

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1642

Amending Administrative Rule
28 concerning judicial leave.

IT IS ORDERED:

Administrative Rule 28 is amended to read as follows:

Administrative Rule 28. Judicial Vacations and Judicial Leave.

* * * *

(g) Leave of Absence.

(1) As used in this section, unless the context requires otherwise, “judge” means any justice of the supreme court, or judge of the court of appeals, the superior court or district court.

(2) A judge who wishes to take a leave of absence shall submit a written application to the supreme court, which shall include a plan outlining the activities he or she will pursue.

(3) In authorizing leaves of absence, the supreme court shall consider whether the activities outlined in the judge’s plan are related to the administration of justice. Appropriate activities include formal educational programs for professional self-improvement and teaching at educational institutions. The supreme court shall also consider the benefit the Alaska Court System will derive from the leave of absence and the length of time the judge has served. A leave of absence may be granted only if the supreme court is satisfied that the administration of justice in Alaska will not be adversely affected by granting the leave.

(4) Upon approval of the judge’s application, the supreme court shall issue an order granting leave of absence without salary for a

period of not more than one year. The order shall state the maximum period of time for which the leave is granted.

(5) Application for a leave of absence is considered a waiver of salary by the applicant for the period of time the judge is absent under the leave granted by the court.

(6) Annual vacation leave or personal leave shall not accrue during a leave of absence.

(7) A leave of absence is an interruption in service for retirement and supplemental benefits purposes. No payment into the retirement or supplemental benefits funds shall be made during such leave of absence, and retirement and supplemental benefits shall not accrue.

(8) If a judge chooses to continue to participate in the State of Alaska group health care and basic life insurance plans during an approved leave of absence, the Alaska Court System will continue to pay the same portion of the costs of the following benefits for the judge and his or her dependents as the Alaska Court System would pay if the judge were not on leave of absence: comprehensive medical, dental, vision and optical, audio, basic life insurance, and accidental death and dismemberment insurance.

(9) A leave of absence does not affect the date at which a judge is subject to approval or rejection in a retention election.

(10) At the termination of the leave of absence, unless he or she sooner dies or resigns, a judge shall resume the duties of his or her office and send written notice of the resumption to the supreme court. The resumption and sending notice thereof constitutes a termination of the leave whether or not the maximum period of time granted has expired.

DATED: April 10, 2007

EFFECTIVE DATE: October 15, 2007

/s/
Chief Justice Fabe

/s/
Justice Matthews

/s/
Justice Eastaugh

/s/
Justice Bryner

/s/
Justice Carpeneti