

BY THE LABOR AND
COMMERCE COMMITTEE

1 IN THE HOUSE

2

HOUSE BILL NO. 436

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to overtime wages."

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

8 * Section 1. AS 23.10.060 is amended to read:

9 Sec. 23.10.060. PAYMENT FOR OVERTIME. (a) Except as provided
10 in (b) of this section, an [AN] employer who employs employees engaged
11 in commerce, or other business, or in the production of goods or
12 materials in the state [ALASKA] may not employ an employee [NOT ACTING
13 IN A SUPERVISORY CAPACITY, EITHER MALE OR FEMALE,] for a workweek
14 longer than 40 hours or for more than eight hours a day.

15 (b) If an [, EXCEPT THAT IF THE] employer employs [FINDS IT
16 NECESSARY TO EMPLOY] an employee more than [IN EXCESS OF] 40 hours but
17 not more than 60 hours a week or more than eight but not more than 12
18 hours a day, the employer shall pay compensation for this [THE] over-
19 time at the rate of one and one-half times the regular rate of pay.
20 If an employer employs an employee more than 60 hours a week or more
21 than 12 hours a day, the employer shall pay compensation for this
22 overtime at the rate of two times the regular rate.

23 (c) This section [SHALL BE PAID, AND THIS PROVISION] is con-
24 sidered included in all contracts of employment.

25 (d) This section does not apply with respect to

26 (1) an employee employed by an employer employing less than
27 four employees in the regular course of business, as "regular course
28 of business" is defined by regulations of the commissioner;

29 (2) [REPEALED]

1 (3) REPEALED

2 (4)] an employee employed in handling, packing, storing,
3 pasteurizing, drying, preparing in their raw or natural state, or
4 canning agricultural or horticultural commodities for market, or in
5 making cheese or butter or other dairy products;

6 (3) [(5)] an employee of an employer engaged in small
7 mining operations where not more than 12 employees are employed, if
8 the employee is employed not in excess of 12 hours a day or 56 hours a
9 week during a period or periods of not more than 14 workweeks in the
10 aggregate in a calendar year during the mining season, as the season
11 is defined by the commissioner;

12 (4) [(6) REPEALED

13 (7)] an employee engaged in agriculture;

14 (5) [(8)] an employee employed in connection with the
15 publication of a weekly, semiweekly, or daily newspaper with a circu-
16 lation of less than 1,000;

17 (6) [(9)] a switchboard operator employed in a public
18 telephone exchange that [WHICH] has fewer than 750 stations;

19 (7) [(10)] an employee of an employer engaged in the busi-
20 ness of operating taxicabs;

21 (8) [(11)] an employee in an otherwise exempted employment
22 or proprietor in a retail or service establishment engaged in handling
23 telegraphic, telephone, or radio messages for the public under an
24 agency or contract arrangement with a telegraph or communications
25 company where the telegraph message or communications revenue of the
26 agency does not exceed \$500 a month;

27 (9) [(12)] an employee employed as a seaman;

28 (10) [(13)] an employee employed in planting or tending
29 trees, cruising, or surveying, or bucking, or felling timber, or in

1 preparing or transporting logs or other forestry products to the mill,
2 processing plant, railroad, or other transportation terminal, if the
3 number of employees employed by the employer in the forestry or lum-
4 bering operations does not exceed 12;

5 (11) [(14)] an individual employed as an outside buyer of
6 poultry, eggs, cream, or milk in their raw or natural state;

7 (12) [(15)] casual employees as may be liberally defined by
8 regulations of the commissioner;

9 (13) [(16)] an employee of a hospital whose employment
10 includes the provision of medical services;

11 (14) [(17)] work performed by an employee under a flexible
12 work hour plan if the plan is included as part of a collective bar-
13 gaining agreement;

14 (15) [(18)] work performed by an employee under a voluntary
15 flexible work hour plan if

16 (A) the employee and the employer have signed a writ-
17 ten agreement and the written agreement has been filed with the
18 department; and

19 (B) the department has issued a certificate approving
20 the plan which states the work is for 40 hours a week and not
21 more than 10 hours a day; for work over 40 hours a week or 10
22 hours a day under a flexible work hour plan not included as part
23 of a collective bargaining agreement, compensation at the rate of
24 one and one-half times the regular rate of pay shall be paid for
25 the overtime;

26 (16) an employee acting in a supervisory capacity.