

**CS FOR HOUSE BILL NO. 146(L&C)**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 4/30/21

Referred: Finance

Sponsor(s): REPRESENTATIVES SNYDER, Tarr, Fields

**A BILL**

**FOR AN ACT ENTITLED**

1   **"An Act relating to disclosure of information regarding employee compensation by**  
2   **employers, employees, and applicants for employment; and providing for an effective**  
3   **date."**

4   **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5   \* **Section 1.** AS 22.10.020(i) is amended to read:

6                   (i) The superior court is the court of original jurisdiction over all causes of  
7                   action arising under the provisions of AS 18.80 **or AS 23.10.700 - 23.10.740**. A  
8                   person who is injured or aggrieved by an act, practice, or policy **that** [WHICH] is  
9                   prohibited under AS 18.80 **or AS 23.10.700 - 23.10.740** may apply to the superior  
10                  court for relief. The person aggrieved or injured may maintain an action on behalf of  
11                  that person or on behalf of a class consisting of all persons who are aggrieved or  
12                  injured by the act, practice, or policy giving rise to the action. In an action brought  
13                  under this subsection, the court may grant relief as to any act, practice, or policy of the  
14                  defendant **that** [WHICH] is prohibited by AS 18.80 **or AS 23.10.700 - 23.10.740**,

regardless of whether each act, practice, or policy, with respect to which relief is granted, directly affects the plaintiff, so long as a class or members of a class of which the plaintiff is a member are or may be aggrieved or injured by the act, practice, or policy. The court may enjoin any act, practice, or policy that [WHICH] is illegal under AS 18.80 or AS 23.10.700 - 23.10.740 and may order any other relief, including the payment of money, that is appropriate.

\* **Sec. 2.** AS 23.10 is amended by adding new sections to read:

## **Article 9. Disclosure of Employee Compensation.**

**Sec. 23.10.700. Disclosure or discussion of wages.** (a) An employer who publishes a notice, advertisement, or other solicitation for employment shall include in the notice, advertisement, or other solicitation a description of the compensation, including the salary or range of salaries, for the position.

(b) An employer may not

(1) prohibit an employee or applicant for employment from disclosing the employee's or applicant's compensation or discussing or asking about the compensation of another;

(2) ask an applicant for employment about compensation the applicant may have received from another employer; or

(3) prohibit an employee or applicant for employment from helping or encouraging another individual to exercise a right under this subsection.

(c) Nothing in this section

(1) creates an obligation for an employee or applicant for employment to disclose information about the employee or applicant's compensation or the compensation of another;

(2) prohibits an employee or applicant for employment from voluntarily disclosing to an employer information about the employee or applicant's compensation;

(3) prohibits an employer from considering or relying on information disclosed under (2) of this subsection when determining the compensation of an employee or applicant for employment.

**Sec. 23.10.705. Posting summary required.** An employer subject to

1 AS 23.10.700 - 23.10.740 shall keep a summary or abstract of the requirements in  
 2 AS 23.10.700 - 23.10.740 approved by the commissioner and post the summary or  
 3 abstract in a conspicuous location at a place where an employee is employed. Upon  
 4 request, the commissioner shall provide a copy of the summary or abstract to an  
 5 employer without charge.

6 **Sec. 23.10.710. Retaliation prohibited.** An employer may not discharge,  
 7 discipline, threaten, discriminate against, or penalize an employee for exercising a  
 8 right under AS 23.10.700 - 23.10.740 or participating in or benefitting from a  
 9 complaint, claim, trial, agreement, or investigation resulting from an alleged violation  
 10 of AS 23.10.700 - 23.10.740.

11 **Sec. 23.10.715. Damages for retaliation.** An employee who has been  
 12 discharged, disciplined, threatened, discriminated against, or penalized in violation of  
 13 AS 23.10.710 may file a civil claim against the employer for damages, including  
 14 reinstatement and lost wages, separate from and in addition to a fine recoverable by  
 15 the state under AS 23.10.725.

16 **Sec. 23.10.720. Statute of limitations.** An action under AS 23.10.715 may be  
 17 filed not later than three years after the injury to the aggrieved employee last occurs.

18 **Sec. 23.10.725. Penalty.** (a) A violation of AS 23.10.700 - 23.10.740 or a  
 19 regulation or order of the commissioner issued under AS 23.10.700 - 23.10.740 is  
 20 punishable by a fine of not less than \$100 or more than \$2,000 as determined by the  
 21 commissioner.

22 (b) Each day a violation occurs may constitute a separate violation as  
 23 determined by the commissioner.

24 (c) If an employer conducts an internal audit for the purpose of avoiding or  
 25 correcting violations of AS 23.10.700 - 23.10.740, the commissioner may reduce the  
 26 amount of a fine otherwise payable under this section.

27 **Sec. 23.10.730. Regulations.** The commissioner shall adopt regulations under  
 28 AS 44.62 (Administrative Procedure Act) to implement and interpret AS 23.10.700 -  
 29 23.10.740.

30 **Sec. 23.10.740. Definitions.** In AS 23.10.700 - 23.10.740,

31 (1) "employee" means a natural person, other than an independent

1 contractor, in the service of an employer;

2 (2) "employer" means the state, the University of Alaska, the Alaska  
3 Railroad Corporation, a political subdivision of the state, and a person who employs  
4 one or more employees.

5 \* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to  
6 read:

7 APPLICABILITY. AS 22.10.020(i), as amended by sec. 1 of this Act, and  
8 AS 23.10.700 - 23.10.740, enacted by sec. 2 of this Act, apply to compensation for services  
9 performed on or after the effective date of this Act.

10 \* **Sec. 4.** This Act takes effect July 1, 2021.