

HOUSE BILL NO. 186

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Introduced: 5/3/23

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to volunteer labor compliance officers; and providing for an effective
2 date."

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

4 * **Section 1.** AS 23.05 is amended by adding new sections to read:

5 **Article 6. Volunteer Labor Compliance Officers.**

6 **Sec. 23.05.400. Volunteer labor compliance officer program.** (a) The
7 volunteer labor compliance officer program is established in the department. Under
8 the program, a volunteer labor compliance officer may inspect a construction site and
9 document compliance with state labor law.

10 (b) The department shall

11 (1) maintain a roster of qualified volunteer labor compliance officers;

12 (2) delegate to a qualified volunteer labor compliance officer the
13 authority to enter a place of employment and inspect records under AS 23.05.100;

14 (3) provide orientation for volunteer labor compliance officers.

1 (c) The department shall adopt regulations to implement the volunteer labor
2 compliance officer program. The regulations must

3 (1) prescribe a visible badge identifying a volunteer labor compliance
4 officer;

5 (2) identify safety equipment required for a volunteer labor compliance
6 officer site visit;

7 (3) specify insurance coverage required for a volunteer labor
8 compliance officer.

9 **Sec. 23.05.410. Powers and duties of volunteer labor compliance officer.**

10 (a) A volunteer labor compliance officer may

11 (1) access the job site of a construction project and conduct a labor
12 compliance investigation on behalf of the department;

13 (2) report a violation of a state labor law to the department.

14 (b) A volunteer labor compliance officer shall

15 (1) wear the visible badge prescribed by the department while
16 conducting a labor compliance investigation on behalf of the department;

17 (2) obtain, at the officer's own expense, and wear all safety equipment
18 required by the department;

19 (3) not later than 48 hours after conducting a labor compliance
20 investigation, transmit a labor compliance report to the department through electronic
21 mail;

22 (4) document, to the department's satisfaction, that the officer is
23 covered by workers' compensation insurance;

24 (5) maintain confidentiality with respect to privileged or confidential
25 information revealed during a labor compliance investigation.

26 (c) A volunteer labor compliance officer may not

27 (1) be an employee of the state;

28 (2) issue citations or enforce state labor laws;

29 (3) while conducting an investigation

30 (A) wear attire of an organization, contractor, or entity other
31 than the department;

1 (B) distribute literature produced by an organization,
2 contractor, or entity other than the department;

3 (C) disparage a contractor that employs a person;

4 (D) promote or organize for a union, labor organization,
5 contractor, or other entity; or

6 (E) display union or other organization signs or stickers;

7 (4) perform work for the officer's employer outside the duties of a
8 volunteer labor compliance officer while performing the duties of a volunteer labor
9 compliance officer.

10 **Sec. 23.05.420. Volunteer labor compliance officer qualifications and**
11 **roster.** (a) An individual may apply to the department to be placed on the roster of
12 volunteer labor compliance officers. The department shall add an individual to the
13 roster if the individual

14 (1) has at least five years of verifiable construction experience;

15 (2) provides documentation of completion of a construction safety
16 class that is at least 10 hours and is approved by the Occupational Safety and Health
17 Administration of the United States Department of Labor;

18 (3) completes the volunteer labor compliance officer orientation
19 provided by the department;

20 (4) provides proof of workers' compensation insurance coverage for
21 the individual's activities as a volunteer labor compliance officer under the policy of
22 the individual's employer.

23 (b) The department may remove from the roster of qualified volunteer labor
24 compliance officers and permanently revoke the badge of a volunteer labor
25 compliance officer who, while conducting a labor compliance investigation on behalf
26 of the department,

27 (1) exhibits a conflict of interest;

28 (2) participates in labor union or organizing business; or

29 (3) otherwise fails to comply with the requirements of AS 23.05.400 -
30 23.05.420.

31 * **Sec. 2.** This Act takes effect immediately under AS 01.10.070(c).