

HB

287

Alaska State Legislature

Committees:

Chair-State Affairs
V. Chair-Judiciary
Telecommunications
Special Ethics
Legislative Council
Finance Subcommittee
for the University of Alaska
Joint Committee
on Economic Recovery



P.O. Box V
Juneau, Alaska 99811
(907) 465-4947

REPRESENTATIVE FRAN ULMER

M E M O R A N D U M

March 4, 1988

TO: Senator Tim Kelly, Chair
Senate Labor and Commerce Committee

FROM: Representative Fran Ulmer

SUBJECT: House Bill 287

House Bill 287 was introduced last year to remedy an inequity in the employment security act (unemployment insurance). This bill would allow an individual who has been working full-time, while pursuing an academic education, to qualify for unemployment benefits if the worker became unemployed because of a layoff or job elimination.

When AS 23.20.378 was enacted into law in 1980, the intent was to prohibit individuals from quitting their jobs to go to school full-time while drawing unemployment benefits.

House Bill 287 would permit only those few individuals who have been pursuing an academic education while working full-time to receive unemployment benefits if their source of income was suddenly terminated. The individual would still have to meet all the other statutory requirements in order to receive benefits. These individuals are currently unfairly penalized under existing law.

This bill passed the House on February 1, 1988, by a vote of 40-0.

Thank you for your favorable consideration.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 2, 1988

SUBJECT: Sectional analysis of CSHB 287 (Finance) am
(Students' entitlement to unemployment
compensation)

TO: Representative Fran Ulmer

FROM: Teresa B. Cramer *TBC*
Legislative Counsel

You have requested a sectional analysis of the above described bill. As a preliminary matter, note that a sectional analysis or summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Section 1 permits an insured worker who has been working reasonably steadily during the previous school term (at least 30 hours a week during a significant portion of the time the worker was in school) to continue to be qualified for unemployment compensation waiting-week credit and benefits if the worker meets two criteria. The worker qualifies if the worker's academic schedule does not preclude full-time work in the worker's occupation and if the worker was laid off or his or her job was eliminated.

Section 1 also makes a stylistic change, substituting the phrase "pursuing an academic education" for a longer explanation, but using that explanation as the definition of the phrase.

If I may be of further assistance, please advise.

TBC:gc
Wkb3:068

Linda K. Snyder
6505 Colgate Drive
Anchorage, AK 99504
April 27, 1987

Rep. Fran Ulmer
St of Ak House of Representatives
PO Box V
Juneau, AK 99811

RE: Your H.B. 287

Dear Rep. Ulmer:

I'd like to express my strong support of your Bill #287, allowing unemployment benefits to full-time workers who are also students and who have lost their jobs through no fault of their own. I feel quite sure that the people who fall in this category are worthy recipients of these benefits. I also feel that it's terribly unfair that these people have been "penalized" in the past. Please let me know if there is something more I can do to help this bill become law. I have written to my legislators, telling them of my support, and would gladly do anything else that would help the process along.

Sincerely,

Linda K. Snyder

Alaska State Legislature

Committees:

Chair-State Affairs
V. Chair-Judiciary
Telecommunications
Special Ethics
Legislative Council
Finance Subcommittee
for the University of Alaska
Joint Committee
on Economic Recovery



P.O. Box 1
Juneau, Alaska 99811
(907) 465-4947

REPRESENTATIVE FRAN ULMER

M E M O R A N D U M

January 26, 1988

TO: All Members of the House
FROM: Representative Fran Ulmer
SUBJECT: House Bill 287

House Bill 287 was introduced last year to remedy an inequity in the employment security act (unemployment insurance). This bill would allow an individual who has been working full-time, while pursuing an academic education, to qualify for unemployment benefits if the worker became unemployed because of a layoff or job elimination.

When AS 23.20.378 was enacted into law in 1980, the intent was to prohibit individuals from quitting their jobs to go to school full-time while drawing unemployment benefits.

House Bill 287 would permit only those few individuals who have been pursuing an academic education full-time while working full-time to receive unemployment benefits if their source of income was suddenly terminated. The individual would still have to meet all the other statutory requirements in order to receive benefits. These individuals are currently unfairly penalized under existing law.

Thank you for your favorable consideration.

FRANK H. MURKOWSKI
ALASKA

COMMITTEES:
VETERANS' AFFAIRS (RANKING MEMBER)
ENERGY AND NATURAL RESOURCES
FOREIGN RELATIONS
INDIAN AFFAIRS
INTELLIGENCE

United States Senate

WASHINGTON, DC 20510
(202) 224-6665

March 23, 1987

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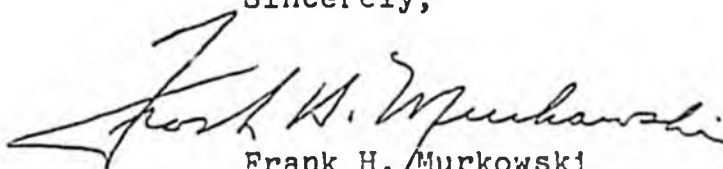
Ms. Carolyn A. Lemke
P.O. Box 960
Douglas, Alaska 99824

Dear Carolyn:

As you are aware, I have been in contact with the Department of Labor regarding your concerns about federal unemployment benefits.

Recently I received a response from the Labor Department and I have enclosed a copy for your review. I hope this information is of assistance to you.

Sincerely,



Frank H. Murkowski
United States Senator

Enclosure

U.S. Department of Labor

Employment and Training Administration
601 D Street, N.W.
Washington, DC 20213



MAR 13 1987

Honorable Frank H. Murkowski
United States Senate
Washington, D.C. 20510

Dear Senator Murkowski:

This responds to your inquiry on behalf of Ms. Carolyn Lemke (file #20425) regarding unemployment benefits. Ms. Lemke feels that there should be an exception to the provision which denies unemployment compensation to full-time students who were full-time workers when they became involuntarily unemployed.

Although the unemployment insurance program is a Federal/State program, benefits are paid to unemployed workers in accordance with the law of the State in which the worker earned qualifying wages. Federal law does not require the denial of benefits to full-time students in an academic course of study. This is a matter left to the States. Accordingly, Ms. Lemke's eligibility for unemployment compensation is limited by Section 23.20.378(c) of the Alaska Employment Security Act as follows:

"(c) An insured worker is disqualified for waiting-week credit or benefits for a week of unemployment while he attends an established school in a course of study providing academic instruction of 10 or more credit hours per week, or the equivalent...."

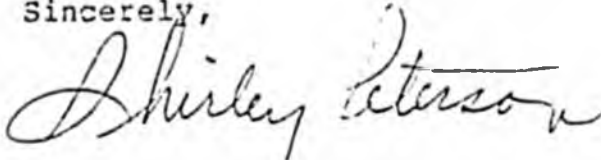
The people of Alaska, through their State legislators, added this provision regarding school attendance to the Alaska Employment Security Act in 1980.

I have great respect for anyone with the ambition and strength to work full-time and attend school full-time. However, the payment of unemployment compensation is made under rule of State law. The Department of Labor has no legal authority to grant exceptions to a provision of State law.

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I hope this information is helpful in your preparation of a response to your constituent. Please advise if you need any additional information on the Federal/State unemployment insurance program.

Sincerely,

A handwritten signature in cursive script that reads "Shirley Peterson". The signature is written in dark ink and is positioned below the word "Sincerely,".

SHIRLEY V. PETERSON
Administrator/
Office of Employment Security

MEMORANDUM

State of Alaska

TO: Jim Robison,
Commissioner

DATE: November 15, 1983

FILE NO:

TELEPHONE NO: 465-2700

FROM: 
Dan Kassner,
Hearing Officer

SUBJECT: AS 23.20.378(c)

Under the subject statute, any student who is attending an academic course of instruction of 10 or more credit hours per week or the equivalent is not eligible for benefits. Although no concise definition of "academic instruction" exists, AS 23.20.520(26) defines "vocational training or retraining course" as not including, "A program of instruction for an individual, including a transfer credit program of instruction given at a community college, which is intended as credit for a degree from an institution of higher education." As this definition is used to establish the difference between academic and vocational training courses, it is reasonable to apply this definition as well to students who are attending academic courses of instruction and who fall under the purview of AS 23.20.378(c).

Only one other state, Washington, has a law which is remotely similar to ours. However, the Washington law provides for an exception. The Revised Code of Washington (RCW) 50.20.095 provides that an individual who is attending 12 or more hours per week or the equivalent is disqualified unless that person is in approved training within the confines of RCW 50.20.043 (Washington's vocational training provision), or demonstrates by a preponderance of the evidence the person's actual availability for work. RCW 50.20.095 further puts forth 4 factors which shall be considered in determining a student's availability for work.

There are 13 other states which laws contain some provision for disqualifying students. Of these, 3 unequivocally deny benefits to all full-time students, 4 deny benefits out with some equivocation, 3 deny benefits unless the base period wages were earned while attending school full-time, and 2 consider a full-time student as not unemployed.

None of the states which have an unequivocal law denying benefits to full-time students have any known cases which have gone to court and which have been allowed benefits. In addition, the Superior Court of the State of Alaska, has twice upheld the 10 credit rule stating in one, "The legislature determined that full-time students were not 'available' for work if they are attending school as full-time students and they are, therefore, ineligible for unemployment compensation. There is no reason for this court to upset this legislative determination." Caruth v. State, Sup. Ct. 3000 3A11-d1-368 Civ (12/08/81 unreported).

It is my opinion based on the foregoing that to allow any individual who is attending school in an academic course of instruction of 10 or more credit hours per week or its equivalent regardless of the time of day, week, or year would be in direct opposition to the stated law and the intent of the Alaska legislature.