

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 269.0263
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: Kady Levale Office of the Lieutenant Governor 
465.3509

DATE: May 5, 2022

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

Department of Labor and Workforce Development Wage and Hour emergency regulations re: minimum wage exemption for camp counselors (8 AAC 15.125)

Attorney General File:	Emergency Regulations
Regulation Filed:	5/5/2022
Effective Date:	5/5/2022
Expiration Date:	September 1, 2022 unless made permanent by the adopting agency
Print:	242, July 2022

cc with enclosures:

Joseph Felkl, Department of Law
Judy Herndon, LexisNexis

FINDING OF EMERGENCY

The Department of Labor & Workforce Development finds that an emergency exists and that the attached regulation is necessary for the immediate preservation of the public health, safety, and general welfare. The facts constituting the emergency include the following:

The Department of Labor and Workforce Development has a documented historic practice of applying a learner exemption, pursuant to AS 23.10.070(3), to Alaska's minimum wage laws to persons working as counselors for seasonal nonprofit residential camps in the state. However, a recent review revealed that the Department's applicable regulation (8 AAC 15.125) does not provide specific legal authority for this practice. Camp programs have completed summer staffing in reliance on the Department's historic practice. These camps open in less than three weeks, making it impossible for the Department to promulgate corrective regulations under the timeframes established by Alaska's Administrative Procedure Act. To avoid the shutdown of these camps, and the resulting loss of safe, high quality, and effective childcare, the Department finds that promulgation of this emergency regulation is necessary for the immediate preservation of the public health, safety, and general welfare.

Amending 8 AAC 15.125 will permit the minimum wage exemption to be expressly extended to camp counselors so that seasonal nonprofit residential camps can reliably operate during the summer of 2022.

ADOPTION ORDER

Under the authority of AS 23.10.070 and 23.10.085, the attached 2 pages of regulation changes are therefore adopted as an emergency regulation to take effect immediately upon filing by the lieutenant governor, as provided in AS 44.62.180(3).

This action is not expected to require an increased appropriation.

Date: 5/5/2022

DocuSigned by:


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

FILING CERTIFICATION

Kady Levate for

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

May 5, 2022, at 9:00 a.m., I filed the attached regulation according to the provisions of AS 44.62.

Kady L
for Lieutenant Governor Kevin Meyer

Effective: May 5, 2022

Register: 242, July 2022

Expires September 1, 2022
unless made "permanent"
by the adopting agency

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.**



K. Meyer
.....

**KEVIN MEYER
LIEUTENANT GOVERNOR**

EMERGENCY REGULATIONS

Register 242, July 2022 Labor and Workforce Development

8 AAC 15.125(a) is amended to read:

(a) An exemption for student learners from the minimum wage requirement of

AS 23.10.065 is available when the student learner is

(1) enrolled in a course of study and training in a cooperative vocational training program under a recognized state or local educational authority or in a substantially similar program conducted by a private school; or

(2) employed as a counselor at a summer camp; in this paragraph, "summer camp" means a seasonal, non-profit, residential camp that provides

(A) creative recreational and educational opportunities;

(B) a program of activities for campers;

(C) sustained supervision of campers; and

(D) trained leadership tasked with educating campers on living out of doors and on the resources of campers' natural surroundings.

8 AAC 15.125(b) is amended to read:

(b) An application for an exemption under

(1) (a)(1) of this section must be made on a form provided by the department. The information required must be complete and must be signed by the employer and the student learner's school coordinator or principal. To qualify for the exemption, the employment must meet all the requirements set out in AS 23.10.325 - 23.10.370 and ch. 5 of this title relating to the employment of children; or

EMERGENCY REGULATIONS

Register 242, July 2022 Labor and Workforce Development

(2) (a)(2) of this section must be made on a form provided by the department.

The information required must be complete and must be signed by the seasonal, nonprofit, residential camp employer. To qualify for the exemption, the employment must meet all the requirements set out in AS 23.10.325 - 23.10.370 and ch. 5 of this title relating to the employment of children.

(Eff. 12/9/78, Register 68; am 4/30/2021, Register 238; am 5/5/2022, Register 242)

Authority: AS 23.10.070 AS 23.10.085

[illegible]

For Alaska Department of Labor and Workforce Development Use Only

The Summer Camp Counselor Exemption for _____

For the duration of _____ thru _____ has been

Approved _____ Denied _____ Revoked _____

Remarks/Amendments:

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

Signature _____

Date _____