

Kevin Meyer
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
WWW.LTGOV.ALASKA.GOV




530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460 269.0263
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Becky Weimer
Department of Labor and Workforce Development

FROM: April Simpson, Office of the Lieutenant Governor 465.4081 

DATE: April 6, 2020

RE: Filed Emergency Regulations: Department of Labor and Workforce Development
Department of Labor and Workforce Development Emergency Regulations re:
Employment Security as related to Covid -19 (8 AAC 85.060; 8 AAC 85.440(b))

Attorney General File:	Emergency Regulations
Regulation Filed:	4/6/2020
Effective Date:	4/6/2020
Expiration Date:	August 3, 2020 unless made permanent by the adopting agency
Print:	234, July 2020

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis

FINDING OF EMERGENCY

The Department of Labor, Division of Employment and Training Services, Unemployment Insurance finds that an emergency exists and that the attached regulation is necessary for the immediate preservation of the public peace, health, safety, or general welfare. The facts constituting the emergency include the following:

Governor Mike Dunleavy issued a Public Health Disaster Emergency Declaration for COVID-19 on March 11, 2020. Further mandates have required social distancing and elimination of certain forms of employment which has created a substantial population of unemployed workers in need of Unemployment Insurance (UI) benefits. Federal funding is available to help with the administration of the UI program during this period of increased unemployment. In order to be eligible for this grant funding the UI program must adhere to specific requirements by May 8, 2020: 1) require employers to notify individual employees of their UI eligibility options at the time of separation, and 2) provide temporary emergency flexibility for employer experience rating.

ADOPTION ORDER

Under the authority of AS 23.20.045, the attached 2 pages of regulation changes are therefore adopted as an emergency regulation to take effect immediately upon filing by the Lieutenant Governor, as provided in AS 44.62.180(3).

This action is not expected to require an increased appropriation.

Date: April 3, 2020



Dr. Tamika L. Ledbetter, Commissioner

April Simpson for

FILING CERTIFICATION

I, ↑ Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on April 6th, 2020, at 1:21 p.m., I filed the attached regulation according to the provisions of AS 44.62.

April Simpson
for Lieutenant Governor Kevin Meyer

Effective: April 6th 2020.

Register: 234, July 2020.

Expires August 3, 2020
unless made "permanent"
by the adopting agency

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

**I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA,
designate the following state employees to perform the Administrative Procedures Act
filing functions of the Office of the Lieutenant Governor:**

**Josh Applebee, Chief of Staff
Kady Levale, Notary Administrator
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have
signed and affixed the Seal of the State of
Alaska, in Juneau, on December 11th,
2018.**



K-Meyer

**KEVIN MEYER
LIEUTENANT GOVERNOR**

EMERGENCY REGULATION

Register 234, July 2020 LABOR AND WORKFORCE DEV.

8 AAC 85.060 is amended by adding a new subsection to read:

(c) Each employer shall issue to every separated employee, as soon as practicable, but not to exceed 7 days from the last day the employee performed compensable work, written information furnished or approved by the division regarding unemployment insurance benefits. It shall include instructions on how to file a claim for unemployment insurance benefits and the division contact information for filing an unemployment insurance claim. Delivery is made when an employer provides the information to the employee in person, by mail to the employee's last known address, or by email, if correspondence in this form was previously authorized by the employee.

(Eff. 10/25/68, Register 27; am 8/20/70, Register 35; am 6/27/2014, Register 210; am

4 / 6 / 2020, Register 234)

Authority: AS 23.20.045 AS 23.20.335

8 AAC 85.440(b) is amended by adding a new paragraph to read:

(b) The director may adjust an employer's quarterly payroll if

(7) the employer had a fluctuation in payroll as a result of COVID-19 as substantiated by government declarations of a state of emergency and corresponding mandates directly related to COVID-19.

8 AAC 85.440(c) is amended by adding a new paragraph to read:

(c) The employer's payroll may be adjusted as follows:

EMERGENCY REGULATION

Register 234, July 2020 LABOR AND WORKFORCE DEV.

(6) a fluctuation in payroll as a direct result of COVID-19, may be adjusted for artificial peaks or declines, but only during a timeframe directly impacted by COVID-19 as established by government declarations.

(Eff. 3/27/82, Register 81; am 5/23/2003, Register 166; am 6/27/2014, Register 210; am

4 / 6 / 2020, Register 234)

Authority: AS 23.20.045 AS 23.20.285 AS 23.20.325