



**Department of Labor and Workforce Development (DOLWD)
Response to HB 186 “Voluntary Labor Compliance Officer”**

- Wage and Hour investigative authority is limited to Wage and Hour jurisdiction. HB 186 would extend investigative authority to all labor laws including occupational safety and health law, certificate of fitness law, and worker compensation law.
- HB 186 delegates the department’s authority under AS 23.05.100 to badged volunteers for access to confidential information including:
 - employee protected information, such as social security numbers,
 - employment contracts and employer proprietary information,
 - employer contracts for private construction projects.
- Volunteer Labor Compliance Officers conducting investigations while working in the construction industry or affiliated with a construction labor union would not be subject to conflict-of-interest law. All DOLWD investigators’ service in their public office is a public trust. According to Alaska’s ethics law *AS 39.52.170*, State employees may not work outside of State employment if that work is incompatible or in conflict with the proper discharge of the official State duties. All employees must report all outside work or service (paid or unpaid) to the designated ethics officer. Ethics disclosure and potential conflict of interest are not addressed in the proposed legislation.

Under current law a labor compliance officer cannot be:

- Affiliated with a business or labor organization working on the project.
 - Affiliated with a competing business or labor organization not working on the project.
 - Has a history of working with businesses or labor organizations working on the project.
 - Is paid by a third party when conducting investigations.
- While completing inspections on behalf of the State, Volunteer Labor Compliance Officers cannot be covered by the workers compensation insurance carried by their employer or union. The State would be liable for any injuries to the volunteer.
 - As a representative of the State of Alaska when conducting investigations, the DOLWD would be responsible for any complaints regarding Volunteer Labor Compliance Officers’ interactions on the jobsite.
 - Under Alaska’s labor laws, Volunteer Labor Compliance Officers cannot be unpaid. *AS 23.10.065* requires that anyone performing work must be paid at least minimum wage. An exemption exists in *AS 23.10.055(a)(6)* that allows for the use of volunteers, but it is limited to individuals volunteering for nonprofit or educational organizations, and where services rendered are only related to the organization’s nonprofit activities.