

Creates the Unemployment Insurance Work-sharing Program, effective March 1, 2012, and repealed February 28, 2014.

Requires an approved work-sharing plan to reduce the normal weekly hours of work for an employee in an affected unit by not less than 10 percent and not more than 50 percent.

Notwithstanding any other provision, a participating employee after serving a waiting week shall be paid compensation in an amount equal to the product of his/her weekly benefit amount including dependents' allowances multiplied by the reduction percentage, rounded down to the next lower whole dollar amount.

Defines "eligible employer" as one that is not delinquent in the payment of contributions or reimbursements or in the reporting of wages.

Requires approval in writing by the collective bargaining agent of the work-sharing plan for any eligible employees represented by a collective bargaining agent.

Requires submittal of a statement that the work-sharing plan will not serve as a subsidy of seasonal employment during the offseason or of intermittent employment.

Requires the work-sharing plan to specify the manner in which fringe benefits of the eligible employees will be affected.

Provides that the work-sharing plan expires at the end of the 12th full calendar month after its effective date or on the date specified in the plan if that date is earlier.

Limits the payment of work-sharing benefits to 52 weeks in any benefit year.

Provides that an individual who has received all of the unemployment compensation or combined unemployment compensation and work-sharing benefits available in a benefit year is considered an exhaustee for purposes of extended benefits, and if otherwise eligible is eligible to receive extended benefits.

Allows for revoking a work-sharing plan for good cause, and permits modification of the shared-work plan.

Financing

Charges work-sharing compensation paid to participating employees to the participating employers. Reimbursable employers must reimburse the Unemployment Compensation Fund for the full amount of work-sharing benefits paid.

MARYLAND

HB 197
(CH 108)

ENACTED and EFFECTIVE April 12, 2011,
or as noted

Appeals

Establishes that the decision of the hearing examiner with the lower appeals division is final after 10 days after notice of the decision has been mailed or otherwise delivered to the appellant, unless further review is initiated, effective October 1, 2011.

Establishes that a decision of the board of appeals is final after 10 days after notice of the decision has been mailed or otherwise delivered to the appellant, subject to judicial review, effective October 1, 2011.

MARYLAND SB 58 ENACTED and EFFECTIVE April 12, 2011
(CH 12)

Appeals

Repeals the requirement that on final decision in a judicial proceeding, the Board of Appeals shall pass an order in accordance with the decision.

MARYLAND SB 60 ENACTED and EFFECTIVE April 12, 2011,
(CH 14) or as noted

Monetary Entitlement

Eliminates the restriction on the number of times during each benefit year an individual may change a previously elected federal or state income withholding status, effective October 1, 2011. (Previous law allowed the change to occur once during each benefit year.)

MISSISSIPPI SB 2238 ENACTED March 30, 2011
(CH 471) EFFECTIVE July 1, 2011

Administration

Lists the Department of Revenue as one of the state agencies that may owe a delinquent employer a refund that may be used to offset the unemployment compensation debt.

Lists the Department of Revenue as one of the state agencies that the Department of Human Services may enter into a mutual agreement with for the operation of the Directory of New Hires Program. (Repealed July 1, 2014.)

PENNSYLVANIA SB 1030 ENACTED June 20, 2011
(Act No. 6) EFFECTIVE June 20, 2011,
or as noted

Extensions and Special Programs

Temporarily modifies the federal-state extended benefits (EB) program provisions concerning the EB “on” and “off” indicators by using a 3-year look-back for both the mandatory indicator based on the insured unemployment rate (IUR) and the optional indicators based on the seasonally adjusted total unemployment rate (TUR) for weeks of unemployment beginning on or after December 17, 2010, and ending on or before December 31, 2011. (Applicable retroactively to December 18, 2010.)

Creates the Shared-Work Unemployment Compensation Program, effective June 20, 2011, and expires June 20, 2016.

Requires an approved shared-work plan to reduce the normal weekly hours of work for an employee in an affected unit by not less than 20 percent and not more than 40 percent unless the plan is modified.

Notwithstanding any other provision, a participating employee shall be paid compensation in an amount equal to the product of his weekly benefit rate and the reduction percentage, rounded to the next lower whole dollar amount.

Requires employers to have paid wages for the 12 consecutive calendar quarters preceding the date of the employer’s shared-work plan application to participate.

Requires participating employers to have filed all quarterly reports and other reports required, paid all contributions, reimbursement, interest and penalty due through the date of the employer’s application; the contributing employers’ reserve account balance as of the most recent computation date preceding the date of the employer’s application must be a positive number.

Requires approval in writing by the collective bargaining representative of the shared-work plan if any participating employee is covered by a collective bargaining agreement.

Requires that the shared-work plan does not affect the fringe benefits of any participating employee not covered by a collective bargaining agreement.

Provides that the effective period of the shared-work plan is not more than 52 consecutive weeks.

Provides that the effective period of the shared-work plan combined with effective periods of the participating employer’s prior shared-work plans does not equal more than 104 weeks out of a 156-week period.

Allows for the termination of a shared-work plan for good cause, and for modification of the shared-work plan.

Financing

Charges work-shared compensation paid to participating employees to the participating employer. (Effective June 20, 2011, and expires June 20, 2016.)

Monetary Entitlement

Changes the definition of “credit week” from any calendar week in an individual's base year with respect to which he was paid in employment remuneration of not less than \$50; only one credit week can be established with respect to any one calendar week to any calendar week in an individual's base year with respect to which he was paid in employment remuneration of not less than:

- (1) \$100 (effective January 1, 2013 and expires December 31, 2014).
- (2) 16 times the minimum hourly wage (effective January 1, 2015).

Only one credit week can be established with respect to any one calendar week.

Provides that the above credit week provisions are effective January 1, 2013.

Provides that notwithstanding any other provision of law, if an employee's weekly benefit rate as calculated is less than \$70, the employee shall be ineligible to receive any amount of compensation. If the employee's weekly benefit rate is not a multiple of \$1, it shall be rounded to the next lower multiple of \$1. (Effective January 1, 2013.)

Provides that otherwise eligible employees are entitled to up to a maximum of 26 weeks of benefits provided they had 18 or more credit weeks during their base year. Removes language that employees are entitled to 16 or 26 weeks provided they had 16 or 17 credit weeks during the base year. Provides that notwithstanding any other provision, employees with less than 18 credit weeks (previously 16 credit weeks) during their base year shall be ineligible to receive any amount of compensation. (Effective January 1, 2015.)

Provides that the Table Specified for the Determination of Rate and Amount of Benefits shall be extended or contracted annually, automatically by regulations to a point where the maximum weekly benefit rate shall equal $66 \frac{2}{3}$ percent of the average weekly wage for the 36-month (previously 12-month) period ending June 30 preceding each calendar year. If the maximum weekly benefit rate is not a multiple of \$1, it shall be rounded to the next lower multiple of \$1. (Previously, increased by \$1 and then rounded to the next lower multiple of \$1.)

Provides that for the purpose of determining the maximum weekly benefit rate, the Pennsylvania average weekly wage in covered employment shall be computed on the basis of the average annual total wages reported (irrespective of the limit on the amount of wages subject to contributions) for the 36-month (previously, 12-month) period ending June 30.

Provides that notwithstanding any other provisions, for calendar year 2012, the maximum weekly benefit rate shall be frozen at the rate calculated for calendar year 2011 (\$573). Thereafter, the maximum weekly benefit rate established:

- For calendar year 2013, shall be no greater than a 1 percent increase above the calendar year 2012 rate.

- For calendar year 2014, shall be no greater than a 1.1 percent increase above the calendar year 2013 rate.
- For calendar year 2015, shall be no greater than a 1.2 percent increase above the calendar year 2014 rate.
- For calendar year 2016, shall be no greater than a 1.3 percent increase above the calendar year 2015 rate.
- For calendar year 2017, shall be no greater than a 1.4 percent increase above the calendar year 2016 rate.
- For calendar year 2018, shall be no greater increase than 1.5 percent increase above the calendar year 2017 rate.

Provides that the limitations instituted for calendar years 2013 through 2018 shall expire on the earlier of December 31, 2018, or the last day of the calendar year in which the unemployment compensation trust fund does not have an outstanding solvency-based debt to the U.S. government.

Provides that if the change implemented by the freeze in calendar year 2012 is determined to result in the loss of funds under the American Recovery and Reinvestment Act of 2009 both the above schedule and the expiration of the limitations shall occur 1 year later.

Nonmonetary Eligibility

Requires, as a condition for qualifying for unemployment benefits, that any unemployed worker make an active search for suitable employment. The requirements for "active search" shall be established and shall include, at a minimum, all of the following:

- Registration by a claimant for employment search services offered by the Pennsylvania CareerLink system or its successor agency within 30 days after initial application for benefits.
- Posting a resume on the system's database, unless the claimant is seeking work in an employment sector in which resumes are not commonly used.
- Applying for positions that offer employment and wages similar to those the claimant had prior to his unemployment and which are within a 45 minute commuting distance.

Provides that the Pennsylvania Department of Labor and Industry may determine that a claimant has made an active search for suitable work if the claimant's efforts include actions comparable to those traditional actions in their trade or occupation by which jobs have been found by others in the community and labor market in which the claimant is seeking employment.

Provides that the active work search requirements do not apply to any week in which the claimant is in training approved under the Trade Act of 1974 or any week in which the claimant is required to participate in reemployment services.

Provides that the active work search requirements shall not apply to a claimant who is laid off for lack of work and advised by the employer of the date on which the claimant will return to work.

For contributions assessed for rate year 2011, provides that the sum of an employer's array calculation factor rate and the graduated social cost factor rate may not exceed 6 percent for employers whose NAICS code is within "111," "112," "1141," "115," "3114," "3117," "42448," or "49312," may not exceed 5.4 percent for the graduated social cost factor rate for each employer in the array. The percentages range from 40 percent for rate class 1 to 120 percent for rate classes 21-40.