

HOUSE BILL NO. 214

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE

Introduced: 3/26/97

Referred: Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to an employer's knowledge of an employee's physical condition
2 for purposes of the Alaska Workers' Compensation Act; excluding certain
3 participants in the Alaska temporary assistance program from coverage under the
4 Alaska Workers' Compensation Act; and providing for an effective date."

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

6 * **Section 1.** AS 23.30.022 is amended to read:

7 **Sec. 23.30.022. False statements by employee.** An employee who knowingly
8 makes a false statement as to the employee's physical condition **in response to a**
9 **medical inquiry, or in a medical examination, after a conditional offer of**
10 **employment** [ON AN EMPLOYMENT APPLICATION OR PREEMPLOYMENT
11 QUESTIONNAIRE] may not receive benefits under this chapter if

12 (1) the employer relied upon the false representation and this reliance
13 was a substantial factor in the hiring; and

14 (2) there was a causal connection between the false representation and

1 the injury to the employee.

2 * **Sec. 2.** AS 23.30.205(c) is amended to read:

3 (c) In order to qualify under this section for reimbursement from the second
4 injury fund, the employer must establish by written records that the employer had
5 knowledge of the permanent physical impairment before the subsequent injury and that
6 the employee was [HIRED OR] retained in employment after the employer acquired
7 that knowledge.

8 * **Sec. 3.** AS 23.30.230(a) is amended to read:

9 (a) The following persons are not covered by this chapter:

- 10 (1) part-time baby-sitters;
- 11 (2) cleaning persons;
- 12 (3) harvest help and similar part-time or transient help;
- 13 (4) persons employed as sports officials on a contractual basis and who
14 officiate only at sports events in which the players are not compensated; in this
15 paragraph, "sports official" includes an umpire, referee, judge, scorekeeper, timekeeper,
16 organizer, or other person who is a neutral participant in a sports event;
- 17 (5) persons employed as entertainers on a contractual basis;
- 18 (6) commercial fishermen, as defined in AS 16.05.940; [AND]
- 19 (7) individuals who drive taxicabs whose compensation and written
20 contractual arrangements are as described in AS 23.10.055(13), unless the hours
21 worked by the individual or the areas in which the individual may work are restricted
22 except to comply with local ordinances; **and**

23 **(8) participants in the Alaska temporary assistance program**
24 **(AS 47.27) who are engaged in work activities required under AS 47.27.035 other**
25 **than subsidized or unsubsidized work or on-the-job training.**

26 * **Sec. 4.** AS 23.30.230 is amended by adding a new subsection to read:

27 (c) In this section,

- 28 (1) "on-the-job training" means training provided by an employer under
29 a formal agreement with a department of the state, or an agent of a department, for
30 which wages are paid by the employer to a participant in the Alaska temporary
31 assistance program (AS 47.27) while the participant receives job training;

1 (2) "subsidized work" means employment, by an employer, of an
2 Alaska temporary assistance program participant in a work placement for which the
3 participant receives wages from the employer, subsidized by, and subject to an
4 agreement between the employer and, a department of the state or an agent of a
5 department; "subsidized work" does not include community work service, job sampling
6 placements, or preplacement activities such as job readiness assessments, job searches,
7 education, or vocational training;

8 (3) "unsubsidized work" means employment, by an employer, secured
9 by an Alaska temporary assistance program participant, with or without the assistance
10 of a department of the state or an agent of a department, for which the participant
11 receives wages from the employer; "unsubsidized work" does not include
12 self-employment.

13 * **Sec. 5.** Sections 3 and 4 of this Act take effect on the effective date of AS 47.27.035.

14 * **Sec. 6.** Except as provided in sec. 5 of this Act, this Act takes effect immediately under
15 AS 01.10.076(c).