

Offered: 5/17/83
Referred: Rules

Original sponsors: Barnes, Clocksin,
Bussell, et al

1 IN THE HOUSE BY THE FINANCE COMMITTEE
2 CS FOR HOUSE BILL NO. 182 (Finance)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION
5 A BILL

6 For an Act entitled: "An Act exempting participants in residential drug
7 abuse and alcoholism treatment programs from Alaska's
8 minimum wage provisions, and providing a wage scale."

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

10 * Section 1. AS 23.10 is amended by adding a new section to read:

11 Sec. 23.10.071. WAGES FOR WORK THERAPY. (a) For work therapy,
12 as defined in AS 47.37.270, a participant in a residential drug abuse
13 or alcoholism treatment program designed to extend more than 120 days
14 may be paid less than the minimum wage prescribed in AS 23.10.050 -
15 23.10.150 if the rate has been approved by the commissioner under this
16 section and is in compliance with federal law.

17 (b) The commissioner shall adopt regulations regarding the
18 payment of wages for work therapy. In adopting the regulations, the
19 commissioner shall consider whether the work performed by the patient

20 (1) is solely for the benefit of the patient and is that
21 which is ordinarily carried on by patients in a residential treatment
22 program;

23 (2) would ordinarily be performed by full-time employees of
24 the program;

25 (3) is work that may produce income to the patient, other
26 than wages;

27 (4) produces goods or services the proceeds of which will
28 economically or otherwise benefit the owners, operators, or businesses
29 of the rehabilitation program; and

1 (5) creates an unfair competition with private enterprise
2 because of lower wage standards.

3 * Sec. 2. AS 47.37 is amended by adding a new section to read:

4 Sec. 47.37.245. WAGES OF PATIENTS. (a) A participant in a
5 residential drug abuse or alcoholism treatment program may be paid
6 wages for work therapy. The payment of wages for work therapy by a
7 drug or alcoholism treatment program shall be considered an allowable
8 cost under the department's regulations governing costs a grantee may
9 pay with money received from a grant.

10 (b) No part of the wage earned by the patient worker may be
11 deducted for the cost of room, board or services. The program, how-
12 ever, after the payment of wages, may assess and collect the reason-
13 able cost of treatment according to rates established under AS 47.37.-
14 240, and on the same basis it assesses and collects from non-working
15 patients.

16 (c) Wages earned by the patient worker may be held in trust by
17 the program for the benefit of the patient, and, except as provided in
18 (d) of this section, may be disbursed by the program only with the
19 patient's consent

20 (1) for the support of the patient's dependents;

21 (2) to pay a civil judgment;

22 (3) for the purchase of gifts, clothing, and items of
23 personal use;

24 (4) to pay restitution or a fine;

25 (5) for other purposes considered appropriate by the treat-
26 ment program.

27 (d) Wages earned by the patient worker may be disbursed without
28 the patient's consent in accordance with a final court order.

29 * Sec. 3. AS 47.37.270 is amended by adding a new paragraph to read:

1 (14) "work therapy"

2 (A) means an activity that involves a patient in basic
3 employment skills and assists the patient in reintegration into a
4 community;

5 (B) does not include

6 (i) activities such as personal housekeeping
7 chores or cooperative responsibilities expected of each
8 patient in the program; or

9 (ii) work that produces goods or services for sale
10 or distribution, the proceeds of which would be returned to
11 the owners, operators, or businesses of the rehabilitation
12 program.