



THE STATE
of ALASKA

GOVERNOR MICHAEL J. DUNLEAVY

Department of Labor and
Workforce Development

Office of the Commissioner

Post Office Box 111149

Juneau, Alaska 99811

Main: 907.465.2700

TO: Senator von Imhof
Senate Finance Committee

DATE: February 11, 2020

FROM: Director Grey Mitchell 
Workers' Compensation/Labor Standards and Safety

RE: CSHB 68 – Senate Finance
Child Labor Information Sheet – See attached summary

AS 23.10.330(a) information

- The law currently specifies that Alaska's child labor laws (AS 23.10.325 – AS 23.10.370) do not prohibit employment of a child under the direct supervision of a parent in a business owned and operated by the parent or in the work of a child on a boat owned and operated by the parent of the child.
 - 8 AAC 05.900(10) defines "parent" as a "biological parent, adoptive parent, or step parent."
 - There is not a statutory or regulatory definition for what "owned and operated by the parent" means under AS 23.10.330(a). The Wage and Hour Section has generally applied an equal/majority ownership interest policy standard.
- Pursuant to AS 23.10.330(a), a child may be employed at any age in a business or on a boat owned and operated by the parent of the child. The child labor restrictions in AS 23.10.325 – AS 23.10.370, including limits on hours worked and hazardous work activities would not apply. However, this would not preclude enforcement under criminal statutes such as AS 11.41.455 that prohibit the unlawful exploitation of a minor, which includes prohibitions against certain types of employment for a child under age 18.
- The department does not oppose expanding the exception under AS 23.10.330(a) to include immediate family members. It may also be worthwhile to include legal guardians in the list. Expanding the exception reduces barriers to employment for children in situations where family members will be directly supervising their work in a business owned and operated by the family member. In general, the department is committed to expanding opportunities for employment and reducing unnecessary barriers.
- The department has concerns about adding the provisions of SB 76 into CSHB 68. While this bill would reduce expenditures against the Workers' Safety and Compensation Administration Account, businesses have voiced concerns that moving the appeals function back to the Alaska Superior Court could increase Workers' Compensation system costs overall and increase delays in the adjudication process. The department is concerned that the controversy could negatively impact the merger bill.

DOLWD – LSS
Wage and Hour Administration
P.O. Box 111149
Juneau, AK 99811-1149
Phone: (907) 465-4842
Fax: (907) 465-3584
Statewide.wagehour@alaska.gov

DOLWD – LSS
Wage and Hour Administration
1251 Muldoon Road, Suite 113
Anchorage, AK 99504
Phone: (907) 269-4909
Fax: (907) 269-4915
Statewide.wagehour@alaska.gov

DOLWD – LSS
Wage and Hour Administration
675 Seventh Avenue, Station J-1
Fairbanks, AK 99701
Phone: (907) 451-2886
Fax: (907) 451-2885
Statewide.wagehour@alaska.gov

DOLWD – LSS
Wage and Hour Administration
877 Commercial Drive
Wasilla, AK 99654
Phone: (907) 352-2500
Fax: (907) 375-9630
Statewide.wagehour@alaska.gov

EMPLOYERS PLEASE NOTE:

OCCUPATIONS PROHIBITED TO ALL MINORS UNDER 18:

1. Occupations in manufacturing, handling, or use of explosives.
2. Occupations of motor vehicle driver or helper (limited exceptions.)
3. Mining operations including coal.
4. Logging or occupations in the operations of any sawmill, lath mill, shingle mill or coopeage.
5. Operations of power-driven woodworking machines.
6. Occupations with exposure to radioactive substances and to ionizing radiation.
7. Occupations involving exposure to bloodborne pathogens.
8. Operation of elevators or other power-driven hoisting apparatus.
9. Operation of power-driven metal forming, punching, and shearing machines.
10. Occupations involving slaughtering, meatpacking or processing, or rendering.
11. Occupations involved in the operation and cleaning of power-driven bakery machines.
12. Occupations involved in the operation of power-driven paper products machines.
13. Occupations involved in the manufacture of brick, tile, and kindred products.
14. Occupations involved in the operation and cleaning of circular saws, band saws and guillotine shears.
15. Occupations involved in wrecking, demolition, and shipbreaking operations.
16. Occupations involved in roofing operations.
17. Occupations involved with excavation operations.
18. Electrical work with voltages exceeding 220, or outside erection or repair, and meter-testing, including telegraph and telephone lines.
19. Occupations involved in canvassing, peddling, door-to-door solicitation, or sales.

IF UNDER 16 THESE ADDITIONAL OCCUPATIONS ARE ALSO PROHIBITED:

1. Occupations in manufacturing, mining, or processing, including work rooms or places where goods are manufactured, mined, or otherwise processed.
2. Occupations involved in operation of hoisting or power-driven machinery other than office machines.
3. Operation of motor vehicle or service as helper on motor vehicle.
4. Public messenger service.
5. Occupations in or about canneries, seafood plants, including cutting, slicing, or butchering, or the operation of any floating plant and including loading or unloading.
6. Work performed in or about boilers, engine rooms, or retorts.
7. Work involved with maintenance or repair of the establishment's machines or equipment.
8. Occupations that involve working from window sills, ladders, scaffolds, or their substitutes.
9. Occupations which involve operating, setting up, adjusting, cleaning, oiling, or repair of power-driven food slicers, grinders, choppers, cutters, and bakery-type mixers.
10. Work in freezers, meat coolers, or preparation of meat for sale.
11. Loading or unloading to and from trucks, railroad cars, or meat conveyors.
12. Occupations in warehouses except office and clerical work.
13. Occupations involving use of sharpened tools.
14. Occupations in transportation of persons or property, warehousing and storage, construction (including demolition and repair) except office or sales work in connection with these occupations.

The federal prohibition on the hours 14 and 15 year old minors may be allowed to work is stricter than Alaskan law. Due to this conflict, an employer of 14 or 15 year old minors may find that they are in compliance with State law, but in violation of federal law. For example:

Federal Law

Children 14 and 15 years old may only work:

1. Outside school hours.
2. No more than 40 hours in any one week when school is not in session.
3. Not more than 18 hours in any week when school is in session.
4. Not more than 8 hours in any one day when school is not in session.
5. Not more than 3 hours in any one day when school is in session.
6. Between 7 a.m. and 7 p.m. in any one day except during the summer (June 1 through Labor Day), when the evening hours will be 9 p.m.

State Law

Children 14 and 15 years old may work:

1. A total of 9 hours of school and work combined in one day.
2. Only between the hours of 5 a.m. to 9 p.m.
3. No more than 23 hours per week outside of school hours (domestic work and babysitting excepted).
4. No more than 6 days per week.

There are certain exceptions to the federal law; for example, children in work-study programs through their schools are exempt from some or all of the hour restrictions. For further information on the federal law, contact the United States Department of Labor, Wage and Hour Division, Telephone: 1-866-487-9243. Or in Anchorage: (907) 271-2867

TITLE 4 ALCOHOLIC BEVERAGES and MARIJUANA/CANNABIS-- ALASKA STATUTES

AS 04.16.049. Access of persons under the age of 21 to licensed premises:

(a) A person under the age of 21 years may not knowingly enter or remain in premises licensed under this title unless:

- (1) accompanied by a parent, guardian or spouse who has attained the age of 21 years;
- (2) the person is at least 16 years of age, the premises are designated by the board as a restaurant for the purposes of this section, and the person enters and remains only for dining; or
- (3) the person is under the age of 16 years, is accompanied by a person over the age of 21 years, the parent or guardian of the underaged person consents, the premises are designated by the board as a restaurant for the purposes of this section, and the person enters and remains only for dining.

(c) Notwithstanding any other provision in this section, a person between 16 or 17 years of age may enter and remain within the licensed premises of a hotel, restaurant, or eating place in the course of employment if

- (1) the employment does not involve the serving, mixing, delivering, or dispensing of alcoholic beverages;
- (2) the person has the written consent of a parent or guardian; and
- (3) an exemption from the prohibition of AS 23.10.355 is granted by the Department of Labor and Workforce Development. The board, with the approval of the governing body having jurisdiction and at the licensee's request, shall designate which premises are hotels, restaurants, or eating places for the purposes of this subsection.

(d) Notwithstanding any other provision in this section, a person 18, 19, or 20 years of age may be employed within the licensed premises of a hotel, restaurant, or eating place, may enter and remain within those premises for the purpose of employment, but may not in the course of employment, sell, serve, deliver, or dispense alcoholic beverages.

AS 17.38.070 restricts the employment of employees under the age of 21 from working in all branches of the cannabis/marijuana industry, including but not limited to planting, cultivating harvesting, processing, packaging, transporting or selling.

TOBACCO and PULL-TABS

AS 11.76.106 restricts access to areas where tobacco and tobacco products are sold. Minors under 19 years may not sell tobacco or tobacco products in the course of their employment. 15 AAC 160.480(b) prohibits the sale of pull-tabs by anyone under the age of 21.