

NOTICE OF PROPOSED CHANGES TO EMPLOYMENT OF MINORS IN ENTERTAINMENT, OVERTIME RATES, AND AS 18.20 AND AS 36 VIOLATION INVESTIGATION AND RESOLUTION IN THE REGULATIONS OF THE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

BRIEF DESCRIPTION

The Department of Labor and Workforce Development, Division of Labor Standards and Safety, Wage and Hour Administration proposes to change regulations on the following:

1. when a studio teacher is required for minors working in entertainment,
2. to correct an error in the regulation on overtime rates for exempt employees paid on a daily rate,
3. to adopt a process for the department to investigate violations of the laws on mandatory nurse overtime,
4. to reorganize and improve the process for investigating violations of the prevailing wage and resident hire laws.

The Department of Labor and Workforce Development proposes to amend regulations in Title 8 of the Alaska Administrative Code, dealing with employment of minors in entertainment, overtime rates, and AS 18.40 and AS 36 violation investigation and resolution, including the following:

(1) 8 AAC 05.040(b)(4) will be amended to update the name of the United States Department of Labor, Office of Apprenticeship.

(2) 8 AAC 05.115(2) is amended to remove "old" from years of age.

(3) 8 AAC 05.315(f) will be amended to include productions of less than 24 hours total employment time in the list of examples of situations where a studio teacher is not required for minors employed in entertainment.

(4) 8 AAC 15.100(e)(4)(B) will be amended to correct an internal reference in the instructions for calculating the overtime rate of an employee paid on a daily rate. This is not a substantive change.

(5) 8 AAC 15.190 will be adopted as a new section. This new section establishes an investigation, conference, and hearing process for violations of the mandatory nurse overtime provisions of AS 18.20.400 - 18.20.499.

(6) 8 AAC 30.025(g) will be amended to include a bona fide fringe benefit plan as specified in the Standards of Apprenticeship approved by the United States Department of Labor, Office of Apprenticeship.

(7) 8 AAC 30.086(a)(2) and (b)(2) will be amended to update the name of the United States Department of Labor, Office of Apprenticeship.

(8) 8 AAC 30.090 will be repealed and readopted. The readopted section reorganizes the existing material on violations of AS 36 and add provisions for the division to give notice of investigative findings after the failure of an informal conference, to allow a respondent to request a hearing, and to provide that the division's investigative findings are final if no request for hearing is made.

(9) 8 AAC 30.900(2) will be amended to update the 2018 edition of the Standard Occupational Classification Manual.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Becky Weimer, Department of Labor and Workforce Development, Labor Standards and Safety, P.O. Box 111149, Juneau, AK 99811-1149. Additionally, you may submit comments by facsimile at (907) 465-6012 and by electronic mail at dol.lss.regulations@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system and using the comment link. The comments must be received not later than 3:30 p.m. on April 20, 2018.

You may submit written questions relevant to the proposed action to Becky Weimer by e-mail at dol.lss.regulations@alaska.gov or by mail to the Department of Labor and Workforce Development, Labor Standards and Safety, P.O. Box 111149, Juneau, AK 99811-1149. The questions must be received at least 10 days before the end of the public comment period. The Department will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Becky Weimer at (907) 465-6002 not later than April 10, 2018 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System or by contacting Becky Weimer, Department of Labor and Workforce Development, Labor Standards and Safety, P.O. Box 111149, Juneau, AK 99811-1149 or dol.lss.regulations@alaska.gov or (907) 465-6002.


After the public comment period ends, the Department of Labor and Workforce Development will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action on them. The language of the final regulations may be different from that of the proposed regulations. You should comment during the time allowed if your interests could be affected.

Statutory authority: AS 18.20.430; AS 23.05.060; AS 23.10.060; AS 23.10.065; AS 23.10.085; AS 23.10.095; AS 23.10.330; AS 23.10.360; AS 36.05.030; AS 36.10.075; AS 36.10.120

Statutes being implemented, interpreted, or made specific: AS 18.20.400; AS 23.05.010; AS 23.05.060; AS 23.10.050; AS 23.10.065; AS 23.10.325; AS 23.10.330; AS 36.05.010; AS 36.05.030; AS 36.10.075; AS 36.10.120

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

Date: March 13, 2018



Heidi Drygas, Commissioner
Department of Labor and Workforce Development

