

**SENATE BILL NO. 203**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-NINTH LEGISLATURE - SECOND SESSION

**BY THE SENATE JUDICIARY COMMITTEE**

**Introduced: 3/11/16**

**Referred: Labor and Commerce**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to overtime pay eligibility for medical care providers employed by**  
2 **common air carriers or by carriers that transport mail by air for the federal**  
3 **government and to overtime pay eligibility for flight crews and medical care providers**  
4 **employed by air ambulance service providers."**

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

6 **\* Section 1.** AS 23.10.060(d) is amended to read:

7 (d) This section does not apply with respect to

8 (1) an employee employed by an employer employing less than four  
9 employees in the regular course of business, as "regular course of business" is defined  
10 by regulations of the commissioner;

11 (2) an employee employed in handling, packing, storing, pasteurizing,  
12 drying, preparing in their raw or natural state, or canning agricultural or horticultural  
13 commodities for market, or in making cheese or butter or other dairy products;

14 (3) an employee of an employer engaged in small mining operations

1 where not more than 12 employees are employed if the employee is employed not in  
2 excess of 12 hours a day or 56 hours a week during a period or periods of not more  
3 than 14 workweeks in the aggregate in a calendar year during the mining season, as  
4 the season is defined by the commissioner;

5 (4) an employee engaged in agriculture;

6 (5) an employee employed in connection with the publication of a  
7 weekly, semiweekly, or daily newspaper with a circulation of less than 1,000;

8 (6) a switchboard operator employed in a public telephone exchange  
9 that has fewer than 750 stations;

10 (7) an employee in an otherwise exempted employment or proprietor  
11 in a retail or service establishment engaged in handling telegraphic, telephone, or radio  
12 messages for the public under an agency or contract arrangement with a telegraph or  
13 communications company where the telegraph message or communications revenue of  
14 the agency does not exceed \$500 a month;

15 (8) an employee employed as a seaman;

16 (9) an employee employed in planting or tending trees, cruising, or  
17 surveying, or bucking, or felling timber, or in preparing or transporting logs or other  
18 forestry products to the mill, processing plant, railroad, or other transportation  
19 terminal if the number of employees employed by the employer in the forestry or  
20 lumbering operations does not exceed 12;

21 (10) an individual employed as an outside buyer of poultry, eggs,  
22 cream, or milk in their raw or natural state;

23 (11) casual employees as may be liberally defined by regulations of the  
24 commissioner;

25 (12) an employee of a hospital whose employment includes the  
26 provision of medical services;

27 (13) work performed by an employee under a flexible work hour plan  
28 if the plan is included as part of a collective bargaining agreement;

29 (14) work performed by an employee under a voluntary flexible work  
30 hour plan if

31 (A) the employee and the employer have signed a written

1 agreement and the written agreement has been filed with the department; and

2 (B) the department has issued a certificate approving the plan  
3 that states the work is for 40 hours a week and not more than 10 hours a day;  
4 for work over 40 hours a week or 10 hours a day under a flexible work hour  
5 plan not included as part of a collective bargaining agreement, compensation at  
6 the rate of one and one-half times the regular rate of pay shall be paid for the  
7 overtime;

8 (15) an individual employed as a line haul truck driver for a trip that  
9 exceeds 100 road miles one way if the compensation system under which the truck  
10 driver is paid includes overtime pay for work in excess of 40 hours a week or for more  
11 than eight hours a day and the compensation system requires a rate of pay comparable  
12 to the rate of pay required by this section;

13 (16) an individual employed as a community health aide by a local or  
14 regional health organization as those terms are defined in AS 18.28.100;

15 (17) work performed by a mechanic primarily engaged in the servicing  
16 of automobiles, light trucks, and motor homes if the mechanic

17 (A) is employed as a flat-rate mechanic by a nonmanufacturing  
18 establishment primarily engaged in the business of selling or servicing motor  
19 vehicles;

20 (B) has signed a written agreement with the employer that  
21 specifies the mechanic's flat hourly rate of pay and the automotive manual or  
22 manuals on which the flat rate is to be based;

23 (C) is compensated for all hours worked in any capacity for  
24 that employer up to and including eight hours a day and 40 hours a week at an  
25 hourly rate that is not less than the greater of

26 (i) 75 percent of the flat hourly rate of pay agreed on  
27 [UPON] by the employer and employee under (B) of this paragraph; or

28 (ii) twice the state minimum wage; and

29 (D) is compensated for all hours worked in any capacity for  
30 that employer in excess of eight hours a day or 40 hours a week at one and  
31 one-half times the rate described in (C) of this paragraph;

1 (18) work performed by an employee under a voluntary written  
2 agreement addressing the trading of work shifts among employees if

3 (A) the employee is employed by an air carrier subject to  
4 subchapter II of the Railway Labor Act (45 U.S.C. 181-188), including  
5 employment as a customer service representative;

6 (B) the trading agreement is not a flexible work hour plan  
7 entered into under (13) or (14) of this subsection;

8 (C) the trading agreement is filed with the employee's  
9 employer; and

10 (D) the trading agreement states that the employee is not  
11 entitled to receive overtime for any hours worked by the employee when the  
12 employee voluntarily works those hours under a shift trading practice under  
13 which the employee has the opportunity, in the same or other work weeks, to  
14 reduce hours worked by voluntarily offering a shift for trade or reassignment;

15 (19) work performed by a flight crew member employed by an air  
16 carrier subject to 45 U.S.C. 181 - 188 (subchapter II of the Railway Labor Act), or an  
17 air ambulance flight crew member employed by an air ambulance service  
18 provider; in this paragraph,

19 (A) "air ambulance" has the meaning given in  
20 AS 21.61.110;

21 (B) "air ambulance service provider" has the meaning  
22 given in AS 21.61.110;

23 (C) "flight crew" means the pilot, co-pilot, flight engineer,  
24 medical care providers, and flight attendants.

25 \* **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to  
26 read:

27 APPLICABILITY. AS 23.10.060(d), as amended by sec. 1 of this Act, applies to  
28 contracts entered into on or after the effective date of this Act.