



ALASKA STATE LEGISLATURE SECTIONAL ANALYSIS

Sponsor: Representative Norman Rokeberg
Current Version: CSHB 182(FIN) (efd fld)
Contact: Heather Nobrega
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Title: An act amending the Alaska Wage and Hour Act as it relates to the employment of a person acting in a supervisory capacity; relating to definitions under the Alaska Wage and Hour Act and providing definitions for persons employed in administrative, executive and professional capacities, for persons working in the capacity of an outside salesman, and for persons working in the capacity of a salesman employed on a straight commission basis, and for persons that perform computer-related occupations; directing retrospective application of the provisions of this Act to work performed before the effective date of this Act for purposes of claims filed on or after the effective date of this Act, and disallowing retrospective application for purposes of claims for that work that are filed before the effective date of this Act; and providing for an effective date.

Section 1: Adds “computer systems analyst, computer programmer, software engineer or other similarly skilled workers” to the list of exemptions from the Wage & Hour Act.

Section 2: AS 23.10.055(b)
Requires individuals employed as executive, administrative and professionals be compensated on a salary of not less than two times the minimum wage for the first 40 hours of employment.

AS 23.10.055(c)(1)

Provides that “bona fide executive, administrative or professional capacity” be defined in accordance with the Fair Labor Standards Act.

AS 23.10.055(c)(2)

Provides that “computer systems analyst, computer programmer, software engineer or other similarly skilled worker” be defined in accordance with the Fair Labor Standards Act.

AS 23.10.055(c)(3)

Provides a definition for “outside salesman.”

AS 23.10.055(c)(4)

Provides a definition for “salesman who is employed on a straight commission basis.”

Section 3: Removes the provision that a person acting in a “supervisory capacity” is exempt from overtime.

Section 4: Deletes the minimum salary requirement when defining these terms in regulation. This salary requirement has been moved to AS 23.10.055(b) (see Section 2).

Section 5: Inserts the United States code reference to the Fair Labor Standards Act of 1938.

Section 6: Provides that the provisions found in this bill will be applied to any litigation that is filed on or after the effective date of this bill. This requirement does not apply, however, to any claims or proceedings filed before the effective date.