

SENATE BILL NO. 39

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY SENATOR DUNBAR

Introduced: 1/13/23

Referred: Prefiled

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."**

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

4 *** Section 1.** AS 22.10.020 is amended by adding a new subsections to read:

5 (j) The superior court is the court of original jurisdiction over all employee or
6 applicant for employment causes of action arising under the provisions of
7 AS 23.10.700 - 23.10.740. An employee or applicant for employment who is injured
8 or aggrieved by an act, practice, or policy that is prohibited under AS 23.10.700 -
9 23.10.740 may apply to the superior court for relief. The court may enjoin any act,
10 practice, or policy that is illegal under AS 23.10.700 - 23.10.740 and may order any
11 other relief, including the payment of money, that is appropriate.

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

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

14 **Sec. 23.10.700. Disclosure or discussion of wages.** (a) An employer who

1 publishes a notice, advertisement, or other solicitation for employment shall include in
 2 the notice, advertisement, or other solicitation a description of the compensation,
 3 including the salary or range of salaries, for the position.

4 (b) An employer may not

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

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

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

12 (c) Nothing in this section

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

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

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

22 **Sec. 23.10.705. Posting summary required.** An employer subject to
 23 AS 23.10.700 - 23.10.740 shall keep a summary of the requirements in AS 23.10.700 -
 24 23.10.740 approved by the commissioner and post the summary in a conspicuous
 25 location at a place where an employee is employed. Upon request, the commissioner
 26 shall provide a copy of the summary to an employer without charge.

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

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

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

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

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

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

17 **Sec. 23.10.730. Regulations.** The commissioner shall adopt regulations under
 18 AS 44.62 (Administrative Procedure Act) to implement and interpret AS 23.10.700 -
 19 23.10.740.

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

21 (1) "employee" means a natural person, other than an independent
 22 contractor, in the service of an employer;

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

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

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