

SENATE BILL NO. 78

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY SENATOR DUNBAR

Introduced: 1/29/25

Referred: Judiciary, Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to disclosure of information regarding employee compensation by**
2 **employers, employees, and applicants for employment."**

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. Disclosure of Employee Compensation.**

6 **Sec. 23.10.700. Disclosure or discussion of wages.** (a) An employer who
7 publishes a notice, advertisement, or other solicitation for employment shall include in
8 the notice, advertisement, or other solicitation a description of the compensation,
9 including the salary or range of salaries, for the position.

10 (b) An employer may not

11 (1) prohibit an employee or applicant for employment from disclosing
12 the employee's or applicant's compensation or discussing or asking about the
13 compensation of another;

14 (2) ask an applicant for employment about compensation the applicant

1 may have received from another employer; or

2 (3) prohibit an employee or applicant for employment from helping or
3 encouraging another individual to exercise a right under this subsection.

4 (c) Nothing in this section

5 (1) creates an obligation for an employee or applicant for employment
6 to disclose information about the employee's or applicant's compensation or the
7 compensation of another;

8 (2) prohibits an employee or applicant for employment from
9 voluntarily disclosing to an employer information about the employee's or applicant's
10 compensation;

11 (3) prohibits an employer from considering or relying on information
12 disclosed under (2) of this subsection when determining the compensation of an
13 employee or applicant for employment.

14 **Sec. 23.10.705. Posting summary required.** An employer subject to
15 AS 23.10.700 - 23.10.740 shall keep a summary of the requirements in AS 23.10.700 -
16 23.10.740 approved by the commissioner and post the summary in a conspicuous
17 location at a place where an employee is employed. Upon request, the commissioner
18 shall provide a copy of the summary to an employer without charge.

19 **Sec. 23.10.710. Retaliation prohibited.** An employer may not discharge,
20 discipline, threaten, discriminate against, or penalize an employee for exercising a
21 right under AS 23.10.700 - 23.10.740 or participating in or benefitting from a
22 complaint, claim, trial, agreement, or investigation resulting from an alleged violation
23 of AS 23.10.700 - 23.10.740.

24 **Sec. 23.10.715. Damages for retaliation.** An employee who has been
25 discharged, disciplined, threatened, discriminated against, or penalized in violation of
26 AS 23.10.710 may file a civil claim against the employer for damages, including
27 reinstatement and lost wages, separate from and in addition to a fine recoverable by
28 the state under AS 23.10.725.

29 **Sec. 23.10.720. Statute of limitations.** An action under AS 23.10.715 may be
30 filed not later than three years after the injury to the aggrieved employee last occurs.

31 **Sec. 23.10.725. Penalty.** (a) A violation of AS 23.10.700 - 23.10.740 or a

1 regulation or order of the commissioner issued under AS 23.10.700 - 23.10.740 is
 2 punishable by a fine of not less than \$100 and not more than \$2,000 as determined by
 3 the commissioner.

4 (b) Each day a violation occurs may constitute a separate violation as
 5 determined by the commissioner.

6 (c) If an employer conducts an internal audit for the purpose of avoiding or
 7 correcting violations of AS 23.10.700 - 23.10.740, the commissioner may reduce the
 8 amount of a fine otherwise payable under this section.

9 **Sec. 23.10.730. Regulations.** The commissioner shall adopt regulations under
 10 AS 44.62 (Administrative Procedure Act) to implement and interpret AS 23.10.700 -
 11 23.10.740.

12 **Sec. 23.10.740. Definitions.** In AS 23.10.700 - 23.10.740,

13 (1) "employee" means a natural person, other than an independent
 14 contractor, in the service of an employer;

15 (2) "employer" means the state, the University of Alaska, the Alaska
 16 Railroad Corporation, a political subdivision of the state, and a person who employs
 17 one or more employees.

18 * **Sec. 2.** The uncoded law of the State of Alaska is amended by adding a new section to
 19 read:

20 **APPLICABILITY.** This Act applies to compensation for services performed on or
 21 after the effective date of this Act.