



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

P.O. Box 110300
Juneau, Alaska 99811
Main: 907.465.3600
Fax: 907.465.2520

March 23, 2020

The Honorable Mike Dunleavy
Governor
State of Alaska
P.O. Box 110001
Juneau, Alaska 99811-0001

Re: HB 308: Unemployment Benefits for
COVID-19 (SCS HB 308(FIN))
Our file: 2020200281

Dear Governor Mike Dunleavy:

At the request of your legislative director, we have reviewed HB 308, Unemployment Benefits for COVID-19.

Section 1 of this bill amends the uncodified law of the State of Alaska, by addressing unemployment insurance and the impact of the COVID-19 pandemic. This section says that, to the extent it is consistent with federal law, an insured worker or employer of the insured worker may not be disqualified from benefits for failure to comply with AS 23.20.378(a) for any of the following types of conduct as they relate to COVID-19 (1) providing care including medical care, to one or more persons; (2) preventing or limiting the spread of COVID-19; or (3) preventing or limiting economic loss or harm.

Each of the protections listed above will apply to insured workers for 120 days beginning on the effective date of the Act or the date the worker applies for benefits under AS 23.20, whichever is later.

This section also waives the limitations of AS 23.20.375(b) for the duration of a declared state or national COVID-19 emergency so that benefits are payable for a waiting week if an insured worker is otherwise qualified. Further, the bill provides that the provision of benefits under the conditions described in this section is not in violation of AS 23.20.500, which lays out catch-all penalties for persons who willfully violate a provision of the Alaska Employment Security Act or the regulations enacting it if their

To: Hon. Mike Dunleavy, Governor
Re: HB 308; Unemployment Benefits for COVID-19

March 23, 2020
Page 2 of 2

conduct isn't penalized elsewhere in the Act. Lastly, this section directs the commissioner of labor and workforce development to administer this section.

Section 2 of this bill amends uncodified law to increase dependent allowances for unemployment insurance recipients. Federal law notwithstanding, for the length of a declared state or federal emergency related to the COVID-19 pandemic, the allowance for dependents under AS 23.20 is \$75 per week, an increase from the statutory limit of \$24 per dependent per week and not more than \$72 per week total. This section also instructs the Department of Labor and Workforce Development not to place a cap on the number of dependent allowances. A dependent has the meaning given in AS 23.20.350(g).

Section 3 of this bill repeals the Act on April 1, 2021.

Section 4 of this bill authorizes the commissioner of labor and workforce development to adopt regulations necessary implement this Act. The regulations would not be subject to AS 44.62 (Administrative Procedure Act).

Section 5 of this bill makes sections 1, 2, and 4 of this Act retroactive to March 1, 2020.

Section 6 states that this Act will take effect immediately under AS 01.10.070(c).

This bill presents no legal problems or other concerns.

Sincerely,

KEVIN G. CLARKSON
ATTORNEY GENERAL

By:

Susan R. Pollard
Chief Assistant Attorney General

SRP/rjc