

Introduced: 2/23/83
Referred: Judiciary

1 IN THE HOUSE

BY BUSSELL

2

HOUSE BILL NO. 223

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to methods for the payment of over-
7 time; 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 by adding a new subsection to read:

10 (b) The following methods for the payment of overtime are pro-
11 hibited:

12 (1) a guaranteed weekly pay for variable hours plan estab-
13 lished in accordance with 29 U.S.C. 207(f) and 29 C.F.R. 778.402 -
14 778.414 (Fair Labor Standards Act of 1938, as amended (52 Stat. 1060));

15 (2) a fluctuating workweek plan established in accordance
16 with 29 U.S.C. 207(a) and 29 C.F.R. 778.114 (Fair Labor Standards Act
17 of 1938, as amended (52 Stat. 1060)).

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

19 (d) An employer who acts in good faith and with reasonable
20 grounds for believing that the acts or omissions of the employer are
21 not in violation of this chapter is not liable for liquidated damages
22 under (a) of this section but may be liable for an amount not to
23 exceed the actual amount of unpaid minimum wages or unpaid overtime
24 compensation.

25 * Sec. 3. An employer is not liable in a civil or criminal action if
26 the employer used the methods prohibited in sec. 1 of this Act during the
27 period beginning December 9, 1978, and ending on the effective date of this
28 Act unless the action was pending on the effective date of this Act, in
29 which case the employer is liable for costs of the action and reasonable

1 attorney fees.

2 * Sec. 4. AS 23.10.060(b), added by sec. 1 of this Act, AS 23.10.110(d)
3 added by sec. 2 of this Act, and sec. 3 of this Act are retroactive to
4 December 9, 1978, and extinguish any penalty, forfeiture, or liability
5 incurred or right accruing or accrued under 8 AAC 15.100(d)(1) and (3),
6 adopted under AS 23.10.065 and 23.10.085 to prohibit the use of the
7 overtime payment methods described in AS 23.10.060(b) added by sec. 1 of
8 this Act.

9 * Sec. 5. This Act takes effect immediately in accordance with AS 01.-
10 10.070(c).