

BY THE LABOR & COMMERCE COMMITTEE

1 IN THE SENATE

2

SENATE BILL NO. 506

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act exempting certain employment of line haul
7 truck drivers from overtime wage requirements."

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

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

10 Sec. 23.10.060. PAYMENT FOR OVERTIME. (a) An employer who
11 employs employees engaged in commerce [,] or other business, or in the
12 production of goods or materials in the state [ALASKA] may not employ
13 an employee [NOT ACTING IN A SUPERVISORY CAPACITY, EITHER MALE OR
14 FEMALE,] for a workweek longer than 40 hours or for more than eight
15 hours a day. This section does not apply to the employment of a
16 person acting in a supervisory capacity.

17 (b) If an [, EXCEPT THAT IF THE] employer finds it necessary to
18 employ an employee in excess of 40 hours a week or eight hours a day,
19 compensation for the overtime at the rate of one and one-half times
20 the regular rate of pay shall be paid.

21 (c) This section [, AND THIS PROVISION] is considered included
22 in all contracts of employment.

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

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

27 (2) [REPEALED

28 (3) REPEALED

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

1 pasteurizing, drying, preparing in their raw or natural state, or
2 canning agricultural or horticultural commodities for market, or in
3 making cheese or butter or other dairy products;

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

10 (4) [(6) REPEALED

11 (7)] an employee engaged in agriculture;

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

15 (6) [(9)] a switchboard operator employed in a public
16 telephone exchange that [WHICH] has fewer than 750 stations;

17 (7) [(10)] an employee of an employer engaged in the busi-
18 ness of operating taxicabs;

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

25 (9) [(12)] an employee employed as a seaman;

26 (10) [(13)] an employee employed in planting or tending
27 trees, cruising, or surveying, or bucking, or felling timber, or in
28 preparing or transporting logs or other forestry products to the mill,
29 processing plant, railroad, or other transportation terminal, if the

1 number of employees employed by the employer in the forestry or lum-
2 bering operations does not exceed 12;

3 (11) [(14)] an individual employed as an outside buyer of
4 poultry, eggs, cream, or milk in their raw or natural state;

5 (12) [(15)] casual employees as may be liberally defined by
6 regulations of the commissioner;

7 (13) [(16)] an employee of a hospital whose employment in-
8 cludes the provision of medical services;

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

12 (15) [(18)] work performed by an employee under a voluntary
13 flexible work hour plan if

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

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

24 (16) an individual employed as a line haul truck driver for
25 a trip that exceeds 100 road miles one way if the compensation system
26 under which the truck driver is paid includes overtime pay for work in
27 excess of 40 hours a week or for more than eight hours a day and the
28 compensation system requires a rate of pay comparable to the rate of
29 pay required by this section.