

Original sponsor: Rules/Governor

Offered: 3/9/81
Referred: Rules

1 IN THE SENATE

BY THE LABOR AND
COMMERCE COMMITTEE

2 CS FOR SENATE BILL NO. 50 (L&C)

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 AS 23.20.362 is repealed and reenacted to read:

10 Sec. 23.20.362. DISQUALIFYING OR DEDUCTIBLE INCOME. (a) The
11 amount of benefits payable to an insured worker for a week of unemploy-
12 ment which begins in a period for which the insured worker receives a
13 pension, retirement or retired pay, annuity, or similar periodic pay-
14 ment which is based on the previous work of the insured worker, shall
15 be reduced by the amount of the payment which is attributable to that
16 week. The requirements of this subsection apply only if

17 (1) the pension, retirement or retired pay, annuity, or sim-
18 ilar periodic payment is provided under a plan maintained or contrib-
19 uted to by an employer of the insured worker during the base period of
20 the insured worker, and

21 (2) for a periodic payment other than a payment made under
22 the Social Security Act, the Railroad Retirement Act of 1974, or earli-
23 er versions of those federal laws, the service performed for an employ-
24 er by an insured worker after the beginning of the base period or remu-
25 eration for those services affects eligibility for, or increases the
26 amount of the pension, retirement or retired pay, annuity, or similar
27 periodic payment.

28 (b) The reduction of benefits provided in (a) of this section
29 does not apply to that part, if any, of a pension, retirement or re-

1 tired pay, annuity, or similar periodic payment which is attributable
2 to contributions of the insured worker.

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

8 (d) An individual is not entitled to benefits for a week of unem-
9 ployment for which he has received or is seeking unemployment benefits
10 under another employment security law in a manner other than in accor-
11 dance with the reciprocal arrangements with other states or the federal
12 government. This subsection does not apply if the appropriate agency
13 finally determines that the individual is not entitled to benefits un-
14 der the other law.

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

18 * Sec. 2. AS 23.20.375(b) is amended to read:

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

26 * Sec. 3. AS 23.20.390(b) is amended to read:

27 (b) The department shall promptly prepare and deliver or mail to
28 the individual at his last address of record a notice of determination
29 of liability declaring that the individual has been determined liable

1 to refund the amount of benefits to which he is not entitled. The
2 amount, if not previously collected, shall be deducted from future
3 benefits payable to the individual. However, if the department deter-
4 mines that an individual has died, or has acted in good faith in claim-
5 ing and receiving benefits to which he was not entitled, and [OR] that
6 great hardship would result from charging the individual with repayment
7 of the benefits, the department may absolve the individual from liabil-
8 ity to the fund for repayment of all or a portion of those benefits.

9 * Sec. 4. AS 23.20.406 is amended by adding new subsections to read:

10 (c) Notwithstanding (a) and (b) of this section, an individual is
11 ineligible for payment of extended benefits for any week of unemploy-
12 ment in his eligibility period if the department finds that during that
13 period

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

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

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

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

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

1 (2) the failure would not result in a denial of benefits un-
2 der the definition of suitable work for regular benefit claimants in
3 AS 23.20.385 to the extent that the criteria of suitability in that
4 section are consistent with (1) of this section; or

5 (3) the individual furnishes satisfactory evidence to the
6 department that his prospects for obtaining work in his customary occu-
7 pation within a reasonably short period are good; if the evidence is
8 satisfactory for this purpose, the department shall determine whether
9 any work is suitable for that individual in accordance with the defini-
10 tion of suitable work in AS 23.20.385.

11 (f) For the purposes of (c)(2) of this section, an individual is
12 considered to be actively seeking work during a week if he furnishes
13 evidence in writing to the department that he has engaged in a systema-
14 tic and sustained effort to obtain work during that week.

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

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

24 (i) In this section, "suitable work" means any work which is
25 within the individual's capabilities, if

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

27 (A) exceeds the sum of

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

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

5 (B) equals or exceeds the greater of

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

9 (ii) the state minimum wage; and

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

12 * Sec. 5. AS 23.20.408 is amended by adding new subsections to read:

13 (i) Except as provided in (j) of this section, an individual is
14 not eligible for extended benefits for a week of unemployment if

15 (1) the individual files a claim for extended benefits which
16 are payable under this chapter for that week;

17 (2) the claim is an interstate claim filed in any state in
18 accordance with the interstate benefit payment arrangement under AS 23.-
19 20.085; and

20 (3) an extended benefit period is not in effect for the week
21 in the state in which the interstate claim is filed.

22 (j) Subsection (i) of this section does not apply to the first
23 two weeks for which extended benefits are payable to an individual (de-
24 termined without regard to (i) of this section) under an interstate
25 claim filed in accordance with AS 23.20.085.

26 * Sec. 6. This Act takes effect immediately in accordance with AS 01.10.-
27 070(c).