

SENATE BILL NO. 189

"An Act relating to minimum paid sick leave requirements; and providing for an effective date."

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

* Section 1. AS 23.10.066 is amended to read:

Sec. 23.10.066. Minimum paid sick leave benefit. Employers in the state with 50 or more employees are required to provide their employees paid sick leave as follows:

(1) [EMPLOYERS WITH 15 OR MORE EMPLOYEES SHALL ALLOW EMPLOYEES TO ACCRUE] a minimum of one hour of paid sick leave shall accrue for every 30 hours worked, but employees are not entitled to accrue or use more than 56 hours of paid sick leave [PER] year, unless their employer sets a higher limit;

(2) [EMPLOYERS WITH FEWER THAN 15 EMPLOYEES SHALL ALLOW EMPLOYEES TO ACCRUE A MINIMUM OF ONE HOUR OF PAID

SICK LEAVE FOR EVERY 30 HOURS WORKED, BUT EMPLOYEES ARE NOT ENTITLED TO ACCRUE OR USE MORE THAN 40 HOURS OF PAID SICK

LEAVE PER YEAR, UNLESS THEIR EMPLOYER SETS A HIGHER LIMIT;

(3) employees who are exempt from overtime requirements under 29

U.S.C. 213(a)(1) shall be assumed to work 40 hours in each work week for purposes

of paid sick leave accrual unless their normal work week is less than 40 hours, in

which case paid sick leave accrues based on [UPON] that normal work week;

(4) paid sick leave shall carry over to the following year, but an

employer is not required to allow an employee to use more than the applicable

amounts of paid sick leave described in (1) [AND (2)] of this section [PER] year;

(5) paid sick leave as provided in this section shall begin to

accrue at the commencement of employment or July 1, 2025, whichever is later; an

employee shall be entitled to use paid sick leave as it is accrued;

(6) any employer with a paid leave or paid time off policy [,] who

makes available an amount of paid leave that is sufficient to meet the requirements of

this section and that may be used for the same purposes and under the same conditions

as paid sick leave under this section [,] is not required to provide additional paid sick

leave;

(7) an employee who is transferred to a separate entity or

location, but remains employed by the same employer, is entitled to all paid sick leave

accrued at the former [PRIOR] entity or location; when there is a separation from

employment, but the employee is rehired within six months after [OF] separation by

the same employer, previously accrued and unused paid sick leave shall be

immediately reinstated; when a different employer succeeds or takes the place of an

existing employer, all employees of the original employer who remain employed by

the successor employer are entitled to all accrued and unused paid sick leave.

* Sec. 2. AS 23.10.067 is amended to read:

Sec. 23.10.067. Use [UTILIZATION] of paid sick leave benefit. The paid

sick leave benefit required under AS 23.10.066 may be used [UTILIZED] as follows:

(1) employees shall be permitted to use paid sick leave for [:]

(A) an employee's mental or physical illness, injury, or health

condition; the employee's need for medical diagnosis, care, or treatment; or the

employee's need for preventative medical care;

(B) care or assistance to the employee's family member relating

to the needs described in (A) of this paragraph; in this subparagraph, "family

member" means an immediate family member as defined in AS 39.52.960

[PURSUANT TO AS 39.52.960(11)]; a domestic partner; a foster child, legal

ward, or person to whom the employee stands in loco parentis; a foster parent,

adoptive parent, legal guardian, or [A] person who stood in loco parentis when

the employee was a minor child; or any other individual related by blood or

whose close association is the equivalent of a family relationship; or

(C) absences necessary due to domestic violence, sexual

assault, or stalking, if [PROVIDED] the leave is to allow the employee to

obtain, for the employee or a family member [:] medical or psychological

attention; services from a victim's aid organization; relocation or steps to

secure an existing home; or legal services, including participation in any

investigation or civil or criminal proceeding;

(2) when the need for paid sick leave is foreseeable, an [THE]

18 employee who is not incapacitated shall make a good faith effort to provide notice to
19 the employer in advance of the use of paid sick leave and before the beginning of the
20 employee's workday for which the sick leave is used and make a reasonable effort
21 to schedule use of paid sick leave in a manner that does not unduly disrupt the
22 employer's operations;

23 (3) for paid sick leave of more than three consecutive workdays, an
24 employer may require reasonable documentation as follows, showing that the paid
25 sick leave has been used for a purpose covered by (1) of this section:

26 (A) documentation signed by a health care professional
27 indicating that paid sick leave is or was necessary shall be considered
28 reasonable documentation for the purposes of (1)(A) or (B) of this section
29 [PURPOSES], but an employer may not require that the documentation explain
30 the nature or details of the illness or underlying health needs;

31 (B) in cases of domestic violence, sexual assault, or
01 stalking [,] under (1)(C) of this section, one of the following types of
02 documentation selected by the employee shall be considered reasonable
03 documentation: a police report; a written statement from a witness advocate
04 affirming services from a victim's aid organization; a court document
05 indicating relevant legal action; or a written, non-notarized statement from the
06 employee affirming that paid sick leave was taken for a qualifying purpose of
07 (1)(C) of this section;

08 (C) unless otherwise required by law, an employer may
09 not require disclosure of the details of an employee's or an employee's family
10 member's health or safety information as a condition of providing paid sick
11 leave under AS 23.10.066 and must treat any health or safety information
12 regarding an employee or employee's family member as confidential medical
13 records;

14 (4) paid sick leave under AS 23.10.066 may be used in the smaller of
15 hourly increments or the smallest increment that the employer's payroll system uses to
16 account for absences or use of other time;

17 (5) an employer may not interfere with, restrain, or deny the exercise
18 of, or the attempt to exercise, the right to paid sick leave under AS 23.10.066; an
19 employer may not

20 (A) engage in retaliation or discrimination [,] or take any other
21 adverse action, against an employee who uses [UTILIZES], or attempts to use
22 [UTILIZE], their paid sick leave;

23 (B) require, as a condition of an employee's taking paid sick
24 leave under this section and AS 23.10.066, that the employee search for or find
25 a replacement worker to cover the hours during which the employee is using
26 paid sick leave; or

27 (C) use an absence control policy that counts paid sick leave
28 taken under AS 23.10.066 and this section as an absence that may lead to or
29 result in retaliation or any other adverse action.

30 * Sec. 3. AS 23.10.068(c) is amended to read:

31 (c) Employers shall give employees who are entitled to paid sick leave
01 written notice of the following at the commencement of employment or within 30 days
02 after this section's effective date, whichever is later: that beginning July 1, 2025,
03 employees are entitled to paid sick leave and the amount of paid sick leave, the terms
04 of its use guaranteed under AS 23.10.066 and 23.10.067, and that retaliation against
05 employees who request or use paid sick leave is prohibited.

06 * Sec. 4. AS 23.10.069 is amended by adding a new subsection to read:

07 (d) Employment of seasonal workers is exempt from the requirements of
08 AS 23.10.066 - 23.10.068. In this subsection, "seasonal worker" means an employee
09 who is hired for a specific period related to peak business need, not to exceed six
10 months in each calendar year.

11 * Sec. 5. This Act takes effect July 1, 2025.