



Wage and Hour Administration

Pamphlet 300

Title 23.

Labor and Workers' Compensation

Chapter 15

Employment Services

AS 23.15.330 - AS 23.15.520

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Jobs are Alaska's Future

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ALASKA STATUTES
TITLE 23. LABOR AND WORKERS' COMPENSATION

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Sec. 23.15.330. Exemptions. AS 23.15.330 - 23.15.520 do not apply to an educational, religious, charitable, fraternal, or benevolent organization that does not charge for services, or to a bona fide labor organization, or a government agency.

Sec. 23.15.340. Permit. In order to operate an employment agency, a person shall obtain a permit from the department. The permit shall be posted in a conspicuous place in the employment agency.

Sec. 23.15.350. Application. To obtain a permit to operate an employment agency a person shall apply to the department on forms prescribed by the department. The application must include

- (1) the name and address of the applicant and the street and number of the building or place where the business of the employment agency is to be conducted;
- (2) the businesses or occupations engaged in by the applicant for at least two years immediately preceding the date of application; and
- (3) the names and addresses of all persons financially interested in the operation of the agency.

Sec. 23.15.360. Bond. The department may not issue a permit until the applicant furnishes a bond to the department in the amount and with surety that the department considers necessary. The amount of the bond may not be less than \$1,000 or more than \$10,000. The bond shall be conditioned on the applicant's full compliance with the provisions and requirements imposed by AS 23.15.330 - 23.15.520 and the payment of all judgments recovered against the applicant for violation of AS 23.15.330 - 23.15.520 and any judgment and costs recovered against the applicant by a laborer, worker, or applicant for a position due to willful misrepresentation or willful deceit of a laborer or applicant for a position.

Sec. 23.15.370. Investigation of applicant. Upon application for a permit, the department may make an investigation as to the character and responsibility of the applicant and the premises where the applicant proposes to conduct the business.

Sec. 23.15.380. Refusal of permit. The department may, after notice and hearing, refuse to grant a permit where there is reasonable ground to believe that the applicant is of unfit moral character or is irresponsible. The department shall grant or refuse an application within 30 days of the date of filing.

Sec. 23.15.390. Term of permit; fees. The fee for filing an application for a permit is \$10. A permit is valid for a term of two years. The biennial fee for the issuance of a permit, including a renewal permit, is \$100. All fees shall be deposited in the general fund. In addition to paying this fee, all persons conducting employment agencies shall comply with the provisions of AS 43.70 (Alaska Business License Act).

Sec. 23.15.400. Renewal of permit. Thirty days before the expiration of a permit the holder must apply for renewal of the permit in order to renew the permit. The application for renewal must contain all the information requested in the original application, brought up to date.

Sec. 23.15.410. Revocation or suspension of permit.

- (a) The department may revoke or suspend a permit if
- (1) the permittee or an agent of the permittee has violated or failed to comply with a provision of AS 23.15.330 - 23.15.520;
 - (2) the permittee has stopped being of good moral character.
- (b) Before revoking or suspending a permit, the department shall notify the holder in writing of the charges and provide the permittee an opportunity to be heard in person or by counsel.

Sec. 23.15.420. Limitations on conduct of employment agencies. The department may not issue a permit to conduct an employment agency

- (1) in rooms used for living purposes;
- (2) in connection with a pool hall, bar, or intoxicating liquor dispensary, or recreation center operated for profit;
- (3) to a person whose permit has been revoked within three years from the date of application;
- (4) to a person who is financially interested in a travel agency or who in any way benefits financially from the sale of air, steamship, or bus transportation.

Sec. 23.15.430. Agency to maintain register. An employment agency shall keep a register containing the name and address of each applicant, the date registered, and the amount of fee received.

Sec. 23.15.440. Records open to inspection. All registers, books, records, and other papers kept under AS 23.15.330 - 23.15.520 shall be open to the inspection of the department at all reasonable times. The agency shall furnish a copy of a record or report to the department within 30 days of the request.

Sec. 23.15.450. Applicant's receipt. An agency shall give to an applicant for employment from whom a fee is to be received a receipt. The receipt must contain

- (1) the name, address, and telephone number of the employment agency;
- (2) the name of the applicant;
- (3) the name and address of the person to whom the applicant is sent for employment, and the address to which the applicant is to report for work;
- (4) the amount of the fee charged and collected from the applicant;
- (5) the kind of work to be performed, the wages or salary, and other conditions of employment.

Sec. 23.15.460. Schedule of fees. A person conducting an employment agency shall file a schedule of its fees with the department. The agency may change the fee schedule, but a change is not effective until seven days after it is filed with the department and until it is posted for not less than seven days in a conspicuous place in the agency. The agency shall post a copy of the fee schedule in the agency in a conspicuous place frequented by applicants for help or employment.

Sec. 23.15.470. Maximum fees. After notice and hearing the department shall set a maximum schedule of fees. The department may review the schedule every two years after giving notice and hearing.

Sec. 23.15.480. Return of fees. If the applicant paying a cash fee fails to obtain employment, the agency shall, upon demand, return the amount of the fee to the applicant within 48 hours.

Sec. 23.15.490. Prohibited acts. An employment agency may not

- (1) send out an applicant for employment without having a bona fide request from an employer;
- (2) send a person to an employer for the purpose of assisting or conducting an illegitimate business or practice;
- (3) place a child in employment in violation of the child labor laws;
- (4) divide or offer to divide a fee with an employer;
- (5) make a charge that does not conform with the schedule of fees;
- (6) falsify a record of the agency;
- (7) write, publish, or have published false, fraudulent, or misleading information, representation, notice, or advertisement concerning a job opportunity;
- (8) send an applicant for employment to a place where a strike or lockout exists without informing the applicant of the existence of the strike or lockout.

Sec. 23.15.500. Department may adopt regulations. The department may adopt regulations consistent with AS 23.15.330 - 23.15.520.

Sec. 23.15.510. Violations. A person who willfully violates any provision of AS 23.15.330 - 23.15.520 is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$1,000, or by imprisonment for not more than six months, or by both.

Sec. 23.15.520. Definitions. In AS 23.15.330 - 23.15.520:

(1) "employment agency" or "agency" means a person engaged in the business of furnishing employment or help, or giving information as to where employment or help may be obtained, or furnishing information regarding employment, or displaying an employment sign or bulletin, or, through the medium of a card, circular, or pamphlet, or otherwise offering to obtain employment or help, or a person who offers employment information through communications media, including, but not limited to, radio, television, newspapers;

(2) "fee" means money or other valuable consideration received by a person, paid or promised to be paid for services given to or be given by a person conducting an employment agency.

ALASKA ADMINISTRATIVE CODE

TITLE 8. LABOR

PART 1. INDUSTRIAL WELFARE

CHAPTER 10. PRIVATE EMPLOYMENT AGENCIES

Article

- 1. Application, Bond and Permit. (8 AAC 10.010 - 8 AAC 10.070)
- 2. Agency Procedures and Requirements. (8 AAC 10.075 - 8 AAC 10.160)
- 3. Fee Schedule. (8 AAC 10.170 - 8 AAC 10.180)
- 4. Prohibited Acts. (8 AAC 10.190 - 8 AAC 10.400)
- 5. General Provisions. (8 AAC 10.900 - 8 AAC 10.915)

ARTICLE 1. APPLICATION, BOND AND PERMIT

Section

- 10. Permit required
- 20. Application for permit
- 30. (Repealed)
- 40. (Repealed)
- 50. Bond

Section

- 55. Issuance of permit
- 60. (Repealed)
- 65. (Repealed)
- 67. Duration of permit; renewal
- 70. (Repealed)

8 AAC 10.010. Permit required. (a) A person may not operate or engage in an employment agency business unless he has procured a permit from the department.

(b) The permit must be posted in a conspicuous place in the main room of the agency used by the public. (In effect before 7/28/59; am 6/23/74, Register 50; am 12/31/80, Register 76)

Authority: AS 23.15.340
AS 23.15.500

8 AAC 10.020. Application for permit. (a) A written application for a permit must be made to the commissioner on a form prescribed by the department and must state:

- (1) name and address of the applicant;
- (2) the business name of the employment agency;
- (3) the address of the place or places at which the agency will conduct business and the address of the main office of the business;
- (4) whether the employment agency is owned as a sole proprietorship, partnership, or corporation;
- (5) if the applicant is not a corporation, the names and addresses of all persons who are financially interested either as partners, associates, profit sharers, or other persons receiving a share of the net profits from the operation of the agency, and the share of the net profit each person is to receive;

(6) if the applicant is a corporation, the names, titles and addresses of the persons acting as executive officers of the corporation or who have managing responsibility in the state;

(7) whether an officer, director, manager or owner has been arrested or convicted of a felony or misdemeanor constituting a crime involving moral turpitude and, if so, the nature of the crime and outcome;

(8) the business or occupation of the owner and manager for the two years preceding the date of the application, and, if the applicant is a corporation, the business or occupation of each officer, director and manager for the two years preceding the date of the application;

(9) whether any officer, director, manager or owner of the agency has had experience in employment agency work, the dates of this experience, and the names and addresses of agencies in which the experience was acquired;

(10) the name of any officer, director, manager or owner of the agency who has applied for a permit to operate an employment agency in Alaska or elsewhere, whether that application was granted or denied, and the names and address of the agency;

(11) whether any officer, director, manager or owner of the agency has a financial interest in a travel agency or benefits financially from the sale of air, steamship or bus transportation; and

(12) whether any officer, director, manager or owner of the employment agency was disciplined by a state or had a private employment agency permit suspended, revoked or denied or was otherwise disqualified and the reason for that disqualification.

(b) An application for a permit, if made by an individual, must be signed by that individual; if made by a partnership, by all partners; if made by a corporation, by an officer of the corporation who must affix the seal of the corporation to the application.

(c) A change in the information furnished under (a) of this section must be reported to the department within seven days. (In effect before 7/28/59; am 6/23/74, Register 50; am 12/31/80, Register 76)

Authority: AS 23.15.350
AS 23.15.370
AS 23.15.500

8 AAC 10.050. Bond. Before the issuance or renewal of a permit an applicant for a permit shall deposit with the department a numbered surety bond for \$10,000. A separate bond must be furnished to the department for each kind of agency for which a permit is sought. A separate bond is not required for a branch office of an agency. The bond must be in a form prescribed by the department. (In effect before 7/28/59; am 6/23/74, Register 50; am 12/31/80, Register 76)

Authority: AS 23.15.360
AS 23.15.500

8 AAC 10.055. Issuance of permit. (a) The department will issue a permit after:

(1) determination by the department that the applicant is a person of good moral character;

(2) a bond is filed with the department which fulfills the requirements of 8 AAC 10.050;

(3) the application fee required by AS 23.15.390 is paid; and

(4) a copy of a current Alaska business license is provided to the department;

(b) A permit is valid only for the employment agency and premises named in it. The location of an employment agency may not be changed without written notice to the department. The department must endorse all changes on the permit before the employment agency may operate on its new premises. (In effect before 7/28/59; am 6/23/74, Register 50; am 12/31/80, Register 76)

Authority: AS 23.15.360
AS 23.15.380
AS 23.15.390
AS 23.15.500

8 AAC 10.067. Duration of permit; renewal. Unless revoked or suspended for cause under AS 23.15.410, a permit is valid until June 30 of the second calendar year following the date of issuance. A permit may be renewed upon payment of the biennial fee required by AS 23.15.390 and upon filing with the department

(1) an application for renewal, containing the information required by 8 AAC 10.020;

(2) a bond that meets the requirements of 8 AAC 10.050;

(3) a copy of the employment agency's current state business license. (Eff. 7/27/84, Register 91; am 7/16/94, Register 131)

Authority: AS 23.15.390
AS 23.15.400
AS 23.15.500

ARTICLE 2. AGENCY PROCEDURES AND REQUIREMENTS

Section

75. Registration.

77. Registration fee.

80. (Repealed).

85. Distribution of employment information.

90. (Repealed).

95. Publications.

100. (Repealed).

Section

110. Job order.

120. Referral receipt.

130. Return of fee.

140. (Repealed).

145. Agency to maintain records.

150. (Repealed).

160. (Repealed).

8 AAC 10.075. Registration. An employment agency must maintain a permanent applicant register which contains:

(1) the name and address of each applicant for employment, employment services, or to whom employment information was provided for a fee;

(2) a control registration number for each applicant, assigned in a consecutive order by the agency, which must be used on all agency records pertaining to that applicant as a means of identifying each applicant for employment services;

(3) the date of each application for employment services;

(4) the amount of registration fee paid;

(5) the amount of registration fee refund due; and

(6) the date a refund is paid. (In effect before 7/28/59; am 6/23/74, Register 50; am 12/31/80, Register 76)

Authority: AS 23.15.430
AS 23.15.480
AS 23.15.500

8 AAC 10.077. Registration fee. If an agency charges an applicant a fee to register or list an applicant for employment services, the agency must give the applicant a receipt for the fee. The receipt must contain the name, address and phone number of the agency, the applicant's full name, the amount of the fee paid, the date of issue and the signature of the person collecting the fee. (Eff. 12/31/80, Register 76)

Authority: AS 23.15.460
AS 23.15.470
AS 23.15.500
AS 23.15.520

8 AAC 10.080. Permission to transfer license. Repealed 6/23/74.

8 AAC 10.085. Distribution of employment information. An employment agency selling employment information by mail or other media must file a copy with the department for approval of this information before sale or distribution. Any reference to wage rates, employment, unemployment and cost-of-living in the state must be factually depicted. (Eff. 6/23/74, Register 50; am 12/31/80, Register 76)

Authority: AS 23.15.490
AS 23.15.500

8 AAC 10.090. Actions to recover. Repealed 6/23/74.

8 AAC 10.095. Publications. (a) Advertisements of an employment agency by cards, circulars or signs and in newspapers and other publications, and all letterheads, receipts, and forms must contain the licensed name and address of the employment agency and the word "agency" or a derivative of that word. Each position advertised must include a job order number.

(b) An employment agency which advertises through newspapers or other media must keep a record of all newspaper or other printed advertisement initiated by the agency for at least four months after its public release.

(c) If an agency advertises the highest salary which may be paid for a job, the advertisement must contain the word "to" before the salary quoted. (Eff. 6/23/74, Register 50; am 12/31/80, Register 76)

Authority: AS 23.15.490
AS 23.15.500

8 AAC 10.100. Records. Repealed 6/23/74.

8 AAC 10.110. Job order. (a) An employment agency must keep a separate record of each job order received by the agency on a form approved by the department. A job order must contain:

- (1) the name and address of each employer from whom a job order is received;
- (2) the name and position of the individual placing the job order;
- (3) the date of receipt of the job order;
- (4) the offered starting wage or salary and job description or classification title; and
- (5) the names and registration numbers of the persons referred.

(b) Job orders received by an agency must be consecutively numbered. The original must be maintained in the agency for inspection by the department. (In effect before 7/28/59; am 6/23/74, Register 50; am 12/31/80, Register 76)

Authority: AS 23.15.490
AS 23.15.500

8 AAC 10.120. Referral receipt. (a) An employment agency must give to an applicant for employment who is referred for employment a referral receipt which contains:

- (1) the complete name, address, and telephone number of the employment agency;
- (2) the name and address of the person to whom the applicant is to report for an interview;
- (3) the address where the applicant for employment will be employed, if hired;
- (4) the estimated minimum fee the applicant may be charged by the employment agency;
- (5) the cost of transportation, if any, to the place of employment, if known, and by whom paid or advanced;
- (6) the proposed type or classification of work;
- (7) the daily and weekly hours of work;
- (8) the starting wage or salary rate, including any consideration of privilege;
- (9) a description of the board and lodging furnished by the employer and the cost of those services;
- (10) an estimate of the length of the employment and whether the employer anticipates it to be temporary or longer than 90 days;
- (11) the registration number of the applicant;
- (12) a disclosure of any labor dispute which exists at the place of employment, the name of the union involved and whether union membership is required; and
- (13) a disclosure of labor agreements in effect at the place of employment, the name of the union and whether union membership is required.

(b) A duplicate of the receipt must be given to the applicant for employment and the original retained in the agency for inspection by the department. (In effect before 7/28/59; am 6/23/74, Register 50; am 12/31/80, Register 76)

Authority: AS 23.15.450
AS 23.15.490
AS 23.15.500

8 AAC 10.130. Return of fee. If an applicant who has paid a registration fee fails to obtain employment, the agency must return the amount of the fee to the applicant not later than 48 hours after receiving a demand from the applicant. (In effect before 7/28/59; am 6/23/74, Register 50; am 12/31/80, Register 76)

Authority: AS 23.15.480
AS 23.15.500

8 AAC 10.140. Employer's obligations. Repealed 6/23/74.

8 AAC 10.145. Agency to maintain records. An employment agency must maintain on file all records, orders, or receipts referred to in this chapter for at least two years unless specified otherwise in this chapter. (Eff. 12/31/80, Register 76)

Authority: AS 23.15.440
AS 23.15.500

8 AAC 10.150. Employment in existence. Repealed 6/23/74.

8 AAC 10.160. Labor contract in existence. Repealed 6/23/74.

ARTICLE 3. FEE SCHEDULE

Section

170. (Repealed).

180. Fee schedule.

8 AAC 10.170. Schedule of fees filed with commissioner. Repealed 6/23/74.

8 AAC 10.180. Fee schedule. (a) An agency's fee schedule may not exceed the following:

- (1) registration fee, \$2;
- (2) job placement in temporary employment, 10 percent of the gross earnings;
- (3) job placement in permanent employment, 55 percent of gross earnings for the first month of employment;
- (4) sale of job information, \$1; however, upon written application to and approval of the commissioner, an agency may charge not more than \$5 for the information;
- (5) preparation of resume and furnishing of employment information, \$50; however, upon written application to and approval of the commissioner, a resume service agency may charge not more than \$200 for the preparation of a resume and furnishing of employment information.

(b) Executive or professional search agencies are not subject to the maximum fee schedule set out in this section if the individual who is identified, apprised, referred or recommended for a position is not charged a deposit, retainer or other fee, either directly or indirectly, by the agency.

(c) The fee schedule set out in (a) of this section must be posted in a conspicuous place in the main room of the agency used by the public. A copy of the schedule used by an agency must be filed with the department.

(d) An agency may not divide its charges for services with an employer, agent, or employee of an employer or person to whom individuals are referred for employment. This subsection does not

prohibit cooperative arrangements between licensed employment agencies so long as an applicant for employment does not pay more than one charge for all services performed or is not charged a fee in excess of that permitted under this section.

(e) A resume service may not charge a registration fee in addition to other charges for its services. (In effect before 7/28/59; am 6/23/74, Register 50; am 4/29/77, Register 62; am 12/31/80, Register 76)

Authority: AS 23.15.460
AS 23.15.470
AS 23.15.490
AS 23.15.500

ARTICLE 4. PROHIBITED ACTS

Section

190. (Repealed).
200. (Repealed).
210. (Repealed).
220. (Repealed).
230. (Repealed).
240. (Repealed).
250. (Repealed).

Section

260. (Repealed).
270. (Repealed).
280. (Repealed).
290. (Repealed).
300. (Repealed).
310. (Repealed).
400. Prohibited acts.

8 AAC 10.190. Bona fide order. Repealed 6/23/74.

8 AAC 10.200. Failure of applicant to obtain employment. Repealed 6/23/74.

8 AAC 10.210. Reimbursement of travel expense. Repealed 6/23/74.

8 AAC 10.220. False, fraudulent, misleading information. Repealed 6/23/74.

8 AAC 10.230. Occupations prohibited to women and minors. Repealed 6/23/74.

8 AAC 10.240. Occupations prohibited to minors. Repealed 6/23/74.

8 AAC 10.250. Persons not permitted on premises. Repealed 6/23/74.

8 AAC 10.260. Child labor. Repealed 6/23/74.

8 AAC 10.270. Strike, lockout or labor trouble. Repealed 6/23/74.

8 AAC 10.280. Fees not to be divided. Repealed 6/23/74.

8 AAC 10.290. Commissioner empowered to decide disputes. Repealed 6/23/74.

8 AAC 10.300. Penalty for violation. Repealed 6/23/74.

8 AAC 10.310. Definitions. Repealed 12/31/80.**8 AAC 10.400. Prohibited acts.** An employment agency may not:

- (1) require an applicant to pay an advance fee or deposit against a future fee unless the fee charged by an agency is for the registration of applicants for employment services of that agency;
- (2) charge or collect from an applicant a fee or portion of a fee if the placement fee is paid by an employer;
- (3) charge or collect from an applicant any fee for placement within an agency or if placement is made with an employer, an agent, spouse, or person who has a financial interest in that agency;
- (4) advertise a starting wage or salary which is not included in the employment order;
- (5) advertise positions as "100 percent free" or "all free" unless the agency exclusively handles employer paid fee job listings; or
- (6) use a name identical or similar to that of another employment agency or use the words "United States" or "State of Alaska" in any combination as part of the agency name. (Eff. 12/31/80, Register 76)

Authority: AS 23.15.500

ARTICLE 5. GENERAL PROVISIONS

Section

900. Documents, contract, approval.

915. Definitions.

8 AAC 10.900. Documents, contract, approval. (a) An instrument, contract, or document form which an employment agency requires an applicant or his legal representative to execute or become a party to may not be used unless its form and content has been approved by the director.

(b) An employment agency shall submit two copies of each form described in (a) of this section to the department for approval which will be indicated by an endorsement by the director. One copy will be returned to the employment agency to be kept as part of its record. Approval will not be withheld unless the instrument, contract, or document is vague, makes misrepresentations, is unfair, oppressive, or contains provisions which violate an employment agency law or regulation. (Eff. 12/31/80, Register 76)

Authority: AS 23.15.440
AS 23.15.490
AS 23.15.500

8 AAC 10.915. Definitions. In this chapter and AS 23.15.330 - 23.15.520 unless the context requires otherwise

- (1) "agency" includes employment agency, or resume service agency, but does not include executive, professional or any other search agencies whose charges are paid only by employers to whom individuals seeking employment are referred to only by employers for the purpose of identifying, appraising or recommending individuals for employment;
- (2) "commissioner" means the commissioner of labor and workforce development or his designee;
- (3) "department" means the Department of Labor and Workforce Development;

(4) "director" means the director of the wage and hour division of the Alaska Department of Labor and Workforce Development, or his designee;

(5) "division" means the wage and hour division of the department;

(6) "job order" means a written or oral request made to an agency for referral of prospective applicants for employment for a specific position that has been made by an employer or by a person designated by the employer as having the authority to make a referral request;

(7) "person of good moral character" means a person who has not been convicted of a crime involving moral turpitude within the 10 years immediately preceding application or renewal;

(8) "job placement" means that as a result of services provided by an agency for a specific job order, an employer has hired a person in a place of employment for that specific job;

(9) "monthly earnings" means the gross amount of wages and other compensation earned by an individual during any applicable month of employment for which a fee is due but does not include the value of board and lodging and other privileges and gratuities which are provided to or otherwise received by the individual in the course of his employment;

(10) "permanent employment" means employment for at least 90 calendar days;

(11) "referral receipt" means a job referral document, a job introductory document or a referral card;

(12) "responsible person" means a person who has not been convicted of a crime involving fraud or deceit within the 10 years preceding the date of application for license or renewal of a license;

(13) "resume service agency" means a person who prepares for a fee a summary of an individual's previous employment experience, education, qualifications and applicable personal history for the purposes of employment opportunity and providing that individual with contacts or lists, directly or indirectly, or prospective employers who are seeking employees with the skills or qualifications possessed by the individual;

(14) "temporary employment" means employment for less than 90 calendar days. (Eff. 12/31/80, Register 76)

Authority: AS 23.15.380
AS 23.15.450
AS 23.15.500
AS 23.15.520

Editor's note: As of Register 151 (October 1999), the regulations attorney made technical revisions under AS 44.62.125 (b)(6) to reflect the name change of the Department of Labor to the Department of Labor and Workforce Development made by ch. 58, SLA 1999 and the corresponding title change of the commissioner of labor.