

NOTICE OF ADOPTED AND FILED REGULATIONS OF
DEPARTMENT OF LABOR WORKFORCE AND DEVELOPMENT

On June 16th, Department of Labor Workforce & Development, Wage and Hour, adopted regulations in 8 AAC 15.160. The regulations concern changes to room and board regulations.

The regulations were reviewed and approved by the Department of Law, signed and filed by the Office of the Lieutenant Governor on June 28th, and are effective on July 28th. Attached is a copy of the filed regulations.

The regulation changes will first appear in Register 247, October 2023, of the Alaska Administrative Code.

8 AAC 15.160(d) is amended to read:

(d) An employer may deduct an amount from the minimum wage or overtime rates set out under AS 23.10 of an employee's earnings [, BASED ON A WRITTEN AGREEMENT SIGNED BY THE EMPLOYEE,] to reimburse an employer for the reasonable cost of furnishing board or [AND] lodging, if

(1) [REPEALED 5/16/2003;

(2)] the board or [AND] lodging facilities of the employer are “customarily” furnished, as described in 29 C.F.R. 531.31, by the employer [AND VOLUNTARILY USED BY THE EMPLOYEES; AND];

(2) [(3)] the cost to the employee for the use of the employer's board or [AND] lodging facilities is reasonable and without profit to the employer as determined by the department;

(3) the employer has provided the employee prior written notice that

(A) provides a basic description of the board or lodging;

(B) states the amount to be deducted weekly for the board or lodging;

and

(C) states that the employee's acceptance of the board or lodging and deduction is voluntary; and

(4) the employee has provided signed and written acceptance of the board or lodging and deduction.

8 AAC 15.160(e) is amended to read:

(e) Unless the employer has provided [AND] the employee the prior written notice

[HAVE EXECUTED A WRITTEN AGREEMENT AS] described in (d)(3) of this section, [(d) OF THIS SECTION, BEFORE THE DEDUCTION,] the employer is prohibited from taking a deduction or from seeking to retroactively deduct the cost of board or [AND] lodging as an offset against wages due upon termination or wage deficiencies subject to collection by the department.

8 AAC 15.160(f) is amended to read:

(f) The director will make the determination under (d)(1) of this section [(d)(3) OF THIS SECTION. THE DETERMINATION WILL BE MADE] in accordance with 29 C.F.R. 531.29 - 531.35; [29 C.F.R. 531.3 - 531.5 AND 531.29 - 531.35. A] a deduction of \$20 [\$15] per day or less for board or [AND] lodging will not require a [SPECIAL] determination by the director[,] unless evidence indicates that the deduction [CHARGE] is unreasonable for the board or lodging [FACILITIES] provided or results in a profit to the employer.

8 AAC 15.160(h) is amended to read:

(h) An employer shall give each employee a written or electronic statement of earnings and deductions for each pay period. The statement of earnings and deductions must contain the employee's

- (1) rate of pay;
- (2) gross wages;
- (3) net wages;
- (4) beginning and ending dates of the pay period;
- (5) repealed 9/28/85;
- (6) repealed 9/28/85;

- (7) federal income tax deductions;
- (8) Federal Insurance Contribution Act deductions;
- (9) Alaska Employment Security Act contributions;
- (10) board or [AND] lodging deductions [COSTS];
- (11) advances;
- (12) straight time and overtime hours actually worked in the pay period; and
- (13) other authorized deductions.

8 AAC 15.160 is amended by adding new subsections to read:

(i) An appeal of a determination made by the director under this section must

(1) be filed with the commissioner not later than 20 days after the employer received the determination;

(2) be in writing; and

(3) set out the specific reasons for the appeal.

(j) The commissioner will grant or reject an appeal under (i) of this section not later than 20 days after the date the employer filed it; in the decision to grant or reject the appeal, the commission will state that the decision is final and include a statement of the employer's right to request judicial review not later than 30 days after the decision. (Eff. 12/9/78, Register 68; am 9/28/85, Register 95; am 4/29/99, Register 150; am 5/16/2003, Register 166; am 3/2/2008, Register 185; am 7 / 20 / 2023, Register 247)

Authority: AS 23.05.060 AS 23.10.065 AS 23.10.095
AS 23.10.060 AS 23.10.085