



Alaska Employer Resource Manual



**ALASKA DEPARTMENT OF LABOR
& WORKFORCE DEVELOPMENT**

Jobs are Alaska's Future

Alaska Employer Resource Manual

July 2006

State of Alaska
Frank H. Murkowski, Governor



***Alaska Department of Labor
& Workforce Development***
Greg O'Claray, Commissioner

Employment Security Division
Thomas Nelson, Director



Click here to enter Alaska's Labor Exchange System
Alaska's *NEW* Job Bank

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Alaska Employer Resource Manual

PREFACE

This manual is designed to provide employers an overview of the no-cost services available through the Alaska Job Center Network (AJCN) and introduce Alaska's new Job Bank, "ALEXsys." ALEXsys is short for Alaska Labor Exchange System. Another goal of this manual is to provide a working knowledge of state and federal requirements regarding employers. Information presented here is intended to be used as a guideline and, unless specifically stated, should not be considered legally binding or a full representation of legal requirements.

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ALASKA JOB CENTER NETWORK (AJCN)

Success in today's business world is not easy. Businesses must be aware of every available time and money saving opportunity. The AJCN can help businesses reduce the time and money spent recruiting employees.

The [AJCN](#) acts as a recruiting agency for Alaskan businesses. Employers can call or visit a local Job Center and the Business Connection Manager will answer questions, explain the recruiting process and our no-cost employer services. By working with a business and learning about their special needs, the AJCN helps to match the right employee with the right job.

There are 24 Job Centers throughout Alaska and two Mobile Job Centers. Our teams are well trained and have the experience to search for the most qualified candidates to meet your needs. They do this by accessing applicant records from the vast Alaska labor pool through the new, state of the art Alaska Labor Exchange System, "ALEXsys." They can locate candidates with the qualifications that individual businesses need.

BUSINESS/EMPLOYER SERVICES

Find Your Perfect Employee at the Alaska Job Center Near you!

The AJCN is Alaska's biggest hiring hall. At the Alaska Department of Labor & Workforce Development, our mission is putting Alaskans to work. That is why we want you to know how the professionals at the 24 Alaska Job Centers can help you find the perfect employee! For complete details, go to <http://www.jobs.state.ak.us/aeh/jobcenter.pdf>

How to Find Your Perfect Employee!

The AJCN gives you all of the tools you will need to find your perfect employee. The AJCN Web site is provided and maintained by the State of Alaska Department of Labor & Workforce Development. The AJCN Web site offers employers systematic instructions on posting job advertisements, participating in Job Fairs and on-site recruitments. It also offers links to many valuable employer resources. For complete details, go to <http://www.jobs.state.ak.us/aeh/employee.pdf>

Find Your Perfect Employee at Our Job Fairs!

Throughout the year, our Alaska Job Centers, in partnership with businesses and educational institutions throughout Alaska, offer exciting Job Fairs. As an Alaskan business, you are invited to become part of these opportunities. For complete details, go to <http://www.jobs.state.ak.us/aeh/jobfair.pdf>

Alaska Job Center Contact Information

To find your nearest Alaska Job Center, go to www.jobs.state.ak.us and click on Alaska Job Center's link under Main Menu.

Doing Business in Alaska

For more information about available resources for conducting business in the State of Alaska, go to <http://www.state.ak.us/local/bus1.shtml>.

Creating and Posting a Job Advertisement (Job Order)

ALEXsys is an exciting new tool for Alaskan businesses. ALEXsys uses internet technology to match Alaskan businesses with Alaskans looking for jobs. Register by going online at www.jobs.state.ak.us, click on the ALEXsys link, and follow the easy step-by-step registration. Once registered you can take advantage of all the great features ALEXsys has to offer.

If you are not sure how to fill out the online registration, call your nearest Alaska Job Center and talk to one of our Business Connection professionals. They are available during regular business hours to help you. Or call our toll-free help line at 1-877-465-5934.

The following information will be needed when registering on line:

- ✚ The Employer/Business Name
- ✚ Mailing Address
- ✚ Employment Security Tax Account Number or Federal Employer Identification Number (FEIN)
- ✚ Contact information

Writing a Job Description

Selecting a new employee is one of the most critical processes undertaken by a supervisor, manager, or business owner.

Before you start interviewing for the job, take a few minutes to ask yourself about what you are really looking for in a new worker. If you have a job description for the vacant position, review it carefully. If you do not have a formal job description, write one for the job you are trying to fill. When composing a job description, consider the following:

- ✚ What do I really expect the new worker to do? What tasks or assignments are to be routinely performed?
- ✚ What product will the person make or what service will the worker deliver?
- ✚ What steps in the manufacturing or service delivery process will the worker be responsible for?
- ✚ Whom will the new employee have to work with to be effective and productive?
- ✚ How will the worker receive instructions?

Remember to address these three points when writing a job description:

- ✚ Does it state the company's expectations of the employee?
- ✚ Does it indicate the responsibilities/travel, type of machines to be operated, general working conditions, etc?
- ✚ Does it describe the skills/training and/or experience needed for the job?

The job title should reflect the type of work to be performed. Often the job title attracts the job seeker. A critical part of the job advertisement is a complete description of the work to be performed. Include "buzz words" or any trade jargon associated with the work. Describe the job tasks, how they are to be performed, the wage or salary being offered plus any benefits, and the hours and shift to be worked.

Referral Instructions

ALEXsys will allow you to select the best option for you. Businesses can provide the job seekers with sufficient information on the job order to screen themselves and contact the business if they have the necessary qualifications. Applicants can contact the employer to schedule an appointment, apply in person during specified hours, or fax or email their resumes. Businesses can also have Job Center staff pre-screen potential candidates and only refer those who are qualified for the position. Businesses who prefer pre-screening will select the option to have applicants apply through the Job Center. The Job Center will collect the applications for the employer to pick-up, or we can mail or fax these to you.

Submitting the Job Advertisement

Employers can submit job advertisements in four ways:

- ✚ Via the internet at <http://alexsys.labor.state.ak.us> (Click on “post a job” link under “Employer’s” heading, and then register on ALEXsys)
- ✚ By [fax](#) to the nearest Job Center
- ✚ By phone
- ✚ In person at your nearest [Alaska Job Center](#)

Matching

ALEXsys uses nationally accepted occupational definitions and industry-wide qualifications to identify potential applicants. As an employer, you can view resumes of Alaskans with the skills that match your needs. Employers are in control of the job application process. Employers can search the database by job titles or by skill sets.

Referral of Qualified Applicants

Allowing qualified workers to screen and refer themselves should help most businesses find the right workers for the jobs they are trying to fill.

If, during the interview process the applicants do not meet the requirements, the business should update their job order on ALEXsys or contact the office where the job order was placed and explain any problem areas. Often, adjustments to the job order will help job seekers to better self-screen. Business Connection Representatives are familiar with the local labor market and can offer helpful advice.

Closing the Advertisement

With ALEXsys, employers are in control of their job orders and application process. To close a job order, employers can call their local Job Center or go on-line to ALEXsys and close the job order themselves. Closed job orders will be stored in the database, for several years. Employers may open, close, or update their job orders at any time.

Job Development

An Employment Specialist may occasionally contact a business when an applicant with abilities especially suited to that company's needs is identified. This "job development" generally takes place when a current advertisement is not on file. Depending on the company's time and interest, the Employment Specialist will review the job applicant's qualifications and arrange for an interview. If there is no present employment need, the specialist may forward the applicant's resume for future consideration.

If the business hires the applicant at a later date, there is no need to re-contact the Job Center. Employment Specialists follow-up on job development contacts at periodic intervals, or until the job applicant has secured permanent work.

RAPID RESPONSE

Rapid Response is a federal program designed to assist states, communities and individuals recover from economic dislocations, industry declines, and natural disasters that lead to worker dislocation. It is a service that is provided both before and after a dislocation event and is tailored to each event.

The Alaska Department of Labor & Workforce Development has rapid response specialists located throughout the state that are available to help with individual needs. Rapid response specialists can assist the employer in the process of early notification of layoffs to employees.

➤ Rapid Response services may include:

- ✚ Transition planning needs which includes assistance in conducting an orderly and legal layoff including information on the Worker Adjustment and Retraining Notification Act (WARN)
- ✚ Assistance to Human Resources staff as they face an increase of questions, complaints, and concerns from employees
- ✚ Pre-layoff services for employees are designed to improve the morale of workers and boost productivity, which allows the employer to maintain a good corporate image
- ✚ Immediate and on-site contact with the employer and employee representatives to assess the needs of the affected workers
- ✚ Employee meetings are scheduled and information provided on services available to assist with reemployment
- ✚ Onsite workshops tailored to employee needs
- ✚ Assistance in the development of layoff aversion strategies. Which may include: Pre-feasibility studies, Employee stock ownership plans, Incumbent worker training, and Economic Development linkages
- ✚ Assistance in facilitating a labor management committee, which provides the voice of the worker to program services

Whom do I contact about Rapid Response services?

State Dislocated Worker Unit
Shawna Harper, Rapid Response Program Coordinator
PO Box 115509
Juneau, AK 99811

Phone: (907) 465-1882 Fax: (907) 465-8753
For more information, go to <http://www.jobs.state.ak.us/RR/index.html>.

TRADE ADJUSTMENT ASSISTANCE (TAA)

TAA is available to workers who lose their jobs or whose hours of work and wages are reduced because of competition from, or a shift in production to, another country.

TAA includes a variety of training and reemployment benefits to help the unemployed workers prepare for and obtain suitable employment as quickly as possible.

In order for a group of workers to be eligible for TAA, a petition must be filed with the U.S. Department of Labor, Employment, and Training Administration. Petitions may be printed off the Alaska TAA Web site at <http://www.jobs.state.ak.us/taa/forms.htm>.

A company representative, a union representative, three workers or a Job Center representative can file a petition. Completed petitions must be filed with the State TAA Office. The State TAA office will review the petition for completion and fax it to the U.S. Department of Labor. The U.S. Department of Labor will institute an investigation to determine if worker layoffs were due to competition from imports or a shift in production to another country. If this is the finding, the U.S. Department of Labor will certify the petition and the workers that were laid off from the company during a prescribed period of time are eligible to apply for TAA benefits.

➤ TAA benefits include:

- ✚ Training for a new occupation
- ✚ Job search allowance to seek work outside the commuting distance
- ✚ Relocation allowance to relocate to begin a new job

Trade Readjustment Allowances (TRA) are weekly payments much like Unemployment Insurance that help the worker financially survive while attending a training program or seeking work.

Alternative TAA (ATAA) is a wage subsidy program for older workers who choose to return to work rather than attend a training program.

Health Care Tax Credit is available, which pays 65% of the participant's health plan premium.

The Alaska Department of Labor & Workforce Development, Employment Security Division is the designated agency to provide training and reemployment services to trade-impacted workers.

Additional TAA information and assistance with filing petitions may be obtained by contacting:

Alaska Department of Labor & Workforce Development
TAA Program
PO Box 115509
Juneau, AK 99811-5509

Telephone: (907) 465-5947 or (907) 465-1882
Or at <http://www.jobs.state.ak.us/taa/index.html>.

JOB SEEKER SERVICES

The AJCN offers job matching through ALEXsys and a host of other services available at <http://alexsys.labor.state.ak.us>

- ✚ Career information
- ✚ Aptitude, interest, transferable skills testing
- ✚ Testing for clerical skills – typing, data entry speed and accuracy
- ✚ Specific occupational guidance
- ✚ Job placement assistance
- ✚ Work search skills training
- ✚ Resume assistance
- ✚ Labor Market Information
- ✚ Referrals to training
- ✚ Job Seeker Resources are available at <http://www.jobs.state.ak.us/jobseeker.htm>

Veterans

The AJCN is proud of its record in helping military veterans and recently discharged service men and women make the transition from their rewarding military careers. Alaska Job Centers offer exceptional employment and training services. Alaska has one of the country's best veterans' services and job placement programs thanks to employer vacancy listings on ALEXsys.

Veterans and recently separated service women and men make great employees! They are generally more mature, dependable, and have developed productive work habits. Veterans also have a wide range of training and technical skills as computer programmers, mechanics, carpenters, administrators, and managers.

Alaska Job Centers help employers find qualified veterans. There are Local Veteran Employment Representatives (LVER) and Disabled Veteran Outreach Program (DVOP) specialists in the Job Centers that assist veterans, and help employers take advantage of the education and skills of these highly qualified applicants. For more information, go to <http://www.jobs.state.ak.us/offices/index.html>.

Further information about employment and training services is available from a Veteran employment representative at an Alaska Job Center or from the Veteran Services Web site at <http://www.jobs.state.ak.us/veterans>.

Vocational Counseling

Alaska Job Centers offer vocational counseling as a service to job seekers. Counseling helps match employee's skills, abilities, and interests with the needs of employers.

At some point in our lives, each of us makes one or more difficult career decisions. The Job Center Vocational Counselor can help assess a worker's specific skills, general abilities, and interests and recommend occupations where workers will have the best potential for success. With vocational counseling, individuals can develop their full occupational potential, thus becoming a more productive employee.

Assessments are available to help in the vocational decision making process, such as:

- **General Ability Assessment (Ability Profiler).** The Ability Profiler measures nine job relevant abilities:

- ✚ Verbal Ability
- ✚ Clerical Perception
- ✚ Arithmetic Reasoning
- ✚ Motor Coordination
- ✚ Computation
- ✚ Finger Dexterity
- ✚ Spatial Ability
- ✚ Manual Dexterity
- ✚ Form Perception

- **Tests for Adult Basic Education (TABE)**

- ✚ This test measures literacy in reading, mathematics, language and spelling. It provides corresponding grade equivalent levels. It also provides a predicted General Equivalency Diploma (GED) test completion score span.

- **Interest Tests**

These tests compare an individual's likes and dislikes with those of successfully employed workers. Individuals who enjoy their job are workers that are more productive.

- ✚ Career Assessment Inventory
- ✚ Career Decision Making System
- ✚ Interest Profiler
- ✚ Self-Directed Search

- **Clerical Skills Proficiency Testing**

- ✚ This test measures proficiency in typing, dictation, and spelling to determine the individual's level of skills as required in administrative and clerical jobs.

- **Basic Occupational Literacy Test (BOLT)**

The BOLT test measures the literacy skills of educationally deficient applicants as related to the requirements of various occupations. It consists of four parts:

- ✚ Arithmetic computation
- ✚ Arithmetic reasoning
- ✚ Reading vocabulary
- ✚ Reading comprehension

Fidelity Bonding Program

The Federal Bonding Program provides Fidelity Bonds (FBP) in Alaska and offers a proven and effective tool to help both employers and at-risk job applicants. It is the only program that bonds ex-offenders.

This unique job placement tool enables at-risk job applicants such as ex-offenders, recovering substance abusers and others with problematic work histories to get and keep a job with bond covering risk to the employer. The opportunity to obtain a free fidelity bond allows the employer to focus on the worker's skills and productivity without taking added risk. The program will bond anyone who has been told (or will be told) that they are NOT BONDABLE.

A basic \$5,000 coverage bond is usually issued, with a NO DEDUCTIBLE amount of liability for the employer. Larger bond amounts can be issued if the State Bonding Coordinator has determined that a larger bond amount is appropriate.

The FBP is a valuable tool to assist employers in hiring otherwise qualified individuals. For more information, go to <http://labor.state.ak.us/bonding/bonding.htm>, or contact the Alaska Job Center in your area. Locate your local Job Center at <http://www.jobs.state.ak.us/offices>.

WORKFORCE INVESTMENT PROGRAMS

Workforce Investment programs are workforce development and training resources designed to meet the labor needs of employers and the unique needs of individuals who wish to enter, re-enter, or remain in the job market, with particular assistance for unemployed workers, low-income adults, and others who need help finding stable employment. A variety of training activities and services offer opportunities so good jobs can be secured and maintained. Business and community leaders throughout the state, representing the public and private sectors, guide the investment of public Workforce Investment funds in support of activities that enhance the quality of Alaska's workforce. These leaders are represented on the Alaska Workforce Investment Board at <http://www.labor.state.ak.us/commish/ahric/home.htm>.

The Alaska Workforce Investment Board provides broad, guiding direction to the Workforce Investment System and other job training programs within the state. The Alaska Department of Labor & Workforce Development administers the Workforce Investment programs at the state level.

Federal legislation, called the Workforce Investment Act (WIA) provides direction on the workforce investment programs and combines job training information and resources so that high quality services are available to thousands of Alaska workers who want to advance in the job market. Information regarding WIA can be found online at <http://www.jobs.state.ak.us/wia0300.html>.

The Workforce Investment programs provide help to eligible persons with the goal of moving them into permanent, self-sustaining employment. Under the WIA, the State of Alaska receives annual federal funding to provide services to adults, youth, and workers who have been let go from their place of work through no fault of their own (Dislocated Workers). Services to eligible adults and dislocated workers are provided through the Alaska Job Center Network. For additional information, go to <http://www.jobs.state.ak.us/jt>. Services to eligible youth are provided through grants to public and private organizations.

In addition to the WIA programs, the State of Alaska also receives special federal grants to provide job training and related services targeted at special needs and populations. Some of these federal grants include assistance to fishermen dislocated from their employment, pipeline construction training, and training to get individuals employed in high growth industries. Services are provided through the Alaska Job Center Network and through grants to public and private organizations.

Training providers may be state and local governments, public and private nonprofit agencies, native organizations, community-based organizations, educational agencies, labor organizations, and private-for-profit businesses. Requests for proposals to train workers are issued by the Alaska Department of Labor & Workforce development on a regular basis.

STATE TRAINING AND EMPLOYMENT PROGRAM (STEP)

The STEP is designed to reduce current and future claims against unemployment insurance (UI) benefits by meeting the emerging training needs of Alaska's workers and employers. Funding for STEP comes from one tenth of one percent of employee contributions to the Unemployment Insurance Trust Fund.

STEP goals are:

- ✚ To foster the growth of existing businesses and attract new businesses to Alaska through development of a skilled workforce and lower employer UI costs.
- ✚ To increase the training opportunities for workers affected by economic fluctuation or technological change.

Workers may be eligible for STEP training if they are:

- ✚ Unemployed and receiving UI benefits and have exhausted their benefits or are ineligible for benefits because their contributions to the UI Trust Fund were insufficient due to seasonal, temporary, or marginal employment.
- ✚ Employed but liable to be displaced within six months due to layoff, job elimination, or the need to learn substantially different skills.

Services in order of priority under the STEP Program are:

- ✚ Industry specific job training
- ✚ On-the-job training
- ✚ Institutional or classroom job-linked training
- ✚ Support services, including allowances, provision of tools and gear, relocation and employment assistance.

Training may address the needs of a specific industry experiencing rapid growth, or it may be customized to the needs of a particular employer. In the case of customized training, the employer must commit to hire participants successfully completing training.

Employers interested in knowing more about the STEP Program may visit <http://www.labor.state.ak.us/bp/step.htm>, or contact:

Alaska Department of Labor & Workforce Development
Division of Business Partnerships
State Training & Employment Program Manager
1016 West 6th Avenue, Suite 205
Anchorage, AK 99501

Phone: (907) 269-4651 Fax: (907) 269-4661

Vocational Education

Vocational Education programs, often called career and technical education programs, offer an organized sequence of courses to prepare individuals for employment in current or emerging occupations that typically do not require a four-year or advanced college degree. These programs integrate academic knowledge and skills with activities that help students master industry developed or accepted occupational skill standards and employability skills such as problem-solving and good work attitudes. Vocational education programs are available in career clusters such as business & administration, architecture & construction, transportation, health services, sales and scientific technology.

Delivery of Vocational Education

The vast majority of vocational education in Alaska is provided through four major outlets:

Secondary schools

The University of Alaska campus' postsecondary degree and/or certificate programs are administered through vocational centers & regional learning centers and adult vocational education programs through proprietary schools, businesses, corporations, and industry.

Occasionally, businesses may work with a secondary or postsecondary school on Cooperative Education (Co-op) and/or On-The-Job Training (OJT) in programs where students both go to school and work part of the day.

The passage of the Carl D. Perkins Vocational and Technical Education Act of 1998 provides secondary, postsecondary, and adult vocational education programs with federal assistance. School districts apply for formula-determined basic grant funds to expand and improve their vocational programs. Postsecondary programs may apply for competitive grant funding for improving or expanding their offerings.

Tech Prep programs

This is a model that articulates high school and postsecondary programs into a seamless schooling plan which are supported through one statewide project that coordinates programs through each major University campus.

Federal funds are distributed according to the Alaska State Plan for Vocational Education. For a copy of this state plan, contact:

Department of Education & Early Development
Teaching and Learning Support
Career & Technical Education
801 West 10th St., Suite 200
P.O. Box 110500
Juneau, Alaska 99811-0500

Telephone: (907) 465-4686

The [Alaska Commission on Postsecondary Education](http://www.alaskadvantage.state.ak.us/page/240) approves private vocational schools before they can operate in Alaska. Their Web site provides a current list of approved schools at www.alaskadvantage.state.ak.us/page/240, or they may be contacted at:

Alaska Commission on Postsecondary Education
3030 Vintage Blvd.
P.O. Box 110505
Juneau, Alaska 99811-0505

Telephone: (907) 465-6673 or toll free: 1-800-441-2962 or 2967

Adult Vocational Centers

The Alaska Vocational Technical Center (AVTEC) is located in Seward. It is a state-operated center with a variety of programs available for adults. For more information, go to <http://avtec.labor.state.ak.us>, or they may be contacted at:

Alaska Vocational Technical Center
Box 889
Seward, AK 99664

Telephone: (907) 224-4141 or toll free: 1-800-478-5389 Fax: (907) 224-4143

The Kotzebue Technical Center is an adult center operated by the Northwest Arctic School District. For more information, go to <http://www.nwarctic.org/atc/index.htm>, or they may be contacted at:

Alaska Technical Center
P.O. Box 51
Kotzebue, AK 99752

Telephone: (907) 442-3733 Fax: (907) 442-2764

University and College Vocational Programs

The Board of Regents for the University of Alaska administers the vocational programs on the various university and college campuses throughout the state. For more information, go to www.alaska.edu. This Web site provides links to the various campuses. The University's main office is located in Fairbanks at:

University of Alaska
202 Butrovich Bldg.
Fairbanks, AK 99775

Telephone: (907) 474-7311 Fax: (907) 474-7570

MEETING LEGAL OBLIGATIONS

IMMIGRATION REFORM AND CONTROL ACT OF 1986

The Immigration Reform and Control Act of 1986 was designed to preserve jobs for those who are legally entitled to them - American citizens and aliens who have a "green card" authorizing them to work in our country. Under this Act, employers must verify that each new employee is legally eligible to work in the United States. The Form I-9 "Employment Eligibility Verification Form" is used to verify compliance with this law. For further information on the "green card" law, contact:

US Citizenship and Immigration Services (USCIS)
Employer Relations Officer
620 E. 10th Ave., Suite 102
Anchorage, AK 99501

Telephone: 1-800-375-5283

Download Form I-9 online at <http://uscis.gov/graphics/index.htm> or call 1-800-870-3676.

FOREIGN LABOR CERTIFICATION (FLC)

FLC programs are designed to permit US employers to hire foreign workers on a temporary or permanent basis to fill jobs essential to the US economy. Certification may be obtained in cases where it can be demonstrated that there are insufficient qualified, available, and willing US workers to perform the work, at a wage that meets or exceeds the prevailing wage for that occupation in the area of the intended employment.

The Alaska Department of Labor & Workforce Development assists the employer in hiring a foreign worker ONLY IF/WHEN there are no Alaskan or US workers for the job. With the adoption of Program Electronic Review Management (PERM) in March of 2005, the State's responsibility is limited to processing temporary (H-2B) FLC applications (jobs with duration of 364 days or less). The exception to this limitation is the calculation of prevailing wage prior to an employer filing *permanent* FLC applications with the USDOL.

Temporary FLC applications must be processed and sent on to the National Processing Center in Chicago, within **30** days of their receipt. However, no request may be processed more than **120** days prior to the actual start of the job.

Basic Tenets In The Process Of Recruiting Foreign Labor

The first step for any employer considering the hiring of a foreign worker should be a thorough examination of the USDOL FLC website at www.workforcesecurity.doleta.gov/foreign. This site differentiates between procedures for temporary or permanent FLC applications.

Employers requesting FLC for foreign workers are required to demonstrate that they have attempted to recruit U.S. workers through public advertising and the State of Alaska Job Center Network, as set forth in the above worksite. Employers are also required to offer prevailing wages and working conditions that would be acceptable to similarly employed U.S. workers in the same location of employment. The AK DOLWD's FLC Unit will conduct special recruitments for U.S. workers, provide prevailing wage surveys, research prevailing wage rates, and prepare and forward the completed applications to the U.S. Department of Labor for final determination.

The U.S. Department of Labor must then determine that hiring the foreign worker will not adversely affect the wages and working conditions of U.S. workers.

If this is determined, the U.S. Department of Labor will issue a labor certification approval, return one copy of the application to, and refer the employer on to US Citizenship and Immigration Services (USCIS).

When USCIS receives the appropriate forms (I-129 or I-140) from the Employer, the USCIS will either grant or deny a work visa for the foreign applicant named.

FLC Criteria to Examine Prior To Applying:

- ✚ Is this a legitimate position open to all U.S. workers?
- ✚ Does the employer have a U.S. address?
- ✚ Is the job full-time? In some instances, it may be for less than 35 hours per week if that is customary for the job. Part-time work does not qualify.
- ✚ Can the employer prove they have funds available to pay the individual, and are they prepared to hire the person immediately upon issuance of the visa?
- ✚ Has the prospective employee been offered the prevailing wage (as determined by the Alaska Department of Labor & Workforce Development) and normal U.S. working conditions for the job? Wages cannot be based on commissions, bonuses, or other incentives.
- ✚ Are you sure the job offer contains no unreasonable or discriminatory requirements? Requirements should not be "tailored" to the alien, but should reflect only those qualifications necessary for the job. Employers who require further information can contact:

Alaska Department of Labor & Workforce Development
Foreign Labor Certification Analyst
PO Box 115509
Juneau, AK 99811-5509

Telephone (907) 465-5742
E-mail mary_keelee@labor.state.ak.us

EQUAL OPPORTUNITY LAWS AND DISCRIMINATION ISSUES

[The Alaska Job Center Network \(AJCN\)](#), as a recipient of Title I funds under the Federal Workforce Investment Act (WIA), prohibits discrimination on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in any WIA Title I-financially assisted program or activity. Alaska Statute also prohibits discrimination based on marital status, changes in marital status, pregnancy, and parenthood. The AJCN promotes Equal Opportunity (EO) in all of its programs and activities, including those it provides to employers as an “employment agent.”

[State EO Officers and Coordinators](#) designated under WIA can assist employers with applicable EO laws and regulations, especially those pertaining to job orders, referrals to employment, and other job center services. The AJCN provides universal access to all populations by taking appropriate steps to reach out to varying demographic groups, such as persons with disabilities and those with Limited English Proficiency.

The AJCN complies with other governing nondiscrimination legislation, including: the Nontraditional Employment for Women Act of 1991; Title VI of the Civil Rights Act of 1964, as amended; Title VII of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973, as amended; Title IX of the Education Amendments of 1972, as Amended; the Equal Pay Act of 1963; the Age Discrimination Act of 1975; and, Alaska Statute 18.80.220 regarding Unlawful Employment Practices.

EO complaint procedures are provided to all applicants and participants of employment and training services under the Workforce Investment Act. This procedure is also located online at <http://jobs.alaska.gov/eo/index.html>. For additional information, please contact your local EO Coordinator, or the AJCN EO Officer at (907) 465-1198 (phone/TTY); or e-mail at jason_burke@labor.state.ak.us.

Equal Employment Opportunity (EEO)

Employers can gain greatly from an in-depth understanding of employment law. It will not only help avoid potentially costly mistakes, but will help attract and retain qualified personnel. Additionally, it may connect the employer to a broader marketplace for its product or service.

While this vast subject requires much more extensive coverage than can be provided here, the EEO handbook can describe some of the applicable laws and resources available. Please contact your local EO Coordinator or the State EO Officers if you would like additional information. They may review applications for potential EO impacts, and schedule workshops for groups of employers.

The [Equal Employment Opportunity Commission](#) (EEOC) and [Alaska State Commission for Human Rights](#) (ASCHR) enforce Federal and State employment laws. EEOC provides a wide variety of technical assistance through its website, and provides outreach upon request. Both commissions respond to complaints of discrimination. The EEOC may refer a complaint to ASCHR for processing as its Fair Employment Practices Agency.

Employers should strongly consider adopting a written policy supporting equal employment practices. Doing so will help orient the organization toward fair employment practices, and address any potential legal issues before they arise. Specific citations may be drawn directly from [State law](#) and EEOC guidance. Monitoring and training should be provided on a regular basis to determine the effectiveness of the employer's EEO policy (ies). The policy should be updated at least once every two years.

Four major federal laws and one executive order outline the main legal requirements that employers must meet to comply with EEO regulations. They are:

- ✚ The Equal Pay Act of 1963
- ✚ Americans with Disabilities Act
- ✚ Title VII of the Civil Rights Act of 1964
- ✚ The Age Discrimination in Employment Act
- ✚ Executive Order 11246 (dealing with discrimination in hiring)

Equal Pay Act

The Equal Pay Act is actually part of the Fair Labor Standards Act (FLSA) – it is an addition to the section on minimum wages. Therefore, FLSA provisions on coverage, administration, and enforcement also apply to the Equal Pay Act. Employees exempt from the minimum wage provisions of FLSA are also exempt from the Equal Pay Act. However, employees exempt only from the overtime provisions of FLSA, specifically executives, administrators, professionals, and outside sales people, are still covered by the Equal Pay Act.

Basically, the Equal Pay Act provides that men and women must get equal pay for equal work--meaning work of equal skill, effort, and responsibility. Equal does not mean identical; if the jobs are substantially the same, pay must be equal. Job titles or classifications do not matter; the law refers to actual job content.

The law does not ban pay differences based on a system of seniority, merit, piecework, or any factor other than gender. However, the system must be bona fide--not an attempt to evade the law. It is a good idea to put the company pay differential system in writing.

Americans with Disabilities Act (ADA)

Passed in 1991, ADA covers all employers with 15 or more employees (the Department of Justice enforces employers with fewer than 15 employees). ADA prohibits covered employers from discriminating against a "qualified individual with a disability" with regard to job application, hiring, advancement, discharge, compensation, training, or other terms, conditions, or privileges of employment.

Employers are required to make reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability unless doing so would impose an undue hardship.

A "qualified individual with a disability" means one who, with or without a reasonable accommodation, can perform the essential functions of the job. "Essential functions" are those functions of the position, which must be completed in order for the job to be done.

Title VII of the Civil Rights Act of 1964. The Civil Rights Act covers employers of 15 or more workers if:

- ✚ They are engaged in any industry affecting commerce.
- ✚ They have at least 15 employees for each working day in each of at least 20 calendar weeks in the current or preceding year.

Most employers with more than 15 workers are covered by the Civil Rights Act. Unions and employment agencies dealing with these companies are also covered by the Act, not just private employers. Title VII covers state and local governments and private and public educational institutions. The 1972 amendments to the Civil Rights Act made special provision for federal employees. Those employers who are exempt include:

- ✚ Bona fide, tax exempt, nonprofit membership clubs (not labor unions)
- ✚ Religious corporations, associations, educational institutions, or societies (This exemption refers only to the religion of employees hired for certain jobs)
- ✚ Employers of aliens outside the United States
- ✚ Native American tribes and businesses on or near Native reservations (Native Americans are allowed preferential treatment)

What Does Title VII Prohibit? Employers covered by the Civil Rights Act cannot, because of race, color, religion, gender, or national origin:

- ✚ Refuse to hire an individual
- ✚ Discharge or otherwise discriminate against an employee
- ✚ Limit, segregate, or classify employees or applicants in any way that would deprive them of employment or adversely affect their status as employees

The ban on discrimination applies to all elements of the employer-employee relationship: hiring, firing, wages, terms, conditions, or privileges of employment. Other prohibitions in Title VII include:

- ✚ Discrimination in apprenticeship and other training programs
- ✚ Discrimination in employment advertising
- ✚ Discrimination against an individual because the person made a charge, testified, or participated in an investigation

Age Discrimination in Employment Act (ADEA)

The Age Discrimination in Employment Act (ADEA) covers employers with 20 employees or more, unions with at least 25 members or a hiring hall, employment agencies serving covered employers and state and local government agencies. Federal government agencies are also subject to the Act.

What is forbidden under ADEA? The Act bans discrimination because of age against any persons between the ages of 40 and 70. In general, practices that violate the Civil Rights Act, if based on race, color, religion, gender, or national origin, are also violations of the ADEA if based on age--including advertising using terms such as "young," "recent graduate," etc.

Executive Order 11246

Employers with federal government contracts and subcontracts are covered by the Civil Rights Act on the same basis as other employers. In addition, they are subject to Presidential Executive Orders on nondiscrimination in government contracts. The Executive Orders are administered and enforced by the U.S. Labor Department's Office of Federal Contract Compliance Program (OFCCP).

The OFCCP's requirements under Executive Order 11246 ban discrimination because of race, color, religion, gender, or national origin in hiring. Employment by government contractors and subcontractors is in some ways more stringently covered than EEOC's requirement under Title VII. Those covered under Executive Order 11246 need to know exactly how to comply with OFCCP's standards.

Who Is Considered a Contractor Under The Order?

Executive Order 11246 covers not only prime contractors, in other words those who contract directly with the government, but also first- and second-tier subcontractors. A first-tier subcontractor is defined as having a contract with a prime contractor for supplies or services affecting the government contract. A second-tier contractor has a contract with the first-tier contractor.

Exemptions

Certain contracts are exempt from the Order's requirements. These include contracts of \$10,000 or less; contracts for work outside the United States; and contracts exempted in the national interest.

Under OFCCP's Revised Order #4, written affirmative action programs to improve job opportunities for minorities and women are required of federal contractors and subcontractors (outside the construction industry) that have 50 or more employees and a government contract of \$50,000 or more. These affirmative action programs require an analysis of the contractor's current workforce (to determine whether and where women or minorities are being under utilized) and the setting of goals and timetables for corrective action.

Pre-Employment Questioning

The Equal Employment Opportunity Commission has not issued any list of "forbidden questions," as there is no express prohibition of any questioning in the Civil Rights Act of 1964. However, its guideline on pre-employment inquiries concerning race, color, religion, or national origin indicates that these questions are, by their nature, violations of law, and the Commission's responsibility to promote equal opportunity compels it to regard such inquiries with extreme disfavor. An applicant's race, religion, and origins are totally irrelevant to ability or qualifications as a prospective employee, and no useful purpose is served by eliciting such information. (Note: Some states do bar certain questions.)

Medical Examinations and Inquiries

According to the [EEOC Disability Web site](#), "employers may not ask job applicants about the existence, nature, or severity of a disability. Applicants may be asked about their ability to perform specific job functions. A job offer may be conditioned on the results of a medical examination, but only if the examination is required for all entering employees in similar jobs.

Medical examinations of employees must be job related and consistent with the employer's business needs."

Pre-Employment Inquiries Regarding Gender

While it may not be strictly illegal to ask "Male-Female" or "Mr., Mrs., Miss" on application forms if the inquiry is not made for discriminatory purposes, Equal Employment Opportunity Commission guidelines state: "Any pre-employment inquiry . . . which expresses directly or indirectly any limitation, specification, or discrimination as to gender shall be unlawful unless based on a bona fide occupational qualification." For instance, it was held unlawful to ask women if they had "any child care problems," when no such information was requested of men. Since there are very few instances where gender may be a bona fide occupational qualification, the best course of action is to avoid any questions regarding gender.

"Male" and "Female" Help-Wanted Columns

The Equal Employment Opportunity Commission Guidelines say placing ads in separate "Male" and "Female" columns is unlawful, unless gender is a bona fide occupational qualification for the position. Courts have ruled that newspapers are not employment agencies under the Act, even though they may publish classified ads for help.

They can continue to print "Help-Wanted Male" and "Help-Wanted Female" columns. If a newspaper does publish separate columns, employers will have to advertise in both sections-or else in the "Help-Wanted Male or Female" column. Few newspapers publish separate columns any more. Alaska law limits such advertisements.

Religion

The ban on religious discrimination presents special problems that are usually connected with religious beliefs and observances at variance with the customs of the majority. The most common example is the observance of the Sabbath and other religious holidays on days that are workdays for the majority--for example, refusal to work Saturdays.

The 1972 amendments to the Civil Rights Act of 1964, accepting the position stated by the Equal Employment Opportunity Commission in its guidelines, state expressly "the term 'religion' includes all aspects of religious observance and practice.

This includes belief, unless an employer demonstrates they are unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business." This means the burden of proof is on the employer. It is up to the employer to show that accommodating an employee's religious beliefs would subject the business to undue hardship.

Hiring Spouses and Relatives

A rule against hiring the spouse (or other relative) of any employee is acceptable, so long as the rule is applied without discrimination based on gender. In other words, a company cannot hire the husband of a female employee but refuse to hire the wife of a male employee, or vice versa. Thus, a company's rule that the wife resign when two employees are married was judged unlawful by the Equal Employment Opportunity Commission (EEOC), but when the company changed the rule to allow the couple to decide who would resign, EEOC approved the action.

Two federal courts of appeals have sanctioned rules against relatives working in the same department who refuse to split up by transfer, leave of absence, or resignation, allowing the company to terminate the employee with less seniority.

A rule against hiring anyone whose spouse works for a competitor is also acceptable, if applied equally to men and women. One federal court of appeals said a no-spouse rule was unlawful even when statistics showed the rule kept out more women than men, since far more men than women were employed at the company plants. The court accepted the company's argument that the rule promoted employee morale and efficiency and met the test of job-relatedness and business necessity. The U.S. Supreme Court declined to review the decision, thus allowing it to stand.

Height and Weight Requirements

Under the ADA, normal deviations in height, weight, or strength that are not the result of a physiological disorder are not impairments. However, under the Griggs rule, any hiring policy or rule that excludes women more than men is unlawful unless justified by business necessity. The most common examples involve the impacts of height and weight requirements on minorities. The Equal Employment Opportunity Commission has consistently held that these requirements are discriminatory; and in the case of *Dothard v. Robison*, the U.S. Supreme Court agreed. Height and weight requirements are permissible, however, if they are nondiscriminatory. Some examples of non-discriminatory requirements are:

- ✚ A requirement that does not disproportionately impact any of the other protected classes;
- ✚ An airline's requirement that flight attendants, male and female, keep below a maximum weight assigned on an individual basis;
- ✚ Requirements that are justified by business necessity; for example, an airline's height requirement for pilots, where the pilot's seat in the company's planes was so placed that pilots below a certain height would have their vision obstructed.

Pregnancy and Maternity/Gender Discrimination

Title VII bans any policy or practice that excludes from employment any applicants or employees because of pregnancy. According to Equal Employment Opportunity Commission, marital status of the applicant or employee does not matter. Refusal to hire a woman with illegitimate children is unlawful even if the same policy applies equally to men. The Commission noted that, in this case, it's easy for a man to conceal the fact that he has an illegitimate child, but not so easy for a woman.

Hiring People with Disabilities

The Alaska Job Center Network has been extremely successful in helping employers comply with disability law. Many employers have the mistaken impression that the Americans with Disabilities Act (ADA) is an excessive hiring requirement. Nothing is further from the truth. ADA and other disability laws provide access to the best qualified person for a job, and promote performance on the job. ADA requires equal consideration of qualified candidates who can perform the essential functions of a job with or without reasonable accommodation. Employers are encouraged to contact or visit their local one stop office for additional assistance in hiring and retaining persons with disabilities. The [AJCN EO Coordinator](#) may provide reference to appropriate persons and information.

The AJCN also provides referrals to employment for workers with disabilities. All employment services, such as counseling, job search, skill training, resume assistance, and job placement assistance are accessible to jobseekers with disabilities. These individuals are treated equally, using the same or similar services provided to others, with a focus on their abilities. If reasonable accommodation is required, the AJCN office will make every attempt to honor the individual's request. If the request presents an undue burden on the office, an alternative accommodation will be offered to the individual.

Businesses are obligated to similar practices in their hiring and workplace decisions involving people with disabilities. The Equal Employment Opportunity Commission (EEOC) enforces disability law for employers with 15 or more employees. [EEOC's disability website](#) provides employers with relevant guidance. The Department of Justice enforces the ADA for employers with 15 or less employees. The [ADA Homepage](#) provides a great deal of information and technical assistance for small businesses.

Reasonable accommodation is an interactive process that allows the employer and employee to determine the best fit for the individual and the workplace. Useful suggestions may be found on the [Job Accommodation Network](#) (JAN) website, a free consulting resource for worksite accommodations. A wealth of material is available to cover a broad range of disabilities and work environments.

The EEOC and JAN website provide specific information on limitations, etiquette, tax incentives and accommodations. Of particular interest may be the ADA [Definition of the Term "Disability"](#), [EEOC's Enforcement Guidance on the ADA and Psychiatric Disabilities](#), and [Alcohol and Drug Information from the Department of Health and Human Services](#).

OLDER WORKERS

Workers 40 years and older are often discriminated against in hiring, retirement, promotion and training. The Age Discrimination in Employment Act (ADEA), as amended, protects workers from 40 to 70 years of age, and applies to private employers with 20 or more employees, public employers, employment agencies, and labor organizations. ADEA was enacted to:

- ✚ Promote employment of older persons based on ability rather than age
- ✚ Prohibit arbitrary age discrimination in employment
- ✚ Help employers and workers cope with problems arising from the impact of age on employment

Under the Act, it is unlawful to involuntarily retire a worker by reason of age before the age of 70. Another exception, with no age limit, pertains to employees holding bona fide executive, high policy-making positions, receiving retirement incomes of at least \$27,000 a year.

Arbitrary age discrimination within the protected age group is also unlawful. For example, an employer may not give preference to a 41-year-old over a 51-year-old due to age alone. Social research indicates the following about older workers:

- ✚ Workers hired after age 40 generally attain higher performance ratings than those hired before age 30, and older workers' output compares favorably to younger workers' output
- ✚ Days lost per 100 workdays for all reasons decrease as age increases
- ✚ Ability and willingness to learn new jobs skills does not diminish significantly with advancing age
- ✚ Older workers are usually least likely to change jobs, and they generally attain a better record of employer acceptance once hired

MATURE ALASKANS SEEKING SKILLS TRAINING (MASST)

The Alaska MASST program is federally known as the Senior Community Service Employment Program (SCSEP).

The purposes of the SCSEP is to foster and promote useful part-time opportunities in community service activities for unemployed low income persons who are 55 years of age or older, and who have poor employment prospects; to foster individual economic self-sufficiency; and to increase the number of older persons who may enjoy the benefits of unsubsidized employment in both the public and private sectors.

The program helps Alaska retain the valuable resources of older workers while enabling this population to maintain an independent lifestyle and make meaningful contributions to their communities.

Agencies hosting MASST participants may be non-profit or public agencies. Non-profits must be designated as a 501(c) (3) agency by the Internal Revenue Service. MASST participants are encouraged to participate in vocational skills training to supplement their community service work experience. Whenever possible, funds for training are pursued through the Workforce Investment Act (WIA). MASST funds may also be used to pay for training, but for the most part, MASST funds pay for wages and mandatory payroll deductions of individuals enrolled in the program.

For More Information about Older Workers, Contact Your Local [Alaska Job Center](#) or:

Alaska Department of Labor & Workforce Development
Employment Security Division
Mature Alaskans Seeking Skills Training
1111 West 8th Street, Room 210
Juneau, AK 99801

Telephone (907) 465-4872
<http://labor.state.ak.us/masst>

Alaska Department of Health & Social Services
Division of Senior and Disabilities Services
Central Office
240 Main Street, Suite 601
Juneau, AK 99801

Telephone: (907) 465-3372 or 3165 Toll Free: (866) 465-3165 Fax: (907) 465-1170

South Central Regional Office
3601 C Street, Suite 310
Anchorage, AK 99503

Telephone: (907) 269-3666 Toll Free: (800) 478-9996 Fax: (907) 269-3688

Alaska Commission on Aging
PO Box 110693
Juneau, AK 99811-0693

Telephone: (907) 465-3250

The National Council on the Aging, Inc.
300 D Street, SW, Suite 801
Washington, D.C. 20024

Telephone: (202) 479-1200

WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT (WARN)

An employer is covered by WARN if they have 100 or more employees

The WARN offers protection to workers, their families and communities by requiring employers to provide notice 60 days in advance of covered plant closing and mass layoffs. This notice must be provided to each employee to be laid off and/or the employee representative (e.g. a labor union), to the State dislocated worker unit, and to the appropriate Chief Elected Official of local government.

Plant closing and mass layoffs present communities, employees, unions, and employers with economic, political, and legal challenges. With proper notice, alternatives to downsizing can be mobilized as well as strategies developed to cushion the blow to the employees and communities.

- Where do I file a WARN notice?

State Dislocated Worker Unit
Shawna Harper, Rapid Response Coordinator
PO Box 115509
Juneau, AK 99811

Phone: (907) 465-1882 Fax: (907) 465-8753

- Where do I find more information about WARN?

The Alaska Dislocated Worker Unit has copies of the WARN Act (Public Law 100-379 August 4, 1988), WARN Regulations (20 CFR Part 639 Final Rule), legal articles and other printed material. For more information, go to <http://www.doleta.gov/layoff/warn.cfm>.

FEDERAL CONTRACTORS JOB LISTINGS (FCJL)

Employment Assistance for Veterans

The Alaska Job Center Network (AJCN) and ALEXsys can help federal contractors and subcontractors meet their contract requirements by screening and referring qualified veterans.

Mandatory Job Listings

Generally, qualified targeted veterans are entitled to priority for referral to Federal contractor job openings. Any contractor or subcontractor with a contract with the Federal Government meeting the criteria must take affirmative action to hire and promote qualified targeted veterans. The Jobs for Veterans Act (JVA) states specifically that each contractor (and subcontract) shall list all job openings with the appropriate employment service delivery system whether the jobs are connected with the contract or not. In Alaska, it is the AJCN. This requirement is fulfilled by listing job openings with the nearest Alaska Job Center or One Stop Office. To locate your local office, go to <http://www.jobs.state.ak.us/offices/index.html>.

This requirement applies to vacancies at all contractor and subcontractor locations not otherwise exempt under Federal contractor provisions. Exemptions include positions, which are to be filled in top management or executive staff, and/or positions, which are to be filled from within the contractor's organization, and positions lasting three days or less. For more information, please select one of the following links:

<http://www.dol.gov> or <http://www.dol.gov/elaws/ofccp.htm>.

Affirmative Action

Federal contractors generally must meet affirmative action plan mandates as set forth through the Office of Federal Contractor Compliance Programs (OFCCP). Contractors must have a written affirmative action plan in place demonstrating non-discrimination policies for veterans and other covered groups. Federal contractors must also show active recruitment of targeted veterans as well as dissemination of all promotion information internally regarding promotion activities. Additional information is available at

http://www.dol.gov/dol/allcfr/Title_41/Chapter_60.htm.

For copies of Affirmative Action Obligations of Contractors and Subcontractors for Disabled Veterans and Veterans of the Vietnam Era, Rules and Regulations, goto:

<http://www.dol.gov/esa/ofccp>, or write to:

Federal Contract Compliance
Programs Employment Standards Administration
200 Constitution Ave, NW
U.S. Department of Labor
Washington, D.C. 20210

For more information on how hiring a veteran can benefit your business, go to

<http://www.jobs.state.ak.us/vethire.htm>.

For information about the Veterans Industries program, go to

<http://www.jobs.state.ak.us/veterans/WorkingInVeteransIndustries.pdf>.

Frequently Asked Questions and Answers about FCJL can be found at

<http://www.dol.gov/vets/contractor/main.htm>.

The Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA) requires covered federal government contractors and subcontractors to take affirmative action to employ and advance in employment, specified categories of veterans protected by the Act and prohibits discrimination against such veterans. For more information, go to

<http://www.dol.gov/compliance/laws/comp-vevraa.htm>, or
http://www.dol.gov/compliance/guide/disabled_veterans.pdf.

UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)

The USERRA protects service members' reemployment rights when returning from a period of service in the uniformed services, including those called up from the Reserves or National Guard, and prohibits employer discrimination based on military service or obligation. The U.S. Department of Labor's (DOL) Veterans' Employment and Training Service (VETS) administers the [USERRA](#).

[Employer Support of the Guard and Reserve](#), (ESGR) is a Department of Defense volunteer organization. They provide free education, consultation, and if necessary, mediation for employers of the Guard and Reserve employees. The goal of ESGR is to support America's employers who share their employees with the Department of Defense to ensure our national security.

For more information, contact:

Thomas Hall, Director Veterans' Employment and Training Alaska, or go to
<http://www.jobs.state.ak.us/veterans/vra.htm>.

WORKER'S COMPENSATION REQUIREMENTS FOR EMPLOYERS

The Alaska Workers' Compensation Act requires each employer having one or more employees in Alaska to obtain workers' compensation insurance, unless the employer has been approved as a self-insurer. Determining employee status is accomplished utilizing the relative-nature-of-the-work-test as set out in Alaska Regulation 8 AAC 45.890.

There are few exceptions to those who do not need to be covered under a Workers' Compensation policy.

Generally speaking, those include: sole proprietors in a sole proprietorship; general partners in a partnership; executive officers in a nonprofit corporation, members in a member managed limited liability company, part-time baby-sitters, cleaning persons (non-commercial), harvest help and similar part-time/transient help, sports officials for amateur events, contract entertainers, commercial fishers, taxicab drivers whose compensation is by contractual arrangement, a participant in the Alaska Temporary Assistance Program (ATAP), and professional hockey team players and coaches if those persons are covered under a health care insurance plan. In addition, executive officers in a for-profit corporation may exempt themselves by filing an Executive Officer Waiver with the department.

If an employer fails to obtain the required workers' compensation insurance, the employer may be subject to a civil penalty of \$1,000 per employee for each day of operation without the required insurance, and be subject to a stop work order terminating the employers ability to use employee labor in Alaska.

For detailed information on Workers' Compensation Division, go to
<http://www.labor.state.ak.us/wc/er-profit.html>.

LABOR STANDARDS AND SAFETY DIVISION

WAGE AND HOUR ADMINISTRATION

The [Wage and Hour Administration](#) of the Alaska Labor Standards and Safety Division protects workers against unfair labor practices by administering wage and hour laws and bringing action against those who do not comply. The section also enforces state [Child Labor Laws](#) to insure that youthful workers are not exploited or employed in hazardous occupations. These activities also protect law-abiding employers from unfair competition by "fly-by-night" businesses that refuse to comply with the law.

Summary of Alaska Wage and Hour Act

Alaska Statutes Section 23.10.050 and 23.10.150 establish minimum wages and overtime pay standards for employment subject to their provisions. These standards are generally applicable to all employees. However, there are exceptions. The Act does not apply to workers in the following categories:

- ✚ Any individual employed in agriculture
- ✚ Any individual employed in the catching, trapping, cultivating, netting or taking of any kind of fish, shellfish or other forms of animal or vegetable aquatic life
- ✚ Any individual employed in the hand-picking of shrimp
- ✚ Any individual employed in domestic service, including baby-sitters, in or about a private home
- ✚ Any individual employed by the United States, state or local government (such as a political subdivision)
- ✚ Any individual engaged in the activities of a nonprofit religious, charitable, cemetery, educational or other nonprofit organization where the services are rendered on a voluntary basis

Or an individual who:

- ✚ Provides emergency medical services only on a voluntary basis
- ✚ Serves with full-time fire department only on a voluntary basis
- ✚ Provides ski patrol services on a voluntary basis
- ✚ Any individual delivering newspapers to the consumer
- ✚ A student participating in a University of Alaska practicum described under AS 14.40.065
- ✚ Any individual employed solely as a watch person or caretaker on premises, property or a plant not in operation for four months or more
- ✚ Any individual employed in a bona fide executive, professional or administrative capacity, as an outside salesperson, as a salesperson on a straight commission or as a computer systems analyst, computer programmer, software engineer, or other similarly skilled work
- ✚ Any individual employed in a search for placer or hard rock minerals
- ✚ Any individual under 18 years old employed on a part-time basis not more than 30 hours in any week
 - Employment by a nonprofit educational or child care facility, or as a parent of children while the children are in residence at the facility if the employment requires residence at the facility and is compensated on a cash basis exclusive of room and board at an annual rate of not less than:
 - ❖ \$10,000 for an unmarried person; or
 - ❖ \$15,000 for a married couple.

- ✚ An individual who drives a taxi cab, and is compensated for services exclusively by customers, and whose contractual arrangements with the company are based on flat rates, not on a percentage of receipts, and whose contract places no restrictions on hours or work area.
- ✚ A person who holds a license and is employed by a registered or master guide for the first 60 days of employment during a calendar year.
- ✚ An individual engaged in activities for a nonprofit religious, charitable, civic, cemetery, recreational, or educational organization where the employer-employee relationship does not, in fact, exist, and where services are rendered to the organization under a work activity requirement of AS 47.27 (Alaska temporary assistance program).

Minimum Wage Standard

Effective January 1, 2003, the State of Alaska minimum wage increased to \$7.15 per hour.

Overtime Hours

For a summary of the Alaska Wage and Hour Act, as concerns minimum wage and/or overtime exceptions, go to <http://labor.state.ak.us/lss/forms/sum-wh-act-1.pdf>.

FAMILY AND MEDICAL LEAVE ACT (FMLA)

Employers must grant leave under the federal FMLA and the Alaska Family Leave Act (AFLA). An "eligible employee" is defined under each act as follows:

- ✚ Federal employee
- ✚ An employee who has a serious health condition
- ✚ An employee who needs to care for a spouse, son, daughter, or parent with a serious health condition, including persons in these relationships who may or may not be biologically related
- ✚ An employee who has acquired a new child through birth, adoption, or foster care (Note: Parental leave for a new child must be completed within 12 months following the arrival of the child.)

State of Alaska Requirements:

- ✚ An employee who works for the state or a political subdivision of the state
- ✚ An employee who has a serious health condition
- ✚ An employee who needs to care for a serious health condition of a spouse, son or daughter, or parent
- ✚ An employee who has acquired a new child through birth or adoption (Note: Parental leave for a new child must be completed within 12 months following the arrival of the child.)

What must the employer provide for FMLA?

- ✚ Up to 12 work weeks of leave, paid or unpaid, in a 12-month period
- ✚ Continuation of the employee's health benefits at the same level and conditions as if the employee were still working
- ✚ A guarantee that the employee can return at the end of the leave to the same or a similar position, unless business circumstances change to make this a hardship

State of Alaska requirements:

- ✚ Up to 18 work weeks of leave, paid or unpaid, within a 24-month period for health care, or within a 12-month period, consecutive or otherwise, because of pregnancy, childbirth, or adoption
- ✚ A guarantee that the employee can return at the end of the leave to the same or a similar position, unless the business circumstances change to make this a hardship

Are there any exceptions?

"Key" employees who are necessary to the business can be refused leave. Teachers may be required to take the leave to coincide with school vacations, when this is reasonable.

What may an employer require from the employees?

- ✚ That the employee give 30 days previous notice, where this is practical
- ✚ That the employee give proof of the necessity for the leave
- ✚ That the employee transfer to a job that can better accommodate a lengthy absence, if that position has equal pay and benefits
- ✚ That the employee use accrued sick or personal leave before taking unpaid leave
- ✚ Penalties for noncompliance

Failure to provide the required leave can subject an employer to legal suit by both the U.S. Department of Labor and the employee.

- ✚ Employers affected by both the federal and state acts must follow the more generous provisions of each law.
- ✚ The web link for more information on the requirements of the federal Family Medical Leave Act (FMLA) is <http://www.dol.gov/esa/whd/fmla/>, or write to:

U.S. Department of Labor
Frances Perkins Building
200 Constitution Avenue, NW
Washington, DC 20210

FAIR LABOR STANDARDS ACT (FLSA) – CHILD LABOR PROVISIONS

The FLSA child labor provisions are designed to protect minors by restricting the types of jobs and the number of hours they may work. Many employers have taken the critical step of training all their supervisors in the requirements of the FLSA.

ALASKA CHILD LABOR LAW

NOTE: Federal statutes are, in some cases, stricter than state statutes

For Federal Information, contact the [U.S. Department Of Labor](http://www.dol.gov) at 1-866-487-9243.

Prohibited jobs in Alaska for Minors less than 18 years of age:

- ✚ Occupations in manufacturing, handling, or use of explosives.
- ✚ Occupations of motor vehicle driver or helper (limited exceptions.)
- ✚ Mining operations including coal.
- ✚ Logging or occupations in the operation of any sawmill, lath mill, shingle mill, or cooperage.
- ✚ Operation of power-driven woodworking machines.
- ✚ Occupations with exposure to radioactive substances and to ionizing radiation.
- ✚ Operation of elevators or other power-driven hoisting apparatus.
- ✚ Operations of power-driven metal forming, punching, and shearing machines.
- ✚ Occupations involving slaughtering, meatpacking or processing, or rendering.
- ✚ Occupations involved in the operation and the cleaning of power-driven bakery machines.
- ✚ Occupations involved in the operation of power-driven paper products machines.
- ✚ Occupations involved in the manufacture of brick, tile, and kindred products.
- ✚ Occupations involved in the operation and cleaning of circular saws, band saws, and guillotine shears.
- ✚ Occupations involved in wrecking, demolition, and shipwrecking operations.
- ✚ Occupations in roofing operations.
- ✚ Occupations involved with excavation operations.
- ✚ Electrical work with voltages exceeding 220, or outside erection or repair, and meter testing, including telegraph and telephone lines.
- ✚ Occupations involving exposure to blood borne pathogens.
- ✚ Occupations involved in canvassing, peddling, solicitation of door-to-door contributions, or acting as an outside salesperson.

Prohibited jobs in Alaska for Minors 14 & 15 years of age:

- ✚ Occupations in manufacturing, mining, or processing, including workrooms or places where goods are manufactured, mined, or otherwise processed.
- ✚ Occupations involved in operation of power-driven machinery other than office machines.
- ✚ Occupations in construction (including demolition and repair) except office work.
- ✚ Any work in an establishment that serves alcoholic beverages.
- ✚ Operation of motor vehicle or service as helper on motor vehicles.
- ✚ Public messenger service
- ✚ Occupations in or about canneries, except office work.
- ✚ Work performed in or about boilers, engine rooms, or retorts.
- ✚ Work involved with maintenance or repair of the establishment's machines, or equipment.
- ✚ Occupations that involve working from windowsills, ladders, scaffolds or their substitutes.
- ✚ Occupations that involve operating, setting up, adjusting, cleaning, oiling, or repair of power-driven food slicers, grinders, choppers, cutters, and bakery-type mixers.

- # Work in freezers, meat coolers, or preparation of meat for sale.
- # Loading/unloading to or from trucks, railroad cars, or conveyors.
- # Occupations in warehouses and storage except office and clerical work.
- # Occupations involving use of sharpened tools.
- # Occupations in transportation of persons or property except office or sales work.

Alaskan youth under the age of 14 may work in only the following occupations:

- # Newspaper sales and delivery
- # Baby-sitting, handiwork and domestic employment in or about private homes
- # The entertainment industry, with an approved *entertainment* work permit from the Alaska Wage & Hour Administration (*Contact your nearest Wage & Hour office for this form.*)

For a more in depth viewing of the most common Child Labor laws, refer to [Pamphlet 200](#).

Breaks

An employee under 18 years of age who is scheduled to work six consecutive hours is entitled to a 30-minute break during the workday.

A youth under 18 who works five consecutive hours is entitled to a 30-minute break before continuing to work.

An employer shall keep an accurate record of the name, address, and occupation of each person employed, of the daily and weekly hours worked by each person, and of the wages paid each pay period to each person and of all breaks.

Alcohol

All minors 16 and under must have a work permit on file with the department. If the employer is licensed to sell alcohol, then all minors 17 years of age must also have an approved work permit.

Minors under 19 may sell tobacco or tobacco products in the course of their employment. 15 AAC 160.480(b) prohibits the sale of pull-tabs by anyone under the age of 21.

NOTE: NO MINOR UNDER 18 MAY WORK MORE THAN 6 DAYS IN ANY WORK WEEK.

Alaska Law Regarding Hours Of Work Restrictions Of 14 & 15 Year Olds

When school is in session, hours will be limited to a total of nine hours of school attendance plus employment in any one day; work will be performed only between the hours of 5 a.m. and 9 p.m. and total hours worked will be limited to 23 in any week.






During school vacations, work hours will be limited to 40 hours per week between the hours of 5 a.m. and 9 p.m.

Related links:

-  [Pamphlet 200](#)
-  [Work Permit](#)
-  [Child Labor Poster](#)
-  [Net Fishing Comparisons](#)
-  [Know Your Rights pamphlet](#)
-  [Youth RULES!](#)

Labor Standards Act (Field Labor Provisions) - Federal Laws and How They Differ

Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs up to:

-  3 hours per day on school days
-  18 hours per week when school is in session
-  8 hours per day on non-school days
-  40 hours per week during non-school weeks.
-  Work for 14 and 15 year olds must be performed between the hours of 7 a.m. and 7 p.m., except from June 1 through Labor Day, when evening hours are extended to 9 p.m.

For more specific information or help with child labor laws and teen safety in the workplace, contact the [U.S. Employment Standards Administration](#), Wage and Hour Division, Child Labor Specialist. For the Alaska region, call (206) 553-4482 in Seattle, WA.

TIMELY PAYMENT OF THE FINAL PAYCHECK

When an employee is terminated, the employer is required by Alaska law to pay the final paycheck within three working days from the last day worked. When an employee quits, final payment is due at the next regular payday that is at least three days after the employer received notice of the employee's termination.

Alaska laws, although based on a federal source, are much more restrictive than the federal laws. The Fair Labor Standards Act provides that where state law is more restrictive than the federal law, the state law will take precedence. The state law provides that payment be made within three working days after termination. "Working days" are defined as Monday through Friday; weekends and holidays are exceptions.

For frequently asked questions about the Alaska Wage and Hour Act, go to <http://labor.state.ak.us/lss/whfaq.htm>. For specific information regarding timely payment of the final paycheck, refer to item number 15 on the preceding Web site.

An employer who is unsure about any aspect of wage and hour laws should contact a regional office of the [Labor Standards and Safety Division](#). Remember, a clear understanding of the employee's pay, hours, and benefits up front, will resolve most future problems.

THE WAGE STATEMENT

The statement of earnings and deductions should show the following information for the pay period it encompasses:

- ✚ The regular hours of work
- ✚ The overtime hours of work
- ✚ Any bonuses or commissions
- ✚ Other monetary payments that might be made as part of the wage package
- ✚ Deductions that have been made
- ✚ The net wage
- ✚ Deductions

The law mandates that taxes (FICA and ESC) be deducted. Other deductions (such as payroll savings, insurance, union dues) are made at the request of the employee. The court may require deductions such as garnishments or debtor's judgments.

THE REQUIRED HOURLY RATE OF PAY

Regardless of an employer's method of payment (monthly, piecework, or percentage), an hourly rate of pay must be established as a basis for computing overtime.

This hourly rate is figured using the hourly wage, salary, commission, piece rate, or other basis of compensation paid for all contract hours, up to the daily or weekly maximum the employee regularly works. For more information on this topic, see [8 AAC 15.100](#) or contact the nearest [Wage and Hour office](#).

Illegal Compensatory Time

Many private sector employers try to utilize "comp time" to make up for extra time that a non-exempt employee works. This practice can result in substantial overtime penalties. Employees must be paid in cash or negotiable instrument for their overtime. Even employers who give comp time at the rate of time and a half are prohibited from this practice by state and federal labor laws.

Those who are reported for giving comp time will be required to make cash payment to the employee at the rate of time and a half. That excellent worker who agrees to take comp time in exchange for overtime may become disenchanted at a later date, and the employer may become liable for an extensive back pay award, plus damages.

Beware of Penalties for Improper Payment of Overtime

If an employer considers someone to be "on salary" and does not pay for overtime hours worked, and if that employee files a wage claim for those overtime hours, the employer may be liable for the total number of overtime hours at the rate of time and a half, plus a possible penalty equal to that amount.

Or, in simple English, an employer may have to pay the employee twice the amount due. Many employers run into trouble when they arbitrarily place a secretary, assistant, or other employee "on salary" and make the assumption that overtime just comes with the job. Unless the duties of those employees fit the descriptions found in the section of the law pertaining to exemptions from overtime (AS 23.10.055 and 8 AAC 15.910), the employee can file a claim for overtime and receive the back pay plus up to an additional 100 percent in liquidated damages.

What If?

What can be done if an employer thinks someone has been on salary who should be receiving overtime pay? First, the employer should become more informed by consulting AS 23.10.055, 060, and 085(b).

An employer who is still not sure of the situation should contact the [Wage and Hour Administration](#). The employer does not have to give a name, just an explanation of the present method of payment for the kind of work being done.

For a written opinion (verbal opinions are not binding), an employer may write the Wage and Hour Administration, with a detailed description of the type of work being performed. Wage and Hour will respond in writing based on the facts provided.

Illegal Deductions

Employers cannot withhold the following items from an employee's pay:

- ✚ Bad checks from customers
- ✚ Improper use of credit cards by customers
- ✚ Customer "walk-outs"
- ✚ Cash or register shortages unless the employee admits, willingly and in writing, to having personally taken the specific amount of cash that is alleged to be missing
- ✚ Damage or breakage costs unless clearly due to the willful misconduct of the employee and the employee has acknowledged responsibility in writing.

Why are these deductions illegal?

The courts have held that doing business has hazards, and the employee shall not carry the employer's burden of doing business.

The employer has the opportunity to claim a loss on his taxes while the employee whose check is reduced by such losses has no opportunity to recoup the loss. It is illegal for the employer to make such deductions. Most legal deductions, other than taxes, will require a written authorization from the employee. Questions involving illegal or improper deductions may be directed to the regional office of the [Alaska Wage and Hour Administration](#).

All deductions, especially those for room and board or payroll advance, should be identified clearly. Avoid the use of "miscellaneous deductions" that are not identified.

The Required Written Hiring Agreement

Many employers are astonished to find out that they are required to furnish a written notice at the time of hire stating the rate of pay, the day of pay, and the place of pay.

Section 23.05.160 of the Alaska Law says in its entirety:

"Notice of Wage Payments" An employer shall notify an employee in writing at the time of hiring of the day and place of payment, and the rate of pay, and of any change with respect to these items on the payday before the time of change. An employer may give this notice by posting a statement of the facts, and keeping it posted conspicuously at or near the place of work where the statement can be seen by each employee as the employee comes or goes to his place of work."

This is supplemented by 8 AAC 25.030(c) which defines "rate of pay" as used in AS 23.05.160 to mean: "all remuneration for service from whatever source, including the basic hourly rate of pay, commissions, accrued vacation or holiday pay, cash value of board and lodging if customarily employer-furnished, and other similar advantages or fringe benefits received or anticipated to be received by an individual in the course of his service which are contractual conditions of his employment."

The best policy for an employer is to design a hiring agreement that spells out the wages, benefits, and expectations of the employer. This should be read and agreed upon in advance. Clear and concise written agreements, presented at the time of hire can prevent future problems and complaints

The Wage and Hour Administration is available to review a company's hiring agreement and suggest additions or changes if necessary. Written hiring agreements that spell out the expectations of both employer and employee are an excellent business practice. A clear initial understanding by all parties results in a savings of time, money, and workplace stress.

MECHANICAL INSPECTION

Mechanical Inspection is responsible for protecting the Alaska public from physical harm and financial loss that may occur through unregulated use, operation, or installation of inferior or hazardous amusement rides, boilers and pressure vessels, electrical installations, unsafe elevators, dumbwaiters, escalators, moving walks, and substandard or unsanitary plumbing construction. As part of the licensing process, Mechanical Inspection and the U.S. Department of Labor work to ensure that apprentices in the electrical and plumbing trades are properly indentured in registered apprenticeship programs to ensure that they are trained to become qualified tradesmen.

Nationally licensed boiler and pressure vessel inspectors concentrate inspections in areas where an accident could cause extreme personal injury or property damage. [Certificate of Fitness](#) exams can be taken in virtually any Alaskan community with prior arrangements and provided there is an approved test proctor in the community. In many rural areas, the exams are routinely proctored by the local [Alaska Job Center Manager](#). Elevator inspections assure the public that existing installations are safe and that new construction is in accordance with the adopted elevator code. Ski lifts and amusement rides are inspected, by either state inspectors or approved private inspectors to make certain the rides and lifts have sound structures and current operational safeguards so that the public may use the devices with minimal risk.

Electrical inspections ensure that electrical installations in commercial and residential buildings (duplex and above) comply with the National Electric Code, are safe and adequate, and that the work has been performed by qualified licensed electrical contractors and tradesmen. Plumbing inspections are made in commercial and residential establishments to ensure adherence to the Uniform Plumbing Code's construction standards and ensure only qualified tradesmen and contractors perform in the plumbing trades.

In cooperation with the Division of Professional Licensing, Mechanical Inspector personnel also enforce licensure of construction contractors in an effort to better protect the public from unscrupulous individuals and businesses.

For basic information, contact the local [Mechanical Inspection Office](#) of the Alaska Labor Standards and Safety Division.

OCCUPATIONAL SAFETY AND HEALTH (OSH)

OSH is a part of the Labor Standards and Safety Division. The OSH section provides on-site consultations to employers as a part of their voluntary compliance program.

Safe Business is Good Business

While the details may vary, certain basic elements are always found in good accident prevention programs. These are:

- ✚ The top manager assumes the leadership role.
- ✚ Responsibility for safety and health activities is clearly assigned.
- ✚ Possible accident causes are properly identified and either eliminated or controlled.
- ✚ Appropriate safety and health-related training is instituted.
- ✚ An "accident" record system is being maintained.
- ✚ A medical and first aid system is ready for possible use.
- ✚ Ongoing activity provides every employee on-the-job awareness and acceptance of safety and health responsibility.
- ✚ Regardless of the size of the business, each of these elements should be included to the degree necessary to prevent workplace accidents and possible injuries and illnesses.
- ✚ Any workplace program developed using the seven accident prevention points above should encourage an employer to take action in these areas:
 - ✚ Identify probable physical hazards in the business.
 - ✚ Identify probable hazards relating to the company's methods, processes, and practices.
 - ✚ Decide which standards apply to the individual business.
 - ✚ Plan a program to be sure the individual business always is a safe and healthful place to work.

Employee Awareness, Acceptance, and Participation

A company's employees are among its most valuable assets. Their safety, health, and good will are essential to the success of the business. It is the employer's responsibility to develop a safety and health awareness that surrounds every employee.

Here are some tips for getting the employees to accept their responsibilities for safety and health:

- ✚ Primarily, an employer must be committed to having a safe and healthful work place. If an employer acts without conviction, the employees will sense it quickly.
- ✚ Each individual employee needs to know the owner or manager is sincerely interested in preventing accidents. Everyone realizes that "accidents" may occur, but with the right attitude and prevention strategies, it is possible to prevent the majority of them.
- ✚ The idea must be impressed upon employees that job safety and health are conditions of their employment.
- ✚ Safety pamphlets can be displayed on a workplace safety bulletin board; safety-related and health-related posters and informational devices keep awareness of these concerns constant.
- ✚ Employees need to be involved in the act--inspecting, correcting. Include them in company plans and ask for suggestions and assistance.

The Labor Standards and Safety Division's Voluntary Compliance Section will, upon request, perform an on-site consultation visit to a workplace. A safety or health consultant with extensive training and experience performs these visits. There is no cost for this service.

Safety and health consultants do not issue citations, propose penalties, or provide information about a company or its workplace conditions to the Division's compliance staff.

The OSH Manager's Handbook includes information on self-inspection checklists plus a seven-point program for accident prevention. Sample policy statements, safety codes, and safety rules are also included. To request a free copy of the OSH Manager's Handbook, write or call:

State of Alaska Occupational Safety and Health
Anchorage Office
P.O. Box 107022
Anchorage, AK 99510-7022

Telephone: (907) 269-4940

For more detailed information, go to <http://labor.state.ak.us/lss/oshhome.htm>

(In Juneau)
P.O. Box 21149
Juneau, Alaska 99802-1149

Telephone: (907) 465-4855

EMPLOYMENT RECORDS – THE KEY TO PROVIDING COMPLIANCE

Wage and Hour Record Keeping

The Alaska Wage and Hour Administration requires, that an employer keep all payroll information and records for each employee at the workplace for a period of at least three years.

Records to Keep

An employer's records are of primary importance, not only for good business practices, but for also when a wage complaint is filed.

These records must include the name of the employee, last known address, occupation, the rate of pay, and the amount paid each pay period to the employee. They also include the hours worked each day and each workweek during the entire period of employment, plus any other pertinent payroll information.

These records must be kept for the three previous years of employment, and for three years after termination of the employee. Some employers have the idea that record keeping is the employee's responsibility. The employee is not required to keep the records; it is the employer's responsibility under the law. Records must be kept on all regular employees.

Avoiding Labor Law Complaints

Most employers are aware of the routine points of law, the minimum wage, how to pay overtime, and the requirement to keep records on employees, but there are several areas that draw many complaints from employees. These are resolved by a clear understanding of the law and a willingness on the part of the employer to abide by the law.

The Difference between Casual and Regular Employees

A casual employee is one who simply does not work in the regular course (i.e. normal activity) of an employer's business. A regular employee is one who does work in the regular course of an employer's business. Regular employees are eligible for overtime pay; casual employees are not.

For example, if an insurance company hires temporary workers once a year to send out brochures about the rates of school insurance, the employment is in the regular course of the employer's business even though it may be temporary employment.

If a company hires someone to prune tree branches that are rubbing against the building, this is not in the normal course of the employer's business. Please refer to pages 13 and 14 of the Alaska Employment Security Tax Handbook regarding casual and contract labor, at <http://www.labor.state.ak.us/estax/forms/taxbook.pdf>.

Thus, if an employer hires extra help to stock shelves for a big yearly sale, this work is in the normal course of business. Alternatively, if the employer hires someone to do yearly inventory, this is in the normal course of business and these temporary employees are covered under the general provisions of the law for regular employees.

NOTE: The descriptions in this chapter are not intended to have the effect of law and are presented solely for explanatory purposes. Inquiries should be made to:

(In Anchorage)
Labor Standards and Safety Division
Wage and Hour Administration
3301 Eagle Street, Suite 301
Anchorage, AK 99510

Telephone: (907) 269-4900 Fax (907) 269-4915
E-mail: Anchorage_LSS-WH@labor.state.ak.us

(In Juneau)
Labor Standards and Safety Division
Wage and Hour Administration
1111 W. 8th Street
P.O. Box 111149
Juneau, AK 99811-1149

Telephone: (907) 465-4842 Fax (907) 465-3584
E-mail: Juneau_LSS-WH@labor.state.ak.us

(In Fairbanks)
Alaska Department of Labor & Workforce Development
Labor Standards and Safety Division
Wage and Hour Administration
675 7th Ave., Station J
Fairbanks, AK 99701-4591

(907) 451-2886 Fax (907) 451-2885
Email: Fairbanks_LSS@labor.state.ak.us

UNEMPLOYMENT INSURANCE (UI) REQUIREMENTS

UNEMPLOYMENT INSURANCE BENEFIT CLAIMS

Alaska's UI Benefit Program provides unemployed workers temporary wage replacement while they are looking for work. UI benefits serve to bridge the economic gap for workers as well and act as a stabilizing influence for local economies and labor forces.

UI Claim Centers

There are three claim centers in Alaska to process unemployment insurance claims. These claim centers are located in Anchorage, Juneau and Fairbanks. The claim centers obtain eligibility information over the phone from individuals and employers and issue written determinations regarding eligibility for benefits.

Employer Participation

Reason for Separation – When an individual files a claim for benefits, a “Notice of Claim Filed” is sent to the last reported employer. If the employee voluntarily quit or was discharged, a UI claim center representative will contact the employer to discuss the details of the separation. Information will most likely be gathered by phone, however, forms are sometimes mailed when employers cannot be reached. It is important to return phone calls or mailed forms as quickly as possible, as a decision will be made based on available information.

A good method of recording the exact circumstances of a worker's separation is to conduct an exit interview with your employees. Preparing a statement of facts at that time makes a permanent record for future use even though the worker may refuse or be unavailable to sign it.

If the worker was discharged, misconduct in connection with the work must be established. As an employer, you should:

- ✚ Be certain employees are aware of company rules and why they are being discharged.
- ✚ Make the employee aware of rules at the time of hire by giving them a list of rules or an employee handbook.
- ✚ Document warnings, suspensions, and reason for discharge. If possible, have the employee sign a form acknowledging why they were discharged.

Based on facts received from both the worker and employer, a determination will be issued allowing or denying the individual's benefits. As an interested party, the employer will receive a copy of the determination. If the employer disagrees with the determination, they can request an independent review within 30 days from the date of the determination. These reviews are conducted by hearing officers through appeal hearings. For more information on UI Appeals and how to prepare for a hearing, visit <http://labor.state.ak.us/appeals/home.htm>.

Verification of Income

During any week for which an individual is filing for benefits, certain types of income paid by an employer must be reported. On occasion, employers may be asked to verify:

- ✚ Vacation pay
- ✚ Holiday pay
- ✚ Bonus pay
- ✚ Wages that were paid in lieu of notice
- ✚ Retirement or pension pay
- ✚ Severance pay

For more information, contact:

Alaska Department of Labor & Workforce Development
Employment Security Division
Unemployment Insurance Program
PO Box 115509
Juneau, AK 99811-5509

Claim Center Contact Numbers:

Anchorage (907) 269-4700
Fairbanks (907) 451-2871
Juneau (907) 465-5552

All other areas toll free 1-888-252-2557

http://www.labor.state.ak.us/esd_unemployment_insurance/home.htm

UI Claimant Handbook - http://www.labor.state.ak.us/esd_unemployment_insurance/uichb04.pdf

BENEFIT PAYMENT CONTROL (BPC)

The mission of BPC is to protect the Unemployment Insurance (UI) Trust Fund and program integrity. Additionally, BPC recovers unemployment insurance overpayments through the Audit and Recovery section. If fraud is suspected or detected, investigative staff will respond appropriately.

Nationally, UI Fraud is now a multi billion-dollar industry. In Alaska, for the year 2005 alone, over \$3 million in UI Fraud was detected costing many employers higher than necessary tax rates. The audits that are performed help prevent abuse of the UI Trust Fund, keeping employer tax rates as low as possible.

Employer Participation – Wage Earnings Audits (WEA)

Each quarter, BPC conducts automated audits of unemployment insurance claims to compare wages reported by employers to the wages reported by workers claiming UI benefits. WEA forms are sent to employers quarterly to complete and return to the department. Information on the audit forms is used to help detect incorrect or fraudulent UI claims.

Your time is valuable. 70% of Alaska companies employ 10 or fewer workers and completing government forms can be costly for you. If it saves you time, instead of completing the entire audit form, you may complete questions 1 – 7 and attach copies of your company's time records, which document total hours worked, hourly wage and gross earnings for each week shown on the audit form. BPC will do the calculations for you.

Alaska New Hire Report

BPC is currently working with the Child Support Services Division (Department of Revenue) and receives electronic notice when an employer hires or rehires an employee. Providing the date the employee actually began or returned to work could possibly save an employer from a lengthier WEA audit at a future date. This will assist us in preventing overpayments from establishing or stopping the overpaid benefits sooner. Child Support notifies BPC within 2-3 days of when an employer reports to them.

The Alaska New Hire Reporting Form can be located on the Alaska State home page at www.state.ak.us. Click on Departments, then Revenue, the Division of Child Support Services, CSSD PDF forms, and under Additional forms click on Alaska New Hire Reporting Form 04-1050.

This form is available as a Microsoft Word or Adobe Acrobat PDF printable document. Below this choice is a PDF document that you can complete and print.

The CSSD PDF forms page, can be located at <http://www.childsupport.alaska.gov/Forms/forms.asp>. Please bookmark this link. Your assistance in promptly reporting your New Hire (or rehire) is appreciated. For more information about BPC, contact:

Alaska Department of Labor & Workforce Development
Employment Security Division
Benefit Payment Control Unit
PO Box 115505
Juneau, AK 99811-5505

(907) 465-2863 or toll free (888) 810-6789

If you are contacting our office for information about an overpayment or an Audit Summary letter, please choose option #1.

If you are contacting our office about a WEA or New Hire Audit Form, please choose option #2.

On the Internet, go to <http://www.labor.state.ak.us>, and Click on Unemployment Insurance, then Benefit Payment Control or Fraud.

If you suspect someone is committing UI fraud, contact an Investigator at one of the following numbers:

- ☎ (907) 465-5968 If you are in Juneau
- ☎ (907) 269-4880 If you are in Anchorage
- ☎ (907) 451-2952 If you are in Fairbanks
- ☎ (877) 272-4635 If you are calling from any other area

You may also e-mail uifraud@labor.state.ak.us.

QUALITY CONTROL AUDITS

Alaska is required by the federal government to conduct Quality Control (QC) audits of randomly selected unemployment insurance claims. Anyone who received UI benefits or was denied UI benefits during the preceding week may be chosen.

The selected person, their employers, and appropriate third parties are contacted for information. Existing records and agency actions are reviewed. New records and statements are compiled.

Results of each investigation are combined to evaluate Alaska's entire Unemployment Insurance program. The purpose of these audits is to:

- ✚ Assess the accuracy of UI payments and denials;
- ✚ Improve program accuracy and integrity; and
- ✚ Improve efficiency in administration of the UI program.

Detecting improper UI payments and finding ways to prevent similar errors in the future helps decrease employer taxes.

Why are employers contacted?

Employers are asked to verify information that affects the selected person's potential weekly benefit amount and their entitlement to those benefits, such as:

- ✚ Past or present wages;
- ✚ The reason the person became unemployed; and
- ✚ Back-to-work dates or offers of new employment.

Statutory authority for maintaining employment records and sharing those records with the agency during audits can be found in the Alaska Employment Security Act, Section 23.20.105. For more information on the Alaska Employment Security Act, contact:

Alaska Department of Labor & Workforce Development
Employment Security Division
Supervisor, Quality Control Program
P.O. Box 115509
Juneau, AK 99811-5509

(907) 465-3000 or (800) 478-2999

EMPLOYMENT SECURITY TAX

The Unemployment Insurance Tax (*commonly known as Employment Security Tax*) Section of the Alaska Employment Security Division (ESD) is primarily responsible for providing assistance and information to employers concerning the Unemployment Insurance (UI) tax program and for the collection of UI taxes. The basic activities of the Employment Security Tax (ES Tax) Section are to:

- Identify employers subject to UI tax laws, including:
 - ✚ Nonprofit organizations
 - ✚ Political subdivisions
 - ✚ Successor employers
- Assist and inform employers on how to:
 - ✚ Establish an account
 - ✚ Properly report wages
 - ✚ Determine when wages are excluded
 - ✚ Compute taxable wages
 - ✚ Calculate contributions
- Educate employers about:
 - ✚ Multi-state employment
 - ✚ Fishing and maritime employment
 - ✚ Employee/employer relationships
 - ✚ Contract labor issues
- Determine the tax rate for each regular contributory employer under the experience rating system, based on the quarterly payroll decline formula, and inform all employers of their tax rate
- Assist nonprofit employers in choosing between the regular contributory and the reimbursable payment methods
- Assist employers in reducing their declining quarterly wages
- Review all contribution reports, wage schedules, and related documents submitted to identify potential problems and complete any necessary corrections
- Complete field audits of employer records as required by federal guidelines.
- Apply penalties and statutory tax collection remedies in order to enforce compliance with the law
- Refund excess employer and employee contributions

Alaska Employment Security Tax Handbook

For more detailed information, the Alaska Employment Security Tax Handbook is available on the Internet at www.labor.state.ak.us/estax/forms/taxbook.pdf.

Employment Security Tax employer information and on-line services are available on the Internet at www.labor.state.ak.us/estax.

You may also email any questions, requests for forms or any other correspondence, including adjustment requests to Esd_tax@labor.state.ak.us, or you may contact:

Alaska Department of Labor & Workforce Development
Employment Security Tax
1111 West 8th Street, Room 203
P.O. Box 115509
Juneau, AK 99811-5509

Toll-Free: 1-888-448-3527
Phone: (907) 465-2757 Fax: (907) 465-2374

Contact your Field Tax Office if you are located out-of-state, in Canada, or in Alaska except for Anchorage, Fairbanks, Juneau, Kenai, or Wasilla: 1-888-448-2937.
Relay Alaska TDD/TTY/TT Services: 1-800-770-8973.

Alaska Employer Resource Manual

July 2006

State of Alaska
Frank H. Murkowski, Governor



***Alaska Department of Labor
& Workforce Development***
Greg O'Claray, Commissioner

Employment Security Division
Thomas Nelson, Director



Please forward questions, comments or updates to Larry Yerich 465-4863 or larry_yerich@labor.state.ak.us.