

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 1308

Amending Personnel Rule PX6 on
compensation.

IT IS ORDERED:

Personnel Rule PX6 (Compensation) is amended
as shown in the attachment to this order.

DATED: December 1, 1997

EFFECTIVE DATE: December 1, 1997

/s/
Chief Justice Matthews

/s/
Justice Compton

/s/
Justice Eastaugh

/s/
Justice Fabe

/s/
Justice Bryner

RULE PX6

COMPENSATION

PX6.0 Compensation Plan:

The ~~personnel director~~ Human Resources Director shall prepare, maintain and administer a compensation plan whereby each occupational level of classes will be assigned to an established pay and salary range. Assignments will be based upon and reflect the relative complexity, ~~and~~ the difference in duties and responsibilities of each class, comparability to prevailing competitive labor markets, and other pertinent salary data.

PX6.01 Administration:

Partially exempt employees of the Alaska Court System will be employed and compensated in accordance with job classification and wage and salary plans adapted to the special needs of the judiciary. The Administrative Director shall conduct, or cause to be conducted an annual salary survey to ensure that employees of the Alaska Court System receive salaries consistent with those paid to employees in the classified and partially exempt state service.

PX6.02 Hiring Rates:

Newly hired ~~and temporary~~ employees in the partially-exempt service will normally be compensated at the first step of the pay range assigned to the class to which they are appointed, except as provided in this rule.

PX6.02.01 Advance Step Hire

The Administrative Director may authorize the appointment of a person at a step other than the first step of the pay range assigned to the class, upon a determination of recruiting difficulty, unusually high qualifications of the applicant as determined by the Administrative Director or the documentation of other unusual conditions by the hiring supervisor.

Authorization to appoint an applicant to a step other than the first step of the pay range assigned to the class must be obtained prior to the employee's first day of employment and must be communicated in writing to the prospective employee prior to appointment.

PX6.02.02 Student Hire

With prior approval of the ~~personnel director~~ Human Resources Director part-time temporary employees, such as high school students receiving on-the-job training, may be hired at a pay rate below the minimum established for comparable full-time positions, provided the hourly rate is not less than that established as a minimum by state and federal minimum wage laws.

PX6.02.03 Promoted Employees

When an employee is promoted into another position, the new salary will be at a step that provides a minimum of one step increase in the range from which promoted. If the new salary falls between steps, the salary will be placed at the higher step. Alaska geographic cost-of-living differentials will be excluded when determining the appropriate salary step.

The anniversary date of a promoted employee will be the 16th of the month following completion of one (1) year of service in the new classification.

PX6.02.04 Reclassification

PX6.02.04 (a) Upward Reclassification

When an employee's ~~is occupying a position that~~ is reclassified to a higher salary range, the employee's salary will be set in accordance with Personnel Rule PX2.06.01.

PX6.02.04 (b) Downward Reclassification

When an employee's ~~is occupying a position that~~ is reclassified to a lower pay range, the employee's salary will be set in accordance with Personnel Rule PX2.06.02.

PX6.03 Salary Increase:

At the discretion of the supervisor, a partially exempt employee may be given the equivalent of a one step salary increase once a year. The employee may be considered for the salary increase on the 16th of the month which coincides with the end of each twelve month period (anniversary date).

PX6.04 Total Remuneration:

The base salary plus any earned overtime or premium pay paid to an employee in the Alaska Court System will represent the total remuneration for the employee, exclusive of reimbursement for official travel. Except as otherwise provided in these rules or upon prior approval by the ~~personnel director~~ Human Resources Director, no employee will receive pay from the Alaska Court System in addition to the salary authorized under the schedule provided in the pay plan for services rendered by the employee in the discharge of ordinary duties or any additional duties which may be assigned or which the employee may volunteer to perform.

PX6.04.01 Less than Full-Time

Whenever an employee regularly works less than the ~~regularly~~ established number of hours per day, days per week, or weeks per month, the wages paid will be proportionate to the time actually employed.

PX6.05 Overtime Compensation:

PX6.05.01 Eligibility

Employees not serving in executive, administrative or professional positions, or other exempt positions, as defined by the Fair Labor Standards Act (FLSA), are eligible to receive overtime compensation. Overtime compensation shall be earned in accordance with the FLSA unless otherwise provided in these rules.

PX6.05.02—Definition Compensation for Overtime

~~Eligible employees will receive overtime compensation for all hours worked in excess of 40 hours during an employee's scheduled work week. (Hours worked between 37.5 and 40 hours will be compensated at the regular hourly rate or compensatory time will be given on an hour-for-hour basis.)~~

~~For hours worked in excess of 40 hours, the eligible employee will either be paid one and a half times the employee's regular hourly rate or will be given compensatory time off at the rate of one and a half times the hours worked.~~

All work performed up to and including 37.5 hours in a workweek is straight-time work. Any work performed by an overtime eligible employee between 37.5 hours and 40 hours of work in a workweek is overtime work and shall be compensated at the employee's appropriate regular, straight-time, or shift rate of pay. All work performed by overtime eligible employees in excess of 40 hours of work in a workweek is overtime work and shall be paid in accordance with the FLSA, and the provisions of this rule.

Only hours worked will be counted in the calculation of workweek hours for the purposes of determining the calculation of the rate of overtime compensation. Holidays not worked and leave taken will be compensated at the employee's appropriate straight-time rate of pay, but will not be counted in the calculation of workweek hours for the purposes of determining eligibility for overtime compensation.

PX6.05.03 Prior Approval Required

An overtime eligible employee may not work in excess of 7.5 hours in a day or 37.5 hours during a workweek without prior approval from the employee's first level supervisor, except in the case of an emergency.

In the event of an emergency, when time is worked in excess of the regularly scheduled hours without the prior approval of the supervisor, the overtime eligible employee shall report the additional time worked to the first level supervisor as soon as possible, but not later than the end of the next business day.

A supervisor may not permit an employee eligible for overtime compensation to work additional hours beyond the employee's regularly scheduled workweek without prior approval from the Area Court Administrator for trial court employees, Clerk of the Appellate Courts for appellate court employees or the Administrative Director for administration employees. Employees who are eligible for overtime pay cannot volunteer to work additional hours without compensation. An employee or supervisor who violates this rule may be subject to discipline.

~~PX6.05.03 Compensation for Overtime~~ PX6.05.04 Compensatory Time

~~Compensation for overtime will be computed on a weekly basis. If compensation is in the form of pay, the payment will be made during the following pay period. However, when feasible, compensation will be in the form of compensatory time off rather than pay. NOTE: Use of compensatory time off must have the supervisor's prior approval. (See Personnel Rule PX7.02)~~

~~Compensatory time off will be granted in lieu of overtime payment with the following provisions:~~

- ~~1. The employee must not have accrued compensatory time in excess of 240 hours;~~
- ~~2. The employee will be allowed to use the compensatory time within a reasonable period after making the request, if the use of the compensatory time does not unduly disrupt business operation; and~~
- ~~3. Upon termination, the employee will be paid for unused compensatory time, up to a maximum of 240 hours, at a rate of:
 - ~~(a) not less than the average regular rate received by the employee during the last three (3) years of employment~~~~

~~or~~

- ~~(b) the final regular rate received by the employee, whichever is greater.~~

~~Supervisors shall maintain an accurate up-to-date accounting of all overtime hours worked, the form of compensation and number of compensatory hours used, if applicable. Employees will not be granted personal leave until all accrued compensatory time is used, except as provided in Rule PX7.02.04.~~

Payment for overtime is the preferred method of compensation for overtime worked. The Administrative Director, upon recommendation of the Human Resources Director and the appropriate Area Court Administrator or the Clerk of the Appellate Courts, may approve compensatory time in lieu of overtime pay for individual employees or departments. The Administrative Director may approve compensatory time if it is in the best interest of the Court System, and if the affected employee or employees agree in writing in advance of overtime worked to accept compensatory time in lieu of overtime. Compensatory time authorization will

either be in effect for a defined period or be of indefinite duration. Authorization for compensatory time may be terminated immediately by written request of the employee(s) prior to the time worked. Authorization for compensatory time may also be terminated by the supervisor or the Administrative Director by written direction upon thirty (30) days notice to the employee(s). The Administrative Director's decision to approve or disapprove compensatory time is final and not grievable.

~~PX6.05.04—Prior Approval Required~~

~~An employee eligible for overtime payment may not work in excess of 37.5 hours during a work week without prior written approval from the hiring supervisor to work overtime. Under extenuating circumstances, oral approval may be granted. However, the approval must be confirmed in writing as quickly as possible thereafter. All approval must include an estimate of the amount of overtime to be worked and whether compensation will be made in the form of salary or compensatory time off. A supervisor may not permit employees eligible for overtime compensation to work additional hours beyond the employee's regularly scheduled work week without prior approval from the area court administrator for trial court employees, clerk of the appellate courts for appellate court employees or the administrative director for administration employees. Employees who are eligible for overtime pay cannot volunteer to work additional hours without compensation. An employee or supervisor who violates this rule may be subject to discipline.~~

~~PX6.05.05—Holiday Pay~~

~~Employees eligible for overtime pay who are not normally scheduled to work on a holiday but are required to do so will receive overtime compensation at one and one half times the hourly rate for the holiday worked. Employees may elect to receive either overtime payment or an additional day off with pay, but not both. Work performed under this section must have the prior approval of the trial court administrator for trial court employees, clerk of the appellate courts for appellate court employees or the administrative director for administration employees.~~

~~Employees eligible for overtime pay who are normally scheduled to work on a day on which a holiday falls or is celebrated should be given an additional day off with pay during the week of the holiday in lieu of overtime pay for the holiday. If unable to take an additional day off, they will receive overtime compensation for the actual holiday worked and straight time pay for all other days worked.~~

~~NOTE: See Personnel Rule PX7.02.05 for the effect of holidays on employees on a four day work week.~~

~~PX6.06—Effect of Leave Without Pay on Holiday Pay:~~

~~If an employee is on leave without pay for the entire day of work either before or following a holiday, the employee is considered to be on leave without pay for the holiday.~~

PX6.07—Shift Differential: PX6.06 Shift Differential

Employees who are eligible for overtime compensation are also eligible for shift differential. A shift differential of a one step salary increase will be paid to employees who regularly work a swing shift beginning between 12:00 noon and 7:59 p.m. A shift differential of a two step salary increase will be paid to employees who regularly work a graveyard shift beginning between 8:00 p.m. and 3:59 a.m. An overtime eligible employee will be paid the appropriate shift differential only for hours actually worked on a swing or graveyard shift. All hours of paid leave or holiday pay will be paid at the employee's straight-time rate.

No employee may work a swing or graveyard shift without specific written authorization by the Area Court Administrator, the ~~personnel director~~ Human Resources Director and the Administrative Director for trial court employees; the Clerk of Appellate Courts, the ~~personnel director~~ Human Resources Director and the Administrative Director for appellate court employees; or the ~~personnel director~~ Human Resources Director and the Administrative Director for administration employees.

PX6.07 Relief, Standby Time and Recall

The following provisions apply to those employees who are eligible for overtime compensation:

PX6.07.01 Relief

An employee who has been on continuous duty for four (4) or more hours in addition to the employee's normal shift shall not be required to report for work the following scheduled workday until the employee has had a minimum of ten (10) hours of relief. If the relief period includes regularly scheduled work hours, the employee shall be paid at the employee's straight-time rate of pay for those hours the employee should otherwise be working.

An employee who takes a meal break at anytime during the four (4) continuous hours after the normal end of the employee's shift will not be eligible for relief pay.

If a supervisor directs an employee to come back to work within the required ten (10) hours of relief, the employee shall be compensated at one and one-half times (1.5) the employee's straight-time rate of pay until the employee's hours of relief would have ended. This rate of pay is in lieu of, and not in addition to, any pay which the employee would have received under PX6.07.01 if the employee had not returned to work. At that time, the employee shall be compensated at the employee's applicable rate for the remainder of the work day.

PX6.07.02 Standby Time

When an employee is ordered to be available for recall, either by remaining at home or by periodically reporting the employee's whereabouts to the supervisor, the employee will be paid an amount equal to ten (10%) percent of seven and one-half (7.5) hours times the employee's hourly rate of pay for each 24-hour period the employee is assigned to standby.

PX6.07.03 Recall

An employee who is required to return to work outside of the employee's regular hours of duty will be paid a minimum of two (2) hours of premium recall pay at the employee's applicable rate.

It is necessary from time to time to recall employees who are exempt from overtime compensation under the FLSA and it is recognized that an obligation exists for the employee to return to work. (See Appendix A for definitions of executive, administrative and professional.)

PX6.07.04 No Pyramiding of Overtime or Premium Pay

No employee shall receive more than one (1) overtime or premium rate of pay for the same hours worked. Premium rates include, but are not limited to relief pay, standby pay, recall pay, and holiday premium pay.

PX6.08 Travel and Per Diem:

Travel, moving, per diem and meal allowances shall be paid in accordance with the provisions of the Alaska Administrative Manual in effect on the date of travel, including provisions for payment of actual expenses, as appropriate in all communities. The Anchorage and Palmer courts are considered two (2) separate duty stations for the purposes of this section.

PX6.08.01 Stranded While on Alaska Court System Travel

If due to inclement weather or other adverse conditions, employees traveling on Alaska Court System business become stranded away from their office location the following will apply:

- (a) The employee will not suffer a reduction in wages or benefits as a result of being unable to return to his/her principal work location.
- (b) At Alaska Court System expense, as authorized by the Alaska Administrative Manual, the employee will be provided with room and board and necessary transportation, including additional parking expense.
- (c) At Alaska Court System expense, the employee will be reimbursed for up to fifteen (15) minutes of station-to-station phone calls to make logistical arrangements because of the stranding.
- (d) An employee is stranded if:
 - (1) the employee traveled to the court location via commercial carrier, and the employee cannot return as scheduled because no commercial carrier is available for the return trip, or

(2) the employee traveled to the court location via private vehicle, and the road routes for the return trip are closed or subject to a law enforcement advisory cautioning against any non-emergency travel.

PX6.09 Frequency of Payday:

Payday shall be the 15th and the last day of the month. If payday falls on a Saturday, Sunday, or holiday, the last working day before such Saturday, Sunday, or holiday shall be the payday.

PX6.10 Termination Pay:

Following termination of employment, the employee's wages shall be paid within thirty (30) days of the date of termination.