

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

CS

2 HOUSE BILL NO. 757

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to employment practices and working
7 conditions; and providing for an effective date."

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

9 * Section 1. AS 23.10.060 is amended to read:

10 Sec. 23.10.060. PAYMENT FOR OVERTIME. No employer who employs
11 employees engaged in commerce, or other business, or in the production
12 of goods or materials in Alaska may employ an employee [NOT ACTING
13 IN A SUPERVISORY CAPACITY], either male or female, for a workweek
14 longer than 40 hours or for more than eight hours a day, except that
15 if the employer finds it necessary to employ an employee in excess of
16 40 hours a week or eight hours a day, compensation for the overtime
17 at the rate of one and one-half times the regular rate of pay shall
18 be paid, and this provision is considered included in all contracts
19 of employment. This section does not apply with respect to

20 [(1) AN EMPLOYEE EMPLOYED BY AN EMPLOYER EMPLOYING LESS
21 THAN FOUR EMPLOYEES IN THE REGULAR COURSE OF BUSINESS, AS REGULAR
22 COURSE OF BUSINESS IS DEFINED BY REGULATIONS OF THE COMMISSIONER;

23 (2) AN EMPLOYEE EMPLOYED IN A BONA FIDE EXECUTIVE, AD-
24 MINISTRATIVE, OR PROFESSIONAL CAPACITY OR IN THE CAPACITY OF OUTSIDE
25 SALESMAN, AS THE TERMS ARE DEFINED BY REGULATIONS OF THE COMMISSIONER;]

26 (3) [Repealed]

27 (4) an employee employed in handling, packing, storing,
28 pasteurizing, drying, preparing in their raw or natural state, or
29 canning agricultural or horticultural commodities for market, or in

1 making cheese or butter or other dairy products;

2 (5) an employee of an employer engaged in operating a small
3 mining business or operation [OPERATIONS] where not more than eight
4 [12] employees are employed, except for the hours the employee is
5 employed in excess of 10 hours a day or in excess of 50 hours a week
6 [IF THE EMPLOYEE IS EMPLOYED NOT IN EXCESS OF 12 HOURS A DAY OR 56
7 HOURS A WEEK DURING A PERIOD OR PERIODS OF NOT MORE THAN 14 WORKWEEKS
8 IN THE AGGREGATE IN A CALENDAR YEAR DURING THE MINING SEASON AS THE
9 SEASON IS DEFINED BY THE COMMISSIONER];

10 (6) [Repealed]

11 (7) an employee engaged in agriculture;

12 (8) an employee employed in connection with the publication
13 of a weekly, semiweekly, or daily newspaper with a circulation of
14 less than 1,000;

15 (9) a switchboard operator employed in a public telephone
16 exchange which has fewer than 750 stations;

17 (10) an employee of an employer engaged in the business
18 of operating taxicabs;

19 (11) an employee in an otherwise exempted employment or
20 proprietor in a retail or service establishment engaged in handling
21 telegraphic, telephone, or radio messages for the public under an
22 agency or contract arrangement with a telegraph or communications
23 company where the telegraph message or communications revenue of the
24 agency does not exceed \$500 a month;

25 (12) an employee employed as a seaman;

26 (13) an employee employed in planting or tending trees,
27 cruising, or surveying, or bucking, or felling timber, or in
28 preparing or transporting logs or other forestry products to the mill,
29 processing plant, railroad, or other transportation terminal, if the

1 number of employees employed by the employer in the forestry or
2 lumbering operations does not exceed 12;

3 (14) an individual employed as an outside buyer of poultry,
4 eggs, cream, or milk in their raw or natural state;

5 [(15) CASUAL EMPLOYEES AS MAY BE LIBERALLY DEFINED BY REGU-
6 LATIONS OF THE COMMISSIONER;

7 (16) AN EMPLOYEE OF A NONPROFIT HOSPITAL.]

8 (17) an employee employed to operate or maintain an
9 electric generating plant if the power from the plant is used only on
10 property owned by the employer;

11 (18) an employee employed to operate or maintain an
12 electric generating plant owned by the Alaska Village Electric
13 Cooperative.

14 * Sec. 2. AS 23.10.075 is amended to read:

15 Sec. 23.10.075. LABOR LAW COMPLIANCE [WAGE AND HOUR] DIVISION.

16 (a) There is in the department a labor law compliance [THE WAGE AND
17 HOUR] division, which is under a director, responsible to the com-
18 missioner. The director shall administer secs. 50 - 150 of this
19 chapter.

20 (b) The commissioner may appoint the director and the assistants
21 and other employees necessary for the proper enforcement of secs. 50 -
22 150 of this chapter and fix their compensation, subject to the
23 provision of law applicable to the appointment and compensation of
24 state employees.

25 (c) The director may delegate his powers, functions and duties
26 under secs. 50 - 150 of this chapter to a duly authorized representa-
27 tive.

28 * Sec. 3. This Act takes effect on the day after its passage and
29 approval or on the day it becomes law without approval.