

Original sponsor: Rules/Governor

Offered: 6/20/81  
Referred: Rules

1 IN THE SENATE

BY THE RULES COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 50 (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 AS 23.20.362 is repealed and reenacted to read: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 which is based on the previous work of the insured worker, shall  
4 be reduced by the amount of the payment which is attributable to that  
5 week. 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 which is attributable  
20 to 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 23.20.408 is amended by adding new subsections to read:

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

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

3 (2) the claim is an interstate claim filed in any state in  
4 accordance with the interstate benefit payment arrangement under AS 23.-  
5 20.085; and

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

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

12 \* Sec. 6. Section 1 of this Act is retroactive to January 1, 1981.

13 \* Sec. 7. This Act takes effect immediately in accordance with AS 01.10.-  
14 070(c).

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29