

Offered: 5/5/83  
Referred: Labor & Commerce  
Original sponsor: Bussell

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE  
2 CS FOR HOUSE BILL NO. 223 (Judiciary)  
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 retroactively extinguishing liability for  
8 overtime compensation and damages incurred since  
9 December 9, 1978."

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

11 \* Section 1. AS 23.10.110 is amended by adding a new subsection to read:

12 (d) An employer who acts in good faith and with reasonable  
13 grounds for believing that the acts or omissions of the employer are  
14 not in violation of this chapter is not liable for liquidated damages  
15 under (a) of this section but may be liable for an amount not to  
16 exceed the actual amount of unpaid minimum wages or unpaid overtime  
17 compensation.

18 \* Sec. 2. An employer is not liable in a civil or criminal action if  
19 the employer used a method of compensation prohibited by 8 AAC 15.100(d)(1)  
20 and (3) during the period beginning December 9, 1978, and ending on the  
21 effective date of this Act unless the action was pending on the effective  
22 date of this Act, in which case the court may order the employer to pay the  
23 costs of the action and reasonable attorney fees to compensate the plain-  
24 tiff for the actual costs of bringing the action.

25 \* Sec. 3. Section 2 of this Act is retroactive to December 9, 1978, and  
26 extinguishes any penalty, forfeiture, or liability incurred or right accru-  
27 ing or accrued under 8 AAC 15.100(d)(1) and (3), adopted under AS 23.10.065  
28 and 23.10.085 to prohibit the use of certain overtime payment methods.