

SENATE BILL NO. 262

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Introduced: 4/22/91
Referred: Labor and Commerce

A BILL**FOR AN ACT ENTITLED**

1 "An Act relating to coverage of certain executive or administrative employees of retail or
2 service establishments under the state minimum wage laws; and providing for an effective
3 date."

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

5 * Section 1. AS 23.10.055 is amended to read:

6 Sec. 23.10.055. EXEMPTIONS. The provisions of AS 23.10.050 - 23.10.150 do not
7 apply to

8 (1) an individual employed in agriculture, which includes farming in all its
9 branches and, among other things, includes the cultivation and tillage of the soil, dairying, the
10 production, cultivation, growing, and harvesting of any agricultural or horticultural commodities,
11 the raising of livestock, bees, fur-bearing animals, or poultry, and any practices, including forestry
12 and lumbering operations, performed by a farmer or on a farm as an incident to or in conjunction
13 with the farming operations, including preparation for market, delivery to storage or to market
14 or to carriers for transportation to market;

1 (2) an individual employed in the catching, trapping, cultivating or farming,
2 netting or taking of any kind of fish, shellfish, or other aquatic forms of animal and vegetable
3 life;

4 (3) an individual employed in the hand picking of shrimp;

5 (4) an individual employed in domestic service, including a baby-sitter, in or about
6 a private home;

7 (5) an individual employed by the United States or by the state or political
8 subdivision of the state, except as provided in AS 23.10.065(b), including prisoners not on
9 furlough detained or confined in prison facilities;

10 (6) an individual engaged in the activities of a nonprofit religious, charitable,
11 cemetery, or educational organization where the employer-employee relationship does not, in fact,
12 exist, and where services rendered to the organization are on a voluntary basis;

13 (7) an employee engaged in the delivery of newspapers to the consumer;

14 (8) an individual employed solely as a watchman or caretaker of a plant or
15 property that is not in productive use for a period of four months or more;

16 (9) an individual employed in a bona fide executive, administrative, or
17 professional capacity or in the capacity of an outside salesman or a salesman who is employed
18 on a straight commission basis; **an employee shall be considered a bona fide executive or**
19 **administrative employee of a retail or service establishment even if the employee devotes**
20 **a portion of the employee's workweek to activities not directly or closely related to the**
21 **performance of executive or administrative activities so long as more than 60 percent of the**
22 **employee's hours worked in the workweek are devoted to bona fide executive or**
23 **administrative activities;**

24 (10) an individual employed in the search for placer or hard rock minerals;

25 (11) an individual under 18 years of age employed on a part-time basis not more
26 than 30 hours in a week; or

27 (12) employment by a nonprofit educational or child care facility to serve as a
28 parent of children while the children are in residence at the facility if the employment requires
29 residence at the facility and is compensated on a cash basis exclusive of room and board at an
30 annual rate of not less than

31 (A) \$10,000 for an unmarried person; or

1 (B) \$15,000 for a married couple.

2 * Sec. 2. This Act takes effect July 1, 1991.