

Kevin Meyer
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
WWW.LTGOV.ALASKA.GOV



530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Becky Weimer
Department of Labor and Workforce Development

FROM: April Simpson, Office of the Lieutenant Governor *AS*
465.4081

DATE: March 31, 2021

RE: Filed Permanent Regulations: Department of Labor and Workforce Development

Department of Labor and Workforce Development regulation re: minimum wage exemption for student learners (8 AAC 15.125)

Attorney General File:	2021200001
Regulation Filed:	3/31/2021
Effective Date:	4/30/2021
Print:	238, July 2021

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis

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

The attached one page of regulations, dealing with minimum wage exemptions for student learners, 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 23.10.070 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.

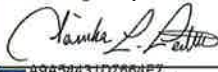
This action is not expected to require an increased appropriation.

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: 3/5/2021

DocuSigned by:



Dr. Tamika L. Ledbetter, Commissioner

April Simpson, for

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on

March 31, 2021, at 10:02a.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

April Simpson
for Lieutenant Governor Kevin Meyer

Effective: April 30, 2021.

Register: 238, July 2021.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

**I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA,
designate the following state employees to perform the Administrative Procedures Act
filing functions of the Office of the Lieutenant Governor:**

**Josh Applebee, Chief of Staff
Kady Levale, Notary Administrator
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have
signed and affixed the Seal of the State of
Alaska, in Juneau, on December 11th,
2018.**



A handwritten signature in blue ink, appearing to read "K. Meyer", is written over a horizontal dotted line.

**KEVIN MEYER
LIEUTENANT GOVERNOR**

8 AAC 15.125(c) is amended to read:

(c) A wage rate authorized under this section will not be less than 50 [75] percent of the minimum wage established under AS 23.10.065.

8 AAC 15.125 is amended by adding a new subsection to read:

(e) The ~~Commissioner~~^{will} ~~shall~~ determine the appropriate wage by considering the following factors:

(1) ~~Whether~~^{whether} the nature of the employment is for the benefit of the minor and ~~that~~^{the} the employment of the minor is in accordance with AS 23.05.010;

(2) ~~The~~ goal of the training that the minor is expected to achieve;

(3) ~~The~~ schedule of organized and progressive work processes to be performed;

(4) ~~The~~ nature of the work being performed by the minor;

(5) ~~The~~ length of time the minor will be employed, ~~and~~

(6) ~~Whether~~ the employer is subject to 29 U.S.C. §§ 201 – 219 (Fair Labor Standards

Act of 1938). (Eff. 12/9/78, Register 68; am 4 / 30 / 2021, Register 238)

Authority: [AS 23.10.070(3)] AS 23.10.085

↑
AS 23.10.070

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Date: March 26, 2021

File No.: 2021200001

Thru:

Tel. No.: 465-3600

From: Steven C. Weaver *scw*
Chief Assistant Attorney General
Legislation and Regulations Section

Re: Department of Labor and Workforce
Development regulations re:
minimum wage exemption for
student learners (8 AAC 15.125)

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. I have reviewed these regulations under a delegation dated March 23, 2020 from the regulations attorney. 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 adjust the amount of the minimum wage exemption for student learners and set out the factors that the commissioner of labor and workforce development will consider to determine the appropriate wage.

The January 8, 2021 public notice, the January 28, 2021 amended public notice, and the March 5, 2021 adoption order all state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

Honorable Kevin Meyer, Lieutenant Governor
File No. 2021200001

March 26, 2021
Page 2 of 2

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.

SCW

cc w/enc: Hon. Dr. Tamika L. Ledbetter, Commissioner
Department of Labor and Workforce Development

Becky Weimer, Regulations Contact
Division of Labor Standards and Safety
Department of Labor and Workforce Development

Joseph Knowles, Director
Division of Labor Standards and Safety
Department of Labor and Workforce Development

Charles E. "Ned" Brasington, Assistant Attorney General
Labor and State Affairs Section

NOTICE OF PROPOSED CHANGES ON MINIMUM WAGE EXEMPTIONS FOR
STUDENT LEARNERS IN THE REGULATIONS OF THE DEPARTMENT OF LABOR
AND WORKFORCE DEVELOPMENT

BRIEF DESCRIPTION

The Department of Labor and Workforce Development, Wage and Hour Administration, proposes to change regulations on minimum wage exemptions for student learners.

The Department of Labor and Workplace Development proposes to adopt regulation changes in 8 AAC of the Alaska Administrative Code, dealing with minimum wage exemptions for student learners, including the following:

- (1) 8 AAC 15.125(c) is proposed to be amended to modify entertainment work permits.

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, PO Box 111149, Juneau, AK 99811-1149. Additionally, the Department of Labor and Workforce Development will accept comments by facsimile at 907-465-3584 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 4:00pm on February 12, 2021.

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, PO 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 and agency website at <https://www.labor.alaska.gov/commish/regindex.htm>

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 February 2, 2021, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and 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 the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation

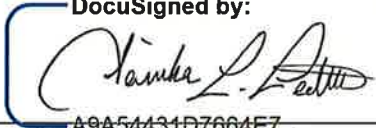
may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected.

Statutory authority: AS 23.10.070; AS 23.10.360

Statutes being implemented, interpreted, or made specific: AS 23.10.070(3); AS 23.10.085

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

Date: 1/4/2021

DocuSigned by:

A9A54431D7664E7...
Dr. Tamika L. Ledbetter, Commissioner
Department of Labor and Workforce Development

AMENDED NOTICE OF PROPOSED CHANGES ON MINIMUM WAGE EXEMPTIONS
FOR STUDENT LEARNERS IN THE REGULATIONS OF THE DEPARTMENT OF LABOR
AND WORKFORCE DEVELOPMENT

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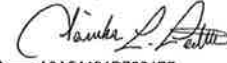
After the public comment period ends, the Department of Labor and Workforce Development will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from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

Statutory authority: AS 23.10.070; AS 23.10.360

Statutes being implemented, interpreted, or made specific: AS 23.10.070(3); AS 23.10.085

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

Date: 1/22/2021

DocuSigned by:

A9A54431D7664E7...

Dr. Tamika L. Ledbetter, 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, Wage and Hour Administration
2. General subject of regulation: Minimum wage exemptions for student learners
3. Citation of regulation (may be grouped): 8 AAC 15.125
4. Department of Law file number, if any: 2021200001
5. Reason for the proposed action:

☐ Compliance with federal law or action (identify): _____
☐ Compliance with new or changed state statute
☐ Compliance with federal or state court decision (identify): _____
☒ 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: 0
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 <u>2021</u>	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: dol.lss.regulations@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: 1/10/2021

Prepared by: Becky Weimer Digitally signed by Becky Weimer
Date: 2021.01.10 18:32:31 -09'00'
 Name (printed): Becky Weimer
 Title (printed): Regulations Specialist II
 Telephone: (907) 465-6002

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 268975 ST OF AK/DEPT LABOR
LABOR STANDARDS & SAFETY/OSH, JUNEAU, AK 99811

Order #: W0019831

Cost: \$358.58

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Lisi Misa being first duly sworn on oath deposes and says that 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 afore-said 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

01/08/2021

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

Subscribed and sworn to before me
this 11th day of January 2021.

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

MY COMMISSION EXPIRES

NOTARY PUBLIC
JADA L. NOWLING
STATE OF ALASKA
MY COMMISSION EXPIRES July 14, 2024

NOTICE OF PROPOSED CHANGES ON MINIMUM WAGE EXEMPTIONS FOR STUDENT LEARNERS IN THE REGULATIONS OF THE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

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Statutory authority: AS 23.10.070; AS 23.10.360

Statutes being implemented, interpreted, or made specific: AS 23.10.070(3); AS 23.10.085

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

Date: 1/4/2021

/S/
Dr. Tamika L. Ledbetter, Commissioner
Department of Labor and Workforce Development

Published: January 8, 2021

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 268975 ST OF AK/DEPT LABOR
LABOR STANDARDS & SAFETY/OSH, JUNEAU, AK 99811

Order #: W0020210

Cost: \$383.5

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Lisi Misa being first duly sworn on oath deposes and says that 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 afore-said 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

01/28/2021

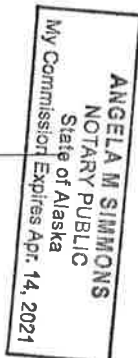
and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed _____

Subscribed and sworn to before me
this 28th day of January 2021.

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

MY COMMISSION EXPIRES



AMENDED NOTICE OF PROPOSED CHANGES ON MINIMUM WAGE EXEMPTIONS FOR STUDENT LEARNERS IN THE REGULATIONS OF THE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

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Statutory authority: AS 23.10.070; AS 23.10.360

Statutes being implemented, interpreted, or made specific: AS 23.10.070(3); AS 23.10.085

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

Date: 1/22/2021

/S/
Dr. Tamika L. Ledbetter, Commissioner
Department of Labor and Workforce Development

Pub: January 28, 2021

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Becky Weimer, Regulations Specialist of the Department of Labor and Workforce Development, under penalty of perjury, certify the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 8 AAC 15.125, dealing with minimum wage exemptions for student learners, has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to every person who has filed a request for notice of proposed action with the state agency;
- (3) furnished to appropriate state officials;
- (4) furnished to interested persons;
- (5) furnished to the Department of Law, along with a copy of the proposed regulation;
- (6) furnished electronically to incumbent State of Alaska legislators;
- (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).

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 (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

There is no notary public or other official empowered to administer oaths available to notarize this document as a result of social distancing requirements implemented statewide.

I certify under penalty of perjury that the foregoing is true.

Date: 03/08/2021

Becky Weimer

Digitally signed by Becky Weimer
Date: 2021.03.08 09:58:24 -09'00'

Becky Weimer, Regulations Specialist

State of Alaska
City and Borough of Juneau

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Becky Weimer, Regulations Specialist of the Department of Labor and Workforce Development, under penalty of perjury, 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 minimum wage exemptions for student learners.

There is no notary public or other official empowered to administer oaths available to notarize this document as a result of social distancing requirements implemented statewide.

I certify under penalty of perjury that the foregoing is true.

Date: 03/08/2021

Becky Weimer Digitally signed by Becky Weimer
Date: 2021.03.08 09:58:51 -09'00'

Becky Weimer, Regulations Specialist

State of Alaska
City and Borough of Juneau