



LAWS OF ALASKA

1980

Source

FCCSHB 177

Chapter No.

9

AN ACT

Relating to unemployment insurance; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 9

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: March 13, 1980

Actual Effective Date: Section 2-4, 7-12, 18, 20, 22, 23, 25, 26, 28-30, 39, 40, 42, 45-53, 57, 62, 64, 69, 75 and 81-83 effective March 14, 1980; Sections 76 and 79 effective March 14, 1980, retroactive to January 1, 1978; Sections 1, 5, 6, 32, 54, 55, 56, 58-61, 63, 65-68, 70-74, 78 and 80 effective October 1, 1980; Sections 13-17, 19, 21, 24, 27, 31, 33-38, 41, 43, 44 and 77 effective January 1, 1981.

AN ACT

An Act relating to unemployment insurance; and providing for an effective date.

* Section 1. AS 23.20.035(a) is amended to read:

(a) The director, in accordance with [AS 23.20.015,] AS 23.20.020 [,] and 23.20.030, shall employ persons, including a deputy director, make expenditures, require reports, make investigations, and take other action which he considers necessary to carry out his authority.

* Sec. 2. AS 23.20.045(b) is amended to read:

(b) Special rules may be adopted, amended, or rescinded by the department only after public hearing or opportunity to be heard on them, of which proper notice has been given. A special rule becomes effective 30 days after notification to or mailing to the last [KNOWN] address of record of the persons affected by it.

* Sec. 3. AS 23.20.110 is amended by adding a new subsection to read:

(e) The department shall provide wage information used to administer this chapter to an agency of this or another state which administers or operates a public assistance program that provides aid and services to needy families with dependent children under Part A of Title IV of the Social Security Act if

- (1) the agency makes a request for the wage information;
- (2) the United States Secretary of Health, Education and Welfare has adopted regulations which require the release of the wage information to public assistance agencies; and

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1 (3) the wage information will only be used to determine the
2 eligibility of the individual for the public assistance program or the
3 amount of aid or services to which the individual is entitled under the
4 public assistance program.

5 * Sec. 4. AS 23.20.115 is amended to read:

6 Sec. 23.20.115. UNAUTHORIZED DISCLOSURE OF INFORMATION. A member
7 of the department, [OR] an employee of the department, or an agent of t
8 department who, in violation of AS 23.20.110, makes a disclosure of
9 information obtained from an employing unit or from an individual in th
10 administration of this chapter, or a person who has obtained a list of
11 applicants for work or of claimants or recipients of benefits under thi
12 chapter and who uses or permits the use of the list for a purpose not
13 authorized by AS 23.20.110 is guilty of a class B misdemeanor [, UPON
14 CONVICTION, IS PUNISHABLE BY A FINE OF NOT MORE THAN \$200, OR BY IMPRI-
15 SONMENT FOR NOT MORE THAN 90 DAYS, OR BY BOTH].

16 * Sec. 5. AS 23.20.130(b)(9) is amended to read:

17 (9) reimbursement of benefits paid under AS 23.20.277 and [
18 23.20.278 [AND 23.20.326]; and

19 * Sec. 6. AS 23.20.130(d) is amended to read:

20 (d) The training and building fund consists of all interest and
21 penalties collected under AS 23.20.185, 23.20.190 and 23.20.195 [AFTER
22 JUNE 30, 1969] and all sums recovered on official bond for losses sus-
23 tained by the fund. Training and building fund money shall be deposit
24 in the clearing account of the unemployment compensation fund for clea
25 ance only, and does not become a part of the fund. The unobligated
26 amount in the training and building fund in excess of \$100,000 on the
27 close of business of the last day of each fiscal year shall be trans-
28 ferred within 20 days to this state's account in the unemployment trus
29 fund. The fund shall be included in the budget submitted to the legis

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lature under the Executive Budget Act (AS 37.07). Funds available in the training and building fund shall be expended upon the direction of the department, with the approval of the governor, when it appears to him that the expenditure is necessary for but not limited to

(1) the proper administration of this chapter if no federal funds are available for the specific purpose for which the expenditure is to be made, and if the funds are not substituted for appropriations from federal funds which would be made available in the absence of those [SUCH] funds;

(2) the proper administration of this chapter, for which purpose appropriations from federal funds have been requested but not yet received, if the training and building fund will be reimbursed upon receipt of the requested federal appropriation;

(3) the purposes specified in AS 23.15.611;

(4) the purposes specified in AS 23.20.075.

* Sec. 7. AS 23.20.135 is amended to read:

Sec. 23.20.135. ACCOUNTS AND DEPOSIT. (a) The commissioner of revenue is ex officio the treasurer and custodian of the fund and shall administer it as directed by the department. Checks or warrants shall be issued on the fund in accordance with the regulations which the department prescribes. The [COMMISSIONER OF REVENUE SHALL MAINTAIN WITHIN THE] fund has three separate accounts:

(1) a clearing account,

(2) an unemployment trust fund account, and

(3) a benefit account.

(b) The department, or a designee of the department, [SHALL FORWARD, UPON RECEIPT, ALL MONEY PAYABLE TO THE FUND TO THE COMMISSIONER OF REVENUE WHO] shall immediately deposit, upon receipt, all money payable to the fund [THEM] in the clearing account. Refunds of contribu-

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1 tions erroneously collected and payable under AS 23.20.225 and 23.20.-
2 526(a)(11) [23.20.525(c)(11)] may be paid from the clearing account in
3 the same manner, [IF THEY WERE DEPOSITED IN THE UNEMPLOYMENT COMPENSA-
4 TION FUND,] or from the training and building fund. Interest [; HOWEVER
5 INTEREST] and penalty payments [COLLECTED ON AND AFTER JUNE 30, 1969]
6 may not be refunded from the unemployment compensation fund. After
7 clearance, all money in the clearing account shall be immediately de-
8 posited with the United States Secretary of the Treasury [OF THE UNITED
9 STATES] to the credit of the account of this state in the unemployment
10 trust fund, established and maintained under sec. 904 of the Social
11 Security Act, as amended.

12 (c) The benefit account consists of money requisitioned from this
13 state's account in the unemployment trust fund for the purpose of payin
14 benefits. Money in the clearing and benefit accounts may be deposited
15 by the designee of the department [COMMISSIONER OF REVENUE], under the
16 direction of the department, in a bank or public depository in which
17 general funds of the state may be deposited, but no public deposit
18 insurance charge or premium may be paid out of the fund. Money in the
19 accounts may not be commingled with other state funds, but shall be
20 maintained in separate accounts on the books of the depository bank.
21 The money is secured by the depository law of this state. Collateral
22 pledged for this purpose shall be kept separate and distinct from col-
23 lateral pledged to secure other funds of the state. The commissioner
24 revenue is liable on his official bond for the faithful performance o
25 his duties in connection with the fund. Sums recovered for losses
26 sustained by the fund shall be deposited in the fund.

27 * Sec. 8. AS 23.20.140 is amended to read:

28 Sec. 23.20.140. ADVANCES. When, in accordance with Title XII c
29 the Social Security Act, as amended, the balance in the unemployment

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trust fund reaches a point where the governor must apply for an advance in order to obtain for the state and its citizens the advantages available under Title XII, the department shall notify the governor and take other action which is appropriate to obtain an advance to the unemployment trust fund and its repayment in accordance with Title XII.

* Sec. 9. AS 23.20.145(b) is amended to read:

(b) The department shall from time to time requisition from the unemployment trust fund amounts not exceeding the amounts standing to the state's account in the fund which it considers necessary for the payment of benefits for a reasonable future period. Upon receipt of an amount the department [COMMISSIONER OF REVENUE] shall deposit the money to the benefit account. A check or warrant for the payment of benefits may be issued solely from the benefit account.

* Sec. 10. AS 23.20.145(c) is amended to read:

(c) If money in the clearing account is not sufficient to provide for refunds of contributions erroneously collected and payable under AS 23.20.225 and 23.20.526(a)(11), the department shall withdraw from the unemployment trust fund the amounts not exceeding the amount standing to this state's account in the fund which are necessary for the payment of the refunds, [IF THE ERRONEOUSLY COLLECTED INTEREST AND PENALTIES WERE DEPOSITED AND RETAINED IN THE UNEMPLOYMENT COMPENSATION FUND,] but no amounts may be withdrawn from the unemployment trust fund for the refund of interest and penalty payments [COLLECTED ON AND AFTER JUNE 30, 1969]. Upon receipt the department, or the designee of the department, [COMMISSIONER OF REVENUE] shall deposit this money to the clearing account. A check or warrant for the payment of a refund shall be issued from the clearing account.

* Sec. 11. AS 23.20.145(f)(3) is amended to read:

(3) limits the amount which may be obligated during a fiscal

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1 year to an amount which does not exceed the amount by which (A) the
2 aggregate of the amounts credited to the account of this state under
3 sec. 903 of the Social Security Act during that fiscal year and the 24
4 [NINE] preceding fiscal years [,] exceeds (B) the aggregate of the
5 amounts obligated for administration and paid out for benefits and
6 charged against the amounts credited to the account of this state durin
7 those 25 [10] fiscal years.

8 * Sec. 12. AS 23.20.145(g) is amended to read:

9 (g) Amounts credited to this state's account in the unemployment
10 trust fund under sec. 903 of the Social Security Act which are obligat
11 for administration or paid out for benefits shall be charged against
12 equivalent amounts which were first credited and which are not already
13 so charged. However, no amount obligated for administration during a
14 fiscal year specified in this section may be charged against any amou
15 credited during such a fiscal year earlier than the 24th [NINTH] prece
16 ing fiscal year.

17 * Sec. 13. AS 23.20.165(e) is amended to read:

18 (e) An employer shall maintain a record of the amount deducted
19 from the wages of each employee [OF HIS EMPLOYEES,] and shall furnish
20 statement of the deductions to each employee at the times and in the
21 manner the department [COMMISSIONER] prescribes by regulation. No
22 deduction may be made from those wages paid to an employee during a
23 calendar year which are in excess of the wages subject to contributio
24 under AS 23.20.175. If an [EMPLOYEE IN THE EMPLOY OF TWO OR MORE EM-
25 PLOYERS EARNS WAGES IN ONE CALENDAR YEAR TOTALING MORE THAN THE WAGES
26 SUBJECT TO CONTRIBUTIONS, OR IF ONE' employer through error makes a
27 deduction and erroneously pays contributions or interest on [FROM HIS
28 wages of an employee in excess of the wages subject to contributions
29 during a calendar year, the amount of deductions erroneously paid may

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requested by the employee. Employee deductions in excess of the wages subject to contributions [IN EXCESS OF THOSE REQUIRED BY THIS CHAPTER] shall be refunded to the employee by the department [COMMISSIONER] upon application for them in accordance with regulations adopted [PRESCRIBED] by the department [HIM]. Application must be made during the calendar year after the calendar year in which the deductions are made.

* Sec. 14. AS 23.20.170(b) is amended to read:

(b) An employer who is not entitled to a rate determination under AS 23.20.280 - 23.20.310 because he is ineligible under AS 23.20.281 [SUBJECT TO AS 23.20.175 AND AS 23.20.280 - 23.20.310, BEGINNING JANUARY 1, 1974, THE STANDARD RATE OF CONTRIBUTIONS BY EMPLOYERS IS 2.7 PERCENT OF WAGES. EACH EMPLOYER WHO HAS NOT BEEN SUBJECT TO THIS CHAPTER FOR A SUFFICIENT PERIOD OF TIME TO HAVE HIS RATE COMPUTED UNDER AS 23.20.290,] shall pay contributions at a rate equal to the average industry tax rate as determined by the commissioner [; HOWEVER, THE RATE MAY NOT BE LESS THAN 1.0 PERCENT]. Assignment by the commissioner of employers to industrial classification, for the purposes of this subsection, shall be to the two-digit major group provided in the Standard Industrial Classification Code, in accordance with established classification practices found in the "Standard Industrial Classification Manual" issued by the United States Department of Labor [TO THE FIRST DIGIT PROVIDED IN THE STANDARD INDUSTRIAL CLASSIFICATION CODE].

* Sec. 15. AS 23.20.175(a) is repealed and re-enacted to read:

(a) For the purposes of AS 23.20.165 and 23.20.170, after December 31, 1973, and through December 31, 1980, wages do not include that part of remuneration paid during any calendar year to an individual by an employer or by his predecessor which exceeds \$10,000.

* Sec. 16. AS 23.20.175(c) is repealed and re-enacted to read:

(c) For the purposes of AS 23.20.165 and 23.20.170,

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1 (1) after December 31, 1980, and through December 31, 1982,
2 wages do not include that part of remuneration paid during any calendar
3 year to an individual by an employer or by his predecessor which exceed
4 60 percent of the average annual wage, as defined in AS 23.20.520(27),
5 in Alaska for the preceding 12-month period ending June 30 computed to
6 the nearest multiple of \$100;

7 (2) after December 31, 1982, wages do not include that part
8 of remuneration paid during any calendar year to an individual by an
9 employer or by his predecessor which exceeds 75 percent of the average
10 annual wage, as defined in AS 23.20.520(27), in Alaska for the precedin
11 12-month period ending June 30 computed to the nearest multiple of \$100

12 * Sec. 17. AS 23.20.185(a) is amended to read:

13 (a) If contributions are not paid on the date on which they are
14 due, the amount remaining unpaid bears interest at the rate of 12
15 [EIGHT] percent per year [ANNUM] from the due date until payment plus
16 accrued interest is received by the department. Interest collected
17 under this section shall be deposited in the clearing account of [PAID
18 INTO] the unemployment compensation fund.

19 * Sec. 18. AS 23.20.185(d) is amended to read:

20 (d) Interest collected under this section [AFTER JUNE 30, 1969]
21 shall periodically be transferred from the clearing account to the
22 training and building fund.

23 * Sec. 19. AS 23.20.190(a) is amended to read:

24 (a) An employer required to pay contributions under the provi-
25 sions of AS 23.20.165 [A PERSON] who fails to file a contribution repo
26 and wage schedule on the date it is due is subject to a penalty, to be
27 assessed and collected in the same manner as contributions. If the
28 report is filed within 30 days of the date it is due, the penalty is
29 five percent of the contributions due. For each additional 30-day

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period or its fraction, the penalty is an additional five percent of the contributions due. However, the penalty may not exceed 25 percent of the contributions due in the aggregate and may not be less than \$10 [\$2.50] for each reporting period.

* Sec. 20. AS 23.20.190(c) is amended to read:

(c) Penalties collected under this section [AFTER JUNE 30, 1969] shall periodically be transferred from the clearing account to the training and building fund.

* Sec. 21. AS 23.20.190 is amended by adding new subsections to read:

(d) An employer who has elected to make reimbursement payments under AS 23.20.277 who fails to file a contribution report and wage schedule on the date it is due is subject to a penalty, to be assessed and collected in the same manner provided under this section for failure to file a contribution report and wage schedule. If the report is filed not later than 30 days after the date it is due, the penalty is one-tenth of one percent of the total wages paid for the quarter. For each additional 30-day period or its fraction, the penalty is an additional one-tenth of one percent of the total wages paid for the quarter. However, the penalty may not exceed one-half of one percent of the total wages paid for the quarter in the aggregate and may not be less than \$10 for each reporting period.

(e) The department may require an employer who fails to file a contribution report and wage schedule on the date it is due to file a monthly contribution report and wage schedule, with payment, not later than 30 days after the close of each month. A decision under this subsection shall be reviewed annually under regulations adopted by the department. The monthly contribution report and wage schedule is subject to the same interest and penalty provisions as provided in this section and in AS 23.20.185.

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1 * Sec. 22. AS 23.20.195(c) is amended to read:

2 (c) Penalties collected under this section [ON OR AFTER JUNE 30,
3 1969] shall periodically be transferred from the clearing account to the
4 training and building fund.

5 * Sec. 23. AS 23.20.205(b) is amended to read:

6 (b) If the notice is served by mail the notice must be deposited
7 in the post office, addressed to the delinquent employer at his last
8 [KNOWN] address of record and the postage paid. The date of service is
9 considered to be the day of delivery shown on the delivery receipt.
10 However, if it appears the addressee is deliberately avoiding service,
11 then the date of service is the day of mailing.

12 * Sec. 24. AS 23.20.220(a) is amended to read:

13 (a) When a notice of assessment is delivered or mailed to a delin-
14 quent employer, the employer may within 30 days file a petition in
15 writing with the department, stating that the assessment is unjust or
16 incorrect and requesting a hearing on it. The petition shall set out
17 the reasons the assessment is objected to and the amount of contri-
18 butions which the employer admits is due and must be accompanied by a
19 bond or deposit of other security in the amount of the assessment to
20 insure collection. The department may waive the security requirement
21 if the employer submits proof of solvency or reasonable assurance, as
22 prescribed by regulations, that the contributions, interest and penal-
23 ties due are not in jeopardy. If no petition is filed within the time
24 prescribed, or if the employer fails to provide the required security,
25 the assessment is prima facie correct. However, the department may
26 entertain a subsequent application for refund, and, if denied a refund
27 a hearing on the application in accordance with AS 23.20.225.

28 * Sec. 25. AS 23.20.225(a) is amended to read:

29 (a) Within two years after contributions or interest are errone-

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ously paid, an employer who has paid such contributions or interest may file a written petition with the department for an adjustment of the payment as an offset against subsequent contribution payments, or for a refund of the payment when the adjustment as an offset cannot be made [, IF SUCH ERRONEOUSLY COLLECTED INTEREST AND PENALTIES WERE DEPOSITED AND RETAINED IN THE UNEMPLOYMENT COMPENSATION FUND]. If the department upon ex parte consideration determines that the contributions or interest were erroneously collected, it shall allow the employer to make an adjustment without interest. For like cause and within the same period, adjustment or refund may be made on the department's own motion.

* Sec. 26. AS 23.20.225(d) is amended to read:

(d) If not later than two years after the date of payment of interest or penalty an employer who has made such a payment determines that it was made erroneously, he may file a written petition with the department to have any subsequent amount of interest or penalties which has been, or might be, assessed against him, adjusted by the amount of the erroneous payment, or, if it appears that this adjustment would not be feasible within a reasonable time, he may request a refund of the erroneous payment. If the department upon ex parte consideration determines that the payment of interest or penalties, or any portion of it, was erroneous, it shall allow such an employer to make an adjustment in an amount equal to that erroneously paid, without interest, in connection with any subsequent interest or penalty payment which may be due, or, if this adjustment cannot be made, the department shall refund the amount, without interest, from the fund into which the payment was deposited or transferred. Refunds of interest and penalties erroneously collected may be made from the clearing account of the unemployment compensation fund [, IF THEY WERE DEPOSITED IN THAT FUND,] or from the training and building fund if they were transferred to and deposited in

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1 that [THE TRAINING AND BUILDING] fund. Interest [; HOWEVER, INTEREST]
2 and penalty payments [COLLECTED ON AND AFTER JUNE 30, 1969] may not be
3 refunded from the unemployment compensation fund. If an employer to
4 whom a refund is due does not file a petition for the refund, the de-
5 partment may make an adjustment or refund of interest or penalties on
6 its own initiative for like cause and subject to the same conditions [AS
7 MAKE THE REFUND AVAILABLE TO THE EMPLOYER].

8 * Sec. 27. AS 23.20.240 is amended by adding a new subsection to read:

9 (f) In this section, "employer" as defined in AS 23.20.520(11)
10 also includes, but is not limited to, an officer or employee of a cor-
11 poration or a member or employee of a partnership who, as an officer,
12 employee, or member, is under a duty to pay the contributions as re-
13 quired by (a) of this section.

14 * Sec. 28. AS 23.20.277(h) is amended to read:

15 (h) The amount due, specified in a bill from the department, is
16 conclusive on the organization unless, not later than 15 days after the
17 bill was mailed to its last [KNOWN] address of record or otherwise
18 delivered to it, the organization files an application for redetermi-
19 nation by the department, setting out the grounds for the application.
20 The department shall promptly review and reconsider the amount due
21 specified in the bill and shall thereafter issue a redetermination in
22 any case in which an application for redetermination has been filed.
23 Any redetermination is conclusive on the organization unless, not late
24 than 15 days after the redetermination was mailed to its last [KNOWN]
25 address of record or otherwise delivered to it, the organization files
26 an appeal to the commissioner, setting out the grounds for the appeal.
27 Proceedings on appeal to the commissioner from the amount of a bill
28 rendered under this subsection or a redetermination of the amount shall
29 be in accordance with the provisions of AS 23.20.410 - 23.20.470 [23.:

455].

* Sec. 29. AS 23.20.277(1) is amended to read:

(1) Each employer that is liable for payments in place of contributions shall pay to the department for the fund the amount of regular benefits plus the amount of one-half of extended benefits paid that are attributable to service in the employ of that [SUCH AN] employer. However, a government entity which has elected to make payments under this section is liable for the amount of regular benefits plus the full amount of extended benefits which are attributable to service in the employ of that entity. If benefits paid to an individual are based on wages paid by more than one employer and one or more of these employers are liable for payments in place of contributions, the amount payable to the fund by each employer that is liable for payments shall be determined by the department in accordance with regulations adopted [PROMULGATED] by the department.

* Sec. 30. AS 23.20.280(a) is amended to read:

(a) An employer is [AND HIS EMPLOYEES ARE] eligible for a rate determination in accordance with the provisions of AS 23.20.280 - 23.20.310 and the department [COMMISSIONER'S] regulations if the employer has been subject to this chapter throughout not less than the four consecutive calendar quarters ending with the computation date and remains subject to this chapter into the calendar quarter which immediately precedes the effective date of the rate. No employer [OR EMPLOYEE] is eligible for a rate determination under AS 23.20.280 - 23.20.310 if, with respect to a calendar quarter in or preceding his qualifying period, the employer has failed to file contribution or payroll reports or to pay contributions, interest and penalties required by this chapter within 60 days after the computation date or within 10 days after the department has mailed the employer written notice of the delinquency or

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1 of failure to file reports, or of both, by registered or certified ma
2 to his last [KNOWN] address of record, whichever is the later date.

3 * Sec. 31. AS 23.20.280(c) is amended to read:

4 (c) An employer who, because of failure to pay contributions or
5 file reports timely, does not qualify for a rate determination under
6 AS 23.20.280 - 23.20.310 shall pay contributions at the highest rate
7 provided in AS 23.20.280 - 23.20.310 [AFTER TAKING INTO ACCOUNT THE
8 APPROPRIATE RESERVE MULTIPLE OF THE FUND, AND HIS EMPLOYEES SHALL PAY
9 CONTRIBUTIONS AT THE EMPLOYEE RATE SPECIFIED IN AS 23.20.290(d)].

10 * Sec. 32. AS 23.20.285(b) is amended to read:

11 (b) For the purpose of computing quarterly decline quotients, t
12 department may, by regulation, prescribe (1) the manner in which wage
13 paid in the form of annual bonuses or other lump-sum payments for ser
14 vice performed over a period of more than three months are apportioned
15 among the calendar quarters of the calendar year in which the service
16 was performed; and (2) the method for making adjustments in quarterly
17 payrolls to eliminate the effect upon quarterly decline quotients re-
18 sulting from unemployment which would not be compensable by reason of
19 the labor dispute provision of AS 23.20.383 [AS 23.20.380(9)].

20 * Sec. 33. AS 23.20.290(b) is amended to read:

21 (b) The department shall segregate the employers into groups in
22 accordance with cumulative ratable payroll. The limits of the groups
23 are those set out in column B of the table in (c) of this section. E
24 of these groups shall be identified by the rate class number in colum
25 which is opposite the figures in column B which represent [REPRESENTS
26 the percentage limits of each group. An employer shall be assigned t
27 experience factor in column C which is opposite [TO] the rate class i
28 which the greater part of the employer's ratable payroll falls. If o
29 half of the employer's ratable payroll falls in one class, and one-ha

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in another, he shall be assigned to the lower numbered rate class. No employer may be assigned to a higher numbered rate class than is assigned to another employer with the same average quarterly decline quotient.

* Sec. 34. AS 23.20.290(c) is repealed and re-enacted to read:

(c) Beginning January 1, 1981, the rate of contributions for each employer is 82 percent of the average benefit cost rate multiplied by the employer's experience factor set out in column C of the table in this subsection opposite his applicable rate class set out in column A plus the fund solvency contribution required under (f) of this section. However, the rate of contributions for an employer may not be less than one percent or more than six and one-half percent. The rate of contributions for an employer must be rounded to the nearest one-hundredth of one percent.

COLUMN A	COLUMN B		COLUMN C
Rate Class	Cumulative Ratable payroll		Experience Factor
	at least (percent)	but less than (percent)	
1		5	.40
2	5	10	.45
3	10	15	.50
4	15	20	.55
5	20	25	.60
6	25	30	.65
7	30	35	.70
8	35	40	.80
9	40	45	.90
10	45	50	1.00
11	50	55	1.00

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1	12	55	60	1.10
2	13	60	65	1.20
3	14	65	70	1.30
4	15	70	75	1.35
5	16	75	80	1.40
6	17	80	85	1.45
7	18	85	90	1.50
8	19	90	95	1.55
9	20	95	100	1.60

10 * Sec. 35. AS 23.20.290(d) is repealed and re-enacted to read:

11 (d) Beginning January 1, 1981, and for each succeeding year there-
12 after, the rate of contributions payable by each employee of an employ-
13 who is subject to AS 23.20.165 is 18 percent of the average benefit co-
14 rate as determined in (e) of this section rounded to the nearest one-
15 tenth of one percent. However, the rate of contributions for an em-
16 ployee may not be less than one-half percent or more than one percent.

17 * Sec. 36. AS 23.20.290 is amended by adding new subsections to read:

18 (e) The department shall determine the average benefit cost rate
19 as follows:

20 (1) the department shall determine the amount of benefits
21 paid to insured workers during the last three computation years;

22 (2) the department shall subtract from the amount determine
23 in (1) of this subsection the amount of any benefits reimbursed to the
24 fund during those computation years;

25 (3) the department shall divide the amount determined in (1)
26 of this subsection by the total wages paid by all employers required to
27 pay contributions under this chapter during the first three of the last
28 four computation years;

29 (4) the department shall determine the amount of total wages

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subject to contributions under this chapter paid during the preceding computation year;

(5) the department shall determine the amount of all wages paid to insured workers during the preceding computation year;

(6) the department shall subtract from the amount determined in (5) of this subsection the amount of wages paid during the preceding computation year by employers who elect to reimburse the department under AS 23.20.276 and 23.20.277;

(7) the department shall divide the amount determined in (4) of this subsection by the amount determined in (6) of this subsection; and

(8) the department shall divide the amount determined in (3) of this subsection by the amount determined in (7) of this subsection.

(f) An employer shall pay a fund solvency contribution equal to the contribution rate set out in column B of the table in this subsection opposite the reserve rate of the fund set out in column A. However, the fund solvency contribution rate of an employer may not increase or decrease more than three-tenths of one percent from one year to the next.

COLUMN A		COLUMN B
Reserve Rate		Fund Solvency Contribution
at least	but less than	(percent)
(percent)	(percent)	
3.2		0.0
2.9	3.2	0.1
2.8	2.9	0.2
2.7	2.8	0.3
2.6	2.7	0.4
2.5	2.6	0.5

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1	2.4	2.5	0.6
2	2.3	2.4	0.7
3	2.2	2.3	0.8
4	2.1	2.2	0.9
5	2.0	2.1	1.0
6		2.0	1.1

7 * Sec. 37. AS 23.20 is amended by adding a new section to read:

8 Sec. 23.20.281. INELIGIBLE EMPLOYER. An employer who has been
9 subject to this chapter less than four calendar quarters immediately
10 preceding the computation date is not entitled to a rate determination
11 under AS 23.20.280 - 23.20.310 and the employer shall pay contributions
12 at the standard rates specified in AS 23.20.170(b).

13 * Sec. 38. AS 23.20.300 is amended to read:

14 Sec. 23.20.300. CORRECTIONS AND ADJUSTMENTS. Corrections or
15 modifications of an employer's payroll may be taken into account within
16 two years after the computation date for the purpose of a reduction or
17 increase in his rate [AND HIS EMPLOYEES' RATES]. When an adjustment
18 made in an employer's payroll or in his average quarterly decline qu
19 tient after rates have been assigned, the adjustment may not alter the
20 position of another employer on the schedule or the contribution rate of
21 another employer. The employer for [WITH RESPECT TO] whom the adjust
22 in decline quotients is made shall be placed in the [THAT] class in
23 which another employer with the nearest similar average quarterly de
24 quotient is placed.

25 * Sec. 39. AS 23.20.305(a) is amended to read:

26 (a) The department shall promptly notify each employer of his
27 of contributions as determined for a calendar year under AS 23.20.280
28 23.20.310. The determination becomes conclusive upon the employer
29 unless within 15 days after the notice is mailed to his last [KNOWN]

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1 address of record or delivered to him, the employer files an application
2 for review and redetermination, setting out his reasons for the applica-
3 tion.

4 * Sec. 40. AS 23.20.305(c) is amended to read:

5 (c) If the commissioner denies a review, he shall notify the
6 employer of the denial and the reasons for the denial. A redetermina-
7 tion or a denial of review becomes final, unless within 30 days after
8 the notice is mailed to the last [KNOWN] address of record of the
9 employer, or delivered to him, the employer initiates [PETITION FOR]
0 judicial review [IS FILED] in accordance with AS 23.20.445.

1 * Sec. 41. AS 23.20.310(4) is amended to read:

2 (4) "qualifying period" means the three-year period of 12
3 consecutive calendar quarters ending on the computation date; for an
4 employer who has not been subject to this chapter during each of the 12
5 calendar quarters ending with the computation date, "qualifying period"
6 means the period ending with the computation date and beginning with the
7 first calendar quarter in the 12 quarter period in which the employer
8 was subject to this chapter, but in no event shall an employer's qualify-
9 ing period be less than the four consecutive calendar quarters ending
0 with the computation date; [EMPLOYERS WHO HAVE BEEN SUBJECT TO THIS
1 CHAPTER LESS THAN FOUR CALENDAR QUARTERS IMMEDIATELY PRECEDING THE
2 COMPUTATION DATE, AND THEIR EMPLOYEES, ARE NOT ENTITLED TO A RATE DETER-
3 MINATION UNDER AS 23.20.280 - 23.20.310 BUT SHALL PAY CONTRIBUTIONS AT
4 THE STANDARD RATES SPECIFIED IN AS 23.20.170;] an employing unit is
5 subject to this chapter beginning with the start of the first quarter in
6 which he pays wages under this chapter [HEREUNDER], and ending with the
7 end of the calendar quarter in which either he files closing contribution
8 and wage reports under regulations adopted by the department [OF THE
9 COMMISSIONER], or his account is closed by the independent action of the

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1 commissioner;

2 * Sec. 42. AS 23.20.310(5) is amended to read:

3 (5) "ratable payroll" means that part [SO MUCH] of an
4 employer's payroll for the four consecutive calendar quarters ending on
5 the computation date as is subject to payment of contributions; for the
6 purpose of determining the rate for a newly subject employer [AND HIS
7 EMPLOYEES] under AS 23.20.280 - 23.20.310 the definition of employment
8 in force at the time that the employer becomes subject to this chapter
9 applies to service performed for him before the date on which he become
10 subject; [.]

11 * Sec. 43. AS 23.20.310(7) is amended to read:

12 (7) "reserve rate" means the ratio of [PERCENTAGE OF WHICH]
13 the total amount available for benefits in the unemployment trust fund
14 on September 30, immediately following the computation date, to the
15 [BEARS TO] payroll of employers required to pay contributions under the
16 provisions of AS 23.20.165 [, AS DEFINED IN THIS SECTION, OF SUBJECT
17 EMPLOYERS] for the 12 consecutive calendar months [12 CALENDAR-MONTH
18 PERIOD] ending on the computation date, expressed as a percentage;

19 * Sec. 44. AS 23.20.310 is amended by adding a new paragraph to read:

20 (10) "computation year" means the 12 months beginning July 1
21 and ending June 30.

22 * Sec. 45. AS 23.20.315(c) is amended to read:

23 (c) The department shall mail or deliver a notice of its determi
24 nation made under (a) or (b) of this section to the last [KNOWN] addre
25 of record of the employing unit affected. The notice shall include a
26 statement of the supporting facts found by the department.

27 * Sec. 46. AS 23.20.315(d) is amended to read:

28 (d) Within 15 days after a notice of a determination has been
29 mailed or delivered to the last [KNOWN] address of record of an employ

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ing unit, the employing unit may apply to the department to reconsider its determination in the light of additional evidence and to issue a redetermination. The department shall, if the request is granted, mail or deliver to the last [KNOWN] address of record of the employing unit affected a notice of the redetermination. The notice shall include a statement of the supporting facts found by the department. If the department denies the request for redetermination, it shall furnish a notice of the denial of the application.

* Sec. 47. AS 23.20.315(e) is amended to read:

(e) Within 15 days after a notice of a determination made under (a), (b), or (d) of this section or a denial of the application under (d) of this section has been mailed or delivered to the last [KNOWN] address of record of an employing unit, the employing unit may appeal from the determination to the department. The department shall give the parties a reasonable opportunity for a fair hearing as provided in the case of hearings before appeal tribunals in AS 23.20.410 - 23.20.470. The decision of the department is final unless, within 30 days after the decision is mailed or delivered to the last [KNOWN] address of record of a party, the party initiates judicial review in accordance with AS 23.-20.445.

* Sec. 48. AS 23.20.340(a) is amended to read:

(a) An examiner designated by the department shall take the claim. The examiner shall take all evidence pertaining to the eligibility of the claimant and [AN INITIAL DETERMINATION ON THE CLAIM SHALL BE MADE PROMPTLY AND SHALL INCLUDE A DETERMINATION WITH RESPECT TO WHETHER BENEFITS ARE PAYABLE, THE WEEKLY BENEFIT AMOUNT PAYABLE, AND THE MAXIMUM DURATION OF BENEFITS. WHEN THE PAYMENT OR DENIAL OF BENEFITS IS DETERMINED BY AS 23.20.380(9), THE EXAMINER] shall promptly transmit all evidence [WITH RESPECT TO THAT SECTION] to the department. The depart-

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1 ment, or a representative designated by it for the purpose, shall, on
2 the basis of the evidence submitted and any [THE] additional evidence it
3 requires, make an initial determination of [AS TO] the claim as to
4 whether the claimant is eligible for benefits under AS 23.20.350 and an
5 initial determination of the weekly benefit amount and the maximum po-
6 tential benefit amount.

7 * Sec. 49. AS 23.20.340(b) is amended to read:

8 (b) Within one year from the date of the initial determination,
9 the department shall [ON ITS OWN MOTION MAY] reconsider the determina-
10 tion and shall issue a redetermination amending the initial determina-
11 tion if it finds that an error in computation or identity has been made
12 or [FINDS] that additional wages pertinent to the claimant's insured
13 status have become available, or that the initial determination re-
14 sulted from [IS A RESULT OF] a nondisclosure or misrepresentation of a
15 material fact.

16 * Sec. 50. AS 23.20.340(c) is amended to read:

17 (c) The claimant [AND OTHER PARTIES TO THE DETERMINATION] shall b
18 promptly notified of the initial determination or a subsequent redeter-
19 mination [(OR OF AN AMENDED INITIAL DETERMINATION)] and the reasons for
20 it.

21 * Sec. 51. AS 23.20.340(d) is amended to read:

22 (d) Unless the claimant is determined to be disqualified for
23 benefits under AS 23.20.377 - 23.20.387, benefits [BENEFITS] shall be
24 promptly paid [OR DENIED] in accordance with the initial determination
25 or subsequent redetermination.

26 * Sec. 52. AS 23.20.340(e) is repealed and re-enacted to read:

27 (e) The claimant may file an appeal from an initial determinatio
28 or a redetermination under (b) of this section not later than 15 days
29 after he is notified in person of the determination or redetermination

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or not later than 15 days after the date the determination or redetermination is mailed to his last address of record. The period for filing an appeal may be extended for a reasonable period if the claimant shows that the application was delayed as a result of circumstances beyond the claimant's control.

* Sec. 53. AS 23.20.340(f) is repealed and re-enacted to read:

(f) If a determination of disqualification under AS 23.20.377 - 23.20.387 is made, the claimant shall be promptly notified of the determination and the reasons for it. The claimant may appeal the determination in the same manner prescribed in this chapter for appeals of initial determinations and redeterminations. Benefits may not be paid while a determination is being appealed for any week for which the determination of disqualification was made. However, if a decision on the appeal allows benefits to the claimant, those benefits must be paid promptly.

* Sec. 54. AS 23.20.350 is repealed and re-enacted to read:

Sec. 23.20.350. AMOUNT OF BENEFITS. (a) An individual who is paid at least \$1,000 in wages during his base period for employment covered by this chapter is eligible to receive benefits under this chapter if those wages were paid in at least two of the calendar quarters of his base period.

(b) An individual may not receive benefits under this chapter in two successive benefit years unless

(1) he has performed services, whether or not in "employment" as defined in this chapter after the beginning of the first benefit year; and

(2) he has earned remuneration for those services equal to at least eight times his weekly benefit amount, excluding an allowance for dependents.

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(c) For the purpose of computing the benefits payable under this chapter, the base period wages of an insured worker shall be determined as follows:

(1) if the insured worker is paid 90 percent or more of his wages in the calendar quarter of his base period in which he was paid the greatest amount of wages, the base period wages are the wages paid in the quarters of the base period other than the one in which the greatest amount of wages were paid, multiplied by 10; and

(2) if the insured worker is paid less than 90 percent of his wages in the calendar quarter of his base period in which he was paid the greatest amount of wages, the base period wages are the wages paid to him during the base period.

(d) An individual who is eligible under (a) of this section and who complies with (b) of this section, if applicable, is entitled to receive the weekly benefit amount set out in column (B) of the table in this subsection which is opposite the amount set out in column (A) of the individual's base period wages determined under (c) of this section

(A)	(B)
Base Period Wages	Weekly Benefit Amount
0 - 999.99	\$ 0
1,000 - 1,249.99	34
1,250 - 1,499.99	36
1,500 - 1,749.99	38
1,750 - 1,999.99	40
2,000 - 2,249.99	42
2,250 - 2,499.99	44
2,500 - 2,749.99	46
2,750 - 2,999.99	48
3,000 - 3,249.99	50

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1	3,250 - 3,499.99	52
2	3,500 - 3,749.99	54
3	3,750 - 3,999.99	56
4	4,000 - 4,249.99	58
5	4,250 - 4,499.99	60
6	4,500 - 4,749.99	62
7	4,750 - 4,999.99	64
8	5,000 - 5,249.99	66
9	5,250 - 5,499.99	68
0	5,500 - 5,749.99	70
1	5,750 - 5,999.99	72
2	6,000 - 6,249.99	74
3	6,250 - 6,499.99	76
4	6,500 - 6,749.99	78
5	6,750 - 6,999.99	80
6	7,000 - 7,249.99	82
7	7,250 - 7,499.99	84
8	7,500 - 7,749.99	86
9	7,750 - 7,999.99	88
0	8,000 - 8,249.99	90
1	8,250 - 8,499.99	92
2	8,500 - 8,749.99	94
3	8,750 - 8,999.99	96
4	9,000 - 9,249.99	98
5	9,250 - 9,499.99	100
6	9,500 - 9,749.99	102
7	9,750 - 9,999.99	104
8	10,000 - 10,249.99	106
9	10,250 - 10,499.99	108

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1	10,500 - 10,749.99	110
2	10,750 - 10,999.99	112
3	11,000 - 11,249.99	114
4	11,250 - 11,499.99	116
5	11,500 - 11,749.99	118
6	11,750 - 11,999.99	120
7	12,000 - 12,249.99	122
8	12,250 - 12,499.99	124
9	12,500 - 12,749.99	126
10	12,750 - 12,999.99	128
11	13,000 - 13,249.99	130
12	13,250 - 13,499.99	132
13	13,500 - 13,749.99	134
14	13,750 - 13,999.99	136
15	14,000 - 14,249.99	138
16	14,250 - 14,499.99	140
17	14,500 - 14,749.99	142
18	14,750 - 14,999.99	144
19	15,000 - 15,249.99	146
20	15,250 - 15,499.99	148
21	15,500 or more	150

(e) An individual who is eligible under (d) of this section is entitled to receive a weekly benefit under this chapter for the number of weeks set out in column B of the table in this subsection opposite the applicable earnings ratio of the individual set out in column A:

	(A)	(B)
	Earnings Ratio	Number of Weeks
27	less than 1.49	16
28	1.50 - 1.99	18
29		

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1	2.00 - 2.49	20
2	2.50 - 2.99	22
3	3.00 - 3.49	24
4	3.50 or more	26

5 (f) An individual who establishes a benefit year is entitled to an
6 allowance for dependents in addition to his weekly benefit amount equal
7 to \$24 per week for each dependent of the individual, except that the
8 allowance for dependents may not exceed \$72 for each week of unemploy-
9 ment. The individual must request the allowance for dependents when he
10 first makes a claim for benefits. For purposes of the allowance for
11 dependents, the number of dependents is determined on the date the
12 individual establishes his benefit year and may only be redetermined
13 during his benefit year if he obtains an additional dependent by birth
14 or adoption. An allowance for dependents may not be paid during a
5 benefit year to an individual if the dependent has been claimed by
6 another individual and the allowance for dependents has been determined
7 to be payable to the other individual. Before an allowance for depen-
8 dents is paid, the department shall determine that no other individual
9 is receiving an allowance for dependents for the same dependents and may
0 require that each individual seeking an allowance for dependents produce
1 evidence satisfactory to the department that the dependents claimed are
2 dependents of that person.

1 (g) In this section,

1 (1) "dependent" means an individual's

(A) unmarried child, stepchild, legally adopted child,
or legal ward under 18 years of age who is dependent on the in-
dividual for more than 50 percent of support;

(B) unmarried child, stepchild, legally adopted child,
or legal ward of any age who is dependent on the individual for

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1 more than 50 percent of support and who is prevented by infirmity
2 from engaging in a gainful occupation;

3 (2) "earnings ratio" means the ratio obtained by dividing th
4 total base period wages of the insured worker by the wages paid in the
5 quarter of the base period in which he was paid the greatest amount of
6 wages.

7 * Sec. 55. AS 23.20.360 is amended to read:

8 Sec. 23.20.360. EARNINGS DEDUCTED FROM WEEKLY BENEFIT AMOUNT. An
9 eligible individual who is unemployed in a week shall be paid for [WITH
10 RESPECT TO] that week a benefit in an amount equal to his [BASIC OR
11 AUGMENTED] weekly benefit amount, excluding the allowance for dependent
12 less 75 percent of that part of the remuneration, whether or not covere
13 by this chapter, payable to him for [WITH RESPECT TO] that week which i
14 in excess of \$50 [\$10 OR ONE-HALF OF HIS BASIC WEEKLY BENEFIT AMOUNT,
15 WHICHEVER AMOUNT IS GREATER]. If the benefit is not a multiple of \$1,
16 it is computed to the next higher multiple of \$1.

17 * Sec. 56. AS 23.20 is amended by adding a new section to read:

18 Sec. 23.20.362. DISQUALIFYING OR DEDUCTIBLE INCOME. (a) The
19 amount of benefits payable to an insured worker for a week of unemploy-
20 ment which begins in a period for which the insured worker is receiving
21 a payment from a pension, annuity or similar plan or contract for ser-
22 vice in employment covered by this chapter, or a payment to compensate
23 him for a dismissal from employment without prior notice or for unused
24 paid leave of absence for vacation or holidays, shall be reduced by th
25 amount of the payment or compensation which is attributable to the week
26 of unemployment.

27 (b) An individual is not entitled to benefits for a week of un-
28 employment for which he has received or is seeking unemployment benefi
29 under the employment security law of another state in a manner other

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than in accordance with the reciprocal arrangements with other states or the federal government. This subsection does not apply to an individual who is determined by the appropriate agency to be ineligible to receive unemployment benefits under the other employment security law.

(c) If, after a reduction of a benefit amount under (a) of this section, the weekly benefit amount is not a multiple of \$1, the benefit amount shall be increased to the next higher dollar amount.

* Sec. 57. AS 23.20.370 is amended to read:

Sec. 23.20.370. BENEFITS OF DECEDENT OR INCOMPETENT. Benefits due and payable to a deceased or judicially declared incompetent person shall be paid, in accordance with regulations adopted [PRESCRIBED] by the department, to persons in the following order: spouse, child, [OR] parent, sister or brother, aunt or uncle, payment to whom the department finds will best carry out the purposes of this chapter. The regulations need not conform to the statutes applicable to the descent and distribution of decedents' estates. A receipt from the person to whom the department makes payment fully discharges the fund and the department from liability for the benefits.

* Sec. 58. AS 23.20.375(a) is repealed and re-enacted to read:

Sec. 23.20.375. FILING REQUIREMENTS. (a) An insured worker is entitled to receive waiting-week credit or benefits for a week of unemployment for which he has not been disqualified under AS 23.20.377 - 23.20.387 if, in accordance with regulations adopted by the department, he has

(1) made an initial claim for benefits; and

(2) for that week, certified for waiting-week credit or made a claim for benefits.

* Sec. 59. AS 23.20 is amended by adding new sections to read:

Sec. 23.20.378. ABLE TO WORK AND AVAILABLE FOR SUITABLE WORK. (a)

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1 An insured worker is entitled to receive waiting-week credit or benefit
2 for a week of his unemployment if for that week he is able to work and
3 available for suitable work. An insured worker is not considered
4 available for work unless he is registered for work in accordance with
5 regulations adopted by the department. An insured worker may not be
6 disqualified for failure to comply with this subsection if

7 (1) he is not available for work because he is ill or dis-
8 abled;

9 (2) he is not available for work because he is traveling to
10 obtain medical services which are not available in the area in which he
11 resides, or if a physician determines it is necessary, he is not avail-
12 able for work because he must accompany a spouse or dependent who is
13 traveling to obtain medical services;

14 (3) he resides in the state and is not available for work
15 because of his noncommercial hunting or fishing necessary for his sur-
16 vival or the survival of his dependents;

17 (4) he is not available for work because he is serving as a
18 prospective or impaneled juror in a court; or

19 (5) a condition described in (1), (2), or (3) of this subse-
20 tion occurs during an uninterrupted period of unemployment immediately
21 following a week for which he has filed a compensable claim and work had
22 not been offered to him which would have been suitable for him before
23 the illness, disability, hunting, fishing or medical travel.

24 (b) A waiver of disqualification for an illness or disability
25 under (a)(1) of this section may not exceed six consecutive weeks.

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

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subsection begins with the first week of academic instruction and ends with the week immediately before the first full week in which the insured worker is no longer attending classes if the insured worker certifies that the period of nonattendance will last at least 60 days. In this subsection, the term "school" includes primary schools, secondary schools, and institutions of higher education.

Sec. 23.20.379. VOLUNTARY QUIT, DISCHARGE FOR MISCONDUCT, AND REFUSAL OF WORK. (a) An insured worker is disqualified for waiting-week credit or benefits for the first week in which he is unemployed and for the next five weeks of unemployment following that week if he

(1) left his last suitable work voluntarily without good cause; or

(2) was discharged for misconduct connected with his work.

(b) An insured worker is disqualified for waiting-week credit or benefits for a week and the next five weeks of unemployment following that week if, for that week, he fails without good cause

(1) to apply for available suitable work to which he was referred by the employment office; or

(2) to accept suitable work when offered to him.

(c) The department shall reduce the maximum potential benefits to which an insured worker disqualified under (a) or (b) of this section would have been entitled by three times the insured worker's weekly benefit amount (excluding the allowance for dependents) or by the amount of unpaid benefits to which the insured worker is entitled, whichever is less.

(d) The disqualification required in this section is terminated if the insured worker returns to employment and earns at least eight times his weekly benefit amount.

* Sec. 60. AS 23.20.381 is amended by adding new subsections to read:

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1 (e) Benefits based on service in an instructional, research or
2 principal administrative capacity for an educational institution may not
3 be paid to an individual for a week of unemployment which begins during
4 the period between two successive academic years, or during a similar
5 period between two regular terms, whether or not successive, or during
6 period of paid sabbatical leave provided for in the individual's con-
7 tract, if the individual performs services in the first of those aca-
8 demic years or terms and if there is a contract or reasonable assurance
9 that the individual will perform services in the same or similar capa-
10 city for an educational institution in the second of those academic
11 years or terms.

12 (f) Benefits based on service in a capacity not specified in (e)
13 of this section for an educational institution other than an institutio
14 of higher education may not be paid to an individual for a week of
15 unemployment which begins during the period between successive school
16 years if there is reasonable assurance that the individual will perform
17 service for an educational institution other than an institution of
18 higher education in the second of those school years.

19 * Sec. 61. AS 23.20 is amended by adding new sections to read:

20 Sec. 23.20.383. LABOR DISPUTE DISQUALIFICATION. (a) An insured
21 worker is disqualified for waiting-week credit or benefits for a week c
22 his unemployment if, for that week, the department finds his unemploy-
23 ment is due to a stoppage of work caused by a labor dispute at the
24 immediate establishment or other premises at which he is or was last
25 employed. For the purposes of this section, each separate department c
26 the same premises which is commonly conducted as a separate business in
27 separate premises is considered a separate establishment or other pre-
28 mises.

29 (b) This section does not apply if the department finds that

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1 (1) an insured worker was not participating in or directly
2 interested in the labor dispute which caused his unemployment;

3 (2) he did not belong to a grade or class of workers which,
4 immediately before the commencement of the dispute, had members employed
5 at the premises at which the labor dispute occurred who were participat-
6 ing in or directly interested in the labor dispute; and

7 (3) the labor dispute is caused by the failure or refusal of
8 the employer to comply with an agreement or contract between the em-
9 ployer and the insured worker, or a state or federal law pertaining to
10 hours, wages or other conditions of work.

11 Sec. 23.20.387. DISQUALIFICATION FOR MISREPRESENTATION. (a) An
12 insured worker is disqualified for benefits for not less than six weeks
13 or more than 52 weeks if the department determines that he has knowingly
14 made a false statement or misrepresentation of a material fact or know-
15 ingly failed to report a material fact with intent to obtain or increase
16 benefits under this chapter. The length of this disqualification and
17 the beginning date of the disqualification shall be determined by the
18 department according to the circumstances in each case.

19 (b) A person may not be disqualified from receiving benefits under
20 this section unless there is documented evidence that he has made a
21 false statement or a misrepresentation as to a material fact or has
22 failed to disclose a material fact. Before a determination of fraudu-
23 lent misrepresentation or nondisclosure may be made, there must be a
24 preponderance of evidence of an intention to defraud, and the false
25 statement or misrepresentation must be shown to be knowing and to in-
26 volve a material fact.

27 (c) The insured worker shall be notified of the department's
28 determination under this section as provided in AS 23.20.340(f) and may
29 appeal the determination as provided in AS 23.20.415.

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1 * Sec. 62. AS 23.20.390(b) is amended to read:

2 (b) The [AS SOON AS THE] department [HAS KNOWLEDGE OF PAYMENTS OF
3 BENEFITS TO AN INDIVIDUAL UNDER THE CIRCUMSTANCES MENTIONED IN THIS
4 SECTION, IT] shall promptly prepare and deliver or mail to the indivi-
5 dual at his last [KNOWN] address of record a notice of determination of
6 liability declaring that the individual has been determined liable to
7 refund the amount of benefits to which he is not entitled [PAID UNDER
8 THE CIRCUMSTANCES MENTIONED IN THIS SECTION]. The amount, if not pre-
9 viously collected, shall be deducted from future benefits payable to t
10 individual. However, if the department determines that an individual
11 has died, or has acted in good faith in claiming and receiving benefit
12 to which he was not entitled, or [AND] that great hardship would resul
13 from charging the individual with repayment of the benefits, the depar
14 tment may absolve the individual from liability to the fund for repayme
15 of all or a portion of those [THE] benefits.

16 * Sec. 63. AS 23.20.407 is amended to read:

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

18 (a) The weekly extended benefit amount payable to an individual for a
19 week of total unemployment in his eligibility period is an amount equa
20 to the weekly [BASIC OR AUGMENTED] benefit amount, including the allo
21 ance for dependents, [AMOUNTS] payable to him during his applicable
22 benefit year.

23 (b) The total extended benefit amount payable to any eligible
24 individual with respect to his applicable benefit year is the least o
25 the following amounts:

26 (1) 50 percent of the total amount of regular benefits,
27 including dependents' allowances, which were payable to him under thi
28 chapter in his applicable benefit year;

29 (2) 13 times his [AVERAGE] weekly benefit amount, includin

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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. 64. AS 23.20.408(g) is repealed and re-enacted to read:

(g) There is a state "off" indicator for a week if, for that week and the immediately preceding 12 weeks, the rate of insured unemployment was either (1) less than four percent; or (2) less than five percent and was less than 120 percent of the average of the rates of insured unemployment for the corresponding 13-week period in each of the preceding two calendar years.

* Sec. 65. AS 23.20.415(a) is amended to read:

(a) A party entitled to notice of determination provided in AS 23.20.340 may file an appeal from the determination to an appeal tribunal within the time specified in that section. However, an appeal from a determination which involves AS 23.20.383 [AS 23.20.380(9)] shall be made to the department. The parties to an appeal from a determination shall include all those entitled to notice of the determination and a properly designated representative of the department.

* Sec. 66. AS 23.20.430 is amended to read:

Sec. 23.20.430. NOTICE OF DECISION AND TIME FOR APPEAL. After a hearing an appeal tribunal shall promptly make findings and conclusions and on the basis of them shall affirm, modify, or reverse the determination. Each party shall be promptly given a copy of the decision, the supporting findings and the conclusions. This decision is final unless further review is initiated under AS 23.20.435 within 15 [10] days after

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1 the decision is mailed to each party at his last [KNOWN] address of of
2 record or delivered to him. The period within which further review may
3 be initiated may be extended for a reasonable period of time upon a
4 showing that the application was delayed as a result of circumstances
5 beyond the party's control [GOOD CAUSE].

6 * Sec. 67. AS 23.20.435(a) is amended to read:

7 (a) An appeal to the department by a party is a matter of right :
8 the decision of the appeal tribunal reverses or modifies the determina-
9 tion of the department, or if a question arising under AS 23.20.383
10 [AS 23.20.380(9)] is presented. In all other cases further appeal to
11 the department is permitted only at the discretion of the department.

12 * Sec. 68. AS 23.20.445 is amended to read:

13 Sec. 23.20.445. NOTICE OF DECISION OF DEPARTMENT AND JUDICIAL
14 REVIEW. Each party, including the properly designated representative
15 the department, shall be promptly given a copy of the decision and the
16 supporting findings and conclusions of the department. The decision is
17 final unless a party initiates judicial review by filing an appeal
18 [ACTION] in the superior court as provided in the Rules of Appellate
19 Procedure of the State of Alaska [FOR REVIEW WITHIN 30 DAYS AFTER THE
20 DEPARTMENT'S DECISION HAS BEEN MAILED TO EACH PARTY AT HIS LAST KNOWN
21 ADDRESS, OR DELIVERED TO HIM]. For the purpose of judicial review, an
22 appeal tribunal's decision from which an application for appeal has be
23 denied by the department is considered the decision of the department,
24 except that the time for initiating judicial review runs from the date
25 of the mailing or delivery of the notice of the denial of the applica-
26 tion for appeal by the department.

27 * Sec. 69. AS 23.20.470(a) is amended to read:

28 (a) An attorney at law representing a claimant on appeal to the
29 courts is entitled to reasonable counsel fees as fixed by the court [N

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TO EXCEED \$300] and necessary court costs and printing disbursements as fixed by the court [NOT EXCEEDING \$150. IN DIFFICULT CASES THE COURT TO WHICH THE APPEAL IS TAKEN MAY, UPON APPLICATION OF COUNSEL FOR THE CLAIMANT, INCREASE THE FEES, COURT COSTS, OR DISBURSEMENTS TO AN AMOUNT WHICH THE COURT CONSIDERS REASONABLE].

* Sec. 70. AS 23.20.485 is amended to read:

Sec. 23.20.485. FALSE STATEMENT TO SECURE BENEFITS. A person who makes a false statement or misrepresentation knowing it is false or who knowingly fails to disclose a material fact, with intent to obtain or increase a benefit or other payment under this chapter or under an employment security law of another state, of the federal government, or of a foreign government, either for himself or for another person, is guilty of a class B misdemeanor [UPON CONVICTION, IS PUNISHABLE BY A FINE OR NOT MORE THAN \$200, OR BY IMPRISONMENT FOR NOT MORE THAN 60 DAYS, OR BY BOTH]. Each false statement or misrepresentation or failure to disclose a material fact is a separate offense.

* Sec. 71. AS 23.20.490 is amended to read:

Sec. 23.20.490. ACTS OF EMPLOYER PROHIBITED. (a) An employing unit or an officer or agent of an employing unit may not (1) make a false statement or representation knowing it is false, (2) knowingly fail to disclose a material fact to prevent or reduce the payment of benefits to an individual entitled to them, or to avoid or reduce a contribution or other payment required from an employing unit under this chapter, or (3) knowingly [WILFULLY] fail or refuse to make a contribution or other payment, or to furnish a report required by this chapter or by authority granted under this chapter, or to produce or permit the inspection or copying of records as required by this chapter.

(b) An employing unit or officer or agent of an employing unit who violates [, UPON CONVICTION OF VIOLATING] (a) of this section, is

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1 guilty of a class A misdemeanor [PUNISHABLE BY A FINE OF NOT MORE THAN
2 \$200, OR BY IMPRISONMENT FOR NOT MORE THAN 60 DAYS, OR BY BOTH].

3 * Sec. 72. AS 23.20.505 is amended to read:

4 Sec. 23.20.505. UNEMPLOYED INDIVIDUAL. (a) An individual is con-
5 sidered "unemployed" in a week during which he performs no services an-
6 for [WITH RESPECT TO] which no remuneration is payable to him, or in a
7 week of less than full-time work if the remuneration payable to him fo-
8 the week is not more [LESS] than one and one-third times his [BASIC]
9 weekly benefit amount, excluding the allowance for dependents, plus \$5
10 [\$10 OR ONE AND ONE-HALF TIMES HIS BASIC WEEKLY BENEFIT AMOUNT, WHICH-
11 EVER AMOUNT IS GREATER].

12 (b) For the purposes of this section remuneration includes:

13 (1) all compensation, including commissions, payable for
14 services performed for another, whether or not those services constitu-
15 "employment" as defined in this chapter;

16 (2) earnings from self-employment;

17 (3) bonuses, and guaranteed wage payments which shall be al-
18 located proportionately to all weeks or parts of weeks falling within th-
19 period during which the payment was earned or for which the payment wa-
20 awarded;

21 (4) the reasonable cash value of payment for services in a
22 medium other than cash; and

23 (5) compensation received for service as a juror.

24 (c) For the purposes of this section remuneration does not inclu-
25 compensation received for inactive service performed by a member of th-
26 Alaska National Guard or Naval Militia.

27 * Sec. 73. AS 23.20.520(21) is amended to read:

28 (21) "waiting week" means the first week of unemployment
29 for which an individual files a claim during his benefit year and for

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which no disqualification is imposed under AS 23.20.377 - 23.20.387
[OCCURRING IN A BENEFIT YEAR];

* Sec. 74. AS 23.20.520(26) is amended to read:

(26) "training or retraining course" ["VOCATIONAL TRAINING"] means a course of vocational or technical training or retraining in schools or classes, including but not limited to, field or laboratory work and related remedial or [RELATED] academic instruction, which is conducted as a program designed to prepare individuals for entry level [GAINFUL] employment in trades, skills or crafts; the term "training or retraining course" ["VOCATIONAL TRAINING"] does not include 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; [ACADEMIC EDUCATION WHOSE PURPOSE IS TO PREPARE INDIVIDUALS FOR EMPLOYMENT IN OCCUPATIONS GENERALLY CLASSIFIED AS PROFESSIONAL OR WHICH REQUIRE A BACCALAUREATE OR HIGHER DEGREE FROM INSTITUTIONS OF HIGHER LEARNING.]

* Sec. 75. AS 23.20.525(a)(5) is amended to read:

(5) service performed before January 1, 1978, in the employ of a political subdivision of this state or a wholly owned instrumentality of a political subdivision of this state, if coverage was elected under AS 23.20.325 [OR AS 23.20.326];

* Sec. 76. AS 23.20.525(a)(16)(C)(ii) is amended to read:

(ii) if that individual is not an employee of that other person within the meaning of (10) [(A)] of this sub-section [PARAGRAPH];

* Sec. 77. AS 23.20.520 is amended by adding a new paragraph to read:

(27) "average annual wage" means the amount determined by dividing the total wages paid by covered employers during a 12-month period by the average monthly employment reported by covered employers

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1 for the same period.

2 * Sec. 78. AS 23.20.530(b) is amended by adding a new paragraph to read:

3 (12) compensation received for service as a prospective or
4 impaneled juror in a court.

5 * Sec. 79. Section 27(a), ch. 122, SLA 1977 is amended to read:

6 (a) Notwithstanding the provisions of AS 23.20.350, benefits may
7 be paid to an individual after December 31, 1977, on wages earned by th
8 individual in a category of employment which was not covered under
9 AS 23.20 at any time during calendar year 1975 and which was service
10 which is covered under AS 23.20, effective January 1, 1978, as the
11 result of enactment of sec. 18 [19] of this Act.

12 * Sec. 80. AS 23.20.170(a), 23.20.200(c), 23.20.310(6), (8) and (9),
13 23.20.340(g), 23.20.375(c), 23.20.380, 23.20.520(18), and 23.20.526(a)(19)
14 are repealed.

15 * Sec. 81. EMPLOYER CONTRIBUTIONS. (a) To determine the average benefi
16 cost rate for employer contributions in 1981, the Department of Labor shall
17 use the wages subject to contributions specified in AS 23.20.175(c)(1) en-
18 acted in sec. 16 of this Act.

19 (b) To determine the average benefit cost rate for employer contrib-
20 utions in 1983, the Department of Labor shall use the wages subject to con-
21 tributions specified in AS 23.20.175(c)(2) enacted in sec. 16 of this Act.

22 * Sec. 82. Notwithstanding AS 23.20.290(c) enacted in sec. 34 of this
23 Act, the employer rate of contributions in 1981 may not exceed 5.1 percent.

24 * Sec. 83. AS 23.20.362(a) and (c) enacted in sec. 56 of this Act are
25 repealed on the date that 26 U.S.C. 3304(a)(15) is amended or repealed.

26 * Sec. 84. Sections 54 and 63 of this Act take effect October 1, 1980,
27 and apply to insured workers who establish a benefit year after September 30
28 1980.

29 * Sec. 85. Sections 2 - 4, 7 - 12, 18, 20, 22, 23, 25, 26, 28 - 30, 39,

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40, 42, 45 - 53, 57, 62, 64, 69, 75 and 81 - 83 of this Act take effect immediately in accordance with AS 01.10.070(c).

* Sec. 86. Sections 76 and 79 of this Act take effect immediately in accordance with AS 01.10.070(c) and are retroactive to January 1, 1978.

* Sec. 87. Sections 1, 5, 6, 32, 55, 56, 58 - 61, 65 - 68, 70 - 74, 78, and 80 of this Act take effect October 1, 1980.

* Sec. 88. Sections 13 - 17, 19, 21, 24, 27, 31, 33 - 38, 41, 43, 44 and 77 of this Act take effect January 1, 1981.