

Nancy Dahlstrom
Lieutenant Governor
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Kimberly Kolvig, Department of Labor and Workforce Development

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: May 29, 2024

RE: Filed Permanent Regulations: Department of Labor and Workforce Development
Department of Labor and Workforce Development regulations re: Unemployment
Claims Updates (8 AAC 85.351 - .352)

Attorney General File:	2023200595
Regulation Filed:	5/29/2024
Effective Date:	6/28/2024
Print:	250, July 2024

cc with enclosures: Colleen Bailey, Department of Law
Judy Herndon, LexisNexis



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

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May 29, 2024

The Honorable Nancy Dahlstrom
Lieutenant Governor
State of Alaska
P.O. Box 110015
Juneau, AK 99811-0015

Re: *8 AAC 85.351, 8 AAC 85.352 - DLWD - Unemployment claims updates*
Our file: 2023200595

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulations of the Department of Labor and Workforce Development against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This letter constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Department of Labor and Workforce Development after the close of the public comment period.

The regulations make updates to the unemployment claims process, including the number of valid work search activities a week that a claimant must perform, and changes to that number based on the population of and labor market in the area where the claimant resides.

The April 5, 2024 public notice and the May 24, 2024 adoption order both state that this action is not expected to require an increased appropriation. Though the agency prepared a "zero cost" note, a fiscal note under AS 44.62.060 is not required.

No technical corrections were necessary to conform the regulations in accordance with AS 44.62.060.

Sincerely,

TREG TAYLOR
ATTORNEY GENERAL

By: **Rebecca C. Polizzotto**
Rebecca C. Polizzotto
Chief Assistant Attorney General
Legislation, Regulations, and
Legislative Research Section

Digitally signed by
Rebecca C. Polizzotto
Date: 2024.05.29
14:06:43 -08'00'

SCW/fcb

CC w/enclosure: Kimberly Kolvig, Special Assistant to the Commissioner
Department of Labor and Workforce Development

Brandon P. Smith, Assistant Attorney General
Department of Law

Steven C. Weaver, Senior Assistant Attorney General
Department of Law

APPENDIX I: Adoption Order

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

The attached three page[s] 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 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: 5/24/2024


Catherine Muñoz, Commissioner

FILING CERTIFICATION

April Simpson for

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on May 29, 2024, at 4:03 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.


for Lieutenant Governor Nancy Dahlstrom

Effective: June 28, 2024.

Register: 250, July 2024.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, NANCY DAHLSTROM, 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:

April Simpson, Regulations and Initiatives Specialist

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on May 15th, 2023.



A handwritten signature in blue ink, reading "Nancy Dahlstrom", is written over a horizontal dotted line.

**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

Register 250, July 2024 LABOR AND WORKFORCE DEV.

8 AAC 85.351(b) is amended to read:

(b) A claimant who files for benefits in this state shall register for work and maintain an active placement registration for work in this state as required by AS 23.20 and this section. An active placement registration for work in this state means the claimant has registered **with the labor exchange system operated by the division** [IN THE ALASKA LABOR EXCHANGE SYSTEM] and has posted an online resume that is available for employers and division staff to match with available jobs. A claimant shall register for work

(1) [REPEALED 3/4/2006;

(2)] in person at the employment service office of the division that is nearest the claimant's residence;

(2) [(3)] by telephone, if permitted by the director **based on resource availability**; or

(3) [(4)] by electronic means at the department's website.

(Eff. 10/12/97, Register 144; am 11/7/2001, Register 160; am 3/4/2006, Register 177; am 3/25/2007, Register 181; am 6/27/2014, Register 210; am 6 / 28 / 2024, Register 250)

Authority: AS 23.20.045 AS 23.20.378 AS 23.20.385
AS 23.20.080 AS 23.20.382 AS 23.20.520

8 AAC 85.352 is amended to read:

8 AAC 85.352. Able and available for suitable work: work search activity. (a) A claimant **who is** required to register for work under AS 23.20 and 8 AAC 85.351 **shall** [MUST] actively seek suitable work by **performing** [MAKING] at least one valid work search **activity** during each week that the claimant files for unemployment insurance benefits.

(b) The division may require a claimant to **perform** [MAKE] more than one valid work search **activity** during a week that the claimant files for unemployment insurance benefits based on **the population and labor market of** [EACH OCCUPATION SUITABLE FOR THE CLAIMANT WITHIN] the area in which the claimant **resides while** [IS] filing **a benefits claim** [BENEFIT CLAIMS]. **For each benefit week in which the claimant files a benefits claim, the** [THE] division will **provide the** [NOTIFY A] claimant [OF THE CLAIMANT'S] **with the number of work search activities that the claimant is required to perform,** [WORK SEARCH REQUIREMENT FOR A GIVEN BENEFIT WEEK BY] using a method specified **under (c) of this section** by the director.

(c) A work search **activity** is [CONSIDERED] valid if

(1) the claimant

(A) **inquires with an employer through investigation of the employer's job postings or website or other explorative activities, or** contacts an employer **by telephone, by electronic mail, or in person** regarding work; **the method of contact or inquiry must be appropriate based on how the prospective employer is usually contacted for work; or**

(B) **visits a job center for a reemployment service or career workshop, attends a job interview, or performs a similar high-engagement activity approved by the director; and**

(2) [(3)] the work is suitable [UNDER 8 AAC 85.410] to the claimant's skills and **abilities under 8 AAC 85.410** [CAPABILITIES; AND

(3) THE METHOD OF CONTACT IS APPROPRIATE BASED ON HOW PROSPECTIVE EMPLOYERS IN THAT OCCUPATION ARE USUALLY CONTACTED

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FOR WORK].

(d) Using a method specified by the director to verify work search activities, a claimant who is required to perform a [SEEK] work search activity under (a) of this section shall report any employer contact or inquiry made during each week that the claimant files a claim for unemployment insurance benefits to the division. The report must include the following for each employer contact or inquiry: [THE]

(1) the date the claimant made [OF] the contact or inquiry;

(2) the name of the employer or entity through which the activity was performed [CONTACTED]; and

(3) the telephone number, address, electronic mail address, or Internet address that the claimant [WEBSITE] used to make the contact or inquiry. (Eff. 10/12/97, Register 144; am 6/27/2014, Register 210; am 3/30/2016, Register 217; am 6 / 28 / 2024,

Register 250)

Authority: AS 23.20.045 AS 23.20.378 AS 23.20.385
AS 23.20.080