

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 12

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY SENATORS WIELECHOWSKI, Ellis

Introduced: 2/25/15

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the payment of sick leave by employers; and providing for an
2 effective date."

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

4 * **Section 1.** AS 23.10 is amended by adding a new section to read:

5 **Sec. 23.10.062. Minimum paid sick leave.** (a) An employer shall provide to
6 an employee who resides in the state at least one hour of paid sick leave for every 40
7 hours the employee works. An employee who accrues paid sick leave may begin using
8 it on the earlier of the date

9 (1) agreed to by the employer;

10 (2) the employee completes 480 hours of work for the employer; or

11 (3) 90 days after the employee begins working for the employer.

12 (b) An employer is not subject to this section if the employer offers to each of
13 its employees who reside in the state paid leave that

14 (1) accrues at a rate that is equal to or greater than one hour for every

1 40 hours worked;

2 (2) may be carried over from year to year; and

3 (3) may be used as provided by this section.

4 (c) For the purpose of this section, a full-time employee who is exempt from
5 the overtime requirements of 29 U.S.C. 213(a)(1) shall be considered to have worked
6 40 hours for each full work week the employee completes.

7 (d) Subject to the limitations of this section, an employer shall permit an
8 employee to use paid sick leave for

9 (1) the prevention, diagnosis, or treatment of the employee or a
10 member of the employee's immediate family for a mental or physical illness, injury, or
11 health condition;

12 (2) time the employee spends away from work because the employee
13 or a member of the employee's immediately family is the victim of a crime of sexual
14 assault, domestic violence, or stalking.

15 (e) An employer who violates this section is subject to AS 23.10.110. An
16 employer violates this section if the employer

17 (1) hinders or delays the commissioner or an authorized representative
18 of the commissioner in the performance of a duty related to the enforcement of this
19 section;

20 (2) refuses to admit the commissioner or an authorized representative
21 of the commissioner to any place of employment as may be required for the
22 enforcement of this section;

23 (3) refuses to make a record accessible, to furnish a sworn statement of
24 the record, or to give information required for the enforcement of this section, upon
25 demand, to the commissioner or an authorized representative of the commissioner;

26 (4) fails to post a summary or abstract of this section as required by
27 AS 23.10.105; or

28 (5) discharges or in any other manner discriminates against an
29 employee because the employee has filed a complaint, instituted or caused to be
30 instituted a proceeding under or related to this section, or testified or is about to testify
31 in a proceeding under or related to this section.

1 (f) An employee may carry over unused paid sick leave from year to year. An
 2 employee is not entitled to payment for unused accrued paid sick leave unless the
 3 employer agrees to the payment.

4 (g) In this section,

5 (1) "domestic partner" means a person who is cohabiting with another
 6 person in a relationship that is like a marriage but is not a legal marriage;

7 (2) "employer" means a person, other than a federal, state, or
 8 municipal government, who employs any combination of 15 or more full-time, part-
 9 time, and temporary employees who are compensated under an express or implied
 10 contract of hire that is verbal or written;

11 (3) "immediate family" means

12 (A) a spouse or domestic partner of the employee; or

13 (B) a parent, child, including a stepchild and an adopted child,
 14 and sibling of the employee if the parent, child, or sibling resides with the
 15 employee;

16 (4) "paid sick leave" means time that is compensated at the same
 17 hourly rate and with the same benefits that the employee would earn while working.

18 * **Sec. 2.** AS 23.10.110(a) is amended to read:

19 (a) An employer who violates a provision of AS 23.10.060, 23.10.062, or
 20 23.10.065 is liable to an employee affected in the amount of unpaid minimum wages,
 21 unpaid sick leave, or unpaid overtime compensation, as the case may be, and, except
 22 as provided in (d) of this section, in an additional equal amount as liquidated damages.

23 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
 24 read:

25 APPLICABILITY. AS 23.10.062, enacted by sec. 1 of this Act, applies to

26 (1) work performed after September 30, 2015; and

27 (2) contracts formed after September 30, 2015.

28 * **Sec. 4.** This Act takes effect October 1, 2015.