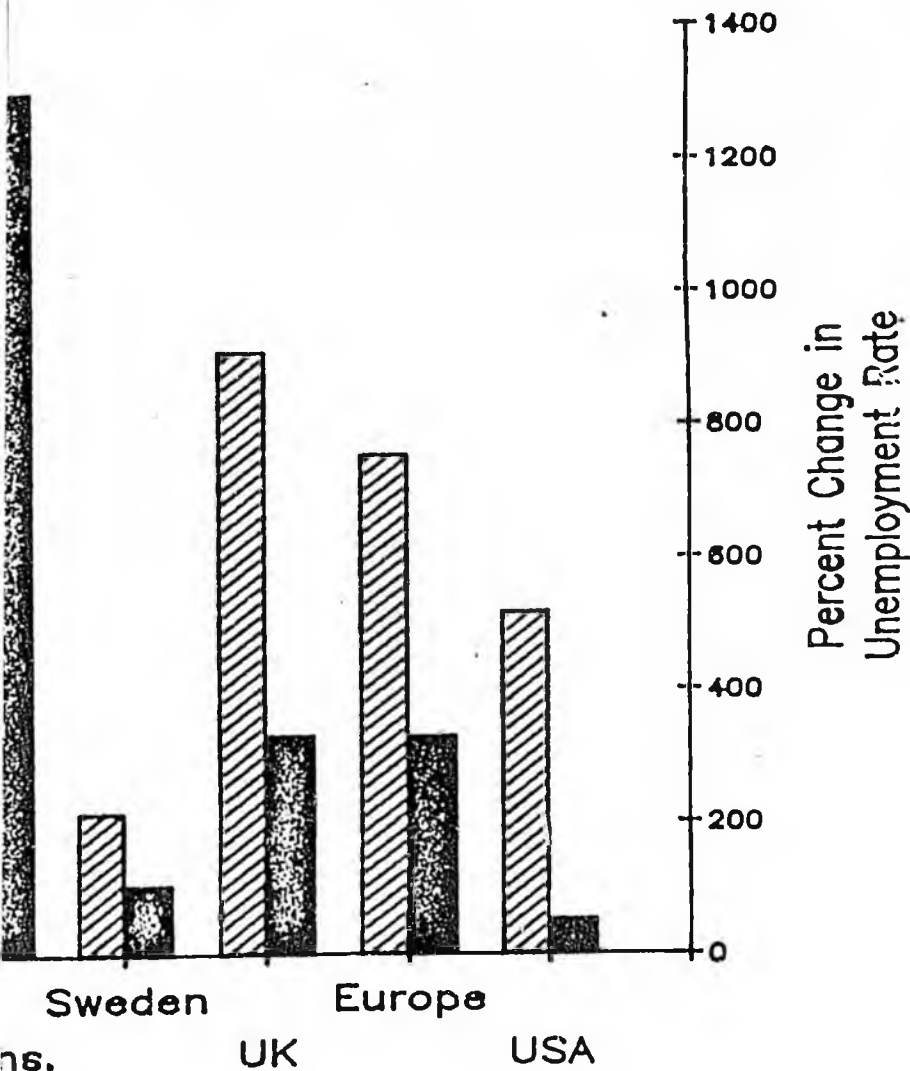


Source: from OECD data

# UNEMPLOYMENT GROWTH IN (1970 - 1988)



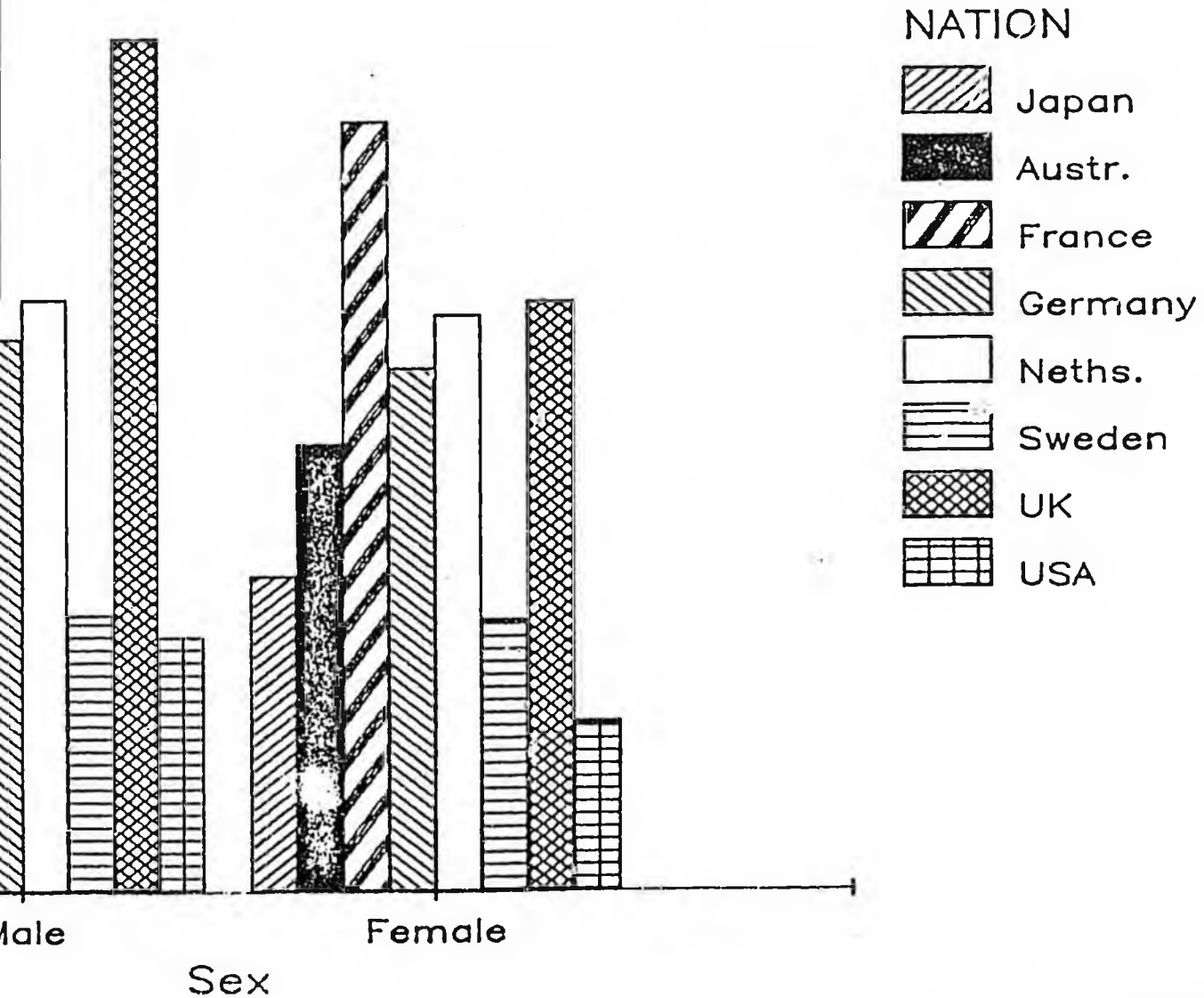
# (1984) AND PERCENT EMPLOYMENT RATE SELECTED NATION



Source: OECD

CHART 4

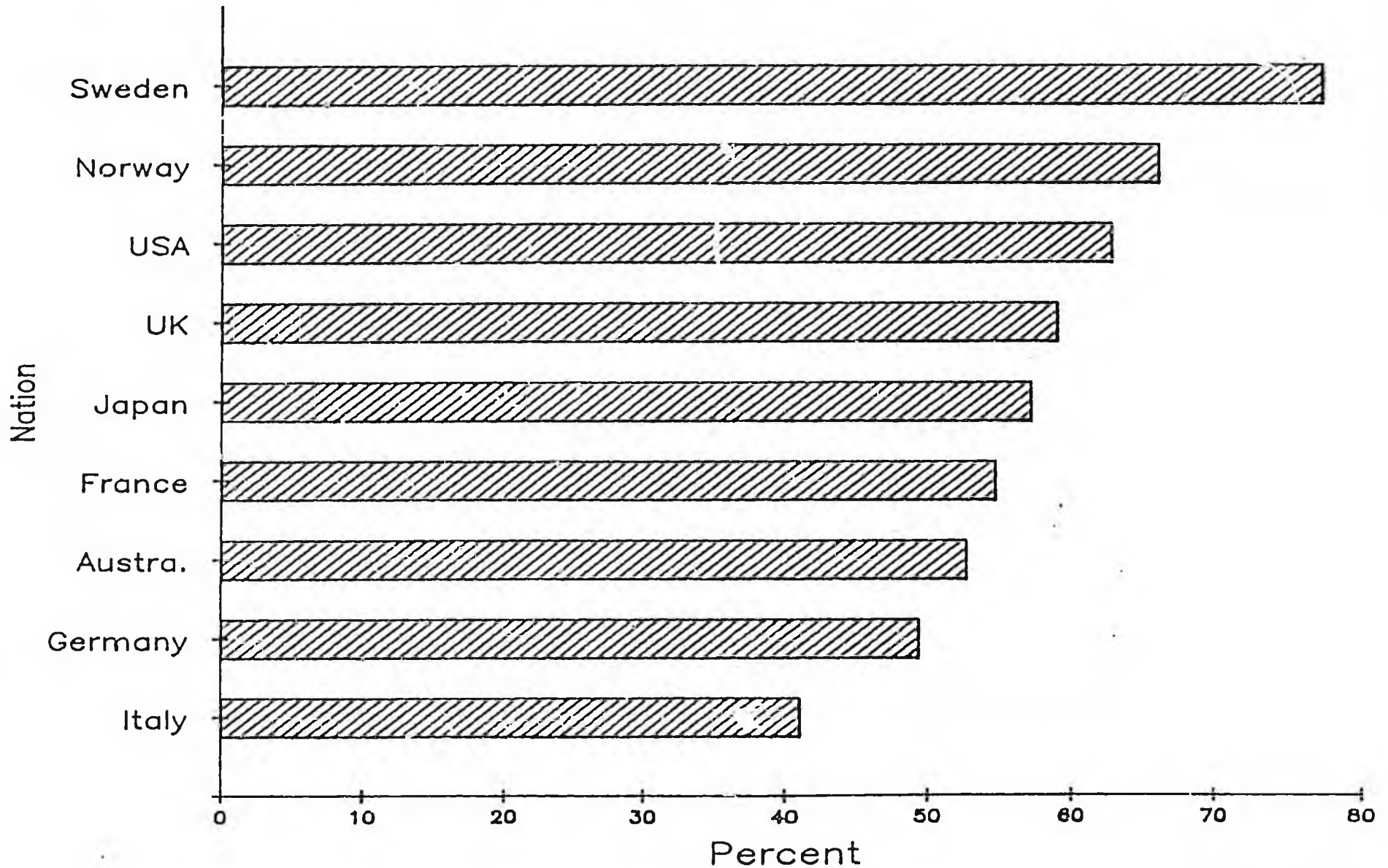
AVERAGE DURATION OF  
EMPLOYMENT IN PROGRESS  
SELECTED NATION - 1984



Source: OECD

CHART 5

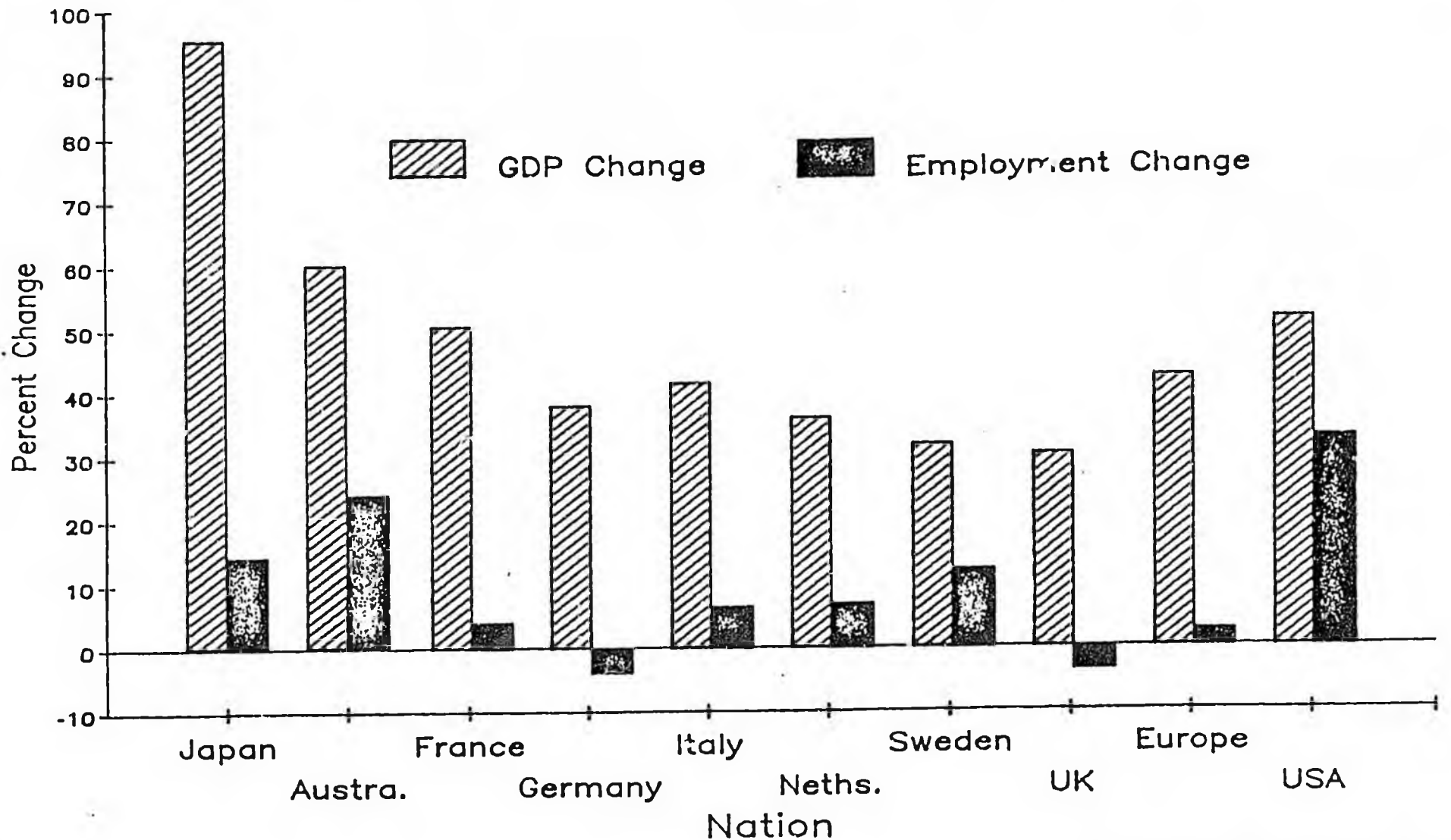
# FEMALE LABOR PARTICIPATION RATES BY SELECTED NATION — 1984



Source: OECD

CHART 6

# GROWTH IN GDP (1970 - 1985) AND EMPLOYMENT (1969 - 1984) BY SELECTED NATIONS



Source: from OECD data

---

# C ONCERNED A ALLIANCE OF R RESPONSIBLE E EMPLOYERS

---

TESTIMONY OF  
CYNTHIA GRANTZ  
PRESIDENT AND CHAIRMAN OF THE BOARD  
ROCKFORD COATINGS CORPORATION  
ROCKFORD, ILLINOIS

ON BEHALF OF  
THE CONCERNED ALLIANCE OF RESPONSIBLE EMPLOYERS  
BEFORE THE HOUSE SUBCOMMITTEE  
ON LABOR-MANAGEMENT RELATIONS

FEBRUARY 25, 1987