



Under AS § 23.10.070, the commissioner still has the authority to create new regulations that give less pay to individuals whose earning capacity is impaired by “physical or mental deficiency, age, or injury.”

Workers with disabilities can excel in jobs with minimum wages and higher. Individuals with developmental disabilities are worthy of equal pay for their work.

Earlier successes lead to the dissolution of a subminimum wage regulation (8 AAC 15.120). However, there is nothing in place to stop future regulations that allow subminimum wages for workers with disabilities. That regulation described the process an employer needed to follow to hire a worker with a disability for a subminimum wage. The next step is repealing the statute that allowed for the regulation in the first place.

A worker with a disability could compete and excel at jobs with minimum wages and higher wages. This law could be used to unfairly pay workers with disabilities less than the minimum wage in the future.

Although the statute limits the application of the regulation to a fixed period of time, that is not a sufficient protection for workers.

The elimination of the subminimum wage statute will build on the success of the past and keep Alaska on track to support the Alaska Employment First Act of 2014, which requires vocational services to help people with disabilities to become gainfully employed at or above the minimum wage.