

Byron Mallott  
Lieutenant Governor  
State Capitol  
Juneau, Alaska 99811  
907.465.3520  
WWW.LTGOV.ALASKA.GOV




530 West 7<sup>th</sup> Ave, Suite 1700  
Anchorage, Alaska 99501  
907.269.7460  
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**MEMORANDUM**

**TO:** Tally Teal  
Department of Labor & Workforce Development

**FROM:** Scott Meriwether, Office of the Lieutenant Governor 465.4081 

**DATE:** March 21, 2018

**RE:** Filed Permanent Regulations: Department of Labor & Workforce Development  
Department of Labor and Workforce Development Regulations re: 8 AAC 85.015,.110:  
Div. of Employment & Training Services: Unemployment Insurance: Definition of  
Motion Picture Project Employer, etc. (8 AAC 85.015,.110)

---

Attorney General File:	JU2017200670
Regulation Filed:	3/21/2018
Effective Date:	4/20/2018
Print:	226, July 2018

cc with enclosures: Linda Miller, Department of Law  
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO REGULATIONS  
OF THE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

The attached three pages of regulations, dealing with unemployment insurance, are adopted and certified to be a correct copy of the regulation changes that the Department of Labor and Workforce Development adopts under the authority of AS 23.20.045, AS 23.20.080, AS 23.20.085, AS 23.20.165, AS 23.20.315, AS 23.20.330, and AS 23.20.375, and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

Although no public comments were received, the Department of Labor and Workforce Development paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: 2/15/18

  
\_\_\_\_\_  
Greg Cashen, Acting Commissioner

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on March 21, 2018, at 8:59 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

  
\_\_\_\_\_  
Byron Mallott, Lieutenant Governor

Effective: April 20, 2018

Register: 226, July 2018

8 AAC 85.015 is amended by adding new subsections to read:

(b) Notwithstanding (a) of this section, a motion picture project employer is an employing unit if remuneration paid to a motion picture project worker by a motion

picture project employer during a calendar year is treated as remuneration for services

motion picture project performed by the worker for the employer during the calendar year. motion picture project In this subsection,

(1) <sup>ii</sup> ~~A~~ motion picture project employer <sup>ii</sup> means any entity that

(A) directly or through affiliates

(i) is a party to a written contract covering the services of a motion picture project worker with respect to motion picture projects in the course of a client's trade or business;

(ii) is contractually obligated to pay remuneration to a motion picture project worker without regard to payment or reimbursement by any other person;

(iii) controls the payment, within the meaning of 26 U.S.C.

3401(d)(1), of remuneration to a motion picture project worker and pays <sup>the</sup> ~~such~~ remuneration from its own account or accounts;

(iv) is a signatory to one or more collective bargaining agreements with a labor organization, as defined in 29 U.S.C. 152(5), that represents motion picture project workers, and;

(v) has treated substantially all motion picture project workers that <sup>the</sup> ~~such~~ entity pays as employees and not as independent contractors

Register 226, July, 2018 Department of Labor and Workforce Development

during <sup>that</sup> such calendar year for purposes of determining employment

taxes under this subtitle, and;  
in the calendar year pays

(B) at least 80 percent of all remuneration paid by <sup>the</sup> such entity ~~in the~~  
~~calendar year is paid~~ to motion picture project workers.

~~(2) For the purposes of this section,~~

<sup>2</sup> (A) ~~"A~~ motion picture project worker" means an individual who provides services on motion picture projects for clients who are not affiliated with the motion picture project employer;

<sup>3</sup> (B) ~~"A~~ motion picture project" means <sup>(A)</sup> the production of any property including a theatrical motion picture, a television production, a television commercial, or a music video; <sup>(B)</sup> ~~"A motion picture project"~~ does not include property with respect to which records are required to be maintained under 18 U.S.C. 2257;

<sup>4</sup> (C) ~~"An~~ affiliate" means a person who is an affiliate or, or affiliated with, another person if the persons are treated as a single employer under 26 U.S.C. 414(b) or (c). (Eff. 6/27/2014, Register 210; am. 4/20/2018, Register 226)

Authority: AS 23.20.045 AS 23.20.165 AS 23.20.315  
AS 23.20.080

8 AAC 85.110 is amended by adding a new subsection to read:

((( Publisher: Designate  
current 11 AAC 85.110(i)  
as 11 AAC 85.110(g).)))

**(i) Backdating an Interstate Initial Claim at Agent State's Request. A**

interstate initial claim may be backdated up to one calendar year at an agent state's



Register 226, July, 2018 Department of Labor and Workforce Development

request if the liable state determines that it is liable and the agent state has established good cause for the backdate. (Eff. 10/25/68, Register 27; am 8/20/70, Register 35; am 1/7/78, Register 65; am 3/27/82, Register 81; am 10/12/97, Register 144; am 3/4/2006, Register 177; am 3/25/2007, Register 181; am 3/30/2016, Register 217; am 4/20/2018, Register 226)

**Authority:** AS 23.20.045                      AS 23.20.330                      AS 23.20.375  
AS 23.20.085