

HB418

HOUSE COMMITTEE REPORT File

(11)

Date Referred: February 12, 1992

FURTHER REFERRALS:

Date of Committee Action: 2/25/92

The FINANCE Committee considered:

SSHB 418

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 418

WORK BREAKS FOR WORKING MINORS

"An Act requiring employers to provide certain employees who are minors with a break from work."

RECOMMENDATIONS:

be replaced with CSHB 418 (Fin) the same title a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): _____ (Dept)

APPROVES PREVIOUS: _____ (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note DOA 2/20/92

zero fiscal note(s) DOA 2/12/92

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Eileen P. McKeon</i>	✓	<i>Bar Sharp</i>		✓	
<i>Mark Bayer</i>	X	<i>Phillips</i>		✓	
<i>Tan Brown</i>	✓	<i>Ronald J. Larsen</i>		(CS)	
<i>Mike Navarre</i>	✓				

Mike Navarre *EP McKeon*
CHAIRMAN'S SIGNATURE

CS FOR HOUSE BILL NO. 418 (FINANCE)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES MACLEAN, Koponen

A BILL

FOR AN ACT ENTITLED

1 "An Act permitting the employment of certain minors in the entertainment industry;
2 requiring employers to provide certain employees who are minors with a break from
3 work."

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

5 * Section 1. AS 23.10.335 is amended to read:

6 Sec. 23.10.335. EMPLOYMENT OF CHILDREN UNDER 14. A minor under 14 years
7 of age may not be employed or allowed to work in an occupation outside school hours except
8 in

9 (1) domestic employment, baby-sitting, and handiwork in and about private
10 homes;

11 (2) newspaper delivery or sales;

12 (3) employment as a performer in the entertainment industry; or

13 (4) canneries in warehouse work casing cans under competent supervision.

14 * Sec. 2. AS 23.10.350 is amended by adding new subsections to read:

1 (c) A person under 18 years of age who is scheduled to work for six consecutive hours
2 or more is entitled to a break of at least 30 minutes during the course of the work shift. The
3 break required by this subsection may be scheduled at the convenience of the employer but must
4 occur after the first hour and a half of work and before the beginning of the last hour of work.
5 A person under 18 years of age who works for five consecutive hours without a break is entitled
6 to a break of at least 30 minutes before continuing to work. This subsection may be modified
7 by the terms of a collective bargaining agreement that covers the employment of the person under
8 18.

9 (d) Notwithstanding AS 23.10.055(11), failure to provide the unpaid break periods
10 required by (c) of this section creates a minimum wage liability under AS 23.10.065 for the break
11 that the employee did not receive or received late. A claim for minimum wage in lieu of the
12 unpaid break is enforceable under AS 23.10.110.

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO : SSHB 418

Revision Date: _____
 Title: "An Act requiring employers to provide
 ... minors with a break from work."
 Sponsor: Representative MacLean
 Requestor: House Finance

Department Affected: Labor
 BRU: Labor Standards & Safety
 Component: _____
Wage & Hour
COMPONENT SERIAL NO. 345

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

Prepared by: *Randy Carr*
 Randy Carr, Acting Director
 Division: Labor Standards & Safety
 Phone: 264-2452
 Date: 2/20/92

Approved by Commissioner: *John Abshire*
 John Abshire, Acting Commissioner
 Agency: Department of Labor
 Date: 2/20/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

STATE OF ALASKA
1992 LEGISLATIVE SESSION

to. 1
Bill Version: SSHB 418
(H) Publish Date: 2/12/92

Revision Date: _____
Title: Requiring work breaks for employees under age 18.

Department Affected: Administration
BRU: Personnel/OEEO
Component: Personnel/OEEO

Sponsor: MacLean
Requestor: House L&C Committee

COMPONENT SERIAL NO.			5	6
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE:	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)
This bill will have no fiscal impact on State employment.

Prepared by: R. H. King, Director
Division: Personnel/OEEO

Phone: 465-4430
Date: 2/5/92

Approved by Commissioner: Nancy Bear Usara
Agency: Administration

Date: 1/30/92

Distribution (by preparer): Leg Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

HB 418 Finance Committee Substitute

The Committee Substitute incorporates House Bill 461, by Representative Parnell. This amendment would allow minors under 14 years old to be employed as a performer in the entertainment industry.

A question came up yesterday on section (d) of the Sponsor Substitute. The Department of Labor interpreted that section to mean that if an employee was not given a 30" lunch break then the employee would be entitled to compensation for that 30 minutes at only the **minimum wage rate**.

The Department has since reviewed this section with the Dept. of Law and have submitted a new interpretation to be included in the file. Their determination states that if there is a violation of this section, then the employee would be entitled to be paid at twice the current minimum wage, which would be \$9.50 per hour.

The language as written in the original sponsor substitute for paragraph (d) is the preferred language by the Dept. of Labor.

*Motion to adopt Proposed Finance
CS*

HOUSE LABOR & COMMERCE COMMITTEE
SPONSOR STATEMENT
HB 418
REPRESENTATIVE EILEEN P. MACLEAN

The purpose of HB 418 is to require employers to provide employees who are minors with a break after 6 or more hours. Current child labor laws have no reference to required breaks or lengths of shifts for children.

I was contacted by a constituent in my district who was concerned that his fourteen year old son was required to work at a local business for 8 hours without any lunch break. Although most businesses probably do provide some kind of break for their employee's, either through a collective bargaining agreement or through their own personnel policy, there are some businesses in the state which do not.

HB 418 would require that people under the age of 18 who are scheduled to work for six hours or more are entitled to a break of at least 30 minutes during the course of the work shift. The bill also requires that the break must occur after the first hour and a half of work and before the beginning of the last hour of work.

HB 418 also addresses the situation where an individual may end up working more hours than originally planned and specifies that a person under the age of 18 who works for five consecutive hours without a break is entitled to a break of at least 30 minutes before continuing to work.

The Sponsor Substitute was introduced to add section (d). This section entitles the employee to receive compensation if they do not get a lunch break and also gives the Dept. of Labor the authority to monitor employer's through their usual wage and hour audit procedures to insure that employer's are complying with the law.

Sectional Analysis

*Sec. 2 Part (d) provides for the Department to enforce compliance by making failure to provide a break a minimum wage violation enforceable under AS 23.10.110. This carries a mandatory 100% liquidated damages penalty that accrues to the employee. Therefore, violation entitles the minor worker to be paid for the breaks not given at twice the current minimum wage which would be a total of \$9.50 per hour. Further, since this requirement would be enforced under the provisions of the Wage and Hour Act, the Department would be able to pursue enforcement on behalf of all similarly situated minor workers without having to have assignments of wage claims from them.