

Byron Mallott  
Lieutenant Governor  
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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**MEMORANDUM**

**TO:** Rebecca Weimer  
Department of Labor and Workforce Development

**FROM:** Scott Meriwether, Office of the Lieutenant Governor   
465.4081

**DATE:** July 13, 2018

**RE:** Filed Permanent Regulations: Department of Labor and Workforce Development  
  
Department of Labor and Workforce Development Regulation re: 8 AAC 05.040 (apprenticeship) 8 AAC 05.315 (studio teachers minor employment), 8 AAC 15.100 (overtime), 8 AAC 15.190 (nurse overtime investigation), 8 AAC 30.025 (apprentice), 8 AAC 30.090 (investigations) (8 AAC 05.040; 8 AAC 05.315; 8 AAC 15.100; 8 AAC 15.190; 8 AAC 30.025; 8 AAC 30.090)

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Attorney General File:	2018200112
Regulation Filed:	7/13/2018
Effective Date:	8/12/2018
Print:	227, October 2018

cc with enclosures: Linda Miller, Department of Law  
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO REGULATIONS  
OF THE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

The attached 7 pages of regulations, dealing with employment of minors in entertainment, overtime rates, and AS 18.40 and AS 36 violation investigation and resolution in 8 AAC 05.315(f), 8 AAC 15.100(e)(4)(B), 8 AAC 15.160(d), 8 AAC 15.190, and 8 AAC 30.090, are adopted and certified to be a correct copy of the regulation changes that the Department of Labor and Workforce Development adopts under the authority of AS 18.20.400, AS 18.20.430, AS 23.05.010, AS 23.05.060, AS 23.10.050, AS 23.10.060, AS 23.10.065, AS 23.10.085, AS 23.10.095, AS 23.10.325, AS 23.10.330, AS 23.10.360, AS 36.05.010, AS 36.05.030, AS 36.10.075, AS 36.10.120, and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

Although no public comments were received, the Department of Labor and Workforce Development paid special attention to the cost to private persons of the regulatory action being taken.


The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: 4/24/18

  
\_\_\_\_\_  
Heidi Drygas, Commissioner  
Department of Labor and Workforce Development

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on July 13, 2018, at 9:30 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

  
\_\_\_\_\_  
Lieutenant Governor

Effective: August 12, 2018.

Register: 27th, October 2018.

Register 227, October 2018 LABOR AND WORKFORCE DEV.

8 AAC 05.040(b)(4) is amended to read:

(4) the apprentice is registered by the United States Department of Labor, Office of Apprenticeship [BUREAU OF APPRENTICESHIP AND TRAINING OF THE UNITED STATES DEPARTMENT OF LABOR], or is registered by a state agency as employed in accordance with the standards of state apprenticeship and training approved by the commissioner of labor and workforce development, or is employed under a written apprenticeship agreement and conditions that are found by the commissioner of labor and workforce development to conform substantially with those federal or state standards.

(Eff. 10/27/73, Register 48; am 6/4/82, Register 82; am 7/30/99, Register 151; am 8/12/2018, Register 227)

Authority: AS 23.10.332 AS 23.10.350 AS 23.10.360

**Editor's note:** Information on apprentices registered by the Office of Apprenticeship as specified in 8 AAC 05.040 is available from the United States Department of Labor, Office of Apprenticeship, 605 West 4<sup>th</sup> Avenue, Room G-30, Anchorage, Alaska 99501 [BUREAU OF APPRENTICESHIP AND TRAINING AS SPECIFIED IN 8 AAC 05.040 IS AVAILABLE FROM THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF APPRENTICESHIP AND TRAINING, ROOM 629, FEDERAL BUILDING, 1220 S.W. THIRD AVENUE, PORTLAND, OREGON 97204].

8 AAC 05.115(2) is amended to read:

Register 227, October 2018 LABOR AND WORKFORCE DEV.

(2) 17 years [OLD] of age and is enrolled in or has successfully completed a health care career program approved by the commissioner that is offered by a training facility other than a school. (Eff. 7/30/99, Register 151; am 3/2/2008, Register 185; am 8 / 12 / 2018, Register 227)

**Authority:** AS 23.10.350 AS 23.10.360

8 AAC 05.315(f) is amended to read:

(f) A studio teacher is not required if the employment of a minor in the entertainment industry does not conflict with the schooling of the minor, the employment occurs in or near the minor's home, school, or from a fixed location used by the employer in the employer's regular course of business, and the employment does not pose recognized serious hazards to the minor, such as employment in:

- (1) dinner shows;
- (2) cultural dance exhibitions; [AND]
- (3) theatrical productions; and [.]

(4) television, film, and photography productions where the total time of  
minor's employment is less than 24 hours. (Eff. 7/2/95, Register 135; am 7/30/99, Register 151; am 3/2/2008, Register 185; am 8 / 12 / 2018, Register 227)

**Authority:** AS 23.10.330 AS 23.10.360

8 AAC 15.100(e)(4)(B) is amended to read:



(B) the employer must pay one-half of the straight time rate established under **(A) of this paragraph** [(1) OF THIS SUBSECTION] for each overtime hour worked in the week to bring the employee's wages up to one and one-half times the regular rate for hours worked over eight hours in a day and over 40 straight time hours in a week; this calculation must be performed separately each week. (Eff. 12/9/78, Register 68; am 9/28/85, Register 95; am 4/29/99, Register 150, am 3/2/2008, Register 185; am 8 / 12 / 2018, Register 227)

**Authority:** AS 23.05.060                      AS 23.10.085                      AS 23.10.095  
AS 23.10.060

8 AAC 15 is amended by adding a new section to read:

**8 AAC 15.190. Nurse overtime investigations, conferences and persuasion.** (a) The labor standards and safety division will investigate potential violations of AS 18.20.400 - 18.20.499 on its own motion, or on the complaint of any person.

(b) A complaint alleging a violation of AS 18.20.400 - 18.20.499 must be filed with the division within 30 days after the date of the alleged violation. The division shall provide a copy of the complaint to the health care facility named in the filing within three business days after receiving the complaint. Mailing to the health care facility last known address or the address on file with the health facilities licensing and certification unit in the division of health care services, Department of Health and Social Services, <sup>is</sup> ~~shall be considered~~ valid service for the purposes of this section.

(c) If, after an investigation, the division finds that a health care facility has knowingly violated an overtime provision of AS 18.20.400 - 18.20.499, the division shall issue a decision containing the division's investigative findings and assessing the appropriate civil penalty under AS 18.20.430(c).

(d) A health care facility may request a hearing on the division's decision. Any request not later than 15 days of the division's decision. The request must be in writing and postmarked identifying the findings which are in dispute and the reasons therefor on the basis of the dispute. A hearing requested under this section shall be conducted in accordance with the provisions of AS 44.64.010 - 44.64.200. (Eff. 8/12/2018, Register 227)

**Authority:** AS 18.20.430

8 AAC 30.025(g) is amended to read:

(g) An apprentice shall receive one hundred ~~{100}~~ percent of the prevailing fringe benefit rate established in the applicable *Laborers' and Mechanics' Minimum Rates of Pay*, unless a bona fide fringe benefit plan [ANOTHER RATE] is specified in the applicable Standards of Apprenticeship approved by the United States Department of Labor, Office of Apprenticeship. [APPRENTICE TRAINING AGREEMENT APPROVED BY THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF APPRENTICESHIP AND TRAINING].

(Eff. 1/2/91, Register 116; am 3/2/2008, Register 185; am 8/12/2018, Register 227)

**Authority:** AS 23.05.060 AS 36.05.030 AS 36.05.070

Register 227, October 2018 LABOR AND WORKFORCE DEV.

8 AAC 30.086(a)(2) is amended to read:

(2) a program approved by the United States Department of Labor, Office of Apprenticeship [FEDERAL BUREAU OF APPRENTICESHIP AND TRAINING].

8 AAC 30.086(b)(2) is amended to read:

(2) a program approved under the Workforce Innovation and Opportunity Act (WIOA) 2014, Pub. L. No. 113-128 [29 U.S.C. 1501 - 1781 (JOB TRAINING PARTNERSHIP ACT)]. (Eff. 9/27/87, Register 103;

am 8/12/2018, Register 227)

Authority: AS 36.10.140

8 AAC 30.090 is repealed and readopted to read:

**8 AAC 30.090. Investigations, conference, and persuasion.** (a) The division will investigate potential violations of AS 36 (Public Contracts), on its own motion or on the complaint of any person.

(b) If, after preliminary investigation, the division finds that probable cause exists to believe that a violation of AS 36.05 or AS 36.10 has occurred, the division will provide the respondent believed to have violated AS 36.05 or AS 36.10 with a copy of the complaint or description of the alleged violation by personal service or certified mail to the last known address of the respondent and to the respondent's registered agent, if any. If respondent is a subcontractor, the

division will also provide the prime contractor with a copy of the complaint or <sup>a</sup>description of the alleged violation by personal service or certified mail to the prime contractor's registered agent.

(c) The division will attempt to eliminate the alleged violation through conference and persuasion by providing the respondent and prime contractor an opportunity for an informal conference to discuss the matter and attempt to eliminate the alleged violations.

(d) If an alleged violation is not rectified by the informal conference, or if the respondent or prime contractor fails to attend the conference without good cause, the division will notify the respondent and the prime contractor in writing of the failure of the informal conference. The division will include in its notification a summary of the division's investigative findings.

<sup>written request</sup> (e) The respondent or the prime contractor may request a hearing by sending the division a ~~letter~~ postmarked <sup>not later than</sup> within 30 days of the date of the division's ~~letter giving~~ notification of the failure of the informal conference ~~conducted~~ under (d) of this section. The ~~letter requesting a~~ hearing must <sup>request</sup> set forth any investigative findings <sup>identify</sup> which are in dispute and the <sup>basis for the dispute,</sup> reasons therefor, including any affirmative defenses. Upon receipt of a request for a hearing, the division will refer the case for hearing ~~to determine the facts in dispute~~. Hearings under this section <sup>will</sup> shall be conducted in accordance with 8 AAC 30.100.

(f) If no timely request for hearing is received, the division's investigative findings <sup>will</sup> shall be final. (Eff. 12/4/76, Register 60; am 7/30/82, Register 83; am 1/2/91, Register 116; am 8/9/2001, Register 159; am 3/2/2008, Register 185; am 8/12/2018, Register 227)

**Authority:** AS 23.05.060      AS 36.10.075      AS 36.10.120  
AS 36.05.030



Register 227, October 2018 LABOR AND WORKFORCE DEV.

8 AAC 30.900(2) is amended to read:

(2) “crafts” and “occupations” mean the occupations identified in the *Standard Occupational Classification Manual* **(2018 edition)** [(1980 EDITION)];

...

(Eff. 7/8/73, Register 47; am 12/4/76, Register 60; am 7/30/82, Register 83; am 9/27/87, Register 103; am 1/2/91, Register 116; am 8/9/2001, Register 159; am 8 / 12 / 2018, Register 227 )

**Authority:** AS 23.05.060                      AS 36.10.075                      AS 36.95.010  
AS 36.05.030                      AS 36.10.140

# MEMORANDUM

## State of Alaska Department of Law

**To:** The Honorable Byron Mallott  
Lieutenant Governor

**Date:** July 12, 2018

**File No.:** 2018200112

**Tel. No.:** 465-3600

**From:** Susan R. Pollard *SRP*  
Chief Assistant Attorney General  
and Regulations Attorney  
Legislation and Regulations Section

**Re:** Department of Labor and Workforce  
Development Regulation re: 8 AAC  
05.040 (apprenticeship) 8 AAC  
05.315 (studio teachers minor  
employment), 8 AAC 15.100  
(overtime), 8 AAC 15.190 (nurse  
overtime investigation), 8 AAC  
30.025 (apprentice), 8 AAC 30.090  
(investigations)

The Department of Law has reviewed the attached regulations of the Department of Labor and Workforce Development against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Department of Labor and Workforce Development after the close of the public comment period. The regulations concern studio teacher requirements for minors, reorganization of provisions related to violations of wage and resident hire laws and establish a process for investigation of violations of nurse overtime payment.

The March 13, 2018 public notice and the April 24, 2018 adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

SRP

The Honorable Byron Mallott, Lieutenant Governor  
Our file: 2018200112

July 12, 2018  
Page 2 of 2

cc: (*via email*)

Honorable Heidi Drygas, Commissioner  
Department of Labor and Workforce Development

Becky Weimer, Regulations Contact  
Department of Labor and Workforce Development

Rachel Witty, Assistant Attorney General  
Labor and State Affairs Section  
Department of Law

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](mailto: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](mailto: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](mailto: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

ADDITIONAL REGULATION NOTICE INFORMATION  
(AS 44.62.190(d))

1. Adopting agency: Department of Labor and Workforce Development, Division of Labor Standards and Safety
2. General subject of regulation: employment of minors in entertainment, overtime rates, deductions from wages, and AS 18.20 and AS 36 violation investigation and resolution
3. Citation of regulation (may be grouped): 8 AAC 05.040(b)(4), 8 AAC 05.115(2), 8 AAC 05.315(f), 8 AAC 15.100(e)(4)(B), 8 AAC 15.190, 8 AAC 30.025(g), 8 AAC 30.086(a)(2) and (b)(2), 8 AAC 30.090, and 8 AAC 30.900(2)
4. Department of Law file number, if any: 2018200112
5. Reason for the proposed action:
  - ( ) Compliance with federal law or action (identify): \_\_\_\_\_
  - (X) Compliance with new or changed state statute: AS 18.20.430(a) requires the department to adopt regulations to implement and enforce AS 18.20.400 – 18.20.499.
  - ( ) Compliance with federal or state court decision (identify): \_\_\_\_\_
  - (X) Development of program standards
  - ( ) Other (identify): \_\_\_\_\_
6. Appropriation/Allocation: Labor Standards and Safety (113)/Wage and Hour Administration (345)
7. Estimated annual cost to comply with the proposed action to:

A private person:

8 AAC 15.160(d) – Entities that employ workers at wages close to the minimum wage in remote areas must either raise their employees' wages or absorb a portion of the cost of providing board and lodging to those employees. It is impossible to estimate these costs with precision, but may vary from \$1 to \$25 per day per employee.

8 AAC 05.315(f), 8 AAC 15.100(e)(4)(B), 8 AAC 15.190, and 8 AAC 30.090 – these regulation changes do not impose costs on private persons.

Another state agency: \$0

A municipality: \$0

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY 2019	Subsequent Years
Operating Cost	\$0	\$0
Capital Cost	\$0	\$0
1002 Federal receipts	\$0	\$0
1003 General fund match	\$0	\$0
1004 General fund	\$0	\$0
1005 General fund/ program	\$0	\$0
Other (identify)	\$0	\$0

9. The name of the contact person for the regulation:

Name: Becky Weimer  
Title: Regulations Specialist II  
Address: P.O. Box 111149 Juneau, AK 99811-1149  
Telephone: (907) 465-6002  
E-mail address: Becky.Weimer@alaska.gov

10. The origin of the proposed action:

☒ Staff of state agency  
☐ Federal government  
☐ General public  
☐ Petition for regulation change  
☐ Other (identify): \_\_\_\_\_

11. Date: 3-13-18

Prepared by: Becky Weimer  
[signature]

Name (printed): Becky Weimer

Title (printed): Regulations Specialist II

Telephone: (907) 465-6002



AFFIDAVIT OF NOTICE OF PROPOSED REGULATION  
AND FURNISHING OF ADDITIONAL INFORMATION

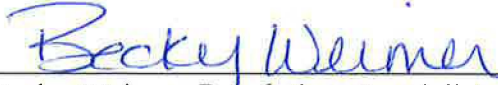
I, Becky Weimer, Regulations Specialist of the Department of Labor and Workforce Development, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 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, has been given by being


- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulation;
- (5) furnished electronically to incumbent State of Alaska legislators;
- (6) furnished to the Legislative Affairs Agency, Division of Legal and Research Services;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
- (8) furnished electronically, along with a copy of the proposed regulation, to the Legislative Affairs Agency, the chair of the Labor and Commerce Committee of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.

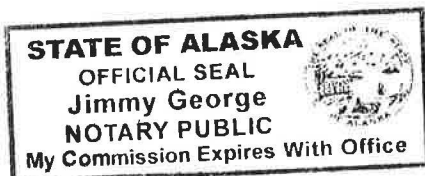
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: 4-23-18

  
Becky Weimer, Regulations Specialist

Subscribed and sworn to before me at Juneau, Alaska on April 23, 2018.

  
Notary Public in and for the State of Alaska  
My Commission Expires: with office



AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Becky Weimer, Regulations Specialist for the Department of Labor and Workforce Development, being duly sworn, state the following:

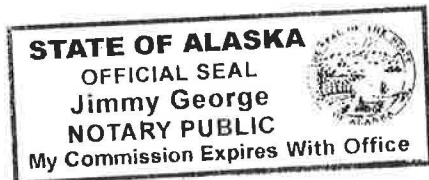
The Department of Labor and Workforce Development did not receive any factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Labor and Workforce Development regulation on employment of minors in entertainment, overtime rates, and AS 18.40 and AS 36 violation investigation and resolution.

Date: 4-23-18

Becky Weimer  
Becky Weimer, Regulations Specialist

Subscribed and sworn to before me at Juneau, Alaska on April 23, 2018.

Jimmy George  
Notary Public in and for the State of Alaska  
My Commission Expires: with office





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\$463.14

# AFFIDAVIT OF PUBLICATION

STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

Joleesa Stepetin  
being first duly sworn on oath deposes and  
says that he/she is a representative of the  
Anchorage Daily News, a daily newspaper.  
That said newspaper has been approved  
by the Third Judicial Court, Anchorage,  
Alaska, and it now and has been published  
in the English language continually as a  
daily newspaper in Anchorage, Alaska, and  
it is now and during all said time was  
printed in an office maintained at the  
aforesaid place of publication of said  
newspaper. That the annexed is a copy of  
an advertisement as it was published in  
regular issues (and not in supplemental  
form) of said newspaper on

March 20, 2018

and that such newspaper was regularly  
distributed to its subscribers during all of  
said period. That the full amount of the fee  
charged for the foregoing publication is not  
in excess of the rate charged private  
individuals.

Signed

*Joleesa Stepetin*

Subscribed and sworn to before me  
this 20th day of March, 2018

*Britney Thompson*

Notary Public in and for  
The State of Alaska.  
Third Division  
Anchorage, Alaska  
MY COMMISSION EXPIRES

2/23/2019  
Notary Public  
BRITNEY L. THOMPSON  
State of Alaska  
My Commission Expires Feb 23, 2019

RECEIVED  
MAR 23 2018  
Administrative  
Services

## 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

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.iss.regulations@alaska.gov](mailto:dol.iss.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.iss.regulations@alaska.gov](mailto:dol.iss.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.iss.regulations@alaska.gov](mailto:dol.iss.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

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