

19. How long does it take to get my money?

The time it takes to collect the money can range from several days to a year or more. Many things can speed up or slow down the payment of a claim. If your records are complete and your employer is cooperative, the process is faster. However, if your records are poor or your employer is uncooperative, it may take longer.

20. What is the difference between full-time, part-time and temporary employees?

The Wage & Hour Administration makes no distinction between full time, part-time and temporary employees. Some employers who provide benefits to full time workers may not provide the same benefits to their part-time or temporary employees. If you are not a full time employee and you want to know if you are entitled to benefits, you will need to discuss this with your employer who should have set guidelines to establish who qualifies for benefits and who does not. For questions about benefits, contact the U.S. Department of Labor, Pension & Benefits, at 1-866-444-3272 or online at <http://askebsa.dol.gov>

21. What are the requirements for return transportation?

If your employer provides transportation, pays your way or loans you the cost of transportation from your place of hire to a place inside or outside Alaska, the employer must pay your way back or provide transportation to the place of hire or to a place that you and your employer agree upon after employment ends. Your employer is not required to pay for your return transportation if you were terminated for fighting, drunkenness, having lengthy unexcused absences from work, or lying on your job application. If you quit your job, your employer is not required to pay for your return transportation unless you quit because the employer misrepresented wages, lodging or working conditions, or you quit for health or safety reasons.



**FEDERAL LAW MAY DIFFER FROM
STATE LAW.**

**THE MORE RESTRICTIVE OF THE
TWO WILL APPLY.**

**Contact the U. S. Dept. Of Labor for
further clarification of federal law at:**

1-866-487-9243

**FOR ADDITIONAL INFORMATION ON
ALASKA'S LABOR LAWS CONTACT:**

**Division of Labor Standards & Safety
Wage & Hour Administration**

Anchorage – (907) 269-4900
Juneau – (907) 465-4842
Fairbanks – (907) 451-2886
Or our website at
labor.alaska.gov/lss/home.htm

Revised July 2009

Wage & Hour Information



Employee Frequently Asked Questions



**ALASKA DEPARTMENT OF LABOR
& WORKFORCE DEVELOPMENT**

Jobs are Alaska's Future

1. What is the minimum wage in Alaska?

Effective 7/24/2009 the minimum wage in Alaska is \$7.25 per hour. Effective 1/1/2010 the minimum wage will be \$7.75 per hour.

2. What is the State law regarding overtime?

Most employees in Alaska must be paid overtime compensation for any hours worked over 8 per day or 40 straight-time hours per week, whichever occurs. Overtime compensation is 1½ times the employee's straight-time rate of pay. Some employees may not be eligible for overtime compensation because their employer employs less than 4 workers. Other employees may be overtime exempt because they may fall into one or more other exemptions.

3. Is "comp time" legal?

The short answer is no. Compensatory time off in place of payment for overtime is not legal for private sector employees.

4. How many employees must my employer have before he/she has to pay overtime?

Four or more. An employer who has only three employees, or less, can pay those employees straight-time for all hours worked.

5. Do I have to work overtime if I don't want to?

Your employer may order you to work overtime and may discipline or terminate you if you refuse to work it. Unless your work is exempt from overtime, your employer must pay you 1½ times your regular rate of pay for hours worked over 8 per day or 40 straight-time hours per week, whichever occurs.

6. Are salaried employees entitled to overtime?

Being paid a salary does not mean that you are not entitled to receive overtime. Some employees are exempt from overtime, such as executive, administrative, and professional employees. Your actual job duties and the method under which you are paid determine your eligibility for overtime.

7. Am I entitled to holiday bonus pay?

Not by law. You are not entitled to overtime pay just because you worked a holiday. It depends on whether your employer has promised to pay holiday pay. Example: If your employer promises to pay you time and a half for work on a holiday, you would receive 1.5 times your regular rate of pay for the holiday hours worked. If your employer does not offer a bonus for holiday pay, you would be paid only straight time for holiday hours worked. If your employer promises to pay holiday pay but has not established a special rate, you could receive straight-time for 8 hours of work and straight time for 8 hours of holiday pay.

8. Am I entitled to sick leave? Vacation pay? Severance pay?

Only if the employer has promised that you will receive these payments. Sick leave, vacation pay and severance pay are benefits to an employee, allowing them to be paid while not at work. Therefore, an employer only has to pay these benefits if he/she has a policy to pay such benefits, or has made a promise or has a contract with you to pay these benefits. The Department enforces an employer's own rules for these kinds of payments.

9. Do I have to be paid for "on-call" time?

This is not easy to answer. Some on-call time is payable and some is not. Your freedom to pursue your own interests while "on-call" determines whether you should be paid. If you are required to carry a beeper but are free to pursue your own

interests, you would not be paid until you had to respond to a call. If you are required to remain at your employer's place of business and are not allowed to pursue your own interests such as reading, visiting with others, or listening to the radio, your employer is required to pay you for this on-call time.

10. What is the law regarding breaks and meal periods?

Alaskan employers are required to provide break periods of at least 30 minutes for minors ages 14 – 17 who work 5 or more consecutive hours. Employers are not required to give breaks for employees 18 and over. If your employer allows breaks, and they last less than 20 minutes, you must be paid for the break. If your employer allows meal periods, the employer is not required to pay you for your meal period if it lasts more than 20 minutes and you do no work during that time.

11. Can my employer change my rate of pay?

Yes, as long as you are given written notice of the change the payday before it takes effect. For example, if your normal payday (the day you are paid your wages) is on the 15th of the month, your employer could give you written notice of a change in your rate of pay any day up to and including the 15th. All work done by you after the 15th would be at the new rate.

12. What can be deducted from my paycheck?

Cash or cash register shortages, lost, missing, or stolen property as long as you have admitted willingly and in writing, to having personally taken the specific amount of cash or property alleged to be lost, missing or stolen. If you have borrowed money from a third party, you can give the employer written permission to deduct payments from your earnings. If your employer has loaned

you funds, they can deduct the amount from your earnings as long as you have given written authorization. Of course, normal tax deductions must be made. You must give written authorization to your employer for non-tax related deductions from your paycheck. It is not valid to sign a "blanket" authorization at the time of hire to cover future deductions. Further, as a general rule, deductions cannot reduce your gross pay below minimum wage or cut into your overtime.

13. What kind of information is my employer supposed to put on my pay stub?

Your employer must give you a pay-stub each pay period that explains how long you worked, how much money you earned and how much money you were paid. The stub must include the number of hours you actually worked; your rate of pay; your gross wages; your deductions for taxes; and other deductions you have authorized your employer to make. The pay-stub also must state the beginning and ending dates of the pay period.

14. I just gave my employer two weeks notice and he/she fired me. What can I do?

In Alaska, an employer does not need to give a reason to fire an employee. Therefore, he/she has not violated any wage and hour law. You may wish to check with an attorney to see whether you can file a civil lawsuit against your employer for wrongful discharge. If you feel you were discriminated against due to race, creed, color, age, religion, sex, or similar reasons, you may contact the Human Rights Commission at (907) 274-4692 or 1-800-478-4692.

15. How soon after my job terminates do I have to be paid?

If you are terminated by your employer, your employer must pay you all monies owed within three working days of termination (not including

weekends and holidays). If you quit, you must be paid by the next regular payday that is at least three working days after your last day worked.

16. Why does my employer get 20 days to respond to the Department's letter concerning my wage claim, when they should pay me within 3 working days?

The Department has to ensure that your employer is given the opportunity to defend him/herself from your claim. This is called "due process." The Department uses the same time frame as the courts (20 days) as a fair amount of time for the employer to respond to your complaint.

17. How much time do I have to file a claim after termination?

Claims for unpaid overtime or minimum wage must be filed within two years from the date the work was actually performed. Claims for straight-time wages or other promised benefits should be filed within three years from the date the work was actually performed. You should file a claim as soon as you are aware that you may be owed additional wages.

18. Does the Department have to take my claim?

No. The Department can refuse to accept a claim for a variety of reasons such as: it is not a valid or enforceable claim; your employer has filed bankruptcy; you have waited too long to file; or your claim exceeds an allowable amount.