

HOUSE BILL NO. 127

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE FOSTER

Introduced: 3/5/25

Referred: State Affairs, Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the overtime pay exemption for certain newspaper employees."**

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 to

5 (1) an employee employed by an employer employing fewer 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 4,000 [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 telephone or radio messages
- 8 for the public under an agency or contract arrangement with a communications
- 9 company where the communications revenue of the agency does not exceed \$500 a
- 10 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 on by
23 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 45
31 U.S.C. 181 - 188 (subchapter II of the Railway Labor Act), 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.