

AAM 280. LEAVE ACCOUNTING

280.010	Overview to Leave Accounting	10/14
280.020	Leave Accrual Rate and Eligibility Rules	07/13
280.030	The Leave Year	01/16
280.040	The Leave Anniversary Date	05/98
280.050	The Leave Accrual Change Date	05/98
280.060	Mandatory Leave Usage	10/15
280.070	Floating Holidays	05/98
280.080	Maximum Leave Balances	10/14
280.090	Use of Personal Leave	10/14
280.100	Use of Annual Leave	05/98
280.110	Use of Sick Leave	05/98
280.120	Annual Leave Converted to Sick Leave	05/98
280.130	Annual and Personal Leave Conversion - BU Change	05/98
280.140	Conversion To and Use of Banked Sick Leave	05/98
280.150	Banked Sick Leave on Termination	05/98
280.160	Separation While on Leave	05/98
280.170	Reinstatement of Banked Sick Leave	05/98
280.180	Leave Cash-In	10/14
280.190	Compensatory Time	01/11
280.200	Leave-Without-Pay	05/98
280.210	Effects of Leave-Without-Pay on Employee Benefits	01/13
280.220	Maternity Leave	05/98
280.230	Furlough	05/98
280.240	Leave of Absence	05/98
280.250	Leave Donated to Scholarship Funds	05/98
280.260	Authorization for Donated Leave	10/10
280.270	Receiving and Posting Donated Leave	10/14
280.280	Donated Leave Usage	10/12
280.290	Court Leave	05/98
280.300	Leave for Military Training Duty or Medical Examination	05/98
280.310	Paid Leave for Active Military Duty	05/98
280.320	Emergency Search and Rescue Assignments	05/98
280.330	Business Leave Banks	05/98

280.340	Terminal Leave	05/98
280.350	Workers' Compensation and Leave	05/98
280.360	Family Leave	04/06
280.370	Eligibility and Notification	04/06
280.380	Certification of Health Care Provider	04/06
280.390	Leave Tracking and Reporting	04/06
280.400	Not Used	
280.410	Confidentiality	04/06
280.420	Health Insurance	04/06
280.430	Parental Leave	04/06
280.440	Fit for Duty Report	04/06
280.450	Substance Abuse	04/06
280.460	Expressing Breast Milk at the Workplace	07/10

AAM 280.010 Overview to Leave Accounting (10-14)

[AS 39.20.330](#) confers authority on the Department of Administration to provide forms to agencies for maintenance of leave records. The monthly Detail Leave Transactions Report provides information necessary for detailed audits of employee leave activity. Information in this report is cumulative by leave year and meets the requirements of the statute. Agencies are required to maintain complete leave records for all their employees.

The Leave Rules, [2 AAC 08.030 \(a - d\)](#), contain general provisions for leave accounting:

An employee must submit a leave report to the employee's supervisor upon return to duty from a period of leave usage or after each pay cycle.

An employee's leave records are adjusted based on completed leave slip information for the pay periods during which the employee was on leave.

Accrued leave is posted to an employee's leave record at the end of each pay cycle.

Supervisors are responsible for approving leave for employees. The Division of Finance recommends supervisors maintain a record of approved leave either by retaining pink copies of leave slips or entering approved leave in a log at the time leave is approved. Employees are responsible for submitting leave slips to their supervisors upon completion of leave.

AAM 280.020 Leave Accrual Rate and Eligibility Rules (07-13)

Personal leave accrual rates are established by [AS 39.20.200](#) and collective bargaining agreements. Accrual rates for personal leave are based on the number of years of service in leave accruing positions. Employees of the state who are first employed before July 1, 2013 in a position for which may accrue leave are entitled to personal leave with pay as follows:

Personal Leave Accrual Rates		
Years of Service	Pay Period Accrual Rates	Annual Accrual
0-2 years	7.5 hours	24 days
2-5 years	8.44 hours	27 days
5-10 years	9.38 hours	30 days
10 or more years	11.25 hours	36 days

Employees of the state who are first employed on or after July 1, 2013, in a position for which may accrue leave are entitled to personal leave with pay that accrues as follows:

Personal Leave Accrual Rates		
Years of Service	Pay Period Accrual Rates	Annual Accrual
0-2 years	6.56	21 days
2-5 years	7.5	24 days
5-10 years	8.44 hours	27 days
10 or more years	9.38 hours	30 days
15+ years	11.25 hours	36 days

Annual leave accrual rates are established by collective bargaining agreements. Accrual rates for annual leave are based on the number of years of service in leave-accruing positions. Leave accrues each semimonthly pay cycle as follows:

Annual Leave Accrual Rates			
Years of Service	Pay Period Accrual Rates		Annual Accrual
	7.5 hrs/day	8 hrs/day	
0-2 years	4.69 hours	5 hours	15 days
2-5 years	6.56 hours	7 hours	21 days
5-10 years	7.5 hours	9 hours	24 days
10 or more years	9.38 hours	10 hours	30 days

Sick leave accrues at the same semimonthly rate regardless of an employee's years of service in leave-accruing positions:

Sick Leave Accrual Rates	
Pay Period Accrual Rates	Annual Accrual
4.69 hours	15 days

A new or rehired employee who is entitled to leave must fulfill continuous employment requirements established by statute or collective bargaining agreement before the employee is eligible to use leave. Employees entitled to personal leave under [AS 39.20.200](#) must complete a period of 30 days of continuous employment prior to using personal leave as specified in [AS 39.20.220](#) and [2 AAC 08.050](#). Collective bargaining agreements provide similar requirements for continuous employment. Most contracts require completion of 30 or 90 calendar days of continuous employment before accrued personal or annual leave may be used.

Continuous employment requirements do not apply to sick leave taken for a medical reason.

As provided in [2 AAC 08.030 \(d\)](#), leave must be accrued and posted to an employee's leave account before it may be used. If an employee separates before completing the continuous employment requirement, the employee is not eligible for payment of accrued leave.

AAM 280.030 The Leave Year (01-16)

The Department of Administration is authorized by [AS 39.20.295](#) to establish a uniform period of time applicable to the accumulation and usage of leave by employees. The leave year is established in [2 AAC 08.999 \(4\)](#) as the period from January 1 through December 31.

AAM 280.040 The Leave Anniversary Date

The leave anniversary date is the date an employee is eligible to accrue leave at a higher rate. The leave anniversary date is advanced one month for every 23 days (172.5 hours) of nonscheduled and leave-without-pay hours accumulated in the leave year as provided for in [2 AAC 08.100](#). When leave-without-pay is in connection with military service as identified in [AS 26.10.060](#), or a furlough as identified in [2 AAC 07.407](#), the time away from work does not contribute to advancing of the leave anniversary date.

At the beginning of the leave year, the payroll system accumulators are set to zero (0) for all nonscheduled and leave-without-pay hours. Agencies

performing manual prior service calculations to verify leave anniversary dates should duplicate the payroll system and begin each new year with zero hours in the leave accumulators.

AAM 280.050 The Leave Accrual Change Date

In accordance with [2 AAC 08.040 \(b\)](#), leave accrual rate changes become effective on the 16th of the month immediately following the pay period in which an employee completes the service requirement to be eligible for the higher accrual rate. For some employees covered by collective bargaining, leave accrual rate changes become effective on the 1st or the 16th of the month immediately following the pay period in which an employee completes the service requirement to be eligible for the higher accrual rate.

AAM 280.060 Mandatory Leave Usage (10-15)

Mandatory leave policies are intended to promote the health and well-being of employees. Mandatory leave requirements vary for different groups of employees. [AS 39.20.225 \(c\)](#) mandates ten days of personal leave usage in a leave year for employees covered by the statute that have a personal leave balance of 400 hours or less on the first day of the leave year and [AS 39.20.240 \(d\)\(2\)](#) mandates fifteen days of personal leave usage in a leave year for employees who had a balance in excess of 400 hours on December 16, 2013 and continued to have a balance in excess of 400 hours on the first day of any subsequent leave year. Mandatory annual or personal leave usage is established in collective bargaining agreements. The leave rules generally apply to all employees who are eligible for leave. Collective bargaining agreements address specific leave provisions that supersede provisions of the leave rules where the rules and the agreements conflict. Employees hired after the first workday of the leave year are not required to meet mandatory leave requirements in their first year of service.

The Leave Rules, [2 AAC 08.060](#), provide the following regulations for mandatory leave usage:

1. Employees and supervisors must be advised of employee leave usage and balances before October 16 each year to determine how many days of leave must be used to fulfill the ten or fifteen day requirement.
2. An employee's supervisor may direct the employee to use leave in an amount necessary to satisfy the mandatory requirement if the employee fails to schedule leave.

3. At the end of the leave year, the human resources offices are responsible for reducing employee leave accounts by amounts of unused mandatory leave. Employees are not eligible to receive payment for leave that was deducted.
4. The unused portion of mandatory leave may be retained by an employee if an agency head certifies in writing the employee was denied an opportunity to use leave.
5. When an employee changes bargaining units during a year, the employee is subject to mandatory leave provisions of the unit in which the employee is employed at the end of a leave year. For example, if an employee changes from a bargaining unit with a mandatory, five-day rule (that has been fulfilled) to a unit with a ten-day rule just prior to the end of the leave year, the employee is required to use or cash in leave to make up the balance of the mandatory requirement.
6. An employee who changes from a leave plan with a mandatory, ten-day leave requirement to a plan with a five-day requirement during the leave year will not be reimbursed for leave used in excess of the mandatory requirement.
7. Five or fewer days of personal leave cashed-in may be applied to the employee's mandatory personal leave requirement.

AAM 280.070 Floating Holidays

Some labor contracts provide floating holiday benefits for union members. For full-time employees, hours for a floating holiday are as defined for a day, 7.5 hours or 8 hours. For part-time employees who work the same number of hours each week, hours for a floating holiday are prorated based on the total number of hours scheduled for a week divided by 5. For part-time employees who do not work the same number of hours each week, hours for a floating holiday are prorated based on the total number of hours scheduled for the pay cycle divided by the number of work days in the pay cycle. Refer to [AAM 290.060](#) Floating Holidays for information on calculating holiday leave for part-time employees.

Under some collective bargaining contracts, leave hours for floating holidays are available for immediate use the day of the holiday and thereafter. An agency must delay processing floating holiday leave usage until leave is posted if the employee has insufficient accrued leave against which the leave usage can be processed. This may require agencies to track floating holiday leave usage manually until the holiday leave accrual is recorded in the payroll system.

Under other collective bargaining contracts, floating holidays are only available for use after the holiday leave is posted to employee annual or personal leave accounts at the end of the pay period in which the holiday occurs.

Floating holiday leave is not subject to continuous employment/eligibility requirements identified in [AAM 280.020](#) Leave Accrual Rate and Eligibility Rules.

Floating holiday leave posted to an employee's leave account may be reduced by mandatory business leave bank contributions. Refer to [AAM 280.330](#) Business Leave Banks.

AAM 280.080 Maximum Leave Balances (10-14)

The balance of personal leave at the end of the year less any portion of leave required for mandatory leave usage, may be used in the succeeding year as provided in [AS 39.20.240](#). The maximum balance of annual leave is stipulated by AS 39.20.240 and collective bargaining contracts. An employee may be approved to carry over more than the maximum balance of personal leave if the department or agency head certifies in writing that the employee was unable to reduce the accrued hours because the employee was denied the opportunity to use the leave due to fire, flood or other emergency affecting the employer's operation or the assignment of work of a priority nature over a substantial period of the leave year.

AAM 280.090 Use of Personal Leave (10-14)

Personal leave is provided by some collective bargaining agreements to unit members and by [AS 39.20.200](#) to eligible, noncovered employees. Where personal leave is provided, it is in lieu of annual and sick leave. Employees use personal leave the same as they would use annual or sick leave. Personal leave use provisions are in [AS 39.20.225](#). Regulations concerning the use of personal leave are in the Leave Rules [2 AAC 08.050](#), and collective bargaining agreements. Refer to [AAM 290.090](#) Leave Usage, for more information about leave usage by part-time employees.

When an employee requests personal leave for vacation or other personal reasons, the employee must request leave in advance and receive permission from the supervisor prior to taking leave. Supervisors may grant personal leave any time business permits and may not unreasonably deny an employee's request. Each supervisor is responsible for assessing the needs of the unit supervised and approving leave for employees based on these needs. Once a leave request has been approved, the approval

should not be rescinded unless the agency head determines such action is in the best interest of the State.

An employee may use personal leave for medical reasons. Medical reasons include medical or dental appointments under some collective bargaining agreements as well as injury, or illness. Personal leave for routine appointments, such as an annual checkup, must be requested and approved in advance. Supervisors may restrict when medical appointments for periodic checkups may be scheduled based on the employee's duties and needs of the office. Employees should make every effort to schedule routine medical appointments and appointments for medical treatment or surgery to minimize interference with operations of the office in which they work.

An employee may take personal leave as a result of an injury or illness regardless of whether business permits. Supervisors will grant personal leave for medical reasons if they are satisfied the employee is absent for a medical reason. Supervisors have the right to request a health care provider's certificate verifying the need for leave when an employee's absence exceeds three consecutive working days or after notifying the employee of suspected abuse of leave.

An employee is required to notify the employer of illness or injury-related absences as far in advance of the scheduled start time as possible. It is the employee's responsibility to periodically inform the supervisor of the anticipated duration of leave.

An employee may take personal leave to accompany an immediate family member to a medical or dental appointment if attendance of the employee is required, business permits, and prior permission has been granted by the supervisor. An employee may take personal leave to attend to an immediate family member who is injured or ill if the employee's presence is required. Supervisors have the right to request a health care provider's certificate verifying the need for leave when the absence exceeds three consecutive working days.

An employee should take personal leave if the employee's presence on the job jeopardizes the health of fellow employees. A supervisor has the right and responsibility to direct an employee to take leave when the employee's presence on the job jeopardizes the health of fellow employees.

Pregnancy, childbirth, and the placement of a child for adoption are medical reasons for an employee to take personal leave.

An employee may take up to five days of personal leave due to the death of an immediate family member unless a greater amount is specified in the applicable bargaining agreement. For purposes of funeral leave, immediate family members include mother, father, spouse, children, mother-in-law,

father-in-law, sister, or brother. Supervisors may exercise their discretion in granting additional leave for such purposes.

AAM 280.100 Use of Annual Leave

An employee must request annual leave in advance and receive permission from the employee's supervisor prior to taking leave. A supervisor may grant leave any time business permits and may not unreasonably deny an employee's request. Each supervisor is responsible for assessing the needs of the unit supervised and approving leave for employees based on these needs. Once a leave request has been approved, the approval should not be rescinded unless the agency head determines such action is in the best interest of the State. Refer to [AAM 290.090](#) Leave Usage for more information about leave usage by part-time employees.

AAM 280.110 Use of Sick Leave

An employee may use sick leave only for medical reasons. Medical reasons include medical or dental appointments under some collective bargaining agreements as well as injury, or illness. Sick leave for routine appointments, such as an annual checkup, must be requested and approved in advance. Supervisors may restrict when medical appointments for periodic checkups may be scheduled based on the duties of the employee and the needs of the office. Employees should make every effort to schedule routine medical appointments and appointments for medical treatment or surgery to minimize interference with operations of the office in which they work. Refer to [AAM 290.090](#) Leave Usage for information about leave usage by part-time employees.

An employee may take sick leave as a result of an injury or illness regardless of whether business permits. A supervisor will grant sick leave for medical reasons if the supervisor is satisfied an employee is absent for a medical reason. Supervisors have the right to request a health care provider's certificate verifying the need for leave when the absence exceeds three consecutive working days or after an employee has been notified of suspected abuse of sick leave.

An employee is required to notify the employer of illness or injury-related absences as far in advance of the scheduled start time as possible. It is the employee's responsibility to periodically inform the supervisor of the anticipated duration of leave.

An employee may take sick leave to accompany an immediate family member to a medical or dental appointment if the attendance of the employee is required, business permits, and prior approval has been obtained from the supervisor. An employee may take sick leave to attend

to an immediate family member who is injured or ill if the employee's presence is required. Supervisors have the right to request a health care provider's certificate verifying the need for leave when the absence exceeds three consecutive working days.

An employee should take sick leave if the employee's presence on the job jeopardizes the health of fellow employees. A supervisor has the right and responsibility to direct an employee to take leave when the employee's presence on the job jeopardizes the health of fellow employees.

Pregnancy, childbirth, and placement of a child for adoption are medical reasons to take sick leave.

An employee may take up to five days of sick leave due to the death of an immediate family member. For purposes of funeral leave, immediate family members are defined in bargaining agreements or in the leave rules. Supervisors may exercise their discretion in granting additional leave for such purposes.

AAM 280.120 Annual Leave Converted to Sick Leave

An employee may request a change from approved annual leave to sick leave when the employee, during a period of approved annual leave, incurs an illness or injury of such severity as to require the services of a doctor or hospitalization. The appointing authority may require support for the request in the form of a written statement from the attending physician indicating the employee would not have been able to perform the employee's duties had the employee not been on annual leave.

AAM 280.130 Annual and Personal Leave Conversion - BU Change

When employees transfer (with no break-in-service) between positions governed by different leave rules, the rules or contract provisions that apply to the position to which they transfer will be followed. For example, when an employee transfers from a position represented by collective bargaining to a position in the exempt or partially exempt service, the employee's leave balances are converted in accordance with the Leave Rules, [2 AAC 08.080](#). When an employee transfers from a position that accrues personal leave to a position represented by a collective bargaining agreement that accrues annual and sick leave, the provisions of the contract will apply.

AAM 280.140 Conversion to and Use of Banked Sick Leave

When an employee who accrues annual and sick leave is appointed to a noncovered position that accrues personal leave, 60 percent of the employee's sick leave balance is transferred to a medical leave bank and 40 percent of the balance is transferred to the employee's new personal leave account. Refer to collective bargaining agreements for conversion percentages and disposal requirements for banked sick leave accounts of members.

The use of banked sick leave by employees covered by the Leave Rules is established in [AS 39.20.256](#) and Leave Rules [2 AAC 08.090](#).

Several restrictions apply to use of banked medical leave by noncovered employees:

1. An employee may not use banked medical leave unless the employee has exhausted personal leave and has a medical disability that exceeds ten consecutive workdays in duration. In this situation, the employee's supervisor may request a health care provider's certificate verifying the disability.
2. An employee who has a single medical disability exceeding 30 Alaska consecutive workdays in duration may use banked sick leave for each day of leave in excess of the first ten days. The employee must submit a health care provider's certificate verifying the disability in this situation.

AAM 280.150 Banked Sick Leave on Terminations

Except as provided in [2 AAC 08.090 \(g\)](#), banked medical leave is canceled without pay upon an employee's separation as required by [AS 39.20.256 \(f\)](#). Upon death of an employee, banked sick leave is paid in cash to the employee's beneficiary at the employee's current rate of pay as provided in [2 AAC 08.090 \(g\)](#).

AAM 280.160 Separation While on Leave

Leave Rules [2 AAC 08.110 \(b & c\)](#) provide that an employee giving notice of resignation while on personal leave or not returning to work from a period of personal leave will be considered separated effective on the employee's last day worked unless the Commissioner of Administration has given prior written approval for the leave usage. The employee is not eligible for leave accrual for the period of absence.

An employee who does not give 14 days notice of resignation upon return from a period of leave is not eligible to accrue leave for the period of leave. The employee is eligible for leave accrued for actual days worked following leave and before separation.

When an employee is on paid leave and is unable to return to work due to an illness or injury, the period of absence prior to resignation is considered paid sick/medical leave and is charged to leave accounts as such. The employee is eligible to accrue leave for the period of paid leave. The annual or personal leave accrual, and any remaining annual or personal leave balance, are paid to the employee as terminal leave upon resignation.

AAM 280.170 Reinstatement of Banked Sick Leave

An individual who has separated from state service for any reason and returned after a break-in-service is not entitled to credit for banked sick leave that has been canceled as provided in [2 AAC 08.105 \(b\)](#).

AAM 280.180 Leave Cash-in (10-14)

Noncovered employees with more than five days of accrued personal leave may cash in personal leave six or fewer times in a leave year as provided in [2 AAC 08.065](#). An employee may not reduce the employee's personal leave balance below 37.5 hours.

Leave cash-in provisions of collective bargaining agreements establish similar requirements for the amount of leave that may be cashed in. Most contracts provide for additional cash-ins based on employee discretion and each agreement establishes the amount of leave not available for cash-in. Discretionary cash-ins must be approved by the agency head.

AAM 280.190 Compensatory Time (01-11)

Compensatory time is leave time earned in lieu of overtime pay. Compensatory time is allowed where provided in collective bargaining contract, by a letter of agreement with an employee's union, or as provided in 2 AAC 07.390 for employees covered by statute. Compensatory time is available to overtime eligible employees only. Compensatory time is earned in accordance with the FLSA at the time and one-half rate that would otherwise apply to overtime pay.

Overtime authorization policies as defined in [AAM 270.040 - 100](#) apply to compensatory time. Managers must plan and schedule work to avoid or minimize compensatory time and act responsibly in approving compensatory time. Compensatory time should not be approved if a

supervisor cannot anticipate whether the workload will permit granting of time off in the future.

Compensatory time off will normally be used in the pay cycle in which the overtime is worked. Some collective bargaining agreements may provide for an annual payoff of unused compensatory time. The Fair Labor Standards Act provides maximums of 240-hour accrual cap or a 480-hour accrual cap for earned compensatory time for designated employment categories. Refer to the act for the specific limits that apply. The hours earned exceeding the accrual cap will be paid as overtime until the compensatory balance fall below the accrual cap. An employee must be paid for any unused balance of earned compensatory time upon separation from state service or transfer between Division and/or Departments.

Compensatory time that is earned and accrued by an employee for employment in excess of a non-FLSA requirement is considered “other” compensatory time. “Other” compensatory time is earned at the rate the time would otherwise be paid. The appropriate 240-hour or 480-hour accrual cap shall include compensatory and “other” compensatory hours earned.

Under the Fair Labor Standards Act, compensatory time off must be approved for use within a reasonable period after requested unless the usage would unduly disrupt operations of the agency.

AAM 280.200 Leave-Without-Pay

Leave Rule [2 AAC 08.095](#) provides four circumstances under which leave-without-pay (LWOP) may occur:

1. Leave-without-pay may be used for employee discipline.
2. The 18 weeks of family leave may consist of paid leave and leave-without-pay.
3. Leave-without-pay may be taken when an employee is disabled and unable to work.
4. The agency head may authorize leave-without-pay at the request of an employee for a period of up to 12 months including for a leave of absence provided in [2 AAC 07.500 \(3\)](#).

Leave-without-pay is not permitted while an employee has unused personal or annual and sick leave, compensatory leave, or donated leave. Exceptions to this policy include leave-without-pay under the circumstances identified above or as specifically provided in collective bargaining agreements.

Disciplinary leave-without-pay may be charged in increments as small as one-quarter hour for employees who are not exempt under the Fair Labor Standards Act (FLSA). Disciplinary LWOP for employees who are FLSA exempt based on a white collar exemption may not be charged in increments of less than one workweek except for instances of major safety violations as provided in 29 CFR 541.118.

AAM 280.210 Effects of Leave-Without-Pay on Employee Benefits (01-13)

In addition to reducing an employee's wages, periods of leave-without-pay (LWOP) may affect employee benefits. Prior to authorizing a request for LWOP, the supervisor should advise an employee of the following possible consequences.

1. An employee may be ineligible for employer-provided group health and life coverage if LWOP is incurred over the first work day of a month. Ordinarily, to be covered, an employee must be in pay status a minimum of four (4) hours on the first scheduled work day of a month. To continue coverage, the employee must pay the premium.
2. An employee who is receiving workers' compensation lost wage payments must be in pay status for a minimum of four (4) hours the first pay period of a month in order to maintain group health and life coverage unless the benefit is otherwise provided under the a family and medical leave entitlement. Refer to AAM 280.360 - Family Leave.
3. An employee who incurs LWOP may have insufficient net wages to deduct their full cost-share of employee group health. To continue group health coverage, the employee must self-pay the cost. Contact the Division of Retirement & Benefits or the applicable health trust for specifics about health coverage continuation.
4. An employee is not eligible for retirement service credit in the Public Employees' Retirement System (PERS) for periods of LWOP that exceed ten days in a calendar year.
5. An employee who experiences LWOP due to a workers' compensation injury or illness may elect to claim and purchase the time for PERS service credit, if the LWOP occurred after June 12, 1987. Contact the Division of Retirement & Benefits for specifics about claiming PERS service credit.
6. An employee does not accrue personal or annual and sick leave while on LWOP.
7. An employee's leave, merit, and pay increment anniversary dates are advanced one month for every 23 days of accumulated LWOP in a

leave year unless otherwise provided in statute, regulation, or a labor contract.

8. An employee's probationary period is extended one month for each accumulation of 23 days of LWOP in the leave year unless otherwise provided in statute, regulation or a labor contract.
9. An employee is not eligible for holiday pay if on LWOP the full day before or the full day following a holiday, unless the employee actually works on the designated holiday.
10. If net wages are insufficient due to LWOP, employee voluntary deductions may not be taken.

AAM 280.220 Maternity Leave

Maternity leave is no longer defined in Alaska Statutes or the Alaska Administrative Code. The concept of maternity leave has taken on a broader definition with enactment of the Alaska Family Leave Act and the federal Family and Medical Leave Act. Use of leave for pregnancy, childbirth, placement for adoption, and adoption is referred to as “parental leave” to distinguish it from “medical leave” used for a serious health condition. Maternity leave is a leave benefit provided for only in the PSEA collective bargaining contract. Refer to [AAM 280.360 - 450](#).

AAM 280.230 Furlough

The need for invoking a furlough must be documented in writing by the agency head and must be approved by the governor. An appointing authority may furlough an employee in the classified or partially exempt service for up to ten working days in a fiscal year to meet budget constraints as provided in [2 AAC 07.407](#). The appointing authority is required to provide the employee two weeks advance notice. The period of absence for a furlough does not contribute to advancing of the leave or merit anniversary dates nor does it extend the employee's probationary period. According to [2 AAC 08.095 \(f\)](#), a furlough is not considered leave-without-pay.

The period of furlough does not jeopardize an employee's eligibility for health insurance; however, the time does accumulate as leave-without-pay for retirement service credit.

Furloughs are prohibited by some collective bargaining agreements.

AAM 280.240 Leave of Absence

As provided in [2 AAC 07.500](#), the agency head may grant an employee a leave of absence from a position under any of the following conditions:

1. A permanent employee in the classified service may be granted a leave of absence to accept an appointment to a position in the exempt or partially exempt service if the agency head deems the leave is in the best interest of the department. Granting of a leave of absence must be in writing by the agency head with a copy provided to the Director of the Division of Personnel and the employee before leave begins. A leave of absence for this purpose may not exceed four years unless extended in writing by the agency head.
2. A permanent or probationary employee may apply for a leave of absence because of sickness or injury. The amount of leave that may be granted is based on the amount of probationary and permanent service time of the employee. The employee may be allowed a one-month leave of absence for every month of service time up to 24 months.
3. A permanent or probationary employee may apply to take a leave of absence for travel or study that will augment the value of the employee's service to the State.
4. A permanent or probationary employee may apply to take a leave of absence to accept a substitute appointment to a position from which the incumbent is on an approved leave of absence authorized in 1, 2, or 3 above. Under [2 AAC 07.510](#), an agency is allowed to fill a position with a substitute appointment when the incumbent of the position is on approved leave.

Two types of substitute appointments are authorized by [2 AAC 07.180](#). The position of an employee on a leave of absence may be filled by an individual appointed as a nonpermanent substitute or by an employee appointed as a permanent substitute when the absence is expected to exceed the length of the probationary period. The duration of a substitute appointment is limited to the period of leave by the incumbent. When an employee returns from a leave of absence, the substitute appointment is terminated. If the position was filled by a permanent substitute employed under the authority of [2 AAC 07.500 \(4\)](#), the substitute employee is laid off or returned to the employee's previous position. If the position was otherwise filled by a permanent substitute, the substitute employee is laid off.

AAM 280.250 Leave Donated to Scholarship Funds

Pursuant to [AS 39.20.245](#), an employee may donate the equivalent of one or more days of personal leave to the memorial scholarship revolving loan fund, or to a scholarship account in the fund referenced in [AS 14.43.250 - 325](#). Funding for the memorial scholarship fund by voluntary contributions of employees is provided for in [AS 14.43.325 \(a\)](#).

Donations to the scholarship fund or one or more accounts within the fund increase an employee's taxable earnings in the year in which the donation is made. Refer to [AAM 360.340](#) Memorial Scholarship Funds for additional information about the funds.

AAM 280.260 Authorization for Donated Leave (10-10)

[AS 39.20.245 \(b\)](#) provides for donation of accrued annual or personal leave from one employee to another employee. [AS 39.20.245](#) further provides for leave donations from employees covered by collective bargaining agreements to employees not covered by collective bargaining and vice versa. Collective bargaining agreements provide for leave donations for covered employees. Donated leave is charged to the agency budget of the recipient when the leave is used.

AAM 280.270 Receiving and Posting Donated Leave (10-14)

Leave may be donated in increments of four or more hours and must be rounded to the nearest one-half hour. Some collective bargaining agreements limit the amount of donated leave that may be credited to an employee's donated leave account.

Donors will submit leave slips to the Payroll Supervisor for the department in which the donee is employed. Leave donations will be posted in date and order received to the recipient's donated leave account as needed. Donations will not be posted for use in a pay period prior to that in which received. Once an employee returns to work, if after three pay periods in which the donee does not require the use of donated leave, the leave donated and not used by the donee shall be returned to the donor.

AAM 280.280 Donated Leave Usage (10-12)

Employees covered by statutes may use donated leave received under [2 AAC 08.070 \(b\)](#) only when all available accrued personal leave has been exhausted and all banked sick leave under [2 AAC 08.090 \(b\)](#) has been

exhausted or is not available due to the time threshold of [2 AAC 08.090 \(b\) \(2\)](#). Some collective bargaining contracts stipulate that donated leave may not be used until all other available accrued leave accounts are exhausted. The recipient's human resources office must ensure donated leave is not used before the employee's leave accounts are exhausted if so provided in the employee's contract. Use of donated leave by the recipient is restricted to medical reasons and may not reduce an employee's mandatory leave requirements established in [AS 39.20.225 \(c\)](#).

Donated leave is available for use in the pay period in which it is received in the Division of Finance. An employee cannot be on leave-without-pay (LWOP) if donated leave is available unless LWOP has been approved by the agency head. Donated leave posted in a pay period may not be used to offset LWOP in prior pay periods.

AAM 280.290 Court Leave

A full-time permanent, nonpermanent, or temporary employee is entitled to use court leave with no loss in pay and no reduction to annual or personal leave balances when summoned to serve as a juror or when subpoenaed as a witness as provided by [AS 39.20.270](#). Some collective bargaining contracts provide court leave to part-time employees. Court leave is reported on a leave slip and recorded in the payroll system, but does not reduce an employee's leave balances.

An employee scheduled to work a swing or graveyard shift will be rescheduled to a regular shift for the days the employee is scheduled to appear in court.

Requests for court leave must be supported by written notice of jury duty, the subpoena, or the marshal's statement of attendance and compensation for services. Compensation for services rendered the court must be turned over to the employee's human resources office unless earned on the employee's regular day off. Reimbursements paid to an employee for travel expenses and parking may be retained by the employee. An employee in a leave-accruing position must submit a leave slip while on court leave. If the employee retains jury duty fees received, the employee's leave slip will be processed against accrued personal or annual leave balance. Employees in non-leave-accruing positions may not be paid their regular salary while on court leave if they retain jury duty fees. Refer to [AAM 270.260 Compensation While on Court Leave](#) for additional information.

AAM 280.300 Leave for Military Training Duty or Medical Examination

[AS 39.20.340 \(a\)](#) provides that an employee who is a member of a reserve or auxiliary component of the United States Armed Forces is entitled to a leave of absence with pay when ordered to training duty. The leave of absence may not exceed 16.5 days in a leave year and may not result in a reduction to the employee's leave accounts. The leave of absence does not contribute to advancing of the employee's merit or leave anniversary dates. If training exceeds 16.5 days, the employee may choose to use annual or personal leave until exhausted, or leave-without-pay for the balance of the training period.

Labor contracts provide paid leave of absences (LOA) for employees to report for military physical examinations. The paid LOA for this purpose may not exceed three days.

AAM 280.310 Paid Leave for Active Military Duty

An employee who is a member of a reserve or auxiliary component of the United States Armed Forces and who is called to active duty by the governor is entitled to five days leave of absence with pay. The leave of absence does not contribute to advancing of the employee's merit or leave anniversary dates or reduce the employee's leave account balances as provided in [AS 39.20.340 \(b\)](#). Upon completion of active duty, an employee is restored to the position held prior to being ordered to an active duty assignment as provided for in [AS 39.20.350](#).

AAM 280.320 Emergency Search and Rescue Assignments

The Commissioner of the Department of Public Safety or an Alaska State Troopers detachment commander may ask employees who possess skills necessary to perform emergency search and rescue (SAR) operations to volunteer their services. These employees remain in pay status in their regular place of employment and are assigned to the Department of Public Safety while participating in the emergency SAR operation. The commissioner or detachment commander only needs to contact an employee's immediate supervisor to request the supervisor's cooperation in releasing the employee from regular duties to allow the employee to participate in the SAR.

AAM 280.330 Business Leave Banks

Collective bargaining contracts require creation and administration of association or business leave banks. The purpose of leave banks is to

provide compensation to bargaining unit members for absences due to some or all of the following based on specific contract provisions: contract negotiations and formulation, meetings, conventions, training sponsored by the union, attendance at arbitrations or other hearings as witnesses, and other union business.

Business banks are established and funded through transfers of annual or personal leave from members' leave accounts. Leave is transferred from employees' annual and personal leave accounts to association or business leave banks as prescribed in respective union contracts. After leave has been transferred to a bank, it may not be returned to an individual's leave account.

Several contracts establish cash business leave banks. Leave assessments and contributions for cash leave banks are converted to a dollar value at the rates of pay of the employees from whom leave is received. These dollars, and the associated benefit costs of the dollars, are placed in the financial system cash business leave bank account established for the union.

Supervisors will approve employee requests for business leave on the same basis as requests for annual or personal leave. Supervisors may not unreasonably deny requests for business leave and all requests for such leave must be approved by the supervisor, the employee's union, and the Labor Relations Section.

Mandatory contributions to business banks deducted from leave accounts reduce the first leave posted which may include floating holidays.

AAM 280.340 Terminal Leave

Refer to [AAM 270.190](#) Terminal Leave Payment for policies and information on terminal leave.

AAM 280.350 Workers' Compensation and Leave

Refer to [AAM 270.220](#) Workers' Compensation Benefits for policies and information on the effects of workers' compensation wage continuation payments and leave-without-pay on an employee's accrued leave balances.

AAM 280.360 Family Leave (04-06)

The State of Alaska complies with [AS 39.20.500](#), the Alaska Family Leave Act (AFLA) and [29 U.S.C. 2601](#), the federal Family Medical Leave Act (FMLA).

These Acts include many permissive provisions. The State of Alaska's policies regarding these provisions and other relevant topics are provided herein. Additional guidance is available from the following sources: [Frequently Asked Questions Regarding Family Leave](#); [Federal Regulations](#); and the [Alaska Statutes](#).

Employees who are eligible for leave under the Alaska Family Leave Act are subject to the same provisions as the Family Medical Leave Act unless otherwise expressed in other adopted policies.

AAM 280.370 Eligibility and Notification (04-06)

Employees who meet the employment and hours worked thresholds specified in the Acts are eligible for family leave.

Upon notification of an employee's absence for a potentially qualifying condition, the supervisor or the supervisor's designee conditionally invokes the employee's absence as family leave within two working days of acquiring knowledge of a possible family leave qualifying condition. The supervisor or the supervisor's designee immediately notifies the Division of Personnel, as dictated by established procedures, when leave has been conditionally invoked.

The Division of Personnel officially designates an employee's absence as family leave. Designation occurs after sufficient information to make the determination is obtained. All attempts will be made to obtain this information upon the first qualifying absence. Failure to obtain this information and designate an absence as family leave does not prohibit the employer from retroactively applying family leave entitlements and protections to previous, qualifying absences.

The Division of Personnel notifies the employee and the employee's supervisor when family leave entitlements are invoked, denied, exhausted, and/or expired.

AAM 280.380 Certification of Health Care Provider (04-06)

A [Certification of Health Care Provider](#) is normally required for all potentially qualifying family leave absences, with the exception of parental leave, and is to be completed by an authorized health care provider as defined in the FMLA regardless of the employee's eligibility for leave under the FMLA.

AAM 280.390 Leave Tracking and Reporting (04-06)

The Division of Personnel tracks family leave usage to ensure the employee is afforded the full entitlements and protections for which they qualify. The family leave entitlement period begins and is measured forward from the date of the employee's first qualifying absence. When an employee is eligible under both Acts, the employee's entitlements run concurrently.

Paid leave is substituted for unpaid leave when available through accruals, donations, or other means authorized by [collective bargaining agreements](#), [Alaska Administrative Code](#), and/or [Alaska Statutes](#). Leave is recorded in one-quarter (.25) hour increments.

Wage continuation payments and leave adjustments resulting from a Workers' Compensation claim do not extend the duration of an employee's family leave entitlement.

Concurrent use of leave exclusively under the AFLA by a husband, wife or sibling working within the same department or agency for the serious health condition of a child or parent is at the sole discretion of the principle executive officer.

AAM 280.400 Not Used

AAM 280.410 Confidentiality (04-06)

Information regarding an employee's or an employee's family member's medical condition, including the use of family leave, is confidential, except that:

- supervisors and managers may be informed regarding the necessary restrictions on the work or duties of the employee and necessary accommodations;
- first aid and safety personnel may be informed, as appropriate, in the event emergency treatment is required; and
- government officials investigating compliance with the Acts shall be provided relevant information upon request.

No mention of an employee's use of family leave is permitted in the performance evaluation.

Employee medical files must be maintained separate from performance and payroll records and must be secured. The medical files of former employees are maintained by the Division of Personnel.

Direct contact with the employee's health care provider is prohibited unless the qualifying medical condition is the result of an injury or illness covered by Workers Compensation. Such contacts are to be made only by the Department of Administration, Division of Personnel, Management Services Section.

AAM 280.420 Health Insurance (04-06)

Health insurance is provided under the FMLA for an eligible employee providing the employee's portion of the premium is paid. For an employee who is eligible for and covered under the AFLA, but is excluded from coverage under the FMLA, such as a policy-level exempt and a partially-exempt employee, health insurance is provided for the first twelve (12) weeks of leave providing the employee has been employed by the State for a 12-month period and worked 1,250 hours during the previous 12-month period and is otherwise eligible for health insurance.

The recovery of health insurance and basic life insurance premiums paid during an employee's unpaid family leave absence will be pursued if the employee fails to return to duty upon conclusion of family leave eligibility unless the employee does not return to duty due to:

- continuous, recurrence, or onset of a documented serious health condition which would again qualify for family leave; or
- other circumstances beyond the employee's control.

AAM 280.430 Parental Leave (04-06)

Family leave for pre-natal, pre-adoption or pre-foster care placement may be taken intermittently or in a single block of time. Available leave expires twelve (12) months after birth or placement occurs. However, at its first use after placement or recovery from birth, an employee's family leave entitlement expires at the conclusion of the remaining weeks. Normally, recovery from birth is considered to have occurred within three (3) days from the date of the birth. The employee's family leave entitlement is not extended as a result of intermittent leave or a reduced schedule following placement or recovery from birth.

AAM 280.440 Fit for Duty Report (04-06)

A fit-for-duty report is required from an employee's health care provider under the following circumstances:

- When the capacity or incapacity from a serious health condition would not be apparent to a layperson such as mental, psychological, or emotional conditions that have incapacitated an employee, or any contagious diseases.
- When the relationship between medical facts that support certification of a serious health condition and the demands of an employee's position would not be apparent to a layperson such as back injuries for positions requiring lifting or heart disease for positions that require physical exertion.

With the exception of vessel employees of the Alaska Marine Highway System and other situations where collective bargaining agreements provide otherwise, a fit-for-duty report is not required for an employee who is absent on intermittent leave.

“Intermittent leave” is defined as leave taken in separate periods of time due to a single illness or injury, rather than for one continuous period of time, and may include leave of periods from an hour or more to several weeks. Examples of intermittent leave would include leave taken on an occasional basis for medical appointments, leave taken on several days at a time spread over a period of six months, such as for chemotherapy.

AAM 280.450 Substance Abuse (04-06)

The use of family leave for substance abuse treatment does not negate the right of the employer to take disciplinary action if substance abuse/use occurred on the job or is a nexus to the job.

AAM 280.460 Expressing Breast Milk at the Workplace (07-10)

The State of Alaska recognizes the health and economic advantages of breastfeeding for infants and mothers and provides a supportive environment to enable employees who are nursing mothers to express milk during work hours.

Break Times and Locations

- Employees who are nursing mothers are allowed to express milk as needed. If an employee needs time in addition to the authorized break and lunch periods, she must adjust her work schedule with

her supervisor's approval, or she may take leave in accordance with the appropriate bargaining unit agreement and leave policy.

- A place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public shall be made available for employees to express breast milk.

Employee Responsibilities

- An employee wishing to express milk during her regular work hours shall keep her supervisor informed of her needs so that appropriate accommodations can be made to satisfy the needs of both the employee and the State as an employer.
- Nursing employees are responsible for keeping milk expression areas clean for the next user.
- Each nursing employee is responsible for proper storage of her milk. If a shared refrigerator is used, the employee should label expressed milk clearly with her name.