

EMPLOYMENT LAW SUMMARY

Alaska Employee Leave Laws - Overview



Employers may provide their employees with various types of paid or unpaid leave as part of their overall compensation packages, including vacation time, personal leave and sick leave. Employers have some flexibility when it comes to establishing or negotiating employee leave policies. However, federal laws such as the Family and Medical Leave Act (FMLA) require covered employers to provide employees with leave in certain situations.

In addition to federal leave laws, Alaska has employee leave laws regarding:

- Jury duty leave;
- Voting leave; and
- Military leave.

This Employment Law Summary includes a chart that provides a high-level overview of Alaska's employee leave laws and suggests compliance steps for Alaska employers.

Overview of Employee Leave Laws

Type of Leave	Requirements
Jury Duty Leave*	Employers must grant employees unpaid leave for jury duty. An employer cannot terminate, threaten, coerce or penalize an employee who responds to a jury summons, serves as a juror or attends court for prospective jury service.
Voting Leave**	Employers must grant employees paid leave to vote in a state election, unless the employee has two consecutive hours of non-working time, either between the opening of the polls and the start of his or her shift, or between the close of the polls and the end of his or her shift.

Type of Leave	Requirements
Military Leave***	<p>In addition to USERRA, Alaska law provides the following employment protections to members of the organized state militia (which consists of the Alaska National Guard, Alaska Naval Militia and Alaska State Defense Force):</p> <ul style="list-style-type: none"> • Unlimited unpaid leave for members of the organized state militia when called to active state service; • Reinstatement to their former positions (or comparable positions of similar pay, seniority and benefit level) upon release from active state service (or discharge due to hospitalization that arose from active service); and • Employees who sustain disabilities due to active service and are no longer qualified for their previous positions are entitled to comparable positions, provided that employees request reemployment within 30 days of being released to full-time work by physicians. <p>Employers cannot discriminate against members of the state National Guard or naval militia in employment based on their memberships.</p>

Compliance Steps

It is important for Alaska employers to understand when their employees are entitled to take time off from work, and the legal protections associated with such leaves. Employers that violate federal or state leave law requirements may be subject to government investigations, fines, employee lawsuits and significant penalties, fees and damage awards.

To minimize these risks, employers should review applicable federal and state leave law requirements and determine whether they have any compliance gaps to correct. This compliance review may be complex, especially in areas where federal and state leave laws overlap.

As part of the compliance review employers should confirm that:

- Employee handbooks and written policies and procedures have been updated to accurately describe employee leaves;
- Human resources personnel, as well as managers and supervisors, are educated on how to administer employee leaves and receive ongoing training;
- Employee leaves are administered on a consistent basis, and employees are educated on leave rights and requirements;
- Recordkeeping systems accurately track and document employee leaves; and
- Required notices and posters regarding leave laws are provided.

* [AK ST § 09.20.037](#)

** [AK ST § 15.15.100](#)

*** [AK ST § 26.05.075](#); [AK ST §26.05.340](#)

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