



# LAWS OF ALASKA

1981

**Source**

FCCSSB 50 (efd fld H)

**Chapter No.**

114

**AN ACT**

Relating to unemployment insurance.

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

THE ACT FOLLOWS ON PAGE 1, LINE 8

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TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.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: July 26, 1981  
Actual Effective Date: October 24, 1981

AN ACT

Relating to unemployment insurance.

\* Section 1. AS 23.20.165(e) is amended to read:

(e) An employer shall maintain a record of the amount deducted from the wages of each employee and shall furnish a statement of the deductions to each employee at the times and in the manner the department prescribes by regulation. No deduction may be made from those wages paid to an employee during a calendar year which are in excess of the wages subject to contributions under AS 23.20.175. If an employee in the employ of two or more employers earns wages in one calendar year totaling more than the wages subject to contributions or if an employer through error makes a deduction and erroneously pays contributions or interest on wages of an employee in excess of the wages subject to contributions during a calendar year, the amount of deductions in excess of those required by this chapter [ERRONEOUSLY PAID] may be requested by the employee. Employee deductions in excess of the wages subject to contributions shall be refunded to the employee by the department upon application for them in accordance with regulations adopted by the department. Application must be made during the calendar year after the calendar year in which the deductions are made.

\* Sec. 2. AS 23.20.362 is repealed and reenacted to read:

Sec. 23.20.362. DISQUALIFYING OR DEDUCTIBLE INCOME. (a) The amount of benefits payable to an insured worker for a week of unemployment which begins in a period for which the insured worker receives a

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1 pension, retirement or retired pay, annuity, or similar periodic pay-  
2 ment that is based on the previous work of the insured worker, shall be  
3 reduced by the amount of the payment that is attributable to that week.  
4 The requirements of this subsection apply only if

5 (1) the pension, retirement or retired pay, annuity, or sim-  
6 ilar periodic payment is provided under a plan maintained or contrib-  
7 uted to by an employer of the insured worker during the base period of  
8 the insured worker; and

9 (2) for a periodic payment other than a payment made under  
10 the Social Security Act, the Railroad Retirement Act of 1974, or earli-  
11 er versions of those federal laws, the service performed for an employ-  
12 er by an insured worker after the beginning of the base period or remu-  
13 neration for those services affects eligibility for, or increases the  
14 amount of the pension, retirement or retired pay, annuity, or similar  
15 periodic payment.

16 (b) The reduction of benefits provided in (a) of this section  
17 does not apply to that part, if any, of a pension, retirement or re-  
18 tired pay, annuity, or similar periodic payment that is attributable to  
19 contributions of the insured worker.

20 (c) The amount of benefits payable to an insured worker for a  
21 week of unemployment shall be reduced by the amount of any payment at-  
22 tributable to that week which compensates the insured worker for a dis-  
23 missal from employment without notice, or for accrued vacation, sick  
24 leave, or holidays.

25 (d) An individual is not entitled to benefits for a week of unem-  
26 ployment for which he has received or is seeking unemployment benefits  
27 under another employment security law in a manner other than in accor-  
28 dance with the reciprocal arrangements with other states or the federal  
29 government. This subsection does not apply if the appropriate agency

finally determines that the individual is not entitled to benefits under the other law.

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

\* Sec. 3. AS 23.20.375(b) is amended to read:

(b) No benefits are payable for a waiting week and no benefits are payable for a week of unemployment occurring within the benefit year before the completion of the waiting week [, EXCEPT THAT NO INSURED WORKER IS REQUIRED TO SERVE A WAITING WEEK IF THE FIRST WEEK OF HIS UNEMPLOYMENT OCCURRING WITHIN A BENEFIT YEAR IS IMMEDIATELY PRECEDED BY A WEEK OF UNEMPLOYMENT IN THE PRECEDING BENEFIT YEAR FOR WHICH BENEFITS ARE PAYABLE].

\* Sec. 4. AS 23.20.390(b) is amended to read:

(b) The department shall promptly prepare and deliver or mail to the individual at his last address of record a notice of determination of liability declaring that the individual has been determined liable to refund the amount of benefits to which he is not entitled. The amount, if not previously collected, shall be deducted from future benefits payable to the individual. However, if the department determines that an individual has died, or has acted in good faith in claiming and receiving benefits to which he was not entitled and [, OR] that great hardship would result from charging the individual with repayment of the benefits, the department may absolve the individual from liability to the fund for repayment of all or a portion of those benefits.

\* Sec. 5. AS 23.20.406 is amended by adding new subsections to read:

(c) Notwithstanding (a) and (b) of this section, an individual is ineligible for payment of extended benefits for any week of unemployment in his eligibility period if the department finds that during that

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1 period

2 (1) he failed to accept an offer of suitable work as defined  
3 under (i) of this section or failed to apply for suitable work to which  
4 he was referred by the department; or

5 (2) he failed to actively seek work as prescribed under (f)  
6 of this section.

7 (d) An individual who has been found ineligible for extended  
8 benefits under (c) of this section shall be denied benefits beginning  
9 with the first day of the week following the week in which the failure  
10 occurred and until he has been employed in each of four subsequent  
11 weeks and has earned remuneration equal to not less than four times the  
12 extended weekly benefit amount, excluding the allowance for dependents.

13 (e) An individual may not be denied extended benefits for failure  
14 to accept an offer of or referral to a job that is suitable work as  
15 defined in (i) of this section if

16 (1) the job was not offered to that individual in writing  
17 and was not listed with the employment service;

18 (2) the failure would not result in a denial of benefits under  
19 the definition of suitable work for regular benefit claimants in  
20 AS 23.20.385 to the extent that the criteria of suitability in that  
21 section are consistent with (i) of this section; or

22 (3) the individual furnishes satisfactory evidence to the  
23 department that his prospects for obtaining work in his customary occu-  
24 pation within a reasonably short period are good; if the evidence is  
25 satisfactory for this purpose, the department shall determine whether  
26 any work is suitable for that individual in accordance with the defini-  
27 tion of suitable work in AS 23.20.385.

28 (f) For the purposes of (c)(2) of this section, an individual is  
29 considered to be actively seeking work during a week if he furnishes

evidence in writing to the department that he has engaged in a systematic and sustained effort to obtain work during that week.

(g) The employment service shall refer an individual who is entitled to extended benefits under AS 23.20 to any suitable work that meets the criteria prescribed in (i) of this section.

(h) An individual is not eligible to receive extended benefits for any week of unemployment in his eligibility period if the individual has been disqualified for benefits because he voluntarily left work, was discharged for misconduct, or refused an offer of suitable work, unless the disqualification imposed for those reasons has been terminated in accordance with AS 23.20.379(d).

(i) In this section, "suitable work" means any work that is within the individual's capabilities, if

(1) the gross average weekly remuneration for the work

(A) exceeds the sum of

(i) the individual's average weekly benefit amount as determined under AS 23.20.407, plus

(ii) the amount, if any, of supplemental unemployment benefits as defined in sec. 501(c)(17)(D) of the Internal Revenue Code of 1954 that are payable to the individual for that week; and

(B) equals or exceeds the greater of

(i) the minimum wages provided by sec. 6(a)(1) of the Fair Labor Standards Act of 1938, without regard to any exemption; or

(ii) the state minimum wage; and

(2) the work is in accordance with sec. 3304(a)(5) of the Internal Revenue Code of 1954, and AS 23.20.385(a).

\* Sec. 6. AS 23.20.408 is amended by adding new subsections to read:

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1 (i) Except as provided in (j) of this section, an individual is  
2 not eligible for extended benefits for a week of unemployment if

3 (1) the individual files a claim for extended benefits which  
4 are payable under this chapter for that week;

5 (2) the claim is an interstate claim filed in any state in  
6 accordance with the interstate benefit payment arrangement under  
7 AS 23.20.085; and

8 (3) an extended benefit period is not in effect for the week  
9 in the state in which the interstate claim is filed.

10 (j) Subsection (i) of this section does not apply to the first  
11 two weeks for which extended benefits are payable to an individual (de-  
12 termined without regard to (1) of this section) under an interstate  
13 claim filed in accordance with AS 23.20.085.

14 \* Sec. 7. Section 1 of this Act is retroactive to January 1, 1981.  
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