



LAWS OF ALASKA

1971

Source

Chapter No.

HB 79 am

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AN ACT

To amend the Alaska Employment Security Act in order to conform it to the provisions of the Federal-State Extended Unemployment Compensation Act of 1970; and providing for an effective date.

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

* Section 1. AS 23.20 is amended by adding new sections to read:

ARTICLE 6A. EXTENDED UNEMPLOYMENT COMPENSATION.

Sec. 23.20.406. EXTENDED BENEFITS; ELIGIBILITY.

(a) Except when the result would be inconsistent with other provisions of this chapter, the provisions of this chapter which apply to claims for or the payment of regular benefits apply to claims for and the payment of extended benefits.

(b) An individual is eligible to receive extended benefits with respect to any week of unemployment in his eligibility period if the department finds that with respect to that week

(1) he is an "exhaustee" as defined in sec. 409(6) of this chapter; and

(2) he has otherwise satisfied the requirements of this chapter for the receipt of regular benefits.

Sec. 23.20.407. WEEKLY EXTENDED BENEFIT AMOUNT; TOTAL PAYABLE.

(a) The weekly extended benefit amount payable to an individual for a week of total unemployment in his eligibility period is an amount equal to the weekly basic or augmented benefit amounts payable to him during his applicable benefit year.

(b) The total extended benefit amount payable to any

eligible individual with respect to his applicable benefit year is the least of the following amounts:

(1) 50 per cent of the total amount of regular benefits, including dependents' allowances, which were payable to him under this chapter in his applicable benefit year;

(2) 13 times his average weekly benefit amount, including dependents' allowances, which was payable to him under this chapter for a week of total unemployment in the applicable benefit year; or

(3) 39 times his average weekly benefit amount, including dependents' allowances, which was payable to him under this chapter for a week of total unemployment in the applicable benefit year, reduced by the total amount of regular benefits which were paid or considered paid to him under this chapter with respect to the benefit year.

Sec. 23.20.408. EXTENDED BENEFIT PERIODS. (a) When an extended benefit period is to become effective in this state as a result of a state or national "on" indicator, or an extended benefit period is to be terminated in this state as a result of either a state "off" indicator or a national "off" indicator, the department shall make an appropriate public announcement.

(b) No extended benefit period may begin by reason of a state "on" indicator before the 14th week following the end of a prior extended benefit period which was in effect with respect to this state.

(c) Within the period beginning with the effective date of secs. 406 - 409 of this chapter and ending on December 31, 1971, an extended benefit period may become effective and be terminated in this state solely by reason of a state "on" and a state "off" indicator, respectively.

(d) There is a national "on" indicator for a week if the United States Secretary of Labor determines that for each of the three most recent calendar months ending before that week, the rate of insured unemployment, seasonally adjusted, for all states equaled or exceeded 4.5 per cent.

(e) There is a national "off" indicator for a week if the United States Secretary of Labor determines that for each of the three most recent calendar months ending before that week, the rate of insured unemployment, seasonally adjusted, for all states was less than 4.5 per cent.

(f) There is a state "on" indicator for a week if the department determines, in accordance with the regulations of the United States Secretary of Labor, that for the period consisting of that week and the immediately preceding 12 weeks, the rate of insured unemployment, not seasonally adjusted, under this chapter

(1) equaled or exceeded 120 per cent of the average of those rates for the corresponding 13-week period ending in each of the preceding two calendar years; and

(2) equaled or exceeded four per cent.

(g) There is a state "off" indicator for a week if the department determines, in accordance with the regulations of the United States Secretary of Labor, that for the period consisting of that week and the immediately preceding 12 weeks, the rate of insured unemployment, not seasonally adjusted, under this chapter

(1) was less than 120 per cent of the average of those rates for the corresponding 13-week period ending in each of the preceding two calendar years; or

(2) was less than four per cent.

(h) In (f) and (g) of this section "rate of insured unemployment" means the percentage derived by dividing (1) the average weekly number of individuals filing claims in this state for weeks of unemployment with respect to the most recent 13 consecutive week period, as determined by the department on the basis of its reports to the United States Secretary of Labor by (2) the average monthly employment covered under this chapter for the first four of the most recent six completed calendar quarters ending before the close of that 13-week period. Computations required by this section shall be made by the department in accordance with regulations prescribed by the United States Secretary of Labor.

Sec. 23.20.409. DEFINITIONS. In secs. 406 - 408 of this chapter

(1) "extended benefit period" means a period which

(A) begins with the third week after whichever of the following weeks occurs first:

(i) a week for which there is a national "on" indicator, or

(ii) a week for which there is a state "on" indicator; and

(B) ends with either of the following weeks, whichever occurs later:

(i) the third week after the first week for which there is both a national "off" indicator and a state "off" indicator, or

(ii) the 13th consecutive week of that period;

(2) "regular benefits" means benefits payable to an individual under this chapter or under any other law, including benefits payable to federal civilian employees and to ex-servicemen under 5 U.S.C. chapter 85, other than extended benefits;

(3) "extended benefits" means benefits, including benefits payable to federal civilian employees and to

ex-servicemen under 5 U.S.C. chapter 85, payable to an individual under the provisions of secs. 406 - 409 of this chapter for weeks of unemployment in his eligibility period;

(4) "eligibility period" of an individual means the period consisting of the weeks in his benefit year which begin in an extended benefit period and, if his benefit year ends within the extended benefit period, any weeks thereafter which begin in that period;

(5) "exhaustee" means an individual who, with respect to any week of unemployment in his eligibility period

(A) has received, before that week, all of the regular benefits that were available to him under this chapter or any other law, including dependents' allowances and benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85, in his current benefit year that includes that week; provided that for the purposes of this paragraph, an individual shall be considered to have received all of the regular benefits that were available to him even though he may subsequently be determined to be entitled to added regular benefits as a result of a pending appeal with respect to wages in covered employment that were not considered in the original monetary determination to be in his benefit year; or

(B) his benefit year having expired prior to that week, has no or insufficient wages in covered employment on the basis of which he could establish a new benefit year that would include that week; and

(C) has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, the Automotive Products Trade Act of 1965, or under other federal laws which are specified in regulations issued by the United States Secretary of Labor and has not received and is not seeking unemployment benefits under the unemployment compensation law of the Virgin Islands or of Canada but if he is seeking these benefits and the appropriate agency finally determines that he is not entitled to benefits under that law he is considered an exhaustee.

* Sec. 2. This Act takes effect on the day after its passage and approval or on the day it becomes law without approval.