

HB

207

DIV. OF PUBLIC SAFETY
REC'D
AUG 27 1974
DIR.

CH
A.G.

February 22, 1974



Richard W. Freer
Deputy Commissioner
Department of Administration
Pouch C
Juneau, Alaska 99801

Dear Mr. Freer:

You have asked if the state is governed by the proposed regulations developed by the Department of Labor on the provisions of AS 23.10.375-400, Transportation of Employees. It is a uniform and well established rule that in statutory construction, the government, as sovereign, is not bound by the restrictive terms of statutes unless expressly mentioned. Alaska Rural Rehabilitation Corp v. Ubert, 10 Alaska Reports 509, 517 (1945) and cases cited therein.

Examples of Alaska Statutes in which the state is included are AS 23.30.265(12) which relates to workman's compensation, and AS 18.60.030(6) which relates to occupational safety and health standards.

Therefore, it is the opinion of the department that the state is not governed by the proposed regulations developed by the Department of Labor on the provisions of AS 23.10.375-400, Transportation of Employees.

Sincerely,

NORMAN C. GORSUCH
ATTORNEY GENERAL

By
James E. Douglas
Assistant Attorney General

JED:jdg

FILED
DEPARTMENT OF ADMINISTRATION
JUNEAU, ALASKA



**PUBLIC EMPLOYEES
LOCAL 71 AFL-CIO**

HEADQUARTERS

3400 SPENARD ROAD, SUITE 10, ANCHORAGE, ALASKA 99503

BUSINESS MANAGER - SECRETARY TREASURER

AL J. BAFFONE, SR.



Representative Mike Miller
Chairman House State Affairs
Committee
Alaska State Legislature
Pouch V, Station 3100
Juneau, Alaska 99811

February 22, 1979

RE: House Bill 207.

Dear Honorable Sir:

Public Employees' Local 71 AFL-CIO, wishes to express to you and the Committee our position on the above referenced Bill.

We believe the present law is sufficient, and any changes are not necessary.

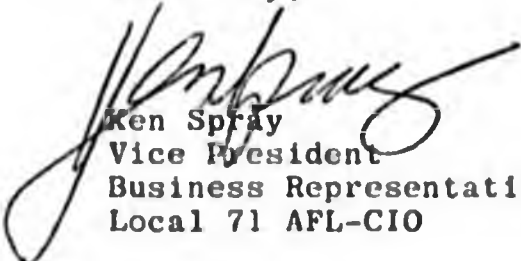
Our concern is in the paragraph page 2 lines 5 and 6. We have experienced that the Executive always tries to work out an agreement with the individual employee regardless of what is in the contract or regardless of who is the exclusive representative of the employee.

Also, this kind of an issue should be handled in the normal collective bargaining process at the bargaining table.

We request that this Bill not pass out of Committee.

If you have any questions feel free to contact me.

Sincerely,


Ken Spray
Vice President
Business Representative
Local 71 AFL-CIO

KS:ksm

cc: Jim Younger

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hb 207

February 13, 1979

The Honorable Terry Gardiner
Speaker of the House
Alaska State Legislature
Juneau, Alaska 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18 of the Alaska Constitution, I am transmitting a bill relating to transportation of employees.

The bill would amend AS 23.10.380 which deals with an employer's obligation to make certain provisions for the return transportation of employees to whom the employer provided (i.e., furnished or paid for or advanced funds to pay for) transportation from the place of hire to the place of work. The Department of Law recently interpreted AS 23.10.380 as requiring only that an employer provide the same kind of assistance for the return trip as he provided on the initial trip (e.g., if the employer advanced or loaned funds to the employee to pay for the trip to the job, the employer must also advance or loan the employee the necessary funds to return to the point of hire.)

The Department of Labor believes that the statute as it currently reads does not provide adequate protection for employees who may be enticed to travel long distances to Alaska to work for little more than the minimum wage in the mistaken belief that, if the job does not work out, they will not have to bear the expense of returning to their homes. Apparently many employees from the Lower 48, especially in the fish processing industry, have been stranded or "dumped" in Alaska upon termination of their employment without adequate funds to pay for the return trip.

To address this problem the bill would require that, in any situation that the employer provides any assistance to the employee in getting to the place of work, the employer must actually furnish or pay for the employee's return transportation. The obligation is placed squarely

on the employer to see to it that the employee gets home and is not left stranded in Alaska.

Additionally, the bill would make clear what return transportation or costs of return transportation must be borne by the employer. Under the bill, these would include, in addition to the costs of transporting just the employee, the costs of moving household goods and the costs of transporting members of the employee's family, if the employer assisted the employee in transporting them to the place of work, unless the employer and employee have agreed, in writing, at the time of hire that the employer would not be responsible for either or both of these elements.

Finally, the bill would also clarify that an employee who is entitled to return transportation by the employer is also entitled to receive subsistence for up to 10 days while waiting for available transportation. The subsistence could be either room and board or compensation in an amount equal to state per diem rates for the area in which the employee worked.

Sincerely,



Jay S. Hammond
Governor

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. J-77-137-79

HOUSE BILL NO. 207

Title An Act Relating to Transportation of Employees

Requested by Office of the Governor

Date February 7, 1979

II. FISCAL DETAIL

Agency Affected Labor

Program Category Affected Public Protection

BRU, Program, or Subprogram(s) Affected Wage and Hour Administration

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	0-

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

No Fiscal Impact. Purpose and effect of this bill is to clarify the act and broaden its coverage.

IV. DATE

2/7/79

PREPARED BY

[Signature]

AGENCY

LEGISLATIVE

PHONE

465-2720

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)



Resource Development Council

for Alaska, Inc.

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May 30, 1980

TO: ALL MEMBERS OF THE ALASKA LEGISLATURE

SUBJECT: NORTH SLOPE HAUL ROAD, (Federal Aid Primary Route 65)

The Resource Development Council has long supported open and free use of the North Slope Road as being in the best interests of the majority of Alaska's citizens and the economy. There is, of course, no pending legislation that would accomplish this.

Two pieces of legislation address various aspects of operating and maintaining the highway which we support in lieu of unrestricted use. They are HCSCHB 332 and CSHB 552.

Our Council strongly opposes SCSHB 207 which would prevent the road's opening during the summer until 1983.

We appreciate your taking our views into consideration as you resolve this important issue.

Sincerely,

RESOURCE DEVELOPMENT COUNCIL
for Alaska, Inc.

Tom Fink
Tom Fink
President