

Offered: 2/27/89
Referred: Rules

6-0638E

Original sponsors: Frank and Fahrenkamp

1 IN THE SENATE

BY THE LABOR AND
COMMERCE COMMITTEE

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CS FOR SENATE BILL NO. 151 (L&C)

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act exempting certain persons employed in repairing automobiles from the overtime provisions of the Alaska Wage and Hour Act; and providing for an effective date."

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

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

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Sec. 23.10.060. PAYMENT FOR OVERTIME. An employer who employs

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employees engaged in commerce, or other business, or in the production

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of goods or materials in the state [ALASKA] may not employ an employee

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not acting in a supervisory capacity, either male or female, for a

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workweek longer than 40 hours or for more than eight hours a day,

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except that if the employer finds it necessary to employ an employee

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in excess of 40 hours a week or eight hours a day, compensation for

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the overtime at the rate of one and one-half times the regular rate of

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pay shall be paid, and this provision is considered included in all

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contracts of employment. This section does not apply with respect to

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(1) an employee employed by an employer employing less than

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four employees in the regular course of business, as regular course of

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business is defined by regulations of the commissioner;

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(2) [REPEALED,

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(3) REPEALED,

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(4)] an employee employed in handling, packing, storing,

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pasteurizing, drying, preparing in their raw or natural state, or

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canning agricultural or horticultural commodities for market, or in

1 making cheese or butter or other dairy products;

2 (3) [(5)] an employee of an employer engaged in small
3 mining operations where not more than 12 employees are employed, if
4 the employee is employed not in excess of 12 hours a day or 56 hours a
5 week during a period or periods of not more than 14 workweeks in the
6 aggregate in a calendar year during the mining season, as the season
7 is defined by the commissioner;

8 (4) [(6)] REPEALED,
9 (7)] an employee engaged in agriculture;

10 (5) [(8)] an employee employed in connection with the
11 publication of a weekly, semiweekly, or daily newspaper with a circu-
12 lation of less than 1,000;

13 (6) [(9)] a switchboard operator employed in a public
14 telephone exchange which has fewer than 750 stations;

15 (7) [(10)] an employee of an employer engaged in the busi-
16 ness of operating taxicabs;

17 (8) [(11)] an employee in an otherwise exempted employment
18 or proprietor in a retail or service establishment engaged in handling
19 telegraphic, telephone, or radio messages for the public under an
20 agency or contract arrangement with a telegraph or communications
21 company where the telegraph message or communications revenue of the
22 agency does not exceed \$500 a month;

23 (9) [(12)] an employee employed as a seaman;

24 (10) [(13)] an employee employed in planting or tending
25 trees, cruising, or surveying, or bucking, or felling timber, or in
26 preparing or transporting logs or other forestry products to the mill,
27 processing plant, railroad, or other transportation terminal, if the
28 number of employees employed by the employer in the forestry or lum-
29 bering operations does not exceed 12;

1 (11) [(14)] an individual employed as an outside buyer of
2 poultry, eggs, cream, or milk in their raw or natural state;

3 (12) [(15)] casual employees as may be liberally defined by
4 regulations of the commissioner;

5 (13) [(16)] an employee of a hospital whose employment
6 includes the provision of medical services;

7 (14) [(17)] work performed by an employee under a flexible
8 work hour plan if the plan is included as part of a collective bar-
9 gaining agreement;

10 (15) [(18)] work performed by an employee under a voluntary
11 flexible work hour plan if

12 (A) the employee and the employer have signed a writ-
13 ten agreement and the written agreement has been filed with the
14 department; and

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

22 (16) an individual employed as an automobile mechanic or
23 repairer whose employer is an automobile dealership whose primary
24 business is selling automobiles and who works not more than 20 percent
25 of the time on a basis other than a commissioned or flat rate basis.

26 * Sec. 2. This Act takes effect immediately under AS 01.10.070(c).