

Original

By Committee on Labor & Management

IN THE HOUSE

HOUSE BILL NO. 187

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

TWENTY-FIRST SESSION

A BILL *and new title*

For an Act entitled: "An Act to amend the Alaska Employment Security Law by amending Sections 51-5-1 (a), (c), (m), and (o); 51-5-2 (b), (c), and (d); 51-5-3 (e); 51-5-4 by adding paragraph (f); and 51-5-16 (a), ACLA 1949, as amended: and to provide for effective dates.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

Section 1. That Sec. 51-5-1 (a) ACLA 1949 is hereby repealed and a new section in lieu thereof is hereby enacted to read as follows:

(a) Base Period. "Base period" means the last calendar year preceding the first day of the benefit year.

Section 2. That Sec. 51-5-1 (c) ACLA 1949 is hereby repealed and a new section in lieu thereof is hereby enacted to read as follows:

(c) Benefit Year. "Benefit year" means the period beginning with the first full calendar week in July and ending the following calendar year with the last calendar week beginning in June, and all unexpired individual benefit years as of July 4, 1953, shall be deemed to end with that date;

Provided, however, That the weekly benefit amount and the maximum benefits payable with respect to each individual whose benefit year has been so terminated shall be redetermined by the Commission after July 5, 1953, for the new benefit year in



W. C. Miller

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a manner which shall be equitable to the individual in accordance with the purposes and provisions of this Act.

Notice of the redetermination provided by this section shall be promptly delivered or mailed to the individual affected and all other interested parties at their last known addresses and appeal may be had from the redetermination in the same manner and to the same extent as provided by this Act for appeals relating to determinations in respect to claims for benefits. If no such appeal is taken to the appeal tribunal within ten days of the date of delivery or mailing of the redetermination, whichever is the earlier, said redetermination shall be deemed to be conclusive and final.

Section 3. That Sec. 51-5-1 (m) ACLA 1949 is hereby amended to read as follows:

(m) ("UNEMPLOYMENT") Unemployed Individual. An individual shall be deemed to be "unemployed" in any week during which he performs no services, and with respect to which no (WAGES ARE) remuneration is payable to him, or in any week of less than full-time work if the (WAGES) remuneration payable to him with respect to such week (ARE) is less than his weekly benefit amount (,) plus (FIVE (\$5.00)) ten dollars.

Section 4. That Sec. 51-5-1 (o) ACLA 1949 is hereby amended to read as follows:

((O)) (p) Week. "Week" means such period of seven consecutive days as the Commission may by regulation prescribe.

Section 5. That Sec. 51-5-2 (b) (1) ACLA 1949, as amended by Chapter 11, SLA 1951; and Sec. 51-5-2 (d) (1), (2) and (3), ACLA 1949, are hereby repealed and a new section in lieu thereof is hereby enacted to read as follows:

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(b) (1) Amount of Benefits. Subject to the other provisions of this Act benefits shall be payable to any eligible individual during the benefit year in accordance with the weekly benefit amount and the maximum benefits potentially payable shown in the following schedule for such base period wages shown in the schedule as are applicable to such individual: Provided, however, That said weekly benefit amount shall not exceed twenty dollars per week, and the said maximum benefits potentially payable shall not exceed four hundred dollars, for any individual during any benefit year if the balance in the fund is less than two million dollars on January first of the calendar year in which his benefit year begins:

<u>Base Year Wages</u>	<u>Weekly Benefit Amount</u>	<u>Maximum Benefits Potentially Payable</u>
\$	\$00	\$000
000- 299.99	8	96
300- 499.99	9	126
450- 599.99	10	150
600- 699.99	11	176
700- 799.99	12	204
800- 899.99	13	234
900- 999.99	14	266
1000-1099.99	15	300
1100-1199.99	16	336
1200-1299.99	17	374
1300-1399.99	18	414
1400-1499.99	20	480
1500-1599.99	21	525
1600-1699.99	22	572

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1	\$1800-1999.99	\$23	\$598
2	1900-1999.99	24	624
3	2000-2099.99	25	650
4	2100-2199.99	26	676
5	2200-2299.99	27	702
6	2300-2399.99	28	728
7	2400-2499.99	29	754
8	2500-2599.99	30	780
9	2600-2699.99	31	806
10	2700-2799.99	32	832
11	2800-2899.99	33	858
12	2900-2999.99	34	884
13	3000 and over	35	910

14 Section 6. That Sec. 51-5-2 (b) (2) AGLA 1949 is hereby
 15 amended to read as follows:

16 (b) (2) Each eligible individual who is "unemployed" in
 17 any week shall be paid with respect to such week a benefit in
 18 an amount equal to his weekly benefit amount less that part of
 19 the (WAGES) remuneration ((IF ANY)) payable to him with res-
 20 pect to such week which is in excess of (\$5.00) ten dollars.
 21 Such benefit, if not a multiple of (\$1.00) one dollar, shall
 22 be computed to the next higher multiple of (\$1.00) One dollar.

23 Section 7. That Sec. 51-5-2 (c) AGLA 1949 is hereby repealed
 24 and a new section in lieu thereof is hereby enacted to ~~read~~ as
 25 follows:

26 (c) (1) Seasonal Employer. As used in this section the
 27 term "seasonal employer" means an employer or operating unit of
 28 an employer which because of the seasonal nature of its
 29 operations, reduces its employment to such an extent that its

1 monthly payroll for each of three consecutive months in each
2 of two consecutive calendar or operating years immediately
3 preceding the year for which the determination is made, is less
4 than one-half the average monthly payroll for the three
5 consecutive months of highest payroll in the same calendar or
6 operating years. No such employer or operating unit shall be
7 deemed to be seasonal unless and until so determined by the
8 Commission. A successor in interest of a seasonal employer or
9 operating unit shall be deemed seasonal upon the same basis
10 as the predecessor unless determined otherwise by the
11 Commission.

12 (3) Seasonal Period and Duration of Determination. In
13 establishing a seasonal period as contemplated herein, the
14 Commission shall make such investigations and conduct such
15 hearings as may be required, and shall use as a guide data
16 relating to the best practices of the industry in which the
17 employer is engaged.

18 When the Commission has finally determined seasonal
19 periods, it shall issue a regulation specifying the seasonal
20 periods during which benefits shall be payable to eligible
21 beneficiaries for unemployment occurring within the benefit
22 year affected by such regulation.

23 Employers affected by such regulation shall report on
24 forms provided by the Commission the wages payable to individuals
25 in their employ during the inclusive dates of the seasonal
26 period set by the Commission, as distinguished from wages
27 payable for employment before or after such seasonal period.
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29 Prior to June thirtieth each year, a written determination
declaring the employer to be seasonal and specifying the

1 period of seasonal operation shall be forwarded to the employer
2 involved. Notice of the determined season shall be forwarded
3 to any representative of individuals in the employment of such
4 employer and of whom the Commission has knowledge. Within
5 fifteen days after the date of mailing or handing such written
6 declaration, the employer or other interested party may appeal
7 from such determination. An appeal shall be made to the
8 Commission stating therein why the determination is appealed.
9 After affording the parties a reasonable opportunity to submit
10 briefs with respect to the determination appealed from, the
11 Commission may affirm, modify, or set aside such determination,
12 and such action of the Commission shall be deemed conclusive
13 unless further appeal is initiated as provided in Section
14 51-5-7 (h) herein.

15 (3) Seasonal Employment Defined. "Seasonal employment"
16 means all employment for a seasonal employer or operating unit
17 within the season determined by the Commission as its operating
18 season. All wages payable by a seasonal employer within such
19 operating season shall be deemed seasonal wages.

20 (4) Operating Unit. For the purposes of this Act
21 relating to seasonal employment, an "operating unit" is any
22 unit of an employer's business which frequently is conducted
23 as a separate and independent operation.

24 (5) Seasonal Worker. "Seasonal worker" means an
25 individual who has ~~base period~~ wage credits of which at least
26 eighty percentum have been earned in seasonal employment.

27 (6) Benefit Payments to Seasonal Workers. When the
28 Commission has designated the operations of an employer or an
29 operating unit as seasonal, then benefits shall be payable to

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1 seasonal workers employed thereby only on account of unemploy-
2 ment occurring during the regular period of such seasonal
3 employment as designated in Section 51-5-2 (c) (2).

4 Section 8. That Sec. 51-5-2 ACLA 1949 is hereby amended by
5 the addition of subsection (d) (1) to read as follows:

6 (d) (1) Benefits Due Deceased Claimants. In the event of
7 death of any person to whom benefits are due under this Act,
8 but which benefits remain unpaid in whole or in part, such
9 benefits may be paid to any person or persons designated by
10 the Commission in the following order:
11 Surviving widow or widower, a surviving child or children,
12 including the adopted child or children; mother or father of
13 the deceased.

14 Section 9. That Sec. 51-5-2 (d) (4) and (5) ACLA 1949 as
15 amended by Chapter 25 SLA 1949 and Chapter 10 SLA 1951 is hereby
16 amended by re-lettering sub-paragraphs (4) and (5) respectively to
17 read (2) and (3) respectively.

18 Section 10. That Sec. 51-5-3 (e) ACLA 1949 is hereby repealed
19 and a new section in lieu thereof is hereby enacted to read as
20 follows:

21 (e) He has within the base period earned wages of not
22 less than the minimum amount now or hereafter fixed by law as
23 the minimum amount to be earned in order to allow the individual
24 to receive unemployment benefits.

25 Section 11. That Sec. 51-5-4 ACLA 1949 is hereby amended by
26 adding paragraph (f) to read as follows:

27 (f) For the week in which the Commission finds that he
28 had made a false statement or representation of a material
29 fact, knowing it to be false or knowingly failed to disclose

1 a material fact, with intent to defraud by obtaining any
2 benefits not due under this Act within the twenty-four calendar
3 months immediately preceding such week and such disqualification
4 shall continue for the twenty-six weeks immediately following
5 the week in which such determination was made.

6 Section 12. That Sec. 51-5-16 (a) ACLA 1949 is hereby amended
7 to read as follows:

8 (a) Whoever makes a false statement or representation
9 knowing it to be false or knowingly fails to disclose a
10 material fact, to obtain or increase any benefit or other
11 payment under this Act (,) or under an employment security
12 law of any State, of the Federal Government, or of a foreign
13 government, either for himself or for any other person, shall
14 be punished by a fine of not more than fifty (\$50.00) dollars,
15 or by imprisonment for not longer than thirty days, or by
16 both such fine and imprisonment; and each such false statement
17 or representation or failure to disclose a material fact shall
18 constitute a separate offense.

19 Section 13. That Sec. 51-5-16 (d) ACLA 1949 is hereby repealed
20 and a new section in lieu thereof is hereby enacted to read as
21 follows:

22 (d) Recovery of Benefit Payments. Any individual who
23 has received any sum as benefits from the Unemployment
24 Compensation Fund, when not entitled thereto under the
25 provisions of this Act, shall be liable to the fund for the
26 sum improperly paid to him.

27 As soon as the Commission has knowledge of payment of
28 benefits to an individual under the circumstances mentioned
29 in this section, it shall promptly prepare and deliver or

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1 mail to the individual at his last known address a notice of
2 determination of liability declaring that the individual has
3 been determined liable to refund the amount of benefits paid
4 under the circumstances mentioned in this section. Such
5 amount, if not previously collected, shall be deducted from
6 any future benefits payable to the individual.

7 For similar cause and in like manner, claims by other
8 States for the recovery of sums paid as benefits under an
9 employment security law of such other state to claimants shall
10 be recoverable under the provisions of this Act provided such
11 sums were fraudulently obtained: Provided, That such other State
12 has a comparable provision in its employment security law for
13 the recovery of such sums on behalf of the Territory of Alaska.

14 Appeal from the determination of liability herein
15 provided may be had in the same manner and to the same extent
16 as provided by this Act for appeals relating to determinations
17 in respect to claims for benefits. If no such appeal is taken
18 to the appeal tribunal by the individual within ten days of
19 the delivery of the notice of determination of liability, or
20 within ten days of the mailing of the notice of determination,
21 whichever is the earlier, said determination of liability
22 shall be deemed conclusive and final and the Court shall, upon
23 application of the Commission, enter a judgment in the amount
24 provided by the notice of determination, which judgment shall
25 have and be given the same effect as if entered pursuant to
26 civil action.

27 Section 14. The effective date for Section 7 shall be April
28 1, 1953, and for all other sections herein the effective date shall
29 be July 5, 1953.