

HOUSE BILL NO. 454

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE GREEN

Introduced: 2/18/98

Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the exemption from the requirement for the payment of
2 overtime wages for an individual employed in an executive, administrative, or
3 professional capacity."

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

5 * Section 1. AS 23.10.055(9) is amended to read:

6 (9) an individual employed in a bona fide executive, administrative, or
7 professional capacity or in the capacity of an outside salesman or a salesman who is
8 employed on a straight commission basis; to the extent that federal law requires
9 that an individual employed in an executive, administrative, or professional
10 capacity be a salaried employee to be exempt under 29 U.S.C. 213(a)(1), the
11 individual shall be considered to be a salaried employee and exempt under this
12 section if the individual meets the requirements of (b) of this section;

13 * Sec. 2. AS 23.10.055 is amended by adding a new subsection to read:

14 (b) In determining whether an individual who is paid on a day rate is a

1 salaried employee for purposes of (a)(9) of this section, the department shall consider
2 the employee to be salaried if the employee is paid in accordance with this subsection.
3 For any workweek in which the employee works

4 (A) a full weekly work shift, the employee's salary for the week
5 must be at least equal to the weekly minimum wage established by federal
6 regulation and used for determining whether a salaried employee is exempted
7 as an executive, administrative, or professional employee from the minimum
8 wage and overtime wage requirements of the Fair Labor Standards Act (29
9 U.S.C. 201 - 219);

10 (B) less than a full weekly work shift, the employee must be
11 paid a salary that is at least equal to the salary determined using the appropriate
12 proportion of the federal weekly minimum wage described in this subsection
13 for the portion of the workweek actually worked by the employee.

14 * **Sec. 3.** This Act applies to work performed on or after the effective date of this Act.