

CS FOR SENATE BILL NO. 262 (L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 5/10/91
Referred: Rules

Sponsor(s): SENATE LABOR AND COMMERCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

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

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

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

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

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

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

13 (3) an employee of an employer engaged in small mining operations where not
 14 more than 12 employees are employed, if the employee is employed not in excess of 12 hours

1 a day or 56 hours a week during a period or periods of not more than 14 workweeks in the
2 aggregate in a calendar year during the mining season, as the season is defined by the
3 commissioner;

4 (4) an employee engaged in agriculture;

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

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

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

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

15 (9) an employee employed as a seaman;

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

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

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

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

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

28 (15) work performed by an employee under a voluntary flexible work hour plan
29 if

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

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

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

11 (17) an individual employed as an executive or administrative employee of
12 a retail or service establishment who is not exempt from AS 23.10.050 - 23.10.150 under
13 AS 23.10.055, and who devotes a portion of the employee's workweek to activities not
14 directly or closely related to the performance of executive or administrative activities, so
15 long as more than 60 percent of the employee's hours worked in the workweek are devoted
16 to bona fide executive or administrative activities and so long as the employee earns at least
17 twice the minimum wage per hour for the first 40 hours of employment each week.

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