

LDIR# 242
WAGE AND
HOUR BILL
1951-1961

ALASKA

CHEILD LABOR LAW

Please Post Conspicuously

CHAPTER 73 — SESSION LAWS ALASKA 1949

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. PURPOSE OF THE ACT. The purpose of this Act is to establish protective standards for child labor to the end that their health, morals, education and future welfare will be protected during the formative years and to the further end that any abuses or unjust exploitation of such labor will be effectively prohibited.

MINORS UNDER 16 MAY NOT BE EMPLOYED BETWEEN THE HOURS OF 7 P. M. AND 6 A. M.

Minors under 16 years of age are not to be employed for more than a combined total of nine hours school attendance and employment in any one day, such work to be performed between 6 a. m. and 7 p. m. and such employment outside school hours shall not exceed 23 hours in any one week, domestic work and baby-sitting excepted.

MINORS UNDER 14 NOT TO BE EMPLOYED

No minor under 14 years of age shall be employed, permitted or suffered to work in any occupation outside school hours; except as to domestic employment, baby-sitting and handiwork in and about private homes; newspaper delivery or sales; or in canneries in warehouse work under competent supervision casing cans.

Nothing in this Act shall apply to situations in which a child works under the direct supervision of a parent in a business owned and operated by such parent nor the work of a child on a boat owned and operated by the child's parent.

8 HOUR DAY, 40 HOUR WEEK, DAY OF REST FOR ALL MINORS UNDER 18

Section 2. That no minor under 18 years of age shall be employed, permitted or suffered to work in any gainful occupation for more than 8 hours in any day, 40 hours in any week or for more than 6 days in any week, except that minors over 16 years of age shall be permitted to work in any gainful occupation not otherwise prohibited in this Act during public school vacations in any work not prohibited by the Fair Labors Standard Act of 1938, as amended, provided such employment is in accordance with conditions of terms and having provisions with respect to the

PROHIBITED OCCUPATIONS

Section 3. No minor under 18 years may be employed in excavations, or in surface mining, or underground in mines; or as hoisting engineers in mines; in the operation of cranes, derricks or hoists; and no minor under 16 years of age may be employed, permitted or suffered to work in any restaurant, nor shall any girl under 18 be employed, permitted or suffered to work as a maid in any hotel or lodging house.

No minor under 21 shall be employed, permitted or suffered to sell or serve intoxicating liquors or to work in any room or other place where intoxicating liquors are sold for consumption on the premises.

Section 4. No minor under 18 years of age shall be employed, permitted or suffered to work in any occupation dangerous to life or limb or injurious to the health or morals of said minor.

POWERS AND DUTIES OF COMMISSIONER OF LABOR

Section 5. The Commissioner of Labor is hereby authorized from time to time after public notice and hearing to promulgate rules, regulations and orders establishing minimum standards as to safety, working conditions, kind and extent of work in various phases of the respective fields of employment, maximum hours per day and week, and minimum rates of pay, and other reasonable safeguards compatible with the welfare of all minors under the purview of this Act; and the Commissioner of Labor shall make cooperative arrangements with other Territorial and Federal agencies and shall promulgate such regulations as are necessary to provide opportunities for work experience in safe and healthful occupations for such minors.

Section 6. The Commissioner of Labor is authorized, and it shall be his duty to enforce the provisions of this Act.

PENALTIES

Section 7. Any person, firm or corporation who violates any provision of this Act shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not more than \$500.00 or by imprisonment for not more than ninety days, or by both such fine and imprisonment.

Section 13 on page 8 & 9
Section 7 on page 4
FAIR LABOR STANDARDS ACT OF 1938, AS AMENDED¹

AN ACT

To provide for the establishment of fair labor standards in employment in and affecting interstate commerce, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fair Labor Standards Act of 1938."

Finding and Declaration of Policy

SEC. 2. (a) The Congress hereby finds that the existence, in industries engaged in commerce or in the production of goods for commerce, of labor conditions detrimental to the maintenance of the minimum standard of living necessary for health, efficiency, and general well-being of workers (1) causes commerce and the channels and instrumentalities of commerce to be used to spread and perpetuate such labor conditions among the workers of the several States; (2) burdens commerce and the free flow of goods in commerce; (3) constitutes an unfair method of competition in commerce; (4) leads to labor disputes burdening and obstructing commerce and the free flow of goods in commerce; and (5) interferes with the orderly and fair marketing of goods in commerce.

(b) It is hereby declared to be the policy of this Act, through the exercise by Congress of its power to regulate commerce among the several States and with foreign nations, to correct and as rapidly as practicable to eliminate the conditions above referred to in such industries without substantially curtailing employment or earning power.²

Definitions

SEC. 3. As used in this Act—

(a) "Person" means an individual, partnership, association, corporation, business trust, legal representative, or any organized group of persons.

(b) "Commerce" means trade, commerce, transportation, transmission, or communication among the several States or between any State and any place outside thereof.³

(c) "State" means any State of the United States or the District of Columbia or any Territory or possession of the United States.

(d) "Employer" includes any person acting

¹ 52 Stat. 1060, as amended by 53 Stat. 1266; by 54 Stat. 615; by Reorganization Plan No. 2 (60 Stat. 1095) effective July 16, 1946; by the Portal-to-Portal Act of 1947 (61 Stat. 84); by the Fair Labor Standards Amendments of 1949 (63 Stat. 917); by Reorganization Plan No. 6 of 1950 (64 Stat. 1263); and by the Fair Labor Standards Amendments of 1955 (69 Stat. 711). The original text of the Fair Labor Standards Act of 1938 as set forth in 52 Stat. 1060 has been revised in this publication to reflect the changes effected by the amendments listed in this footnote, which may be found in official text at the cited pages of the Statutes at Large. Footnotes in this revision show where changes have been made and refer to the specific amendments relied upon so that a comparison may be made with the official text.

² As amended by section 2 of the Fair Labor Standards Amendments of 1949.

³ As amended by section 3 (a) of the Fair Labor Standards Amendments of 1949.

directly or indirectly in the interest of an employer in relation to an employee but shall not include the United States or any State or political subdivision of a State, or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization.

(e) "Employee" includes any individual employed by an employer.

(f) "Agriculture" includes farming in all its branches and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in section 15 (g) of the Agricultural Marketing Act, as amended), the raising of livestock, bees, fur-bearing animals, or poultry, and any practices (including any forestry, or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market.

(g) "Employ" includes to suffer or permit to work.

(h) "Industry" means a trade, business, industry, or branch thereof, or group of industries, in which individuals are gainfully employed.

(i) "Goods" means goods (including ships and marine equipment), wares, products, commodities, merchandise, or articles or subjects of commerce of any character, or any part or ingredient thereof, but does not include goods after their delivery into the actual physical possession of the ultimate consumer thereof other than a producer, manufacturer, or processor thereof.

(j) "Produced" means produced, manufactured, mined, handled, or in any other manner worked on in any State; and for the purposes of this Act an employee shall be deemed to have been engaged in the production of goods if such employee was employed in producing, manufacturing, mining, handling, transporting, or in any other manner working on such goods, or in any closely related process or occupation directly essential to the production thereof, in any State.⁴

⁴ As amended by section 3 (b) of the Fair Labor Standards Amendments of 1949.

TERRITORY OF ALASKA

OFFICE OF THE SECRETARY

JUNEAU, ALASKA

CHAPTER 24.

AN ACT

[S. B. 13]

To establish a Department of Labor, and the office of Commissioner of Labor; To Prescribe the Organization, Powers and Duties of each; To repeal all Acts and parts of Acts in conflict herewith and to appropriate the sum of \$30,000.00 to carry into effect the Provisions of this Act and other specified Sections and Articles."

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. Definitions. When used in this Act, "employer" includes every person, firm, corporation, partnership, stock association, agent, manager, representative or foreman, or other persons having control or custody of any employment, place of employment, or any employee.

"Department" means the Department of Labor created and established as hereinafer set forth.

"Commissioner" means the Commissioner of Labor created and established as hereinafter set forth.

Section 2. A Department of Labor is hereby created, the general purpose of which shall be to further, promote and develop the welfare of the wage earners of the Territory, to improve their working conditions, and to advance their opportunities for profitable employment. The Department shall have exclusive charge of all matters affecting or concerning the health, safety and welfare of all wage earners in the Territory.

Section 3. The executive officer of the Department shall be known as the Commissioner of Labor. The first Commissioner shall be appointed by the Governor and

TERRITORY OF ALASKA

OFFICE OF THE AUDITOR

JUNEAU, ALASKA

CHAPTER 185

AN ACT

Providing for maximum hours and minimum wages of labor, excepting certain classes of employees; authorizing the Commissioner of Labor to make regulations; defining violations and prescribing penalties; and repealing Sections 43-2-31 to 43-2-37 inclusive ACLA 1949.

(S. B. 84)

Be it Enacted by the Legislature of the Territory of Alaska:

Section 1. No employer who employs four or more employees engaged in commerce or other business, or in the production of goods or materials in Alaska, shall employ any of his employees not acting in a supervisory capacity, either male or female, for a work week longer than forty hours or for more than eight hours per day, except that should the employer find it necessary to employ any employee in excess of the hours provided for, compensation for such overtime at the rate of one and one-half times the regular rate of pay shall be paid, and this provision shall be deemed to be included in all contracts of employment entered into hereafter; Provided that the provisions of this Section shall not apply with respect to any employer subject to the provisions of the U. S. Railway Labor Act, being

45 U. S. C. A. 151-188; Provided the provisions of this Section shall not apply with respect to any employee of similar class or classes or employed in similar industry or industries, which employers or industries are exempted from the provisions of the Federal Fair Labor Standard Act, as amended, and the same exemptions, both in interstate and intrastate commerce, are hereby allowed under the Federal Fair Labor Standard Act, in Sec. 13 (a), (b) and (c); ~~or~~ any employees employed in small mining operations involving any of the minerals or metals, if the number of employees employed by his employer does not exceed twelve.

Section 2. Except as hereinafter provided, every employer of four or more persons shall pay to any employee employed in bona fide executive, administrative, or professional capacity, or in the capacity of outside salesmen, as such