

2-17-82

HB, 59

NOTE REGARDING THE FOLLOWING FRAME ON MICROFILM:

COMPLETE DOCUMENT IS AVAILABLE IN ORIGINAL FILES  
IN ALASKA STATE ARCHIVES. TITLE PAGE ONLY HAS  
BEEN FILMED.

RECOMMENDED CHANGES TO THE  
ALASKAN  
WORKERS' COMPENSATION ACT

PREPARED FOR  
THE ALASKA CONFERENCE OF EMPLOYERS, INC.

§ Jack Thompson  
Air Van Lines  
2216 Post Road  
Anchorage, Alaska 99501.

REPRODUCED BY THE  
WORKERS' COMPENSATION COMMITTEE OF ALASKA, INC.

WITH THE PERMISSION OF THE  
ALASKA CONFERENCE OF EMPLOYERS, INC.

Box 1647  
Anchorage, Alaska 99501

PREPARED BY:

Edward L. Hite, Vice President  
Daryl A. Cody Company  
201 Danner Avenue  
Suite 155  
Anchorage, Alaska 99502

LABOR & COMMERCE COMMITTEE  
DAILY COMMITTEE HEARING

Date: 2/17/82

Place: \_\_\_\_\_

<u>Members</u>	<u>Present</u>	<u>Absent</u>	<u>Time Arrived</u>	<u>Time Left</u>
Rep. B. Bylsma, V. Chair	✓		1:00	1:28
Rep. D. Randolph	✓		1:12	1:28
Rep. B. Rogers	✓		1:03	1:28
Rep. T. Gardiner				
Rep. T. Martin, Chair	✓	<del>12:55</del>	12:55	

Subject Matter:

House Bill No. 159 \_\_\_\_\_

Senate Bill No. \_\_\_\_\_

Special Orders:

HOUSE LABOR & COMMERCE  
STANDING COMMITTEE  
February 17, 1982  
1:05 p.m.

Members Present: Rep. Martin, Chairman  
Rep. Bylsma, Vice-Chairman  
Rep. Randolph  
Rep. Rogers

Members absent: Rep. Gardiner

COMMITTEE CALENDAR

HB 159 An Act relating to workers' compensation;  
and providing for an effective date.

WITNFSC REGISTER

Richard Cattanach  
Vice President, Finance  
Unit Company  
8101 Old Seward Highway  
Anchorage, Alaska 99502  
349-4568

Position Statement: Suggestions for better approach to Workers  
Compensation.

Jim Robison  
W/C District Council of Laborers  
Alaska State AFL-CIO  
Box 899  
Anchorage, Alaska  
276-1640

Position Statement: Spoke of results of meeting of local union  
offices.

Bill Reeves  
Associated General Contractors  
Anchorage, Alaska  
276-5354

Position Statement: Submitted a proposed committee substitute.

Jacquelyn McClintock, Director  
Division of Workers Compensation  
Department of Labor  
PO Box 1149  
Juneau, Alaska 99811  
465-2790

Position Statement: Responded to questions.

John Lewis, consultant

Box 330550  
Miami, Florida  
305-443-8111

Position Statement: Commented on problems with workers  
compensation.

Zec Jackson, consultant  
PO Box 3130  
Anchorage, Alaska 99510  
264-2460

Position Statement: Commented on problems with workers  
compensation.

Don Koch  
Division of Insurance  
Pouch D  
Juneau, Alaska 99811  
465-2577

Position Statement: Available to answer questions.

#### PREVIOUS ACTION

HB 159

See minutes of meetings on January 25-28.

Statutory Reference: AS 18.80.220; AS 23.30

Action Taken: No formal action taken this  
date.

#### ACTION NARRATIVE

Tape #17 and 18  
Recording  
Number 000

The meeting was called to order by Chairman  
Martin at 1:05 p.m. Members present were:  
Representatives Martin, Bylsma, Rogers, and  
Randolph. Rep. Gardiner was absent. Before  
the committee was HB 159. Chairman Martin  
recapped action to date, and introduced  
Workers Compensation Board members.

Number 051

Richard Cattanach, Vice President of  
Finance, Unit Company, Anchorage, said that  
as a result of hearing, it was realized that  
a better approach to workers compensation  
was for management and labor to work out a  
compromise.

Number 075

Jim Robison, W/C District Council of Labor,  
and Alaska State AFL-CIO, said he contacted  
76 local union offices. They decided to  
discuss the bunkhouse rule, doctor shopping,

and spendable income. He told the results of the meeting.

Number 102

Bill Reeves, Associated General Contractors, went over HB 159 with suggestions for changes. (He submitted a typewritten proposed committee substitute, entitled, "Labor/Management Work Draft", dated 2/13/82, which is available for inspection from the committee.) Reeves noted that Section 7 of the Labor & Commerce committee substitute should have been included in the labor/management workdraft.

Number 330

Rep. Martin asked what security an injured employee has that the employer has forwarded a notice of injury. Jackie McClintock, Director of the Division of Workers Compensation, responded that there are penalties to employers who do not provide notice. Jeff Barry, committee aide, added that there is a problem in that area. There was discussion of proof for the employee that the claim is forwarded.

Number 462

Reeves resumed his testimony, going over the labor/management workdraft section by section.

Side B, Number 243

Reeves noted that in Sec. 33, it should be added that people who have opted out of the social security program would have spendable income computed as though they had not opted out. He recommended checking some definitions and other changes that were not included in the labor/management workdraft.

Number 309

Rep. Martin said that, during testimony taken in the interim, concern was expressed about employers being unwilling to rehire injured workers. Cattanach responded that they are concerned about that, but don't know the magnitude of the problem, or if Section 1 of the Labor & Commerce proposed committee substitute is the solution. He said he hated to see legislation that created a larger problem. There was discussion.

Number 412

Barry referred to page 2 of the labor/management workdraft, regarding incentives and disincentives to employees, and referenced Florida law. Barry said his understanding is that, in collective

bargaining, unions do not refer people with physical impairments. Employers who are or would attempt to employ rehabilitated or injured employees could be stymied by other employers who refuse. He gave an example of this situation. He said there is no recourse, and that it shifts the liability to employers who attempt to work with injured employees. There was discussion.

Number 550

Reeves said the real problem is that there is no incentive to the employer to hire injured workers who are not former employees. Barry said the other half of the problem is employers who won't hire because the applicant has at one time filed a workers compensation claim. He expanded on instances of this and problems created by this attitude. Cattnach said the goal is the same, the question is the means of attaining the goal. He asked the committee to give them a year to look at the problem to determine the best solution. There was discussion.

Number 650

John Lewis, workers compensation consultant from Florida, said that Florida and other states with through the same experience. He said there were two problems: 1) rehiring an injured employee, for which there is direct incentive in Alaska; and 2) regarding not hiring people who have formerly filed a workers compensation claim, he said to look at civil court remedies, human rights commission, educational process, and rationality in the workers compensation system. Lewis said it is hard to prove that an employer is denying an applicant or former employee work on the basis of discrimination because that applicant had previously filed a workers compensation claim. He recommended waiting the year requested before taking action, if possible.

Tape 2, Number 053

Zee Jackson, consultant from Anchorage, said you can't legislate "good faith". She said federal laws exist prohibiting employers from discriminating against handicapped workers, but one of the problems is proving discrimination. She said the process is one of education and evolution. She doesn't feel that a law such as that in section 1 of the Labor & Commerce workdraft will assist in achieving "return to work". She felt it

was an ongoing problem that requires continuous work and the efforts of everyone involved. She favors the parties working together and setting goals.

Number 118

Martin asked if the labor/management bill addresses all the problems. Jackson responded that it is a good mechanism, and that the effort should be applauded. There was discussion.

Number 170

Cattanach said they would not look favorably at taking parts of the labor/management bill out. Rep. Martin requested information from Don Koch, Division of Insurance, about benefits and ratings as set forth in the labor/management workdraft. Koch responded. There was discussion of cost savings.

Number 220

As there was no further business to come before the committee, the meeting was adjourned at 2:53.

## SIGN-IN SHEET

Name (please print)	Address	Representing	Testify? (YES or NO)	Phone Number
Ze JACKSON	P.O. Box 3130, Anch. 99510	Self	?	264-2460
DR. [unclear]	Juneau	ASDCL.	No.	586-3107
R. CATTANACH	ANCHORAGE	WCCA	Yes	349-7528
Will <sup>the</sup> Reeves	Anch	AGC	YES	276-5359
JIM ROBISON	Box 999 ANCH	W/C District Council of Lab. Alaska State AFL-CIO	Yes	276-1640
Constance Bastian	3301 Eagle Anch	W/C Division, St/AIC	No	264-2424
[unclear]	POB 60005 FAI	W.C. - AWCB	NO	452-1800
Ann S Pitengui	6602 Pokeway Anch 99502	Member / Worker Camp	NO	243-7238
John Lewis	Box 730550, Miami, FL	—	Y	305-443-1111
Peter P. Hall	1210 W 47 APT 4	WORKMANS COMP	NO	276-5829
Paul R. Troch	5921 sunset	Self	NO	586-2521
Eileen [unclear]	4800 [unclear] Rd.	Sec. Inv. Fund	no	2766
Lucille Olson	Box 1914 Fly	Dist. Labor / AWCB	NO	488-6803
K. S. Knudsen	3301 Eagle Anch	W/C Div: AWCB	NO	264-2424
H. E. COOK	Box 1914 FBX	Dist Labor / AWCB	NO	488-6803
DON KOCH	POUCH D JUNEAU	DIV OF INSURANCE	NO	465 2571
MICHAEL THOMAS	Box 1211 Juneau	Am. Ins. Ass'n	NO	5863340
Clean Alina		A. H. C.	NO	6-1740
Bill SCHNEIDER	Box 4-2500 Anch, AK 99509	A. G. C.	NO.	276-5354
Tom Cashen	3200 Foster Juneau	IBEW Local 1547	NO	586-3000



2/17/82

1:05

000

START

HB 159

Call to order by Martin; recapped action to date

035

Intro of WC Board members

051

Richard Cattanach - as result of his, realized better approach, was for mgmt & labor to wk out compromise.

~~selected~~ selected people to look at HB 159.

075

Jim Robinson - contacted 76 local union ofcs.

decided to discuss bunkhouse rule, dr shopping, & spendable income. Told about results of mtg.

102

Bill Reeves went over HB 159 w/ suggestions for changes & (submitted written proposed bill substitute) ~~for~~ intent.

entitled "Labor/Mgmt Work Draft, 2/13/82, for CS for HB 159 (L&C)"))

Noted that sec. 7 of committee's CS shd have been included in their draft.

330

405

Martin asked what security inj's employee has that employer has forwarded notice of inj.

McClintock responded that there are penalties to employer Barry - regmt ~~and~~ that must be forwarded; prob in that area.

432

Reeves resumed testimony; noted that employer is req'd to file notice

440

Discussion of proof for employee that claim is forwarded.

462

Reeves resumed testimony (their sec. 14, <sup>corresponding to</sup> L&C CS sec 10)

557

Qstns by Barry <sup>+ Martin</sup> re spendable <sup>weekly</sup> wage; discussion

(sec. 19 of their draft, p. 7)

609 Reeves resumed testimony (sec 20, 21, 22 corresponding to L&C 13, 14 & 15)

000  
Side B (at sec 29)

173 sec 33 corresponding to L&C sec 20

243 sec 33 need to add that persons who have opted out of SS program and have spendable income computed as though they had not opted out.

285 Recommended checking some definitions & other things that were not included in their draft CS.

309 Martin commented on presentation.

332 Martin - during testimony taken in intercom, concern was expressed abt employers being unwilling to rehire rehabilitated injured wkr.

347 Cattanaach - concerned abt that but don't know magnitude of prob or if this (ref sec 1 of W&C CS) is solution. Hate to see legislation that creates larger problem.

375 Discussion.

412 Barry - ref'd p. 2 of their draft re "incentives & disincentives to employers". Ref'd Florida law. Barry's understanding that in collective bargaining, unions no longer refer people w/ physical impairments. Employers who are/were attempt to employ... <sup>(injured/rehabilitated employees)</sup> ... can be stymied by other employers who refuse. Gave example, & said there is no recourse; shifts liability to employers who attempt to wk w/ injured employees - they pay add'l expense.

Martin spoke of employers he had heard of who did this, & of Doc's testimony in that regard.

514

Cattanach

- ~~to~~ think there may be a variety of approaches to problem; don't like CoC Sec 1. Need more study. ~~type~~

535

discussion - Martin, Cattanach, Robinson, Reeves.

550

Reeves - Real problem is no incentive to ~~to~~ hire injured who who aren't former employees.

567

Barry - other half of prob is employers who won't hire because <sup>potential</sup> ~~employee~~ applicant has <sup>at the time</sup> filed a WC claim.

Expanded on instances of this & problems created by this attitude.

626

Cattanach

, goal is the same, just is means. Asking committee to give them a year to look at problem to determine best solution.

640

Discussion.

650

John Lewis - Florida & other states went th/same experience.

2 prob - 1) rehiring <sup>injured</sup> employee - direct incentive (in Ak) to rehire; 2) re not hiring people who have formerly

filed w/c claim - look at civil court remedies, human rights comm, educational process, & rationality in w/c system. Hard to prove that employer is denying applicant/former employee work on basis of discrimination because of filing w/c claim. Recommended waiting they requested if possible.

000  
Tape 2

053

See Jackson - Can't legislate "good faith." Federal laws exist prohibiting employers not hiring handicapped who; one of problems was proving discrimination. & Process is one of education & evolution. ~~Can't "strong arm"~~

085 Doesn't feel a law (ref. Sec 1) will assist in achieving return to work. Ongoing problem, requires continuous work, requires efforts of everybody. Favors parties wkg together, setting goals.

118 Martin asked if their bill addresses all points Jackson - good mechanism; outlining, delineating program positive. Effort to be applauded.

~~133 Martin asked if L. Martin~~

Discussion Robinson, Martin, Barry. Barry noted new fiscal note will be needed if their bill is considered.

Felt all gpts shd be given opportunity to comment on changes; too unrealistic to look at couple wks min. for bill. There was assurance from McClinton (ref/n) & Lewis that info will be made available ASAP.

Discussion,

170 Cattanach said they wd not look favorably at taking parts of bill out; prefer total look. Martin requested info from Koch re benefits & ratings (ref new (their) draft). Koch responded. - session re cost savings.

220

Mtg adj 2:53

LABOR/MANAGEMENT WORK DRAFT

FEBRUARY 13, 1982

Original Sponsor: Rules/Legislative Council

IN THE HOUSE

BY THE LABOR AND  
COMMERCE COMMITTEE

CS FOR HOUSE BILL NO. 159 (L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWELFTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to workers' compensation; and providing for an effective date."

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

\* Section 1. AS 23.30.025 is amended by adding a new subsection to read:

*Sec 2  
No change*

(c) An insurer may issue a policy of insurance insuring the payment of benefits under this chapter which provides for a deductible amount to be paid by the employer. A policy with a deductible provision must be approved by the director of insurance and must provide that the deductible amount be paid by the insurer to the employee on behalf of the employer. After payment of the deductible by the insurer, the insurer may recover the deductible amount from the employer. The failure of an employer to reimburse an insurer for the deductible amount does not relieve the insurer from any other obligation it may have under the policy of insurance. An insurer is not required to apply for a deviation under AS 21.39.070 in order to issue a policy under this subsection. This subsection does not apply to a policy of excess insurance purchased by a self-insurer.

\* Sec. 2. AS 23.30.040(e) is repealed and reenacted to read:

*NEW*

(e) The board may authorize payment from the second injury fund of:

(1) up to \$200 per month for maintenance to an employee being rehabilitated under § 41 of this chapter who suffers an extreme financial hardship;

(2) rehabilitation expenses exclusive of costs for provider services and testing.

\* Sec. 3. LEGISLATIVE INTENT. It is the intent of the legislature that an injured worker receive rehabilitation services which enhance returning to work as quickly as possible at earnings as close as possible to his gross earnings at the time of the injury. The legislature recognizes five rehabilitation goals in a workers' compensation program:

- NEW*
- (1) Early identification of injured workers who will eventually need rehabilitation;
  - (2) Use of competent rehabilitation providers;
  - (3) Opportunities for return to direct employment;
  - (4) Maintaining an atmosphere conducive to rehabilitation;
  - (5) Providing incentives and removing disincentives to rehabilitation.

The Department of Labor shall adopt regulations in accordance with AS 23.30.005 to accomplish these goals.

*NEW*

\* Sec. 4. The board shall select and employ a rehabilitation administrator and may authorize the rehabilitation administrator to select and employ rehabilitation monitors.

*NEW*

\* Sec. 5. The rehabilitation administrator is a partially exempt service under AS 39.25.120. The monthly salary of the rehabilitation administrator is equal to Step A, Range 22 of the salary schedule in AS 39.27.011(a) for Anchorage.

\* Sec. 6 AS 23.30 is amended by adding a new section to read:

Sec. 23.30.041. REHABILITATION OF INJURED WORKERS. (a) The rehabilitation administrator shall implement the provisions of this section. The rehabilitation administrator shall continuously study the issue of rehabilitation, both physical and vocational, and shall investigate and maintain a directory of all qualified rehabilitation facilities, agencies, and providers, both public and private.

(b) When an employee suffers an injury covered by this chapter which precludes his return to suitable gainful employment, he shall be entitled to prompt rehabilitation services. The employer or carrier, at its own expense, shall provide for necessary and appropriate rehabilitation services. If rehabilitation services are not voluntarily offered, the rehabilitation

administrator, if he deems the services necessary and appropriate, may retain a rehabilitation provider at the expense of the employer or carrier.

(c) Rehabilitation services shall not exceed 37 weeks, provided, however, the rehabilitation services may be extended an additional 37 weeks if the rehabilitation administrator determines that special circumstances exist. Nothing in this subsection precludes an employer or carrier from providing rehabilitation services beyond such period on a voluntary basis. Where rehabilitation requires residence at or near a facility or institution, away from the employee's customary residence, reasonable cost of board, lodging and travel shall be paid by the employer.

(d) Temporary disability benefits paid pursuant to §§ 185 or 200 of this chapter shall include such period as may be reasonably required for training in the use of artificial members and appliances, and shall be paid throughout the rehabilitation process.

(e) The rehabilitation provider shall file a plan for approval with the rehabilitation administrator in accordance with board regulations. Within ten (10) days of the rehabilitation administrator's decision any party may seek review of the decision by requesting a hearing in accordance with § 110 of this chapter. A decision by the rehabilitation administrator is presumed valid absent a showing of clear error.

(f) Refusal by an injured employee to participate in an evaluation or a plan approved by the rehabilitation administrator shall result in a forfeiture of disability compensation for the period such refusal persists. However, if an employee commences participation in an evaluation or plan of rehabilitation within two months from the date of such refusal, and successfully completes such rehabilitation plan or evaluation by becoming employed for a period of thirty consecutive business days following the completion of the rehabilitation program, he shall receive a lump sum payment of 25% of the compensation forfeited by him. Such lump sum payment is available only once to an employee refusing rehabilitation. The rehabilitation administrator may find that an employee refuses to participate in an evaluation or vocational plan if, the employee fails to cooperate with the rehabilitation provider, or if the employee, or anyone acting on the employee's behalf, interferes with the rehabilitation process.

\* Sec. 7. AS 23.30.045 (a) is amended to read:

(a) An employer is liable for and shall secure the payment to his employees of the compensation payable under §§ 41, 50, 95, 145, and 180 - 215 of this chapter. If the employer is a subcontractor, the contractor is liable for and shall secure the payment of the compensation to employees of the subcontractor unless the subcontractor secures the payment.

\* Sec. 8. AS 23.30.045 (c) is amended to read:

(c) For a person eligible for vocational rehabilitation service under this chapter or AS 23.15.080 [AND] who is placed with an employer for service [WITHOUT WAGES] at the request of the board or the division [OFFICE] of vocational rehabilitation to give him on the job training, work readiness, [OR] work therapy experience [,] or work sampling, the liability set out in (a) of this section applies to the state rather than to the employer.

\* Sec. 9. AS 23.30.080 is amended by adding a new subsection to read:

(d) If an employer fails to insure or provide security as required by AS 23.30.075, the board may issue a stop order prohibiting the use of employee labor by the employer until the employer insures or provides security as required by AS 23.30.075. [The failure of an employer to file evidence of compliance as required by AS 23.30.085 shall create a rebuttable presumption that the employer has failed to insure or provide security as required by AS 23.30.075.] If an employer fails to comply with a stop order issued under this section, the board shall assess a civil penalty of \$1,000 per day. The employer may not obtain a public contract with the state or any of its political subdivisions for three years following the violation of the stop order.

\* Sec. 10. AS 23.30.095(e) is amended to read:

(e) The employee shall, after an injury, at reasonable times during the continuance of his disability if requested by his employer or, when ordered by the board, submit himself to an examination by a physician or surgeon authorized to practice medicine under the laws of the state in which the employee may be found, furnished and paid for by the employer. [THE EMPLOYEE HAS THE RIGHT TO HAVE A PHYSICIAN, PAID FOR BY THE EMPLOYER, PRESENT AT THE EXAMINATION OR

EXAMINATIONS.] No fact relative to the injury or claim communicated to or otherwise learned by physician or surgeon who may have attended or examined the employee, or who may have been present at an examination is privileged, either in the hearings provided for in this chapter or an action to recover damages against an employer who is subject to the compensation provisions of this chapter. If an employee refuses to submit himself to any examination provided for in this section [HEREIN], his rights to compensation shall be suspended until the obstruction or refusal ceases, and his compensation during the period of suspension may, in the discretion of the board or the court determining an action brought for the recovery of damages under this chapter [HEREUNDER], be forfeited. The board in any case of death may require an autopsy at the expense of the party requesting the autopsy. No autopsy may be held without notice first being given to the widow or widower or next of kin if they reside in the state or their whereabouts can be reasonably ascertained, of the time and place of the autopsy and reasonable time and opportunity given the widow or widower or next of kin to have a representative present to witness the autopsy. If no adequate notice is given, the findings from the autopsy may be suppressed on motion made to the board or to the superior court, as the case may be.

\* Sec. 11. AS 23.30.095 is amended by adding a new section to read:

(j) the board shall adopt and use a schedule for determining the existence and degree of permanent impairment based upon medically or scientifically demonstrable findings.

\* Sec. 12. AS 23.30 is amended by adding a new section to read:

AS 23.30.097. RELEASE OF INFORMATION. Upon request the employee shall provide written authority to the employer, carrier, rehabilitation provider and rehabilitation administrator to obtain medical and rehabilitation information relative to his injury.

\* Sec. 13. AS 23.30.<sup>100</sup>~~105~~(d)(2) is amended to read:

2. If the board excuses the failure on the ground that for some satisfactory reason notice could not be given; however, when the delay in giving notice is so excused, notwithstanding the provisions of AS 23.30.120, the burden of proof as to the validity of the claim shall shift to the employee;

\* Sec. 14. AS 23.30.110(c) is amended to read:

(c) The board shall make the investigation which it considers necessary with [IN] respect to [OF] the claim, and upon application of an interested party shall provide an opportunity for [ORDER] a hearing on it. If a hearing on a claim is ordered, the board shall give the claimant and other interested parties at least 10 days' notice of hearing, served personally upon the claimant and other interested parties or sent by registered mail, and shall, within 30 [20] days after the hearing record closes [IS HAD], by order, reject the claim or make an award in respect to it. If a hearing is continued by the board, additional notice under this subsection is not required. [IF NO HEARING IS ORDERED WITHIN 20 DAYS AFTER NOTICE IS GIVEN AS PROVIDED IN (b) OF THIS SECTION. THE BOARD SHALL BY ORDER REJECT THE CLAIM OR MAKE AN AWARD IN RESPECT TO IT.]

\* Sec. 15. AS 23.30.120(3) is amended to read:

(3) The injury was not proximately caused by the employee being under the influence of an intoxicating liquor or drugs [OCCASIONED SOLELY BY THE INTOXICATION OF THE INJURED EMPLOYEE];

\* Sec. 16. AS 23.30 is amended by adding a new section to read:

Sec. 23.30.122. CREDIBILITY OF WITNESSES. The board has the sole power to determine the credibility of a witness. A finding by the board concerning the weight to be accorded any witnesses testimony, including medical testimony and reports, is conclusive even though the evidence is conflicting or susceptible to contrary conclusions. The findings of the board shall be subject to the same standard of review as a jury's finding in a civil action.

\* Sec. 17. AS 23.30.155(j) is amended to read:

(j) If an employer has made advance payments or overpayments of compensation, he is entitled to be reimbursed, after approval by the board, out of any unpaid installment or installments of compensation due.

\* Sec. 18. AS 23.30.155 is amended by adding new subsection to read:

(n) If the board determines that it is in the interest of an injured employee, and the parties agree, the liability of the employer for all or part of compensation payable under AS 23.30.190 <sup>(a)(1)-(4)</sup> may be discharged by the payment of a lump sum.

\* Sec. 19. AS 23.30.175(a) is amended to read:

(a) The weekly rate of compensation for disability or death for a recipient residing in Alaska may not exceed the percentage of the Alaska average weekly wage in effect on the date of injury as determined by the table contained in this subsection and initially may not be less than \$110 [65] a week. However, if the board determines that the employee's spendable [AVERAGE] weekly wages are less than \$110 [65] a week as computed under § 220 of this chapter, it shall issue an order decreasing the weekly rate of compensation to a rate equal to the employee's spendable [AVERAGE] weekly wages, and payments made earlier in excess of the decreased rate shall be deducted from the unpaid compensation in the manner the board determines. In any case, the employer shall pay timely compensation.

On	The Rate Shall Be
July 1, 1975	80% of the Alaska Average Weekly Wage
January 1, 1976	100% of the Alaska Average Weekly Wage
January 1, 1977	133.3% of the Alaska Average Weekly Wage
January 1, 1979	166.6% of the Alaska Average Weekly Wage
January 1, 1981	200% of the Alaska Average Weekly Wage

\* Sec. 20. AS 23.30.175(b) is repealed and reenacted to read:

(b) After June 30 and before December 1 of each year, the commissioner shall adopt and publish the average weekly wage for each jurisdiction for the preceding calendar year as published by the United States Secretary of Labor for the purposes of unemployment insurance. In determining the rate of compensation the commissioner shall use the average weekly wage figure for each jurisdiction, including Alaska, for which the Secretary of Labor computes an average weekly wage. These figures are the applicable average weekly wages for those jurisdictions for the following calendar year.

\* Sec. 21. AS 23.30.175(c) is repealed and reenacted to read:

(c) The following rules apply to recipients who do not reside in Alaska:

(1) The weekly rate of compensation shall be calculated by multiplying the recipient's weekly compensation rate calculated in accordance with § 180, 185, 190, 200 or 215 of this chapter times the ratio of the average weekly wage of the jurisdiction in which the recipient resides to the average weekly wage of Alaska. The rate is based on the average weekly wages in effect when the recipient leaves Alaska and shall be adjusted annually upon publication of the average weekly wages for all jurisdictions.

(2) The calculation required by this subsection does not apply if the recipient is absent from Alaska for medical or rehabilitation services not reasonably available in Alaska.

(3) If the spendable weekly wage of the recipient and the resulting compensation rate is determined under AS 23.30.220(2) the calculation required by this subsection applies to only those gross earnings earned in Alaska.

(4) Application of this subsection may not result in a reduction of the weekly compensation rate to less than \$110 a week except as provided in (a) of this section.

\* Sec. 22. AS 23.30.175(d) is repealed and reenacted to read:

(d) In a jurisdiction for which no average weekly wage is computed by the United States Secretary of Labor for the purposes of unemployment insurance, the average weekly wage shall be as determined by the commissioner.

\* Sec. 23. AS 23.30.180 is amended to read:

Sec. 23.30.180. PERMANENT TOTAL DISABILITY. In case of total disability adjudged to be permanent 80 [66-2/3] per cent of the injured employee's spendable [AVERAGE] weekly wages shall be paid to the employee during the continuance of the total disability. Loss of both hands, or both arms, or both feet, or both legs, or both eyes, or of any two of them, in the absence of conclusive proof to the contrary, constitutes permanent total disability. In all other cases permanent total disability is determined in accordance with the facts.

\* Sec. 24. AS 23.30.185 is amended to read:

Sec. 23.30.185. COMPENSATION FOR TEMPORARY TOTAL DISABILITY. In case of disability total in character but temporary in quality 80 [66-2/3] per cent of the injured employee's spendable [AVERAGE] weekly wages shall be paid to the employee during the continuance of the disability.

\* Sec. 25. AS 23.30.190 is amended to read:

Sec. 23.30.190. COMPENSATION FOR PERMANENT PARTIAL DISABILITY. (a) In case of disability partial in character but permanent in quality the compensation is 80 [66-2/3] per cent of the injured employee's spendable [AVERAGE] weekly wages in addition to compensation for temporary total disability or temporary partial disability paid in accordance with §§ 185 or 200 of this chapter, respectively, and shall be paid to the employee as follows:

- (1) arm lost, 280 weeks compensation, not to exceed \$59,000 [\$43,680];
- (2) leg lost, 248 weeks compensation, not to exceed \$54,400 [\$40,320];
- (3) hand lost, 212 weeks compensation, not to exceed 45,400 [\$33,600];
- (4) foot lost, 173 weeks compensation, not to exceed 39,700 [\$28,700];
- (5) eye lost, 140 weeks compensation, not to exceed \$30,200 [\$22,400];
- (6) thumb lost, 51 weeks compensation, not to exceed \$14,000 [\$10,400];
- (7) first finger lost, 28 weeks compensation, not to exceed \$8,700 [\$6,440];
- (8) great toe lost, 26 weeks compensation, not to exceed \$7,200 [\$5,320];
- (9) second finger lost, 18 weeks compensation, not to exceed \$5,700 [\$4,200]; third finger lost, 18 weeks compensation, not to exceed \$4,700 [\$3,500];
- (10) toe other than great toe lost, 8 weeks compensation, not to exceed \$3,000 [\$2,240];
- (11) fourth finger lost, 7 weeks compensation, not to exceed <sup>2,800</sup>~~\$2,000~~ \$2,100 [\$2,100];

- (12) loss of hearing of one ear, 52 weeks compensation, not exceeding \$9,800 [\$7,280]; loss of hearing of both ears, 200 weeks compensation, not to exceed \$37,800 [\$28,000] No benefit is payable for loss of hearing above 3,000 cycles per second;
- (13) compensation for loss of more than one phalange of a digit shall be the same as for loss of the entire digit; compensation for loss of the first phalange is one-half of the compensation for loss of the entire digit;
- (14) amputation between the elbow and the wrist is considered equivalent to the loss of an arm, and amputation between the knee and ankle is considered equivalent to the loss of a leg;
- (15) compensation for loss of binocular vision or for 30 per cent or more of the vision of an eye is the same as for loss of the eye;
- (16) compensation for loss of two or more digits, or one or more phalanges of two or more digits of a hand or foot may be proportioned to the resulting loss of use of the injured hand or foot, but may not exceed the compensation for loss of a hand or foot;
- (17) compensation for permanent total loss of use of a member is the same as for loss of the member;
- (18) compensation for permanent partial loss or loss of use of a member may be for proportionate loss or loss of use of the member;
- (19) in addition to other allowable compensation, the board shall award proper and equitable compensation up to \$10,000 for
- (A) serious disfigurement of face, head and, when such disfigurement is likely to handicap the employee in securing or holding employment, for serious disfigurement of neck or limbs normally exposed, or
- (B) partial or total loss of or loss of use of a part or function of the body not otherwise provided for under this section;
- (20) in all other cases in this class of disability the compensation is 80 [66-2/3] per cent of the difference between his spendable [AVERAGE] weekly wages and his wage-earning capacity after the injury in the same employment or otherwise, payable during the continuance of the partial disability, but subject to modification [RECONSIDERATION OF THE DEGREE OF THE IMPAIRMENT] by the board on its own motion or upon application of a party in interest; Whenever the board determines that it is in the interest of justice, the liability of the employer for compensation, or any part if it as determined by the board, may be discharged by the payment of a lump ~~sum~~  
*u*;
- (21) in a case in which there is a loss of, or loss of use of more than one member or parts of more than one member set out in (1) - (18) of this section, not amounting to permanent total disability, the award of compensation is for the loss of, or loss of use of, each member or part of the member, which awards shall run consecutively, except that where the injury affects only two or more digits of the same hand or foot, (16) of this section applies.
- (b) Total compensation paid under (a)(20) of this section may not exceed \$75,000 [60,000].

\* Sec. 26. AS 23.30.200 is amended to read:

Sec. 23.30.200. TEMPORARY PARTIAL DISABILITY. In case of temporary partial disability resulting in decrease of earning capacity the compensation shall be 80 [66-2/3] per cent of the difference between the injured employee's spendable [AVERAGE] weekly wages before the injury and his wage earning capacity after the injury in the same or another employment, to be paid during the continuance of the disability, but not to be paid for more than five years.

\* Sec. 27. AS 23.30.210 is amended to read:

Sec. 23.30.210. DETERMINATION OF WAGE-EARNING CAPACITY. (a) In a case of partial disability under § 190(20) or 200 of this chapter the wage-earning capacity of an injured employee is determined by his actual spendable weekly wage [EARNINGS] if the actual spendable weekly wage [EARNINGS] fairly and reasonably represents his wage-earning capacity. If the employee has no actual spendable weekly wage [EARNINGS] or his actual spendable weekly wage [EARNINGS] does not fairly and reasonably represent his wage-earning capacity, the board may, in the interest of justice, fix the wage-earning capacity which is reasonable, having due regard to the nature of his injury, the degree of physical impairment, his usual employment, and any other factors or circumstances in the case which may affect his capacity to earn wages in his disabled condition, including the effect of disability as it may naturally extend into the future.

\* Sec. 28. AS 23.30.215(a) is amended to read:

(a) If the injury causes death, the compensation is known as a death benefit and is payable in the following amounts to and for the benefit of the following persons:

- (1) reasonable and necessary funeral expenses not exceeding \$2,500 [\$1,000];
- (2) if there is a widow or widower or a child or children of the deceased, the following percentages of the spendable [AVERAGE] weekly wages of the deceased:

(A) 80 [66-2/3] per cent for the widow or widower with no children;

(B) 40 [33-1/3] per cent for the widow or widower with one child and 40 [33-1/3] per cent for the child;

(C) 25 [20] per cent for the widow or widower with two or more children and 55 [46-2/3] per cent divided equally among the children'

(D) [deleted]

(E) 80 [66-2/3] per cent for an only child when there is no widow or widower;

(F) [deleted]

(G) 80 [66-23/] per cent, divided equally, if there are two ~~more~~ <sup>or</sup> more children and no widow or widower;

(3) if the widow or widower remarries, she or he is entitled to be paid in one sum an amount equal to the compensation to which the widow or widower would otherwise be entitled in the two years commencing on the date of remarriage as full and final settlement of all sums due the widow or widower;

(4) if there is no widow or widower or child or children, then for the support of father, mother, grandchildren, brothers, and sisters, if dependent upon the deceased at the time of injury, 40 [35] per cent of the spendable [AVERAGE] weekly wage of the deceased to such beneficiaries, share and share alike, not to exceed \$20,000 in the aggregate.

\* Sec. 29. AS 23.30.215(b) is amended to read:

(b) In computing death benefits, the spendable [AVERAGE] weekly wage of the deceased shall be computed under § 220 of this chapter and shall be paid in accordance with § 155 of this chapter and subject to the weekly maximum limitation in the aggregate as provided in § 175 of this chapter, but the total weekly compensation may not be less than \$75 [45] for a widow or widower nor less than \$25 [15] weekly to a child or \$50 [30] for children.

\* Sec. 30. AS 23.30.220 is repealed and reenacted to read:

Sec. 23.30.220 DETERMINATION OF SPENDABLE WEEKLY WAGE. Except as otherwise provided in this chapter, the spendable weekly wage of the injured employee at the time of the injury is the basis for computing compensation, and shall be the employee's gross weekly earnings minus payroll tax deductions. The gross weekly earnings shall be calculated as follows:

(1) if at the time of the injury the employee has been in the gainful employ of the employer for the full reporting quarter immediately preceding the time of injury, the gross weekly earnings shall be computed by dividing by thirteen the gross earnings said employee earned in the employ of the employer in that reporting quarter.

(2) if at the time of the injury the employee has not been in the employ of the employer for the full reporting quarter immediately preceding the time of injury, the gross weekly earnings shall be computed by dividing 100 into the gross earnings of the employee in the two calendar years immediately preceding the injury.

(3) if the board determines that the gross weekly earnings at the time of the injury cannot be fairly calculated under (1) or (2) of this section, or cannot otherwise be ascertained without undue hardship to the employee, the gross weekly earnings for calculating compensation shall be the usual gross earnings for similar service rendered by paid employees under similar circumstances as determined by the board;

(4) if an employee is a minor or an apprentice, or a trainee, as determined by the board, when injured, and under normal conditions his wages would increase during the period of disability, this fact may be considered by the board in computing his gross weekly earnings;

(5) if the employee is injured while performing his duties as a volunteer ambulance attendant, policeman or fireman, the gross weekly earnings calculating compensation shall be the minimum gross weekly earnings paid a full-time ambulance attendant, policeman or fireman employed, at a reasonable figure previously set by the subdivision to make this determination and in no case may the gross weekly earnings for calculating compensation be less than the minimum wage computed on the basis of 40 hours work per week.

\* Sec. 31. AS 23.30 is amended by adding a new section to read:

Sec. 23.30.227. OTHER BENEFITS. No compensation shall be payable to an employee under §§ 180 or 185 of this chapter for any week in which the employee receives unemployment benefits (AS 23.20).

\* Sec. 32. AS 23.30.235 is repealed and reenacted to read:

Sec. 23.30.235 CASES IN WHICH NO COMPENSATION IS PAYABLE. No compensation under this chapter shall be allowed for an injury:

(1) proximately caused by the employee's willful intent to injure himself or to willfully injure another;

(2) proximately caused by the employee being under the influence of an intoxicating liquor or drugs unless such drugs are being taken in quantities prescribed by employee's physician.

\* Sec. 33. AS 23.30.250 is amended to read:

Sec. 23.30.250. PENALTY FOR MISREPRESENTATION. A person who willfully makes a false or misleading statement or representation for the purpose of obtaining a benefit or payment under this chapter is guilty of theft as defined in AS 11.46.100(3) and is punishable as provided in AS 11.46.120 - 11.46.150 [A MISDEMEANOR, AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000, OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY BOTH].

\* Sec. 34. The board shall publish Sections 32 and 33 of this Act in a booklet defining the employee's rights and obligations under the Alaska Workers Compensation Act. The booklet shall be mailed to an injured worker upon notice of an injury.

\* Sec. 35. AS 23.30.265 is amended by adding new paragraphs to read:

(29) "arising out of and in the course of employment" includes employer required or supplied travel to and from a remote job site; activities performed at the direction or under the control of the employer; and employer sanctioned activities at employer provided facilities; but excludes activities of a personal nature away from employer provided facilities.

(30) "under the influence of an intoxicating liquor or drugs" means not only all well-known and easily recognized conditions and degrees of intoxication, but any abnormal mental or physical condition which is the result of indulging intoxicating liquors or drugs, and which, to an appreciable degree, deprives one of that clearness of intellect and control of himself which he would otherwise possess.

(31) "drugs" means a controlled substance or cannabis as further defined in AS. 11. 1.900.

(32) "gross earnings" means recurring payments by employer to the employee for employment before any authorized or lawfully required deduction or withholding of funds by the employer, excluding irregular bonuses, reimbursement of expenses, expense allowances, and any benefit or payment to the employee which is not taxable to the employee during the pay period. The value of room and board to the employee may be considered in determining gross earnings for those employees with gross weekly earnings which are less than the Alaska average weekly wage at the time of injury.

(33) "payroll taxes" means the following:

(a) An amount equal to the amount which would be withheld pursuant to withholding tables in effect on July 1 preceding the injury under the Internal Revenue Code of 1954, and regulations pursuant thereto, as amended, as though the employee had elected to claim the maximum number of dependants for actual dependency, blindness and old age to which the employee is entitled on the date on which he was injured; and,

(b) An amount equal to the amount required on July 1 preceding the injury by the Social Security Act of 1935 as amended to be deducted or withheld from the amount of earnings of the employee at the time of the injury as if the earnings were earned at the beginning of the calendar year in which he was injured; and,

(c) And any other legislative mandated deductions including but not ~~not~~ limited to ESC and FUTA;

(d) The Commissioner shall annually prepare formulas which shall be used to calculate an employee's spendable weekly wage on the basis of his gross weekly earnings, number of dependants, marital status and payroll tax deductions.

(34) "reporting quarter" means one of the 3 month periods (January through March, April through June, July through September, October through December) used to report employee wages to the Internal Revenue Service.

(35) "Suitable Gainful Employment" means employment which is reasonably attainable in light of the individuals age, education, previous occupation, and injury, and which offers an opportunity to restore the individual as soon as practical and as nearly as possible to his gross earnings as determined at the time of injury.

\* Sec. 36. AS 23.30.095(g), 23.30.125(b), 23.30.175(e) and (f), AS 23.30.191 and AS 23.30.265(20) are repealed.

\* Sec. 37. AS 39.25.120 is amended by adding a new paragraph to read:

(20) the rehabilitation administrator of the Workers' Compensation Board.

\* Sec. 38. This act takes effect July 1, 1982.



## Scott Wetzel Services Incorporated

An Affiliate of The Home Group, Inc

741 Sesame Street • Suite 1A • Anchorage, Alaska 99503

Phone: (907) 276-2111

February 9, 1982

The Honorable Terry Martin  
Alaska State House of Representatives  
Pouch V  
Juneau, Alaska 99811

Re: David Butler/Municipality of Anchorage

Dear Mr. Martin:


The attached decision from the Workers' Compensation Board is a classic example of the serious problems inherent in our current Workers' Compensation laws.

This employee, who had a minor hearing loss, basically corrected by a hearing aid, was kept on full salary through non-cashable sick leave for the period 4/1/80 through 12/8/80 while he was awaiting action on his request for retirement from the Municipality, which was subsequently granted. After he was retired and after he had received full payment in the amount of \$27,658.67 from his employer for the period 4/1/80 through 12/8/80, he filed for worker's compensation for the same period of time and the Board has now ruled that the employer must also pay him compensation benefits of an additional \$21,668.04 for the exact same period of time loss. The employee has therefore recovered in excess of 200% of his normal salary for a period of 9 months. Full payment by an employer, regardless of what fund it is paid from, or what they call it, should certainly satisfy the requirements of the Workers' Compensation Board.

Your comments will be appreciated.

Very truly yours,

SCOTT WETZEL SERVICES, INC.

  
Renee Murray  
Claims Manager

RM/vb

cc: Ed Hite - Daryl Cody & Assoc.  
Harry Sjoberg - MOA



DAVID W. BOLTER,  
Employee,  
Applicant,

vs.

MUNICIPALITY OF ANCHORAGE  
(Self-Insured),  
Employer,  
Defendant.

DECISION AND ORDER  
Case No. 80-04-0548.

On December 10, 1981 the defendant requested modification of the Board's November 19, 1981 Decision and Order. No opposition was submitted by the employee and the Board deemed the record closed on January 15, 1982.

Defendant alleges the Board erred in a determination of fact. The defendant asserts that employee is not entitled to compensation between April 1, 1980 and December 8, 1980 because he was being paid his full salary.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

There was no mistake in a factual determination. Evidence was presented at the November 12, 1981 hearing that employee received sick leave payments in the amount of his full salary between April 1, 1980 and December 8, 1980. Evidence was also presented, and the defendant does not dispute, that employee was disabled.

There is no provision in the Alaska Workers' Compensation Act permitting for offsets of amounts received by an injured worker from any private source as a result of the same injury. A special exception is made for Social Security payments. See AS 23.30.225

In the instant case the employee was paid his full salary from his non-cashable sick leave reserve. We have no knowledge of the terms of the Municipality's sick leave program nor do we have jurisdiction over it. If sick leave payments were made to the employee in error the defendant must seek another forum for his recovery.

ORDER

Defendant's petition for Modification is denied and dismissed.

Dated at Anchorage, Alaska, this 4th day of February 1982.

ALASKA WORKERS' COMPENSATION BOARD

/s/ William F. Reeves  
William F. Reeves, Designated  
Chairman

/s/ Jim Robison  
Jim Robison, Member

/s/ Ann Pittenger  
Ann Pittenger, Member

WFR/cw

APPEAL PROCEDURES

A compensation order may be appealed through proceedings in Superior Court brought by a party in interest against the Board and all other parties to the proceedings before the Board, as provided in the Rules of Appellate Procedure of the State of Alaska.

A compensation order becomes effective when filed in the office of the Board, and unless proceedings to appeal it are instituted, it becomes final on the 31st day after it is filed.

CERTIFICATION

I hereby certify that the foregoing is a full, true and correct copy of the Decision and Order in the matter of David Bulter, employee/applicant; vs. Municipality of Anchorage/Police Department employer; Case No. 80-04-0548; dated and filed in the office of the Alaska Workers' Compensation Board in Anchorage, Alaska, this 4th day of February 1982.

Gynthia Williams  
Clerk





CHAPTER 5. SAVINGS ASSOCIATIONS

ARTICLE 2. ASSOCIATION PRACTICES

Section

- 110. Communication between members
- 120. Service charges on dormant accounts
- 130. Redemption of savings accounts
- 140. General reserve account
- 150. Net worth requirements
- 160. Alternative mortgage instruments
- 170. NOW accounts
- 180. Participation in first mortgages where  
property is located outside of State

3 AAC 05 is amended by adding one new section to read:

3 AAC 05.180. PARTICIPATION IN FIRST MORTGAGES WHERE MORTGAGED  
PROPERTY IS LOCATED OUTSIDE OF STATE. An association may participate  
in conventional loans or pools of conventional loans secured by a  
mortgage on a one-to-four family residence where the mortgaged  
property is located outside the State.  
(Eff. / / , Reg. )

Authority: AS 06.01.020  
AS 06.30.030  
AS 06.30.500(3)  
AS 06.30.330



# ADVERTISING ORDER

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Charles R. Webber, Commissioner

Date: 12/24/81

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I HEREBY CERTIFY THAT THE UN-ENCUMBERED BALANCE IN THE APPROPRIATION CITED HEREON IS SUFFICIENT TO COVER THIS PURCHASE AND THAT THIS PURCHASE IS AUTHORIZED HEREUNDER.

DIVISIONAL APPROVAL  
DATE ENTERED

CERTIFYING OFFICER  
VOUCHER NUMBER

CHAPTER 1. FINANCIAL INSTITUTION  
GENERAL ADMINISTRATION

ARTICLE 4. GENERAL PROVISIONS

Section

905. Records; disclosure and limitation on disclosure

910. Definitions

3 AAC 01 is amended by adding one new section to read:

3 AAC 01.905. RECORDS; DISCLOSURE AND LIMITATION ON DISCLOSURE. (a) The records, reports and correspondence files of the division shall not be public documents, shall not be subject to subpoena nor shall they be open for inspection by the public. Neither the commissioner, the director nor any member of their respective staffs may disclose any information obtained in the discharge of official duties to any person not connected with the division, except that the commissioner may disclose such information:

(1) to representatives of federal agencies insuring accounts in the financial institution;

(2) to representatives of federal agencies, other states and foreign countries having supervisory authority over the activities of the financial institution or enterprises or similar financial institutions or enterprises if such representatives are permitted to and do upon request of the commissioner disclose similar information respecting those financial institutions under their supervision;

(3) to the attorney general of this state; and

(4) to a select committee of the legislature of this state appointed for the purpose of inspecting such records, but this paragraph shall not permit disclosure of information as to the condition of any particular financial institution or enterprise, or disclosure of information which has been disclosed to a financial institution or enterprise by or on behalf of any person in connection with a transaction or proposed transaction with such financial institution or enterprise.

(b) The commissioner may:

(1) disclose the fact of filing applications by financial institutions, give notice of hearings, if any, of such applications, and his actions thereon, as provided by law;

(2) prepare and circulate reports reflecting the assets and liabilities of financial institutions, including such other information considered pertinent to the purpose of each report for general statistical information; and

(3) prepare and circulate reports provided by law.

(c) Nothing in this section shall prevent any person or a financial institution covered under this chapter from access to records, reports and correspondence which apply to him or the institution to the extent that those portions of the records, reports and correspondence which do so apply are reasonably segregable from the portions of the records, reports and correspondence which do not apply to him or the institution and also to the extent that federal laws and statutes do not proscribe the disclosure. (Eff. / / , Reg. )

Authority:	AS 06.05.005	AS 06.30.025
	AS 06.05.060	AS 06.30.030
	AS 06.15.010	AS 06.40.180
	AS 06.20.340	AS 06.45.010
	AS 06.25.315	

3 AAC 01.910 is amended by adding new sections to read:

(6) "director" means the director of banking, securities, small loans and corporations or his designee;

(7) "division" means the Division of Banking, Securities, Small Loans and Corporations. (Eff. / / , Reg. )

Authority:	AS 06.05.005	AS 06.30.025
	AS 06.15.010	AS 06.40.180
	AS 06.20.340	AS 06.45.010
	AS 06.25.315	

David Cottrell, P.A. Special Master  
 3301 Denali  
 Anchorage, Alaska 99503

January 31, 1982

Dear Mr. Cottrell:

As advised by my attorney, I am submitting to you a claim for compensation for the settlement as a former employee of the Southcentral Regional Resource Center in the amount of \$7,826.63.

Salary: bounced payroll check, October wages, 30 day difference in pay	\$4,175.32
Tax sheltered annuities - payroll deduction	1,604.00
Attorney fees, to collect wages	603.31
ISA interest @ 14.00% - Gen. Mutual	336.84
Salary interest @ 17.38 Merrill Lynch Realty	1,034.76
Assets Annualized Interest Rate.	72.40
Lawyers fee interest @ 10.00%	87,826.63

Christine O'Leary

Christine O'Leary  
 4101 Resurrection Dr.  
 Anchorage, Alaska 99524  
 (332-5528 home)

Joe Montgomery, Representative  
 Terry Martin, Representative  
 Arliss Sturgulewski, Senator

Although the legislature has appropriated \$300,000 for "there isn't enough" the amount the gotten no fair as he been offered \$4,000 + if the money to pay me my claim. I don't agree the release, I may never be released. I'm told, if I don't agree in the letter, I may not get any money. Since the claim in the letter is low.

just a portion of my loss, I don't feel I should  
accept any less. (I wonder where all the  
money has gone??) There will be a hearing to  
try to settle outstanding employee claims  
which will be on either Feb. 18<sup>th</sup> or 19<sup>th</sup>  
in Anchorage. I'm ready to do battle!  
Wish me luck. Do you have any other suggestions  
on how I can get my money?

Chris