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Offered: 4/26/83
Referred: Judiciary

Original sponsor: Rules/Governor

BY THE LABOR AND
COMMERCE COMMITTEE

1 IN THE HOUSE

2

CS FOR HOUSE BILL NO. 281 (L&C)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the payment of wages."

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

8 * Section 1. AS 23.05.140(d) is amended to read:

9 (d) If an employer violates (b) of this section by failing to
10 pay within three working days of termination, the employer may be
11 required [HE IS LIABLE] to pay the employee a penalty in the amount
12 [FOR PAYMENT] of the employee's regular wage, salary or other compen-
13 sation from the time of demand to the time of payment, or for 90
14 working days, whichever is the lesser amount.

15 * Sec. 2. AS 23.05.180 is amended to read:

16 Sec. 23.05.180. WAGES IN DISPUTE. (a) If the amount of wages
17 [DUE] is in dispute, the employer shall give written notice to the
18 employee of the [AMOUNT OF] wages, or part of the wages, which he
19 concedes to be due, and shall pay that amount, without condition,
20 within the time set by this chapter. The employee retains all rem-
21 edies to which he might otherwise be entitled, including those pro-
22 vided under this chapter or AS 23.10, to any balance claimed.

23 (b) The acceptance [ACCEPTANCE] by an employee of a payment
24 [MADE] under this section does not constitute a release of the balance
25 of his claim, and ^{AND} a release required by an employer as a condition of
26 payment is void.

27 * Sec. 3. AS 23.10.060(16) is amended to read:

28 (16) an employee of a [NONPROFIT] hospital whose employment
29 includes the provision of medical services;

1 * Sec. 4. AS 23.10.145 is amended to read:

2 Sec. 23.10.145. DEFINITIONS. If not defined in AS 23 or in
3 regulations adopted under AS 23, terms [TERMS] used in AS 23.10.050 --
4 23.10.150 shall be defined [, WHERE APPLICABLE,] as they are defined
5 in the federal Fair Labor Standards Act of 1938, as amended, or the
6 regulations adopted under it.

23.05.140 DOCUMENT= 1 OF 1 PAGE = 1 OF 2
CHAPTER = 23.05
SECTION = 23.05.140
TITLE = 23

HEADINGS TITLE 23.
LABOR AND WORKERS' COMPENSATION.
CHAPTER 05.
DEPARTMENT OF LABOR.
ARTICLE 2.
WAGE CLAIMS.

CITATION SEC. 23.05.140.

CATCH LINE

PAY PERIODS.

TEXT (A) AN EMPLOYEE AND EMPLOYER MAY AGREE IN AN ANNUAL INITIAL CONTRACT OF EMPLOYMENT TO MONTHLY PAY PERIODS WHEN THE EMPLOYER SHALL PAY ALL EMPLOYEES FOR ALL LABOR PERFORMED OR SERVICES RENDERED. OTHERWISE, THE EMPLOYER SHALL ESTABLISH MONTHLY OR SEMI-MONTHLY PAY PERIODS, AT THE ELECTION OF THE EMPLOYEE.

(B) IF THE EMPLOYMENT IS TERMINATED, REGARDLESS OF THE CAUSE OF TERMINATION, ALL WAGES, SALARIES OR OTHER COMPENSATION FOR LABOR OR SERVICES BECOME DUE IMMEDIATELY AND SHALL BE PAID WITHIN THREE WORKING DAYS AFTER THE TERMINATION AT THE PLACE WHERE THE EMPLOYEE IS USUALLY PAID OR AT A LOCATION AGREED UPON BY THE EMPLOYER AND EMPLOYEE.

(C) REPEALED BY SEC. 2 CH 19 SLA 1971.

(D) IF AN EMPLOYER VIOLATES (B) OF THIS SECTION BY FAILING TO PAY WITHIN THREE WORKING DAYS OF TERMINATION, HE IS LIABLE TO THE EMPLOYEE FOR PAYMENT OF THE EMPLOYEE'S REGULAR WAGE, SALARY OR OTHER COMPENSATION FROM THE TIME OF DEFAULT TO THE TIME OF

23.05.140 DOCUMENT= 1 OF 1 PAGE = 2 OF 2
HISTORY PAYMENT, OR FOR 90 WORKING DAYS, WHICHEVER IS THE LESSER AMOUNT. (SEC. 43-2-11 ACLA 1949; AM SEC. 2 CH 34 SLA 1949, AM SEC. 1 CH 118 SLA 1959; AM SECS. 1, 2 CH 19 SLA 1971; AM SECS. 1, 2 CH 11 SLA 1976).

0601 * END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

LABOR AND WORKERS' COMPENSATION.
CHAPTER 05.
DEPARTMENT OF LABOR.
ARTICLE 2.
WAGE CLAIMS.

CITATION SEC. 23.05.100.

CATCH LINE

WAGES IN DISPUTE.

TEXT IF THE AMOUNT OF WAGES DUE IS IN DISPUTE, THE EMPLOYER SHALL GIVE WRITTEN NOTICE TO THE EMPLOYEE OF THE AMOUNT OF WAGES WHICH HE CONCEDES TO BE DUE, AND SHALL PAY THAT AMOUNT, WITHOUT CONDITION, WITHIN THE TIME SET BY THIS CHAPTER. ACCEPTANCE BY AN EMPLOYEE OF A PAYMENT MADE UNDER THIS SECTION DOES NOT CONSTITUTE A RELEASE OF THE BALANCE OF HIS CLAIM.

HISTORY (SEC. 43-2-11(C) ACLA 1949, AM SEC. 2 CH 34 SLA 1949)

0601 * END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

LABOR AND WORKERS' COMPENSATION.
CHAPTER 10.
EMPLOYMENT PRACTICES AND WORKING CONDITIONS.
ARTICLE 3.
ALASKA WAGE AND HOUR ACT.

SEC. 23.10.060.

PAYMENT FOR OVERTIME.

NO EMPLOYER WHO EMPLOYS EMPLOYEES ENGAGED IN COMMERCE, OR OTHER BUSINESS, OR IN THE PRODUCTION OF GOODS OR MATERIALS IN ALASKA MAY EMPLOY AN EMPLOYEE NOT ACTING IN A SUPERVISORY CAPACITY, EITHER MALE OR FEMALE, FOR A WORKWEEK LONGER THAN 40 HOURS OR FOR MORE THAN EIGHT HOURS A DAY, EXCEPT THAT IF THE EMPLOYER FINDS IT NECESSARY TO EMPLOY AN EMPLOYEE IN EXCESS OF 40 HOURS A WEEK OR EIGHT HOURS A DAY, COMPENSATION FOR THE OVERTIME AT THE RATE OF ONE AND ONE-HALF TIMES THE REGULAR RATE OF PAY SHALL BE PAID, AND THIS PROVISION IS CONSIDERED INCLUDED IN ALL CONTRACTS OF EMPLOYMENT. THIS SECTION DOES NOT APPLY WITH RESPECT TO

(1) AN EMPLOYEE EMPLOYED BY AN EMPLOYER EMPLOYING LESS THAN FOUR EMPLOYEES IN THE REGULAR COURSE OF BUSINESS, AS REGULAR COURSE OF BUSINESS IS DEFINED BY REGULATIONS OF THE COMMISSIONER;

(2) REPEALED BY SEC. 33 CH 127 SLA 1974.

(3) REPEALED BY SEC. 1 CH 243 SLA 1970.

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(4) AN EMPLOYEE EMPLOYED IN HANDLING, PACKING, STORING, PASTEURIZING, DRYING, PREPARING IN THEIR RAW OR NATURAL STATE, OR CANNING AGRICULTURAL OR HORTICULTURAL COMMODITIES FOR MARKET, OR IN MAKING CHEESE OR BUTTER OR OTHER DAIRY PRODUCTS;

(5) AN EMPLOYEE OF AN EMPLOYER ENGAGED IN SMALL MINING OPERATIONS WHERE NOT MORE THAN 12 EMPLOYEES ARE EMPLOYED, IF THE EMPLOYEE IS EMPLOYED NOT IN EXCESS OF 12 HOURS A DAY OR 56 HOURS A WEEK DURING A PERIOD OR PERIODS OF NOT MORE THAN 14 WORKWEEKS IN THE AGGREGATE IN A CALENDAR YEAR DURING THE MINING SEASON, AS THE SEASON IS DEFINED BY THE COMMISSIONER;

(6) REPEALED BY SEC. 1 CH 45 SLA 1972.

(7) AN EMPLOYEE ENGAGED IN AGRICULTURE,

(8) AN EMPLOYEE EMPLOYED IN CONNECTION WITH THE PUBLICATION OF A WEEKLY, SEMI-WEEKLY, OR DAILY NEWSPAPER WITH A CIRCULATION OF LESS THAN 1,000;

(9) A SWITCHBOARD OPERATOR EMPLOYED IN A PUBLIC TELEPHONE EXCHANGE WHICH HAS FEWER THAN 750 STATIONS,

(10) AN EMPLOYEE OF AN EMPLOYER ENGAGED IN THE BUSINESS OF OPERATING TAXICABS,

(11) AN EMPLOYEE IN AN OTHERWISE EXEMPTED EMPLOYMENT OR PROPRIETOR IN A RETAIL OR SERVICE ESTABLISHMENT ENGAGED IN HANDLING TELEGRAPHIC, TELEPHONE, OR RADIO MESSAGES FOR THE PUBLIC UNDER AN AGENCY OR CONTRACT ARRANGEMENT WITH A TELEGRAPH OR COMMUNICATIONS COMPANY WHERE THE TELEGRAPH MESSAGE OR COMMUNICATIONS REVENUE OF THE AGENCY DOES NOT EXCEED 4500 A MONTH,

(12) AN EMPLOYEE EMPLOYED AS A SEAMAN,

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(13) AN EMPLOYEE EMPLOYED IN PLANTING OR TENDING TREES, CRUISING, OR SURVEYING, OR BUCKING, OR FELLING TIMBER, OR IN PREPARING OR TRANSPORTING LOGS OR OTHER FORESTRY PRODUCTS TO THE MILL, PROCESSING PLANT, RAILROAD, OR OTHER TRANSPORTATION TERMINAL, IF THE NUMBER OF EMPLOYEES EMPLOYED BY THE EMPLOYER IN THE FORESTRY OR LOGGING OPERATIONS DOES NOT EXCEED 12,

(14) AN INDIVIDUAL EMPLOYED AS AN OUTSIDE BUYER OF POULTRY, EGGS, CREAM, OR MILK IN THEIR RAW OR NATURAL STATE,

(15) CASUAL EMPLOYEES AS MAY BE LIBERALLY DEFINED BY REGULATIONS OF THE COMMISSIONER,

(16) AN EMPLOYEE OF A NONPROFIT HOSPITAL;

(17) WORK PERFORMED BY AN EMPLOYEE UNDER A FLEXIBLE WORK HOUR PLAN IF THE PLAN IS INCLUDED AS PART OF A COLLECTIVE BARGAINING AGREEMENT;

(18) WORK PERFORMED BY AN EMPLOYEE UNDER A VOLUNTARY FLEXIBLE WORK HOUR PLAN IF

(A) THE EMPLOYEE AND THE EMPLOYER HAVE SIGNED A WRITTEN AGREEMENT AND THE WRITTEN AGREEMENT HAS BEEN FILED WITH THE DEPARTMENT; AND

(B) THE DEPARTMENT HAS ISSUED A CERTIFICATE APPROVING THE PLAN WHICH STATES THE WORK IS FOR 40 HOURS A WEEK AND NOT MORE THAN 10 HOURS A DAY; FOR WORK OVER 40 HOURS A WEEK OR 10 HOURS A DAY UNDER A FLEXIBLE WORK HOUR PLAN NOT INCLUDED AS PART OF A COLLECTIVE BARGAINING AGREEMENT, COMPENSATION AT THE RATE OF ONE AND ONE-HALF TIMES THE REGULAR RATE OF PAY SHALL BE PAID FOR THE OVERTIME.

ISTORY (SEC. 3 CH 171 SLA 1959; AM SEC. 1 CH 3 SLA 1962; AM SEC. 1 CH

23.10.060 DOCUMENT= 1 OF 1 PAGE = 4 OF 4
243 SLA 1970; AM SEC. 1 CH 45 SLA 1972; AM SEC. 33 CH 127 SLA
1974; AM SEC. 1 CH 31 SLA 1980)

0601 * END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

23.10.145 DOCUMENT= 1 OF 1 PAGE = 1 OF 1
CHAPTER = 23.10
SECTION = 23.10.145
TITLE = 23

ADINGS TITLE 23.
LABOR AND WORKERS' COMPENSATION.
CHAPTER 10.
EMPLOYMENT PRACTICES AND WORKING CONDITIONS.
ARTICLE 3.
ALASKA WAGE AND HOUR ACT.

ITATION SEC. 23.10.145.

ATCH LINE

DEFINITIONS.

EXT TERMS USED IN AS 23.10.050 - 23.10.150 SHALL BE DEFINED, WHERE APPLICABLE, AS THEY ARE DEFINED IN THE FEDERAL FAIR LABOR STANDARDS ACT OF 1938, AS AMENDED, OR THE REGULATIONS ADOPTED UNDER IT.

ISTORY (SEC. 2(2) CH 171 SLA 1959)

0601 * END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

COMMITTEE REPORT

SENATE

FURTHER:

5/20/63

Date:

5/24/63

Mr. President:

The Committee on

LABOR & COMMERCE

has had

CS 207 (S.C.)

relative to the payment of wages.

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]

CHAIRMAN



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

March 18, 1983

The Honorable Joe L. Hayes
Speaker of the House
Alaska State Legislature
Pouch V
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 the payment of wages. This bill would make discretionary the imposition of the wage claim penalty under AS 23.05.140(d) against an employer who fails to pay wages to an employee within three days of the date of termination. In addition, the bill would strengthen the protection given an employee who has been offered a partial payment of a wage claim on the condition that he release the employer from paying the entire amount of wages claimed. The bill would void such a release which is given contingent on part payment of the wage claim.

The final provision of the bill would limit the application of the definitions in the federal Fair Labor Standards Act, 29 U.S.C. 203, to only those terms used in the Alaska Wage and Hour Act which are not defined by state law or regulation.

Sincerely,


Bill Sheffield
Governor

J

STATE OF ALASKA
FISCAL NOTE

Revision Date: _____, 1983

I. REQUEST

Bill/Resolution No.: HB 281
Title: Payment of Wages
Sponsor: Rules Committee
Requestor: _____

II. FISCAL DETAIL

Agency Affected: Administration
Program Category Affected: Gen Admin Svcs
FRU, Program of Subprogram(s) Affected: Labor Relations

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

N/A

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: *Bruce Strickland*
Division: Labor Relations

Phone: 465-4404
Date: March 31, 1983

Approved by Commissioner: Lisa Rudd
Department: Administration

Date: 4/7/83

ca

STATE OF ALASKA
FISCAL NOTE

Revision Date: _____, 1983 |

I. REQUEST

Bill/Resolution No.: HB 281
Title: Act Relating to payment of wages
Sponsor: Governor
Requestor: Governor

II. FISCAL DETAIL

Agency Affected: DOA
Program Category Affected: All
BRU, Program of Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Tom Haas, Acting Director
Division: Finance

Phone: 465-2240
Date: 3/23/83

Approved by Commissioner: Lisa Rudd
Department: ADMINISTRATION

Date: 4/7/83

I. REQUEST
 Bill/Resolution No.: HB 281
 Title: "...payment of wages..."
 Sponsor: Rules Committee
 Requestor: Rules Committee

II. FISCAL DETAIL
 Agency Affected: Labor
 Program Category Affected: Public Protection
 BRU, Program of Subprogram(s) Affected:
Labor Standards and Safety Division

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL: No fiscal impact.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: MS Judy Knight Special Assistant Phone: 465-2700
 Division: Commissioner's Office Date: March 10, 1983
 Approved by Commissioner: MS Jim Robison Date: March 10, 1983
 Department: Labor

LEG:A:11

Distribution:

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