J. J. Keller & Associates, Inc.® Since 1953

ALASKA Labor Laws

POSTER COMPLIANCE DATE 01/2021

Wage and Hour Act

Department of Labor and Workforce Development

Summary of Alaska Wage and Hour Act

Effective January 1, 2021, the Alaska minimum wage shall be $10.34 per hour.

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.

Alaska minimum wage and overtime requirements do not apply to any individual employed as follows:

- In agriculture;
- In the taking of aquatic life; or the hand picking of shrimp;
- In domestic service (including babysitting) in or about a private home;
- By U.S., state or local governments (i.e., political subdivisions);
- In voluntary service in the nonprofit activities of a religious, charitable, cemetery, educational or other nonprofit organization which are related only to the organization's nonprofit activities;
- In a bona fide executive, professional or administrative capacity as defined in regulations of the Commissioner of Labor and Workforce Development and in the FLSA; or in certain computer occupations, or as an outside salesman, or as any salesman working on a straight commission basis;
- Youth under age 18 employed part-time for not more than 30 hours in any week;
- An individual who is employed by a motor vehicle dealer and whose primary duty is to (a) receive, analyze or reference requests for service, repair or analysis of motor vehicles; (b) arrange financing for the sale of motor vehicles and related products and services that are part of the sale; or (c) solicit, sell, lease or exchange motor vehicles;
- 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;
- A student participating in a University of Alaska practicum described under AS 14.40.065;
- A person licensed under AS 08.54 and 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 independent taxicab driver who establishes the driving area and hours, who contracts on a flat rate basis for use of the cab, permit or dispatch services, and who is compensated solely by the customers served;
- Solely as a watchman or caretaker on a premises out of operation for longer than four months;
- In delivery of newspapers to the consumer;
- In the search for placer or hard rock minerals;
- 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 rendered to the organization under a work activity requirement of AS 47.27 (Alaska temporary assistance program);
- 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 not less than $10,000 for an unmarried person; or $15,000 for a married couple.

Overtime Hours

The standard workweek 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.

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;
- Agricultural employees;
- An employee employed as a 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 operations does not exceed 12;
- An individual employed as an outside buyer of poultry, eggs, cream or milk in their raw or natural state;
- Hospital employees whose duties include the 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 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 and over the hours specified on the flexible work hour plan not included in a collective bargaining agreement)*;
- 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 certain flat-rate mechanics primarily engaged in servicing automobiles, light trucks, and motor homes, subject to certain and specific provisions (see AS 23.10.060(d)(17));
- An employee of a small mining operation where not more than 12 people are employed, as long as the individual is not employed in excess of 12 hours per day or 56 hours per week during a period of not more than 14 workweeks in the aggregate in any calendar year during the mining season;
- An employee employed in connection with publication of a weekly, semiweekly or daily newspaper with a circulation of less than 1000;
- Casual employees as defined by regulations of the Commissioner of Labor and Workforce Development;
- 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 if the rate of pay is comparable to the minimum wage;
- 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 a 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);
- A switchboard operator employed in a public telephone exchange that has fewer than 750 stations;
- An employee in otherwise exempted employment or a proprietor in a retail or service establishment engaged in handling telegraphic, telephone or radio messages under an agency or contract arrangement with a telegraph or communications company where the telegraph message or communications revenue of the agency does not exceed $500/month.

NOTE: This is not a complete list of 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, 1251 Muldoon Road, Suite 113, Anchorage, AK 99504 Phone: (907) 269-4909
Email: statewidewagehour@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

REV. 01/2021

NOTICE: *This state has its own minimum wage law. Employers are also required to display the federal Employee Rights Under the Fair Labor Standards Act posting, which indicates the federal minimum wage. Where federal and state rates both apply to an employee, the U.S. Department of Labor dictates that the employee is entitled to the higher minimum wage rate.*

THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.

Sexual Harassment

Commission for Human Rights

Sexual Harassment
Under
The Alaska Human Rights Law and
(AS 18.80.220)
Title VII of the Federal Civil Rights Act,

SEXUAL HARASSMENT IS ILLEGAL

If you have experienced:

- Unwelcome Sexual Advances;
- Requests for Sexual Favors;
- Sexual comments or conduct that interferes with your work or creates a hostile work environment; or
- Your employer has made decisions about your job based on whether you accepted or rejected sexual advances, comments, or conduct,

You may be the victim of sexual harassment.

If you believe you may have been sexually harassed, contact the Alaska Human Rights Commission. Statutes of limitation apply.

Retaliation for Complaining About Sexual Harassment is UNLAWFUL.

It is illegal for your employer to fire you or to take other actions against you because you report or oppose sexual harassment.

Alaska State Commission for Human Rights
800 A Street, Suite 204, Anchorage, AK 99501
Toll Free 800-478-4692
In Anchorage 274-4692
https://humanrights.alaska.gov/

Unemployment Ins.

Department of Labor and Workforce Development

Notice to Employees

As an employee of this company, you are covered by Unemployment Insurance (UI). The UI program is administered by the Division of Employment and Training Services of the Alaska Department of Labor and Workforce Development.

The purpose of UI is to provide partial replacement of wages between jobs. If a business has to reduce wages or hours, or temporarily lay off workers, UI gives workers financial security and temporary buying power so they can remain in the community. This, in turn, helps employers keep their trained work force. UI payments protect the economy in Alaska's communities until unemployed workers are reemployed. UI helps to reduce the family and community problems caused by layoffs or a lack of jobs.

You and your employer both pay your UI premiums (taxes). You pay about 27 percent and your employer pays 73 percent. Generally speaking, if you receive one week of UI benefits, you receive as much or more than you paid into the program for the year. Your employer may withhold from your earnings the employee portion of the UI tax. Wages in excess of the maximum annual taxable wage set for the calendar year are non-taxable. Current and past years' maximum annual taxable wage base and the employee portion of the UI tax rates are posted on the Employment Security Tax website at: **labor.alaska.gov/estax/faq/w1.htm.**

As with any insurance, you must meet certain qualifications to be eligible for benefits. You must have earned wages in jobs that are covered by the law, file your claim for UI, and register for work with the Alaska Employment Service or your union. You must also be ready, willing and able to accept suitable work. If you quit or are fired from your last job, or if anything is keeping you from accepting full-time work, you may not immediately be eligible for benefits.

To file a **NEW** claim or **REOPEN** an existing Alaska claim for UI benefits on the Internet, go to **labor.alaska.gov** and click on "File Unemployment Benefits Online."

To file for UI by telephone and for all other UI assistance, contact your local UI claim center. The phone numbers are listed below. If you do not reside in one of the cities below, use the toll free number.

Anchorage: (907) 269-4700
Juneau/outside Alaska: (907) 465-5552
Fairbanks: (907) 451-2871
All other areas in Alaska: (888) 252-2557

The toll-free telephone number to connect to Alaska Relay is (800) 770-8973 or voice (800) 770-8255.

You may be entitled to a refund of excess employee contributions to the UI Trust Fund if you had two or more employers in a calendar year, your withholdings exceeded the maximum annual employee tax and your overpayment is $5 or greater. For the year you are claiming a refund, the filing deadline for your application is Dec. 31 of the following calendar year. (If you had more than the legal maximum employee deduction withheld by any one employer, your employer is responsible for refunding this excess deduction to you.) To obtain an Employee Application for Refund, write the Alaska Department of Labor and Workforce Development, P.O. Box 115509, Juneau, AK 99811-5509 or email Tax at **esd.tax@alaska.gov** or download the form at **labor.alaska.gov/estax/forms/toc_forms.htm.**

We are an equal opportunity employer/program.
Auxiliary aids and services are available upon request to individuals with disabilities.

Alaska employers are required by law to post this notice.

Form 07-1012

REV. 01/2018

NOTICE: *This state requires an employer to display a Workers' Compensation posting furnished by the employer's insurance carrier or a state agency. Employers should contact their insurance carrier or the appropriate state agency to obtain a copy of this state's Workers' Compensation posting or notice of compliance/certificate of insurance. Employees should refer to the Workers' Compensation posting or notice of compliance/certificate of insurance furnished by the state or the employer's insurance carrier for information about Workers' Compensation.*

THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY. IT DOES NOT FULFILL THIS STATE'S WORKERS' COMPENSATION POSTING REQUIREMENT.

Child Labor

Department of Labor and Workforce Development

Summary of Alaska Child Labor Law

HOURS OF WORK RESTRICTIONS: NO MINOR UNDER 18 MAY WORK MORE THAN 6 DAYS IN ANY WORK WEEK

ALASKA YOUTH UNDER THE AGE OF 14 MAY WORK ONLY IN THE FOLLOWING OCCUPATIONS:

1. Newspaper sales and delivery.
2. Baby-sitting, handiwork and domestic employment in or about private homes.
3. The entertainment industry, with an approved work permit from the Alaska Wage and Hour Administration.

14 & 15 YEAR OLDS:

WHEN SCHOOL IS IN SESSION. Hours will be limited to a total of nine hours of school attendance plus employment in any one day; work will be performed only between the hours of 5 a.m. and 9 p.m. and total hours worked will be limited to 23 in any week.

DURING SCHOOL VACATIONS. Work hours will be limited to 40 hours per week between the hours of 5 a.m. and 9 p.m.

MINORS 17 AND UNDER CANNOT BE EMPLOYED IN:

1. Occupations in manufacturing, handling or use of explosives.
2. Occupations of motor vehicle driver or helper (some limited restrictions).
3. Mining operations including coal.
4. Logging or occupations in the operations of any sawmill, lathe mill, shingle mill or cooperage.
5. Operation of power-driven woodworking machines.
6. Occupations with exposure to radioactive substances and to ionizing radiation.
7. Operation of elevators or other power-driven hoisting apparatus.
8. Operation of power-driven metal forming, punching and shearing machines.
9. Occupations involving slaughtering, meat packing, processing or rendering.
10. Occupations involved in the operation and cleaning of power-driven bakery machines.
11. Occupations involved in the operation of power-driven paper products machines.
12. Occupations involved in the manufacture of brick, tile and kindred products.
13. Occupations involved in the operation and cleaning of circular saws, band saws, and guillotine shears.
14. Occupations involved in wrecking, demolition and shipwrecking operations.
15. Occupations involved in roofing operations.
16. Occupations involved with excavation operations.
17. Electrical work with voltages exceeding 220, or outside erection or repair and meter testing including telegraph and telephone lines.
18. Occupations involving exposure to bloodborne pathogens.
19. Occupations involved in canvassing, peddling, solicitation of door-to-door contributions, or acting as an outside salesman.

ADDITIONAL RESTRICTIONS FOR 14 & 15 YEAR OLDS:

1. Occupations in manufacturing, mining or processing, including workrooms or places where goods are manufactured, mined or otherwise processed.
2. Occupations involved in operation of power-driven machinery other than office machines.
3. Occupations in construction (including demolition and repair) except office work.
4. Any work in an establishment that serves alcoholic beverages.
5. Public messenger service.
6. Occupations in or about canneries, except office work.
7. Work performed in or about boilers, engine rooms or retorts.
8. Work involved with maintenance or repair of the establishment's machines or equipment.
9. Occupations that involve working from windowsills, ladders, scaffolds or their substitutes.
10. Occupations handling or operation of power-driven food slicers, grinders, choppers, cutters and bakery type mixers.
11. Work in freezers, meat coolers, or preparation of meat for sale.
12. Loading/unloading to or from trucks, railroad cars or conveyers.
13. Occupations in warehouses and storage except office and clerical work.
14. Occupations involving use of sharpened tools.
15. Occupations in transportation of persons or property except office or sales work.

BREAKS:

A minor under 18 years of age who is scheduled to work six consecutive hours is entitled to a 30-minute break during the workday.

A minor under 18 who works five consecutive hours is entitled to a 30-minute break before continuing to work.

ALCOHOL:

All minors 16 and under must have a work permit on file with the Department. If the employer has a restaurant designation and is licensed to sell alcohol, then all minors 17 years of age must also have an approved work permit.

TOBACCO & PULL-TABS:

AS 11.76.106 restricts access to areas where tobacco and tobacco products are sold. Minors under 19 may not sell tobacco or tobacco products in the course of their employment.
15 AAC 160.480(b) prohibits the sale of pull-tabs by anyone under the age of 21.

MARIJUANA & CANNABIS INDUSTRY:

AS 17.38.070 restricts the employment of persons under the age of 21 from working in any and all branches of the cannabis/marijuana industry, including but not limited to planting, cultivating, harvesting, processing, packaging, transporting or selling.

FOR FURTHER INFORMATION CONTACT: ALASKA WAGE AND HOUR ADMINISTRATION

1251 Muldoon Road, Suite 113
Anchorage, AK 99504
(907) 269-4900

1111 W. 8th Street, Suite 302
Juneau, AK 99802-1149
(907) 465-4842

675 7th Avenue, Station J-1
Fairbanks, AK 99701
(907) 451-2886

FEDERAL STATUTES ARE IN SOME CASES STRICTER THAN STATE STATUTES

FOR FEDERAL INFORMATION, CONTACT THE U. S. DEPARTMENT OF LABOR AT 1-866-487-9243

REV. 02/2018

Department of Labor and Workforce Development

Safety and Health Protection on the Job

ALASKA LAW AS 18.60.010 to .105 – provides safety and health protection for workers through promotion of safe and healthful working conditions throughout the State. Requirements of the law include the following:

EMPLOYERS: Each employer shall furnish to each of their employees, employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious harm to their employees; and shall comply with occupational safety and health standards issued under the law.

Each employee shall comply with all occupational safety and health standards, rules, regulations and orders issued under the law that apply to their own actions and conduct on the job.

EMPLOYEES: The Alaska Department of Labor and Workforce Development has the primary responsibility for administering the law. It issues occupational safety and health standards and its Compliance Officers conduct job site inspections to ensure compliance with the law.

INSPECTION: The law requires that a representative of the employer and a representative authorized by the employees be given an opportunity to accompany the Compliance Officer for the purpose of aiding the inspection. Pursuant to AS 18.60.087, time spent by an employee aiding the inspection shall be considered as time worked, and the employee shall be compensated accordingly.

Where there is no authorized employee representative, the Compliance Officer must consult with a reasonable number of employees concerning safety and health conditions in the workplace.

COMPLIANCE COMPLAINT: Employees or their representatives have the right to file a complaint in writing with the nearest Alaska Department of Labor and Workforce Development office requesting an inspection if they believe unsafe or unhealthful conditions exist in their workplace. Their names will be withheld upon request.

Employees and their representatives have a right to call an inspector's attention to possible violations in writing or orally.

DISCRIMINATION COMPLAINT: The law provides that employees may not be discharged or discriminated against in any way for filing safety and health complaints or otherwise exercising their rights under the law.

Pursuant to AS 18.60.089, an employee may not be discharged or discriminated against because they filed a complaint, instituted, or caused to be instituted a proceeding related to the enforcement of occupational safety and health standards, or has testified or is expected to testify in a proceeding relating to occupational safety and health. An employee who believes they have been discriminated against may file a complaint with the nearest OSHA and/or Alaska Occupational Safety and Health office within 30 days of the alleged discrimination.

CITATION: If upon inspection the Compliance Officer believes an employer has violated the law, a citation alleging such violations will be issued to the employer. Each citation will specify a time period within which the alleged violation must be corrected.

The citation must be prominently displayed at or near the place of alleged violation for five days, or until it is corrected, whichever is later, to warn employees of dangers that may exist there.

PROPOSED PENALTY: The law provides for mandatory penalties against employers of up to $12,934.00 for each serious violation and for optional penalties of up to $12,934.00 for any other violations. Penalties of up to $12,934.00 per day may be proposed for failure to correct violations within the proposed time period. Also, any employer who willfully or repeatedly violates the law may be assessed penalties of up to $129,336.00 for each violation.

Criminal penalties are also provided for in the law. Any willful violation resulting in death of an employee upon conviction is punishable by a fine not more than $10,000 or by imprisonment for not more than 6 months, or by both. Conviction of an employer after a first conviction doubles these maximum penalties.

While providing penalties for violations, the law also encourages efforts by labor and management, before an inspection, to reduce injuries and illnesses arising out of employment.

VOLUNTARY ACTIVITY: The Alaska Department of Labor and Workforce Development encourages employers and employees to reduce workplace hazards voluntarily and to develop and improve safety and health programs in all workplaces and industries.

Such cooperative action would initially focus on the identification and elimination of hazards that could cause death, injury, or illness to employees and supervisors. Upon request from an employer, the Alaska Department of Labor and Workforce Development will furnish a consultant who will inspect the premises and identify hazards without assessing penalties.

MORE INFORMATION: Additional information, copies of the law, specific safety and health standards, and other regulations may be obtained from the Alaska Department of Labor and Workforce Development, Division of Labor Standards & Safety, Alaska Occupational Safety and Health at the addresses shown at the bottom of this page.

PROGRAM COMPLAINT: Under a plan approved July 31, 1973 by the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA), the State of Alaska is providing job safety and health protection for workers throughout the State. OSHA will monitor the operation of this plan to assure that continued approval is merited. Any person may make a complaint regarding the State administration of this plan directly to the U.S. Department of Labor, OSHA, Region X, 300 Fifth Avenue, Suite 1280, Seattle, WA 98104 or call (206) 757-6700.

IT'S YOUR RIGHT TO KNOW
About toxic and hazardous substances and physical agents

AS 18.60.068 requires this information be displayed in a prominent place on business premises.

- Employers must inform employees about the locations and nature of operations, which could result in exposure to toxic or hazardous substances or physical agents.
- Employers must train employees in the health effects of the toxic or hazardous substances and physical agents to which they are exposed and in the purpose, proper use, and limitations of personal protective equipment.
- Employers must keep on file and make available during the work-shift, Safety Data Sheets (SDS) for each toxic or hazardous substance or physical agent to which employees may be exposed. Employers must remove employees from exposure to the substance or physical agent if an SDS cannot be obtained and provided to employees within 15 calendar days of a request.

The Alaska Department of Labor and Workforce Development will provide assistance to employers in the form of SDS program development aids, on-site program review, and safety seminars.

For more information, employers, employees, and concerned citizens may contact the Alaska Department of Labor and Workforce Development, Labor Standards and Safety Division, Occupational Safety and Health at http://labor.alaska.gov/lss/oshhome.htm.

• Consultation & Training 1-800-656-4972 • Enforcement 1-800-770-4940
• 24-hour OSHA hotline 1-800-321-6742

1111 West 8th Street, Suite 304
P.O. Box 111149
Juneau, AK 99811-1149
(907) 465-4855

1251 Muldoon Road, Suite 109
Anchorage, AK 99504
(907) 269-4940

675 7th Avenue, Station J
Fairbanks, AK 99701-4596
(907) 451-2890 or
(907) 451-2888

AS 18.60.058(a) requires employers to notify either AKOSH or OSHA within eight hours of an in-patient hospitalization, loss of an eye, amputation, or fatality.
AKOSH 1-800-770-4940 or OSHA 1-800-321-6742

Jobs
Alaska Department of Labor & Workforce Development

REV. 11/2018

Emergency

Department of Labor and Workforce Development

Emergency Information

DOCTOR _____

AMBULANCE _____

HOSPITAL _____

POLICE _____

FIRE DEPT. _____

OTHER _____

All fatalities or injuries resulting in hospitalization must be reported immediately (within 8 hours) to the Alaska Department of Labor and Workforce Development, Division of Labor Standards and Safety at 1-800-770-4940 or to the OSHA 24-hour hot line at 1-800-321-6742 (AS 18.60.058(a))

1111 W. 8th Street, Suite 304
P. O. Box 111149
Juneau, AK 99811-1149
Phone: (907) 465-4855

1251 Muldoon Road, Suite 109
Anchorage, AK 99504
Phone: (907) 269-4940

675 Seventh Avenue, Station J1
Fairbanks, AK 99701-4596
Phone (907) 451-2890

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ONLINE Go to: **JJKeller.com/LLPverify** Enter this code: **62748-012021**

To update your labor law posters contact J. J. Keller & Associates, Inc.
JJKeller.com/laborlaw
800-327-6868

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