

# Alaska State Medical Association

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January 24, 2023

The Honorable Jesse Sumner, Chair  
House Labor and Commerce Committee  
State Capitol, Room 421  
Juneau, Alaska 99801

Delivered via email: Representative.Jesse.Sumner@akleg.gov

Re: House Bill 204, "An Act exempting certain employees from overtime pay requirements; and providing for an effective date."

Dear Chair Sumner:

The Alaska State Medical Association (ASMA) represents physicians and physician assistants statewide and is primarily concerned with the health of all Alaskans.

ASMA supports House Bill 204 ("HB204").

HB 204 would allow employees of ambulatory surgical centers, freestanding birth centers, home health agencies, hospices, intermediate care facilities for individuals with intellectual disabilities, residential psychiatric treatment centers, rural health clinics, and subacute mental health facilities to voluntarily agree to a twelve-hour work schedule under the Department of Labor's flexible work plan process.

It's important to note that under current law AS 23.10.060(12) employees of a hospital whose employment includes the provision of medical services is allowed to work twelve hour shifts with overtime only accruing for hours more than twelve hours in a day or more than forty in week. Additionally, under AS 23.10.060(16) an individual employed as a community health aide by a local or regional health organization can work a twelve-hour shift without incurring overtime.

Current law prohibits employees from using a voluntary flexible work plan from working more than ten hours in a shift even if the employee desires, and employer agrees, to a twelve-hour shift. HB 204 would allow employers of the facilities listed above to provide twelve-hour shifts if the employee chooses to work a twelve-hour shift. It would remain illegal for an employer to require an employee to work a twelve-hour shift.

This issue came to ASMA's attention post COVID when we began seeing increased employee interest in flexible work schedules and a higher value placed on time away from work. A nurse, currently working three twelve-hour shifts in a hospital, wanted to change jobs and work at an ambulatory surgery center. However, the Department of Labor

informed the surgery center that without an exemption to state overtime laws an employee could not work a twelve-hour shift without receiving 2 hours of overtime a day or six hours of overtime in a three-shift week – increasing costs of health care. The prospective nurse employee was unwilling to change employment from the three twelve-hour shift work week which provided the nurse four days off a week.

There are numerous reasons why a nurse would choose to work “three-twelves”. One reason would be to reduce child-care expenses. For example, a parent moving from a five-day work week to a three-day workweek could reduce childcare need by 40%. Another anecdotal reason was the nurse’s spouse worked shift work and a three-day work week allowed the couple to spend more time together when the spouse was home.

In looking at the issue we have researched overtime laws in other states. The attached chart represents what we have found. It seems only three states require overtime for both working over eight hours in a single day and any hours worked over forty hours in a week; Alaska, California and Nevada. Further research indicates California has a method of approving a voluntary three twelve-hour shift workweek for nurses leaving only Alaska and Nevada with a prohibition.

Ironically, current Alaska law, AS 23.10.060(13) allows nurses to be forced into a twelve-hour shift if it is part of a collective bargaining agreement.

ASMA urges you to support and pass HB204 and provide nurses and other employees in these medical facilities the ability to work, play and live in Alaska in a manner they choose.

Sincerely,

Pam Ventgen, Executive Director  
Alaska State Medical Association