



# LAWS OF ALASKA

1997

**Source**

HB 214 am S

**Chapter No.**

45

**AN ACT**

Relating to an employer's knowledge of an employee's physical condition for purposes of the Alaska Workers' Compensation Act; excluding certain participants in the Alaska temporary assistance program from coverage under the Alaska Workers' Compensation Act; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

**Approved by the Governor:** May 27, 1997

**Actual Effective Date:** Sections 3 and 4 take effect July 1, 1997; remainder of Act takes effect May 28, 1997

AN ACT

1 Relating to an employer's knowledge of an employee's physical condition for purposes of the  
2 Alaska Workers' Compensation Act; excluding certain participants in the Alaska temporary  
3 assistance program from coverage under the Alaska Workers' Compensation Act; and  
4 providing for an effective date.

5

6 \* Section 1. AS 23.30.022 is amended to read:

7       **Sec. 23.30.022. False statements by employee.** An employee who knowingly  
8 makes a false statement in writing as to the employee's physical condition in  
9 response to a medical inquiry, or in a medical examination, after a conditional  
10 offer of employment [ON AN EMPLOYMENT APPLICATION OR  
11 PREEMPLOYMENT QUESTIONNAIRE] may not receive benefits under this chapter  
12 if

13                   (1) the employer relied upon the false representation and this reliance  
14 was a substantial factor in the hiring; and

Chapter 45

1 (2) there was a causal connection between the false representation and  
2 the injury to the employee.

3 \* Sec. 2. AS 23.30.205(c) is amended to read:

4 (c) In order to qualify under this section for reimbursement from the second  
5 injury fund, the employer must establish by written records that the employer had  
6 knowledge of the permanent physical impairment before the subsequent injury and that  
7 the employee was [HIRED OR] retained in employment after the employer acquired  
8 that knowledge.

9 \* Sec. 3. AS 23.30.230(a) is amended to read:

10 (a) The following persons are not covered by this chapter:

- 11 (1) part-time baby-sitters;  
12 (2) cleaning persons;  
13 (3) harvest help and similar part-time or transient help;  
14 (4) persons employed as sports officials on a contractual basis and who  
15 officiate only at sports events in which the players are not compensated; in this  
16 paragraph, "sports official" includes an umpire, referee, judge, scorekeeper, timekeeper,  
17 organizer, or other person who is a neutral participant in a sports event;  
18 (5) persons employed as entertainers on a contractual basis;  
19 (6) commercial fishermen, as defined in AS 16.05.940; [AND]  
20 (7) individuals who drive taxicabs whose compensation and written  
21 contractual arrangements are as described in AS 23.10.055(13), unless the hours  
22 worked by the individual or the areas in which the individual may work are restricted  
23 except to comply with local ordinances; and

24 (8) participants in the Alaska temporary assistance program  
25 (AS 47.27) who are engaged in work activities required under AS 47.27.035 other  
26 than subsidized or unsubsidized work or on-the-job training.

27 \* Sec. 4. AS 23.30.230 is amended by adding a new subsection to read:

28 (c) In this section,  
29 (1) "on-the-job training" means training provided by an employer under  
30 a formal agreement with a department of the state, or an agent of a department, for  
31 which wages are paid by the employer to a participant in the Alaska temporary

1 assistance program (AS 47.27) while the participant receives job training;

2 (2) "subsidized work" means employment, by an employer, of an  
3 Alaska temporary assistance program participant in a work placement for which the  
4 participant receives wages from the employer, subsidized by, and subject to an  
5 agreement between the employer and, a department of the state or an agent of a  
6 department; "subsidized work" does not include community work service, job sampling  
7 placements, or preplacement activities such as job readiness assessments, job searches,  
8 education, or vocational training;

9 (3) "unsubsidized work" means employment, by an employer, secured  
10 by an Alaska temporary assistance program participant, with or without the assistance  
11 of a department of the state or an agent of a department, for which the participant  
12 receives wages from the employer; "unsubsidized work" does not include  
13 self-employment.

14 \* Sec. 5. Sections 3 and 4 of this Act take effect on the effective date of AS 47.27.035.

15 \* Sec. 6. Except as provided in sec. 5 of this Act, this Act takes effect immediately under  
16 AS 01.10.070(c).