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1 IN THE House

BY Messrs. Grant & Duffield

2 House BILL NO. 154

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act to require that certain persons  
7 hired for work in Alaska, upon  
8 termination of employment, be transported  
9 by employer to place of recruitment;  
10 amending Chapter 67, Session Laws of  
11 Alaska 1949; and declaring an emergency."

12 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

13 Section 1. Section 1 of Chapter 67, Session Laws of Alaska  
14 1949, is amended to read as follows:

15 Section 1. (ANY) Every employer who furnishes,  
16 finances, or agrees to furnish or finance, or who in any  
17 way provides transportation for any person from the place  
18 of (HIRE) recruitment to any point within the Territory of  
19 Alaska for the purpose of employing him therein, shall,  
20 (ON OR AFTER THE) upon termination of the employment (FOR  
21 ANY GOOD AND SUFFICIENT CAUSE IN THE OPINION OF THE  
22 COMMISSIONER OF LABOR, BEYOND THE CONTROL OF SUCH PERSON,  
23 OR ON OR AFTER THE TERMINATION OF THE CONTRACT OF  
24 EMPLOYMENT, OR ANY RENEWAL THEREOF, PROVIDE SUCH PERSON  
25 UPON HIS REQUEST, OR THE REQUEST OF THE COMMISSIONER OF  
26 LABOR, MADE WITHIN 10 DAYS AFTER THE TERMINATION OF  
27 EMPLOYMENT, WITH RETURN TRANSPORTATION TO THE PLACE OF HIRE  
28 FROM WHICH TRANSPORTATION WAS FURNISHED OR FINANCED, OR TO  
29 DESTINATION AGREED UPON BY THE PARTIES WITH TRANSPORTATION

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1 TO BE FURNISHED OR FINANCED, PROVIDED, THAT UPON SUCH  
2 TERMINATION OF EMPLOYMENT THE SUBSISTENCE OF THE EMPLOYEE  
3 SHALL CONTINUE UNTIL AT LEAST SUCH TIME AS TRANSPORTATION  
4 IS COMMENCED), furnish such person with return transportation,  
5 provided that a timely request for such transportation is  
6 made. If such employer has provided such person with  
7 subsistence during his employment, the employer shall  
8 continue to furnish subsistence at least until the  
9 commencement of the return transportation.

10 Section 2. Section 2 of Chapter 67, Session Laws of Alaska  
11 1949, is amended by renumbering subsections (a) and (b) as (b)  
12 and (c) respectively, and by inserting a new subsection (a) to  
13 read as follows:

14 (a) Any employer who fails to provide return  
15 transportation as required under Section 1 of this Act  
16 shall be liable to the employee affected in an amount equal  
17 to the sum necessary to defray the cost of such return  
18 transportation.

19 Section 3. Sections 3 and 4 of Chapter 67, Session Laws of  
20 Alaska 1949, are amended by renumbering Sections 3 and 4 as 4  
21 and 5 respectively, and by inserting a new Section 3 to read as  
22 follows:

23 Section 3. Before the Commissioner of Labor makes a  
24 request for return transportation for an employee under the  
25 provisions of Section 1, he may make such investigations  
26 and hold such hearings as he may deem desirable to  
27 effectuate the purposes of this Act.

28 Section 4. Section 5 of Chapter 67, Session Laws of Alaska  
29 1949, is repealed.

1 Section 5. Chapter 67, Session Laws of Alaska 1949, is  
2 amended by adding Sections 6 and 7 to read as follows:

3 Section 6. Every employer described in Section 1 of  
4 this Act shall post such notices pertaining to the  
5 application of this Act as shall be prescribed by the  
6 Commissioner of Labor. Such notices shall be posted, and  
7 be kept posted, in conspicuous places in or about the  
8 premises in which every employee described in Section 1 is  
9 employed.

10 Section 7. As used in this Act--

11 (a) "Termination of the employment" means (1)  
12 completion of the employment period as fixed by the  
13 employment contract, or by any renewal thereof; or (2)  
14 termination of the employment relation by the employer,  
15 except where such termination is for gross incompetence of  
16 the employee, or for his wilful neglect of duty, or for his  
17 wilful misconduct incapacitating him for the performance of  
18 his work; or (3) termination of the employment relation by  
19 the employee for good and sufficient cause, such as illness  
20 or incapacity not caused by his wilful misconduct, or  
21 improper working conditions, or failure of the employer to  
22 comply with the conditions of the employment contract.

23 (b) "Timely request" means a request for return  
24 transportation made of the employer (1) by the employee  
25 within 10 days after the termination of the employment, or  
26 (2) by the Commissioner of Labor within 30 days after the  
27 termination of the employment. A request for return  
28 transportation shall not be made by the Commissioner unless  
29 the employee within 10 days after termination of the

1 employment notifies the Commissioner that he wishes to  
2 invoke the benefits of this Act.

3 (c) "Return transportation" means furnishing the  
4 employee with adequate transportation, or financing such  
5 transportation, to the place of recruitment from which  
6 transportation was furnished, financed, or agreed to be  
7 furnished or financed, or to the destination agreed upon  
8 by the employer and the employee.

9 Section 6. An emergency is hereby declared to exist, and  
10 this Act shall take effect immediately upon its passage and  
11 approval.  
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