

Introduced: 3/8/78
Referred: Labor & Management and
Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 550

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to unemployment insurance; and
7 providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 23.20.115 is amended to read:

10 Sec. 23.20.115. UNAUTHORIZED DISCLOSURE OF INFORMATION. A
11 member of the department, [OR] an employee of the department, or an
12 agent of the department who, in violation of sec. 110 of this chapter,
13 makes a disclosure of information obtained from an employing unit or
14 from an individual in the administration of this chapter, or a person
15 who has obtained a list of applicants for work or of claimants or
16 recipients of benefits under this chapter and who uses or permits the
17 use of the list for a purpose not authorized by sec. 110 of this
18 chapter, upon conviction, is punishable by a fine of not more than
19 \$200, or by imprisonment for not more than 90 days, or by both.

20 * Sec. 2. AS 23.20.165(e) is amended to read:

21 (e) An employer shall maintain a record of the amount deducted
22 from the wages of each of his employees[,] and shall furnish a state-
23 ment of the deductions to each employee at the times and in the manner
24 the commissioner prescribes by regulation. No deduction may be made
25 from those wages paid to an employee during a calendar year which are
26 in excess of the wages subject to contributions under sec. 175 of this
27 chapter. If an [EMPLOYEE IN THE EMPLOY OF TWO OR MORE EMPLOYERS EARNS
28 WAGES IN ONE CALENDAR YEAR TOTALING MORE THAN THE WAGES SUBJECT TO
29 CONTRIBUTIONS, OR IF ONE] employer through error makes a deduction and

1 erroneously pays contributions or interest on his employee [FROM HIS]
2 wages in excess of the wages subject to contributions during a calendar
3 year, the amount of deductions erroneously paid may be requested by
4 the employer as an adjustment or refund as prescribed by sec. 225(a)
5 of this chapter. Employee deductions in excess of the wage subject to
6 contribution shall be refunded to the employee by the employer [IN
7 EXCESS OF THOSE REQUIRED BY THIS CHAPTER SHALL BE REFUNDED TO THE
8 EMPLOYEE BY THE COMMISSIONER UPON APPLICATION FOR THEM] in accordance
9 with regulations prescribed by the department [HIM]. [APPLICATION
10 MUST BE MADE DURING THE CALENDAR YEAR AFTER THE CALENDAR YEAR IN WHICH
11 THE DEDUCTIONS ARE MADE.]

12 * Sec. 3. AS 23.20.175(a) is repealed and re-enacted to read:

13 (a) For the purposes of secs. 165 and 170 of this chapter, after
14 December 31, 1973 and through December 31, 1978, wages do not include
15 that part of remuneration paid during any calendar year to an individual
16 by an employer or by his predecessor which is in excess of \$10,000.

17 * Sec. 4. AS 23.20.175(c) is repealed and re-enacted to read:

18 (c) For the purposes of secs. 165 and 170 of this chapter, after
19 December 31, 1978, wages do not include that part of remuneration paid
20 during any calendar year to an individual by an employer or by his
21 predecessor which is in excess of 75 per cent of the statewide average
22 annual wage.

23 * Sec. 5. AS 23.20.190 is amended by adding a new subsection to read:

24 (d) A person who fails to file a contribution report on the date
25 it is due may be required, at the discretion of the department, to
26 file a monthly contribution report, with payment, within 30 days of
27 the close of each month. This monthly contribution report is subject
28 to the same interest and penalty provisions as provided in secs.
29 185(a) and 190(a) of this chapter, but it may not be required for

1 longer than one year at a time.

2 * Sec. 6. AS 23.20.240 is amended by adding a new subsection to read:

3 (f) In this section, "employer" includes, but is not limited to,
4 an officer or employee of a corporation or a member or employee of a
5 partnership who, as an officer, employee, or member, is under a duty
6 to perform the act in respect to which the violation occurs.

7 * Sec. 7. AS 23.20.285(b) is amended to read:

8 (b) For the purpose of computing quarterly decline quotients,
9 the department may, by regulation, prescribe (1) the manner in which
10 wages paid in the form of annual bonuses or other lump-sum payments
11 for service performed over a period of more than three months are
12 apportioned among the calendar quarters of the calendar year in which
13 the service was performed; and (2) the method for making adjustments
14 in quarterly payrolls to eliminate the effect upon quarterly decline
15 quotients resulting from unemployment which would not be compensable
16 by reason of the labor dispute provision of sec. 383 [380(9)] of this
17 chapter.

18 * Sec. 8. AS 23.20.290(c) is amended to read:

19 (c) The rate of contributions payable by each eligible employer
20 beginning January 1, 1981 [1974] and for each succeeding calendar year
21 [THEREAFTER] is the rate opposite the rate class in that column of the
22 table in this subsection [SECTION] which is appropriate for the calendar
23 year as determined by the reserve multiple of the fund on September 30
24 of the preceeding calendar year. The rate of contributions beginning
25 January 1, 1979 and through December 31, 1980, is set out in column G
26 of the table.

A	B	C	D	E	F	G	H	I	J	K	L
Rate	Employer's										
Class	Cumulative If the Reserve Multiple of the Fund is:										

Payroll Limits		Equal to or More Than										
(Per cent of State Total Ratable Payroll)		Less Than										
		.33	.67	.85	1.0	1.15	1.35	1.5	2.0	3.0		
Equal to												
More Than	or Less Than											
1	0	10	3.0	2.6	2.3	1.9	1.6	1.3	1.1	.9	.8	.6
2	10	20	3.3	2.9	2.6	2.2	1.9	1.6	1.4	1.2	1.1	.9
3	20	30	3.6	3.2	2.9	2.5	2.2	1.9	1.7	1.5	1.4	1.2
4	30	40	3.9	3.5	3.2	2.8	2.5	2.2	2.0	1.8	1.7	1.5
5	40	50	4.4	4.0	3.7	3.3	3.0	2.7	2.5	2.3	2.2	2.0
6	50	60	4.7	4.3	4.0	3.6	3.3	3.0	2.8	2.6	2.5	2.3
7	60	70	5.0	4.6	4.3	3.9	3.6	3.3	3.1	2.9	2.8	2.6
8	70	80	5.2	4.8	4.5	4.1	3.8	3.5	3.3	3.1	3.0	2.8
9	80	90	5.3	4.9	4.6	4.2	3.9	3.6	3.4	3.2	3.1	2.9
10	90	100	5.5	5.1	4.8	4.4	4.1	3.8	3.6	3.4	3.3	3.1
			.8	.8	.7	.7	.6	.6	.5	.5	.4	.3

* Sec. 9. AS 23.20.290(d) is amended to read:

(d) Beginning January 1, 1981 [1974] and for each succeeding calendar year the rate of contributions payable by each employee of a subject employer is the designated employee rate in that column of the table in (c) of this section which is appropriate for the year as determined by the reserve multiple on September 30 of the preceding calendar year. The rate of contributions beginning January 1, 1979 and through December 31, 1980, is set out in column G of the table.

1 * Sec. 10. AS 23.20.340(a) is amended to read:

2 (a) An examiner designated by the department shall take the
3 claim. The examiner shall take all evidence pertaining to the monetary
4 eligibility of the claimant and [AN INITIAL DETERMINATION ON THE CLAIM
5 SHALL BE MADE PROMPTLY AND SHALL INCLUDE A DETERMINATION WITH RESPECT
6 TO WHETHER BENEFITS ARE PAYABLE, THE WEEKLY BENEFIT AMOUNT PAYABLE,
7 AND THE MAXIMUM DURATION OF BENEFITS. WHEN THE PAYMENT OR DENIAL OF
8 BENEFITS IS DETERMINED BY SEC. 380(9) OF THIS CHAPTER. THE EXAMINER]
9 shall promptly transmit all evidence [WITH RESPECT TO THAT SECTION] to
10 the department. The department, or a representative designated by it
11 for the purpose, shall, on the basis of the evidence submitted and any
12 [THE] additional evidence it requires, make an initial monetary deter-
13 mination of [AS TO] the claim as to whether the claimant is eligible
14 for benefits under sec. 350 of this chapter and the weekly benefit
15 rate class.

16 * Sec. 11. AS 23.20.340(b) is amended to read:

17 (b) Within one year from the date of the initial monetary deter-
18 mination, the department, on its motion, may reconsider the monetary
19 determination if it finds an error in computation or identity or finds
20 that additional wages pertinent to the claimant's insured status
21 become available, or that the initial monetary determination is a
22 result of a nondisclosure or misrepresentation of a material fact.

23 * Sec. 12. AS 23.20.340(c) is amended to read:

24 (c) The claimant [AND OTHER PARTIES TO THE DETERMINATION] shall
25 be promptly notified of the initial monetary determination (or of an
26 amended initial monetary determination) and the reasons for it.

27 * Sec. 13. AS 23.20.340(d) is amended to read:

28 (d) Unless the claimant is determined to be disqualified for
29 benefits under secs. 375 - 388 of this chapter, benefits [BENEFITS]

1 shall be promptly paid or denied in accordance with the initial
2 monetary determination.

3 * Sec. 14. AS 23.20.340(e) is amended to read:

4 (e) The claimant [OR OTHER PARTY TO THE DETERMINATION] may file
5 an appeal from the initial monetary determination within 10 days after
6 notification of the determination, or after the date the notice is
7 mailed to his last [KNOWN] address of record. If the claimant is
8 eligible for benefits under sec. 350 of this chapter [BENEFITS ARE
9 ALLOWED BY THE INITIAL DETERMINATION], but the record of the case
10 indicates that a disqualification under secs. 375 - 388 exists [HAS
11 BEEN ALLEGED] or may exist, benefits may not be paid before a determina-
12 tion of the disqualification has been made [THE EXPIRATION OF THE
13 PERIOD FOR APPEAL].

14 * Sec. 15. AS 23.20.340(f) is repealed and re-enacted to read:

15 (f) If a determination of disqualification under secs. 375 - 388
16 of this chapter is made, the claimant shall be promptly notified of
17 the denial and the reasons for it and may appeal the determination in
18 the same manner prescribed in this chapter for appeals of initial
19 monetary determinations. Benefits may not be paid while a determina-
20 tion of disqualification is being appealed. If a final appeal deci-
21 sion allows benefits to the claimant, those benefits must be paid
22 promptly.

23 * Sec. 16. AS 23.20.340(g) is repealed.

24 * Sec. 17. AS 23.20.350(a) is amended to read:

25 (a) To be eligible [QUALIFY] for benefits an individual must
26 [SHALL] have earned wages in his base period totaling not less than
27 \$1,450 [\$750] of which at least \$400 [\$100] must have been earned in
28 a calendar quarter other than the calendar quarter of his base period
29 in which he earned the highest amount of wages, and at least eight

1 times the weekly benefit amount must [SHALL] have been earned in
2 employment, whether or not covered by this chapter, subsequent to the
3 beginning of a preceding benefit year.

4 * Sec. 18. AS 23.20.350(b) is repealed and re-enacted to read:

5 (b) Except as provided in (a) of this section, an individual's
6 weekly benefit amount is determined in the following manner. Each
7 claimant will be given a weekly benefit rate class (column A) based on
8 his total base period wages (column B). This establishes his corre-
9 sponding weekly benefit factor (column C) for his benefit year. An
10 individual's benefit amount for a given week is determined by multi-
11 plying his established weekly benefit factor times the average annual
12 wage of the state in which the individual filed his claim for benefits
13 for that week. If the benefit amount is not a multiple of \$1, it is
14 computed to the next higher multiple of \$1. The average annual wage
15 for each state shall be determined by the department in accordance
16 with regulations adopted by it. The average annual wage for each
17 state shall be determined after June 30 and before December 15 of each
18 year based on the four consecutive calendar quarters ending June 30.
19 This determination is the applicable average annual wage for the
20 period beginning with January 1 of the next year and ending December
21 31.

22 Column A	Column B	Column C
23 Weekly	Total Base Period	Weekley Benefit
24 Benefit	Wages (Expressed as a	Factor
25 Rate Class	proportion of the statewide	
26	average annual wage)	
27 0	0 - .0499	0
28 1	.05 - .0799	.00208
29 2	.08 - .1199	.00224

1	3	.12 - .1599	.00248
2	4	.16 - .1999	.00272
3	5	.20 - .2399	.00296
4	6	.24 - .2799	.00320
5	7	.28 - .3199	.00352
6	8	.32 - .3599	.00384
7	9	.36 - .3999	.00416
8	10	.40 - .4299	.00448
9	11	.44 - .4799	.00476
10	12	.48 - .5199	.00504
11	13	.52 - .5599	.00532
12	14	.56 - .5999	.00560
13	15	.60 - .6399	.00576
14	16	.64 - .6799	.00588
15	17	.68 - .7199	.00596
16	18	.72 - and above	.00600

* Sec. 19. AS 23.20.350(c) is repealed and re-enacted to read:

(c) The maximum duration of benefits payable under this chapter is uniform for all claimants and is the equivalent of compensation for 26 weeks of total unemployment.

* Sec. 20. AS 23.20.350(d) is repealed.

* Sec. 21. AS 23.20.360 is amended to read:

Sec. 23.20.360. EARNINGS DEDUCTED FROM WEEKLY BENEFIT AMOUNT.
 An eligible individual who is unemployed in a week shall be paid with respect to that week a benefit in an amount equal to his [BASIC OR AUGMENTED] weekly benefit amount less that part of the remuneration, whether or not covered by this chapter, payable to him with respect to that week which is in excess of \$50 [\$10 OR ONE-HALF OF HIS BASIC WEEKLY BENEFIT AMOUNT, WHICHEVER AMOUNT IS GREATER]. If the adjusted

1 benefit amount is not a multiple of \$1, it is computed to the next
2 higher multiple of \$1.

3 * Sec. 22. AS 23.20.370 is amended to read:

4 Sec. 23.20.370. BENEFITS OF DECEDENT OR INCOMPETENT. Benefits
5 due and payable to a deceased or judicially declared incompetent
6 person shall be paid, in accordance with regulations prescribed by the
7 department, to persons in the following order: spouse, child, [OR]
8 parent, sister or brother, aunt or uncle, payment to whom the depart-
9 ment finds will best carry out the purposes of this chapter. The
10 regulations need not conform to the statutes applicable to the descent
11 and distribution of decedent's estates. A receipt from the person to
12 whom the department makes payment fully discharges the fund and the
13 department from liability for the benefits.

14 * Sec. 23. AS 23.20.375(a) is amended to read:

15 Sec. 23.20.375. QUALIFICATION [ELIGIBILITY] FOR BENEFITS. (a)
16 An insured worker is qualified [ELIGIBLE] for and shall receive wait-
17 ing-week credit or benefits, as the case may be, for a week of his
18 unemployment with respect to which he has not been determined to be
19 disqualified under secs. 378 - 388 [SEC. 380] of this chapter, if [THE
20 WORKER HAS], in accordance with regulations prescribed by the depart-
21 ment, the worker has, with respect to the week: [,]

22 (1) filed a notice of his unemployment;

23 (2) registered for work; [AND]

24 (3) agreed to accept the prevailing wage for his work in the
25 area in which he is filing; and

26 (4) certified for waiting-week credit or filed a claim for
27 benefits, as the case may be.

28 * Sec. 24. AS 23.20.375 is amended by adding a new subsection to read:

29 (d) An insured worker may register for work with a referral

1 agency other than the department if that agency has a referral agree-
2 ment with the department made in accordance with regulations prescribed
3 by the department.

4 * Sec. 25. AS 23.20 is amended by adding new sections to read:

5 Sec. 23.20.378. ABLE AND AVAILABLE. (a) An insured worker is
6 disqualified for waiting-week credit or benefits for a week of his
7 unemployment if, with respect to that week, the department finds that
8 he was not able to work, not available for suitable work, or not
9 actively seeking work. An insured worker is not considered disqualified
10 for waiting-week credit or benefits for a week of his unemployment
11 because of failure to comply with the provisions of this section if:

12 (1) he is unable to work because he is ill or disabled or
13 he resides in the state and is not available for work because of his
14 noncommercial fishing and hunting necessary for the survival of himself
15 or his dependents; and

16 (2) the condition described in (1) of this subsection
17 occurs during an uninterrupted period of unemployment which follows a
18 week for which he filed a compensable claim and no suitable work was
19 offered him for any part of that week before the beginning of the
20 fishing, hunting, illness, or disability; however, a waiver of dis-
21 qualification on the basis of illness is only available for a maximum
22 of four consecutive weeks.

23 (b) An insured worker is not disqualified for waiting-week
24 credit or benefits for a week of unemployment if, with respect to that
25 week and at the discretion of the local employment security supervisor,
26 mandatory work search is waived due to a lack of work in the area.

27 Sec. 23.20.379. VOLUNTARY QUIT, DISCHARGE FOR MISCONDUCT, AND
28 REFUSAL OF WORK. (a) An insured worker is disqualified for waiting-
29 week credit or benefits for a week of his unemployment if he:

1 (1) left his last suitable work voluntarily without good
2 cause;

3 (2) was discharged or suspended for misconduct connected
4 with his last work;

5 (3) failed without good cause to apply for available suit-
6 able work to which he was referred by the employment office or other
7 referral agency which has an agreement with the department under sec.
8 375(d) of this chapter during a week claimed; or

9 (4) failed to accept suitable work when offered to him
10 during a week claimed.

11 (b) The disqualification provided in (a) of this section con-
12 tinues until terminated by one of the following:

13 (1) the individual has filed claims for six otherwise com-
14 pensable weeks of unemployment subsequent to the date the disqualify-
15 ing act occurred; or

16 (2) the individual has returned to full time covered employ-
17 ment and earned at least six times his weekly benefit amount.

18 * Sec. 26. AS 23.20.380 is repealed.

19 * Sec. 27. AS 23.20.381 is amended by adding new subsections to read:

20 (e) An insured worker is disqualified for benefits if the depart-
21 ment finds that after 26 weeks of continuous unemployment the indivi-
22 dual will not accept available training or employment for which he is
23 fit by training, or experience and physically capable of performing.

24 (f) An insured worker is disqualified for waiting-week credit or
25 benefits for a week of unemployment if, with respect to that week, the
26 department finds that for the week or any part of it he has received
27 or is seeking unemployment benefits under another unemployment security
28 law in a manner other than in accordance with the reciprocal arrange-
29 ments between the department and other states or the federal government.

1 If the appropriate agency makes a final determination that the worker
2 is not entitled to benefits under the other law, this subsection does
3 not apply.

4 (g) An insured worker whose occupation has been abolished due to
5 technological changes, as certified by the employment service office,
6 must be willing to be placed in any job for which he is fit by training
7 or experience, or he must be willing to be placed in a training program.
8 Failure of such an insured worker to comply with the requirements of
9 this section disqualifies him from benefits.

10 * Sec. 28. AS 23.20 is amended by adding a new section to read:

11 Sec. 23.20.383. LABOR DISPUTE DISQUALIFICATION. (a) An insured
12 worker is disqualified for waiting-week credit or benefits for a week
13 of his unemployment if, with respect to that week, the department
14 finds his unemployment is due to a stoppage of work because of a labor
15 dispute at the immediate factory, establishment, or other premises at
16 which he is or was last employed. For the purposes of this section,
17 each separate department of the same premises which is commonly con-
18 ducted as a separate business in separate premises is considered a
19 separate factory, establishment, or other premises.

20 (b) This section does not apply if the department finds that:

21 (1) the insured worker was not participating in or directly
22 interested in the labor dispute which caused the stoppage of work, and
23 he did not belong to a grade or class of workers of which, immediately
24 before the commencement of the stoppage, had members employed at the
25 premises at which the stoppage occurred and which had one or more
26 members participating in or directly interested in the dispute; or

27 (2) the labor dispute was caused by the failure or refusal
28 of an employer to conform to the provisions of an agreement or con-
29 tract between the employer and employee, or a law of the state or of

1 the United States pertaining to hours, wages or other conditions of
2 work.

3 * Sec. 29. AS 23.20.385 is amended by adding a new subsection to read:

4 (d) After 26 compensable weeks, and subject to the provisions of
5 this section, suitable work includes any employment for which the
6 claimant is fit by training or experience and physically capable of
7 performing.

8 * Sec. 30. AS 23.20 is amended by adding new sections to read:

9 Sec. 23.20.387. DISQUALIFICATION FOR MISREPRESENTATION. (a) An
10 individual is disqualified for benefits for a period not to exceed 26
11 weeks if the department finds that the individual has wilfully made a
12 false statement or misrepresentation or wilfully failed to report a
13 material fact in order to obtain any benefits under this chapter. The
14 length of this period of disqualification and the time when this
15 period begins shall be determined at the department's discretion,
16 according to the circumstances in each case. The department may waive
17 this disqualification wholly or in part as it considers proper and
18 equitable.

19 (b) No person may be disqualified from receiving benefits under
20 this provision unless there is clear evidence that he has made a false
21 statement or a misrepresentation of material fact or has failed to
22 disclose the material facts with the intent to defraud. There must be
23 evidence of an intention to defraud and the act must be wilfull and
24 knowing and must involve material facts before a determination of
25 fraudulent misrepresentation or nondisclosure may be made.

26 Sec. 23.20.388. DISQUALIFICATION FOR BENEFITS UPON CONVICTION OF
27 FRAUD IN OBTAINING BENEFITS. (a) A person who is guilty of making a
28 false statement or misrepresentation knowing it is false or of knowingly
29 failing to disclose a material fact to obtain any benefits or other

1 payments under this chapter, in addition to any penalties imposed by
2 the court, is:

3 (1) disqualified for any further benefit payments in a cur-
4 rent benefit year starting with the week number in which the conviction
5 occurred;

6 (2) disqualified for benefits based upon wages paid to him
7 in the calendar quarter in which he was convicted and on all prior
8 calendar quarters of wages which have not been used in a benefit
9 determination; and

10 (3) disqualified for benefits in any new benefit year after
11 the conviction until he has reimbursed the fund for the full amount he
12 received as a result of the false statement or misrepresentation or
13 failure to report a material fact; however, if he is otherwise eligible
14 for benefits under sec. 350 of this chapter, he may file for benefits
15 and arrange to offset the full amount for which he is liable from his
16 future benefits payable.

17 (b) The provisions of this section are in addition and suppl-
18 mental to all other provisions of this chapter pertaining to dis-
19 qualifications and recovery of improper payment.

20 * Sec. 31. AS 23.20.390(b) is amended to read:

21 (b) As soon as the department has knowledge of payments of bene-
22 fits to an individual under the circumstances mentioned in this section,
23 it shall promptly prepare and deliver or mail to the individual at his
24 last [KNOWN] address of record a notice of determination of liability
25 declaring that the individual has been determined liable to refund the
26 amount of benefits paid under the circumstances mentioned in this
27 section. The amount, if not previously collected, shall be deducted
28 from future benefits payable to the individual. However, if the
29 department determines that an individual has died, or has acted in

1 good faith in claiming and receiving benefits to which he was not
2 entitled, or [AND] that great hardship would result from charging the
3 individual with repayment of the benefits, the department may absolve
4 the individual from liability to the fund for repayment of the benefits.

5 * Sec. 32. AS 23.20.407(b) is amended to read:

6 (b) The total extended benefit amount payable to any eligible
7 individual with respect to his applicable benefit year is the least of
8 the following amounts:

9 (1) 50 per cent of the total amount of regular benefits [,
10 INCLUDING DEPENDENTS' ALLOWANCES,] which were payable to him under
11 this chapter in his applicable benefit year;

12 (2) 13 weeks of compensation for [TIMES HIS AVERAGE WEEKLY
13 BENEFIT AMOUNT, INCLUDING DEPENDENTS' ALLOWANCES, WHICH WAS PAYABLE TO
14 HIM UNDER THIS CHAPTER FOR A WEEK OF] total unemployment in the appli-
15 cable benefit year; or

16 (3) 39 weeks of compensation for [TIMES HIS AVERAGE WEEKLY
17 BENEFIT AMOUNT, INCLUDING DEPENDENTS' ALLOWANCES, WHICH WAS PAYABLE TO
18 HIM UNDER THIS CHAPTER FOR A WEEK OF] total unemployment in the appli-
19 cable benefit year, reduced by the compensation for total unemployment
20 for the number of weeks [TOTAL AMOUNT] of regular benefits which were
21 paid or considered paid to him under this chapter with respect to the
22 benefit year.

23 * Sec. 33. AS 23.20.415(a) is amended to read:

24 (a) A party entitled to notice of determination provided in sec.
25 340 of this chapter may file an appeal from the determination to an
26 appeal tribunal within the time specified in that section. However,
27 an appeal from a determination which involves sec. 383 [380(9)] of
28 this chapter shall be made to the department. The parties to an
29 appeal from a determination shall include all those entitled to notice

1 of the determination and a properly designated representative of the
2 department.

3 * Sec. 34. AS 23.20.420 is amended by adding a new subsection to read:

4 (e) Hearings under this section shall be held in population and
5 transportation centers which are reasonably accessible to the parties
6 as determined by the department. If a party does not wish to travel
7 to the designated hearing location, he may reply to a written inter-
8 rogatory form or submit a brief.

9 * Sec. 35. AS 23.20.435(a) is amended to read:

10 (a) An appeal to the department by a party is a matter of right
11 if the decision of the appeal tribunal reverses or modifies the deter-
12 mination of the department, or if a question arising under sec. 383
13 [380(9)] of this chapter is presented. In all other cases further
14 appeal to the department is permitted only at the discretion of the
15 department.

16 * Sec. 36. AS 23.20.520(12) is amended to read:

17 (12) "employing unit" means one or more departments or
18 other agencies of the state, a political subdivision of the state, an
19 individual, or a type of organization, partnership, association,
20 trust, estate, joint trust company, insurance company or domestic or
21 foreign corporation, or the receiver, referee in bankruptcy, trustee,
22 or successor of one of these, or the legal representative of a deceased
23 person, which has or subsequent to January 1, 1937, had one or more
24 individuals performing service for it within the state; if an employing
25 unit maintains two or more separate establishments inside the state
26 which fall into different major divisions, as defined in the Standard
27 Industrial Classification Manual, each such establishment is considered
28 as a separate employing unit for the purpose of this chapter; [AN
29 INDIVIDUAL PERFORMING SERVICES INSIDE THE STATE FOR AN EMPLOYING UNIT

1 WHICH MAINTAINS TWO OR MORE SEPARATE ESTABLISHMENTS INSIDE THE STATE
2 IS CONSIDERED AS EMPLOYED BY A SINGLE EMPLOYING UNIT FOR THE PURPOSES
3 OF THIS CHAPTER;] notwithstanding any provision in this chapter, any
4 employing unit which employs individuals whose services must be covered
5 by the unemployment insurance laws of this state after December 31,
6 1971 as a condition of approval of the unemployment insurance laws of
7 this state under sec. 3304(a) of the U.S. Internal Revenue Code of
8 1954, as amended, will be considered an employer as to those indivi-
9 duals and is subject to contributions on all wages paid after December
10 31, 1971, or reimbursement payments to cover benefits paid based on
11 services performed after December 31, 1971, depending on the applicable
12 law;

13 * Sec. 37. Section 1 of this Act takes effect immediately in accordance
14 with AS 01.10.070(c) and is retroactive to March 1, 1978.

15 * Sec. 38. Sections 10 - 16, 22 - 31, 33 - 35 take effect on July 1,
16 1978.

17 * Sec. 39. Sections 2 - 9, 21, and 36 take effect on January 1, 1979.

18 * Sec. 40. Sections 17 - 20 and 32 take effect on January 1, 1979 and
19 are applicable to all individuals establishing a benefit year on or after
20 that date.