



Summary of Alaska Wage and Hour Act

Minimum Wage Standard

Alaska Minimum Wage: \$7.15/hour (Effective 1/01/03)



**ALASKA DEPARTMENT OF LABOR
& WORKFORCE DEVELOPMENT**

Sarah Palin, Governor

Click Bishop, Commissioner

Alaska Statute 23.10.050 – 23.10.150 establishes minimum wage and overtime pay standards for employment subject to its provisions. These standards are generally applicable to all employees. School bus drivers, however, shall receive at least two times the Alaska minimum wage. Other exceptions to the minimum wage requirement follow.

Exceptions to Alaska Minimum Wage

Alaska minimum wage does not apply to any individual employed as follows:

- ♦ In agriculture;
- ♦ In the taking of aquatic life;
- ♦ In domestic service (including babysitting) in or about a private home;
- ♦ By U.S., state or local government (i.e., political subdivisions)
- ♦ In voluntary service in the activities of a nonprofit religious, charitable, cemetery, educational organization; or other nonprofit organization;
- ♦ In delivery of newspapers to the consumer;
- ♦ Solely as a watchman or caretaker on premises out of operation for longer than four months;
- ♦ In a bona fide executive, professional or administrative capacity -- as defined by regulations of the Commissioner of Labor and Workforce Development and regulations as defined in the FLSA --, or in certain computer occupations, or as an outside salesman, or any salesman working on a straight commission basis;
- ♦ In the search for placer or hard rock minerals;
- ♦ Youth under age 18 employed part-time for not more than 30 hours in any week (must be paid at least federal minimum wage);

- ♦ By a nonprofit educational or child care facility to serve in place of a parent of children in residence if the employment requires residence at the facility and is compensated on a cash basis exclusive of room and board at an annual rate of less than (a) \$10,000 for an unmarried person; or (b) \$15,000 for a married couple;
- ♦ An independent cab driver who establishes the driving area and hours, who contracts on a flat rate basis for the use of the cab, cab permit or dispatch services, and who is compensated solely by the customers served;
- ♦ A person licensed under AS 08.54 who is employed by a registered guide or master guide licensed under AS 08.54, for the first 60 workdays so employed during a calendar year;
- ♦ An individual engaged in activities for a nonprofit religious, charitable, civic, cemetery, recreational, or educational organization where the employer-employee relationship does not, in fact, exist, and where services are rendered to the organization under a work activity requirement of AS 47.27 (Alaska temporary assistance program); or
- ♦ An individual who provides emergency medical services only on a voluntary basis; serves with a full-time fire department only on a voluntary basis; or provides ski patrol services on a voluntary basis.

Overtime Hours

The standard work week for employees shall not exceed 40 hours per week or eight hours per day. Should an employer find it necessary to employ an employee in excess of these standards, overtime hours shall be compensated at the rate of one and one-half times the regular rate of pay

Overtime Exceptions

Compensation at the overtime rate is not required in the following cases:

- ♦ By an employer who employs three or fewer people in the regular course of business;
- ♦ An individual employed in handling, packing, storing, pasteurizing, drying, canning, or preparing in their raw or natural state agricultural or horticultural commodities for market or in making cheese, butter or other dairy products;
- ♦ An employee of a small mining operation where not more than 12 people are employed, as long as an individual is not employed in excess of 12 hours a day or 56 hours a week during a period(s) of not more than 14 work weeks in the aggregate in any calendar year during the mining season;
- ♦ Agricultural employees;
- ♦ Seamen;
- ♦ Workers engaged in planting or tending trees, cruising, surveying, bucking or felling timber, preparing or transporting logs or other forestry products to the mill, processing plant, railroad or other transportation terminal if the total number of employees in such lumber operation does not exceed 12;
- ♦ Casual employees as defined by regulations of the Commissioner of Labor and Workforce Development;
- ♦ Hospital employees whose duties include provision of medical services;
- ♦ An employee under a flexible work hour plan which is included as part of a collective bargaining agreement;

- ♦ An employee under a voluntary flexible work plan if the employee and the employer have signed a written agreement which has been approved by the Department;
(Overtime rates must be paid for work over 40 hours a week or 10 hours a day under a flexible work plan not included in a collective bargaining agreement.)
- ♦ A line haul truck driver for a trip exceeding 100 road miles one way if the driver's pay includes overtime pay for work in excess of 40 hours per week or eight hours per day, and the rate of pay is comparable to the minimum wage;
- ♦ A community health aide employed by a local or regional health organization as those terms are defined in AS 18.28.100;
- ♦ Work performed by a mechanic primarily engaged in the servicing of automobiles, light trucks, and motor homes, subject to certain provisions (see AS 23.10.060(d)(17));
- ♦ Work performed by an employee under a voluntary written agreement addressing the trading of work shifts among employees, if employed by an air carrier subject to subchapter II of the Railway Labor Act (45 U.S.C.181-188), including employment as customer service representative, subject to certain provisions (see AS 23.10.060(d)(18)).
- ♦ Work performed by a flight crew member employed by an air carrier subject to 45 U.S.C 181-188 (subchapter II of the Railway Labor Act)

NOTE: This is not a complete list of all exemptions to minimum wage and overtime provisions. Refer to AS 23.10.055 and AS 23.10.060. The above text is intended for informational purposes only and is not to be construed as having the effect of law.

Inquiries should be made to: Wage and Hour Administration, Alaska Department of Labor and Workforce Development, 3301 Eagle Street, Suite 301, Anchorage, AK 99503-4149, (907) 269-4900, Email: Anchorage.LSS-WH@alaska.gov

Recordkeeping

An employer shall keep for a period of at least three years all payroll information and records for each employee at the place of employment.

Post in a prominent place as required by AS 23.10.105.