



employment. The results rounded to the next lower one decimal place will be the average high cost multiple.

**DISTRICT OF COLUMBIA**      B 622      ENACTED January 12, 2012  
(Law No. 96)      EFFECTIVE March 2, 2012

Extensions and Special Programs

Extends the temporary total unemployment rate (TUR) trigger and 3-year look-back provisions based on the extended benefits program to the week ending 4 weeks prior to the last week of unemployment for which 100 percent of most Federal sharing is available. (Provision expires October 13, 2012.)

**DISTRICT OF COLUMBIA**      B 679      ENACTED and EFFECTIVE February 21, 2012  
(Act No. 309)

Extensions and Special Programs

Extends the ending effective date for the temporary federal-state extended benefits (EB) program provisions concerning the optional seasonally adjusted total unemployment rate (TUR) trigger and the 3-year look-back to the week ending 4 weeks prior to the last week for which the Federal government pays 100 percent of most EB costs. (Applicable as of March 3, 2012.) (This is a temporary bill and is subject to congressional review.)

**ILLINOIS**      Rule 15431      Adopted December 28, 2012  
Effective December 17, 2012  
Expires June 30, 2013

Financing

Makes technical changes to conform to the monthly reporting requirements of the Save Medicaid Access and Resources Together (SMART) Act by including in its rules language providing for certain employers to file monthly wage reports.

**ILLINOIS**      Rule 15435      Adopted December 28, 2012  
Effective December 17, 2012  
Expires June 30, 2013

Financing

Makes technical changes to conform to the monthly reporting requirements of the Save Medicaid Access and Resources Together (SMART) Act by including in its rules language allowing for certain employers to file monthly wage reports.

Deletes obsolete language relating to employee leasing companies satisfying reporting requirements for either or both of the third and fourth calendar quarters.

**ILLINOIS** Rule 15437

Adopted December 28, 2012  
Effective December 17, 2012  
Expires June 30, 2013

Financing

Waives penalties for failure to file monthly wage reports for January, February, April, May, July, August, October, and November of 2013 and January, February, April, and May of 2014 for employers with 25 or more employees but fewer than 50; for January, February, April, May, July, August, October, and November of 2013 for employers with 50 or more employees but fewer than 100, and January, February, April, and May of 2013 for employers with 100 or more employees but fewer than 250.

**LOUISIANA** HB 534  
(CH 263)

ENACTED May 25, 2012  
EFFECTIVE August 1, 2012

Overpayments

Provides for the suspension or denial of a recreational hunting or fishing license for failure to pay an unemployment compensation overpayment obligation.

Provides definitions for “license” and “obligor.”

Provides that the Louisiana Workforce Commission may notify an obligor by certified mail of an overpayment delinquency and the intention of the Commission to submit the obligor’s name to the licensing agency for a suspension of license.

Provides the procedure to the license suspension, the time periods for the suspension and reinstatement of a license, and that the certification of noncompliance and the compliance release certificate may be issued electronically.

Requires that, upon payment of any delinquencies, the Commission shall issue a compliance release certificate indicating that the obligor is eligible to have his license reissued, and that the licensing authority shall issue, reissue, renew, or otherwise extend the obligor’s license upon receipt of the compliance release certificate.

**LOUISIANA** SB 676  
(CH 344)

ENACTED May 25, 2012  
EFFECTIVE August 1, 2012

Overpayments

Requires all interest, fines, and penalties collected from claimants to be paid into the employment security administration fund, except as otherwise provided.

Allows the Executive Director of the Louisiana Workforce Commission to require employers to electronically file all registrations and status reports due after January 31, 2014.

Provides that benefits charged after a requalification of a claimant shall not be charged against the experience-rating account of an employer when all the following occur:

1. The employer timely filed a separation notice alleging disqualification;
2. Either a response to a notice of claim filed or a response to a notice to base period employer has been filed; and
3. The separation of the employee from the employer was determined to be under disqualifying conditions.

Retains current law but changes state board, commission, department, agency, and other employing authority of the State to cover all employers, and requires them to file with the administrator a notice of separation from service and deliver the notice to the administrator and the separated employee.

Current law provides that an individual shall be disqualified for benefits for the 52 weeks immediately following the week in which it was determined that he committed a fraudulent act relating to obtaining or increasing benefits. Amends current law to make the disqualification applicable to the remainder of the benefit year after the commission of the fraudulent act and then continuing for the 52 weeks following the determination of the fraudulent act.

Provides that if information indicating a claimant has earned any unreported wages for weeks claimed is obtained by the administrator prior to the administrator rendering a determination on the issue, the claimant shall be notified by mail or other delivery method. Provides that the claimant shall have 7 days from the date of mailing to respond, or if notice is not by mail, then claimant shall have 7 days from the delivery date of such notice to respond.

Increases the period for which a fraudulent claim for repayment can be recovered from 5 years to 10 years from the date the administrator determines that repayment is due.

Specifies that if benefits were not gained through fraud and if the overpayment was not the fault of the claimant and the recovery would be against equity and good conscience, a waiver may be issued. Any fraudulent acts determined shall preclude the granting of a waiver and contain fact sheets to be considered in determining whether the recovery shall be against equity and good cause.

Increases the period for recovery of a claim for repayment of non-fraud benefits from 3 years to 5 years.

Provides that a civil penalty shall be assessed if overpayment of benefits was determined to be due to fraud committed by the employee in the amount of \$20 or 25 percent, whichever is greater, of the total of overpayment debt. Additionally, requires 15 percent of any such overpayment amounts collected to be deposited with the U.S. Secretary of the Treasury to credit



**MICHIGAN**

SB 1272  
(P.A. 493)

ENACTED and EFFECTIVE September 20, 2012

Financing

Provides the order in which obligation assessment payments and contribution payments are credited by the unemployment agency as follows: An obligation assessment payment made or a contribution payment made shall be credited first to interest on the obligation assessment and then to the obligation assessment, with those payments applied to amounts unpaid and owing in the oldest calendar quarter and progressing each quarter to the most recent quarter. Any remainder shall be credited first to penalties on contributions, then to interest on contributions, and then to contribution principal, with those payments applied to amounts unpaid and owing in the oldest calendar quarter and progressing each quarter to the most recent quarter. (The previous order provided that contributions and payments in lieu of contributions shall be credited first to penalty; then to interest; and then to principal, unpaid and owing in the oldest calendar quarter and progressing each quarter to the most recent quarter.)

**RHODE ISLAND**

HB 7563  
(P.L. 32)

ENACTED and EFFECTIVE April 13, 2012

Extensions and Special Programs

Amends the provisions relating to the Entrepreneurial Training Assistance program as follows:

Includes in the definition of “employment assistance allowance” an allowance payable in lieu of emergency unemployment compensation benefits.

Defines “emergency unemployment compensation” to mean benefits, including dependents’ allowances, payable to an individual as authorized by the Unemployment Compensation Extension Act of 2008 and in accordance with regulations established by the Secretary of Labor.

Provides that for participants in the entrepreneurial training assistance program collecting regular benefits, the sum of the allowance paid and regular benefits paid, with respect to any benefit year, shall not exceed the maximum potential regular benefits, including dependents’ allowances.

Provides that for participants in the entrepreneurial training assistance program collecting emergency unemployment compensation, the allowance paid with respect to any benefit year shall not exceed the amount equal to 26 times the regular weekly benefit amount, including dependents’ allowances. Any participant who terminated or completed participation in the program and continues to meet the emergency unemployment compensation eligibility requirements, shall be permitted to receive emergency unemployment compensation benefits with respect to subsequent weeks of unemployment.

Provides that the aggregate number of individuals receiving employment assistance allowances and regular benefits for any week shall not exceed 5.0 percent of the total number of individuals receiving regular benefits; the aggregate number of individuals receiving employment assistance

allowances and emergency unemployment compensation benefits for any week shall not exceed 1.0 percent of the total number of individuals receiving emergency unemployment compensation benefits.

Provides that allowances paid under the Unemployment Compensation Extension Act of 2008 shall be charged to the appropriate Federal account.

**TENNESSEE**

SB 2742  
(CH 824)

ENACTED April 26, 2012  
EFFECTIVE July 1, 2012

### Overpayments

Extends from 3 years to 6 years the period that overpayments can be collected.

Allows the Department of Revenue to offset any covered unemployment compensation debt due to the Department of Labor and Workforce Development against any Federal income tax refund due to the claimant, if the overpayment is the result of fraud or failure to report earnings, or any assessed penalties or interest.

Allows the Department of Revenue to offset any covered unemployment compensation debt due to the Department against any Federal income tax refund due to the taxpayer, if the obligation is the result of past due contributions that remain uncollected, or any assessed penalties or interest.

Permits withdrawals from the unemployment trust fund for the payment of fees authorized under the Treasury Offset Program.

Establishes in the state treasury a fund to be known as the “unemployment compensation special administrative fund” which shall consist of fines, fees, penalties, and interest collected on delinquent payments.

Requires individuals who have received unemployment benefits by knowingly misrepresenting, misstating, or failing to disclose any material fact, or by making a false statement or false representation without a good-faith belief as to the correctness of the statement or representation to repay the amount of benefits received. Assesses a penalty of 15 percent of the amount of overpaid benefits received as a result of fraud. Monies collected by this penalty shall be deposited into the State unemployment compensation fund. Assesses an additional penalty of 7.5 percent of overpaid benefits received as a result of fraud. Specifies that this additional penalty is to be used to defray the costs of deterring, detecting, or collecting overpayments. Assesses interest at a rate of no more than 1.5 percent per month on the total amount due that remains unpaid for a period of 30 or more calendar days after the date on which the Commissioner sends notice of the overpayment determination to the claimant’s last known address. Provides that a pending appeal of the determination shall not suspend the assessment of interest.

Provides that monies received by the Department in repayment of unemployment benefits and payment of penalties and interest shall first be applied to the unemployment benefits received,

then to any interest due. These monies shall be used by the department to defray the costs of deterring, detecting, or collecting overpayments.

**VIRGINIA**

SB 248  
(CH 316)

ENACTED March 21, 2012  
EFFECTIVE January 1, 2013

Financing

Allows annual payment of unemployment taxes and filing of affiliated reports for employers of individuals providing domestic service in a private home, regardless of the total payroll cost or number of persons providing the domestic service.

Repeals language that in order to qualify for this election, an employer shall have a total payroll in each calendar quarter that does not exceed \$5,000, regardless of the number of persons providing such domestic service.

**WISCONSIN**

SB 219  
(Act No. 198)

ENACTED April 2, 2012  
EFFECTIVE April 22, 2012,  
except as noted

Financing

Provides that the Wisconsin Department of Workforce Development shall determine which employing unit is the employer if more than one employing unit has a relationship with an employee by considering specified factors in the employing unit's contract with the employee and which employing unit:

- Benefits directly or indirectly from the services performed by the employee;
- Maintains a pool of workers who are available to perform the services in question; and
- Is responsible for employee compliance with applicable regulatory laws and for enforcement of such compliance.

(Applicable to services performed after December 31, 2011.)

Allows a provider of home health care and personal care services for medical assistance recipients to elect to be the employer of employees providing those services. Requires the provider, as a condition of eligibility for election, to notify the recipient in writing of such services of its election for purposes of the unemployment insurance law, and to be treated as the employer by the Federal Internal Revenue Service for Federal unemployment tax purposes. (Applicable to services performed after December 31, 2011.)

Establishes a separate, non-lapsable unemployment interest payment fund which shall be used to pay interest due on Title XII Federal advances. The following moneys shall be credited to this fund: the annual assessment on employers that is used to pay interest on Title XII Federal advances, any interest earned on the assessments, and any interest or penalties collected from delinquent employers. (Under prior law, the assessment was credited to the Administration Account.) Authorizes the Department to use any excess funds to pay interest owed in subsequent

years on advances or if additional interest obligations are unlikely, excess funds shall be transferred and credited to the balancing account of the unemployment reserve fund to pay benefits.

Provides that the Department shall redetermine the contribution rate of a successor employer immediately prior to the effective date of a transfer as of the applicable computation date effective for contributions payable beginning in the first calendar year following the date of the transfer (previously, the beginning of the first quarter after the transfer). (Applicable to transfers after December 31, 2011.)

Establishes a separate, non-lapsable program integrity fund in the unemployment reserve account for deposit of overpayments collected as a result of fraud by acts of concealment by claimants; funds may be used to pay for integrity activities such as fraud detection and prevention. (Applicable October 21, 2013, and repealed effective January 1, 2014.) (Previously, such overpayments were credited to the balancing account of the unemployment reserve account.)

Adds to the definition of “debt” a delinquent assessment on Title XII Federal advance funds.

#### Nonmonetary Eligibility

Provides that individuals, in addition to other requirements, must conduct a reasonable search for work unless waived by the Department. Provides that an individual is ineligible for benefits for any week that there is a determination that he/she failed to conduct a reasonable search for suitable work which has not been waived; if benefits have been paid for such week, the Department may recover the overpayment. (Applicable April 29, 2012.)

Provides that the individual is ineligible for benefits for any week if one or more of the following applies to the individual for 32 hours or more in a week:

- the individual performs work;
- the individual receives wages; or
- the individual receives holiday pay, vacation pay, termination pay, or sick pay.

Provides that the individual is ineligible for benefits for any week in which the individual receives from one or more employers more than \$500 in wages for work performed; or for sick pay, holiday pay, vacation pay, or termination pay (by itself or in combination with wages). (Applicable October 21, 2012.)

#### Overpayments

Amends the law to change the penalties for overpayments as a result of fraud by acts of concealment by claimants. The individual is ineligible for benefits for each single act of concealment in an amount equivalent to:

- 2 times the weekly benefit amount before the date of the first determination (previously 1 time the weekly benefit amount);

- 4 times the weekly benefit rate after the date of the first determination (previously 3 times the weekly benefit amount);
- 8 times the weekly benefit rate after the date of the second or subsequent determination (previously 5 times the weekly benefit amount).

The penalties above shall be applied to any weeks for which the individual would otherwise be eligible, and the individual shall not receive credit for the waiting week. (Penalties applicable to weeks of unemployment beginning October 21, 2012.)

Provides that overpayments from failure to report earnings:

- shall be deposited in the “balancing account” of the state’s unemployment reserve fund when recovered; and
- may be recovered through offset against a federal tax refund.

Authorizes, under the Treasury Offset Program, the payment of fees and expenses for collection of overpayments as a result of failure to report earnings to be withdrawn from the unemployment reserve fund. (Applicable October 21, 2012.)