

**JALASKA STATE LEGISLATURE
SENATE LABOR AND COMMERCE STANDING COMMITTEE**

March 24, 2016

1:34 p.m.

MEMBERS PRESENT

Senator Mia Costello, Chair
Senator Cathy Giessel, Vice Chair
Senator Kevin Meyer
Senator Johnny Ellis

MEMBERS ABSENT

Senator Gary Stevens

COMMITTEE CALENDAR

CONFIRMATION HEARINGS

Alaska Labor Relations Agency

MATTHEW MCSORLEY - Anchorage

- HEARD AND HELD

Alaska Worker's Compensation Board

DAVID CLINTON ELLIS - Anchorage

- HEARD AND HELD

Board of Barbers and Hairdressers

KEVIN MILTON MCKINLEY

- HEARD AND HELD

Board of Chiropractic Examiners

JOHN WAYNE ADERHOLD

- HEARD AND HELD

Board of Nursing

TINA GAY GILLIS
WENDY ELLEN THON

- HEARD AND HELD

Board of Psychologists & Psychological Examiners

CHRISTIAN MUNTEAN
SARAH ELIZABETH ANGSTMAN

- HEARD AND HELD

Board of Registration Architects, Engineers, & Land Surveyors

KATHLEEN SCHEDLER
DAVE HALE

- HEARD AND HELD

Board of Social Work Examiners

ANGELA L. CHRISTIANSEN
RACHEL OLSON

- HEARD AND HELD

Physical Therapy and Occupational Therapy Board

JAMES PARIETTI

- HEARD AND HELD

Workers' Compensation Appeals Commission

MIKE NOTAR - labor seat - Juneau, Alaska

- HEARD AND HELD

SENATE BILL NO. 203

"An Act relating to overtime pay eligibility for medical care providers employed by common air carriers or by carriers that transport mail by air for the federal government and to overtime pay eligibility for flight crews and medical care providers employed by air ambulance service providers."

- HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 203

SHORT TITLE: MEDI-VAC FLIGHT CREW OVERTIME PAY

SPONSOR(S): JUDICIARY

03/11/16 (S) READ THE FIRST TIME - REFERRALS
03/11/16 (S) L&C
03/24/16 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)

WITNESS REGISTER

WENDY ELLEN THON, RN and NP, Appointee
Board of Nursing
Anchorage, Alaska

POSITION STATEMENT: Testified as appointee to the Board of Nursing.

TINA GAY GILLIS, RN, Appointee - registered nurse seat
Board of Nursing
Bethel, Alaska

POSITION STATEMENT: Testified as appointee to the Board of Nursing.

JAMES PARIETTI, Appointee
Physical Therapy and Occupational Therapy Board
Chugiak, Alaska

POSITION STATEMENT: Testified as appointee to the Physical Therapy and Occupational Therapy Board.

MATTHEW MCSORLEY, Appointee - labor seat
Alaska Labor Relations Agency
Anchorage, Alaska

POSITION STATEMENT: Testified as appointee to the Alaska Labor Relations Agency.

DAVID CLINTON ELLIS, Appointee - industry seat
Alaska Workers' Compensation Board
Eagle River, Alaska,

POSITION STATEMENT: Testified as appointee to the Alaska Workers' Compensation Board.

KEVIN MILTON MCKINLEY, Appointee - tattooist, body piercer,
permanent cosmetic color seat
Board of Barbers and Hairdressers

Fairbanks, Alaska

POSITION STATEMENT: Testified as appointee to the Board of Barbers and Hairdressers.

ROBERT TRACEY, Appointee - certified residential appraiser seat
Board of Certified Real Estate Appraisers

Wasilla, Alaska

POSITION STATEMENT: Testified as appointee to the Board of Certified Real Estate Appraisers.

JOHN WAYNE ADERHOLD, Appointee, public seat
Board of Chiropractic Examiners

Homer, Alaska

POSITION STATEMENT: Testified as appointee to the Board of Chiropractic Examiners.

SARAH ELIZABETH ANGSTMAN, Appointee - psychologist seat
Board of Psychologists & Psychological Examiners

Bethel, Alaska

POSITION STATEMENT: Testified as appointee to the Board of Psychologists & Psychological Examiners.

KATHLEEN SCHEDLER, Appointee - engineer at large seat
Board of Registration for Architects, Engineers, & Land Surveyors Fairbanks, Alaska

POSITION STATEMENT: Testified as appointee to the Board of Registration for Architects, Engineers, & Land Surveyors.

ANGELA L. CHRISTIANSEN, Appointee - licensed clinical social worker seat
Board of Social Work Examiners

Kodiak, Alaska

POSITION STATEMENT: Testified as appointee to the Board of Social Work Examiners

RACHEL OLSON, Appointee - public seat
Board of Social Work Examiners

Wasilla, Alaska

POSITION STATEMENT: Testified as appointee to the Board of Social Work Examiners.

MICHAEL NOTAR, Appointee - labor seat
Workers' Compensation Appeals Commission

Juneau, Alaska,

POSITION STATEMENT: Testified as appointee to the Workers' Compensation Appeals Commission.

DAVID HALE, Appointee
Board of Registration for Architects, Engineers and Land
Surveyors
Anchorage, Alaska

POSITION STATEMENT: Testified as appointee to the Board of
Registration for Architects, Engineers and Land Surveyors.

ANTHONY BARNARD, Appointee
Occupational Safety and Health Review Board
Anchorage, Alaska

POSITION STATEMENT: Testified as appointee to the Occupational
Safety and Health Review Board.

FORREST WOLFE, Staff
Senator Lesil McGuire
Alaska State Legislature Juneau, Alaska

POSITION STATEMENT: Introduced SB 203 on behalf of the sponsor.

GREY MITCHELL, Director
Division of Labor Standards and Safety
Department of Labor and Workforce Development (DOLWD)

POSITION STATEMENT: Answered questions related to SB 203.

CHRIS WEBB, Vice President
Air Medical Resource Group (AMRG) operating
Alaska Regional Life Flight and Guardian Flight in Alaska

POSITION STATEMENT: Provided information related to SB 203.

ACTION NARRATIVE

[1:34:36 PM](#)

CHAIR MIA COSTELLO called the Senate Labor and Commerce Standing
Committee meeting to order at 1:34 p.m. Present at the call to
order were Senators Ellis, Giessel, Meyer, and Chair Costello.

Confirmation Hearings

[1:35:17 PM](#)

CHAIR COSTELLO announced the first order of business would be
confirmation hearings of governor appointments to boards and
commissions. She advised that all the nominations referred to
the Senate Labor and Commerce Standing Committee would be
forwarded in one batch at a later date. She thanked all the
nominees for their willingness to serve.

Board of Nursing

[1:36:06 PM](#)

CHAIR COSTELLO asked Wendy Gillis to express her interest in serving on the Board of Nursing.

[1:36:25 PM](#)

WENDY ELLEN THON, RN and NP, Appointee, Board of Nursing, said she received her Registered Nursing (RN) degree in 1976 and her Nurse Practitioner (NP) degree in 1981. She has been involved with the Nurse Practitioner Association since she moved to Alaska in 1984 and with other nursing organizations before then. She also served on the Academy of Nurse Practitioners for about 21 years working primarily on developing an exam for beginning nurse practitioners. She is honored to be nominated to serve on the Board of Nursing.

CHAIR COSTELLO thanked Ms. Thon. She asked Tina Gillis to express her interest in serving on the Board of Nursing.

[1:38:05 PM](#)

TINA GAY GILLIS, RN, Appointee - registered nurse seat, Board of Nursing, related that she has been a nurse for 21 years and served as a paramedic before that. She has been deeply involved in nursing in Alaska for eight years. She works in the emergency room (ER) at the Yukon-Kuskokwim Delta Regional Hospital in Bethel. Her expertise is in rural areas and she thoroughly enjoys what she is doing. She is a certified ER nurse and a sexual assault response team (SART) nurse. This program has been beneficial in the area. She is eager to serve on the Board of Nursing and being part of ensuring that the community of Alaska is receiving safe care for all.

CHAIR COSTELLO thanked Ms. Gillis for her willingness to serve. Finding no comments on the nominees, she closed public testimony on the Board of Nursing.

Physical Therapy and Occupational Therapy Board

[1:40:30 PM](#)

CHAIR COSTELLO asked James Parietti to tell the committee about his interest in [continuing to] serve on the Physical Therapy and Occupational Therapy Board.

JAMES PARIETTI, Appointee, Physical Therapy and Occupational Therapy Board, said he has been physical therapist for 25 years, lived in Alaska for 10 years, and served on this board for the

past four years. He works with the Indian Health Service at the Valley Native Primary Care Center in Wasilla. He would like to be reappointed to serve the state and his profession by providing public protection and to keep abreast of the latest national board information and trends.

CHAIR COSTELLO thanked Mr. Parietti his willingness to serve on the Physical Therapy and Occupational Therapy Board. Finding no questions or testimony on the nomination, she closed public testimony.

Alaska Labor Relations Agency

[1:42:07 PM](#)

CHAIR COSTELLO asked Matthew McSorley to tell the committee about his interest in serving in the labor seat on the six-member Alaska Labor Relations Agency.

MATTHEW MCSORLEY, Appointee - labor seat, Alaska Labor Relations Agency, said he has served on the board for five terms and looks forward to a sixth. He moved to Alaska in 1993 and got involved in labor after he became a professional firefighter for the Fairbanks Firefighters Union. That gave him a taste of labor unions and the importance of their interaction with a productive, strong workforce. He also helped start the Professional Firefighters Association. He enjoys serving on the board as a way to stay involved with the labor movement.

CHAIR COSTELLO thanked Mr. McSorley for his service on the Alaska Labor Relations Agency. Finding no questions or testimony on the nomination, she closed public testimony.

Alaska Workers' Compensation Board

[1:44:28 PM](#)

CHAIR COSTELLO asked David Ellis to tell the committee about his interest in serving on the 18-member Alaska Worker's Compensation Board.

DAVID CLINTON ELLIS, Appointee - industry seat, Alaska Workers' Compensation Board, said he has been in Alaska for 56 years and in the electrical trade for 43 years. He is a licensed electrician and electrical administrator. He has been involved in the IBW Apprenticeship Board and sometimes works with the Medical Indemnity Corporations of Alaska (MICA). He is interested in the appointment to serve in a statewide capacity.

CHAIR COSTELLO thanked Mr. Ellis for being willing to serve on the Alaska Workers' Compensation Board. Finding no questions or testimony on the nomination, she closed public testimony.

Board of Barbers and Hairdressers

[1:45:56 PM](#)

CHAIR COSTELLO asked Kevin McKinley to tell the committee about his interest in serving on the Board of Barbers and Hairdressers.

KEVIN MILTON MCKINLEY, Appointee - tattooist, body piercer, permanent cosmetic color seat, Board of Barbers and Hairdressers, said he has lived in Alaska since the mid 1970s and owned a tattoo and body piercing shop for 25 years. He helped draft the regulations when the state started regulating tattooing and body piercing and has enjoyed assisting in the growth of this industry. Responding to a question about his resume, he confirmed that he is a Shriner and next year will be the potentate of all Shriners in the state.

CHAIR COSTELLO thanked Mr. McKinley for his service on the Board of Barbers and Hairdressers. Finding no questions or testimony on the nomination, she closed public testimony.

Board of Certified Real Estate Appraisers

CHAIR COSTELLO asked Robert Tracey to tell the committee about his interest in serving on the Board of Certified Real Estate Appraisers.

[1:48:33 PM](#)

ROBERT TRACEY, Appointee - certified residential appraiser seat, Board of Certified Real Estate Appraisers, said he is a second generation appraiser and has worked as a residential real estate appraiser for 23 years. He has experience working for lenders, banks and private individuals. He has given expert testimony in court and worked on behalf of the City of Palmer. He would like to be involved in the decisions the board makes regarding residential appraisers and believes he would be a good addition.

CHAIR COSTELLO thanked Mr. Tracey for being willing to serve on the Board of Certified Real Estate Appraisers. Finding no questions or testimony on the nomination, she closed public testimony.

Board of Chiropractic Examiners

[1:50:37 PM](#)

CHAIR COSTELLO asked Wayne Aderhold to tell the committee about his interest in serving on the five-member Board of Chiropractic Examiners.

JOHN WAYNE ADERHOLD, Appointee, public seat, Board of Chiropractic Examiners, said his experience with chiropractic is as a patient. His chiropractic doctor believes he would be a good fit on the board and suggested he make an application. He is trained as a civil engineer, has worked in construction as a project manager, was an EMT for a number of years, and served on the local hospital board.

CHAIR COSTELLO thanked Mr. Aderhold for his willingness to serve on the Board of Chiropractic Examiners. Finding no questions or testimony on the nomination, she closed public testimony.

Board of Psychologists & Psychological Associate Examiners

[1:52:56 PM](#)

CHAIR COSTELLO asked Sarah Angstman to tell the committee about her interest in serving on the five-member Board of Psychologists & Psychological Associate Examiners.

SARAH ELIZABETH ANGSTMAN, Appointee - psychologist seat, Board of Psychologists & Psychological Examiners, said she is a clinical psychologist who has been practicing in Bethel since 2010. Initially she worked in the tribal health system and entered private practice last year. She is a lifelong Bethel resident. In addition to the clinical practice, she has had the opportunity to supervise psychologists and other mental health professionals who are completing their training in Bethel. She is interested in protection of the public and bringing a rural perspective on training and licensure of psychologists to the board.

CHAIR COSTELLO thanked Ms. Angstman for being willing to serve on the Board of Psychologists & Psychological Examiners. Finding no questions or testimony on the nomination, she closed public testimony.

Board of Registration for Architects, Engineers, & Land Surveyors

[1:54:06 PM](#)

CHAIR COSTELLO asked Kathleen Schedler to tell the committee about her interest in serving on the Board of Registration for Architects, Engineers, & Land Surveyors.

KATHLEEN SCHEDLER, Appointee - engineer at large seat, Board of Registration Architects, Engineers, & Land Surveyors, said she resides in Fairbanks and has been working in the mechanical engineering field for more than 35 years. She was appointed to the board four years ago and serves as secretary. She would appreciate reappointment.

CHAIR COSTELLO thanked Ms. Schedler for serving on the Board of Registration for Architects, Engineers, & Land Surveyors. Finding no questions or testimony on the nomination, she closed public testimony.

Board of Social Work Examiners

[1:55:28 PM](#)

CHAIR COSTELLO asked Angela Christiansen to tell the committee about her interest in serving on the five-member Board of Social Work Examiners.

ANGELA L. CHRISTIANSEN, Appointee - licensed clinical social worker seat, Board of Social Work Examiners, said she has a certificate in Rural Human Services, an Associate's Degree in Human Services, a Bachelor's Degree in Social Work, and a Master's Degree in Social Work. She works in Kodiak providing trauma treatment for youths referred through the local child advocacy center. She wants to serve on the board to work toward ensuring continuity of care among clinicians in rural areas. She is also interested in the licensing process and the way that people come to the state and provide services.

CHAIR COSTELLO commented on Ms. Christiansen's impressive resume and thanked her for her willingness to serve.

[1:57:16 PM](#)

CHAIR COSTELLO asked Rachel Olson to tell the committee about her interest in serving on the Board of Social Work Examiners.

RACHEL OLSON, Appointee - public seat, Board of Social Work Examiners, said she is a therapeutic foster parent and the founder and director of Royal Family KIDS, a camp and mentoring program for foster children ages 6-12. She also works for the Mat Su Health Foundation on the R.O.C.K. Mat-Su steering

committee and policy workgroup. She hopes to be a bridge between the board, the foundation, and the legislature.

CHAIR COSTELLO thanked Ms. Olson for her willingness to serve on the Board of Social Work Examiners. Finding no questions or testimony on the nominations, she closed public testimony.

Workers' Compensation Appeals Commission

[1:58:53 PM](#)

CHAIR COSTELLO asked Michael Notar to tell the committee about his interest in serving on the five-member Workers' Compensation Appeals Commission.

MICHAEL NOTAR, Appointee - labor seat, Workers' Compensation Appeals Commission, said he is a lifelong Alaskan who retired in 2013. He was a member of the board from 2007 to 2010 and was stimulated by that service. He would like to serve again and has the ability to ensure that the process is fair and equitable to all stakeholders.

CHAIR COSTELLO thanked Mr. Notar for his willingness to serve on the Workers' Compensation Appeals Commission. Finding no questions or testimony on the nomination, she closed public testimony.

Board of Registration for Architects, Engineers and Land Surveyors

CHAIR COSTELLO asked David Hale to express his interest in serving on the Board of Registration for Architects, Engineers and Land Surveyors.

DAVID HALE, Appointee, Board of Registration for Architects, Engineers and Land Surveyors, said he has served on the board for the past four years and feels he's learned enough to contribute to the process and would like reappointment.

CHAIR COSTELLO thanked Mr. Hale for his service on the Board of Registration for Architects, Engineers and Land Surveyors. Finding no questions or testimony on the nomination, she closed public testimony.

[2:04:15 PM](#)

At ease

Occupational Safety and Health Review Board

[2:04:31 PM](#)

CHAIR COSTELLO reconvened the meeting and asked Anthony Barnard to express his interest in serving on the Occupational Safety and Health Review Board.

ANTHONY BARNARD, Appointee, Occupational Safety and Health Review Board, said he had been in Alaska for 16 years and in the safety and health profession since 1987. He is president of the American Industrial Hygiene Association, has presented at the Governor's conference, and has worked consistently with the Occupational Safety and Health Administration (OSHA). He feels he can contribute to the board and looks forward to the service.

CHAIR COSTELLO commented on his impressive resume and thanked Mr. Barnard for his willingness to serve on the Occupational Safety and Health Review Board. Finding no questions or testimony on the nomination, she closed public testimony.

CHAIR COSTELLO thanked all of the appointees and stated she would hold all the names and forward them to the full body in one batch. [The names were forwarded on 4/5/2016.]

[2:07:09 PM](#)

At ease

SB 203-MEDI-VAC FLIGHT CREW OVERTIME PAY

[2:07:54 PM](#)

CHAIR COSTELLO announced the consideration of SB 203. She noted this is the first hearing.

FORREST WOLFE, Staff, Senator Lesil McGuire, Alaska State Legislature Juneau, Alaska, introduced SB 203 on behalf of the sponsor speaking to the following sponsor statement:

Air ambulance air carriers have become a common and essential life line for Alaskans. The service is vital to the well-being of Alaskans across our vast state. To provide this life-saving service, flight crews regularly included medical providers to administer appropriate medical care during the flight and in a flight emergency provide the same assistance that flight attendants do on passenger service carriers.

Current law exempts air ambulance crews from the overtime requirements in Alaska. This is in line with the federal Railway Labor Act which exempts flight crews from overtime requirements because of the nature of the air business. When the state law was originally passed it defined air crews as pilot, co-pilot, flight engineer, and flight attendants; however today's air crews also include these medical care providers as part of their regular crew. Senate Bill 203 updates current statute by exempting these medical care providers from overtime requirements, thus bringing it in line with modern practice in the air ambulance business.

MR. WOLFE advised that the bill states that it applies to contracts entered into on or after the effective date. He listed the individuals available to provide testimony and answer questions.

CHAIR COSTELLO asked what practical concern the bill alleviates.

MR. WOLFE offered his understanding that most medical personnel on these flight crews are on a salary-based payment scale. SB 203 will bring personnel that are not on a salary-based payment scale in line with other crew members on these planes.

[2:10:45 PM](#)

GREY MITCHELL, Director, Division of Labor Standards and Safety, Department of Labor and Workforce Development (DOLWD), offered to answer questions related to SB 203. Speaking to the issue that was just raised, he said current law is very clear about what constitutes members of a flight crew, and it doesn't include medical personnel who might be acting in the capacity of a flight attendant. There has been some question about whether they would be considered under the flight attendant category and thus exempt from overtime. The plain reading is that they are not a flight attendant. The bill adds clarification to the current statutory definition of what constitutes a flight crew, which would eliminate any question about whether or not crew on air ambulances and medivac operations providing medical services are exempt from overtime.

CHAIR COSTELLO asked if the fact that they haven't been exempt translates to higher costs for the consumer.

MR. MITCHELL said he didn't know.

CHAIR COSTELLO asked if these individuals are on call and on the clock waiting for a potential call.

MR. MITCHELL said he isn't sure how the industry handles that, but if they are required to remain at or close to the place of employment while they're on call, that time would be considered on the clock. If they are able to pursue their personal interests while on call, they wouldn't be on the clock until they're called.

SENATOR MEYER asked if air ambulance employees support the bill.

MR. MITCHELL replied the division hasn't had any contact with air ambulance employees and there isn't a significant history of wage claims. His research shows that one company filed a wage claim in 2007 and another claim in 2013.

SENATOR MEYER asked if SB 203 mirrors other states' treatment of air ambulance employees.

MR. MITCHELL said he didn't know.

CHAIR COSTELLO asked Mr. Webb to address the previous questions.

[2:15:03 PM](#)

CHRIS WEBB, Vice President, Air Medical Resource Group (AMRG), said his company operates Alaska Regional Life Flight and Guardian Flight in Alaska. They are interested in SB 203 because it provides needed clarification. He related that flight crew members in all states are exempt because of the Railway Labor Act. However, Alaska's definition of a flight crew puts into question whether or not those serving as a flight crew on an air medical flight, including medical attendees, are considered flight crew.

He noted that members of a flight crew are basically on call 24/7 during their 7- or 14-day shift, although there are some restrictions to proximity. In most cases they are paid a daily rate whether they fly or not. He opined that it would be difficult to create a pay structure that takes overtime into account; what's more important is to make sure the pay is in line with the industry nationwide.

CHAIR COSTELLO summarized that flight crews on a medical flight currently are being treated as if they are not eligible for overtime. SB 203 puts the current practice into law.

MR. WEBB responded saying that when this issue came up, his company adjusted the pay structure for crews on an air medical flight. His preference is for the pay structure to be the same as for all other crew members.

CHAIR COSTELLO asked if this will result in less cost to the consumer.

MR. WEBB replied it should be a wash to the consumer. This clarification puts the entire crew on the same pay structure, as is the case in other states.

[2:20:17 PM](#)

CHAIR COSTELLO asked Mr. Mitchell if the administration has a position on the bill.

MR. MITCHELL replied the department is neutral on SB 203.

CHAIR COSTELLO found no questions or public testimony.

[2:20:51 PM](#)

At ease

[2:20:56 PM](#)

CHAIR COSTELLO reconvened the meeting, closed public testimony on SB 203, and held the bill in committee.

[2:21:13 PM](#)

There being no further business to come before the committee, Chair Costello adjourned the Senate Labor and Commerce Standing Committee meeting at 2:21 p.m.