

Introduced: 3/18/83
Referred: Labor & Commerce and
Judiciary

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 280

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 the payment of prevailing wages
7 and the payment of overtime under public construction
8 contracts."

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

10 * Section 1. AS 36.05 is amended by adding a new section to read:

11 Sec. 36.05.015. OVERTIME REQUIREMENTS. (a) Notwithstanding the
12 provisions of AS 23.10.060(17) and (18), a contractor or subcontractor
13 contracting for any part of a public construction contract which
14 requires the employment of laborers, mechanics, or field surveyors may
15 not require or permit a laborer, mechanic, or field surveyor to work
16 more than eight hours a day or more than 40 hours in a week during
17 that employment unless the laborer, mechanic, or field surveyor re-
18 ceives compensation at a rate of pay not less than one and one-half
19 times his basic rate of pay for all work in excess of eight hours a
20 day or 40 hours a week.

21 (b) The provisions in this section are considered included in
22 all contracts for public construction in the state.

23 * Sec. 2. AS 36.05.030(a) is amended by adding new paragraphs to read:

24 (4) take an assignment of a wage claim for the full amount
25 to which the employee is entitled under this chapter;

26 (5) seek recovery of wages for all persons on a public
27 construction project to whom wages are due under this chapter, regard-
28 less of whether a wage claim has been filed.

29 * Sec. 3. AS 36.05.060 is repealed and reenacted to read:

1 Sec. 36.05.060. CIVIL PENALTY. (a) A person who violates the
2 terms of an injunction or restraining order issued under AS 36.05.115
3 is subject to a civil penalty of not more than \$25,000 for each viola-
4 tion.

5 (b) In an action brought under AS 36.05.115, if the court finds
6 that a person has violated a provision of this chapter, a civil penal-
7 ty of not more than \$5,000 for each violation may be imposed. For
8 each day the violation exists, a separate penalty may be imposed.

9 * Sec. 4. AS 36.05.070(a) is amended to read:

10 (a) The advertised specifications for a public construction
11 contract exceeding \$2,000 to which the state or a political subdivi-
12 sion of the state is a party which requires or involves the employment
13 of mechanics, laborers, or field surveyors shall contain a provision
14 stating the minimum prevailing wages to be paid various classes of
15 laborers, mechanics, or field surveyors and that the rate of wages
16 shall be adjusted to the wage rate for each pay period applicable
17 under AS 36.05.010.

18 * Sec. 5. AS 36.05.070(c)(4) is amended to read:

19 (4) if the state or political subdivision is notified by
20 the Department of Labor that wages have not been paid as required
21 under AS 36.05.010 -- 36.05.015, the state or [A] political subdivi-
22 sion shall withhold so much of the [ACCRUED] payments due the contrac-
23 tor as is necessary to pay to laborers, mechanics, or field surveyors
24 employed by the contractor [OR SUBCONTRACTORS] the difference between

25 (A) the rates of wages required by the contract to be
26 paid [LABORERS, MECHANICS, OR FIELD SURVEYORS ON THE WORK], and

27 (B) The rates of wages in fact received [BY LABORERS,
28 MECHANICS, OR FIELD SURVEYORS].

29 * Sec. 6. AS 36.05.070 is amended by adding new subsections to read:

1 (d) If the state or political subdivision withholds payment
2 under (c)(4) of this section, it shall pay the amount withheld to the
3 Department of Labor for disbursement directly to the laborers, mechan-
4 ics, or field surveyors who have not been paid the rates of wages
5 required by the contract and AS 36.05.010 -- 36.05.115.

6 (e) The provisions in (c) of this section are considered includ-
7 ed in all contracts for public construction in the state or political
8 subdivision of the state.

9 * Sec. 7. AS 36.05 is amended by adding a new section to read:

10 Sec. 36.05.075. APPRENTICES. A registered apprentice in a craft
11 is entitled to be paid at least at the rate set by the United States
12 Department of Labor for an apprentice in that craft.

13 * Sec. 8. AS 36.05.090 is repealed and reenacted to read:

14 Sec. 36.05.090. BARRING CONTRACT VIOLATORS. (a) If a person
15 violates a provision of this chapter, and the Department of Labor
16 believes that person should be barred from bidding on or participating
17 in future public construction contracts in the state, it shall bar the
18 person after first complying with the provisions of the Administrative
19 Procedure Act (AS 44.62.330 -- 44.62.640).

20 (b) If, under (a) of this section, the Department of Labor bars
21 a person from bidding on or participating in a future public con-
22 struction contract, it shall distribute to the departments and agen-
23 cies of the state and to the political subdivisions of the state the
24 name of the person. No person who has been barred and no firm, corpo-
25 ration, partnership, or association in which the person has an inter-
26 est may work as a contractor or subcontractor on a public construction
27 contract for the state or a political subdivision during the period
28 established in the decision.

29 (c) A person may not be barred under (a) of this section for

1 more than three years as a result of a single proceeding.

2 * Sec. 9. AS 36.05 is amended by adding a new section to read:

3 Sec. 36.05.115. ENFORCEMENT. (a) The attorney general may,
4 when requested by the Department of Labor, enforce the provisions of
5 this chapter.

6 (b) The attorney general may petition the superior court to

7 (1) enjoin an act or practice which violates a provision of
8 this chapter or a regulation adopted under it;

9 (2) order payment of wages from the employer or surety;

10 (3) enjoin a person found in violation of this chapter from
11 continuing to work on an existing public construction contract; and

12 (4) impose a civil penalty under AS 36.05.060.

13 (c) If the court enjoins a person from further work on an exist-
14 ing public construction contract, the state or political subdivision
15 may complete the work, and the person and his sureties are liable for
16 the reasonable completion costs exceeding the original amount of the
17 contract.

18 (d) Enforcement under this section may be taken independently of
19 or in addition to action taken under AS 36.05.090.

20 * Sec. 10. AS 36.95.010(3) is amended to read:

21 (3) "public construction" or "public works" means the
22 on-site field surveying, erection, rehabilitation, alteration, exten-
23 sion or repair, including painting or redecorating of buildings,
24 highways or other improvements to real property under contract for the
25 state, a political subdivision of the state, or a regional school
26 board with respect to an educational facility under AS 14.08.161; the
27 terms do not include regular maintenance or scheduled maintenance for
28 the preservation of existing property or facilities;

29 * Sec. 11. AS 36.05.030(b) and AS 36.10.020 are repealed.