

CS FOR HOUSE BILL NO. 88(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 4/19/23

Referred: Judiciary

Sponsor(s): REPRESENTATIVE RAUSCHER

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to work quotas for employees at warehouse distribution centers; and**
2 **providing for an effective date."**

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

4 *** Section 1.** AS 23.10 is amended by adding new sections to read:

5 **Article 9. Work Quotas at Warehouse Distribution Centers.**

6 **Sec. 23.10.700. Application.** The requirements in AS 23.10.700 - 23.10.725
7 apply to an employer who directly or indirectly, including through a third-party
8 employer, temporary service, or staffing agency, employs or exercises control over the
9 wages, hours, or working conditions of 200 or more employees at a single warehouse
10 distribution center or 1,000 or more employees at one or more warehouse distribution
11 centers in the state.

12 **Sec. 23.10.705. Quota description.** (a) Each employer subject to
13 AS 23.10.700 - 23.10.725 shall, by January 31, 2025, or upon hiring an employee,
14 provide to an employee a written description of each quota that applies to the

1 employee.

2 (b) In the quota description the employer shall identify

3 (1) a period to fulfill the quota;

4 (2) the number of tasks the employee must perform or the number of
5 materials the employee must produce or handle within the period; and

6 (3) adverse employment action that the employer may take if the
7 employee fails to meet the quota.

8 **Sec. 23.10.710. Prohibited conduct.** (a) An employer may not require an
9 employee to meet a quota that prevents

10 (1) employee use of, and reasonable travel time to and from, bathroom
11 facilities; or

12 (2) compliance with federal or state occupational safety and health
13 laws.

14 (b) An employer may not take adverse employment action against an
15 employee for the employee's failure to satisfy a quota that violates (a) of this section.

16 **Sec. 23.10.715. Right to request quota description.** (a) A current or former
17 employee may request, orally or in writing, from an employer

18 (1) a written description of each quota to which the employer has
19 subjected the employee; and

20 (2) the most recent 90 days of the employee's work speed data.

21 (b) An employer who subjects an employee to a quota or monitors an
22 employee's work speed shall provide the information requested under (a) of this
23 section not later than 21 calendar days after the date of the request.

24 (c) An employer who subjected a former employee to a quota or monitored a
25 former employee's work speed shall, not later than 21 calendar days after the date of a
26 request under (a) of this section, provide the information for the 90 days before the
27 employee's separation from the employer.

28 (d) An employer may reject a former employee's request under (a) of this
29 section if the employer has already provided the requested information on another
30 occasion.

31 **Sec. 23.10.720. Injunctive relief.** An employee may seek an injunction in the

1 superior court to enjoin an employer violating AS 23.10.700 - 23.10.715.

2 **Sec. 23.10.725. Definitions.** In AS 23.10.700 - 23.10.725,

3 (1) "employee" means a person who works in a warehouse distribution
4 center and who is subject to a quota;

5 (2) "employee work speed data" means information relating to an
6 employee's quota performance that an employer collects, stores, analyzes, or
7 interprets;

8 (3) "quota" means a work standard through which an employer assigns
9 or requires an employee to perform at a specific productivity speed, perform a
10 quantified number of tasks, or handle or produce a quantified amount of material,
11 within a defined period and under which the employer may subject the employee to
12 adverse employment action for failure to satisfy the work standard;

13 (4) "warehouse distribution center" means an establishment classified
14 under the 2022 North American Industry Classification System manual prepared by
15 the United States Office of Management and Budget that is denominated as

16 (A) 493110 - general warehousing and storage;

17 (B) 423 - merchant wholesalers, durable goods;

18 (C) 424 - merchants wholesalers, nondurable goods; or

19 (D) 454110 - electronic shopping and mail-order houses.

20 * **Sec. 2.** This Act takes effect January 1, 2025.