

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

REPORT ON STATE LEGISLATION

REPORT NO. 7

December 2009

ARIZONA SB 1322
(CH 3)

ENACTED April 24, 2009
EFFECTIVE April 24, 2009, or as noted

Extensions and Special Programs

Provides for the optional extended benefits (EB) “on” indicator based on the seasonally adjusted total unemployment rate (TUR). Provides for up to 13 weeks of EB if the average TUR for the most recent 3 months is at least 6.5 percent and is 110 percent of the rate for the corresponding 3-month period in either or both of the 2 previous years. Provides for up to an additional 7 weeks of EB if the state is in a high unemployment period. (The average TUR is at least 8 percent and is 110 percent of the rate for the corresponding 3-month period in either or both of the 2 previous years.) This provision is effective for weeks of unemployment beginning from and after January 31, 2009, until the week ending 3 weeks prior to the last week for which the Federal government pays 100 percent of sharable EB costs, or the week ending December 12, 2009, whichever is later.

Requires the Governor to suspend the payment of EB, to the extent necessary, to ensure that eligible individuals are not denied in whole or in part, the receipt of emergency unemployment compensation (EUC) payments.

CONNECTICUT HB 6715
(CH 3)

ENACTED April 15, 2009
EFFECTIVE April 15, 2009

Financing

Provides for the noncharging of benefits paid to an individual whose separation from employment is because the individual quit his/her job to accompany their spouse to a place where it is impractical for the individual to commute from due to a change in the location of the spouse’s employment.

Nonmonetary Eligibility

Modifies existing provisions related to individuals not being disqualified from receiving benefits due to separation from employment if that separation is for:

- domestic violence verified by documentation which causes individuals to reasonably believe continued employment would jeopardize their or any immediate family member's safety;
- the illness or disability of a member of the individuals' immediate family; and
- the need for individuals to accompany their spouse to a place from which it is impractical for them to commute and due to a change in location of the spouse's employment.

DISTRICT OF COLUMBIA B 418 ENACTED and EFFECTIVE August 10, 2009
(L. N. 182)

Extensions and Special Programs

Provides that all individuals who have exhausted all rights to regular unemployment compensation including extensions, and who are enrolled in and making satisfactory progress in a state-approved training program or in a job training program authorized under the Workforce Investment Act of 1998 will be entitled to training extension benefits equal to 26 times their weekly benefit amount for the most recent benefit year, less any deductible income. Such training programs will prepare individuals who have been separated from a declining occupation or who have been involuntarily and indefinitely separated from employment due to a permanent reduction of operations at their place of employment for entry into a high-demand occupation.

Financing

Provides that the amount of dependents' allowance paid will not be charged to the individual accounts of the employers.

Provides that the training extension benefits paid will not be charged to the individual employer accounts.

Monetary Entitlement

Provides that each individual who is entitled to receive benefits and has dependents will receive an additional \$15 per dependent, per week subject to an aggregate limitation on the total dependents' allowance of the lesser of \$50 per week or 50 percent of the individual's weekly benefit amount. This dependents' allowance provision is applicable to claims for benefit years beginning February 17, 2009, through December 31, 2010.

DISTRICT OF COLUMBIA B 421 ENACTED and EFFECTIVE August 10, 2009
(L. N. 183)

Extensions and Special Programs

Modifies the state-financed additional benefits (AB) program to provide that an AB period begins after August 29, 2009, based on the total unemployment rate (TUR)

meeting or exceeding 6.5 percent; provided there are no other federally funded or assisted benefit programs in effect providing benefits to exhaustees of regular benefits. This AB program ends after January 16, 2010, or the first day of the week prior to January 16, 2010, in which any new federal program is in effect which provides benefits to exhaustees of all prior regular, extended, or federally funded benefits. The AB program consists of 10 weeks (was 5) of Phase 1 benefits followed by 10 weeks (was 5) of Phase 2 benefits. In order to qualify for the second 10 weeks of AB, claimants must demonstrate they are actively seeking employment during the first 10 weeks of AB. (Previously AB was paid beginning with the third week after a week in which the insured unemployment rate (IUR) was 3.75 percent and ending with whichever of the following weeks occurred first: the 11th consecutive week of such period; or the week immediately preceding the first week in which any federal program was in effect which provided benefits to exhaustees of regular benefits.)

Financing

This AB program will be financed by funds drawn from the District Unemployment Fund or such other funds as may be available to the Director, and AB paid will not be charged to the experience rating accounts of employers. (Previously, the AB program was financed by revenue collected from an additional tax authorized under law.)

ILLINOIS

SB 1350
(Public Act 30)

ENACTED June 30, 2009
EFFECTIVE June 30, 2009

Administration

Extends the Department of Employment Security's authority to issue revenue bonds through December 31, 2012 (previously this authority was set to expire December 31, 2009).

Extensions and Special Programs

Provides for the optional extended benefits (EB) "on" indicator based on the seasonally adjusted total unemployment rate (TUR). Provides for up to 13 weeks of EB if the average TUR for the most recent 3 months is at least 6.5 percent and is 110 percent of the rate for the corresponding 3-month period in either or both of the 2 previous years. Provides for up to an additional 7 weeks of EB if the state is in a high unemployment period. (The average TUR is at least 8 percent and is 110 percent of the rate for the corresponding 3-month period in either or both of the 2 previous years.)

Effective for weeks of unemployment beginning on or after February 22, 2009. Provision ceases to be effective 3 weeks prior to the last week for which the Federal government pays 100% of sharable EB costs.

Monetary Entitlement

Amends the existing dependents' allowance statutes to provide that beginning in 2010 the allowance for a nonworking spouse shall be calculated as the greater of: 1) 9% of his or her prior average weekly wage rounded to the next higher dollar; or 2) \$15, provided that the total amount payable shall not exceed 56% of the statewide average weekly wage.

Amends the existing dependents' allowance statutes to provide that beginning in 2010 the allowance for a dependent child (or children) shall be calculated as the greater of: 1) the product of the "dependent child allowance rate" multiplied by his or her prior average weekly wage rounded to the next higher dollar; or 2) the lesser of \$50 or 50% of his or her weekly benefit amount, provided that the total amount payable shall not exceed the product of the statewide average weekly wage multiplied by the sum of 47% plus the "dependent child allowance rate".

Defines "dependent child allowance rate" to mean the sum of the solvency adjustment in effect for the year, plus dependent child allowance rate in effect in the preceding calendar year. For 2010, the rate shall not be greater than 18.2%, for 2011 the rate shall be between 17.1% and 18.0%, and for 2012 and beyond shall be between 17.0% and 17.9%.

Nonmonetary Eligibility

Modifies existing provisions related to individuals not being disqualified from receiving benefits due to separation from employment if that separation is for:

- domestic violence verified by documentation which causes individuals to reasonably believe continued employment would jeopardize their or any immediate family member's safety;
- the illness or disability of a member of the individuals' immediate family; and
- the need for individuals to accompany their spouse to a place from which it is impractical for them to commute and due to a change in location of the spouse's employment.

MISSISSIPPI Rule 12053

ADOPTED October 20, 2009
EFFECTIVE November 19, 2009

Administration

Provides that group claims may be filed for a mass layoff from the same employer for the same period of unemployment (deletes short-term employment limitation of 4 weeks for at least 25 persons). Effective date of the claims will be determined by the agency based on the first day of unemployment, provided the person files in the specified manner.

Financing

Provides that an employer's account will not be charged when an individual leaves an employer to accompany a spouse who is on active duty, and has been reassigned from one military assignment to another.

Nonmonetary Eligibility

Defines good cause as employment conditions or circumstances leading to a voluntary separation from employment that are such that an ordinary prudent employee would leave. Claimant must explore alternatives to quitting and make reasonable efforts to preserve employment.

Provides that an exception to the disqualification for leaving employment for marital, filial, or domestic circumstances may be allowed if sufficient evidence shows that continuing in the employment would be a detriment to the welfare of the claimant or the claimant's under-aged dependents due to domestic violence. Deletes language providing that good cause is shown if evidence shows that continuing in the employment would present an identifiable, clear and present risk to the claimant's health, safety, or morals.

Provides that an individual leaving an employer to accompany a spouse who is on active duty and has been reassigned from one military assignment to another will be deemed for a good cause.

Overpayments

Provides that any person who receives an overpayment, fraud or nonfraud, will be liable for repayment of the benefits.

Provides that the agency will consider if a person had willful intent to commit fraud or had knowledge of the omitted or misrepresented fact in determining fraud. Fraud may be implied or presumed. Inference based on circumstances may be overcome by the introduction of contrary evidence.

Establishes penalties for a period up to 52 weeks for overpayments received within the past 3-year period as a result of fraud:

- First overpayment will result in a disqualification of 6 weeks for every week benefits were fraudulently received;
- Second or greater overpayment will result in a disqualification of 12 weeks for every week benefits were fraudulently received;
- Disqualification period will start no later than the week during which the initial determination is made.

NEVADA

AB 338
(CH 51)

ENACTED May 6, 2009
EFFECTIVE July 1, 2009

Financing

Provides that the additional contribution assessed each year on employers of 0.05 percent, in addition to being used for training and job creation, is required also to be used to

provide grants of money to a nonprofit private entity to make loans of money to veterans and senior citizens to start small businesses.

NEW HAMPSHIRE SB 89 ENACTED July 16, 2009
(CH 249) EFFECTIVE January 1, 2010

Overpayments

Provides that a person who received an overpayment in benefits without fault in causing the benefit overpayment is not liable to repay the benefits. (Previously, the law provided that a person was not liable to repay benefit overpayments if received solely through error or inadvertence.)

NEW HAMPSHIRE SB 144 ENACTED July 15, 2009
(CH 219) EFFECTIVE September 13, 2009
(except as otherwise noted)

Financing

Provides for the noncharging of benefits paid to an individual whose separation from employment is because they are unable to perform some or all of their job duties due to pregnancy or illness or injury that is not work-related, provided that a physician has attested to the individual's inability to perform their work duties. (Effective 1/1/10.)

Nonmonetary Eligibility

Provides that individuals shall not be disqualified from receiving benefits due to separation from employment if that separation is for:

- domestic violence verified by documentation which causes individuals to reasonably believe continued employment would jeopardize their or any immediate family member's safety (modifies existing provisions);
- the individual being unable to perform some or all of their job duties due to pregnancy or illness or injury that is not work-related, provided that a physician has attested to the individual's inability to perform their work duties;
- illness or disability of a member of the individuals' immediate family; or
- the individual's need to accompany their spouse to a place from which it is impractical for them to commute and due to a change in location of the spouse's employment.

NEW HAMPSHIRE SB 129 ENACTED August 7, 2009
(CH 321) EFFECTIVE January 1, 2010 unless
otherwise specified

Financing

Raises the taxable wage base as follows:

- \$10,000, effective January 1, 2010 (previously \$8,000);

Modifies existing provisions related to individuals not being disqualified from receiving benefits due to separation from employment if that separation is for:

- domestic violence verified by documentation which causes individuals to reasonably believe continued employment would jeopardize their or any immediate family members safety;
- the illness or disability of a member of the individuals' immediate family; or
- the need for individuals to accompany their spouse to a place from which it is impractical for them to commute and due to a change in location of the spouse's employment.

Financing

Provides that benefits paid to a claimant who leaves work to accompany their spouse shall not be charged to the employer.

OREGON HB 2203 ENACTED and EFFECTIVE May 21, 2009
 (CH 115) unless otherwise noted

Extensions and Special Programs

For the period February 22, 2009, through December 26, 2009, defines eligibility period as weeks in the benefit year that begin in an extended benefit period and any subsequent weeks that begin in the extended benefit period or any week that begins after an individual exhausts all rights to Emergency Unemployment Compensation during an extended benefit period.

Effective December 27, 2009, through May 29, 2010, defines eligibility period to be the weeks in the benefit year that begin in an extended benefit period and any subsequent weeks that begin in the extended benefit period; or, if the individual received extended benefits during the period from February 22, 2009, through December 26, 2009, any week that begins after the individual exhausts Emergency Unemployment Compensation in the extended benefit period.

Effective May 30, 2010, defines eligibility period to be the weeks in an individual's benefit year that begin in an extended benefit period and if the benefit year ends within the extended benefit period, any subsequent weeks that begin in the extended benefit period (removes the amendments above made to the eligibility period).

Adds workers who have separated from a declining industry or have been involuntarily and indefinitely separated from employment as a result of a permanent reduction of operations at their place of employment to the definition of eligible dislocated workers.

Nonmonetary Eligibility

Provides that an individual will not be disqualified from receiving benefits due to separation from employment or be considered unavailable for failure to apply for or accept suitable work if the individual or a member of the individual's immediate family is a victim of domestic violence, stalking or sexual assault; or, the individual believes self or a member of immediate family could become a victim of domestic, stalking or sexual assault as a result of continued employment or acceptance of work. Deletes the provision requiring the individual to pursue reasonable available alternatives to leaving work, or failure to apply for or accept suitable work when offered.

SOUTH CAROLINA SB 374 ENACTED and EFFECTIVE: October 29, 2009
(Act 123)

Extensions and Special Programs

Provides for the optional extended benefits (EB) "on" indicator based on the seasonally adjusted total unemployment rate (TUR). Provides for up to 13 weeks of EB if the average TUR for the most recent 3 months is at least 6.5 percent and is 110 percent of the rate for the corresponding 3-month period in either or both of the 2 previous years. Provides for up to an additional 7 weeks of EB if the state is in a high unemployment period. (The average TUR is at least 8 percent and is 110 percent of the rate for the corresponding 3-month period in either or both of the 2 previous years.)

Effective for weeks of unemployment beginning March 7, 2009. Provision ceases to be effective 4 weeks prior to the last week for which the Federal government pays 100 percent of most EB costs.

TENNESSEE HB 2324 ENACTED and EFFECTIVE June 25, 2009
(CH 550)

Administration

Requires the Commission of Labor and Workforce Development to submit a report to the general assembly concerning the condition of the unemployment trust fund during the first week of January and July of each year.

Extensions and Special Programs

Provides for the optional extended benefits (EB) "on" indicator based on the seasonally adjusted total unemployment rate (TUR). Provides for up to 13 weeks of EB if the average TUR for the most recent 3 months is at least 6.5 percent and is 110 percent of the rate for the corresponding 3-month period in either or both of the 2 previous years. Provides for up to an additional 7 weeks of EB if the state is in a high unemployment period. (The average TUR is at least 8 percent and is 110 percent of the rate for the corresponding 3-month period in either or both of the 2 previous years.)

Effective for weeks of unemployment beginning on or after February 1, 2009. Provision ceases to be effective with weeks of unemployment ending on or before December 5, 2009, or until the week ending 4 weeks prior to the last week for which the Federal government pays 100 percent of most EB costs, whichever is later.

Financing

Establishes a flexible taxable wage base based on the balance in the state's unemployment trust fund on June 30 and December 31 of each year as follows:

- When the balance is greater than \$1,000,000,000, the wage base shall be \$7,000;
- When the balance is greater than \$900,000,000 but less than or equal to \$1,000,000,000 the wage base shall be \$8,000; and
- When the balance is less than or equal to \$900,000,000 the wage base shall be \$9,000.

Revises the Premium Rate Chart by removing table 6b and table 6a of the previously enacted chart becomes table 6. However, under the new table 6, if the reserve ratio percent is 20 and over, then the premium amount is "0.01" instead of "0.00".

- Most favorable table – trust fund balance of \$850,000,000 or more with minimum rate of 0.01 percent and a maximum rate of 10.0 percent.
- Least favorable table - trust fund balance of less than \$450,000,000 with a minimum rate of 0.50 percent and a maximum rate of 10.0 percent.

Imposes an additional premium of 0.6 percent on all rates in Tables 1, 2, and 3, until the unemployment trust fund balance equals or exceeds \$650,000,000.

Removes provisions regarding the Tennessee job skills fee.

Monetary Entitlement

Provides that if individuals would not be eligible for benefits because of use of a base period consisting of the first 4 of the last 5 completed calendar quarters, then their eligibility shall be determined using a base period that includes the last 4 completed calendar quarters.

Provides that each individual who is entitled to receive benefits and has dependents shall receive an additional \$15 per week for each un-emancipated minor child who is wholly or mainly supported by the claimant, subject to an aggregate limitation on the total dependent's allowance of \$50 per week.

Nonmonetary Eligibility

Provides that individuals shall not be denied from receiving benefits under provisions relating to availability for work, active search for work, or refusal to accept work solely because they are seeking only part-time work if the part-time work is for a minimum of 20 hours per week.

VERMONT HB 313
(Act No. 54)

ENACTED AND EFFECTIVE June 1, 2009

Coverage

Requires administration and transportation agencies to establish procedures to minimize misclassification of workers as independent contractors and requires specific information from state contractors on all projects costing more than \$250,000,000. Information will be shared with the Department of Labor.

Nonmonetary Eligibility

Provides an additional 26 weeks of benefits at the same weekly benefit amount to an individual who has exhausted his/her maximum benefit amount if the individual is enrolled in and making satisfactory progress in a state-approved training program. A state-approved training program is any program that meets all of the criteria:

- is authorized by the Workforce Investment Act of 1998;
- is designed to assist individuals separated from a declining occupation or who have been involuntarily and indefinitely separated from employment as a result of a permanent reduction of operations at the individual's place of employment; and
- is designed to train the individual for entry into a high-demand occupation.

WASHINGTON SB 5809
(CH 566)

ENACTED and EFFECTIVE May 19, 2009

Extensions and Special Programs

Provides that, subject to the availability of funds through March 1, 2011, state funds appropriated will be distributed to match federal funds that provide specifically for the education and training of eligible individuals in high demand occupations. The education and training of eligible individuals in occupations in the aerospace, energy efficiency, forest product, and health care industries will be given priority if consistent with federal law. This provision expires July 1, 2011.

Financing

Creates an account in the administrative contingency fund for financing the administrative costs associated with funds provided specifically for the education and

training of eligible individuals in high-demand occupations.