

Introduced: 2/14/78
Referred: Labor & Management
and Judiciary

1 IN THE SENATE

BY RODEY, HUBER AND KERTTULA

2 SENATE BILL NO. 515

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the enforcement of provisions of
7 the Alaska hire law (AS 38.40) by personal action
8 initiated by aggrieved residents."

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

10 * Section 1. AS 38.40 is amended by adding a new section to read:

11 Sec. 38.40.065. ENFORCEMENT BY PERSONAL ACTION. A qualified resi-
12 dent who has been rejected for or terminated from employment by an
13 employer subject to this chapter may, within 15 days from the time of
14 rejection or termination, commence an action in the superior court
15 against the employer.

16 * Sec. 2. AS 38.40.070(a) is amended to read:

17 (a) Upon finding that a qualified Alaska resident has been rejec-
18 ted for or terminated from employment, in violation of this chapter, the
19 Department of Labor, if the determination is made after investigation or
20 hearing on a complaint filed under sec. 60 of this chapter, or the
21 superior court, on a judgment in an action commenced under sec. 65 of
22 this chapter, may require the employer to pay the qualified Alaska
23 resident triple the wages he lost, or any damages or expenses actually
24 incurred as a result of the wrongful action if they exceed the triple
25 wages assessed. The decision of the commissioner with respect to the
26 imposition or withholding of any payment or penalty under this section
27 may be appealed to the superior court, and the [. THE SUPERIOR] court
28 shall hear these appeals [MATTERS] de novo.

29 * Sec. 3. AS 38.40.080 is amended to read:

1 Sec. 38.40.080. INJUNCTIVE RELIEF. A qualified resident commencing
2 an action under sec. 65 of this section or the [THE] Department of Labor
3 or the Department of Natural Resources, in addition to the imposition of
4 any penalties under sec. 70 of this chapter, may seek injunctive relief
5 against an employer not in compliance with the provisions of this
6 chapter. A person who has commenced an action under sec. 65 of this
7 chapter or either [EITHER] department may seek injunctive relief to
8 enforce penalties which have been [IT HAS] imposed under sec. 70 of this
9 chapter.
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29