

Original sponsor: Rules/Governor

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1 IN THE HOUSE BY THE RULES COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 298 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

9 * Section 1. AS 23.20.165(e) is amended to read:

10 (e) An employer shall maintain a record of the amount deducted
11 from the wages of each employee and shall furnish a statement of the
12 deductions to each employee at the times and in the manner the depart-
13 ment prescribes by regulation. No deduction may be made from those
14 wages paid to an employee during a calendar year which are in excess of
15 the wages subject to contributions under AS 23.20.175. If an employee
16 in the employ of two or more employers earns wages in one calendar year
17 totaling more than the wages subject to contributions or if an employer
18 through error makes a deduction and erroneously pays contributions or
19 interest on wages of an employee in excess of the wages subject to
20 contributions during a calendar year, the amount of deductions in excess
21 of those required by this chapter [ERRONEOUSLY PAID] may be requested
22 by the employee. Employee deductions in excess of the wages subject to
23 contributions shall be refunded to the employee by the department upon
24 application for them in accordance with regulations adopted by the
25 department. Application must be made during the calendar year after
26 the calendar year in which the deductions are made.

27 * Sec. 2. AS 23.20.362 is repealed and reenacted to read:

28 Sec. 23.20.362. DISQUALIFYING OR DEDUCTIBLE INCOME. (a) The
29 amount of benefits payable to an insured worker for a week of unemploy-

1 ment which begins in a period for which the insured worker receives a
2 pension, retirement or retired pay, annuity, or similar periodic pay-
3 ment that is based on the previous work of the insured worker, shall be
4 reduced by the amount of the payment that is attributable to that week.
5 The requirements of this subsection apply only if

6 (1) the pension, retirement or retired pay, annuity, or sim-
7 ilar periodic payment is provided under a plan maintained or contrib-
8 uted to by an employer of the insured worker during the base period of
9 the insured worker; and

10 (2) for a periodic payment other than a payment made under
11 the Social Security Act, the Railroad Retirement Act of 1974, or earli-
12 er versions of those federal laws, the service performed for an employ-
13 er by an insured worker after the beginning of the base period or remu-
14 neration for those services affects eligibility for, or increases the
15 amount of the pension, retirement or retired pay, annuity, or similar
16 periodic payment.

17 (b) The reduction of benefits provided in (a) of this section
18 does not apply to that part, if any, of a pension, retirement or re-
19 tired pay, annuity, or similar periodic payment that is attributable to
20 contributions of the insured worker.

21 (c) The amount of benefits payable to an insured worker for a
22 week of unemployment shall be reduced by the amount of any payment at-
23 tributable to that week which compensates the insured worker for a dis-
24 missal from employment without notice, or for accrued vacation, sick
25 leave, or holidays.

26 (d) An individual is not entitled to benefits for a week of unem-
27 ployment for which he has received or is seeking unemployment benefits
28 under another employment security law in a manner other than in accor-
29 dance with the reciprocal arrangements with other states or the federal

1 government. This subsection does not apply if the appropriate agency
2 finally determines that the individual is not entitled to benefits un-
3 der the other law.

4 (e) If, after a reduction of the benefit amount under (a) or (c)
5 of this section, the weekly benefit amount is not a multiple of \$1, the
6 benefit amount shall be increased to the next higher multiple of \$1.

7 * Sec. 3. AS 23.20.375(b) is amended to read:

8 (b) No benefits are payable for a waiting week and no benefits
9 are payable for a week of unemployment occurring within the benefit
10 year before the completion of the waiting week [, EXCEPT THAT NO IN-
11 SURED WORKER IS REQUIRED TO SERVE A WAITING WEEK IF THE FIRST WEEK OF
12 HIS UNEMPLOYMENT OCCURRING WITHIN A BENEFIT YEAR IS IMMEDIATELY PRE-
13 CEDED BY A WEEK OF UNEMPLOYMENT IN THE PRECEDING BENEFIT YEAR FOR WHICH
14 BENEFITS ARE PAYABLE].

15 * Sec. 4. AS 23.20.390(b) is amended to read:

16 (b) The department shall promptly prepare and deliver or mail to
17 the individual at his last address of record a notice of determination
18 of liability declaring that the individual has been determined liable
19 to refund the amount of benefits to which he is not entitled. The
20 amount, if not previously collected, shall be deducted from future
21 benefits payable to the individual. However, if the department deter-
22 mines that an individual has died, or has acted in good faith in claim-
23 ing and receiving benefits to which he was not entitled, and [OR] that
24 great hardship would result from charging the individual with repayment
25 of the benefits, the department may absolve the individual from liabil-
26 ity to the fund for repayment of all or a portion of those benefits.

27 * Sec. 5. AS 23.20.406 is amended by adding new subsections to read:

28 (c) Notwithstanding (a) and (b) of this section, an individual is
29 ineligible for payment of extended benefits for any week of unemploy-

1 ment in his eligibility period if the department finds that during that
2 period

3 (1) he failed to accept an offer of suitable work as defined
4 under (i) of this section or failed to apply for suitable work to which
5 he was referred by the department; or

6 (2) he failed to actively seek work as prescribed under (f)
7 of this section.

8 (d) An individual who has been found ineligible for extended
9 benefits under (c) of this section shall be denied benefits beginning
10 with the first day of the week following the week in which the failure
11 occurred and until he has been employed in each of four subsequent
12 weeks and has earned remuneration equal to not less than four times the
13 extended weekly benefit amount, excluding the allowance for dependents.

14 (e) An individual may not be denied extended benefits for failure
15 to accept an offer of or referral to a job that meets the definition of
16 suitable work defined in (i) of this section if

17 (1) the job was not offered to that individual in writing
18 and was not listed with the employment service;

19 (2) the failure would not result in a denial of benefits un-
20 der the definition of suitable work for regular benefit claimants in
21 AS 23.20.385 to the extent that the criteria of suitability in that
22 section are consistent with (i) of this section; or

23 (3) the individual furnishes satisfactory evidence to the
24 department that his prospects for obtaining work in his customary occu-
25 pation within a reasonably short period are good; if the evidence is
26 satisfactory for this purpose, the department shall determine whether
27 any work is suitable for that individual in accordance with the defini-
28 tion of suitable work in AS 23.20.385.

29 (f) For the purposes of (c)(2) of this section, an individual is

1 considered to be actively seeking work during a week if he furnishes
2 evidence in writing to the department that he has engaged in a systema-
3 tic and sustained effort to obtain work during that week.

4 (g) The employment service shall refer an individual who is en-
5 titled to extended benefits under AS 23.20 to any suitable work that
6 meets the criteria prescribed in (i) of this section.

7 (h) An individual is not eligible to receive extended benefits
8 for any week of unemployment in his eligibility period if the indivi-
9 dual has been disqualified for benefits because he voluntarily left
10 work, was discharged for misconduct, or refused an offer of suitable
11 work, unless the disqualification imposed for those reasons has been
12 terminated in accordance with AS 23.20.379(d).

13 (i) In this section, "suitable work" means any work that is
14 within the individual's capabilities, if

15 (1) the gross average weekly remuneration for the work

16 (A) exceeds the sum of

17 (i) the individual's average weekly benefit amount
18 as determined under AS 23.20.407, plus

19 (ii) the amount, if any, of supplemental unemploy-
20 ment benefits as defined in sec. 501(c)(17)(D) of the Inter-
21 nal Revenue Code of 1954 that are payable to the individual
22 for that week; and

23 (B) equals or exceeds the greater of

24 (i) the minimum wages provided by sec. 6(a)(1) of
25 the Fair Labor Standards Act of 1938, without regard to any
26 exemption; or

27 (ii) the state minimum wage; and

28 (2) the work is in accordance with sec. 3304(a)(5) of the
29 Internal Revenue Code of 1954, and AS 23.20.385(a).

1 * Sec. 6. AS 23.20.408 is amended by adding new subsections to read:
2 (i) Except as provided in (j) of this section, an individual is
3 not eligible for extended benefits for a week of unemployment if
4 (1) the individual files a claim for extended benefits which
5 are payable under this chapter for that week;
6 (2) the claim is an interstate claim filed in any state in
7 accordance with the interstate benefit payment arrangement under
8 AS 23.20.085; and
9 (3) an extended benefit period is not in effect for the week
10 in the state in which the interstate claim is filed.
11 (j) Subsection (i) of this section does not apply to the first
12 two weeks for which extended benefits are payable to an individual (de-
13 termined without regard to (i) of this section) under an interstate
14 claim filed in accordance with AS 23.20.085.
15 * Sec. 7. Section 1 of this Act is retroactive to January 1, 1981.
16 * Sec. 8. This Act takes effect immediately in accordance with AS 01.10.-
17 070(c).

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