

Summary of 2007 Regulation Changes, Effective March 25, 2007

8 AAC 85.010(b) DEFINITIONS

Adds a subsection intended to clearly define the term “employing unit” as it is used in the new section 8 AAC 85.021.

- *This addition is intended to provide clarity for the regulatory intention of 8 AAC 85.021.*

8 AAC 85.010(c) DEFINITIONS

Adds a subsection intended to clarify the term “vacation period or holiday recess” as it is used in AS 23.20.381(i).

- *This change is intended to provide clarification for adjudication purposes.*

8 AAC 85.010 (21) DEFINITIONS

Adds the word employee to the definition of excess contribution.

- *This change clarifies that an ‘excess contribution’ refund can be payable to an employer or an employee. The current definition only refers to refunds that are payable to employers.*

8 AAC 85.020 RECORDS AND REPORTS

Eliminates the use of magnetic media for the reporting of wages by employers and changes the requirements of when an employer will be required to file over the Internet. The change also provides a consistent term when the section refers to a person or persons acting on an employer’s behalf.

- *This change eliminates magnetic media reporting and specifies that an employer or their agent shall use the Internet to submit reports if the report lists 100 or more individuals in a calendar quarter or \$1,000,000 in taxable wages in the current or preceding calendar year, unless a temporary waiver has been granted.*

8 AAC 85.041 ISSUANCE OF CHECKS AND WARRANTS

Amends the current title of this section to read “Issuance of Monetary Disbursements”. This chapter has been updated to reflect current business practices, a new sub section has been added stating the division’s primary method of payment is Electronic Fund Transfer and all language referring to ‘checks and warrants’ have been changed to ‘disbursements’.

- *This change is an update to the current regulation to reflect the divisions preferred method of disbursing funds.*

8 AAC 85.100 (b) and (e) INTRASTATE CLAIMS FILING: INITIAL CLAIMS

The change to paragraph (b) states the division’s preferred method of filing an initial claim is via the Internet. (e) of this section will be repealed to eliminate

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the practice of backdating additional and reopened claims. Effective dates for additional and reopened claims are already provided for in (c) of this section.

- *The change to (b) indicates that applications sent through the mail will be an exception requiring special consideration, rather than a common practice. Repealing (e) provides consistency to the filing process for all initial claims. All New Claims, Additional Claims and Reopened Claims will begin Sunday of the week in which the claimant files, either by telephone, internet or mail.*

8 AAC 85.102 (b), (c) and (g) INTRASTATE CLAIMS FILING: CONTINUED CLAIMS

In (b) of this section the method in which claimants may file has been adjusted to reflect that Continued Claims may be filed by mail, "with the prior approval of the director". (g) of this section will provides for a 7 day timely filing of certifications, rather than the current language, which allows 14 days after the end of the week claimed.

- *The purpose of this change is to provide a filing pattern that is consistent with the changes to 8 AAC 85.100.*

8 AAC 85.110 PAYMENT OF BENEFITS TO INTERSTATE CLAIMANTS

This section has been changed to reflect USDOL suggested regulation language.

- *The purpose of the changes and additions to this section is to provide updated language to govern Alaska's administrative cooperation with other states for the payment of benefits to interstate claimants. Regulations regarding the payment of benefits to interstate claimants are currently outdated and no longer reflect this division's or other state's common business practices.*

8 AAC 85.220 (h)(1) RECOVERY OF OVERPAYMENTS.

Language was added to allow credit cards as an acceptable method of payment for the recovery of unemployment insurance benefit overpayments.

- *This change will give UI claimants an additional option for the repayment of benefit overpayments.*

8 AAC 85.291 REQUIREMENT TO NOTIFY OF A BUSINESS CHANGE AND OF ACQUISITIONS.

This is a new section that outlines the information an employing unit is required to provide within 15 days of any change in ownership, management or control or when an employing unit succeeds to or acquires all or part of another employing unit's trade or business. The information provided by the employing unit under this new section will assist the department in correctly establishing UI Tax accounts for liable employers and in assigning the proper tax rate.

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- *This addition to regulation is in support of the SUTA Dumping Bill (SB306) that was recently passed through the Alaska Legislature.*

8 AAC 85.292 CONTRIBUTION RATE FOR SUCCESSORS IN BUSINESS.

This is a new section being added to provide guidance and clarification in determining if a business was acquired or transferred solely or primarily for the purpose of obtaining a lower contribution rate.

- *This addition to regulation is in support of the SUTA Dumping Bill (SB306) that was recently passed through the Alaska Legislature.*

8 AAC 85.350 (a) and (b)(6) ABLE AND AVAILABLE FOR SUITABLE WORK. GENERAL PROVISIONS.

(a) of this section has been changed to eliminate the 1 day illness provision which currently allows a claimant to miss or refuse work.

- *The one day illness provision conflicts with a proposed Federal A&A rule and must be addressed for conformity reasons.*

Changes to (b)(6) clearly defines the number of days in the week in which a claimant is required to be able and available to respond promptly to an offer of suitable work.

- *This is a change to our current 'Majority of the Work Week' policy. The change will require claimants to be able and available for five days per week, rather than only three.*

8 AAC 85.351(a), (b), (c), (e) and (g)(8) ABLE AND AVAILABLE FOR SUITABLE WORK: REGISTRATION FOR WORK.

Changes to this section stipulate that an individual collecting Alaska UI benefits in another state must register for work in that state within 7 days from the date the initial claim is filed. Further changes to this section require individuals to maintain a work registration in accordance with the laws and procedures of the state in which the claim is filed.

8 AAC 85.353(b)(c) & (d) TRAVEL CLAIMS

Wording was added to address travel through Canada while searching for work. It states that a claimant must be legally eligible to accept an offer of work, while traveling, for each week claimed.

- *This will change our current '7 day travel through Canada, allow' policy. The change will simplify travel determinations, when claimants are in travel status.*