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Legislators enter fray over overtime pay

DR HB223

by Bill White
Times Juneau Bureau

Times 5-11-83 HB223

Juneau — A bill that would deny oilfield workers from \$5 million to \$50 million in back pay has become the battleground for labor and management forces in this year's legislative session.

"This is the most obnoxious piece of special interest legislation that I have seen in my 11 years in the legislature," said Rep. Hugh Malone, D-Kenai, of the oil.

But backers of the bill say the pay rules were changed unfairly, with little notice to them.

If the bill fails to pass, "the impact on the business climate in Alaska could be nothing less than devastating," warned Chuck Becker of the Alaska Support Industry Alliance, in a hearing on the measure.

The bill would forgive oil industry businesses for paying their workers too little overtime between 1978 and when the proposal becomes law.

That forgiveness provision is "unfair and arbitrary," according to the state Labor Department. It is likely unconstitutional, said Ron Lorenson, deputy attorney general, and Tom Sofo, a lawyer for the legislature.

Rep. Charlie Bussell, R-Anchorage, introduced the bill last February. When asked why, he said, "I didn't know anything about it until I got into it." He said he sponsored it at the urging of Dresser Industries officials and Mitch Gravo, lobbyist for the Petroleum Equipment Suppliers Association.

Bussell is chairman of the Judiciary Committee, which passed out the bill last week.

Its next stop is the Labor and Commerce Committee. But as soon as that panel got the proposal, its chairman, Rep. Walt Furnace, R-Anchorage, asked permission for the bill to skip his committee and go right to the full House. That request caused a furor among opponents of the measure, and Furnace withdrew his request.

The issue came up in 1979 when Clyde Woody, through the Labor Department, sued Dresser Industries Inc. over \$3,957 in back pay.

Woody was paid under what is known as the flexible work week

ment and by the other 49 states. But it was outlawed in Alaska in a 1978 regulation.

FWW is a method of computing overtime pay in the oil industry. Normally, a worker who is paid \$10 an hour is paid \$15 — or, an one-half times his regular pay — for every hour over 40 he works. He would get \$475 for 45 hours of work.

But under FWW, he would be paid \$467 for that 45-hour week. That figure is derived by dividing the 45 hours into \$400 — the total if he'd worked only 40 hours — to get an hourly rate of \$8.89, not \$10. He would get \$13.34 an hour — one and one-half times the \$8.89 — not \$15 an hour for overtime.

Under FWW, the more hours he works, the less money he is paid.

Woody won his case in September 1981 in the state Supreme Court.

But while his case was in court, Dresser and other companies continued to pay according to FWW.

Eight lawsuits, three of them class action suits, have been filed against businesses that use FWW.

Tony Sholty, a lawyer with the firm that is representing the workers, estimates the businesses owe between \$5 million and \$10 million in back pay. That figure would be doubled because businesses that break the regulations must pay twice the actual damages.

Becker and other industry spokesmen estimate they might owe as much as \$50 million, or \$100 million when the double liability is factored in.

The regulation "has created an enormous managerial and employee compensation problem that is not conducive to a healthy business climate. This regulation has created a potentially disastrous unjust economic impact on my firm and others operating in this state," John Martin, area manager for Dresser Atlas, told lawmakers.

"The nature of the oil and gas service business makes work hours next to impossible to predict," he said. "The fluctuating work week system lends itself perfectly to this work environment."

Bussell said he didn't pay much attention to the bill as it cruised through his committee. But now, as reporters have begun asking questions about the bill, he is well versed in the proposal.

"I am now convinced that the Department of Labor did something improperly" in issuing the regulations in 1978, he said. The department inadequately notified the businesses using FWW the regulations were coming, and after the new rules were final they did a poor job of announcing the fact, Bussell said.

Labor Department records concerning the regulations have disappeared mysteriously, he charged. The announcement in 1978 of public hearings on the then-proposed regulations used the word "overtime" rather than the more familiar "flexible work week," he said.

When asked why the department would conspire to dupe the industry, Bussell said he didn't know.

Alaska State Legislature

HOUSE OF REPRESENTATIVES

POUCH V
JUNEAU, ALASKA 99811
(907) 465-4990

Committee on Judiciary

MAY 4th, noon:

CHARLIE: Today's Committee Agenda----: (I'm working on HB 7 w/Jeff Day & Jeff Bush,AG)

1-- HB223..Has fiscal note & could be voted out;

2--Doc Fritz will be here for HB 338, Payment of Overtime"--It has zero fiscal note, letter and form from Al Gay of Seair, and my memo to you and all committee members in file.

3--HB 352--Doc Fritz here for that, too. Has Zero Fiscal Note, HESS Dept. position paper and HESS Committee Do Pass Report

4--HB 334--Admin. Procedures Act change of language...Zero fiscal Note, my memo to you and committee members, and Xeroxed case of Supreme court where federal authority (Moore) suggests language, which I bracketed and underlined in case footnote. Peter Froelich of Dept. of Law, civil, may be here to say a few words on it.

5--HB 282--Steve worked on that & will clue you on that one.

Joe

4/11/83, JUNE, ANC LIO, MSG 7306

TO: REPRESENTATIVES BARNES, HAYES, LISKA, AND RUSSELL

FROM: SONJA ALEXANDER, 5378 SILLARY CIRCLE, ANCHORAGE, AK 99504
(H) 338-3204 (W) 561-1344

I WOULD LIKE TO SUPPORT HB 223. I DON'T BELIEVE ALASKA COMPANIES SHOULD
BE PENALIZED WHEN THEY ARE ALREADY PAYING FAIR AND EQUITABLE WAGES. WIND-
FALL GIFTS IS NOT THE ANSWER.

STATE OF ALASKA
DEPARTMENT OF LABOR



A F F I D A V I T

I, DONALD R. WILSON, being first duly sworn and deposed, say that,

1. I am Donald R. Wilson,
2. that I currently am employed by the State of Alaska as Deputy Director of the Labor Standards and Safety Division,
3. that sometime in the early part of 1979, to the best of my recall in the middle or latter part of January, 1979, I caused to be delivered to the following three companies notice of promulgation of regulations in Title 8 of the Administrative Code concerning a prohibition on the use of the fluctuating workweek as an overtime plan in the State of Alaska; specifically, these regulations were published in Register 68 of the Administrative Code and specifically addressed in 8 AAC 15.100 (d)(1), (2) and (3):

1. Dresser Atlas, at their office on the Kenai Peninsula,
2. Dowell, a Division of Dowell Chemical Company, at their office on the Kenai Peninsula, and
3. Otis Engineering, at their office on Fireweed Lane in Anchorage.

The notice to Dowell and Dresser Atlas were sent by mail. The notice to Otis was hand delivered by myself to their manager in Anchorage.

Further affiant sayeth naught.

Dated this 13th day of April, 1983 at Anchorage, Alaska.

Donald R. Wilson
Donald R. Wilson

Subscribed and sworn to before me this 13th day of April,
1983.

Sherry A. Ithal
Notary Public in and for the State of Alaska
My Commission Expires: 4-5-85



Committee on Judiciary

REVISED - May 4, 1983
Week of May 1, 1983
1:30 p.m., Room 124, Capitol

Monday, May 2

- HB 312 An Act relating to harming a police dog. *aut*
- SSHB 7 An Act relating to motor vehicles; and providing for an effective date.

Tuesday, May 3

- SSHB 7 An Act relating to motor vehicles; and providing for an effective date.

Wednesday, May 4

- HB 223 An Act relating to methods for the payment of overtime; and providing for an effective date. *aut*
- HB 282 An Act relating to notices for occupational safety and health violations. *aut*
- ** HB 334 An Act relating to stays during appeals of administrative orders under the Administrative Procedure Act (AS 44.62). *aut*
- HB 94 An Act relating to the seizure of items used in or in aid of fish and game violations.
- ** HB 338 An Act relating to the payment for overtime; and providing for an effective date. *aut*
- HB 352 An Act relating to the definition of death; and providing for an effective date. *aut*

Thursday, May 5

- ** HB 375 An Act relating to access to certain criminal justice information.
- ** HB 360 An Act relating to permits issued for games of chance and contests of skill.
- HB 84 An Act relating to smoking in public places and vehicles.

Friday, May 6

- HB 126 An Act limiting the liability of aircraft owners or operators for personal injury or death to guest passengers.
- ** HCR 33 Proposing the addition of a preamble relating to the ethics to the Uniform Rules of the Alaska State Legislature.
- ** HCR 34 Proposing certain amendments to the Uniform Rules of the Alaska State Legislature.

MEMBERS:
REP. JOHN LISKA, VICE CHAIRMAN; REP. RAMONA BARNES, EMERITUS;
REP. JOE HAYES; REP. HUGH MALONE; REP. DON CLOCKSIN; REP. RON WENDTE

Charter Co. Increases Tesoro Petroleum Stake

By a WALL STREET JOURNAL Staff Reporter
SAN ANTONIO, Texas — Charter Co. raised its stake in Tesoro Petroleum Corp. closer to an agreed limit of 30% by buying 948,800 common shares, according to a filing with the Securities and Exchange Commission.

According to SEC figure, the purchase raised Charter's stake in Tesoro to 30.2%, but according to Tesoro's calculations, the Charter holding is 26.2%. The difference is in the way the SEC and the company count preferred shares, a Tesoro spokesman said.

Charter's filing said it holds 2,397,285 shares of Tesoro common plus 2,875,000 preferred shares convertible into 2,500,100 common shares. Charter is based in Jacksonville, Fla.

In Jacksonville, a Charter spokeswoman said the oil and insurance company raised its stake for investment purposes and doesn't intend to take over Tesoro.

April 26, 1983



The Honorable Charlie Bussell
House of Representatives
Chairman, House Judiciary Committee
Alaska State Legislature
Capitol, Room 124
Pouch V
Juneau, AK 99811

Dear Sir:

I would like you to know that I support HB 223. I feel it is
a law that we need.

Sincerely,

A handwritten signature in cursive script that reads "David C. Sharp".

David C. Sharp
SRA Box 1153
Anchorage, AK 99502

Jim Robison
Business Manager/Secretary-Treasurer

Joe J. Thomas
President

ALASKA STATE DISTRICT COUNCIL OF LABORERS

Laborers International Union of North America, AFL-CIO

P. O. Box 899 • 2501 Commercial Drive
Anchorage, Alaska 99510 • 907/276-1640
Telex 26-540

April 16, 1983

TO: Representative Charlie Bussel
Representative John Liska
Representative Ramona Barnes
Representative Don Clocksin
Representative Joe Hayes
Representative Hugh Malone
Representative Ron Wendte

Legislative Hearing on House Bill No. 223

House Bill No. 223 poses two alterations in the present Wage and Hour Act. First, Section 2 of the Bill allows an employer to avoid liquidated damages through ignorance of the Wage and Hour laws. Secondly, the Bill would retroactively extinguish hundreds of employee's wage claims sought from several employers found in violation of the Wage and Hour Act.

Senate Bill 223 follows Senate 886(1982) as the second attempt made to excuse several employer's unlawful wage formulas. This legislation would retroactively reverse the decisions of the Alaska Department of Labor, the Supreme Court for the Third District, the Alaska Supreme Court and the United State Supreme Court. Despite the arguments of Attorneys Harper and Kuhn of Houston, Texas, the employee's claims and

the Alaska Wage and Hour Act itself were upheld and affirmed. A retroactive attack on these decisions by its proponents is an abuse of our legislative process with serious constitutional implications.

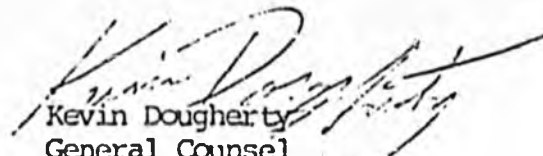
The Wage and Hour Act has prohibited the use of the fluctuating work week as a means of determining a person's wage. The public policy behind this wage protection is to safeguard existing minimum wage and overtime standards which are necessary to maintain the health, efficiency and general well being of workers against unfair wagecutting competition. This proposed Bill is directly contrary to this policy.

Theoretically, the fluctuating work week would accommodate employees with work hours that may vary above or below a 40 hour workweek by providing a regular salary basis. If the amount of hours differ the employee still receives the same straight-time compensation by, after the fact, readjusting the hourly rate of pay so that it computes to the basic sum. Therefore an employee may earn a different hourly rate each and every week.

In practice however, virtually every use of the fluctuating work week approach has been used to lower an employee's hourly rate. This system is only utilized by those companies who employ their worker well beyond a 40 hour work week.

Regarding Section 2 of the Bill, which detracts from the present liquidated damage provisions, the practical impacts are obvious. From experience, I can say that requiring the employee to also show a bad faith motive for an employer's failure to pay the proper wage will seriously weaken protection and enforcement of a worker's rights. Proof of this element will require costly litigation for employees and discourage voluntary compliance and settlement, thereby placing further demands on the Department of Labor's resources. And, to say the least, it would encourage employer ignorance of the Wage and Hour laws as a means of defense to wage claim actions.

Respectfully submitted,


Kevin Dougherty
General Counsel
Alaska State District
Council of Laborers



AFOGNAK LOGGING, Inc.

P.O. Box 682

Kodiak, Alaska 99615

(907) 486-3344

April 19, 1983

The Honorable Charlie Bussell
Chairman
Alaska State House of Representatives
Committee on Judiciary
Pouch V (Mail Stop 3100)
Juneau, AK 99615



Dear Representative Bussell:

Afognak Logging is an Alaska corporation involved in logging timber on Afognak Island near Kodiak, Alaska. We support House Bill 223 and urge you that you should actively support it as well. We also support the Committee Substitutes which eliminate Section 1 and which would allow flexible pay plans to be used in Alaska.

In the logging industry, as with other industries in Alaska which require employees at remote locations, some flexibility in the pay system is an absolute must. In some job classifications an employee spends only a few hours a day doing actual work. There is little for him to do in his own free time and, therefore, a flexible pay method benefits both him and his employer.

House Bill 223 will eliminate an unfair situation for many companies unaware that the payment methods they had used for years had been changed without their knowledge. House Bill 223 with its "good faith" sections is definitely needed and makes common sense.

I ask your support for this bill, and am sure that you will agree that to impose a devastating financial burden on employers in this state, and then to automatically double that burden, is grossly unfair.

Please vote in favor of House Bill 223. Please actively urge everyone you can to support it.

Very truly yours,

AFOGNAK LOGGING, INC.

Al Schafer
Al Schafer, President

AS:bw

LAW OFFICES OF

Kalamarides, MacMillan & Richard

628 F STREET

ANCHORAGE, ALASKA 99501

JOSEPH A. KALAMARIDES
TIM MACMILLAN
JOHN MARSTON RICHARD

TELEPHONE:
(907) 276-2135
279-4018

March 22, 1983



Rep. Charlie Bussell
Pouch V
Juneau, Ak 99811

RE: House Bill 223

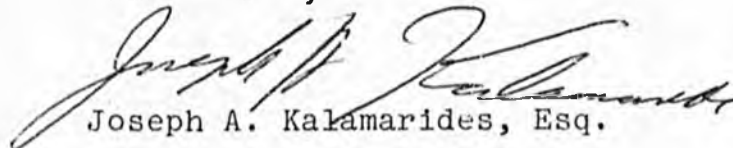
Dear Mr. Bussell:

I have read the House Bill 223 and wish to state my objection to it. House Bill 223 legalizes what has been illegal since 1978. That is, the use of the fluctuating work week formula. That formula allows an employee who is hired on a weekly pay basis to have his overtime computed by dividing the number of hours which he works into his weekly wage. Thus, under this formula the rate at which overtime is paid decreases as the employee's hours increase. This is presently illegal and should not be adopted. Employees of this State deserve better treatment.

Subsection 3 also is appalling. It allows all those employers who have intentionally violated the current law to escape liability for large sums of money that are due and owing employees. In considering this bill, I would urge that you examine all the factors in question, especially the effect on employees in the State.

Sincerely yours,

KALAMARIDES, MACMILLAN & RICHARD


Joseph A. Kalamarides, Esq.

JAK/acs

NORMAN C. BANFIELD
OF COUNSEL
MICHAEL H. HOLMES
WILLIAM B. ROZELL
LAWRENCE J. FEENEY
CHARLES R. JOHNNAN
ANTHONY R. HOLTY
JAMES R. WOOD
JOHN A. CLOUGH, III
GREGORY F. COOK

LAW OFFICES OF
FAULKNER, BANFIELD, DOOGAN & HOLMES
A PROFESSIONAL CORPORATION
500 WEST TENTH STREET, SUITE 300
P.O. BOX 1150
JUNEAU, ALASKA 99802-1150
0007/500-2210
TELE: 000-45-315

ANCHORAGE OFFICE
DENAL TOWERS NORTH
550 DENAL, SUITE 700
ANCHORAGE, ALASKA 99501
PHONE 724-0886
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RANDALL J. WEDDLE
MICHAEL A. BARCOTT
KAREN C. RUSSELL
LEE S. GLASS
RICHARD B. BROWN
TIMOTHY A. MCKEEVER
RICHARD L. WAGG
ROBIN G. WILCOX

HERBERT L. FAULKNER (1962-1972)
FRANK M. DOOGAN (1923-1977)

March 11, 1983

Representative Charlie Bussell
Chairman, House Judiciary Committee
Capital Building, Room 126
Pouch Y
Juneau, Alaska 99811

Re: House Bill 223

Dear Chairman Bussell:

John and Robert Eshleman, who met with you on the afternoon of March 10, asked me to write to you concerning some of the comments you made to them about HB 223. A close reading of the bill indicates that it may, in its current form, have some highly undesirable impacts.

First, the Eshlemans received the impression that you felt HB 223 would not affect anything which was "in adjudication". If the quoted phrase is intended to encompass law suits which have already been filed and are now pending in the courts, then I think the statement is incorrect. HB 223 does affect pending litigation. Section 3 states:

An employer is not liable in a civil or criminal action if the employer used methods prohibited in sec. 1 of the Act during the period beginning December 9, 1978, and ending on the effective date of this Act unless the action was pending on the effective date of this Act, in which case the employer is liable for costs of the action and reasonable attorney fees.

Section 4 makes sections 1, 2 and 3 retroactive to December 9, 1978 and extinguishes "any penalty, forfeiture or liability incurred or right accruing or accrued" under the current law which, among other things, makes illegal the use of a fluctuating work week overtime compensation scheme.



Without question, sections 3 and 4 would take away from the employee who has a lawsuit pending the overtime wages he was entitled to be paid under the law and was not paid. The employee's wages would be kept by the employer who illegally failed to pay them to its employee. The only recovery section 3 would leave to the wronged employee is the costs of litigation and reasonable attorney's fees the employee incurred because his employer violated the law. Of course, if the employer had obeyed the law, the employee would never have incurred those expenses.

The effect of HB 223 can be dramatically demonstrated by an example. An employee works, between January 1, 1979, and December 31, 1980, for an employer who illegally computes overtime according to an FWW scheme. The difference, over those two years, between the amount actually paid to the employee and the amount the employee was entitled to be paid under the law is \$20,000. In June, 1981, the employee sues for \$20,000. Between June, 1981, and the date HB 223 becomes law, the employee incurs \$3,000 in legal expenses and attorney's fees. Once HB 223 becomes law, the employee can recover his \$3,000 in legal expenses, which presumably he will pay to his lawyer, he loses the \$20,000 he had earned under the law, and the employer keeps the \$20,000 which rightfully belongs to the employee.

Second, the Eshlemans indicated you thought wronged employees, such as the Eshlemans, would be entitled to representation by the State on their overtime compensation claims if HB 223 passes. While that is a desirable result, HB 223 does not accomplish this. HB 223 says nothing about State representation of employees. The Alaska Wage and Hour Act, at AS 23.10.110 authorizes the Commissioner of Labor to take an assignment of an employee's claim for violation of the Wage and Hour Act. The Commissioner is not required to take the assignment. The regulation promulgated under AS 23.10.110 limits the ability of the Commissioner to accept assignments of claims. 8AAC15.175(b) states:

The department will not accept an assignment of a claim under AS 23.10.050-23.10.150 in excess of \$5,000, excluding liquidated damages.

HB 223 does nothing to alter this regulation.

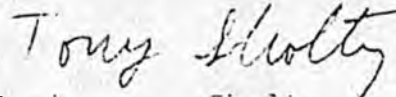
Finally, you indicated that prohibiting FWW by statute rather than regulation would give the prohibition more teeth. If that is all HB 223 would do, there would be no problems with it. As discussed above, HB 223 does much more. And the

Page 3

regulation itself does have teeth. See the enclosed Alaska Supreme Court decision, which upheld the regulation prohibiting FWW.

I appreciate your consideration of these comments. I would be very happy to further discuss this with you, or your staff, at a time convenient to you.

Very truly yours,



Anthony M. Sholty

AMS:rh

Enclosure

cc: Bob Eshleman
Box 8035 NRB
Kenai, AK 99611

John Eshleman
Box 1145
Wasilla, AK 99687

cc: Randy Waddle



DRESSER INDUSTRIES, INC. 5600 'B' STREET, SUITE 201, ANCHORAGE, ALASKA 99502



3833 Locarno Drive
Anchorage, Alaska 99504
March 22, 1983

Representative Charlie Bussell
Chairman, House Judiciary Committee
Capitol Building, Room 126
Pouch Y
Juneau, Alaska 99811

Regarding House Bill 223

Dear Chairman Bussell:

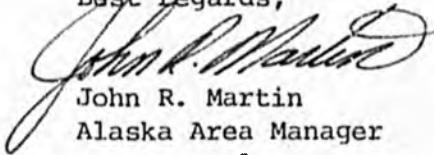
By now you should be receiving large contingencies of support for House Bill 223. As I review the opposition, I see only plaintiffs anticipating windfall gifts and attorneys from one firm seeking avenues of profitability through glitches in our governmental system.

The Wage and Hour Administration of the Department of Labor has created a monstrous problem through the promulgation of a poorly planned and administered regulation. This type of promulgation is an insult to industry operating in and supporting our state.

I assure you that there is strong support for the passage of HB 223, not only from the support industry, but also from other astute business people in our community. Public Opinion Messages and letters should be confirming this fact.

I fully realize your schedule is hectic and prioritizing must be extremely difficult. I encourage you to do whatever you can to hastily push HB 223 through your committee and on through the House system for ratification.

Best regards,



John R. Martin
Alaska Area Manager
Dresser Atlas

JRM:tjs



DOWELL DIVISION OF DOW CHEMICAL U.S.
4665 Business Park Blvd., Anchorage, Alaska 99503



March 21, 1983

Dear Rep. Charlie Bussell

I would like to take this opportunity to express my support of House Bill No. 223. This bill is an opportunity for the Legislature to create a more positive business climate in Alaska.

House Bill 223 would:

1. Make the Alaska labor laws more consistent with the laws of the other 49 states.
2. Eliminate penalties against employers that in good faith entered into agreements with employees and paid a fair wage.
3. Not deprive employees of the right to recover unpaid overtime or unpaid minimum.

Your favorable consideration to this bill would be perfectly appreciated.

Yours truly,

J.A. Parks
District Manager

JAP/gk





TRI-STATE OIL TOOL INDUSTRIES, INC. Shreveport • Bossier City

Reply to: P. O. Box 4-2095, Anchorage, Alaska 99503 • Telephone (907) 279-6511



March 24, 1983

Honorable Charlie Bussell
Representative
House of Judiciary
Capitol Room 126
Juneau, Alaska 99811

Subject: House Bill 223

I wanted to let you know that I support House Bill 223. I feel that the employees of these companies have been paid fair and equitable wages and had full knowledge of these wages and type of pay when they took their respected jobs.

We have too many workers today that expect a days pay without a days work. This has brought our country to its knees. I think it is time we stand up and get things back in perspective and get a days work and then the days pay.

Sincerely,

John P. Davis
Alaska Regional Manager

cc: Chuck Becker, The Alliance



DRESSER INDUSTRIES, INC. 5600 'B' STREET, SUITE 201, ANCHORAGE, ALASKA 99502

3833 Locarno Drive
Anchorage, Alaska 99504
March 25, 1983

Representative Charlie Bussell
Chairman, House Judiciary Committee
Capitol Building, Room 126
Pouch V
Juneau, Alaska 99811

Dear Chairman Bussell:

I have heard through the Alliance and PESA associations that House Bill 223 will have a Judicial Committee hearing sometime during the week of April fourth. This is great! Testimonies have already been drafted and practice sessions taking place.

On other matters, as one of your district's constituents, I want to assure you of my support. I appreciate your obvious follow through of campaign commitments concerning a straight forward, practical and factual approach to government. You are proving Charlie Bussell will not bow down to the "status quo" that runs so rampant through most of our legislative and subsequent governmental affairs.

Keep up the good work, you have a lot of folks waving your flag.

Best regards,

John R. Martin

JRM:tjs



Arctic Hosts, inc.

March 18, 1983



Charlie Bussell, Representative
State Capitol
Pouch V
Juneau, AK 99811

Dear Representative Bussell:

Through our affiliation with the Alaska Support Industry Alliance, it has been brought to our attention that the House Judiciary Committee is currently holding a hearing on HB223 which is a bill that will correct a great injustice that has been done to several members of the oil support industries. Even though Arctic Hosts, Inc. is not affected by this bill, we feel very strongly that your support of this bill is necessary to maintain a reasonable work environment for corporations and companies doing business in the State of Alaska.

HB223 addresses a problem with the fluctuating work week method of computing overtime payment that has been an acceptable method of payment under Federal Wage and Hour Acts for many, many years and was very commonly in use throughout the United States including Alaska for many years prior to 1978. However, in December of 1978 the State Department of Labor instituted a change in their regulations which prohibited the use of this plan; later some employees filed suit against various support companies who had used this plan and are claiming absurd amounts of past overtime pay due. All of these employees had been more than fairly compensated for their wages and the companies felt that they were legally and morally correct in the way they were paying them. It is simply a case of some prior employees trying to capitalize on a quirk in the regulations

Your support of HB223 is very much desired, and we will sincerely appreciate your efforts in vote on this matter.

Sincerely,

William F. Webb
President

To: Representatives,
Charlie Bussel
John Lindauer
Patrick Rodey
Arlis Sturgulewski
AK State Legislature
Pouch V
Juneau, AK 99811



From: Tom Standley
6841 Cheryl
Anchorage, AK 99502

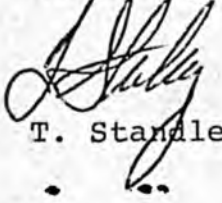
This letter is being written to ask for your support of House Bill 223. My reasons are as follows:

- A. The legislation enacted in 1978 23.10.060 through 23.10.110 was poorly publicized with only one hearing held and no attendees available to date to confirm attendance.
- B. Should the bill not be approved, the oil service industry and ultimately the oil companies themselves will be adversely affected in a substantial manner.
- C. Past employees and current employees such as myself worked under the FWW plan of pay and were more than fairly paid. My pay for 77'-35K, 78'-38K, 79'-40K, with many other known employees making in excess of 50K in 81' to date under FWW.
- D. The current law creates a windfall profit of 250K+^{EA} for present and past employees who worked under the plan.
- E. Only in Alaska is FWW banned.
- F. Current law creates a pay system whereby employees cannot count on a minimum livable salary as we could with FWW.

In summery, please support this bill. I have worked in the oil industry since 1972 as a warehouseman, serviceman, expeditor, etc., what I see happening is not fair. This not only to the worker who has chosen not to take advantage of these windfall profits and remain loyal to their employer, but also to the industry as a whole that is now seeing the most dramatic downturn ever.

Please consider this request with much thought as much as we
may or may not like it, oil has made our lives much nicer in Alaska.

Sincerely,

A handwritten signature in cursive script, appearing to read 'T. Standley', written over the typed name.

T. Standley

March 21, 1983

Charlie Bussell
State Capital
Pouch U
Juneau, Alaska 99811

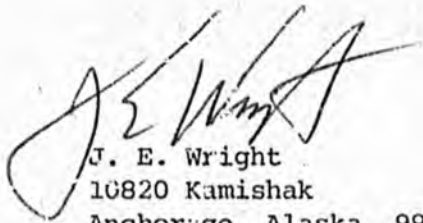


Dear Charlie Bussell:

We need your support for HB223. The state took away basic security for our work force when they outlawed FWW pay plans.

Under the FWW our work force had a weekly pay check even when they were not working. It was nice to be able to have a check even when they were sick or on days off. They do not enjoy that security now.

Please support HB223. Why penalize companies who in good faith paid FWW wages?


J. E. Wright
10820 Kamishak
Anchorage, Alaska 99502

TELEGRAM

ALASCOM, INC.

PHONE: 586-6442

JUNEAU, AK 9-002

02056 POM ANCHORAGE AK 15 03-23 1028 AST

PMS REP CHARLIE BUSSELL

JUNEAU

I ENGOURAGE YOU TO DO EVERYTHING YOU CAN TO SUPPORT HOUSE BILL

223.

G KENT EDWARDS

2113 DUKE DR

ANCHORAGE AK 99504

1983 MAR 23 PM 1 11



MSG 33 00003403 PRTY 4 03/24/83 19 02 25 ORIG: LA01 IN= 0013 OUT= 0420
FROM: JUNE, AND LIO TO: POM, JNU INFO
TARGET: LJHL SUBJ: POM

3/24/83 JUNE, AND LIO, MSG 3408

TO: ALL MEMBERS OF THE LEGISLATURE

FROM: SARAH STANLEY, 6841 CHERYL STREET, ANCHORAGE, AK 99502
(H) 349-2986 (W) NONE

PLEASE SUPPORT HB 223. I DO NOT BELIEVE THAT A WINDFALL GIFT TO EMPLOYEES
WILL CREAT A FAVORABLE BUSINESS CLIMATE IN OUR STATE. IT IS IMPERATIVE
THAT THIS BILL PASS.

MSG 83-00003640 PRTY 1 03/25/83 16 14:40 ORIG: LA01 IN= 0013 OUT= 0082
FROM: JFAN ANCH LTD

MSG 83-00003684 PRTY 1 03/25/83 17:50:40 ORIG: LL00 IN= 0017 OUT= 0108
FROM: DEE, SOLDOTNA TO: JUNEAU, INFO.
TARGET: LJHL SUBJ: P.O.M.

TO: ALL REPRESENTATIVES

FROM: ART BURDICK
RT. 1. BOX 353-16
KENAI, AK. 99611 (H) 776-8693

AS A LEADER OF GOVERNMENT IN ALASKA. I URGE YOU TO SUPPORT HB-223,
WHICH UNDERSCORES ALASKA'S COMMITMENT TO AN IMPROVED BUSINESS IMAGE.
WIND FALL GIFTS ARE NOT THE ANSWER TO DEVELOPING A FAVORABLE BUSINESS
CLIMATE IN OUR STATE. WIND FALL GIFTS ARE A DISGRACE TO THE STATE.



1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29

1
2 March 23, 1983

3
4
5 Mr. Charlie Bussell

6
7 This is to inform you that
8 I'm in favor of H.B. 223. As
9 Chairman I'm sure you understand
10 how important its passage is to
11 all business in Alaska.
12
13
14
15
16

17
18 Thanks for your help

19 Richard F. Cull

20
21 7818 Raymar Circle
22 ANCHORAGE, AK. 99502
23 Dist 10-B
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P.O. Box 3048 Houston, Texas 77001 Telephone (713) 923-9351 Telex 76-2833

REPLY TO:

5401 Fairbanks Street
Suite 6
Anchorage, Ak. 99502

907 561-1939

March 21, 1983



Honorable Charlie Bussell
Representative
House Judiciary Committee
Capitol Room 126
Juneau, Alaska 99811

Subject: House Bill 223

Dear Mr. Bussell,

As the Alaska Manager for Baker Packers, I feel it is in the best interest for the non-salaried field employee to see HB 223 enacted as soon as possible.

Our field people work on equal time on job and equal time off. This relates to six months on and six months off.

Under the present law when the men are off, they receive absolutely no salary or wages.

If any class action suit for wage settlements were made against Baker, it would only result in reduction of people and higher prices for our commodities, and this would be of no help to the vast majority of our employees.

Sincerely,

A handwritten signature in cursive script that reads "W. J. Deen".

W. J. Deen
Alaska Region Manager

c

SG 03-02003273 PRTY 1 03/24/83 14 42 25 ORIG: LA01 IN= 0010 DJT= 0073
FROM: SHIRLEE AND LIO TO: POMS JUNEAU INFO
TARGET: LJHL SUBJ: POM

3/24/83, SHIRLEE AND LIO, 3273

TO: REPRESENTATIVES [REDACTED], LISKA, HAYES, BARNES,
UEHLING, AND CLOCKSIN

SENATORS FISCHER AND JOSEPHSON

FROM: TONI STEVENS, 1427 P STREET, ANCHORAGE 99501 H 278-1128
W 563-3233

OUR SUPPORT OF HOUSE BILL 223 IS NEEDED. WHY PENALIZE
ALASKA COMPANIES WHO PAID FAIR AND EQUITABLE WAGES. A
POSITIVE CLIMATE TO KEEP AND ATTRACT BUSINESS IN ALASKA IS
NEEDED. HOUSE BILL 223 WILL HELP CREATE SUCH A CLIMATE.

3/22/83, SHIRLEE AND LIO, 2276

TO REPRESENTATIVES BUSSELL, LISKA, HAYES, PHILLIPS AND BARNES

FROM: EVERETT KENT, P. O. BOX 1535, EAGLE RIVER 99577
H 694-3434 W 694-9012

PASS HB 223.

MSG 83-00003679 PRTY 1 03/25/83 17:23 16 ORIG: LLOO IN= 0010 OUT= 0104
FROM: DEE,SOLDOTNA TO: JUNEAU, INFO.
TARGET: LJHL SUBJ: P.O.M.

TO REPRESENTATIVES: ~~BUSSELL~~, CATO, FRITZ, MALONE.

FROM: ART BUDICK
RT. 1 BOX 353-16
KENAI, AK. 99611 (H) 776-8382

YOUR SUPPORT OF HB-223 IS NEEDED. MANY ALASKAN COMPANIES ARE FACED WITH THE
POTENTIAL OF ENORMOUS WIND FALL PAYMENTS TO EMPLOYEES WHO ACKNOWLEDGINGLY
RECEIVED FAIR AND EQUIVOCAL WAGES. I WENT TO WORK FOR DRESSER KNOWING HOW
I WAS TO BE PAID AND FEEL I WAS FAIRLY PAID. THIS RETROACTIVE AWARD IS A
DISGRACE TO THE STATE OF ALASKA.

3/23/83, SHIRLEE AND LIO, 2910

TO: REPRESENTATIVES [REDACTED] LISKA, HAYES, AND BARNES

FROM: SPENCER SNEED, 4740 KENT, ANCHORAGE 99503
H 562-5369 W 274-3576

SUPPORT HOUSE BILL 223; AVOID WINDFALLS AT THE EXPENSE OF
COMPANIES DOING BUSINESS IN ALASKA.

3/23/83, SHIRLEE AND I ID, 2917

TO: REPRESENTATIVES [REDACTED], LISKA, HAYES AND BARNES'

FROM: LOUISE MARTIN, 3033 LOCARNO DRIVE, ANCHORAGE 99504
H 562-4106

I TOTALLY SUPPORT HOUSE BILL 223: WHY PENALIZE ALASKA
COMPANIES WHO IN GOOD FAITH PAID FAIR AND EQUITABLE WAGES?

XX

71

Dear Mr. Bassell



I want you to know that I strongly urge you to help get HB 223 passed.

The adverse impact of the Dept of Labor's regulations concerning

outfitting the shipyard work

made in fact by everyone. That

only did such action take industry

in Alaska to improve, it is

a total unfair action that will

result in the payment of increased

wages to employees who have

never had been doing commensurate

JIM RHODES
664 HIGHLANDER CIR
ANCH, AK 99502

TELEGRAM

ALASCOM, INC.
PHONE: 586-6442
JUNEAU, AK 99802

#

1983 APR 5 PM 4 36

Ø2216 POM TDA EAGLE RIVER AK 15 Ø4-Ø5 1255P AST

FMS REP CHARLIE BUSSELL

POUCH V

JUNEAU

OPPOSED TO HB223 BELIEVE IT IS NOT IN THE BEST INTEREST

OF ALASKAN WORKERS.

VIC MENICHETTIE

BOX 2515

EAGLE RIVER AK 99577

TELEGRAM

ALASCOM, INC.
PHONE: 586-6442
JUNEAU, AK 99802

#

Ø22Ø9 POM TDA EAGLE RIVER AK 15 Ø4-Ø5 1255P AST

PMS REP CHARLIE BUSSELL

POUCH V

JUNEAU

OPPOSED TO HB223 BELIEVE IT IS NOT IN THE BEST INTEREST
OF ALASKAN WORKERS.

ANTHONY MENICHETTIE

BOX 2515

EAGLE RIVER AK 99577

TELEGRAM

ALASCOM, INC.
PHONE: 586-6442
JUNEAU, AK 99802

#

02197 POM ANCHORAGE AK 15 04-05 1205P AST

1983 APR 5 PM 4 17

PMS REP CHARLIE BUSSELL

POUCH V

JUNEAU

STRONGLY OPPOSE BH223. PROVIDES FOR ILLEGAL PAYMENT OF OVERTIME
AND ROBS ME OF WAGES EARNED.

RUSS GARTRELL

4101 WESTLAND

ANCHORAGE AK 99502

MSG 83-00005567 PRY 1 04/05/83 11:33:30 ORIG: LA01 IN= 0009 OUT= 0051
FROM: SHIRLEE ANC LIO TO: POMS JUNEAU INFO
TARGET: LJHL SUB 1: POM

4/5/83, SHIRLEE ANC LIO, 5567

TO: . REPRESENTATIVES UEHLING, CLOCKSIN, ~~WISSELL~~, LISKA,
HAYES AND BARNES

FROM: BOB BRINK, P. O. BOX 91, ANCHORAGE 99510 H 274-1460
(SUNBURST CIRCLE) W 274-3576

PLEASE SUPPORT HB 223. THIS OVERTIME PAY PROVISION IS
PARTICULARLY SUITED TO RESURCE DEVELOPMENT AND SERVICE
INDUSTRIES INVOLVING REMOTE WORK SITE STANDBY TIME. FORTY-
NINE OTHER STATES AGREE.

SG 83-00005666 PRTY 1 04/05/83 13:43:50 ORIG: LF01 IN= 0006 OUT= 0097
FROM: GAIL/FBX TO: JUNO INFO
TARGET: LJHL SUBJ: POM

O: REP'S ~~BUSSELL~~, LISKA, HAYES, BARNES, MALONE, CLOCKIN & WENDTE

R: JOHN ALLEN, P O BOX 1349, FBX 99707 PH: 452-7882

E: HB223

SG: I AM OPPOSED TO HB223 DEALING WITH THE FLEX TIME METHOD OF PAYMENT.

-----EOM

MSG 83-00005724 PRTY 1 04/05/83 15:39:16 ORIG: LF02 IN= 0002 OUT= 0120
FROM: GAIL/FBX TO: JUNO INFO
TARGET: LJHL SUBJ: POM

TO: H JUD CMTE: REP'S BUSSELL, LISKA, HAYES, BARNES, MALONE, CLOCKSIN
& WENDTE

FR: BARRY HAIGHT, FBX FIREFIGHTERS ASSC., S R BOX 20184, FBX 99701 -
PH: 455-6293 (H), 452-1558 (W)

RE: HB 223

MSG: WE STRONGLY OPPOSE PASSAGE OF THIS BILL. A FLUCTUATING WORK WEEK WOULD
BE DISASTROUS TO THOSE OF US WHO ALREADY WORK LONG SHIFTS AND WORK WEEKS.
FIRE FIGHTERS ALREADY LACK PROTECTION UNDER THE LAW REGARDING WAGES, HOURS,
AND WORKING CONDITIONS. THIS WOULD MAKE A BAD SITUATION WORSE.

-EOM

JORDAN CARPET CENTER

126 W. Int'l Airport Rd " Anchorage, AK 99502 • (907) 270-9330

562-2022

Dear Represenataive/Senator

Charlie Russell & Walt Gurnace

I want you to know that we/I/our firm strongly supports the passage of House Bill 223. We believe that this is an important step in bringing about an even-handed balance to Alaska's labor laws. Passage of the Bill will ensure proper notice for all employers in Alaska that the Fluctuating Work Week ("FWW") and Belo Plan pay methods are improper. It also permits an employer to raise a good faith defense to a claim for double liquidated damages for unpaid overtime.

As you no doubt know, FWW and the Belo pay methods are legal under federal law. We personally believe they should be legal in Alaska. If, however, that is not to be the case, then, at the very least, they should be prohibited prospectively after passage of a law, and not by adoption of regulation which receives little or no publicity.

This Bill doesn't take anything away from an employee, except for a windfall that he never expected.

As an employer in Alaska, we are tired of dealing with regulations which seem bent on stopping or preventing business. This Bill helps to counter that movement. We ask that you give it your full support.

Very truly yours,

Daniel Jordan President



4/5/83, SHIRLEE ANCH LIO, 5795

TO: REPRESENTATIVES [REDACTED], HAYES, BARNES, MALONE, LISKA,
CLOCK SIN AND WENDTE

FROM: WILLIAM J. WHITAKER, 9499 BRAYTON, SP. 215, ANCH 99507
H 344-3879

IN REGARDS TO HOUSE BILL 223, AS AN ALASKAN AND FORMER EMPLOYEE
OF TWO COMPANIES INVOLVED, I KNOW THAT THESE COMPANIES HOLD
ALASKA, THEIR LAWS AND PEOPLE IN TOTAL DISREGARD IN SEARCH OF
PROFITS. PLEASE DO NOT ALLOW THESE PEOPLE TO MANIPULATE US
ANY FURTHER.

.....

MSG 83-00005840 PRTY 1 04/05/83 19:03:04 ORIG: LA01 IN= 0032 GUT= 0190
FROM: MARCIE, ANC INFO TO: POM, JUNEAU INFO
TARGET: LJHL SUBJ: P O M

TO: REPRESENTATIVES ~~RUSSELL~~, LISKA, BARNES, CLOCKSIN, HAYES, MALONE,
AND WENDTE

FROM: TIM DONOVAN, SRA BOX 1557D, ANCHORAGE 99507
RESIDENCE: 3861 TAIGA DRIVE, ANC
345-0720 H

WHEN A MAN ROBS A BANK IS HE THEN FREED WHEN HE SAYS HE'S SORRY, HE
DIDN'T KNOW IT WAS AGAINST THE LAW. HB 223 SEEMS TO SAY THE SAME. IT SOUNDS
LIKE BIG BUSINESS IS TRYING TO BUY ITS WAY OUT OF KNOWING BREAKING ALASKA
LAW. PLEASE VOTE NO.

EOM

GL 6267 FBX LIO 4/7/83

TO REP. ~~RUSSELL~~, REP. LISKA, REP. HAYES, REP. BARNES, REP. MALONE,
REP. CLOCKSIN, REP. WENDTE

FR R. E. CARLSON, 409 WEDGEWOOD MANOR 39K, FBX 99701 PH. 456-5247

RE HB 223

MSG I OPPOSE HB 223 REGARDING FLEX TIME.

-----EOM

TO: REP. BUSSELL, REP. BARNES, REP. MALONE, REP. CLOCKSIN, REP. LISKA
REP. HAYES, REP. WENDTE

FR: DONALD KELLY, 123 4TH AVE. FBX 99701 PH. 456-8909

RE: FLEX TIME

MSG: I AM OPPOSED TO HB 223 REGARDING FLEX TIME.

-----EOM

FR: CHARLES ...
RE: HB 223

MSG: I OPPOSE HB 223 REGARDING FLEXTIME.

-----EOM

FR: JACK ROSENBAUM, 1546 CUSHMAN, #16, FBX 99701 PH: --

RE: HB 223& INTERTIE

MSG: I'M OPPOSED TO FLEXTIME, BECAUSE IT STARTS VOLUNTARY BUT SOON BECOMES MADATORY, LEAVING ME NO WAY TO PLAN MY OFF TIME.

WHY WAS THE INTERTIE DELETED FROM THE GOVERNOR'S BUDGET, SINCE THE INTERIOR NEEDS MORE ECONOMIC POWER AND THE LONGER IT'S DELAYED, THE MORE EXPENSIVE IT GETS?

-----EOM

FR: KATHLEEN BRENNAN, SPT. 630, NORTHWARD BUILDING, FBX 99707 PH: 456-8330

RE: HB 223

MSG: I OPPOSE PASSAGE OF HB 223. THE WORKING PEOPLE IN THIS COUNTRY NEED A BREAK. THIS BILL IS DESIGNED TO WEAKEN OUR UNIONS WHEN IT IS NOW THAT WE NEED STRENGTH.

-----EOM

FR: GUY GIORDANO, 89 SLATER DR., FBX 99701 PH: --

RE: HB 223

MSG: I OPPOSE BILL 223 BECAUSE IT'S NOT FOR THE POEPLA, IT'S AGAINST THEM & I'M NOT FOR THAT.

-----EOM

FR: GORDON VALLEY, 1546 CUSHMAN ST., FBX 99701 PH: -----

RE: FLEX TIME HB 223

MSG: I OPPOSE HB 223 REGARDING FLEX TIME.

-----EOM

FR: RON PUNTON, 851 6TH AVE, FBX 99701 PH: 456-4248 (W)

RE: HB 223/ AND INTERTIE

MSG: HB 223: I AM OPPOSED TO REP'S BUSSELL'S FLEXTIME BILL AND WOULD VERY MUCH LIKE TO SEE IT NOT GET OUT OF COMMITTEE. IT'S A STEP BACK FOR ALL ALASKANS.

ON THE INTERTIE, WHAT HAPPENED TO THE \$40,000,000 THAT WAS IN THE GOVERNOR'S APPROPRIATIONS FOR INTERTIE CONSTRUCTION? WE IMMEDIATELY NEED ADDITIONAL FUNDING PUT BACK IN TO BEGIN CONSTRUCTION THIS YEAR.

-----EOM

FR: JOHN H COLE, 2640 KUSKOQUIM, FBX 99701 PH: 452-6444(H)

RE: HB 223

MSG: I FEEL ALL MEN AND WOMEN SHOULD GET PAID EQUALLY FOR THE HOURS THAT THEY WORK. IF A PERSON SHOULD WORK ANY OVERTIME, HE OR SHE SHOULD GET PAID FOR THE OVERTIME THEY WORKED AT OVERTIME SCALE.

THANK YOU.

-----EOM

FR: MARY F. MCBRIDE, 208 8TH AVE., FBX 99701 PH: 456-2781 (H)

RE: HB 223

MSG: I OPPOSE PASSAGE OF HB 223 BECAUSE IT IS NOT IN THE BEST INTERESTS OF THE WORKING PEOPLE OF OUR STATE.

-----EOM

MSG 83-00006325 PRTY 1 04/07/83 12:43:29 ORIG: LF01 IN= 0003 OUT= 0071
FROM: GAIL/FBX TO: JUNO INFO
TARGET: LJHL SUBJ: POMS

TO: ALL OF THE FOLLOWING POMS GO TO :

- 1) HSE JUDICIARY CMTE: REP'S RUSSELL, LISKA, HAYES, BARNES, MALONE,
CLOCKSIK, & WENDTE
- 2) INTERIOR DELEGATION: REP'S DAIVS, BETTISWORTH, RINGSTAD, KOPONEN,
& M W MILLER, & SEN'S BENNETT, FAHRENKAMP & MOSS

ALL OF THE FOLLOWING POMS ARE REGARDING HB223....

FR: TIMOTHY A. MASSEY, 3965 GEIST RD, BLDG F #7, FBX 99701 PH:--

RE: HB 223

MSG: I OPPOSE BILL 223 BECAUSE IT'S NOT FOR THE PEOPLE. I FEEL IT'S NOT
RIGHT.

-----EOM

FR: JOHN REYNOLDS, 655 UNIVERSITY AVE., APT H3, FBX 99701 PH: 479-3846 H

RE: HB 223

MSG: I WOULD LIKE TO GO ON RECORD AS OPPOSING HB 223 AS I THINK THE POSSIBIL-
ITY FOR ABUSE IS TOO GREAT.

THANK YOU.

-----EOM

FR: LOTTIE MILLER, 120 FORTY MILE AVE., APT 5, FBX 99701 PH: 452-7299 H

RE: HB 223

MSG: I AM AGAINST THE ABOVE BILL.

-----EOM

MSG 83-00006207 PRTY 1 04/07/83 10:18:11 ORIG: LM01 IN= 0001 OUT= 0012
FROM: MARTIE/MATSU TO: JUNEAU INFORMATION
TARGET: LJOHL SUBJ: POM

RE: REPRESENTATIVES RUSSELL, LISKA, HAYES, BARNES, MALONE, CLOCKSIN, WENDTE

FROM: GALEN LEWIS
PO BOX 787
WASILLA 99687
PHONE: 376 2534

I'M TOTALLY OPPOSED TO HB 223, SPONSORED BY CHARLIE RUSSELL.

TO: REFS. ~~BOSSER~~, LISKA, HAYES, BARNES, MALONE, CLOCKSIN, AND WENDTE

FROM: KELLY B. BROWN
PO BOX 3336
PALMER, 99645

MESSAGE NO. 3

INSTEAD OF FACING UP TO THEIR RESPONSIBILITY TO PAY IN ACCORDANCE WITH THE LAW, THEY HAVE TURNED TO THE LEGISLATURE TO BAIL THEM OUT OF THEIR PROBLEM. HB223 IS A POKER IN THE EYE OF THE WORKING PEOPLE OF THIS STATE. THE IDEA THAT LAWS CAN BE BROKEN IN THIS MANNER AND THE WRONGED EMPLOYEE BE UNABLE TO RECOVER THE WAGES HE OR SHE HAS EARNED, MUCH LESS DAMAGES FOR BEING DEPRIVED OF THESE WAGES FOR SO LONG, HITS ME WRONG.

FROM: KELLY B. BROWN
PO BOX 3336
PALMER 99645

MESSAGE NO. 4.

RE: HB223
THIS BILL, IF ADOPTED, WOULD TAKE AWAY MORE THAN MONEY. IT WOULD TAKE AWAY THE RIGHT OF A WORKER TO BE PROTECTED BY THE LAW, FROM UNFAIR AND ILLEGAL PAY PLANS. I THINK THIS IS A QUESTION THAT WAS ANSWERED PLAINLY IN HIGHEST COURT. IF THERE ARE VIOLATIONS OF THE ALASKA WAGE AND HOUR LAWS, THERE IS A PENALTY OF DOUBLE DAMAGES. THE DETERRENT AGAINST NOT PAYING AN EMPLOYEE THE WAGES HE OR SHE IS GUARANTEED BY LAW, IS A PENALTY.

FROM: KELLY BROWN
PO BOX 3336
PALMER 99645

MESSAGE NO. 2

IN SUCH A CASE, THE STATE OF ALASKA ON BEHALF OF HARLEY WOODY, TOOK DRESSER INDUSTRIES TO COURT IN OCTOBER 1979. THAT COURT RULED IN FAVOR OF MR. WOODY, AS DID THE SUPERIOR COURT AND THE UNITED STATES SUPREME COURT IN SEPTEMBER 1981 ALL UPHELD THE ANTI FFW REGULATION. DURING THIS LITIGATION, DRESSER INDUSTRIES AND A NUMBER OF OTHER COMPANIES CONTINUED TO USE THE FFW FORMULA. NOW THERE ARE AS MANY AS FIVE CASES PENDING ON THIS SAME QUESTION.

FROM: KELLY B. BROWN
PO BOX 3336
PALMER 99645

MESSAGE NUMBER 1.

I AM WRITING TO EXPRESS MY OPINION ON HOUSE BILL 223. I BELIEVE THIS BILL WOULD HAVE UNDESIRABLE IMPACTS ON THE PEOPLE IN ALASKA IF ADOPTED. UNDER THE PRESENT ALASKA WAGE AND HOUR REGULATIONS, IT IS ILLEGAL TO USE A FLUCTUATING WORK WEEK FORMULA IN COMPUTING OVERTIME PAY. SINCE DECEMBER 1978 WHEN THE DEPARTMENT OF LABOR ADOPTED THIS LAW, SOME COMPANIES IN THIS STATE HAVE ILLEGALLY USED THE FFW PAY SCHEME. BECAUSE OF THEIR FAILURE TO COMPLY WITH THIS LAW, SOME OF THE COMPANIES HAVE BEEN SUED BY THEIR EMPLOYEES FOR OVERTIME WAGES NOT PAID IN COMPLIANCE WITH THE LAW.

EOM #1.

MSG 6072 MARTIE/MATSU 4/06 12:55 PM

TO REPS. ~~MATSU~~ LISKA, HEYES, BARNES, MALONE, CLOCKSIN, AND WENDTE

FROM: KELLY B. BROWN
PO BOX 3336
PALMER 99645



MESSAGE NO. 5

RE: HB 223

WHAT PROTECTION COULD THERE BE IF NO PENALTY EXISTS TO ENSURE THAT THE LAW IS ENFORCEABLE? HB 223 WOULD SERIOUSLY AFFECT AN EMPLOYEE'S CHANCES FOR RECOVERY OF WAGES EARNED FOR HOURS WORKED UNDER THE ILLEGAL FLUCTUATING WORK WEEK FORMULA. THIS BILL WOULD BENEFIT A FEW COMPANIES WHICH ARE UNWILLING TO COMPLY WITH THE ALASKA WAGE AND HOUR REGULATIONS. THOSE PEOPLE EMPLOYED BY THIS GROUP AND ANYONE ELSE WHO WORKS OVERTIME WOULD NLOSE THE CURRENT LAW'S PROTECTION.

I APPRECIATE YOUR TAKING THE TIME TO CONSIDER MY COMMENTS IN THIS AND PRECEDING MESSAGES, AND HOPE YOU WILL HELP.

KELLY B. BROWN

TO: REPRESENTATIVES RUSSELL, LISKA, HAYES, BARNES,
MALONE, CLOCKSIN AND WENDTE

FROM: MARC DOBKOWSKI, P. O. BOX 1644, EAGLE RIVER 99577
H 694-3936 W 659-2815

RE: HOUSE BILL 223

I FEEL THAT THIS BILL IS UNFAIR TO ME BECAUSE WHILE STATING TO
A FIRMER NOTE THAT THE FLEXIBLE WORK WEEK IS ILLEGAL, IT ALSO
ALLOWS MY EMPLOYER TO ESCAPE ANY PENALTIES OR BACK WAGES THAT
I AM ENTITLED TO WHEN THEY WILLFULLY BROKE THE LAW FOR NEARLY
THREE YEARS.

/S/ MARC DOBKOWSKI



FROM: GAIL/FBX

TO: JUNO INFO

FROM: LJHL SUBJ: MORE POMS

ALL OF THE FOLLOWING GO TO:

- 1) HSE JUDICIARY CMTE: REP'S ~~RUSSELL~~, LISKA, HAYES, BARNES, MALONE
CLOCK SIN, & WENDT
- 2) INTERIOR DELEGATION: REP'S DAVIS, BETTISWORTH, RINGSTAD, KOPONEN,
& M W MILLER, & SEN'S BENNETT, FAHRENKAMP & MOSS

ALL OF THE MESSAGES ARE REGARDING **HB 223**

FR: WILLIE LEWIS, LABORERS LOCAL 942, 315 BARNETTE ST., FBX 99701
PH: 479-5842 (H), 452-3139 (W)

RE: HB 223

MSG: I TRULY OPPOSE THIS BILL BECAUSE IT INFRINGES UPON MY RIGHT AND THE
RIGHTS OF OTHERS, AND IT'S THE WORST BILL FOR THE WORKING MEN AND WOMEN
OF THIS STATE. IT WIPES OUT ANY RESPONSIBILITY OF MANAGEMENT AND DOESN'T
HOLD THEM RESPONSIBLE FOR ANY PENALTY OR LIABILITY THAT WILL ACCRUE UPON
THEM.

FR: DALE WARNER, 1100 CUSHMAN ST., FBX 99701 RM 211 PH: 452-4421

RE: HB 223

MSG: I'M IN OPPOSITION TO HB 223.

-----EOM

FR: GARY POE, 1100 CUSHMAN, FBX 99701 PH: 452-4421

RE: HB 223 & INTERTIE FUNDING

MSG: I OPPOSE HB 223.

I WOULD LIKE TO SEE THE ADDITIONAL FUNDS PLACED IN THE INTERTIE BUDGET, AND
I CANNOT FIGURE WHY THE GOVERNOR DELETED THIS FUNDING.

-----EOM

FR: DANIEL E KUPISZEMSKI, S R BOX 30030, FBX 99701 PH: 456-8723

RE: HB 223

MSG: THIS BILL WAS DIFFICULT TO READ AND UNDERSTAND BUT IT IS CLEAR THAT
THE BILL SHOULD NOT BE PASSED. THIS BILL IS NOT IN THE BEST INTEREST OF US
WHO LIVE AND WORK IN ALASKA. OUR PAST AND CURRENT WAGE AND HOUR LAWS HAVE
AND ARE SERVING ALASKANS WELL.

-----EOM

POM 45 FBX 4/7/83 GL6353

FR: TERRIE LINNE WELLS, 1215 3RD AV., F1X 99701

PH: 456-1804 (H)

RE: HB 223

MSG: I OPPOSE PASSAGE OF THIS BILL AS I THINK IT'S VERY DISCRIMINATORY. I ALSO THINK IT BENEFITS THE EMPLOYER AND NOT THE EMPLOYEE, ALLOWING ME TO WORK LONGER HOURS FOR LESS PAY, ALLOWING THEM TO USE THE EMPLOYEE FOR THEIR BENEFIT.

-----EOM

FR: MARK LINDSEY, BOX 65, FBX 99707 PH: --

RE: HB 223

MSG: I OPPOSE THE HB 223 BECAUSE I DON'T WANT TO BE PUSHED AROUND LIKE A BUNCH OF GOATS.

-----EOM

FR: VERNON DALE OWENS, P O BOX 73503, FBX 99707 PH: 456-8134 (H)

RE: HB 223

MSG: I VERY STRONGLY OPPOSE HB 223. NEVER BEFORE HAVE I SEEN SUCH NONSENSE WRITTEN ON PAPER. IT NOT ONLY INFRINGES ON MY RIGHT AS A WORKER BUT IT IS A TREMENDOUS WASTE OF TIME, MONEY AND EFFORT ON THE LEGISLATURE'S SESSIONS. IT WOULD BE A DISASTEROUS STEP BACKWARDS FOR ALL PEOPLE CONCERNED. PLEASE STOP HB 223. AFTER ALL, I THOUGHT SWEAT SHOPS WERE ABOLISHED.

FR: MIKE J OWENS, P O BOX 1683, FBX 99707 PH: 479-8309 (H)

RE: HB 223

MSG: I AM DEEPLY CONCERNED TO HEAR OF A PROPOSED BILL (#223) THAT IS NOT IN MY BEST INTEREST OR THE BEST INTEREST OF ANY MAN OR WOMAN WORKING FOR AN HOURLY WAGE IN THE STATE OF ALASKA. THIS BILL DENIES AN INDIVIDUAL A JUST HOURLY WAGE.

-----EOM

150 03-00006359 PRTY 1 04/07/83 13:39:15 ORIG: LF02 IN= 0008 OUT= 0094
FROM: ANNIE TR FARRINGTON
TO: JUNEAU INFO.
TITLE: LUILE SUB FOR

TO: HOUSE JUDICIARY AND INTERIOR DELEGATION
REPRESENTATIVES: ~~RUSSELL~~ LISKA, HAYES, BARNES, MALONE, CLOCKSIN,
WENDTE, AND DAVIS, BETTISWORTH, KINGSTAD, KOPONEN, M.W.MILLER
SENATORS: MOSS, FAHRENKAMP, AND DENNETT

RE: HOUSE BILL 223

*****ALL OF THE FOLLOWING MESSAGES GO TO THE ABOVE MEMBERS*****

FAIRBANKS, 4/7/83, 6359

FROM: DON ILGENFRITZ, 929 COPPET ST., FAIRBANKS 99704
HOME 452-5641 WORK 452-8131

RE: HB223

I URGE YOU TO OPPOSE THIS BILL 223. WHEN WE HAVE LAWS TO TAKE CARE OF WAGES
AND HOURS WORKED, THIS BILL SHOULD NOT BE ALLOWED ON THE FLOOR.

FROM: WALTER N. WENT, P.O. BOX 1683, FAIRBANKS 99707 HOME 479-8309

RE: HB 223

THE OPPOSITION TO THIS BILL. IT DOES NOT REPRESENT THE WORKING MANS VIEW
HERE IN ALASKA AND TAKES ADVANTAGE OF HIS RIGHTS.

FROM: JAMES A. SAMPSON, S.R. 51478, FAIRBANKS 99704 HOME 452-3207/
WORK 452-3139

RE: HB 223

QUITE CONCERNED OVER HB 223 - THIS TYPE OF LEGISLATION SEVERELY HURTS OUR
ALASKAN WORKING PEOPLE. WAGE AND HOUR LAWS SHOULD NOT BE MANIPULATED BY
THE OIL COMPANIES AND THEIR SUPPLIERS. NOTHING BUT A BAIL OUT FOR
DRESSER INDUSTRIES.

FROM: BRADLEY LARSEN, P.O. BOX 72942, FAIRBANKS 99707

RE: HB223

I OPPOSE HB223. HAVING BEEN TO LAW SCHOOL, I HAVE CONSIDERABLE EXPERIENCE READING STATUTES. I FIND THIS BILL "INTENTIONALLY" VAGUE. LABOR FOUGHT 50 YEARS FOR FAIR PAY FOR OVERTIME. THIS BILL ATTEMPTS TO REVOKE THIS FOR THE PRIVATE BENEFIT OF A HANDFULL OF COMPANIES SPONSORING THE BILL. IT ALSO SHAMELESSLY ATTEMPTS TO EXEMPT THEM FROM PAST VIOLATIONS OF EXISTING LAW.

FROM: CARSON D. CRITES, BOX 94, FAIRBANKS 99707 HOME 452-5550

RE: HB 223

I WISH TO STATE MY OPPOSITION TO HB 223. BESIDES BEING POORLY WRITTEN,, I VEHEMENTLY OPPOSE WHAT THIS BILL WILL DO TO THE ALASKAN WORKER. WORKING IN ARCTIC ALASKA IS DIFFICULT ENOUGH WITHOUT THE ADDED BURDEN OF WORKING FOR LONGER HOURS FOR NO EXTRA PAY. REMEMBER, DRESSER SELLS TO RUSSIANS.

FROM: ALFORD JACKSON, 1913 TURNER, FAIRBANKS 99701 HOME 456-5879

RE: HB223

WOULD LIKE TO TAKE THIS OPPORTUNITY TO URGE YOU TO VOTE AGAINST HOUSE BILL 223. THIS BILL IS A THREAT TO THE WAGES AND WORKING CONDITIONS OF ALL WORKING PEOPLE IN ALASKA. A FAIR HOURLY WAGE IS WHAT THE WORKING MAN HAS FUGHT FOR ALL HIS LIFE AND ANY LAW THAT WOULD EFFECT THESE RATES AS WELL S OVERTIME SEEMS TO BE UNFAIR AND UNNECESSARY. ESPECIALLY WHEN BIG COMPANIES WOULD BE RELIEVED FROM LIABILITY THEY ALREADY INCURRED.

RE: HB 223

AM AGAINST HB 223. I FEEL IT WOULD BE A GREAT BLOW TO THE WORKING MAN IN THE STATE OF ALASKA.

FROM: RONALD D. CLOUDUS, P.O. BOX 74514, FAIRBANKS 99707 HOME 479-9309

RE: HB 223

AM COMPLETELY OPPOSED TO HB223 BECAUSE I BELIEVE THAT IT DOES NOT ACT IN THE BEST INTEREST OF LABOR OR THE WORKING MAN IN ALASKA AND ALSO HB223 TAKES ADVANTAGE OF THE WORKING MAN'S RIGHTS FOR A FAIR DAYS PAY FOR A FAIR DAYS WORK. PLEASE COUNT MYSELF AND MY FAMILY AS I OPPOSITION TO THIS BILL.

MSG 83-00006338 FRIY 1 04/07/83 12:58:06 ORIG: LF01 IN= 0004 OUT= 0079
FROM: GAIL/FBX TO: JUNO INFO
TARGET: LJHL SUBJ: POMS

ALL OF THE FOLLOWING POMS ARE TO:

- 1) HSE JUDICIARY CMTE: REP'S ~~GUY~~, LISKA, HAYES, BARNES, MALONE
CLOCK SIN, & WENDTE
- 2) INTERIOR DELEGATION: REP'S DAVIS, BETTISWORTH, RINGSTAD, KOPONEN, & H
W MILLER, & SEN'S BENNETT, FAHRENKAMP & MOSS

ALL ARE REGARDING HB 223.

POM # 9 FBX 4/7/83 GL 6338

FR: TOM KELTNER, S R 30564-L, FBX 99701 PH: 452-6965 (H)

RE: HB 223

MSG: THIS BILL WILL MAKE IT EASIER FOR CARPETBAGGERS FROM THE LOWER 48
TO GET OUR JOBS AND TAKE OUR PAYCHECKS OUT OF THIS STATE.

-EOM

POM #10 FBX 4/7/83 GL 6338

FR: GEORGE S LEWIS, 1629 MADISON, FBX 99701 PH: 479-5842 (H), 852-8466 (W)

RE: HB 223

MSG: I BELIEVE THAT THIS BILL IS UNJUST AND UNCONSTITUTIONAL. IN A WAY IT
SOUNDS GOOD ALL THE WAY UP TO SECTION IV, THEN IT CONTRADICTS EVERYTHING IT
SAYS AND TRIES TO HESS YOU OVER. BECAUSE OF THIS, I BELIEVE THIS BILL SHOULD
BE OUSTED OR TROUBLE IN OUR COMMUNITY MAY START.

-EOM

04/07/83 12:38:08 ORIG: LF01 IN= 0004 OUT= 0079
FROM: GAIL/FBX
TARGET: L IHL SUBJ: POMS
TO: JUNO INFO

ALL OF THE FOLLOWING POMS ARE TO:

- 1) USE JUDICIARY CMTE: REP'S ~~BUSSELL~~, LISKA, HAYES, BARNES, MALONE
CLOCKSIK, & WENDTE
- 2) INTERIOR DELEGATION: REP'S DAVIS, BETTISWORTH, RINGSTAD, KOPONEN, & W
W MILLER, & SEN'S BENNETT, FAHRENKAMP & MOSS

POM #6 FBX 4/7/83 GL6338
RE: HB 223

FR: WILLIAM H DAWSON, 2218 MERCIER ST., FBX 99701 PH: 456-3462

MSG: WE ARE OPPOSED TO THIS BILL BECAUSE IT IS AGAINST THE WORKING PEOPLE.

-----EOM

POM # 7 FBX 4/7/83 GL 6338

FR: THOMAS BROSE, 401 SLATER, APT 8, FBX 99701 PH: 452-6569(H), 659-2611 (W)

RE: HB 223

MSG: I FIRMLY OPPOSE HB 223 BECAUSE IF AFFECTS THE HOURLY WAGE. THAT WAGE
SHOULD BE PROTECTED BY YOU FOR ALL WORKERS. MEN SHOULD NOT HAVE TO WORK
OVERTIME AND NOT GET PAID A PREMIUM WAGE. THE BILL DOES NOT SERVE THE PURPOSE
OF HELPING THE WORKING CLASS IN ALASKA, FOR OTHERS TO PROFIT AT THEIR EXPENSE.

-----EOM

POM #8 FBX 4/7/83 GL 6338

FR: DANIEL J SULLIVAN, P O BOX 73177, FBX 99707 PH: 479-5378 (H)

RE: HB 223

MSG: I OPPOSE BILL 223 FOR THE REASON IT IS GROSSLY UNFAIR & UNREASONABLE FOR
ANY ALASKAN.

-----EOM

TO: HOUSE JUDICIARY AND INTERIOR DELEGATION:

REPRESENTATIVES: ~~RUSSELL~~, LISKA, HAYES, BARNES, MALONE, CLOCKSIN, WENDTE,
DAVIS, BETTISWORTH, RINGSTAD, KOPONEN, AND M.W.MILLER
SENATORS: BENNETT, FAHRENKAMP, AND MOSS

FAIRBANKS, 4/7/83, 6335

FROM: STEVE REIDLINGER, 3020 CHINOOK DRIVE, FAIRBANKS 99701

RE: HB 223

THIS IS NOT IN THE INTEREST OF WORKING PEOPLE. BIG COMPANIES HAVE BEEN
REAPING THE PROFIT LONG ENOUGH.

FAIRBANKS, 4/7/83, 6335

FROM: SCOTT K. FULTON, P.O. BOX 80313, COLLEGE, ALASKA 99708
HOME 479-3833

RE: HB223

STOP HOUSE BILL 223, IT GOES AGAINST EVERYTHING WE'VE WORKED FOR AND HURTS
INCENTIVE TO WORK MORE AND WORK HARDER.

THANK YOU.

FAIRBANKS, 3/7/83, 6335

FROM: DAVID GUTTENBERG, LOCAL 942, BOX 80734, COLLEGE 99708
HOME 455-6394

RE: HB 223

I'M VOICING MY OPPOSITION TO THIS BILL. IT WOULD NOT BE IN THE INTEREST OF
THE COMMON MAN.

TO: HOUSE JUDICIARY AND INTERIOR DELEGATION:

REPRESENTATIVES: ~~RUSSELL~~, LISKA, HAYES, BARNES, MALONE, CLOCKSIN, WENDTE,
DAVIS, BETTISWORTH, RINGSTAD, KOPONEN, AND M.W.MILLER
SENATORS: BENNETT, FAHRENKAMP, AND MUSS

FAIRBANKS, 3/7/83, 6335

FROM: DAVID D. RASLEY, FAIRBANKS CENTRAL LABOR COUNCIL
819 1ST AVE., FAIRBANKS, 99701 WORK 452-8131

RE: HB 223

I URGE YOU TO VIGOROUSLY OPPOSE HB223. IT IS MY OPINION THAT THE SPONSOR OF THIS BILL, REP. RUSSELL, HAS A DIRECT FINANCIAL INTEREST IN THIS BILL. MANY BUSH WAGE EARNERS WILL LOSE THOUSANDS OF DOLLARS WHICH IN TURN WILL GO TO THOSE EMPLOYERS LIKE RUSSELL ELECTRIC. THEREFORE, IT IS A CONFLICT OF INTEREST AND IS ETHICALLY AND MORALLY IMPROPER, IF NOT TOTALLY UNCONSTITUTIONAL. AS REPRESENTATIVES OF ALL THE VOTERS OF ALASKA IT IS YOUR DUTY TO OPPOSE THIS TYPE OF SELF INTEREST LEGISLATION.

FAIRBANKS, 3/7/83, 6335

FROM: LEE JOHNSON, BOX 1768 (2.8 MILE GILMORE TRAIL), FAIRBANKS 99707
HOME 456-2785

RE: HB 223

I DON'T THINK THIS BILL IS IN THE BEST INTEREST OF WORKING PEOPLE IF IT ALLOWS EMPLOYERS IN VIOLATION TO ESCAPE CIVIL OR CRIMINAL SUITS PENDING AGAINST THEM. SECTION 1(B) SOUNDS GOOD.

FAIRBANKS, 3/7/83, 6335

FROM: GEORGE V. PHIPPS, P.O. BOX 183 (512 CRAIG ST.) FAIRBANKS 99707
HOME 456-2724

RE: HB 223

I WOULD LIKE TO MAKE YOU AWARE OF MY OPPOSITION TO HB223. PASSAGE OF THIS BILL WOULD BE A GREAT DEFRAMENT TO THE WORKING PERSON OF THIS STATE AND AFFECT OUR FUTURE PAY SCALE FOR YEARS.

TO: HOUSE JUDICIARY AND INTERIOR DELEGATION:

REPRESENTATIVES: ~~RUSSELL~~, LISKA, HAYES, BARNES, MALONE, CLOCKSIN, WENDTE,
DAVIS, BETTISWORTH, RINGSTAD, KOPONEN, AND M.W.MILLER
SENATORS: BENNETT, FAHRENKAMP, AND MOSS

FAIRBANKS, 3/7/83, 6335

FROM: NANCY C. STRAND, 2110 B. MCCULLAM, FAIRBANKS 99701
HOME 456-8804

RE: HB 223

I VEHEMENTLY OPPOSE PASSAGE OF HB223. THIS BILL UNDERMINES THE
STRENGTH OF LABOR UNIONS IN THE STATE.

FAIRBANKS, 3/7/83, 6335

FROM: JOE STEINAKER, P.O.BOX 2472, FAIRBANKS 99707 HOME 452-7811

RE: HB 223

AT THIS TIME I WOULD LIKE TO STATE MY OPPOSITION TO HB223 WHICH IS BEING
REVIEWED TODAY. I AM OPPOSED TO THIS ON THE GROUNDS THAT FLEX TIME IS
TOO BROAD OF A TERM FOR THE WORKING CLASS.

FAIRBANKS, 4/7/83, 6335

FROM: LELAND D. CORKRAN, BOX 73324, FAIRBANKS 99707
HOME 456-5405 WORK 456-5421

RE: HB 223

PRESENT LAWS HAVE ESTABLISHED A WORK DAY AND THE WORK WEEK BOTH AT THE STATE
FEDERAL LEVELS. THIS BILL WOULD BE COMPLETELY CONTRARY TO THE INTENT OF THOSE
LAWS.

I AM OPPOSED TO THE PASSAGE OF THIS BILL.

*****END OF ALL MESSAGES*****

ALL OF THE FOLLOWING POMS ARE TO:

- 1) HSE JUDICIARY CMTE: REP'S ~~BUSSELL~~ ILSKA, HAYES, BARNES, MALONE
CLOCKSin, & WENDTE
- 2) INTERIOR DELEGATION: REP'S DAVIS, BETTISWORTH, RINGSTAD, KOPONEN, & M
W KILLER, & SEN'S BENNETT, FAHRENKAMP & MOSS

ALL ARE REGARDING HB 223.

POM #1 FBX 4/7/83 GL 6338

FR: JUDITH C JACOBY, P O BOX 1711, FBS 99707 PH: 456-8804 (H), 456-4584 (W)

RE: HB 223

MSG: I VEHEMENTLY OPPOSE PASSAGE OF HB 223. THIS BILL UNDERMINES THE
STRENGTH OF LABOR UNIONS IN THIS STATE. PEOPLE SHOULD BE PAID BY THE HOUR --
THEIR PAY SHOULD NOT BE RE-ADJUSTED.

-----EOM

POM #2 FBX 4/7/83 GL 6338

FR: PATRICIA L HOUSE, P O 1686, FBX 99707 PH: 452-3154(H)

RE: HB 223

MSG: I THINK THAT PEOPLE SHOULD BE PAID BY THE HOUR AND IT SHOULD NOT BE
RE-ADJUSTED BY ONE FIXED SUM. SO BILL # 223 SHOULD DEFINITELY BE OPPOSED.

-----EOM

MSG 83-00006338 PRTY 1 04/07/83 12:58:06 ORIG: LF01 IN= 0004 OUT= 0079
FROM: GAIL/FBX TO: JUNO INFO
TARGET: LJHL SUBJ: POMS

ALL OF THE FOLLOWING POMS ARE TO:

- 1) I SE JUDICIARY CMTE: REP'S ~~BUSSELL~~, LISKA, HAYES, BARNES, MALONE
CLOCK SIN, & WENDTE
- 2) INTERIOR DELEGATION: REP'S DAVIS, BETTISWORTH, RINGSTAD, KOPONEN, & M
W MILLER, & SEN'S BENNETT, FAHRENKAMP & MOSS

POM #3 FBS 4/7/83 GL6338

FR: BERNARD MCGUIGAN, 1545 EIELSON, FBX 99701 PH: 452-3186 (H)

RE: HB 223

MSG: I THINK PEOPLE SHOULD BE PAID BY THE HOUR, GOOD UNION WAGES & NO
SUBCONTRACTORS.

-----EOM

POM #4 FBX 4/7/83 GL6338

FR: EDDIE B BENSON, 2618 MERCIE, P O BOX 952, FBX 99707 PH:--

RE: HE 223

MSG: IT'S DAMAGING. I, EDDIE BENSON, OPPOSE THIS BILL 223.

-----EOM

POM #5 FBX 4/7/83 GL 6338

FR: E M MILLER, 1106 GORDON WAY, FBX 99701 PH: 456-7682

RE: HB 223

MSG: WE ARE AGAINST THE BILL BECAUSE IT DENIES US AS WORKING PEOPLE A FAIR
WAGE.

-----EOM

MSG 83-00005817 PRTY 1 04/05/83 17:53:19 .ORIG: LA01 IN= 0031 OUT= 0176
FROM: SHIRLEE ANC LIO TO: POMS JUNEAU INFO
TARGET: LJHL SUBJ: POM

4/5/83, SHIRLEE ANC LIO, 5817

TO: ALL MEMBERS, ALASKA LEGISLATURE
ATTN: REPRESENTATIVES ~~RUBEN~~ AND LINDAUER
ATTN: SENATORS STURGULEWSKI AND RODEY

FROM: TOM STANDLEY, 6841 CHERYL, ANCH 99502 H 349-2986
W 563-3990

SIRS: IN ADDITION TO MY LETTER REGARDING HOUSE BILL 223,
WHEN FWW WAS LEGAL AND DRILLING ACTIVITY SLOW, A MAN COULD
AT LEAST MAKE ENDS MEET. BUT NOW WITH RIG COUNTS CONTINUING
TO DROP, A MAN ON 40 HOURS PER WEEK CANNOT SURVIVE. PLEASE
SUPPORT HOUSE BILL 223 AND FWW (FLUCTUATING WORK WEEK).

SPONSOR: House Judiciary
 leg non-leg pub hear work sess inv hear
 SUBJECT: HB223 Overtime Wages
 MAILING ADDRESS: _____

DATE TAKEN/BY CEB/4/8
 T/C DATE/DAY Sat Apr 16
 TIME: 11:00 PACIFIC
10:00 YUKON
9:00 ALASKA
8:00 BERING
4 hours

PHONE 4990 CONTACT Katherine

SITES PARTICIPATING: All Alaska

- | | | | | |
|--|---|---|---|--|
| <u>North Slope</u>
Anaktuvuk Pass
* Barrow
Kaktovik
Point Hope
Wainwright | <u>NANA</u>
Ambler
* Kotzebue
Noorvik
Selawik | <u>Bristol Bay</u>
<u>Aleutians</u>
* Bethel
* Dillingham
St. Paul
Sand Point
** Unalaska | <u>South Central</u>
* Anchorage
Homer
* Kenai (Sol)
* Kodiak
* Mat-Su
Seward
* Valdez | <u>Southeast</u>
Cordova
Haines
Hoonah
* Juneau
* Ketchikan
* Petersburg
* Sitka
Wrangell
Yakutat |
| ALL ALASKA
ALL LIO's
WASH., D.C. | <u>Norton Sound</u>
Gambell
Hooper Bay
* Nome
Savoonga
Shishmaref
** Unalakleet | <u>Interior</u>
* Delta Junction
* Fairbanks
** Fort Yukon
Galena | | |

Chairing Site/Person JNU - Rep Bussell Special Offnet _____
 Location/Phone# _____
Katherine Janowski 4/8/83
 Signature of Sponsor/Contact Person Date

-----TELECONFERENCE OFFICE USE ONLY-----

2-Wire _____ 4-Wire X
 Bridges: #1 (206)447-0620
 #2 (206)447-1554
 #3 (206)447-5627
 #4 (206)447-9479
 Bridge operator (800)426-3232
 JNU trouble #'s 286-1062
 465-3836

Publicity:
 _____ Local calls/list attached Committee
X Media/P.S.A. attached will Contact.
 Can expect:
 _____ Lengthy back-up
 _____ Bill summary
 _____ Participants list

POST TELECONFERENCE NOTES
 Site/Date: _____
 Local Moderator _____
 T/C Started: _____ T/C Ended _____
 T/C Recorded: _____
 Testified/Participated: _____
 Unable to Testify: _____
 Observers: _____
 Total Number: _____

HOUSE JUDICIARY COMMITTEE OBSERVER/WITNESS SIGN-UP SHEET

DATE: 4-7-83 SPONSOR: BUSSELL

SUBJECT(S): HB 223 - payment of wages

1#
2#
3#
4#
5#
6#
7#
8#
9#
10#
11#
12#
13#
14#
15#
16#
17#

NAME	REPRESENTING	ADDRESS	PHONE	OBSERVER	WITNESS	FOR	AGAINST
Chuck Becker	ALASKA SUPPORT INDUSTRY ALLIANCE	P.O. Box 100100 Anch 99510	562-0100		✓	✓	
John Martin	DRESSER ATLAS	5600 TS, SUITE 201 ANCH.			✓	✓	
THEODORE FLEISCHER	P.E.S.A. EGER	510 L, SUITE 700 ANCH. 99501	276-5121		✓	✓	
7# Jim Robison	Dept of Labor	Box 1149 JUNEAU AK	465-2700		✓		
MARLENE Neve'	AFL-CIO	SR BOX 20948 FBKS	456-2030		✓		✓
GARY AMENDOLA	Dept. of Labor	Box 1149 JUNEAU	465-2700		✓		
Paul Dineen	RHDAIP	130 Seward St. JUNEAU AK	586-2890	✓			
Michael Barcott	Parties to Litigation	2550 Denali - Suite 700 Anch 99501	574-0146		✓		✓
John Eshleman	AUSA / SELF	P.O. Box 1145 UNALASKA AK	376-2045		✓		✓
Robert Eshleman	AUSA / SELF	P.O. Box 8035 NRE: KENAI	770-8589		✓		✓
15# Tom Sato	LNA / Legal Services		465-2450		✓		
Jean Metcalf	Rep Szymanski - Juneau		465-4979				
Tom Casher	IBEW L.U. 1547	124 Front Juneau	586-1342				✓
Ron Lorenson	AG office	JUNEAU			✓		
JAMES WOLFELD	Labor's Union ⁴¹²	JUNEAU					

WILA for figuring FWV pay:

WEEKLY BASE + BONUS + TOTAL NUMBER OF HOURS = Pay per hour.

If that figure is lower than minimum, use the minimum per hour.

Each week is figured separately.

Figure OVERTIME:

No. of hours - 40 ÷ 2 + No. of hours.

Total No. of hours x hourly rate

EXAMPLE: (If pay is \$229 per week with minimum 4.58 per hour)

WEEK #1 -- 109 hours + 196.13 bonus

$$229 + 196.13 = 425.13 \div 109 = \$3.90 \text{ per hour}$$

$$109 - 40 \div 2 + 109 = 143.5$$

$$143.5 \text{ hours times } \$4.58 = \$657.23$$

WEEK #2 -- 124 hours + 765.47 bonus

$$229 + 765.47 = 994.47 \div 8.02$$

$$124 - 40 \div 2 + 124 = 166$$

$$166 \times 8.02 = \$1,331.32$$

Total Pay for 2 weeks	657.23
	<u>1,331.32</u>
	\$1,988.55

~~6-7-85~~
 6-7-85
 11/16

$$6.97 \times 151 = 1052.47$$

$$6.97 \times (114 + 174) = 151$$

$$6.97 = \frac{114}{506.33 + 288}$$

$$288 \div 50 = 5.76 \text{ (Efficiency)}$$

CASE 288
 Points 506.33
 Hours 114

5.76

Hydro...

Hypothetical #2

Price \$ 288
Units \$ 506.33
Hours 120.

$$288 \div 50 = 5.76$$

$$\frac{288 + 506.33}{120} = 6.62$$

$$6.62 \times 160 = 1059.20$$

Dx 12/12/11
G-1-80

Price \$ 288
Quantity 506.30
Hours 130.

$$\frac{288 + 506.33}{- 130} = 6.11$$

$$175 \times 6.11 = 1069.25$$

P. x. B. bei
G. 2. 8. A.

WHILE YOU WERE AWAYFOR Callu DATE 4/5 TIME 2:35 A.M. P.M.M 0 TIM DONOVAN

OF _____ TELEPHONED _____

PHONE 345-01700 RETURNED YOUR CALL _____

AREA CODE NUMBER EXTENSION

MESSAGE Notes you on HB... PLEASE CALL _____

_____ WILL CALL AGAIN _____

is who going to be a CAME TO SEE YOU _____Federconference? ly WANTS TO SEE YOU _____

SIGNED _____

TOPS  FORM 4002

WHILE YOU WERE AWAY

FOR _____ DATE _____ TIME _____ A.M.
P.M.

M TONY Sholky

OF _____ TELEPHONED

PHONE 586-2210 RETURNED YOUR CALL
AREA CODE NUMBER EXTENSION

MESSAGE _____ PLEASE CALL

HB 223 WILL CALL AGAIN

_____ CAME TO SEE YOU

_____ WANTS TO SEE YOU

SIGNED _____

TOPS  FORM 4002

Ron Lovensen
Deputy A.G.

Dept of Law
3600

capius!

April 26, 1983

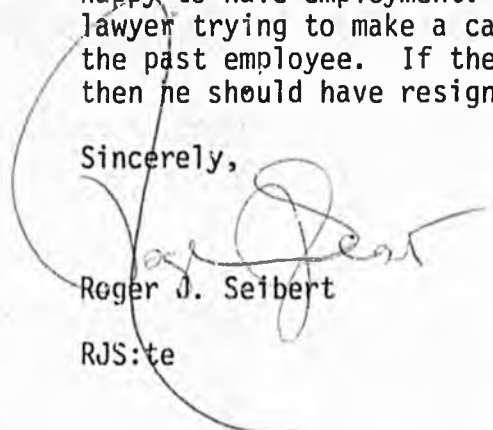


The Honorable Charlie Bussell
House of Representatives
Chairman, House Judiciary Committee
Alaska State Legislature
Capitol, Room 124
Pouch V
Juneau, Alaska 99811

Dear Sir:

I would like to express my support for H.B. 223 which is now pending in your committee. When the work schedules were set up with the F.W.W. or Belo pay plan, there were no complaints and people were happy to have employment. This is another case of some opportunist lawyer trying to make a case out of something that was approved by the past employee. If the employee did not approve of the plan, then he should have resigned.

Sincerely,


Roger J. Seibert

RJS:te

Address: Roger Seibert
SRA Box 1735-I
Anchorage, AK 99507

April 26, 1983



The Honorable Charlie Bussell
House of Representatives
Chairman, House Judiciary Committee
Alaska State Legislature
Capitol, Room 124
Pouch V
Juneau, AK 99811

Dear Sir:

I would like you to know that I support HB 223. I feel it is
a law that we need.

Sincerely,

A handwritten signature in cursive script that reads 'David C. Sharp'.

David C. Sharp
SRA Box 1153
Anchorage, AK 99502

I.

FACTUAL BACKGROUND

The flexible work week (hereafter FWW)^{1/} method of computing overtime payment has been recognized as an acceptable method of payment under the Federal Wage and Hour Act since 1968. 29 C.F.R. 778.114 specifically allows the use of the fluctuating work week payment method. This method of payment is particularly suited to resource development and service industries where there is frequently a considerable amount of standby service time at remote locations and a variety in the number of hours of work available from week to week. The plan generally provides employees greater certainty in planning their financial budgets and guarantees them a specific amount in their pay checks each pay period thus easing the ups and downs in income which would result from a straight overtime pay plan method. This continuity of income allows employees to reflect a more stable cash flow to loan institutions when qualifying for home loans and the like and also serves to reduce the likelihood of a potentially devastating interruption of income to the employee. Without the FWW plan an employee may find himself returning to work from a two week R&R at a time when work is unexpectedly slack and then leaving on his next two week R&R when work picks up. Thus six weeks may pass

^{1/} There are accounting differences in the various plans generally referred to as FWW plans or BELO plans which do not affect the questions raised herein. Both FWW and BELO plans will hereafter be referred to as FWW.

OLD DRAFT - Rev. 8/1 .2

I.

FACTUAL BACKGROUND

The flexible work week (hereafter FWW)^{1/} method of computing overtime payment has been recognized as an acceptable method of payment under the Federal Wage and Hour Act since 1968. 29 C.F.R. 778.114 specifically allows the use of the fluctuating work week payment method. This method of payment is particularly suited to resource development and service industries where there is frequently a considerable amount of standby service time at remote locations and a variety in the number of hours of work available from week to week. The plan generally provides employees greater certainty in planning their financial budgets and guarantees them a specific amount in their pay checks each pay period thus easing the ups and downs in income which would result from a straight overtime pay plan method. This continuity of income allows employees to reflect a more stable cash flow to loan institutions when qualifying for home loans and the like and also serves to reduce the likelihood of a potentially devastating interruption of income to the employee. Without the FWW plan an employee may find himself returning to work from a two week R&R at a time when work is unexpectedly slack and then leaving on his next two week R&R when work picks up. Thus six weeks may pass

^{1/} There are accounting differences in the various plans generally referred to as FWW plans or BELO plans which do not affect the questions raised herein. Both FWW and BELO plans will hereafter be referred to as FWW.

while his bills pile up before he can scramble back to catch up if his next two weeks on the job happen to coincide with an increase in work hours.

Prior to 1978 the use of the flexible work week method of payment was legal under Alaska law. See AS 23.10.060; Attorney General Opinion February 10, 1978. On December 8, 1978, the Department of Labor instituted a change by adopting a new regulation, 8 AAC 15.100, which declared that these flexible work week plans were no longer in compliance with the overtime provisions of Alaska's wage and hour laws.

This change in the administrative regulations was poorly publicized, with little if any input from Alaskan employers. The primary industries affected by the new regulation are the oil and gas support industries with additional effect on mining and other industries. It is estimated that, since this regulation was adopted in 1978, possibly as many as 100 Alaska businesses, unaware that the long standing custom and practice in their industry has been changed by administrative regulation, have continued using the same flexible work week plan they had used for years and, in doing so, may have incurred substantial liability.

In October, 1979, almost a year after the regulatory change, Dresser Industries (the first company to be sued) was named as a defendant in a suit filed by a former employee for \$4,000 in back wages. The case was opposed on constitutional

grounds and appealed to the Alaska Supreme Court. In September 1981, the Alaska Supreme Court upheld the power of the Department of Labor to promulgate regulations on this subject. The U.S. Supreme Court later declined to review the case. Dresser paid the judgment and the case was closed. In November 1981, Dresser was sued by another former employee who agreed to stay action on his case awaiting a U.S. Supreme Court decision on whether to review the case. The case for this one individual has since been settled and dismissed.

In December 1981, two years after the regulatory change, Dresser was again sued, this time in a class action filed by a third employee seeking back wages on behalf of all Dresser employees in an amount exceeding \$15,000,000. At least three other companies, including FMC and Schlumberger, have since been sued. All of these cases are in the preliminary stages, no trial dates have been set at this time and none of the lawsuits have as yet resulted in a judgment against any of the defendant companies.

In addition to the financial liability created by the flexible work week prohibition, Alaska law provides for mandatory liquidated damages which doubles any back wage or overtime award regardless of the good faith efforts on the part of the employer to abide by the wage and hour statutes. AS 23.10.110; AAI, Inc. v. Mussara, 602 P.2 1240 (Alaska 1979). Even if an employer relies on the Department of Labor's opinion or otherwise makes an innocent error in computation of pay, the court has no choice but to award double the amount of damages. The accumulated liability