

1 IN THE HOUSE

BY JUDICIARY COMMITTEE

2 HOUSE BILL NO. 167

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act amending Section 2 of Chapter 34,
7 SLA 1949 by providing that employees furnish-
8 ing labor at their option may be paid semi-
9 monthly instead of monthly unless monthly
10 pay periods are agreed upon in the initial
11 annual employment contract; and providing
12 for an effective date."

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

14 Section 1. Section 2 of Chapter 34, SLA 1949 is amended to
15 read as follows:

16 Section 43-2-11. MONTHLY PAY PERIODS: ESTABLISHMENT:
17 TERMINATION OF SERVICES: WRITTEN CONTRACTS AND AGREEMENTS
18 NOT AFFECTED. Every person or corporation employing labor
19 in the State /~~TERRITORY~~ shall establish monthly pay periods
20 or semi-monthly pay periods if the employee so elects, unless
21 the employee and employer agree to monthly pay periods in the
22 annual initial contract of employment, at which time such
23 employer shall pay all employees for all labor performed or
24 services rendered; provided, however, that where the laborers'
25 or employees' services are terminated, regardless of the
26 cause of termination, all wages, salaries or other compensa-
27 tion for labor or services shall become due immediately and
28 shall be paid within twenty-four hours after such termination;
29 provided, further, that nothing in this section shall be

1 construed to affect any valid written contract or agreement
2 entered into between employer and employee or their respective
3 representatives. That nothing in this Act shall prevent said
4 laborers or employees from receiving total wages due them at
5 the end of the monthly pay period, if said laborers or em-
6 ployees so desire.

7 In the event a central pay office is maintained at a
8 point removed from the place of employment and termination
9 notices are accompanied by pay orders for submission to such
10 central pay office the pay order shall be considered the same
11 as a paycheck in fulfilling the 24 hour requirement as out-
12 lined above. Pay orders so issued must be paid promptly
13 on presentation by the employee at the central pay office and
14 nothing herein may be construed as limiting the liability
15 of the individual or company issuing such a pay order.

16 (a) POSTING AND NOTIFICATION. (1) It shall be
17 the duty of every employer to notify his employees in writing
18 at the time of hiring, of the day and place of payment, and
19 the rate of pay, and of any change with respect to these items
20 on the pay day next preceding or prior to the time of change.
21 Alternatively, however, every employer shall have the option
22 of giving such notification by posting the aforementioned
23 facts, and keeping them posted conspicuously at or near the
24 place of work where such posted notice can be seen by each
25 employee as he comes or goes to his place of work.

26 (b) STRIKES, LOCKOUTS AND LAYOFFS. Employees who
27 go on strike, or are temporarily laid off or subjected to an
28 employer lockout during a pay period shall receive the portion
29 of compensation earned, on or before the next ensuing regular

1 pay day established as above required.

2 (c) UNCONDITIONAL PAYMENT OF WAGES CONCEDED TO BE
3 DUE. In case of a dispute over wages, the employer shall give
4 written notice to the employee of the amount of wages which
5 he concedes to be due, and shall pay such amount, without
6 condition, within the time set by this Act, provided that
7 acceptance by the employee of any payment made hereunder shall
8 not constitute a release as to the balance of his claim.

9 (d) ENFORCEMENT. (1) It shall be the duty of the
10 Labor Commissioner to insure compliance with the provisions of
11 this Act, to investigate as to any violations of this Act, and
12 to institute, or cause to be instituted, actions for penalties
13 provided hereunder. The Labor Commissioner may hold hearings
14 to satisfy himself as to the justice of any claim, and he shall
15 cooperate with any employee in the enforcement of a claim
16 against his employer, whenever, in his opinion, the claim is
17 just and valid. (2) The Labor Commissioner or his authorized
18 representative shall, in conducting any hearing authorized by
19 this Act, have power to administer oaths and examine witnesses
20 under oath, issue subpoena, compel the attendance of witnesses,
21 and the production of papers, books, accounts, records, pay-
22 rolls, evidentiary documents, and to take depositions and
23 affidavits in any proceeding before said Labor Commissioner at
24 the place most convenient to both employer and employee. (3)
25 In case of failure of any person to comply with any subpoena
26 lawfully issued, or on the refusal of any witness to testify
27 to any matter regarding which he may be lawfully interrogated,
28 the judge of any court of competent jurisdiction may, on
29 application by the Commissioner, compel obedience by proceedings

1 for contempt, as in the case of disobedience of the require-
2 ments of a subpoena issued from such court or a refusal to
3 testify therein. (4) The Attorney General is hereby author-
4 ized to prosecute all civil cases arising under this Act
5 which are referred to him by the Labor Commissioner for said
6 purpose.

7 (e) ASSIGNMENT OF WAGE CLAIMS TO LABOR COMMISSIONER
8 FOR RECOVERY. (1) The Labor Commissioner shall have power
9 and authority to take assignments of wage claims, mechanics
10 and other liens of workers who shall have previously submitted
11 an affidavit to the effect that he is unable to provide his
12 own costs of such action and in any event whose claim shall
13 not be in excess of Three Hundred (\$300.00) Dollars. The
14 \$300.00 limit shall apply, excepting in the cases of seasonal
15 employees working under a contract that provides for payment
16 of wages on season's termination, or at greater than monthly
17 intervals, and also excepting in the cases of employees whose
18 wages over a 6-week period exceed \$300.00; in either case,
19 the 6-week pay or the season's pay shall be the limit, which-
20 ever is the greater; and shall have power and authority to
21 prosecute actions for the collection of such claims of persons
22 who, in the judgment of the Commissioner, are entitled to
23 the services of the Commissioner, and who, in his judgment,
24 have claims which are valid and enforceable in the courts. The
25 Commissioner is authorized to join several claimants in one
26 lien to the extent allowed by the lien laws, and, in case of
27 suit, to join them in one cause of action. (2) In all
28 actions brought by the Labor Commissioner as assignee under
29 subsection (1) of this subsection no bond or other security

1 therefor shall be required from the said Commissioner in con-
2 nection with the same. (3) A United States Marshal, or other
3 officer, requested by the said Commissioner to serve summons,
4 writs, complaints, orders, including any garnishment papers,
5 and all necessary and legal papers, within his jurisdiction,
6 shall do so without requiring the Commissioner to furnish any
7 security or bond therefor. (4) Whenever the Commissioner
8 shall request the United States Marshal, or other officer
9 whose duty it is to seize property or levy thereon in any
10 attachment proceedings to satisfy any wage claim judgment, to
11 perform any such duty, said officer shall do so without re-
12 quiring the Commissioner to furnish any security or bond in
13 such action; and such officer, in carrying out the provisions
14 of this paragraph, shall not be responsible in damages for
15 any wrongful seizure made in good faith. But whenever anyone
16 other than the defendant claims the right of possession or
17 ownership to such seized property, then in such case the officer
18 may permit such claimant to have the custody of such property,
19 pending determination of the court as to who has right to
20 possession or ownership of such property. (5) Any garnishee
21 defendant, when required to appear in court in such action,
22 shall do so without having paid to him witness fees in advance,
23 but such witness fees shall be included as part of the taxable
24 costs of such action and paid to him in due course. Out of
25 any recovery on a judgment in such suit, there shall be paid,
26 first, all court cost advances, which shall be returned to
27 the Department of Labor's appropriation for such purposes;
28 second, the wage claim involved. (6) When such court actions
29 are lost by the Labor Commissioner, costs shall be paid by

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him out of money appropriated for that purpose.

Sec. 2. This Act shall take effect immediately upon its passage and approval, or upon its becoming law without such approval.