

Original sponsors: Randolph, Anderson,  
Beirne, et al

Offered: 1/25/82  
Referred: Rules

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 229 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Alaska Wage and Hour Act; and  
7 providing for an effective date."

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

9 \* Section 1. AS 23.10.055(9) is amended to read:

10 (9) an individual employed in a bona fide executive, adminis-  
11 trative or professional capacity or in the capacity of an outside sales-  
12 man or a salesman who is employed on a straight commission basis; the  
13 commissioner of labor shall adopt regulations defining the terms used  
14 in this paragraph, but the definition of an "individual employed in a  
15 bona fide executive, administrative or professional capacity" may not  
16 exclude an employee on the basis of the number of hours in the employee's  
17 work week that are devoted to activities not directly or closely related  
18 to the performance of executive and administrative duties;

19 \* Sec. 2. AS 23.10.110 is amended by adding a new subsection to read:

20 (d) Notwithstanding (a) and (c) of this section, if, in an action  
21 brought under this section, the court finds that an employer acted in  
22 good faith and had a reasonable belief that the failure to pay wages or  
23 overtime compensation was not a violation of AS 23.10.060 or 23.10.065,  
24 the court may limit the judgment in the case to an award of the unpaid  
25 wages or overtime compensation.

26 \* Sec. 3. Section 2 of this Act applies to actions that have not been  
27 completed on the effective date of the Act.

28 \* Sec. 4. This Act takes effect immediately in accordance with AS 01.10.-  
29 070(c).

Original sponsors: Randolph, Anderson,  
Beirne, et al

Offered: 2/9/82  
Referred: Rules

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 CS FOR HOUSE BILL NO. 229 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Alaska Wage and Hour Act."

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

8 \* Section 1. AS 23.10.055(9) is amended to read:

9 (9) an individual employed in a bona fide executive, adminis-  
10 trative or professional capacity or in the capacity of an outside sales-  
11 man or a salesman who is employed on a straight commission basis as these  
12 terms are defined by regulations of the commissioner of labor, except  
13 an employee who is in sole charge of an independent establishment or a  
14 physically separated branch establishment shall not be excluded from  
15 the definition of individual employed in a bona fide executive or  
16 administrative capacity because of the number of hours in his workweek  
17 that he devotes to activities not directly or closely related to the  
18 performance of executive or administrative activities;

19 \* Sec. 2. AS 23.10.110(a) is amended to read:

20 (a) An employer who violates a provision of AS 23.10.060 or 23.10.-  
21 065 is liable to an employee affected in the amount of his unpaid minimum  
22 wages, or unpaid overtime compensation, as the case may be, and in an  
23 additional equal amount as liquidated damages. In any action to recover  
24 unpaid minimum wages, unpaid overtime compensation or liquidated damages,  
25 under AS 23.10.050 - 23.10.150, if the employer shows to the satisfactor  
26 of the court that the act or omission giving rise to such action was in  
27 good faith, and that he had reasonable grounds for believing that his  
28 act or omission was not a violation of AS 23.10.050 - 23.10.150, the  
29 court may, in its discretion, award no liquidated damages or award

1 any amount thereof not to exceed the amount of the unpaid minimum wages,  
2 or unpaid overtime compensation, as the case may be.  
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