

LAWS OF ALASKA

CHAPTER 1.

AN ACT

[S. B. 3]

To amend Chapter 4 of the Extraordinary Session Laws of Alaska, 1937, relating to the Unemployment Compensation Law, by amending Section 2(a); 2(c); 2(e); 2(h) (6); 2(i) (5); 2(i) (6) (E); 2(m); 2(n); 2(o); 2(p); 3(b); 3(c); 3(d); 3(e); 3(f); 3(g); 4(a); 4(d); 4(e); 5(a); 5(b); 5(c) (1); 5(d); 5(e); 6(a); 6(b); 6(c); 6(d); 6(e); 8(a); 8(b); 8(c) (2); 11(g); and 18; and to declare an emergency.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. That Chapter 4, Section 2(a), Extra-Unemployment Compensation Act—amended. ordinary Session Laws of Alaska, 1937, be amended by striking out the present section and inserting in lieu thereof the following:

Section 2(a). "Base period" means the first four of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year.

Base period.

Section 2. That Chapter 4, Section 2(c), Extra-ordinary Session Laws of Alaska, 1937, be amended by striking out the present section and inserting in lieu thereof the following:

Amended.

Section 2(c). "Benefit year" with respect to any individual means the 52-consecutive-week period beginning with the first day of the week with respect to which the individual first files a valid claim for benefits and there-

Benefit year.

Valid claims.

after the 52-consecutive-week period beginning with the first day of the first week with respect to which the individual next files a valid claim for benefits after the termination of his last preceding benefit year. Any claim for benefits made in accordance with section 6(a) of this act shall be deemed to be a "valid claim" for the purposes of this subsection if the individual has earned wages for employment by employers as provided in section 4(e) of this act; provided, however, that if an individual has earned wages only in a seasonal industry, his claim shall not be valid until the beginning of the claimant's next recurring seasonal period.

Proviso.

Amended.

Section 3. That Chapter 4, Section 2(e), Extraordinary Session Laws of Alaska, 1937, be amended to read as follows:

Calendar quarter.

Section 2(e). "Calendar Quarter" means the period of three consecutive calendar months ending March 31, June 30, September 30, or December 31, excluding however, any calendar quarter or portion thereof which occurs prior to January 1, 1938, or the equivalent thereof as the Commission may by regulation prescribe.

Amended.

Section 4. That Chapter 4, Section 2(h) (C), Extraordinary Session Laws of Alaska, 1937, be amended to read as follows:

Employer—
effective period
of.

Section 2(h) (6). For the effective period of its election pursuant to Section 8(c) any other employing unit which has elected to become subject to this Act.

Amended.

Section 5. That Chapter 4, Section 2(i) (5), Extraordinary Session Laws of Alaska, 1937, be amended to read as follows:

Section 2(i) (5). Services performed by an individual for wages or under any contract of hire shall be deemed to be employment subject to this Act unless and until it is shown to the satisfaction of the Commission that—

Employment
defined—
Exceptions.

Section 6. That Chapter 4, Section 2(i) (6) (E), Extraordinary Session Laws of Alaska, 1937, be amended by striking out the present section and inserting in lieu thereof the following:

Amended.

Section 2(i) (6) (E). Service performed in the employ of any other State or of any political subdivision thereof, or of the United States Government, or of an instrumentality of any other State or States or their political subdivisions or of an instrumentality of the United States, except that if the Congress of the United States shall permit States to require any instrumentalities of the United States to make payments into an unemployment fund under a State unemployment compensation act, then, to the extent permitted by Congress and from and after the date as of which such permission becomes effective, all of the provisions of this Act shall be applicable to such instrumentalities and to services performed for such instrumentalities, in the same manner, to the same extent and on the same terms as to all other employers, employing units, individuals, and services. Provided that if this State should not be certified by the Social Security Board under section 903 of the Social Security Act for any year, then the payments required of such instrumentalities with respect to such year shall be deemed to have been erroneously collected within the meaning of section 14(d) of this Act and shall be refunded by the Commission

Employment
defined.

Proviso.

from the fund in accordance with such provisions of Section 14(d) of this Act.

Amended.

Section 7. That Chapter 4, Section 2(m), Extraordinary Session Laws of Alaska, 1937, be amended by striking out the present Section and inserting in lieu thereof the following:

Unemployment.

Section 2(m). "Unemployment". An individual shall be deemed "unemployed" in any week during which he performs no services and with respect to which no wages are payable to him, or in any week of less than full-time work if the wages payable to him with respect to such week are less than his weekly benefit amount. The Commission shall by regulation differentiate as between procedures applicable to totally or part-totally unemployed individuals and procedures applicable to partially unemployed individuals attached to their regular jobs.

Amended.

Section 8. That Chapter 4, Section 2(n), Extraordinary Session Laws of Alaska, 1937, be amended to read as follows:

Wages.

Section 2(n). "Wages" means all remuneration payable for services, including commissions and bonuses and the cash value of all remuneration payable in any medium other than cash. The reasonable cash value of remuneration payable in any medium other than cash shall be estimated and determined in accordance with rules prescribed by the Commission.

Amended.

Section 9. That Chapter 4, Section 2(o), Extraordinary Session Laws of Alaska, 1937, be amended to read as follows:

Section 2(o). "Week" names such period of seven consecutive days, as the Commission may by regulation prescribe.

Week defined.

Section 10. That Chapter 4, Section 2(p), Extraordinary Session Laws of Alaska, 1937, be and the same is hereby deleted.

Deleted.

Section 11. That Chapter 4, Section 3(b), Extraordinary Session Laws of Alaska, 1937, be amended by striking out the present section and inserting in lieu thereof the following:

Amended.

Section 3(b).

(1) "Weekly Benefit Amount". An individual's "weekly benefit amount" shall be an amount equal to one-twentieth of his total wages for employment by employers during that quarter of his base period in which such total wages are highest, except that in no event shall an individual's "weekly benefit amount" be more than \$16.00 or less than \$5.00. Such "Weekly benefit amount", if not a multiple of \$1.00 shall be computed to the next higher multiple of \$1.00.

Week benefit amount.

(2) Each eligible individual who is "unemployed" in any week shall be paid with respect to such week a benefit in an amount total to his weekly benefit amount less that part of the wages (if any) payable to him with respect to such week which is in excess of \$5.00. Such benefit, if not a multiple of \$1.00, shall be computed to the next higher multiple of \$1.00.

Amount paid.

Section 12. That Chapter 4, Section 3(c) (1), Extraordinary Session Laws of Alaska, 1937, be amended to read as follows:

Amended.

Seasonal industry—Definition of.

Section 3(c) (1). As used in this subsection the term "seasonal industry" means an occupation or industry in which, because of the seasonal nature thereof it is customary to operate only during a regularly recurring period or periods of less than one year in length. The Commission shall, after investigation and hearing, determine, and may thereafter from time to time redetermine, the longest seasonal period or periods during which, by the best practice of the occupation or industry in question, operations are conducted. Until such determination by the Commission no occupation or industry shall be deemed seasonal.

Deleted.

Section 13. That Chapter 4, Section 3(c) (2) and (3), Extraordinary Session Laws of Alaska, 1937, be and the same are hereby deleted.

Deleted.

Section 14. That Chapter 4, Section 3(d), Extraordinary Session Laws of Alaska, 1937, be and the same is hereby deleted.

Deleted.

Section 15. That Chapter 4, Section 3(e), Extraordinary Session Laws of Alaska, 1937, be and the same is hereby deleted.

Amended.

Section 16. That Chapter 4, Section 3(f), Extraordinary Session Laws of Alaska, 1937, be amended and relettered by striking out the present section and inserting in lieu thereof the following:

Duration of benefits.
How benefits computed.

Section 3(d) (1). Duration of Benefits. The maximum total amount of benefits payable to any individual during any benefit year shall not exceed whichever is the lesser of (1) sixteen times his weekly benefit amount, and

(2) One-third of the wages earned by him for employment by employers during his base

period; provided that such maximum total amount of benefits, if not a multiple of \$1.00, shall be computed to the next higher multiple of \$1.00 for the purposes of this section, wages shall be counted as wages for employment by employers for benefit purposes with respect to any benefit year only if such benefit year begins subsequent to the date on which the employer from whom such wages were earned has satisfied the conditions of Section 2(h) or Section 8(c) with respect to becoming an employer.

(2) Notwithstanding the foregoing provisions of the sub-section, seasonal wage credits shall be available only with respect to weeks of unemployment occurring in whole or in part within the longest seasonal period (as determined pursuant to subsection (c) of this section) of the industry from which they were earned.

The term "seasonal wage credits" means wage credits based upon wages for employment by employers earned from a seasonal industry during the longest seasonal period, as determined by the Commission pursuant to subsection (c) of this section.

Section 17. That Chapter 4, Section 3(g), Extra-Deleted.
ordinary Session Laws of Alaska, 1937, be and the same is hereby deleted.

Section 18. That Chapter 4, Section 4(a), Extra-Amended.
ordinary Session Laws of Alaska, 1937, be amended by striking out the present subsection and inserting in lieu thereof the following:

Section 4(a). He has registered for work at, and thereafter continued to report at, an

Requirements
for benefits.

employment office in accordance with such regulations as the commission may prescribe, except that the commission, may, by regulation, waive or alter either or both of the requirements of this subsection as to individuals attached to regular jobs and as to such other types of cases or situations with respect to which he finds that compliance with such requirements would be oppressive or would be inconsistent with the purposes of this act.

Amended.

Section 19. That Chapter 4, Section 4(d), Extraordinary Session Laws of Alaska, 1937, be amended by striking out the present section and inserting in lieu thereof the following:

Period of
unemployment
—How computed.

Section 4(d). He has been unemployed for a waiting period of two weeks. Such weeks of unemployment need not be consecutive. No week shall be counted as a week of unemployment for the purposes of this subsection:

(1) Unless it occurs within the benefit year which includes the week with respect to which he claims payment of benefits, provided that this requirement shall not interrupt the payment of benefits for consecutive weeks of unemployment, and provided further than either one or two consecutive weeks immediately preceding a benefit year, if part of one uninterrupted period of unemployment which continues into such benefit year, shall be deemed (for the purposes of this subsection only) to be within such benefit year as well as within the preceding benefit year.

(2) If benefits have been paid with respect thereto.

(3) Unless the individual was eligible for benefits in all respects, except for the require-

ments of this subsection, of subsection (d) of Section 3 and of subsection (e) of Section 5.

Section 20. That Chapter 4, Section 4(e), Extraordinary Session Laws of Alaska, 1937, be amended by ^{Amended.} striking out the present section and inserting in lieu thereof the following:

Section 4(e). He has during his base period earned wages for employment by employers equal to not less than twenty-five times his weekly benefit amount. Wages earned.

Section 21. That Chapter 4, Section 5(a), Extraordinary Session Laws of Alaska, 1937, be amended ^{Amended.} to read as follows:

Section 5(a). For the week in which he has left his most recent work voluntarily without good cause, if so found by the Commission, and for not more than the five weeks which immediately follow such week, as determined by the Commission according to the circumstances in each case. Disqualified for benefits—when.

Section 22. That Chapter 4, Section 5(b), Extraordinary Session Laws of Alaska, 1937, be amended ^{Amended.} to read as follows:

Section 5(b). For the week in which he has been discharged for misconduct connected with his most recent work, if so found by the Commission, and for not more than the five weeks which immediately follow such week, as determined by the Commission in each case according to the seriousness of the misconduct. Disqualified for benefits—when.

Section 23. That Chapter 4, Section 5(c), Extraordinary Session Laws of Alaska, 1937, be amended ^{Amended.} to read as follows:

Disqualified
for benefits—
when.

Section 5(c). If the Commission finds that he has failed, without good cause, either to apply for available, suitable work when so directed by the employment office of the Commission or to accept suitable work when offered him, or to return to his customary self-employment (if any) when so directed by the Commission; such disqualification shall continue for the week in which such failure occurred and for not more than the five weeks of continuous employment which immediately follows such week as determined by the Commission according to the circumstances in each case.

Amended.

Section 24. That Chapter 4, Section 5(c) (1), Extraordinary Session Laws of Alaska, 1937, shall be amended to read as follows:

Suitable work
determined.

Section 5 (c) (1). In determining whether or not any work is suitable for an individual, the Commission shall consider, among other factors, the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience and prior earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence.

Amended.

Section 25. That Chapter 4, Section 5(d), Extraordinary Session Laws of Alaska, 1937, be amended by striking out the present section and inserting in lieu thereof the following:

Effect of labor
disputes.

Section 5(d). For any week with respect to which the Commission finds that his total or partial unemployment is due to a labor dispute which is in active progress at the factory, establishment or other premises at which he is or was last employed; provided, that such

disqualification shall not exceed the 8 weeks immediately following the beginning of such dispute; and provided further, that this subsection shall not apply if it is shown to the satisfaction of the commission that:

(1) He is not participating in or directly interested in the labor dispute which caused his unemployment; and

When employee not involved in labor dispute.

(2) He does not belong to a grade or class of workers of which, immediately before the commencement of the dispute, there were members employed at the premises at which the dispute occurs, any of whom are participating in or directly interested in the dispute:

When member of group or class involved in labor dispute.

Provided, that if in any case separate branches of work which are commonly conducted as separate businesses in separate premises, are conducted in separate departments of the same premises, each such department shall, for the purposes of this subsection, be deemed to be a separate factory, establishment, or other premises.

Proviso.

Section 26. That Chapter 4, Section 5(e), Extra-ordinary Session Laws of Alaska, 1937, be amended by striking out the present section and inserting in lieu thereof the following: Amended.

Section 5 (e). For any week with respect to which or a part of which he has received or is seeking unemployment benefits under an unemployment compensation law of another State or of the United States.

For period when receiving benefits.

Section 27. That Chapter 4, Section 6(a), Extra-ordinary Session Laws of Alaska, 1937, be amended by striking out the present section and inserting in lieu thereof the following: Amended.

Claim for benefits, filing, contents, etc.

Section 6(a). Filing. Claims for benefits shall be made in accordance with such regulations as the commission may prescribe. Each employer shall post and maintain in places readily accessible to individuals in his service printed statements concerning such regulations or such other matters, as the commission may by regulation prescribe. Each employer shall supply such individuals copies of such printed statements or materials relating to claims for benefits as the commission may by regulation prescribe. Such printed statements shall be supplied by the commission to each employer without cost to him.

Amended.

Section 28. That Chapter 4, Section 6(b), Extraordinary Session Laws of Alaska, 1937, be amended by striking out the present section and inserting in lieu thereof the following:

Claim to be examined.

Section 6(b). Initial Determination. An examiner designated by the commission shall take the claim. An initial determination thereon shall be made promptly and shall include a determination with respect to whether or not benefits are payable, the week with respect to which benefits shall commence, the weekly benefit amount payable, and the maximum duration of benefits. In any case in which the payment or denial of benefits will be determined by the provisions of section 5(d) of this Act, the examiner shall promptly transmit all the evidence with respect to that subsection to the commission. The commission, or such representative as it may designate for such purpose, shall, on the basis of the evidence so submitted and such additional evidence as it may require, make an initial determination with respect thereto. An initial

Claim referred to appeal tribunal.

Commission to make initial determination.

determination may for good cause be reconsidered. The claimant and any other parties to the determination shall be promptly notified of the initial determination (or of any amended initial determination) and the reasons therefor. Benefits shall be denied, or if the claimant is otherwise so eligible, promptly paid, in accordance with the initial determination, except as hereinafter otherwise provided. The claimant or any party to the determination may file an appeal from such initial determination within ten days after notification thereof, or after the date such notification was mailed to his last known address. If upon such initial determination, benefits are allowed, but the record of the case indicates that a disqualification has been alleged or may exist, benefits shall not be paid prior to the expiration of the period for appeal as hereinbefore provided. If an appeal is duly filed with respect to a matter other than the weekly benefit amount or maximum duration of benefits payable, benefits with respect to the period prior to the final decision of the commission shall be paid only after such decision; provided, that if an appeal tribunal affirms an initial determination allowing benefits, such benefits shall be paid regardless of any appeal which may thereafter be taken, and provided further that if benefits are paid pursuant to a decision which is finally reversed in subsequent proceedings with respect thereto, no employer's account shall be charged with benefits so paid. If subsequent to such initial determination benefits with respect to any week for which a claim has been filed are denied for reasons other than matters included in the initial determination, the claimant shall be

Appeal, time allowed, procedure, etc.

Benefits paid—when.

promptly notified of the denial and the reasons therefor and may appeal therefrom in accordance with the procedure herein described for appeals from initial determinations.

Amended.

Section 29. That Chapter 4, Section 6(c), Extraordinary Session Laws of Alaska, 1937, be amended by striking out the present section and inserting in lieu thereof the following:

Appeal tribunal to affirm or modify.

Section 6(c). Appeals. An appeal tribunal, after affording the parties reasonable opportunity for fair hearing, shall unless such appeal is withdrawn affirm or modify the findings of fact and initial determination. The parties shall be duly notified of such tribunal's decision, together with its reasons therefor, which shall be deemed to be the final decision of the commission, unless within ten days after the date of notification or mailing of such decision, further appeal if initiated pursuant to subsection (e) of the section.

Amended.

Section 30. That Section 6 (d), Chapter 4, Extraordinary Session Laws of Alaska, 1937, shall be amended to read as follows:

Appeal tribunal.

Section 6(d). Appeal Tribunals. To hear and decide disputed claims, the Commission shall appoint one or more impartial appeal tribunals consisting in each case of a referee, selected in accordance with Section 11(d) of this act. No person shall participate on behalf of the Commission in any case in which he is an interested party.

Amended.

Section 31. That Chapter 4, Section 6(e), Extraordinary Session Laws of Alaska, 1937, shall be amended to read as follows:

Section 6(e). Commission. The Commission may on its own motion affirm, modify, or set aside any decision of an appeal tribunal on the basis of the evidence previously submitted in such case, or direct the taking of additional evidence, or may permit any of the parties of such decision to initiate further appeals before it. The Commission shall permit such further appeal by any of the parties to a decision of an appeal tribunal, and by the examiner whose decision has been overruled or modified by an appeal tribunal. The Commission may remove to itself to transfer to another appeal tribunal the proceedings on any claim pending before an appeal tribunal. Any proceeding so removed to the Commission shall be heard by a quorum thereof in accordance with the requirements of sub-section (c) of this Section. The Commission shall promptly notify the parties to any proceedings of its findings and decisions.

Commission may affirm, modify or set aside decision of tribunal.

Section 32. That Chapter 4, Section 8(a), Extra-^{Amended.}ordinary Session Laws of Alaska, 1937, shall be amended to read as follows:

Section 8(a). Except as provided in sub-section (c) of this section any employing unit which is or becomes an employer subject to this Act within any calendar year shall be deemed to be an employer during the whole of such calendar year.

Minimum period of employer—
One year.

Section 33. That Chapter 4, Section 8(b), Extra-^{Amended.}ordinary Session Laws of Alaska, 1937, shall be amended to read as follows:

Section 8(b). Except as otherwise provided in sub-section (c) of this section, an employing unit shall cease to be an employer subject to

Termination of coverage—
Procedure.

this Act only as of the 1st day of January of any calendar year, only if it files with the Commission, prior to the thirty-first day of January of such year, a written application for termination of coverage, and the Commission finds that there were no twenty different days, each day being in a different week within the preceding calendar year, within which such employing unit employed eight or more individuals in employment subject to this Act. For the purposes of this sub-section, the two or more employing units mentioned in paragraph (2) or (3) or (4) of Section 2(h) shall be treated as a single employing unit.

Amended.

Section 34. That Chapter 4, Section 8(c) (2), Extraordinary Session Laws of Alaska, 1937, shall be amended to read as follows:

Election.

Section 8(c) (2). Any employing unit for which services that do not constitute employment as defined in this Act are performed, may file with the Commission a written election that all such services performed by individuals in its employ in one or more distinct establishments or places of business shall be deemed to constitute employment by an employer for all purposes of this Act for not less than two calendar years. Upon the written approval of such election by the Commission, such services shall be deemed to constitute employment subject to this Act from and after the date stated in such approval. Such services shall cease to be deemed employment subject hereto as of January 1 of any calendar year subsequent to such two calendar years, only if at least thirty days prior to such 1st day of January such employing unit has filed with the Commission a written notice to that effect.

Section 35. That Chapter 4, Section 11(g), Extraordinary Session Laws of Alaska, 1937, shall be amended^{Amended.} to read as follows:

Section 11(g). Records and Reports. Each employing unit shall keep true and accurate work records, containing such information as the Commission may prescribe. Such records shall be open to inspection and be subject to being copied by the Commission or its authorized representatives at any reasonable time and as often as may be necessary. The Commission and the chairman of any appeal tribunal may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, which he or it deems necessary for the effective administration of this Act. Information thus obtained, or obtained from any individual pursuant to the administration of this Act, shall, except to the extent necessary for the proper administration of this act, be held confidential and shall not be published or be opened to public inspection (other than to public employees in the performance of their public duties) in any manner revealing the individual's or employing unit's identity, but any claimant (or his legal representative) at a hearing before an appeal tribunal or the Commission shall be supplied with information from such records to the extent necessary for the proper presentation of his claim. Any employee or member of the Commission or any employee of the Commission who violates any provision of this Section shall be fined not more than Two Hundred Dollars (\$200.00), or imprisoned for not longer than ninety days, or both.

Employing unit records and reports to be kept available for inspection.

Information secured from employing unit confidential.

Penalty for violating act.

Amended.

Section 36. That Chapter 4, Section 18, Extraordinary Session Laws of Alaska, 1937, shall be amended to read as follows:

Reciprocal
arrangements
with states
authorized.

Section 18. Reciprocal Agreements. The Commission is hereby authorized to enter into arrangements with the appropriate agencies of other States or the Federal Government whereby individuals performing services in this Territory and other States for a single employing unit under circumstances not specifically provided for in Section 2(i) of this Act, or under similar provisions in the unemployment compensation laws of such other States, shall be deemed to be engaged in employment performed entirely within this Territory or within one of such other States and whereby potential rights to benefits accumulated under the unemployment compensation laws of one or more States or under such a law of the Federal Government, or both, may constitute the basis for the payment of benefits through a single appropriate agency under terms which the Commission finds will be fair and reasonable as to all affected interests and will not result in any substantial loss to the fund.

Emergency.

Section 37. An emergency is hereby declared to exist and this Act shall be effective immediately upon its passage and approval.

Approved January 17, 1939.