

**HOUSE BILL NO. 483**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-THIRD LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVE SAMUELS**

**Introduced: 2/16/04**

**Referred:**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to overtime wages for employees of seasonal recreational camps."**

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

3 **\* Section 1.** AS 23.10.060(d) is amended to read:

4 (d) This section does not apply with respect to

5 (1) an employee employed by an employer employing less than four  
6 employees in the regular course of business, as "regular course of business" is defined  
7 by regulations of the commissioner;

8 (2) an employee employed in handling, packing, storing, pasteurizing,  
9 drying, preparing in their raw or natural state, or canning agricultural or horticultural  
10 commodities for market, or in making cheese or butter or other dairy products;

11 (3) an employee of an employer engaged in small mining operations  
12 where not more than 12 employees are employed if the employee is employed not in  
13 excess of 12 hours a day or 56 hours a week during a period or periods of not more  
14 than 14 workweeks in the aggregate in a calendar year during the mining season, as  
15 the season is defined by the commissioner;

- 1 (4) an employee engaged in agriculture;
- 2 (5) an employee employed in connection with the publication of a  
3 weekly, semiweekly, or daily newspaper with a circulation of less than 1,000;
- 4 (6) a switchboard operator employed in a public telephone exchange  
5 that has fewer than 750 stations;
- 6 (7) an employee in an otherwise exempted employment or proprietor  
7 in a retail or service establishment engaged in handling telegraphic, telephone, or radio  
8 messages for the public under an agency or contract arrangement with a telegraph or  
9 communications company where the telegraph message or communications revenue of  
10 the agency does not exceed \$500 a month;
- 11 (8) an employee employed as a seaman;
- 12 (9) an employee employed in planting or tending trees, cruising, or  
13 surveying, or bucking, or felling timber, or in preparing or transporting logs or other  
14 forestry products to the mill, processing plant, railroad, or other transportation  
15 terminal if the number of employees employed by the employer in the forestry or  
16 lumbering operations does not exceed 12;
- 17 (10) an individual employed as an outside buyer of poultry, eggs,  
18 cream, or milk in their raw or natural state;
- 19 (11) casual employees as may be liberally defined by regulations of the  
20 commissioner;
- 21 (12) an employee of a hospital whose employment includes the  
22 provision of medical services;
- 23 (13) work performed by an employee under a flexible work hour plan  
24 if the plan is included as part of a collective bargaining agreement;
- 25 (14) work performed by an employee under a voluntary flexible work  
26 hour plan if
- 27 (A) the employee and the employer have signed a written  
28 agreement and the written agreement has been filed with the department; and
- 29 (B) the department has issued a certificate approving the plan  
30 that states the work is for 40 hours a week and not more than 10 hours a day;  
31 for work over 40 hours a week or 10 hours a day under a flexible work hour

1 plan not included as part of a collective bargaining agreement, compensation at  
 2 the rate of one and one-half times the regular rate of pay shall be paid for the  
 3 overtime;

4 (15) an individual employed as a line haul truck driver for a trip that  
 5 exceeds 100 road miles one way if the compensation system under which the truck  
 6 driver is paid includes overtime pay for work in excess of 40 hours a week or for more  
 7 than eight hours a day and the compensation system requires a rate of pay comparable  
 8 to the rate of pay required by this section;

9 (16) an individual employed as a community health aide by a local or  
 10 regional health organization as those terms are defined in AS 18.28.100;

11 (17) work performed by a mechanic primarily engaged in the servicing  
 12 of automobiles, light trucks, and motor homes if the mechanic

13 (A) is employed as a flat-rate mechanic by a nonmanufacturing  
 14 establishment primarily engaged in the business of selling or servicing motor  
 15 vehicles;

16 (B) has signed a written agreement with the employer that  
 17 specifies the mechanic's flat hourly rate of pay and the automotive manual or  
 18 manuals on which the flat rate is to be based;

19 (C) is compensated for all hours worked in any capacity for  
 20 that employer up to and including eight hours a day and 40 hours a week at an  
 21 hourly rate that is not less than the greater of

22 (i) 75 percent of the flat hourly rate of pay agreed upon  
 23 by the employer and employee under (B) of this paragraph; or

24 (ii) twice the state minimum wage; and

25 (D) is compensated for all hours worked in any capacity for  
 26 that employer in excess of eight hours a day or 40 hours a week at one and  
 27 one-half times the rate described in (C) of this paragraph;

28 (18) work performed by an employee under a voluntary written  
 29 agreement addressing the trading of work shifts among employees if

30 (A) the employee is employed by an air carrier subject to  
 31 subchapter II of the Railway Labor Act (45 U.S.C. 181-188), including

1 employment as a customer service representative;

2 (B) the trading agreement is not a flexible work hour plan  
3 entered into under (13) or (14) of this subsection;

4 (C) the trading agreement is filed with the employee's  
5 employer; and

6 (D) the trading agreement states that the employee is not  
7 entitled to receive overtime for any hours worked by the employee when the  
8 employee voluntarily works those hours under a shift trading practice under  
9 which the employee has the opportunity, in the same or other work weeks, to  
10 reduce hours worked by voluntarily offering a shift for trade or reassignment;

11 (19) work performed by a flight crew member employed by an air  
12 carrier subject to 45 U.S.C. 181 - 188 (subchapter II of the Railway Labor Act); in this  
13 paragraph, "flight crew" means the pilot, co-pilot, flight engineer, and flight  
14 attendants;

15 **(20) an individual employed by an establishment that is an**  
16 **amusement or recreational establishment, organized camp, or religious or**  
17 **nonprofit educational conference center**

18 **(A) if the establishment does not operate for more than seven**  
19 **months in a calendar year, or**

20 **(B) if the establishment operated for more than seven months in**  
21 **the previous calendar year, its average receipts for any six months of that year**  
22 **were not more than one-third of its average receipts for the other six months of**  
23 **the year.**