

Exemptions.

Sec. 35-3-122. Construction of Act. This Act shall not be construed to affect or apply to the gratuitous nursing of the sick by friends or mother or other members of the family, or any practical nurse or any person nursing the sick for hire who does not in any way assume or profess to practice as a graduate or registered nurse.

Approved March 5, 1949.

CHAPTER 29

AN ACT

[S. B. 12]

Pertaining to equal pay for female employees; defining violations and prescribing penalties; providing for the recovery of wage underpayments and the enforcement of the Act.

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

Section 1. WAGE RATES. No employer shall discriminate in any way in the payment of wages as between the sexes, or shall employ any female in any occupation in this Territory at salary or wage rates less than the rates paid to male employees for work of comparable character or work in same operations, business, or type of work in the same locality.

Definitions.

Section 2. DEFINITIONS. As used in this Act:

Employee.

(a) "Employee" means any female individual employed by an employer.

(b) "Employer" includes any person acting directly or indirectly in the interest of an employer in relation to an employee. Employer.

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

(d) "Occupation" includes any industry, trade, business or branch thereof, or any employment or class of employment therein. Occupation.

(e) "Commissioner" means the Commissioner of Labor. Commissioner.

(f) "Person" includes one or more individuals, partnerships, corporations, associations, legal representatives, trustees, trustees in bankruptcy or receivers. Person.

(g) "Wage Rates" shall include the accommodations for board, room and other advantages when such are furnished for the convenience of the employer. Wage rates.

Section 3. POWERS OF COMMISSIONER.

(a) The Commissioner of Labor shall have the power and it shall be his duty to carry out the provisions of this Act.

(b) For this purpose, the Commissioner, or his authorized representative, shall have the power to enter the place of employment of any employer to inspect and copy pay rolls and other employment records, to compare character of work and operations on which persons employed by him are engaged, to question such persons and to obtain such other information as is reasonably necessary to the administration and enforcement of this Act. Inspection.

(c) The Commissioner or his authorized representative shall have power to examine witnesses under oath, and to require by subpoena the attendance and testimony Examine witnesses.

of witnesses and the production of any documentary evidence relating to the subject-matter of any investigation undertaken pursuant to this section.

Issue regulations. (d) The Commissioner shall have the power to issue such regulations, not inconsistent with the purpose and provisions of this Act, as are necessary or appropriate for the efficient administration thereof.

Collect wages. Section 4. COLLECTION OF UNPAID WAGES. An employer who violates the provisions of Section 1 of this Act shall be liable to the employe or employees affected in the amount of the differential between the wage paid male employees and the female employees doing the same type of work. Action to recover such liability may be maintained in any court of competent jurisdiction by any one or more employees for and in behalf of herself or themselves and other employees similarly situated, and no agreement by any such employee to work for less than the wage to which such employee is entitled under this Act shall be a defense to any such action. At the request of any employee paid less than the wage to which she may be entitled under this Act, the Commissioner may take an assignment of such wage claim in trust for the assigning employee and may bring any legal action necessary to collect such claim, including the liquidated damages provided by this Section. The court in such action shall, in addition to any judgment awarded to the plaintiff or plaintiffs, allow a reasonable attorney's fee to be paid by the defendant, and cost of the action. The Commissioner shall not be required to pay the filing fee, or other cost, in connection with such action, such fees and costs to be advanced by the person or persons seeking such remedy in legal action. The Commissioner shall have power to join various claimants against the employer in one cause of action. The Attorney General is hereby authorized to prosecute all civil cases arising under this Act which are referred to him by the Commission for said purpose.

Take assignments.

Payment of fees.

Attorney General to prosecute.

Section 5. RECORDS AND REPORTING. Every employer subject to this Act shall make, keep, and maintain such records of the wages and wage rates, job classifications, and other terms and conditions of employment of the persons employed by him, and shall preserve such records for such periods of time, and shall make such reports therefrom as the Commissioner shall prescribe. Retention of employer records.

Section 6. It shall be unlawful for any employer, for the purpose of dissuading any employee from preferring charges or giving information against him under this Act or testifying against him in any action brought hereunder, to threaten termination of such employee's job or other retaliatory action, or to take such retaliatory action in any such case. Employer retaliation.

Section 7. In addition to the liability and penalty set forth in Section 4 hereof, any person, firm or corporation who willfully and knowingly violates any provision of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$500.00. Penalty.

Section 8. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the remainder of the Act and such application to other persons or circumstances shall not be affected thereby. Savings clause.

Approved March 7, 1949.

CHAPTER 30

AN ACT

[H. B. 28]

Pertaining to travel of Territorial officials and employees outside Alaska; amending Section 11-4-3, Alaska Compiled Laws Anno-