

Amendments to State Unemployment Insurance Laws

U.S. DEPARTMENT OF LABOR
Employment and Training Administration
Washington, D.C. 20210

REPORT ON STATE LEGISLATION

REPORT NO. 3
October 2008

ALABAMA HB 427 ENACTED and EFFECTIVE May 29, 2008
 (Act No. 500)

Financing

Permits the withdrawal of up to \$7,940,119 of Reed Act monies from the Unemployment Compensation Trust Fund for administrative purposes effective from May 29, 2008, until September 30, 2009. Provides that whatever amount is withdrawn will not change the Employer Tax Schedules for the calendar year beginning January 1, 2010.

Monetary Entitlement

Increases the weekly maximum benefit amount from \$235 to \$255 for benefit years beginning on or after July 6, 2008, and to \$265 for benefit years beginning on or after July 5, 2009.

ALASKA SB 120 ENACTED and EFFECTIVE May 28, 2008
 (CH 45) or as otherwise indicated

Administration

Establishes new requirements concerning the confidentiality and disclosure of certain departmental records, reports, and wage and unemployment compensation information including required disclosure to the Department of Homeland Security, the Internal Revenue Service and the Department of Health and Human Services for specified purposes only.

Financing

Changes the percentage of the average benefit cost rate used to determine each employer's contribution rate from 80 percent to 76 percent beginning January 1, 2009, and 73 percent beginning January 1, 2010.

Changes the percentage of the average benefit cost rate used to determine the contribution rate of each employee of a contributing employer from 20 percent to 24 percent beginning January 1, 2009, and 27 percent beginning January 1, 2010.

Monetary Entitlement

Increases the minimum weekly benefit amount from \$44 to \$56 and the maximum weekly benefit amount from \$248 to \$370 effective January 1, 2009.

Increases the minimum base period wages required for the minimum weekly benefit

amount from \$1,000 to \$2,500 effective January 1, 2009.

Increases the minimum base period wages required for the maximum weekly benefit amount from \$26,750 to \$42,000 effective January 1, 2009.

ARIZONA HB 2206 ENACTED and EFFECTIVE April 15, 2008
(CH 36)

Administration

Allows the department the option of serving determination and reconsideration notices to employing units by electronic means, and no longer requires if mailing such notices that they be certified.

Financing

Extinguishes an employer's obligation for any contributions, payments in lieu of contributions, interest or penalties that are required to be collected by the department for any period, if not previously satisfied, 6 years after the amounts were determined due unless one of the following circumstances applies:

- the department has commenced civil action to collect the debt.
- the taxpayer has agreed in writing to extend the time period before the time period expires.
- an enforced collection has been stayed by the operation of federal or state law during the period. The period of limitations is extended by the period of time that the department was stayed from engaging in enforced collections.

(Previous law required no time limit for collecting contributions, payments in lieu of contributions, interest, or penalties.)

Provides that if a tax obligation is extinguished, any related liens for those obligations are also extinguished.

Provides that any amount of contributions, interest or penalties for wages and periods that are assessed by the Internal Revenue Service as subject to the Federal Unemployment Tax Act against which credit may be taken for contributions required to be paid into a state unemployment fund by employers subject to the federal law must be determined by the department to be due regardless of the date the contributions, payments in lieu of contributions, interest or penalties became delinquent.

Repeals the provision requiring the department to issue a release to the person against whom the lien is claimed once the lien has been satisfied, and enacts new provisions regarding the release or subordination of liens.

LOUISIANA HB 1104 ENACTED and EFFECTIVE July 3, 2008
(Act No. 743)

Administration

Changes the department's name from the Department of Labor to the Louisiana Workforce Commission and the secretary's title from Secretary of Labor to Executive Director.

Establishes new requirements concerning the confidentiality and disclosure of certain employment data including disclosure for compiling statistics for performance and certain research purposes. Establishes new civil and criminal penalties for persons who violate such provisions.

LOUISIANA

HB 1165
(Act No. 169)

ENACTED and EFFECTIVE June 12, 2008

Financing

Revises procedure 3 and adds procedure 4 to the table that provides for the taxable wage base, the formula for computing benefits, and the maximum weekly benefit amount (MWBA) based upon the applied trust fund balance range as follows.

When the applied trust fund balance is:

equal to or greater than \$1 billion 150 million, but less than \$1 billion 400 million, the wage base is \$7,000, the MWBA is \$258, and the applicable benefit computation will be computed without the 7 and 5 percent discounts, multiplied by 1.05 and that amount multiplied by 1.20.

greater than \$1 billion 400 million, the wage base is \$7,000, the MWBA is \$284, and the applicable benefit computation will be computed without the 7 and 5 percent discounts, multiplied by 1.05 and that amount multiplied by 1.32.

Provides for a 10 percent contribution rate reduction to each employer if at the computation date in any year, the fund balance, including all monies in the benefit transfer account exceeds \$1 billion 400 million.

Monetary Entitlement

Increases the maximum weekly benefit amount from \$258 to \$284.

Changes the duration of benefits from whichever is the lesser of 26 times the weekly benefit amount or 27 percent of wages in insured work to 26 times the weekly benefit amount (from 21-26 weeks to 26 weeks).

LOUISIANA

SB 168 (Act No. 510) ENACTED and EFFECTIVE June 27, 2008
HB 186 (Act No. 512) ENACTED and EFFECTIVE June 28, 2008

Financing

Requires the benefits paid pursuant to specific executive orders and hurricane-related layoffs which are chargeable to employers' accounts and reimbursable not be recouped. (Prior law required the charges be deferred, without assessment of penalty and interest until July 1, 2008, to allow time for such benefit charges to be identified and quantified and for payment arrangements to be made through loans, grants, or state or federal legislation.)

Provides that in the event that any employer pursuant to this provision was insured by private entities offering any form of insurances, bonds, certificates of deposit, or any other form of guarantee against unemployment claims chargeable to the employer's account, the state will have the right to recoup such funds from those private entities or their insurer for repayment of funds paid out of the unemployment compensation trust fund for any unemployment claims covered in this provision.

Repeals the provision authorizing the administrator upon request by the employing unit to negotiate payment terms for benefit charges assessed as a result of Hurricanes Katrina and Rita and specific executive orders, and specifying the payment terms without assessment of penalty and interest, will be made quarterly for periods not to exceed 2 years, beginning July 1, 2008.

MISSISSIPPI

SB 2011a
(CH 43)

ENACTED July 2, 2008
EFFECTIVE July 1, 2008

Monetary Entitlement

Increases the weekly maximum benefit amount from \$210 to \$230, for benefit years beginning on or after July 1, 2008, and to \$235, for benefit years beginning on or after July 1, 2009.

Repeals the above provision July 1, 2010.

NEW HAMPSHIRE

HB 690
(CH 275)

ENACTED June 27, 2008
EFFECTIVE June 27, 2008 or as otherwise indicated

Financing

Extends the effective date from July 1, 2007, to July 1, 2008, of the provision for the discount rate in the contribution rates based on the amounts in the unemployment fund on September 30 of the preceding calendar year and the provision that the minimum contribution rate for the above cannot be less than 0.10 percent.

Provides, effective July 1, 2008, that if the unemployment compensation trust fund balance is \$200,000,000 or more on September 30 of the preceding calendar year, and if the commissioner of the department of employment security determines that the health of the New Hampshire business environment and the security of existing jobs would be threatened by decreasing the discount rate from every employer's contribution rate, then the commissioner may adjust the discount rate ½ percent more than otherwise applicable.

Defines "discount rate" to mean the amount to be subtracted from every employer's contribution rate.

Repeals, effective July 1, 2009, the above provisions.

NEW HAMPSHIRE

SB 502
(CH 297)

ENACTED June 27, 2008
EFFECTIVE August 26, 2008

Nonmonetary Eligibility

Defines "full-time work" to mean work in employment of at least 37.5 hours a week.

Defines "part-time work" to mean work in employment of at least 20 hours a week but less than 37.5 hours a week.

Amends the benefit eligibility conditions to provide that an unemployed individual will be eligible to receive benefits:

