

**HOUSE BILL NO. 527**

**IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - SECOND SESSION**

**BY REPRESENTATIVE LINCOLN**

**Introduced: 2/18/92**

**Referred: Health, Education & Social Services, Labor & Commerce**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act exempting certain community health aides from overtime wage requirements."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 **\* Section 1. AS 23.10.060(d) is amended to read:**

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

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

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

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

1 commissioner;

2 (4) an employee engaged in agriculture;

3 (5) an employee employed in connection with the publication of a weekly,  
4 semiweekly, or daily newspaper with a circulation of less than 1,000;

5 (6) a switchboard operator employed in a public telephone exchange that has  
6 fewer than 750 stations;

7 (7) an employee of an employer engaged in the business of operating taxicabs;

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

13 (9) an employee employed as a seaman;

14 (10) an employee employed in planting or tending trees, cruising, or surveying,  
15 or bucking, or felling timber, or in preparing or transporting logs or other forestry products to  
16 the mill, processing plant, railroad, or other transportation terminal [,] if the number of employees  
17 employed by the employer in the forestry or lumbering operations does not exceed 12;

18 (11) an individual employed as an outside buyer of poultry, eggs, cream, or milk  
19 in their raw or natural state;

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

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

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

26 (15) work performed by an employee under a voluntary flexible work hour plan  
27 if

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

30 (B) the department has issued a certificate approving the plan that  
31 [WHICH] states the work is for 40 hours a week and not more than 10 hours a day; for

1 work over 40 hours a week or 10 hours a day under a flexible work hour plan not  
2 included as part of a collective bargaining agreement, compensation at the rate of one and  
3 one-half times the regular rate of pay shall be paid for the overtime;

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

9 (17) an individual employed as a community health aide by a local or  
10 regional health organization as those terms are defined in AS 18.28.100.