

HOUSE BILL NO. 284

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Introduced: 4/17/91

Referred: Labor & Commerce, State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act requiring that overtime wages at one and one-half times the regular rate of pay  
2 be paid for certain work following the fifth consecutive day of work; defining 'day' and  
3 'week' for overtime wages; removing certain employees on public works projects from an  
4 exemption from overtime wage requirements; and limiting the exemption from overtime  
5 wage requirements for voluntary flexible work hour plans."

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

7 \* Section 1. AS 23.10.060(a) is amended to read:

8 (a) Except as provided in (b) and (e) of this section, an [AN] employer who employs  
9 employees engaged in commerce or other business, or in the production of goods or materials  
10 in the state may not employ an employee for a workweek longer than 40 hours or for more than  
11 eight hours a day. This section does not apply to the employment of a person acting in a  
12 supervisory capacity.

13 \* Sec. 2. AS 23.10.060(d) is amended to read:

- 1 (d) This section does not apply with respect to
- 2 (1) an employee employed by an employer employing less than four employees
- 3 in the regular course of business, as "regular course of business" is defined by regulations of the
- 4 commissioner; however, this exemption does not apply to an employee who is employed on
- 5 a public works project for any day on which the employee performs work on the project;
- 6 (2) an employee employed in handling, packing, storing, pasteurizing, drying,
- 7 preparing in their raw or natural state, or canning agricultural or horticultural commodities for
- 8 market, or in making cheese or butter or other dairy products;
- 9 (3) an employee of an employer engaged in small mining operations where not
- 10 more than 12 employees are employed, if the employee is employed not in excess of 12 hours
- 11 a day or 56 hours a week during a period or periods of not more than 14 workweeks in the
- 12 aggregate in a calendar year during the mining season, as the season is defined by the
- 13 commissioner;
- 14 (4) an employee engaged in agriculture;
- 15 (5) an employee employed in connection with the publication of a weekly,
- 16 semiweekly, or daily newspaper with a circulation of less than 1,000;
- 17 (6) a switchboard operator employed in a public telephone exchange that has
- 18 fewer than 750 stations;
- 19 (7) an employee of an employer engaged in the business of operating taxicabs;
- 20 (8) an employee in an otherwise exempted employment or proprietor in a retail
- 21 or service establishment engaged in handling telegraphic, telephone, or radio messages for the
- 22 public under an agency or contract arrangement with a telegraph or communications company
- 23 where the telegraph message or communications revenue of the agency does not exceed \$500 a
- 24 month;
- 25 (9) an employee employed as a seaman;
- 26 (10) an employee employed in planting or tending trees, cruising, or surveying,
- 27 or bucking, or felling timber, or in preparing or transporting logs or other forestry products to
- 28 the mill, processing plant, railroad, or other transportation terminal, if the number of employees
- 29 employed by the employer in the forestry or lumbering operations does not exceed 12;
- 30 (11) an individual employed as an outside buyer of poultry, eggs, cream, or milk
- 31 in their raw or natural state;

1 (12) casual employees as may be liberally defined by regulations of the  
2 commissioner;

3 (13) an employee of a hospital whose employment includes the provision of  
4 medical services;

5 (14) work performed by an employee under a flexible work hour plan if the plan  
6 is included as part of a collective bargaining agreement;

7 (15) work performed by an employee under a voluntary flexible work hour plan  
8 if

9 (A) the employee and the employer have signed a written agreement and  
10 the written agreement has been filed with the department; and

11 (B) the department has issued a certificate approving the plan which states  
12 the work is for 40 hours a week, [AND] not more than 10 hours a day, and the days are  
13 consecutive and do not include a Sunday; for work over 40 hours a week or 10 hours  
14 a day under a flexible work hour plan not included as part of a collective bargaining  
15 agreement, compensation at the rate of one and one-half times the regular rate of pay  
16 shall be paid for the overtime;

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

21 \* Sec. 3. AS 23.10.060 is amended by adding new subsections to read:

22 (e) An employer who employs an employee for at least 40 hours of work at the regular  
23 rate of pay in more than five consecutive days without a day off shall pay compensation to the  
24 employee for the employee's hours of work on the sixth and seventh consecutive days at the rate  
25 of one and one-half times the regular rate of compensation. This subsection applies regardless  
26 of the number of weeks in which the consecutive days worked by the employee occur.

27 (f) In this section,

28 (1) "day" means 24 consecutive hours;

29 (2) "public works" has the meaning given in AS 36.95.010;

30 (3) "week" means the period of time from a Sunday at 12:01 in the morning to  
31 the following Saturday at 12:00 midnight.