

Introduced: 1/14/80
Referred: Labor and
Management

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE SENATE

2 SENATE BILL NO. 314

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the payment of wages."

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

8 * Section 1. AS 23.05.140 is amended by adding a new subsection to
9 read:

10 (e) The penalty provided in (d) of this section may be assessed
11 at the discretion of the commissioner. In assessing the penalty, the
12 commissioner shall give due consideration to the gravity of the viola-
13 tion, the good faith of the employer, and the history of previous
14 violations.

15 * Sec. 2. AS 23.05.180 is amended to read:

16 Sec. 23.05.180. WAGES IN DISPUTE. (a) If the amount of wages
17 [DUE] is in dispute, the employer shall give written notice to the
18 employee of the amount of wages, or parts of them, which he concedes
19 to be due, and shall pay that amount, without condition, within the
20 time set by this chapter. The employee retains all remedies to which
21 he might otherwise be entitled, including those provided under this
22 chapter or AS 23.10, as to any balance claimed. [ACCEPTANCE BY AN
23 EMPLOYEE OF A PAYMENT MADE UNDER THIS SECTION DOES NOT CONSTITUTE A
24 RELEASE OF THE BALANCE OF HIS CLAIM.]

25 (b) The acceptance by an employee of a payment under this section
26 does not constitute a release as to the balance of his claim and any
27 release required by an employer as a condition to payment is void.

28 * Sec. 3. AS 23.10.145 is amended to read:

29 Sec. 23.10.145. DEFINITIONS. Terms used in AS 23.10.050 --

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23.10.150 shall be defined, if not defined in state statute or regulation [WHERE APPLICABLE], as they are defined in the federal Fair Labor Standards Act of 1938, as amended, or the regulations adopted under it.