

Original sponsor: McGill

Offered: 3/10/71
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 186

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to physical examination of nonresident
7 employees."

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

9 * Section 1. AS 18.15.060 is amended to read:

10 Sec. 18.15.060. PHYSICAL EXAMINATIONS OF EMPLOYEES TRANSPORTED
11 INTO STATE. It is the intent of secs. 60 - 110 of this chapter, in the
12 exercise of the police power, to supplement the state's health program
13 by precluding inhabitancy in the state of workers with infectious or
14 contagious diseases recruited outside the state for work in the state
15 and do every other thing reasonably necessary to protect the life,
16 health, safety and welfare of employees.

17 * Sec. 2. AS 18.15.070 is amended to read:

18 Sec. 18.15.070. PHYSICAL EXAMINATION REQUIRED OF NONRESIDENT
19 EMPLOYEES. Each person recruited by an employer outside of the state
20 for a job in the state shall [, UPON ARRIVAL AT THE
21 PLACE OF EMPLOYMENT AND] before entering upon the rendition of service
22 for the employer, undergo a physical examination by a licensed
23 [QUALIFIED] physician as a check against infectious or contagious
24 disease. The employer shall pay the expense of the physical examina-
25 tion. The requirement of a physical examination is considered one
26 of the terms of the employment agreement.

27 * Sec. 3. AS 18.15.080 is amended to read:

28 Sec. 18.15.080. CERTIFICATE OF HEALTH. When the physical exami-
29 nation shows freedom from infectious or contagious disease, the

1 physician shall issue a certificate stating that fact and showing the
2 name of the employee, name of the employer, and date of the examina-
3 tion. The physician shall keep a record of these facts and forward a
4 copy to the Department of Labor.

5 * Sec. 4. AS 18.15.090 is amended to read:

6 Sec. 18.15.090. RETURN TO PLACE OF RESIDENCE. If the examination
7 shows that an employee is afflicted with an infectious or contagious
8 disease, he is immediately subject to the precautions prescribed by
9 the Department of Labor [DEPARTMENT] for safeguarding other persons.
10 The physician shall keep a record showing the presence of the disease
11 and immediately notify the employer and the Department of Labor
12 [DEPARTMENT]. At the earliest possible time, the employer shall
13 provide [OBTAIN] transportation for the return of the afflicted
14 employee to his home state. [THE EMPLOYER IS RESPONSIBLE FOR SEEING
15 THAT THE EMPLOYEE LEAVES THE STATE IN THIS MANNER. THE EMPLOYER IS
16 NOT EXCUSED BY A TERMINATION IN ANY MANNER OF THE EMPLOYER-EMPLOYEE
17 RELATIONSHIP WHILE THE EMPLOYEE IS IN THE STATE.] Liability of the
18 employer for return transportation is considered one of the terms of
19 the employment agreement in each case, and timely acceptance by the
20 employee of return transportation is considered one of the obligations
21 in the employment contract [FROM WHICH THE EMPLOYER MAY NOT BE
22 RELEASED WHILE THE EMPLOYEE REMAINS IN THE STATE].

23 * Sec. 5. AS 18.15.100 is amended to read:

24 Sec. 18.15.100. PENALTY FOR VIOLATION. A person who violates
25 a provision of secs. 60 - 110 of this chapter [AN EMPLOYER WHO OBTAINS
26 THE SERVICES OF THE EMPLOYEE IN THE STATE WITHOUT FIRST OBTAINING A
27 HEALTH CERTIFICATE OR WHO FAILS TO TRANSPORT OUT OF THE STATE AN
28 EMPLOYEE FOUND TO BE AFFLICTED WITH AN INFECTIOUS OR CONTAGIOUS DIS-
29 EASE, OR AN AFFLICTED EMPLOYEE WHO FAILS OR REFUSES TO ACCEPT RETURN

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

TRANSPORTATION,] is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$1,000 [\$500].

* Sec. 6. AS 18.15 is amended by adding a new section in art. 2 to read:

Sec. 18.15.115. REGULATIONS. The Department of Labor shall issue orders and adopt regulations necessary to carry out secs. 60 - 110 of this chapter.