CHAPTER 5

NONMONETARY ELIGIBILITY

IN GENERAL

Along with monetary requirements, each state's UI law requires individuals to meet nonmonetary requirements. Federal law mandates some of these requirements. The general rule is that individuals must have lost their jobs through no fault of their own and must be able to work, available for work, and actively seeking work. By examining the individual's current attachment to the labor force, these provisions delineate the type of risk covered by UI law – primarily, unemployment caused by economic conditions.

This chapter is organized from the perspective of an individual experiencing the claims process. First, the state would determine if there are any issues related to the individual becoming unemployed. Second, issues concerning week-to-week eligibility would be explored, as would any refusals of suitable work. Third, the state would examine whether the individual received any "deductible income" causing a reduction in benefits payable.

Caution: Nonmonetary requirements are, in large part, based on how a state interprets its law. Two states may have identical laws, but may interpret them quite differently.

Usage Note: There is often a distinction between issues that result in disqualification and issues that result in weeks of ineligibility. A disqualified individual has no right to benefits until s/he requalifies, usually by obtaining new work or by serving a set disqualification period. In some cases, benefits and wage credits may be reduced. An ineligible individual is prohibited from receiving benefits until the condition causing the ineligibility ceases to exist. Eligibility issues are generally determined on a week-to-week basis.

SEPARATIONS

VOLUNTARILY LEAVING WORK—Since the UI program is designed to compensate wage loss due to lack of work, voluntarily leaving work without good cause is an obvious reason for disqualification from benefits. All states have such provisions.

In most states, disqualification is based on the circumstances of separation from the most recent employment. These disqualification provisions may be phrased in terms such as "has left his most recent work voluntarily without good cause." In a few states, the agency looks to the causes of all separations within a specified period. An individual who is not disqualified for leaving work voluntarily with good cause is not necessarily eligible to receive benefits. For example, if the individual left because of illness or to take care of a family member who is ill, the individual may not be able to work or available for work. This ineligibility would

generally last only until the individual was again able and available.

Good Cause for Voluntarily Leaving—In all states, individuals who leave their work voluntarily must have good cause if they are not to be disqualified.

In many states, good cause is explicitly restricted to good cause connected with the work, attributable to the employer, or involving fault on the part of the employer. However, in a state where good cause is not explicitly linked to the work, the state may interpret its law to include good personal cause or it may limit it to good cause related to work. Since a state law limiting good cause to the work is more restrictive, it may contain specific exceptions that are not necessary in states recognizing good personal cause. (For example, an explicit provision not disqualifying an individual who quits to accompany a spouse to a new job might not be necessary in a state which recognizes good personal cause; it would be necessary in a state restricting good cause to that related to the work.)

The following table identifies states that restrict good cause for quitting to reasons connected to the work.

Table 5-1: VOLUNTARILY LEAVING – MUST BE CONNECTED TO WORK					
State	**Basis**	**State**	**Basis**	**State**	**Basis**
AL	L	AZ	L	AR	L
CO	L	CT	L	DE	L
DC	L	FL	L	GA	L
ID	L, R	IL	L	IN	L
IA	L	KS	L	KY	L
LA	L	ME	L, R	MD	I
MA	L	MI	L	MN	L
MO	L	MT	L, R	NE	L
NH	L	NJ	L, R	NM	L
NC	L	ND	L	OK	L
PR	I	SC	I	SD	I
TN	L	TX	L	VT	L
WA	L	WV	L	WI	I
WY	L				
KEY: L = law R = regulation I = interpretation					

The following tables indicate common "good cause" provisions. Other provisions are discussed in the text following the tables. Please note that the following tables are intended to provide a general overview of voluntary leaving provisions in the states; they are not meant to be exhaustive. Please consult the appropriate state statute, regulation, or policy for more specific information.

Table 5-2: VOLUNTARILY LEAVING – GOOD PERSONAL CAUSE				
Reasons Frequently Cited in State Law				
State	**To Accept Other Work**	**Compulsory Retirement**	**Sexual or Other Harassment**	**Individual's Illness**
AL	L		L[1]	L
AK	L[2]	I	I	I
AZ	R	R[3]	R	R
AR			L	L
CA	R	L, R	L	R

Table 5-2: VOLUNTARILY LEAVING – GOOD PERSONAL CAUSE				
Reasons Frequently Cited in State Law				
State	To Accept Other Work	Compulsory Retirement	Sexual or Other Harassment	Individual's Illness
CO	L[4]	L	L	L
CT	L[5]	R	R	R, I[6]
DE		I	I	L
DC			R	R[6]
FL	L[5]	I		L
GA	I	I[3]	R[7]	R[6, 7]
HI	R	R	L	I
ID	L, R	L, R	L	L, R
IL	L	I	L	L[6]
IN	L	L	L	L
IA	L	R	I	L
KS	L	L	L	L
KY	L	I	I[1]	I[6]
LA	I[5]	I	I	
ME	L, R	L, R	R	L, R[8]
MD		I[3]	I	L[9]
MA	L	L	L	I
MI	L	I[3]	I	L[10]
MN	L	I	I	I
MS	I	L[3]	L	I
MO	L[2, 5]		I	I
MT		L, R	L, R[11]	L, R
NE	L[4]	L[3]	L[12]	L
NV	L	I[3]	I	I
NH	L, R[2]	I	I	L[6], R
NJ	R	I[3]	I	R
NM	L	L	L, R	L
NY	I	I	I	I
NC		L[3]	L	L
ND	L[5, 13]			L
OH	L[5]	I	I	I
OK		I	I	L
OR	R[2]	I[3]	I[8]	I[8]
PA	I	I	I[7]	I[7]
PR	I	I	I	I
RI	I	I[3]	L	I
SC		I	I	
SD	L[5]	I	I	L
TN		L[3]	L	
TX	L	I	L	L
UT	R	I[3]	R	R
VT	I[14]	I[3]	I	

Table 5-2: VOLUNTARILY LEAVING – GOOD PERSONAL CAUSE				
Reasons Frequently Cited in State Law				
State	To Accept Other Work	Compulsory Retirement	Sexual or Other Harassment	Individual's Illness
VA	L[2]	I	L[8]	L[6]
VI	I	I	I	I
WA	L[15]	I	L, R	L[8]
WV			I	L
WI	L	L	L	L
WY				L

KEY: L = law, R = regulation, I = interpretation or policy

[1] AL and KY – only if the sexual harassment occurred on the job.
[2] AK and MO – only when the pay is more remunerative; NH – other work must be "better" and must begin within a "reasonable period"; OR – eligible if offer of work is definite, begins in shortest time reasonable, is reasonably expected to continue, and pays more than previous employment or WBA; VA – only if new work is deemed to be "better".
[3] Separations due to compulsory retirement addressed under misconduct section of the rules; separations considered a discharge for reasons other than misconduct.
[4] CO – if individual quits a construction job that is outside the state of Colorado in order to accept a construction job within the state of Colorado, if such individual has maintained Colorado residency; NE – if individual is a construction worker and left his or her employment voluntarily for the purpose of accepting previously secured insured work in the construction industry. Specific criteria apply.
[5] CT – benefits awarded only if individual left part-time work to accept full-time work; FL – quit must have been from temporary employer with the purpose of returning to work immediately when recalled by individual's former permanent employing unit that temporarily terminated individual within the previous 6 calendar months; LA – only if individual quit part-time employment to protect full-time employment; MO and SD – to return to regular employer; ND – to accept a bona fide job offer with a base-period employer who laid off the individual and with whom the individual has a demonstrated job attachment; OH – only if individual (1) obtained other employment while still employed or started other employment within 7 calendar days after date of the quit to accept other employment; and (2) worked 3 or more weeks in other employment and earned wages equaling the lesser of 1½ x individual's AWW or $180.
[6] CT – eligible per regulation for work-related illness; eligible per interpretation for non-work-related illness; DC, KY – illness or disability caused or aggravated by the work; GA – job must have made the condition worse, and quitting must be advised by a doctor; IL – if deemed physically unable to perform work by a licensed physician; NH – pregnancy, illness, or injury that is not work-related, provided that physician has attested in writing to individual's inability to perform work duties; VA – if advised by doctor to quit for medical reasons or advised to restrict work activities and employer cannot or will not accommodate.
[7] GA and PA – individual must notify employer and try to resolve issue before leaving; must inform employer of limitation before leaving.
[8] ME – illness or disability of individual if precautions to protect employment were taken by notifying employer and being advised by employer that accommodation cannot or will not be made; OR – if reasonable available alternatives are pursued; VA – if individual has explored all reasonable alternatives and had no choice but to quit; WA – illness or disability of individual, provided that individual pursued all reasonable alternatives to preserve employment status and is not entitled to be reinstated to same or comparable position.
[9] Law contains a three-part voluntary quit provision – good cause, without good cause, and without good cause but with valid circumstances; quitting due to individual's illness or illness in individual's family may be determined to be valid circumstances and would result in a 5 to 10 week time-delay penalty.
[10] Considered involuntary leaving rather than good cause. Individual must have secured medical professional's statement attesting that continuing the work would be harmful to individual's physical or mental health. Also, individual must have unsuccessfully attempted to secure alternative work with the employer or be placed on a leave of absence with the employer.
[11] If individual or individual's child is a victim of sexual assault or stalking, and individual quit to protect self or child from sexual assault or stalking.
[12] If individual leaves employment due to workplace harassment on the basis of race, sex, or age.
[13] If individual leaves work which is 200 miles or more from his or her home to accept work which is less than 200 miles from individual's home provided the work is a bona fide job offer with a reasonable expectation of continued employment.
[14] Only if the new job never materializes due to lack of work.
[15] New job must be covered by unemployment insurance.

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The following table shows states whose unemployment law, regulation, or policy addresses separation from employment to join the armed forces.

Table 5-3: VOLUNTARILY LEAVING – GOOD PERSONAL CAUSE					
To Join the Armed Forces					
AK	I	AZ	R	CO	I
GA	I	HI	I	ID	L
IN	L	IA	R	KS	L
ME	I	MA	I	MI	I
MN	I	MO	I[1]	NV	I
NM	L, R	NY	I	OH	L[2]
OR	I[3]	PA	I	RI	I
TN	L	UT	I	VI	I
WA	L				

KEY: L = law, R = regulation, I = interpretation or policy

[1] Only if the military pay is more remunerative.
[2] If individual is inducted into armed forces within 30 days after separation, or 180 days after separation if date of induction is delayed solely at the discretion of the armed forces.
[3] If the offer of work is definite, begins in shortest time reasonable, is reasonably expected to continue, and pays more than previous employment or WBA.

The American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5) resulted in changes to many state laws to modernize their unemployment compensation programs, including easing qualifying requirements for workers who separate from employment due to "compelling family reasons." Compelling family reasons include leaving work due to domestic violence, to care for a sick family member, or to follow a spouse who has moved to another job. Please note that the following tables do not align with the requirements established by Pub. L. 111-5.

Table 5-4: VOLUNTARILY LEAVING – GOOD PERSONAL CAUSE					
Domestic Violence					
AK	L	AZ	L	AR	L
CA	L	CO	L	CT	L
DE	L	DC	L	HI	L
IL	L	IN	L	IA	I
KS	L	ME	L, R	MD	L
MA	L	MN	L	MS	R
MT	L*	NE	L	NV	I
NH	L, R	NJ	L, R	NM	L
NY	L	NC	L	ND	L
OK	L	OR	L, R	PA	I
PR	I	RI	L	SC	L
SD	L	TX	L	UT	I
VI	L	WA	L	WI	L
WY	L				

KEY: L = law, R = regulation, I = interpretation or policy

* Good cause if individual or individual's child is victim of domestic violence and individual quit to protect self or child; individual may not receive more than 10 weeks of benefits for the 12 month period after filing a claim under these provisions (this limitation does not affect individual's rights to receive benefits under other provisions of state law).

Table 5-5: VOLUNTARILY LEAVING – GOOD PERSONAL CAUSE					
To Perform Marital, Domestic, or Filial Obligations					
State	**Basis**	**Cause Must Be Illness or Disability of Immediate Family Member**	**State**	**Basis**	**Cause Must Be Illness or Disability of Immediate Family Member**
AK	R	X	AZ	R	
AR	L	X[1]	CA	L, R	X[2]
CO	L	X[3]	CT	L	X
DE	L	X	DC	L	X
HI	L	X	IL	L	X[2]
KS	I		ME	L, R	X[2]
MA	I	X	MN	L	X[2, 4]
NV	L	X[4]	NH	L	X
NY	L, I	X[5]	NC	L	
OH	L		OK	L	X
OR	L	X[4]	PA	I	X[4]
RI	L	X	SC	L	X
TX	L		UT	I	
VA	I	X[2, 4]	VI	L	
WA	L	X[2, 4]	WV[6]	L	
WI	L	X[7]			

KEY: L = law, R = regulation, I = interpretation or policy

[1] Includes pregnancy.
[2] Must discuss quit with employer and attempt to retain employment relationship.
[3] Includes provisions regarding employer's medical leave policies and the Family Medical Leave Act.
[4] All reasonable alternatives to quitting must have been pursued.
[5] Quit is acceptable if individual is unable to accept a particular shift as a result of undue family hardship.
[6] Individuals who quit to perform any marital, parental, or family duty, or to attend to personal business or affairs, are disqualified.
[7] Acceptable to quit due to shift change resulting in loss of child care; individual must be available for full-time work on original shift.

Table 5-6: VOLUNTARILY LEAVING – GOOD PERSONAL CAUSE							
Quit to Marry or to Follow Spouse							
State	**Basis**	**Impractical Commute**	**Military Spouses Only**	**State**	**Basis**	**Impractical Commute**	**Military Spouses Only**
AL	L		X	AK	L, R	X	
AZ	R	X	X	AR	L	X	
CA	L	X		CO[1]	L	X	X[2]
CT	L	X		DE	L	X	
DC	L	X		FL	L		X
GA	L		X[3]	HI	L	X	
IL	L	X		IN	L		
IA	L		X	KS	L		X[4]
KY	L		X[5]	ME[6]	L, R	X[7]	
MD[8]	L		X[9]	MA	I		
MI	L		X[3]	MN	L	X	
MS	R		X[3]	MO	L		X[10]

Table 5-6: VOLUNTARILY LEAVING – GOOD PERSONAL CAUSE							
Quit to Marry or to Follow Spouse							
State	Basis	Impractical Commute	Military Spouses Only	State	Basis	Impractical Commute	Military Spouses Only
MT	L		X	NE	L		
NV	L	X		NH	L	X	
NJ	L		X[11]	NM	L		X
NY	L, I	X		NC	L	X	
OH[1]	L			OK	L	X	X[12]
OR	L	X		PA[13]	I		
RI[14]	L	X		SC	L	X	
SD	L		L	TN	L		X
TX[8]	L		X	UT	L		X[15]
VA	L		X[16]	VI	L	X	
WA	L	X[17]		WV[1]	L		X
WI	L	X		WY	L		X

KEY: L = law, R = regulation, I = interpretation or policy

[1] Individuals who quit to marry are disqualified.
[2] If individual quit to relocate to new residence because individual's spouse, who was stationed in Colorado, was killed in combat while serving on active duty in the United States armed forces (repealed effective 7/1/2019).
[3] Only when spouse has been reassigned from one military assignment to another.
[4] If spouse of an individual who is a member of the United States armed forces left work because of the voluntary or involuntary transfer of the individual's spouse from one job to another job at a geographic location which makes it unreasonable for the individual to continue work at the individual's job.
[5] State of relocation must have similar statute.
[6] State law defines "spouse" as a person to whom the individual is legally married, or a person to whom the individual was legally married within 14 days of arrival at the new place of residence.
[7] To accompany or follow a spouse to, or join a spouse in, a new place of residence, and individual is in all respects able, available, and actively seeking suitable work.
[8] Individuals who quit to move with spouse are disqualified; does not apply to military spouses.
[9] Mandatory military transfer of the individual's spouse; the spouse may be a civilian employee of the military or a federal agency involved in military operations.
[10] Mandatory and permanent military transfer of individual's spouse; individual must remain employed as long as reasonable prior to the move.
[11] Military spouse or civil union partner must relocate out of state and the relocation must occur within 9 months after the military member is transferred.
[12] If individual separated from employment to move with spouse to new location and spouse is or was a member of the military or has a service-connected disability.
[13] Moving to follow a spouse is only allowable if reason for move was beyond spouse's control and there were insurmountable economic circumstances.
[14] Individuals who quit to follow a spouse who has retired are disqualified.
[15] If spouse is on active duty and has been relocated by a full-time assignment scheduled to last at least 180 days, if it is impractical for individual to commute to previous work from new locality, and if individual left work no earlier than 15 days before scheduled start date of spouse's active duty assignment.
[16] If spouse is on active duty, relocation is pursuant to permanent change of station order, new location is not readily accessible from individual's place of employment, and new duty assignment is located in a state that does not consider a person accompanying a military spouse to be leaving work voluntarily without good cause (last provision does not apply to Virginia National Guard members). This provision is contingent upon the federal government appropriating adequate funding specifically for the purpose of paying benefits to employees who would meet the military spouse provision.
[17] To relocate for the employment of spouse or domestic partner that is outside the existing labor market area, provided that the individual remained employed for as long as was reasonable prior to the move.

Other Good Cause Provisions—Several states also specify various circumstances relating to work separations that, by statute, require a determination that the individual left with good cause. Arizona and Connecticut do not disqualify individuals for voluntarily leaving because of transportation difficulties. Arizona does not disqualify unemancipated minors for voluntarily leaving if they left work to accompany their parent or parents to a place from which it is impractical to commute, or to accompany a parent who is a member of the armed services and

who is transferred to another locality as a result of official orders. Colorado does not disqualify an individual who was absent from work due to an authorized and approved voluntary leave of absence. North Carolina does not disqualify an individual for leaving work due to a unilateral and permanent reduction in full time work hours of more than 20 percent or reduction in pay of more than 15 percent and does not deny benefits to an individual based on separation from work resulting from undue family hardship when the individual is unable to accept a particular job because s/he is unable to obtain adequate childcare or elder care. In Arkansas and Utah, if an employer announces a pending reduction in force and asks for volunteers, individuals who participate are not disqualified; any incentives received are reportable as receipt of other remuneration. In Maine, an individual who offers to be included in a planned layoff or reduction in force, announced in writing, is not subject to disqualification.

Some states treat an individual's quitting to attend school as a voluntary quit. *See section on Students, page 5-35 of this chapter.*

Hawaii and Wisconsin do not apply the voluntarily leaving disqualification to an individual who leaves part-time work because of the loss of a full-time job that makes it economically unfeasible to continue the part-time work. Hawaii also does not disqualify individuals who separate from part-time work that was outside the individual's customary occupation and would not be considered suitable work at the time the part-time work was accepted. Colorado does not disqualify an individual who quits a job outside his or her regular apprenticeable trade to return to work in the regular apprenticeable trade. In Michigan, an individual who is concurrently working part-time for one employer as well as for another employer will not be disqualified if s/he voluntarily leaves the part-time work while continuing work with the other employer.

Colorado also does not disqualify individuals who leave a job because of personal harassment unrelated to the work. In addition, Colorado does not disqualify individuals who have separated from employment because they were physically or mentally unable to perform the work.

Nebraska also includes the following as good cause to voluntarily quit: accepting a voluntary layoff to avoid bumping another worker, leaving employment as a result of being directed to perform an illegal act, unsafe working conditions, the employer requiring the individual to relocate; or because equity and good conscience demand a finding of good cause.

Good Cause - Relation to Other Laws—California and Michigan specify that an individual leaves a job with good cause if an employer deprived the individual of equal employment opportunities not based on bona fide occupational qualifications. Colorado, Kansas, and Utah do not disqualify an individual for voluntarily leaving if the individual was instructed or requested to perform a service or commit an act in the course of duties which is in violation of an ordinance or statute. Also, Colorado, Kansas, Michigan, and Utah do not disqualify an individual for voluntarily leaving due to hazardous working conditions.

Good Cause and Labor Arrangements—Several state laws explicitly address separations that occur under collective bargaining agreements. California, Colorado, and Illinois do not disqualify an individual who, under a collective bargaining agreement, elects to be laid off in place of a worker with less seniority. Iowa has a similar provision that does not require that a collective bargaining agreement be in place.

Delaware and New York do not disqualify individuals for voluntarily leaving if, under a collective bargaining agreement or written employer plan, they exercise their option to be separated, with the employer's consent, for a temporary period when there is a temporary layoff due to a lack of work. Oklahoma, Pennsylvania, and Tennessee specify that an individual will not be denied benefits for voluntarily leaving if s/he exercises his or her option of accepting a layoff pursuant to a union contract, or an established employer plan, program, or policy. Georgia and Tennessee permit the individual, because of lack of work, to accept a separation from employment. In Tennessee, however, an individual will be disqualified for a separation due to accepting a program providing incentives for voluntarily terminating employment.

Kentucky does not disqualify individuals for voluntarily leaving if they are separated due to a labor management contract or agreement or an established employer plan, program or policy that permits the employer to close the plant or facility for vacation or maintenance. Also, Kentucky does not disqualify individuals for voluntarily leaving their next most recent work which was concurrent with the most recent work, or for leaving work that was 100 miles (one way) from home to accept work less than 100 miles away, or if the individual left part-time work to accept the most recent suitable work.

Oregon does not disqualify individuals for voluntarily leaving if they cease to work or fail to accept work when a collective bargaining agreement between their bargaining unit and their employer is in effect and the employer unilaterally modifies the amount of wages payable under the agreement, in breach of the agreement. Oregon does not disqualify individuals for voluntarily leaving work and deems them to be laid off if the individual works under a collective bargaining agreement, elects to be laid off when the employer has decided to lay off employees, and is placed on the referral list under the collective bargaining agreement.

In Wisconsin, the voluntarily leaving disqualification will not apply to an individual who terminates work with a labor organization which causes the individual to lose seniority rights granted under a union agreement, and if the termination results in a loss of employment with the employer that is a party to that union agreement.

Michigan does not disqualify an individual who leaves work to accept a referral to another employer from the individual's union hiring hall.

Good Cause and Suitable Work—Several states have provisions prohibiting the application of the voluntary quit provision if the work was determined not to be suitable employment for the individual.

Illinois does not impose a disqualification if the individual accepted new work after separation from other work and, after leaving the new work, the new work is deemed unsuitable. Michigan and Missouri do not disqualify individuals for voluntarily leaving if they leave unsuitable work within a specified number of days after beginning the work. Minnesota does not disqualify an individual for voluntarily leaving if the accepted employment represents a departure from the individual's customary occupation and experience and the individual left the work within 30 days under specified conditions. New Hampshire allows benefits if an individual, not under disqualification, accepts work that would not have been suitable and terminates such employment within 12 weeks. New York provides that voluntarily leaving is not in itself disqualifying if circumstances developed in the course of employment that would have justified the individual in refusing such employment in the first place. North Dakota does not apply the voluntarily leaving disqualification if an individual accepted work which could have been refused with good cause and terminated the employment with the same good cause within the first 10 weeks after starting work. Wisconsin does not apply the voluntarily leaving disqualification if the individual accepts work which could have been refused because of the labor standard provisions and terminates the work within 10 weeks of starting work.

Colorado does not impose a disqualification if the separation is determined to have been as a result of an unreasonable reduction in pay, refusing with good cause to work overtime without reasonable advance notice, or a substantial change in the working conditions.

Wisconsin will not apply the voluntarily quit disqualification if an individual left to accept a job and earned wages of 4 times the weekly benefit amount, and the work offered average weekly wages at least equal to the wages earned in the most recent computed quarter in the terminated employment, or if the hours of work are the same or greater, or if the individual was offered the opportunity for longer-term employment, or if the position was closer to the individual's home than the terminated employment. Also in Wisconsin, a disqualification will not apply if an individual claiming partial benefits left to accept work offering an average weekly wage greater than the average weekly wage in the work terminated.

Good Cause and Jobs for Temporary Service Employers—Several states' laws provide that, if an employee of a temporary service employer fails to be available for future assignments upon completion of the current assignment, such individual shall be deemed to have voluntarily left employment without good cause connected to the work. These states require the employer to provide employees with notice that the employee must notify the temporary service upon the completion of an assignment and that failure to do so may result in benefit denial.

Table 5-7: STATES WITH TEMPORARY WORKERS PROVISIONS					
States Where Failure to Contact Employer Upon Completion of Assignment is Deemed VQ					
AL	R	AZ	R	AR	L
CO	L	DE	L	FL	L
GA	L	HI	I	ID	L, R
IN	L	IA	L	KS	L
KY	L	LA	L, I	MA	L
MI	L	MN	L	MO	L
NE	L	NJ	R	NY	I
ND	L	OK	L	PA	I
PR	I	RI	L	SC	R
SD	I	TN	I	TX	L
UT	I	WV	I		
KEY: L = law , R = regulation, I = interpretation					

Period of Disqualification—In most states, the disqualification lasts until the individual is again employed and earns a specified amount of wages. In Alaska and Colorado, the disqualification is a fixed number of weeks (in Colorado, only for separations from the most recent employer); the longest period in either of these states is 10 weeks. Nebraska has a disqualification of 13 weeks. Maryland and North Carolina impose fixed duration disqualifications for certain conditions described in the following table.

Reduction of Benefit Rights—In some states, in addition to the postponement of benefits, benefit rights are reduced, usually equal in extent to the weeks of benefit postponement imposed as described in the following table.

Table 5-8: VOLUNTARILY LEAVING - DISQUALIFICATION			
State	**Benefits Postponed for:**		**Amount of Benefits Reduced**
	Number of Weeks	**Duration of Unemployment Until Requalify [1]**	
AL		10 x WBA[2]	6-12 x WBA
AK	W + 5[2, 3]		3 x WBA
AZ		5 x WBA	
AR		At least 30 days of covered work	
CA		5 x WBA	
CO	WF + 10		Wage credits from employer removed from the claim (applies to all BP employers)
CT		10 x WBA[4]	
DE		4 weeks of work and 4 x WBA	
DC		10 weeks of work and wages = to 10 x WBA[3]	

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Table 5-8: VOLUNTARILY LEAVING - DISQUALIFICATION			
State	Benefits Postponed for:		Amount of Benefits Reduced
	Number of Weeks	Duration of Unemployment Until Requalify [1]	
FL		17 x WBA[2]	
GA		10 x WBA[5]	
HI		5 x WBA	
ID		14 x WBA	
IL		Wages = to WBA in each of 4 weeks	
IN		Wages = to WBA in each of 8 weeks	By 25%
IA		10 x WBA[2]	
KS		3 x WBA	
KY		10 weeks of covered work & wages = to 10 x WBA[2]	
LA		10 x WBA[2]	
ME		4 x WBA[2, 4]	
MD	W + 5-10[2, 3]	15 x WBA[2, 3]	
MA	X[2]	8 weeks of work and wages of 8 x WBA	
MI		12 x WBA	
MN		One-half of amount required to establish benefit account[6]	
MS		8 x WBA	
MO		10 x WBA[2]	
MT		Wages equal to 6 x WBA[3]	
NE	13 [2, 7]		Equal[7]
NV		Wages equal to WBA in each of 10 weeks[4]	
NH		5 weeks of work in each of which earned 20% more than WBA[8]	
NJ		4 weeks of work and wages equal to 6 x WBA	
NM		5 x WBA in covered work	
NY		3 days work in each of 5 weeks and 5 x WBA	
NC	X[3]	10 x WBA earned in at least 5 weeks[3]	X[3]
ND		10 x WBA[2]	
OH		6 weeks in covered work + wages equal to 27.5% of AWW[2, 9]	
OK		10 x WBA	
OR		4 x WBA	8 x WBA

Table 5-8: VOLUNTARILY LEAVING - DISQUALIFICATION			
State	Benefits Postponed for:		Amount of Benefits Reduced
	Number of Weeks	Duration of Unemployment Until Requalify [1]	
PA		6 x WBA	
PR		4 weeks of work and wages equal to 10 x WBA	
RI		8 weeks of covered work equaling at least WBA in each week	
SC		8 x WBA	Equal
SD		6 weeks in covered work and wages = to WBA in each week[2]	
TN		10 x WBA[2]	
TX		6 weeks of work or wages equal to 6 x WBA[7]	
UT		6 x WBA[2]	
VT	X[10]	6 x WBA	
VA		30 days or 240 hours of work[2]	
VI		4 weeks of work and 4 x WBA	
WA		7 weeks and earnings in bona fide work of 7 x WBA	
WV		At least 30 working days of covered employment	Equal
WI	X[10]	7 weeks and 14 x WBA	Wage credits from employer removed from the claim
WY		8 x WBA	

KEY: W = Week of separation, WF = Week of filing
"Equal" indicates reduction equal to WBA multiplied by number of weeks of disqualification.

[1] Minimum employment or wages to requalify for benefits.
[2] Separation preceding the most recent separation may be considered under the following circumstances. AL – if last employment not considered bona fide work; AK, FL, IA, MD, MA, MO, OH, and UT – when employment or time period subsequent to separation does not satisfy potential disqualification; LA – disqualification applicable to base period or last employer; ME – disqualification applicable to most recent previous separation if last work was a voluntary quit and was not in usual trade or was intermittent; VA – disqualification applicable to last 30-day or 240-hour employing unit; DC, SD, and WV – if employment was less than 30 days unless on an additional claim; KY and NE – reduction or forfeiture of benefits applicable to separations from any BP employer; ND – any employer with whom the individual earned 8 x WBA; TN – any employer with whom the individual earned 10 x WBA.
[3] In AK, disqualification is terminated if individual returns to work and earns at least 8 x WBA; in MT, disqualification is terminated after individual attends school for 3 consecutive months and is otherwise eligible; in MD, the duration disqualification imposed unless a valid compelling or necessitous circumstance exists; in NC, the agency may reduce permanent disqualification to 5 weeks, with a corresponding reduction in total benefits; in NC, if an employer gives notice of future work separation, disqualification of 4 weeks imposed if individual establishes good cause for his or her failure to work out the notice.
[4] In ME, disqualified for duration of unemployment and until individual earns 6 x WBA if voluntarily retired; in NV, disqualified for W+4 to enter self employment, and for 10 weeks to seek better employment; in CT, voluntary retiree disqualified for the duration of unemployment and until 40 x WBA is earned.
[5] Individual must work for a liable employer and become unemployed through no fault of his or her own.
[6] $2,400 in 4-quarter base period or 5.3 percent of state's AAW rounded down to next lower $100, whichever is higher.
[7] In NE, a disqualification for the week of separation plus two weeks if individual leaves to accept a better job; in TX, disqualification begins with week following filing of claim.
[8] Requirement to earn requalifying wages does not apply to individuals who become unemployed after leaving work to accept better employment.
[9] If individual left work for compelling domestic circumstances, can requalify by earning the lesser of ½ of AWW or $60 in covered employment.
[10] In VT, disqualified for 1-6 weeks if individual left work due to health reasons; in WI, disqualification for week of termination + 4 weeks if individual refuses transfer to a job paying less than 2/3 of wage rate.

DISCHARGE FOR MISCONDUCT CONNECTED WITH THE WORK—Provisions for disqualification for discharge for misconduct (which may be called a discharge for "just cause" or "a disqualifying act") follow a pattern similar to that for voluntary leaving. Many states provide for heavier disqualification in the case of discharge for dishonesty or a criminal act, or other acts of aggravated misconduct. (See "Disqualifications for Gross Misconduct" immediately following this section.) Some state laws define misconduct in such terms as:

- Deliberate misconduct in willful disregard of the employing unit's interest (Connecticut, Massachusetts, Missouri, Rhode Island, South Dakota, Tennessee, and Washington).

- Participation in an illegal strike as determined under state or Federal laws. Each instance of an absence for 1 day or 2 consecutive days without either good cause or notice to the employer that could have reasonably been provided (Connecticut).

- Failure to obey orders, rules, or instructions, or failure to perform the duties for which the individual was employed (Georgia).

- A violation of duty reasonably owed the employer as a condition of employment. The failure of the employee to notify the employer of an absence and, under certain conditions, repeated absences resulting in absence from work of 3 days or longer (Kansas).

- A legitimate activity in connection with labor organizations or failure to join a company union shall not be construed as misconduct (Kentucky).

- A culpable breach of the employee's duties or obligations to the employer or a pattern of irresponsible behavior, which in either case manifests a disregard for a material interest of the employer (Maine and Missouri).

- Absence from work due to incarceration for 2 workdays for conviction of a criminal offense (Maine).

- Absenteeism or tardiness if it violates the employer's attendance policy and the individual knew about the policy in advance (Florida, Missouri, Tennessee, and Virginia).

- Discharge or temporary suspension for willful misconduct connected with the work (Pennsylvania).

- A willful and deliberate violation of a standard or regulation by an employee of an employer licensed or certified by the state, which violation would cause the employer to be sanctioned or have its license or certification suspended (Florida, Tennessee, and Virginia).

- Any action that places others in danger or an intentional violation of employer policy or law, but does not include an act that responds to an unconscionable act of the employer (Texas).

- Violation of a company rule if the individual knew or should have known about the rule, the rule was lawful and reasonably related to the job, and the rule was fairly and consistently enforced (Florida, Tennessee, and Mississippi).

- Carelessness or negligence that causes or is likely to cause serious bodily harm to the employer or a fellow employee, or carelessness or negligence of a degree that shows intentional or substantial disregard of the employer's interest (Montana).

- Discharge resulting after the individual entered into a written agreement with an employer to

obtain a license or certification by a specified date as a condition of employment and willfully failed without good cause to obtain such license or certification by the specified date (Tennessee).

Detailed interpretations of what constitutes misconduct have been developed in each state's benefit decisions. In determining what constitutes misconduct, many states rely on the definition established in the 1941 Wisconsin Supreme Court Case, Boynton Cab Co. v. Neubeck, 237 Wis. 249, 296 N.W. 636 (1941):

"Misconduct . . . is limited to conduct evincing such willful or wanton disregard of standards of behavior which the employer has the right to expect of his employee, or in carelessness or negligence of such degree as to manifest an equal culpability, wrongful intent or evil design, or to show an intentional and substantial disregard of the employer's interest or of the employee's duties and obligations to his employer."

Illegal Drugs and Alcohol—The following table includes information about states with provisions in their UI law dealing specifically with alcohol and/or illegal drugs, and testing for alcohol or illegal drugs.

Table 5-9: STATES WITH DRUG AND/OR ALCOHOL PROVISIONS

State	Workers Will Be Disqualified:
AL	For testing positive for illegal drugs after being warned of possible dismissal, or for refusing to undergo drug testing, or for knowingly altering a blood or urine specimen
AK	For reporting to work under the influence of drugs/alcohol, consumption on the employer's premises during work hours, or violation of employer's policy as long as policy meets statutory requirements
AZ	For refusing to undergo drug or alcohol testing, or having tested positive for drugs or alcohol
AR	For drinking on the job or reporting for work while under the influence of intoxicants, including a controlled substance; if discharged for testing positive for an illegal drug; for being rejected for offered employment as a direct result of failing to appear for or pass a USDOT qualified drug screen
CA	For chronic absenteeism due to intoxication, reporting to work while intoxicated, using intoxicants on the job, or gross neglect of duty while intoxicated, when any of these incidents is caused by an irresistible compulsion to use intoxicants; also disqualified if individual quit for reasons caused by an irresistible compulsion to use intoxicants
CT	If discharged or suspended due to being disqualified from performing work under state or federal law for which hired as a result of a drug or alcohol testing program mandated and conducted by such law
FL	For drug use, as evidenced by a positive, confirmed drug test
GA	For violating an employer's drug-free workplace policy
KS	For refusing to undergo drug or alcohol testing, for having tested positive for drugs or alcohol, or for failing a pre-employment drug screen
KY	For reporting to work under the influence of drugs/alcohol, or consuming them on employer's premises during working hours
LA	For the use of illegal drugs, on or off the job
MI	For illegally ingesting a controlled substance on the employer's premises, for refusing to submit to a drug test that was required to be administered in a nondiscriminatory manner, or for testing positive on a drug test that was administered in a nondiscriminatory manner
MO	For any drug/alcohol use; positive pre-employment drug/alcohol test is considered misconduct
NH	For intoxication or use of drugs that interferes with work
OK	For refusing to undergo drug or alcohol testing, or having tested positive for drugs or alcohol
OR	For failure or refusal to take a drug or alcohol test as required by employer's written policy; being under the influence of intoxicants while performing services for the employer; possessing a drug unlawfully; testing positive for alcohol or an unlawful drug in connection with employment; or refusing to enter into/violating terms of a last-chance agreement with employer; not disqualified if participating in a recognized rehabilitation program within 10 days of separation
PA	For failure to submit to and/or pass a drug test conducted pursuant to an employer's established substance abuse policy, provided that the drug test is not requested or implemented in violation of the law or of a collective bargaining agreement

Table 5-9: STATES WITH DRUG AND/OR ALCOHOL PROVISIONS	
State	**Workers Will Be Disqualified:**
SC	For failure or refusal to take a drug test or submitting to a drug test which tests positive for illegal drugs or legal drugs used unlawfully
WV	For reporting to work in an intoxicated condition or under the influence of any controlled substance without a valid prescription; for being intoxicated or under the influence of any controlled substance without a valid prescription while at work; for manipulating a sample or specimen in order to thwart a lawfully required drug or alcohol test; for refusal to submit to random drug testing for employees in safety-sensitive positions
VA	For drug use, as evidenced by a positive, confirmed USDOT qualified drug screen conducted in accordance with the employer's bona fide drug policy

Disqualification for discharge for misconduct, as for voluntary leaving, is usually based on the circumstances of separation from the most recent employment. However, as indicated in the following table, a few state laws require consideration of the reasons for separation from employment other than the most recent.

Federal law permits cancellation of wage credits for only three reasons: misconduct in connection with the work, fraud in connection with a claim, or receipt of disqualifying income. The severity of the cancellation penalty depends mainly on the presence or absence of additional wage credits during the base period. If the wage credits canceled extend beyond the base period for the current benefit year, the individual may not be monetarily eligible in the subsequent benefit year.

Period of Disqualification—Some states have a variable disqualification for discharge for misconduct. In some states the range is small – for example, the week of occurrence plus 3 to 7 weeks. In others, the range is large – 5 to 26 weeks. Some states provide a fixed disqualification, and others disqualify for the duration of the unemployment or longer. Some states reduce or cancel all of the individual's benefit rights. Some states provide for disqualification for disciplinary suspensions.

Table 5-10: DISCHARGE FOR MISCONDUCT - DISQUALIFICATION (Also see Table 5-11)					
State	**Includes Other Than Last Employer**	**Benefits Postponed for:**		**Benefits Reduced or Canceled**	**Disqualification for Disciplinary Suspension**
		Number of Weeks	**Duration of Unemployment Until Requalify[1]**		
AL	X[2]		10 x WBA	Equal	W + 1-3
AK		W + 5[3]		3 x WBA	Same as discharge for misconduct
AZ			5 x WBA		
AR			30 days covered employment[4]		Lesser of duration of suspension or 8 weeks
CA			5 x WBA		
CO		WF + 10		Equal	
CT			10 x WBA		Same as discharge for misconduct
DE			4 weeks of work and 4 x WBA		
DC	X[2]	WF + 7[3]	8 weeks of work and 8 x WBA	8 x WBA[4]	
FL	X[2]	W + 1-52[3]	17 x WBA		Duration
GA			10 x WBA	Equal	Same as discharge for misconduct

Table 5-10: DISCHARGE FOR MISCONDUCT - DISQUALIFICATION (Also see Table 5-11)					
State	Includes Other Than Last Employer	Benefits Postponed for:		Benefits Reduced or Canceled	Disqualification for Disciplinary Suspension
		Number of Weeks	Duration of Unemployment Until Requalify[1]		
HI			5 x WBA		
ID	X[2]		14 x WBA		
IL			Wages equal to WBA in each of 4 weeks		
IN			Wages equal to WBA in each of 8 weeks	25%, only one reduction during benefit year	
IA			10 x WBA		Same as discharge for misconduct
KS			3 x WBA		
KY			10 weeks of covered work and wages equal to 10 x WBA		
LA			10 WBA		
ME			8 x WBA		Duration or until earns 4 x WBA
MD	X[2]	W + 10-15			Same as discharge for misconduct
MA	X[2]		8 weeks of work and wages of 8 x WBA		
MI			17 x WBA		
MN			One-half of amount required to establish benefit account[5]		Duration
MS			8 x WBA		
MO	X[2]		6 x WBA for each disqualifying separation		Same as discharge for misconduct
MT			Wages equal to 8 x WBA		
NE	X[2]	14		Equal	
NV			Wages equal to WBA in each of 15 weeks		
NH			5 weeks work in each of which earned 20% more than WBA		Duration
NJ	X[2]	W + 5			Same as discharge for misconduct
NM			5 x WBA in covered work		
NY			3 days work in each of 5 weeks and 5 x WBA		
NC		X[3]	10 x WBA in at least 5 weeks	X[3]	
ND	X[2]		10 x WBA		Duration
OH	X[2]		6 weeks in covered work plus wages equal to 27.5% of state AWW		Duration
OK			10 x WBA		
OR			4 x WBA	8 x WBA	Same as discharge for misconduct

Table 5-10: DISCHARGE FOR MISCONDUCT - DISQUALIFICATION
(Also see Table 5-11)

State	Includes Other Than Last Employer	Benefits Postponed for:		Benefits Reduced or Canceled	Disqualification for Disciplinary Suspension
		Number of Weeks	Duration of Unemployment Until Requalify[1]		
PA			6 x WBA		Same as discharge for misconduct
PR			4 weeks of work and wages equal to 10 x WBA		Same as discharge for misconduct
RI	X[2]		8 weeks of covered work equaling at least WBA in each week		Same as discharge for misconduct
SC		WF + 20[6]		Equal	
SD	X[2]		6 weeks in covered work and wages equal to WBA each week		Same as discharge for misconduct
TN	X[2]		10 x WBA		
TX			6 weeks of work or wages equal to 6 x WBA		
UT	X[2]		6 x WBA in covered work		
VT		WF + 6-15			
VA	X[2]		30 days or 240 hours of work		Duration
VI			4 weeks of work and 4 x WBA		Same as discharge for misconduct
WA			10 weeks and earnings in bona fide work 10 x WBA		Same as discharge for misconduct
WV	X[2]	W + 6		Equal[7]	
WI			7 weeks elapsed and 14 x WBA	Benefit rights based on any work involved canceled	
WY			12 x WBA		

KEY: W = Week of discharge or week of suspension, WF = Week of filing
"Equal" indicates a reduction equal to the WBA multiplied by the number of weeks of disqualification.

[1] Minimum employment or wages to requalify for benefits and separated through no fault of his or her own.
[2] Disqualification pertains only to last separation unless indicated. In AL, the preceding separation may be considered if last employment is not considered bona fide work. In FL, ID, MD, MA, MO, OH, RI, and UT, a previous employer may be considered if the work with the separating employer does not satisfy a potential disqualification. In VA, disqualification is applicable to last employing unit for which individual has worked 30 days or 240 hours. In DC, SD, and WV, disqualification is applicable to last 30-day employing unit on new claims and to most recent employer on additional claims. In ND, any employer with whom the individual earned 8 x WBA. In NE, reduction or forfeiture of benefits applicable to separations from any BP employer. In NJ, provided the period of disqualification has not elapsed prior to the date of claim.
[3] In AK, the disqualification is terminated if individual returns to work and earns 8 x WBA. In DC, disqualification is terminated if either condition is satisfied. In FL, both the term and the duration-of-unemployment disqualifications are imposed. In NC, the agency may reduce permanent disqualification to time certain, but not less than 5 weeks; when permanent disqualification changed to time certain, benefits are reduced by an amount equal to the number of weeks of disqualification x WBA. Also, an individual will be disqualified for substantial fault on the part of the individual that is connected with work but not rising to the level of misconduct. The disqualification will vary from 4-13 weeks depending on the circumstances.
[4] For discharges that occur during the period of 7/1/2009 through 6/30/2013.
[5] $2,400 in 4-quarter base period or 5.3 percent of state's AAW rounded down to next lower $100, whichever is higher.
[6] Partial ineligibility of 5 to 19 weeks, plus waiting week, if individual is discharged for cause other than misconduct. Duration of ineligibility period determined in each case according to the seriousness of the cause for discharge.
[7] Benefit reduction is restored if individual returns to covered employment for at least 30 days within BY.

Disqualification for Gross Misconduct—Some states provide heavier disqualifications for certain types of misconduct. For purposes of this section, all of these heavier disqualifications will be considered disqualifications for "gross misconduct" even if the state's law does not specifically use this term.

In a few states, the disqualification for gross misconduct runs for 1 year; in other states, for the duration of the individual's unemployment. In most of the states wage credits are canceled in whole or in part, on either a mandatory or optional basis. The definitions of gross misconduct are in such terms as:

- Discharge for dishonesty or an act constituting a crime or a felony in connection with the work, if such individual is convicted or signs a statement admitting the act (Florida, Illinois, Indiana, New Hampshire, Nevada, New York, Oregon, Utah, and Washington).
- Discharge for a dishonest or criminal act in connection with the work (Alabama).
- Discharge for dishonesty, intoxication (including a controlled substance), or willful violation of safety rules (Arkansas).
- Conduct evincing such willful or wanton disregard of an employer's interests or negligence or harm of such a degree or recurrence as to manifest culpability or wrongful intent, or assault or threatened assault upon supervisors, coworkers, or others at the work site (Colorado).
- Assault, bodily injury, property loss or damage amounting to at least $2,000, theft, sabotage, embezzlement, or falsification of employer's records (Georgia).
- Conduct evincing extreme, willful, or wanton misconduct (Kansas).
- Misconduct that has impaired the rights, property, or reputation of a base-period employer (Louisiana).
- Conviction of a felony or misdemeanor in connection with work (Maine and Utah).
- Deliberate and willful disregard of standards of behavior showing gross indifference to the employer's interests (Maryland).
- Assault, theft, or willful destruction of property (Michigan).
- Any act that would constitute a gross misdemeanor or felony (Minnesota).
- Gross, flagrant, willful, or unlawful misconduct (Nebraska).

Only Maryland includes a disciplinary suspension in the definition of gross misconduct.

Table 5-11: STATES WITH GROSS MISCONDUCT PROVISIONS – DISQUALIFICATION (Also See Table 5-10)					
State	Includes Other Than Last Employer	Benefits Postponed For:			Benefits Reduced or Canceled
		Fixed Number of Weeks	Variable Number of Weeks	Duration of Unemployment Until Requalify	
AL	X[1]			10 x WBA[1]	Wages earned from employer involved canceled
AK		52		20 x WBA	
AR				Wages in 2 quarters for insured work totaling not less than 35 x WBA	
CO		26			Equal
DC				10 weeks of work and wages equal to 10 x WBA	
FL			Up to 52	17 x WBA	
IL					All prior wage credits canceled[2]
IN					All prior wage credits canceled[2]
IA					All prior wage credits canceled
KS				8 x WBA	All prior wage credits canceled
LA	X[1]			10 x WBA[1]	Wages earned from employer involved canceled[1]
ME				Greater of $600 or 8 x WBA	
MD				25 x WBA[3]	
MI	X[1]	26[1]		In each of 13 weeks, earnings at least 1/13 of minimum qualifying high quarter amount[4]	
MN				8 x WBA	Wages earned from employer involved canceled
MO	X[1]			6 x WBA for each disqualifying separation[1, 5]	Optional[5]
MT		12 months			Equal
NE					All prior wage credits canceled
NV					Benefit rights based on any work involved canceled[6]
NH			W + 4-26[6]	5 weeks work in each of which earned 20% more than WBA	All prior wage credits canceled
NJ	X[1]			4 weeks of covered work and wages = to 6 x WBA	Wages earned from employer involved canceled
NY	X[1]	12 months[1]			Wages earned from employer involved canceled
ND		12 months			
OH	X[1]				Benefit rights based on any work involved canceled[1]
OR					All prior wage credits canceled
SC				8 x WBA	Optional equal

Table 5-11: STATES WITH GROSS MISCONDUCT PROVISIONS – DISQUALIFICATION (Also See Table 5-10)					
State	Includes Other Than Last Employer	Benefits Postponed For:			Benefits Reduced or Canceled
		Fixed Number of Weeks	Variable Number of Weeks	Duration of Unemployment Until Requalify	
UT		W + 51			All wage credits from the separating employer are canceled
VT				6 x WBA	Wages earned from employer canceled[2]
WA					Greater of all hourly wage credits from employer involved or 680 hours of wage credits, canceled
WV	X[1]			30 days in covered work	

KEY: W = Week of discharge, WF = Week of filing

[1] In AL, disqualification applies to other than most recent separation from bona fide work only if employer files timely notice alleging disqualifying act. In LA, MI, and MO, disqualification is applicable for all BP employers. In OH, applies if unemployed because of dishonesty or felony in connection with employment. In NY, no days of unemployment deemed to occur for following 12 months if individual is convicted or signs statement admitting felonious act in connection with employment. In WV, reduction or forfeiture of benefits is applicable to either most recent work or last 30-day employing unit. In NJ, any base period employer.

[2] In IL, wage credits are cancelled if gross misconduct constitutes a felony or theft and is admitted by the individual or has resulted in conviction in a court of competent jurisdiction. In IN, same applies if gross misconduct constitutes a felony or misdemeanor.

[3] Also has provision for aggravated misconduct, which consists of either physical assault or property loss or damage so serious and with malice that the gross misconduct penalty is not sufficient. Disqualification is for duration of unemployment and earnings of at least 30 x WBA.

[4] Or individual must file a continued claim in each of 13 weeks and certify as to satisfaction of all usual weekly eligibility requirements.

[5] Option taken by the agency to cancel all or part of wages depends on seriousness of misconduct. The only wage credits canceled are those based on work-connected misconduct.

[6] In NH, if discharged for arson, sabotage, felony, assault which causes bodily injury, criminal threatening, or theft equal to or greater than $250, all prior wage credits are canceled. In NV, if individual is discharged and admits in writing or under oath, or is convicted for assault, arson, sabotage, grand larceny, embezzlement, or wanton destruction of property in connection with work, wage credits from that employer are canceled.

DRUG TESTING AS A CONDITION OF ELIGIBILITY

The Middle Class Tax Relief and Job Creation Act of 2012 (Pub. L. 112-96) amended Federal law to permit states to conduct drug testing on individuals applying for benefits if the individual was discharged from employment for unlawful drug use, or if the only suitable work available to the individual is in an occupation that regularly conducts drug testing. States are permitted to deny benefits to individuals who test positive for drugs under these circumstances.

Mississippi permits drug testing on individuals as a condition of eligibility for benefits if the individual was discharged because of unlawful drug use or if s/he is seeking suitable work only in an occupation that requires drug testing. Individuals may be denied benefits based on the results of these drug tests, but may end the disqualification period early by submitting acceptable proof of a negative drug test result from an approved testing facility.

LABOR DISPUTES

Unlike many other eligibility provisions, those related to labor disputes do not question whether the unemployment is incurred through fault on the part of the individual worker. The denial is always a postponement of benefits; there is no reduction or cancellation of benefit rights. In almost all states, the denial

period is indefinite and geared to the continuation of the dispute-induced work stoppage or to the progress of the dispute.

Definition of Labor Dispute—State laws use different terms to describe labor disputes. In addition to labor dispute, these terms include trade dispute, strike, "strike and lockout," or "strike or other bona fide labor dispute." Except for Alabama, Arizona, Colorado, and Minnesota, state laws do not define these terms. Some states exclude the following from their denials:

- Employer lockouts, presumably to avoid penalizing employees for the employer's action.
- Disputes resulting from the employer's failure to conform to the provisions of a labor contract.
- Disputes caused by the employer's failure to conform to any state or federal law relating to wages, hours, working conditions, or collective bargaining.
- Disputes where the employees are protesting substandard working conditions.

Location of the Dispute—Usually an individual is not denied benefits unless the labor dispute is in the establishment in which the individual was last employed. Exceptions to this are found in the following states:

- Idaho – omits this provision.
- North Carolina, Oregon, Texas, and Virginia – deny individuals at any other premises operated by the employer if the dispute makes it impossible for the employer to conduct work normally at such premises.
- Michigan – deny at any establishment within the United States functionally integrated with the striking establishment or owned by the same employing unit.

Period of Denial—In most states, the denial period ends when the "stoppage of work because of a labor dispute" ends or the stoppage ceases to be caused by the labor dispute. In other states, the denial period lasts while the labor dispute is in "active progress." In others, the denial period lasts while the individual's unemployment is a result of a labor dispute.

A few state laws allow individuals to terminate the denial period by showing that the labor dispute (or the stoppage of work) is no longer the cause of their unemployment:

- In Indiana, the denial ends following termination of employment with the employer involved in the dispute.
- In Michigan, the denial ends if an individual works in at least 2 consecutive calendar weeks and earns wages in each week of at least the weekly benefit amount based on employment with the employer involved in the labor dispute.
- In Missouri, the denial ends following the bona fide employment of the individual for at least the major part of each of 2 weeks.
- In New Hampshire, the denial ends 2 weeks after the dispute is ended even if the stoppage of work continues.
- In Maine, Massachusetts, New Hampshire, and Utah, an individual may receive benefits if, during a stoppage of work resulting from a labor dispute, s/he obtains employment with another employer and earns a specified amount of wages. However, wages earned with the employer

involved in the dispute cannot be used to determine eligibility while the stoppage of work continues.

- In contrast, some states' laws extend the denial for the period of time necessary for the employer to resume normal operations (Arkansas, Colorado, North Carolina, and Tennessee). Others extend the denial period to shutdown and start-up operations (Michigan and Virginia).

- In New York, an individual is denied for 7 consecutive weeks due to unemployment because of a strike, lockout, or concerted activity not authorized or sanctioned by the collective bargaining unit in the establishment where such individual was employed.

Exclusion of Individual Workers—Most states provide that individual workers are not denied benefits under the labor dispute provisions if they and others of the same grade or class are not participating in the dispute, financing it, or directly interested in it.

Table 5-12: LABOR DISPUTES - PERIOD OF DENIAL AND WORKERS EXCLUDED

	Duration of Denial			Disputes Excluded if Caused by:			Workers Not Denied if Neither They Nor any of the Same Grade or Class Are:		
				Employer's Failure to Conform to:		Lockout			
State	During Stoppage of Work	While Dispute is in Active Progress	Other	Contract	Labor Law		Participating In Dispute	Financing Dispute	Directly Interested in Dispute
AL		X							
AK	X			X	X		X		X
AZ			X[1]	X	X		X	X	X
AR			X[2]			X	X		X
CA		X				X[3]			
CO			X[2]			X[4]	X	X	X
CT			X[1, 2]			X	X	X	X
DE	X					X			
DC		X				X	X		X
FL		X				X	X	X	X
GA	X[5]					X	X	X	X
HI	X						X		X
ID			X[1]				X	X[6]	X
IL	X					X[4]	X	X	X
IN			X[2, 7]				X	X	X
IA	X						X	X	X
KS	X						X[7]	X	X[7]
KY		X				X			

Table 5-12: LABOR DISPUTES - PERIOD OF DENIAL AND WORKERS EXCLUDED									
	Duration of Denial			Disputes Excluded if Caused by:			Workers Not Denied if Neither They Nor any of the Same Grade or Class Are:		
				Employer's Failure to Conform to:		Lockout			
State	During Stoppage of Work	While Dispute is in Active Progress	Other	Contract	Labor Law		Participating In Dispute	Financing Dispute	Directly Interested in Dispute
LA		X				X	X[6]		X[6]
ME	X			X	X	X	X	X	X
MD	X					X	X	X	X
MA	X[5]					X	X	X	X
MI			X[2]			X[8]			
MN		X[2]		X	X	X	X[9]		X[9]
MS	X					X	X		X
MO	X[2]						X	X	X
MT			X[1]		X		X	X	X
NE	X						X	X	X
NV		X					X	X	X
NH	X[2]			X	X		X	X	X
NJ	X					X[10]	X	X	X
NM			X[1]				X		X
NY			X			X[11]			
NC			X[2]						
ND			X[1]				X		X
OH			X[1]			X			
OK	X					X	X		X
OR		X[4]		X		X	X	X	X
PA	X					X	X		X
PR	X						X		X
RI			X[1]			X	X[6]	X[6]	X[6]
SC		X					X	X[6]	X
SD			X[1]			X	X	X	X
TN		X[4]				X	X		
TX	X[7]					X[3]	X[7]	X[7]	X[7]

Table 5-12: LABOR DISPUTES - PERIOD OF DENIAL AND WORKERS EXCLUDED

	Duration of Denial			Disputes Excluded if Caused by:			Workers Not Denied if Neither They Nor any of the Same Grade or Class Are:		
				Employer's Failure to Conform to:		Lockout			
State	During Stoppage of Work	While Dispute is in Active Progress	Other	Contract	Labor Law		Participating In Dispute	Financing Dispute	Directly Interested in Dispute
UT	X[4]				X	X[3]			X[2]
VT	X					X[4]	X[6]	X[6]	X[6]
VA		X	X[2]				X	X	X
VI		X				X	X		X
WA			X[1]				X	X	X
WV	X[5]			X[12]		X	X	X	X
WI		X				X			
WY	X						X	X	X

[1] As long as unemployment is caused by the existence of a labor dispute.
[2] See text preceding table for details.
[3] By judicial construction of statutory language.
[4] Dispute is not disqualifying: in CO, unless the lockout results from demands of employees, as distinguished from an employer effort to deprive the employees of some advantage they already possess; in OH, if the individual was laid off and not recalled prior to the dispute, if separated prior to the dispute, or if obtained bona fide job with another employer while the dispute was in progress; in IL, if the recognized or certified collective bargaining representative of the locked out employees refuses to meet under reasonable conditions with the employer to discuss the lockout issues, or there is a final adjudication under the NLRA that during the lockout period such representative has refused to bargain in good faith with the employer over the lockout issues, or if the lockout resulted as a direct consequence of a violation by such representative of the provisions of an existing collective bargaining agreement; in OR, if the individual was laid off prior to the dispute and did not work more than 7 days during the 21 calendar days immediately prior to the dispute, or if his or her position was filled and the individual unilaterally abandons the dispute to seek reemployment with the employer; in TN, if the individual was indefinitely separated prior to the dispute and otherwise eligible; in UT, if the employer was involved in fomenting the strike; in VT, if the employer brought about the lockout in order to gain concessions from the employees.
[5] Disqualification ceases: in GA, when operations have been resumed but individual has not been reemployed; in MA, within 1 week following termination of dispute if individual is not recalled to work; in WV, if the stoppage of work continues longer than 4 weeks after the termination of the labor dispute, there is a rebuttable presumption that the stoppage is not due to the labor dispute and the burden is on the employer to show otherwise.
[6] Applies only to individual, not to other workers of the same grade or class.
[7] As long as unemployment is caused by work stoppage which exists because of labor dispute; failure or refusal to cross picket line or to accept and perform available and customary work in the establishment constitutes participation and interest.
[8] Only if unemployment is caused by lockout in another, functionally integrated U.S. establishment of the same employer.
[9] Disqualification limited to 1 week for individuals neither participating in nor directly interested in dispute.
[10] Individuals locked out of employment by their employer can collect benefits if they were not on strike immediately prior to the lockout and are directed by their union leadership to work under the preexisting terms and conditions of employment.
[11] If not participating and not employed by an employer that is involved in the industrial controversy that caused their unemployment, or not in a bargaining unit involved in the industrial controversy that caused their unemployment.
[12] Denial is not applicable if workers are required to accept wages, hours, or other conditions substantially less favorable than those prevailing in the locality or are denied the right of collective bargaining.

NONSEPARATIONS

ABILITY TO WORK—Only minor variations exist in state laws setting forth the requirements concerning ability to work. A few states specify that an individual must be physically able, or mentally and physically able to work. Evidence of ability to work is the filing of claims and registration for work at a public employment

office, required under most state laws. Missouri goes one step further requiring, by law, every individual receiving benefits to report to the nearest office in person at least once every 4 weeks.

Several states have added a proviso that no individual who has filed a claim and has registered for work shall be considered ineligible during an uninterrupted period of unemployment because of illness or disability, so long as no work, which is suitable but for the disability, is offered and refused. These provisions are not to be confused with the special programs in six states for temporary disability benefits.

AVAILABILITY FOR WORK—Availability for work is often translated to mean being ready, willing, and able to work. Meeting the requirement of registration for work at a public employment office is considered as some evidence of availability. Nonavailability may be evidenced by substantial restrictions upon the kind or conditions of otherwise suitable work that an individual can or will accept, by his or her refusal of a referral to suitable work made by the employment service, or of an offer of suitable work made by an employer. A determination that an individual is unable to work or is unavailable for work applies to the time at which notice is given of unemployment or for the period for which benefits are being claimed.

The availability-for-work provisions are more varied than the ability-to-work provisions. Some states provide that an individual must be available for work; some for suitable work; and others for work in the individual's usual occupation or for which the individual is reasonably fitted by training and experience.

The following table indicates the states in which individuals are not ineligible due to illness or disability (occurring after the claim is filed and after registering for work) as long as no refusal of suitable work occurs after the beginning of the illness or disability.

Table 5-13: STATES WITH SPECIAL PROVISIONS FOR ILLNESS OR DISABILITY			
Alaska[1]	Delaware	Hawaii	Idaho[2]
Maryland	Massachusetts[3]	Nevada	North Dakota[4]
Tennessee	Vermont		

[1] Waiver may not exceed 6 consecutive weeks.
[2] Only if no suitable work was available that would have paid wages greater than one-half of the individual's WBA.
[3] Provision applicable for 3 weeks only in a BY.
[4] Only if illness not covered by workers' compensation.

Vacations—Georgia, Indiana and West Virginia specify the conditions under which individuals on vacation are deemed unavailable or unemployed. Georgia limits to 2 weeks in any calendar year the period of unavailability of individuals who are not paid while on a vacation provided in an employment contract or by employer-established custom or policy. Mississippi considers an individual unavailable for work during a holiday or vacation period. In North Carolina no individual shall be considered available for work for any week, not to exceed two weeks in any calendar year, in which the unemployment is due to a vacation. In Indiana, an individual is not considered unemployed if s/he is on a vacation week and is receiving, or has received, remuneration from the employer for that week. In addition, Indiana considers individuals to be employed if they are on a vacation week and have not received remuneration from the employer for that week because of a written contract between the employer and its workers, or because of the employer's regular vacation policy and practice (this provision applies only if the individual has reasonable assurance of employment available with the employer after the vacation period ends).

In Nebraska and New Jersey, no individual is deemed unavailable for work solely because s/he is on vacation without pay if the vacation is not the result of the individual's own action as distinguished from any

collective bargaining or other action beyond the individual's control. Under New York law, an agreement by an individual or the individual's union or representative to a shutdown for vacation purposes is not in itself considered a withdrawal from the labor market or unavailability during the time of such vacation shutdown. Other provisions relating to eligibility during vacation periods, although not specifically stated in terms of availability, exist in Virginia, where individuals are eligible for benefits only if they are not on a bona fide paid vacation; Washington provides that a cessation of operations by an employer for the purpose of granting vacations shall not be construed to be a voluntary quit or voluntary unemployment. Tennessee does not deny benefits during unemployment caused by a plant shutdown for vacation, provided the individual does not receive vacation pay. However, individuals who receive regular wages for a vacation under terms of a labor-management agreement will have their weekly benefit amount reduced by the amount of the wages received, but only if work will be available for the individuals with the employer at the end of the vacation period.

Nebraska provides that an individual is considered employed when wages are received for a specific time in which the vacation is actually taken during a time of temporary layoff or plant shutdown; vacation pay is prorated in an amount reasonably attributable to each week claimed and considered payable with respect to that week.

Locality—Alabama, Michigan, Ohio, and South Carolina require that individuals be available for work in the locality where their base-period wages were earned, or in a locality where similar work is available or where suitable work is normally performed. Illinois and Utah consider individuals to be unavailable if, after separation from their most recent work, they move to and remain in a locality where opportunities for work are substantially less favorable than those in the locality they left. Oregon, Utah, and Virginia consider individuals unavailable for work if they leave their normal labor market area for the major portion of a week unless the individual can establish that s/he conducted a bona fide search for work in the labor market area where s/he spent the major part of the week. In Wisconsin, an individual is not considered available for work in any week in which s/he is located in a country other than the United States or Canada for more than 48 hours, unless the individual has authorization to work in that country and there is a reciprocal agreement with that country concerning the payment of unemployment benefits.

Availability During Training—FUTA requires, as a condition for employers in a state to receive credit against the federal tax, that all state laws provide that compensation shall not be denied to an otherwise eligible individual for any week during which the individual is attending a training course with the approval of the state agency. Also, all state laws must provide that trade allowances not be denied to an otherwise eligible individual for any week during which the individual is in training approved under the Trade Act of 1974, because of leaving unsuitable employment to enter such training. In addition, the state law must provide that individuals in training not be held ineligible or disqualified for being unavailable for work, for failing to make an active search for work, or for failing to accept an offer of, or for refusal of, suitable work.

Federal law does not specify the criteria that states must use in approving training. Although some state laws have set forth the standards to be used, many do not specify the types of training that are approvable. Generally, approved training is limited to vocational or basic education training, thereby excluding regularly enrolled students from collecting benefits under the approved training provision.

Some states, in addition to providing regular benefits while the individual attends an industrial retraining or other vocational training course, provide for an extended duration of benefits while the individual remains in training/retraining. See Chapter 4 concerning programs for extended duration.

While in almost all states the participation of individuals in approved training courses is voluntary, in the District of Columbia and Washington an individual may be required to attend such training.

In Oregon, individuals who do not attend their approved training during a particular week will be required to meet regular eligibility requirements for that week.

Availability for Part-Time Work—Many states require individuals to be available for full-time work. Other states allow individuals to be available for part-time work under certain conditions. The following table indicates those states paying benefits to workers who seek only part-time employment. Please note that considerable differences may exist between states with entries in the same column. The American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5) resulted in changes to some states' laws as they modernized their unemployment compensation programs. Please note that the following table does not align with the requirements established by Pub. L. 111-5.

Table 5-14: STATES WITH AVAILABILITY OF PART-TIME WORKERS PROVISIONS
States That Pay Benefits To Part-Time Workers Under Certain Conditions

State	If Otherwise Eligible	Claim Based on Part-Time Work, or has History of Part-Time Work	Medical Restrictions or Restrictions Due to Disabilities	Other
AR	I	L		
CA		L		
CO		L, R		
CT			L, R	
DE		L[1]		Good Cause – I
DC				Good Cause – I
FL		I		
GA		L[1]		
HI		L		
IL			R	Only if part-time work is suitable because of circumstances beyond individual's control - R
ID		L[1]		
IA		L, R		
KS		L[1], I		
LA		I		
ME		L, R	L, R[2]	L, R[2]
MD		L[1]		
MA		R	R	
MN		L		
MT		L	R	
NE		L[1]		
NV		R	I	I[3]
NH		L	L	R[4]
NJ		L, R		
NM	L, R[3]			L, R[5]
NY		L		

Table 5-14: STATES WITH AVAILABILITY OF PART-TIME WORKERS PROVISIONS
States That Pay Benefits To Part-Time Workers Under Certain Conditions

State	If Otherwise Eligible	Claim Based on Part-Time Work, or has History of Part-Time Work	Medical Restrictions or Restrictions Due to Disabilities	Other
NC		L		
ND		I		
OH		I		
OK		L[1]		
OR			R	
PA	I[6]			
PR		I		
SC		L[1]		
SD		L[1]		
TN		L[1]		
UT			R	
VT		I		
VA			I	
WA		L, R		
WY		R	R	

KEY: L = law , R = regulation, I = interpretation

[1] DE – if individual is willing to work at least 20 hours per week, is available for the number of hours comparable to part-time work in base period, or is available for the hours comparable to his or her work at the time of most recent separation; GA, ID, NM, TN – if individual is willing to work at least 20 hours per week; KS, OK – provided the individual is available for the number of hours per week that are comparable to part-time work experience in base period; MD – provided that the individual worked at least 20 hours per week in part-time work for a majority of the weeks of work in the base period and is in a labor market in which a reasonable demand exists for part-time work; NE – provided that the majority of weeks of work in the base period included part-time work and that the individual is available for at least 20 hours of work per week; SC, SD – provided the majority of weeks of work in the base period include part-time work.
[2] When majority of weeks in base period were full-time but individual is only able, available and seeking part-time work due to own or immediate family member's illness or disability, or when necessary for safety or protection of individual or immediate family member, including protection from domestic abuse.
[3] Student provision applies to high school students who can only work part-time while attending school.
[4] In certain circumstances, if individual is the only adult suitable to care for a child.
[5] Only for individuals who attend school full time and are actively seeking at least part-time work, and for whom school attendance was not a factor in separation from work.
[6] The Superior Court has stated that the availability requirement is met as long as an individual is ready, willing, and able to accept some substantial and suitable work.

Michigan and West Virginia require that an individual be available for full-time work. Pennsylvania considers an individual ineligible for benefits for any week in which his or her unemployment is due to failure to accept an offer of suitable full-time work in order to pursue seasonal or part-time work. New Hampshire requires that an individual be available for and seek temporary work, whether full-time or part-time, if permanent work for which the individual is qualified is not immediately available within the individual's labor market area, if the individual is reasonably expected to be recalled in 4 to 26 weeks, and if the wages, hours, and other conditions of the temporary work are not substantially less favorable than those prevailing for similar temporary or permanent work in the locality.

Note: Since most state laws do not specify whether the individual must be available for full-time or part-time work, the previous table should be used with caution.

ACTIVELY SEEKING WORK—In addition to registration for work at a local employment office, all states, whether by law or practice, require that an individual be actively seeking work or making a reasonable effort to obtain work. The Middle Class Tax Relief and Job Creation Act of 2012 (Pub. L. 112-96) added an explicit statutory requirement to Federal law that individuals must be able to work, available for work, and actively seeking work to be eligible for regular unemployment compensation. The following table contains information on minimum work search requirements by state. Please note that this table is intended to provide a general overview of work search requirements in the states; it is not meant to be exhaustive. In some states, the required number of employer contacts may vary under certain circumstances, for example during an EB period or depending on rural or urban area. Please consult the appropriate state statute, regulation, or policy for more specific information on work search requirements.

Table 5-15: MINIMUM WORK SEARCH REQUIREMENTS BY STATE

State	Number of Employer Contacts Per Week	Basis	State	Number of Employer Contacts Per Week	Basis
AL	No specific number	R	AK	No specific number	R
AZ	At least 3	L, R	AR	Urban area – 2+ Rural area – 2	R
CA	No specific number	L, R	CO	No specific number	I
CT	3	R	DE	At least 1	L, I
DC	2	I	FL	5 or contact American Job Center[1]	L
GA	No specific number	R	HI	3	R
ID	1 to 3, standard is 2	R	IL	No specific number	R
IN	3	R	IA	2	I
KS	At least 1	L	KY	No specific number	L
LA	1	I	ME	3	L, I
MD	2	L	MA	3	L, I
MI	No specific number	L	MN	No specific number	L
MS	No specific number	I	MO	1 to 3	I
MT	At least 1	I	NE	2	R
NV	No specific number	L, I	NH	No specific number	R
NJ	3	L, I	NM	2	R
NY	No specific number	L	NC	4 (2 per day, twice per week)	R
ND	2	R	OH	2	R
OK	2	I	OR	No specific number	R
PA	No specific number	L	PR	No specific number	L
RI	No specific number	L, I	SC	4	I
SD	2	R	TN	3[2]	L, R, I
TX	At least 1	L, R	UT	2	L
VT	3	I	VA	No specific number	L, R
VI	No specific number	L	WA	3	R
WV	At least 1	I	WI	2	L, R

Table 5-15: MINIMUM WORK SEARCH REQUIREMENTS BY STATE					
State	Number of Employer Contacts Per Week	Basis	State	Number of Employer Contacts Per Week	Basis
WY	2	R			

KEY: L = law , R = regulation, I = interpretation or policy

[1] Requires 3 employer contacts per week for individuals who reside in a small county and are engaging in systematic and sustained efforts to find work.
[2] TN law provides for an 8-week disqualification if an audit determines that individual provided false work search information.

REFUSAL OF WORK—All state laws address refusal of suitable work, though they vary concerning the extent of the disqualification imposed. FUTA provides that all state laws must also look at the labor market and certain labor standards. Specifically, benefits will not be denied to an otherwise eligible individual for refusing to accept new work if:

- The position offered is vacant due directly to a strike, lockout, or other labor dispute;
- The wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; or
- As a condition of being employed the individual would be required to join a company union, or to resign from or refrain from joining any bona fide labor organization.

Criteria for Suitable Work—All states look at whether the work refused was suitable. When state laws list the criteria for suitability, they usually address the degree of risk to an individual's health, safety, and morals; the individual's physical fitness, prior training, experience, and earnings; the length of unemployment and prospects for securing local work in a customary occupation; and the distance of the available work from the individual's residence. Delaware and New York make no reference to the suitability of work offered but provide for disqualification for refusals of work for which an individual is reasonably fitted. South Carolina specifies that whether work is suitable must be based on a standard of reasonableness as it relates to the particular individual involved.

Distance—In Alabama and West Virginia, no work is unsuitable because of distance if it is in substantially the same locality as the last regular employment which the individual left voluntarily without good cause connected with the employment. In Indiana, work under substantially the same terms and conditions under which the individual was employed by a base-period employer, which is within the individual's prior training, experience, and physical capacity to perform, is suitable work unless a bona fide change in residence makes such work unsuitable because of the distance involved. Delaware, New York, and Ohio provide that no refusal to accept employment shall be disqualifying if it is at an unreasonable distance from the individual's residence or the expense of travel to and from work is substantially greater than that in the former employment, unless provision is made for such expense.

Personal/Family Reasons—Maine does not impose a disqualification for refusal of suitable work if an individual refuses a position on a shift, the greater part of which falls between midnight and 5 a.m., and the individual is prevented from accepting the job because of family obligations. Maine excludes from suitable work a job the individual previously vacated if the reasons for leaving have not been removed or changed; in addition, if an individual has refused work for a necessitous and compelling reason, the disqualification will be terminated when the individual is again able and available for work. New Hampshire does not disqualify an individual who is unable to accept or unavailable for suitable, permanent full-time work in a given shift if the individual is the only available adult to care for an ill, infirm, or physically or mentally disabled family member. In addition, New Hampshire does not impose a disqualification for refusing to accept new work if the individual is unable to accept work during the hours of a particular shift because of the family obligations previously

described. Wisconsin does not disqualify an individual who accepts work that could have been refused with good cause and then terminates with good cause within 10 weeks after starting the job. North Carolina does not deny benefits to an individual for refusing a job resulting from undue family hardship when the individual cannot accept a particular job because the individual is unable to obtain adequate childcare or elder care.

Connecticut does not deem work suitable if, as a condition of being employed, the individual would be required to agree not to leave the position if recalled by his or her previous employer. In Louisiana, an individual may refuse work if the remuneration from the employer is below 60 percent of the individual's highest rate of pay in the base period. In Wisconsin, an individual has good cause during the first six weeks of unemployment for refusing work at a lower grade of skill or significantly lower rate of pay than one or more recent jobs. New Hampshire requires that for work to be deemed suitable, the hourly rate when multiplied by 40 must be equal to or greater than 150 percent of the individual's weekly benefit amount.

Union/Collective Bargaining Issues—Ohio and New York do not consider suitable any work that an individual is not required to accept pursuant to a labor-management agreement. Illinois does not disqualify an individual for refusing new work if the position offered is a transfer to other work offered to the individual by the employing unit under the terms of a collective bargaining agreement or pursuant to an established employer plan, program, or policy, when the acceptance of such other work by the individual would require the separation from that work of another individual currently performing it. Iowa does not disqualify an individual for failure to apply for or accept suitable work if the individual left work in lieu of exercising a right to bump or oust an employee with less seniority. In Oregon, an individual will not be disqualified for refusal of suitable work if the employer unilaterally modified the amount of wages agreed upon by the individual's collective bargaining unit and the employer. In Pennsylvania, an individual will not be disqualified for refusal of suitable work when the work is offered by his or her employer, and the individual is not required to accept the offer pursuant to terms of a union contract or agreement or an established employer plan, program, or policy. In New York, an individual not subject to recall or who did not obtain employment through a union hall and is still unemployed after receiving 13 weeks of benefits is required to accept employment that the individual is capable of doing, provided the employment would result in a quarterly wage not less than 80 percent of the high quarter in the base period or the wages prevailing for similar work in the locality, whichever is less.

Drug Testing Issues—In Arizona, Arkansas, Indiana, South Carolina, and Tennessee, an individual is considered to have refused an offer of suitable work if an employer withdraws an offer of work after the individual tests positive for drugs after a drug test given on behalf of the prospective employer as a condition of an offer of employment, or if the individual refuses, without good cause, to submit to a drug test required by the prospective employer as a condition of an offer of employment.

Enrollment in Training—In Wisconsin, an individual has good cause not to accept suitable work if s/he is participating in special occupational training at the time s/he receives the offer of work and the agency determines that there is a reasonable expectation that the individual will receive an offer of full-time work at the end of the training period. This provision sunsets on July 1, 2013.

Duration of Unemployment—A few states provide for changing the definition of suitable work as the duration of the individual's unemployment grows. The suitability of the offered wage is the factor states have chosen to alter. For example, Florida requires the agency, in developing rules to determine the suitability of work, to consider the duration of the individual's unemployment and the wage rates available. In addition, Florida law specifies that, after an individual has received 25 weeks of benefits in a single year, suitable work will be a job that pays the minimum wage and is 120 percent or more of the individual's weekly benefit amount.

Idaho law merely requires individuals to be willing to expand their job search beyond their normal trade or occupation and to accept work at a lower rate of pay in order to remain eligible for benefits as the length of their unemployment grows. Louisiana will not disqualify an individual for refusing suitable work if the offered work pays less than 60 percent of the individual's highest rate of pay in the base period. Utah considers all

earnings in the base year, not just earnings from the most recent employer, in the determination of suitable work and specifies that the agency will be more prone to consider work suitable the longer the individual is unemployed and less likely to secure local work in his or her customary occupation. Wyoming will apply the refusal-of-suitable work disqualification if, after 4 weeks of unemployment, the individual failed to apply for and accept suitable work other than in his or her customary occupation offering at least 50 percent of the compensation earned in his or her previous occupation.

Georgia specifies that, after an individual has received 10 weeks of benefits, no work will be considered unsuitable if it pays wages equal to at least 66 percent of the individual's highest quarter earnings in the base period and is at least equal to the federal or state minimum wage.

Iowa law specifies that work is suitable if it meets the other criteria in the law and the gross weekly wage of the offered work bears the following relationship to the individual's high-quarter average weekly wage: (1) 100 percent during the first 5 weeks of unemployment; (2) 75 percent from the 6th through the 12th week of unemployment; (3) 70 percent from the 13th through the 18th week of unemployment; and (4) 65 percent after the 18th week of unemployment. No individual, however, is required to accept a job paying below the federal minimum wage.

Similarly, in Tennessee, work is considered suitable if the wages equal or exceed the average weekly wage in the individual's highest base period quarter according to the following criteria: (1) 100 percent during the first 13 weeks of unemployment; (2) 75 percent from the 14th through the 25th week of unemployment; (3) 70 percent from the 26th through the 38th week of unemployment; and (4) 65 percent after the 38th week of unemployment. Wages must equal the federal minimum wage to be considered suitable work.

After 10 weeks of unemployment, Maine no longer considers the individual's prior wage in determining whether work is suitable. In Michigan, an individual will be denied benefits for refusing an offer of suitable work paying at least 70 percent of the gross pay rate received immediately before becoming unemployed. After 8 weeks of unemployment, Mississippi law specifies that work is suitable if the offered employment pays the minimum wage or higher and the wage is that prevailing for the individual's customary occupation or similar work in the locality. Montana, after 13 weeks of unemployment, specifies that a suitable work offer need only include wages equal to 75 percent of the individual's earnings in his or her previous customary insured work, but not less than the federal minimum wage. North Dakota law specifies that after an individual has received 18 weeks of benefits, suitable work will be any work that pays wages equal to the maximum weekly benefit amount, providing that consideration is given to the degree of risk involved to the individual's health, safety, morals, and physical fitness, and the distance of the work from his or her residence.

In Michigan, after an individual has received 50 percent of his or her benefit entitlement for the year, work will not be considered unsuitable because it is outside of the individual's training or experience, or because of pay rate as long as the pay rate meets or exceeds the minimum wage, is at least the prevailing mean wage for similar work in the locality, and the pay rate is 120 percent or more of the individual's weekly benefit amount.

Period of Disqualification—Some states disqualify for a specified number of weeks (3 to 20) any individual who refuses suitable work; others postpone benefits for a variable number of weeks, with the maximum ranging from 1 to 12.

More than half of the states disqualify, for the duration of the unemployment or longer, individuals who refuse suitable work. Most of these states specify an amount that the individual must earn or a period of time the individual must work to remove the disqualification.

The relationship between availability for work and refusal of suitable work is explained in the discussion of availability earlier in this chapter. Wisconsin's provisions for suitable work recognize this relationship by stating: "If the commission determines that . . . a failure to accept suitable work has occurred with good cause, but that the employee is unable to work or unavailable for work, he shall be ineligible for the

week in which such failure occurred and while such inability or unavailability continues."

Of the states that reduce potential benefits for refusal of suitable work, the majority provide for reduction by an amount equal to the number of weeks of benefits postponed.

Table 5-16: REFUSAL OF SUITABLE WORK – DISQUALIFICATION			
State	Benefits Postponed for –		Benefits Reduced
	Number of Weeks	Duration of Unemployment Until Requalify[1]	
AL	W + 1-10		
AK	W + 5		3 x WBA
AZ		8 x WBA	
AR		At least 30 days of covered work	
CA	W + 1-9[2]		
CO	W + 20		Equal
CT		6 x WBA	
DE		4 weeks of work and 4 x WBA	
DC		10 weeks of work and wages equal to 10 x WBA	
FL	W + 1-5[3]	17 x WBA[3]	Optional
GA		10 x WBA[4]	
HI		5 x WBA	
ID		14 x WBA	
IL		Wages equal to WBA in each of 4 weeks	
IN		Wages equal to WBA in each of 8 weeks	1st refusal - 75%; 2nd - 85%; 3rd - 90%
IA		10 x WBA	
KS		3 x WBA	
KY		10 weeks of covered work plus 10 x WBA	
LA		10 x WBA	
ME		10 x WBA	
MD	W + 5-10[3]	10 x WBA	
MA	W + 7		Up to 8 weeks
MI	W + 13		Equal in current BY[3]
MN	W + 7		

Table 5-16: REFUSAL OF SUITABLE WORK – DISQUALIFICATION			
State	Benefits Postponed for –		Benefits Reduced
	Number of Weeks	Duration of Unemployment Until Requalify[1]	
MS	W + 1-12		
MO		10 x WBA	
MT		6 x WBA	Equal
NE	12		Equal
NV		Wages equal to WBA in each week up to 15	
NH		5 weeks of covered work with earnings equal to 20% more than WBA in each week	
NJ	W + 3		
NM		5 x WBA	Equal
NY		5 x WBA	
NC	X[5]	10 x WBA earned in at least 5 weeks	X[5]
ND		10 x WBA	
OH		6 weeks in covered work + wages equal to 27.5% of state AWW	
OK		10 x WBA[6]	
OR		4 x WBA	8 x WBA
PA		X[7]	
PR		4 weeks of work and wages equal to 10 x WBA	
RI		8 weeks of covered work equaling at least WBA in each week	
SC		8 x WBA	
SD		6 weeks of covered work and wages equal to WBA in each week	
TN		10 x WBA in covered work	
TX		6 weeks of work or wages equal to 6 x WBA (applies to any refusal within BY)	
UT		6 x WBA	
VT		6 x WBA	
VA		30 days or 240 hours of work	
VI		4 weeks of work and 4 x WBA	
WA		7 weeks and earnings in bona fide work of 7 x WBA	
WV	W + 4[8]		Equal

Table 5-16: REFUSAL OF SUITABLE WORK – DISQUALIFICATION			
State	Benefits Postponed for –		Benefits Reduced
	Number of Weeks	Duration of Unemployment Until Requalify[1]	
WI		4 weeks elapsed and 4 x WBA	
WY		8 x WBA	

KEY: W = Week of refusal
"Equal" indicates reduction equal to WBA multiplied by number of weeks of disqualification.

[1] Minimum employment or wages required to requalify for benefits.
[2] In CA, must be weeks in which individual meets reporting and registration requirements. Also, agency may add 1-8 weeks for successive disqualification.
[3] In FL, both term and duration of unemployment disqualifications are imposed. Aliens who refuse resettlement or relocation employment are disqualified 1-17 weeks, or reduction by not more than 5 weeks. In MI, individual may be eligible for benefits in subsequent benefit year based on base period wages earned subsequent to refusal. In MD, either disqualification may be imposed at discretion of agency.
[4] Individual must work for a liable employer and become unemployed through no fault of his or her own.
[5] Disqualification may run into next BY which begins within 12 months after end of current year. Also, a permanent disqualification may be reduced to a time certain disqualification, but not less than 5 weeks, with a corresponding reduction in benefits (weeks of disqualification x WBA).
[6] An individual who refuses an offer of work due to illness, death of a family member, or other circumstances beyond the individual's control will be disqualified for the week of occurrence.
[7] Until an individual obtains work not of a casual or temporary nature; however, if work refused was casual or temporary, then disqualification is for an equal period of time.
[8] Plus such additional weeks as offer remains open.

SPECIAL GROUPS

All state laws contain provisions addressing special groups of workers. FUTA requires the denial of benefits under certain circumstances to professional athletes, some aliens, and school personnel while it also prohibits states from denying benefits solely on the basis of pregnancy or the termination of pregnancy. Like the FUTA provisions, most of these special provisions restrict benefits more than the usual disqualification provisions.

STUDENTS—Most states exclude from coverage service performed by students for educational institutions. In addition, many states have special provisions limiting the benefit rights of students who have had covered employment. In some of these states, the disqualification is for the duration of the unemployment; in others, it is during school attendance or during the school term.

Many states disqualify individuals during school attendance and some states extend the disqualification to vacation periods.

Table 5-17: TREATMENT OF STUDENTS					
State	Disqualified for Leaving Work to Attend School	Disqualified or Ineligible While Attending School	State	Disqualified for Leaving Work to Attend School	Disqualified or Ineligible While Attending School
AL	Yes	Yes, ineligible if school hours overlap normal work hours	AK	Yes, if leaving skilled work or not attending approved training	Yes, unless student pursued an academic education for a school term and worked 30 hours a week, and the academic schedule did not preclude full time work in the student's occupation, and if the student was laid off[1]

Table 5-17: TREATMENT OF STUDENTS					
State	**Disqualified for Leaving Work to Attend School**	**Disqualified or Ineligible While Attending School**	**State**	**Disqualified for Leaving Work to Attend School**	**Disqualified or Ineligible While Attending School**
AZ	Yes, unless leaving to resume approved training or if work hinders the student from making satisfactory progress in approved training	Yes, unless there is a pattern of concurrent, full-time work and full-time school attendance for the nine-month period before the filing of an initial claim for UI benefits, and the student has not left or refused full-time work, or reduced the hours of work to part-time to attend school	AR	Yes	Yes, except while attending a vocational school for a demand occupation and other training as long as the student is making reasonable efforts to obtain employment and doesn't refuse suitable work
CA	Yes, except if attending union apprenticeship school or approved for training benefits	Yes, ineligible unless student has a part-time seek-work plan or is available for full-time work in labor market during school[1]	CO	Yes[1]	No, provided school attendance does not interfere with ability to accept suitable work[1]
CT	Yes[1]	Yes, ineligible except student who becomes unemployed while attending school if work search is restricted to employment that does not conflict with regular class hours and if student was employed on a full-time basis during the 2 years prior to separation while in school[1]	DE	Yes	No, if student determined to be primarily a worker who happens to attend school
DC	Yes	No, provided school is not an undue restriction on availability	FL	Yes	No, provided school attendance does not interfere with availability to accept suitable work
GA	Yes, unless Trade Act training	No, provided school attendance does not interfere with availability to accept work, and the student is actively seeking work	HI	Yes	Yes[2]
ID	Yes	Yes, unless attending approved training[1]	IL	Yes, unless Trade Act training	Yes, ineligible when principal occupation is student unless attends approved training[1]
IN	Yes, unless Trade Act training	No, provided school attendance does not interfere with availability to accept work, and the student is actively seeking work	IA	Yes	No, eligible if school attendance does not interfere with ability to accept suitable work
KS	Yes, unless Trade Act training	Yes, disqualified, including vacation periods, unless full-time work is concurrent with school attendance, or school schedule does not affect availability for work[1]	KY	Yes	No, provided school attendance does not interfere with ability to accept suitable work
LA	No	Yes, ineligible, including vacation periods, unless student loses job while in school and is available for suitable work[1]	ME	Yes	Yes, disqualified unless student is available for full-time work while in school, or would leave school for full-time work, or is in approved training
MD	Yes[1]	INA	MA	Yes	No, provided industrial or vocational training is found to be necessary to obtain suitable work; must be full-time and less than one year in length[3]
MI	Yes[1]	Yes, ineligible unless student agrees to quit school/change class schedule to accept work, or in approved training	MN	Yes, unless entering approved training	Yes, ineligible unless willing to quit school, except for approved training[1]

Table 5-17: TREATMENT OF STUDENTS					
State	**Disqualified for Leaving Work to Attend School**	**Disqualified or Ineligible While Attending School**	**State**	**Disqualified for Leaving Work to Attend School**	**Disqualified or Ineligible While Attending School**
MS	Yes	No, provided school hours do not interfere with availability for full-time work	MO	Yes	Yes, ineligible if there is a significant restriction on availability. Some part-time students may be eligible. Does not apply to WIA, Trade Act, and mass layoff students.
MT	No	No, provided that student can demonstrate that s/he meets general eligibility requirements	NE	Yes	Yes, disqualified unless major part of BPW were for services performed while attending school[1]
NV	Yes, unless approved training or high school student who must legally attend school	No, if school attendance does not interfere with ability to seek and accept suitable work	NH	Yes	No, provided student is available for and seeking permanent full-time work during all the shifts and all the hours there is a market for his or her services
NJ	Yes, except for approved training	Yes, disqualified, including vacation periods, unless student earned wages sufficient to qualify for benefits while attending school[1]	NM	Yes	Yes, ineligible except if school attendance was not a factor in the job separation and as long as the student is available and seeking at least part-time work (even if currently working part-time)[1, 4]
NY	No	No, provided school attendance does not interfere with availability to accept work, and the student is actively seeking work	NC	No	No, unemployed individual not necessarily unavailable for or unable to work while attending school and not ineligible solely on basis of attending school
ND	No	Yes, disqualified unless major part of BPW were for services performed while attending school[1]	OH	Yes, unless Trade Act training.	No, if becomes unemployed while attending school, BPW were at least partially earned while attending school, meets availability and work search requirements, and if available for suitable employment on any shift[1]
OK	No	No, provided student offers to quit school, adjust class hours, or change shifts to secure employment[1]	OR	Yes, unless required by law to attend school[3]	No, provided school attendance does not interfere with availability to seek and accept suitable work
PA	Yes, unless Trade Act training and job paid less than 80% of Trade Act job and was at lesser skill level	No, provided able and available for suitable work (does not have to be full-time work)	PR	INA	INA
RI	Yes, unless Trade Act training	Yes, disqualified unless hours of school do not interfere with hours of work in student's occupation	SC	Yes	No, not disqualified if student offers to quit school, adjust class hours or change shifts in order to secure employment. Must make a work search each week.
SD	Yes	Yes, ineligible if determined principally occupied as a student	TN	No	No, unless school attendance interferes with availability for suitable work.
TX	Yes[1]	Yes, eligible if willing to quit school or change class schedule to accommodate full-time work[1]	UT	Yes[3]	No, disqualified when school attendance is a restriction to availability for full-time suitable work, unless in an approved training program[3]
VT	Yes	Yes, if claim is based on part-time employment and student remains available for part-time work while attending school	VA	Yes[5]	Yes, unless attendance would limit availability for only one of multiple shifts in usual occupation

Table 5-17: TREATMENT OF STUDENTS					
State	**Disqualified for Leaving Work to Attend School**	**Disqualified or Ineligible While Attending School**	**State**	**Disqualified for Leaving Work to Attend School**	**Disqualified or Ineligible While Attending School**
VI	No	No	WA	Yes, unless approved apprentice training or Trade Act training	Yes, disqualified if registered at a school that provides instruction of 12 or more hours per week, unless in approved training or demonstrates evidence of availability for work[1]
WV	Yes, unless previously enrolled in approved training[1]	No, provided student is in approved vocational training or if student is willing to drop or rearrange classes if suitable work were offered	WI	Yes, unless Trade Act training	Yes, unless student is available for full-time first shift work
WY	Yes, unless previously enrolled in approved training	Yes, disqualified unless major part of BPW were for services performed while attending school			

KEY: INA = Information not available
NOTE: Unless otherwise indicated, state is applying its voluntary quit or availability provisions

[1] State statutes specifically mention students.
[2] Must be available for work and willing to quit school, except for approved training.
[3] Regulations specifically mention students.
[4] Full-time students ineligible for benefits unless able, available, and actively seeking full-time or part-time work. Does not apply to workers in approved vocational training programs.
[5] Based upon case law.

SCHOOL PERSONNEL—FUTA requires states to deny benefits to instructional, research, or principal administrative employees of educational institutions between successive academic years or terms if the individual performed such instructional, research, or administrative services in the first year or term and has a contract or reasonable assurance of performing such services in the second year or term.

FUTA also requires states to deny benefits to instructional, research, or principal administrative employees of educational institutions who perform services in regular but non-successive years or terms (for example, only the first semester of each academic year). These individuals are not eligible for compensation based on such services during the entire period between the regular but non-successive academic years or terms. This between terms denial also applies to vacation or holiday periods within school years or terms.

FUTA permits a state, at its option, to deny benefits between successive academic years or terms to other employees of a school or of an educational service agency who perform services for or on behalf of an educational institution if the individual performed services (other than the three types previously described) during the year or term and has a reasonable assurance or a contract to perform services in the second year or term. The option for denial of benefits also applies to vacation or holiday periods within school years or terms. However, FUTA requires states to pay benefits retroactively to school personnel performing these "other" services if they were given reasonable assurances of reemployment but were not, in fact, rehired when the new school term or year began.

PROFESSIONAL ATHLETES—FUTA requires states to deny benefits to an individual between two successive sport seasons if substantially all of the individual's services in the first season consist of participating in or preparing to participate in sports or athletic events and the individual has a reasonable assurance of performing similar services in the second season.

ALIENS—FUTA requires denial of benefits to certain aliens. Benefits may not be paid based on service performed by an alien unless the alien is one who: (1) was lawfully admitted for permanent residence at the time the services were performed and for which the wages paid are used as wage credits; (2) was lawfully present in the United States to perform the services for which the wages paid are used as wage credits; or (3)

was permanently residing in the United States "under color of law," including one lawfully present in the United States under provisions of the Immigration and Nationality Act. (Note that aliens must also be legally authorized to work to be considered available for work.)

To avoid discriminating against certain groups in the administration of this provision, federal law requires that the information designed to identify ineligible aliens must be requested of all individuals. Whether or not the individual is in satisfactory immigration status is determined by a preponderance of the evidence.

DEDUCTIBLE INCOME

Almost all state laws provide that an individual will not receive UI for any week during which s/he is receiving or is seeking benefits under any federal or other state UI law. A few states specifically mention benefits under the Federal Railroad Unemployment Insurance Act. Under most of the laws, no disqualification is imposed if it is finally determined that the individual is ineligible under the other law. The intent is to prevent duplicate payment of benefits for the same week. These disqualifications apply only to the week in which or for which the other payment is received.

Most states have statutory provisions that an individual is ineligible for any week during which s/he receives or has received certain other types of remuneration such as wages in lieu of notice, dismissal wages, worker's compensation for temporary partial disability, holiday and vacation pay, back pay, and benefits under a supplemental unemployment benefit plan. In many states, if the payment concerned is less than the weekly benefit amount, the individual receives the difference; in other states, no benefits are payable for a week of such payments regardless of the amount of payment. A few states provide for rounding the resultant benefits, like payments for weeks of partial unemployment, to half dollar or full dollar amounts.

Wages in Lieu of Notice and Dismissal Payments—A considerable number of states consider wages in lieu of notice to be deductible income. Many states have the same provision for receipt of dismissal payments as for receipt of wages in lieu of notice. The state laws use a variety of terms such as dismissal allowance, dismissal payments, dismissal wages, separation allowances, termination allowances, severance payments, or some combination of these terms. In many states, all dismissal payments are included as wages for contribution purposes, as they are under FUTA. Other states exclude dismissal payments which the employer is not legally required to make. To the extent that dismissal payments are included in taxable wages for contribution purposes, individuals receiving such payments may be considered not unemployed, or not totally unemployed, for the weeks concerned. Some states have so ruled in attorney general opinions and benefit decisions. However, under rulings in some states, individuals who received dismissal payments have been held to be unemployed because the payments were not made for the period following their separation from work but, instead, with respect to their prior service.

Table 5-18: STATES WITH WAGES IN LIEU OF NOTICE AND DISMISSAL PAYMENTS PROVISIONS

State	Wages	Dismissal	State	Wages	Dismissal	State	Wages	Dismissal
AK	R	R	AR	R	R	AZ	D (not considered unemployed)	
CA	R: By interpretation		CO	R	L: Benefits postponed for number of weeks equal to total amount of additional remuneration divided by usual weekly wage	CT	D	D: Not applicable to severance or accrued leave pay based on service for the Armed Forces

Table 5-18: STATES WITH WAGES IN LIEU OF NOTICE AND DISMISSAL PAYMENTS PROVISIONS

State	Wages	Dismissal	State	Wages	Dismissal	State	Wages	Dismissal
DE		R	DC		R	FL	R	D[1]
GA	D	D	IL	R: By regulation		IN	R: Excludes greater of first $3 or 1/5 WBA from other than BP employer	
IA	R	R	KY	R		LA	R	R: But not less than 1 week, for each week a BP employer provided severance pay equaling or exceeding WBA
ME	R	R	MD	R		MA	D	
MI	R	R	MN	R	R	NE	R	R
NV	D	D	NH	R	R	NJ	D	
NM	R: By regulation		NC	D	D	OH	R	R: Not applicable to severance or accrued leave pay based on service for the Armed Forces
PA		R[2]	RI		D[3]	SD	R	R
TN	D	D[4]	TX	D	D	UT	R	R
VT	D	D	VA	R	R: Only when allocated by the employer to specific pay periods	WA	R	R[45]
WV	D		WI		R: Only when allocated by close of week, payable at full applicable wage rate and individual had notice of allocation[6]	WY	D	D

R = weekly benefit reduced by weekly prorated amount of the payment D = all benefits denied for the week of receipt

[1] Number of weeks of disqualification equals amount of severance pay divided by individual's AWW received from employer that paid severance pay, rounded down to nearest whole number, beginning with week of separation.
[2] WBA reduced by amount of severance pay attributed to the week. Amount of severance pay attributed shall be an amount not less than zero determined by subtracting 40 percent of AAW as calculated as of June 30 immediately preceding calendar year in which BY begins from total amount of severance pay.
[3] Severance pay shall be allocated on a weekly basis from last day worked for a period not to exceed 26 weeks. If employer does not specify set number of weeks, severance pay shall be allocated using individual's WBA.
[4] Benefits denied if severance package from employer is equal to the salary individual would have received if individual was working.
[5] Previously accrued compensation except severance pay, when assigned to a period of time by collective bargaining or trade practices; negotiated settlements or proceeds given for early termination of an employment contract.
[6] Individual is ineligible for benefits for any week in which s/he receives 32 hours or more of termination pay totaling over $500, by itself or in combination with wages.

Worker's Compensation Payments—Nearly half of the state laws list worker's compensation under any state or federal law as disqualifying income. Some disqualify for the week concerned; the others consider worker's

compensation to be deductible income and reduce unemployment benefits payable by the amount of the worker's compensation payments. A few states reduce the unemployment benefit only if the worker's compensation payment is for temporary partial disability.

Table 5-19: STATES WITH WORKER'S COMPENSATION PROVISIONS

State		State		State		State		State	
AL	R	CA	R	CO	R	CT	D[1]	DE	R
GA	D	ID	R	IL	R	IA	R	KS	D
LA	R	MA	D	MN	R	MO	R	MT	D
NE	R	NH	R	OH	R	RI	R	SD	R
TN	D	TX	D	VT	R	VA	R*	WA	D
WV	D	WI	R						

R = weekly benefit reduced by weekly prorated amount of the payment D = all benefits denied for the week of receipt

* If worker's compensation is received after receipt of UI, individual is liable to repay UI that the workers' compensation payment replaced.

Vacation Pay, Holiday Pay, and Back Pay—Many states consider individuals receiving vacation pay as not eligible for benefits; several states hold individuals eligible for benefits if they are on vacation without pay through no fault of their own. In practically all states, as under FUTA, vacation pay is considered wages for contribution purposes – in a few states, in the statutory definition of wages; in others, in official explanations, general counsel or attorney general opinions, interpretations, regulations, or other publications of the state agency. Thus, an individual receiving vacation pay equal to his or her weekly benefit amount would, by definition, not be unemployed and would not be eligible for benefits. Some of the explanations point out that vacation pay is considered wages because the employment relationship is not discontinued, and others emphasize that an individual on vacation is not available for work. Vacation payments made at the time of severance of the employment relationship, rather than during a regular vacation shutdown, are considered disqualifying income in some states only if such payments are required under contract and are allocated to specified weeks; in other states, such payments, made voluntarily or in accordance with a contract, are not considered disqualifying income.

Table 5-20: STATES WITH HOLIDAY PAY, BACK PAY AND VACATION PAY PROVISIONS

State	Holiday	Back Pay	Vacation	State	Holiday	Back Pay	Vacation
AL		D		AK	R	R: Employer withholds amount of benefits paid and remits to UI agency	R
AR	R: WBA minus holiday pay in excess of 40% of WBA		R: WBA minus vacation pay in excess of 40% of WBA	CA	R	R	
CO	Treated as wages in the week in which the holiday occurred	R: Employer withholds amount of benefits paid and remits to UI agency	D	DE		R	

Table 5-20: STATES WITH HOLIDAY PAY, BACK PAY AND VACATION PAY PROVISIONS							
State	**Holiday**	**Back Pay**	**Vacation**	**State**	**Holiday**	**Back Pay**	**Vacation**
DC		Employer withholds amount of benefits paid and remits to UI agency		GA		Employer withholds amount of benefits paid and remits to UI agency	D
HI	R	R	R: If continued attachment to employer	ID	R	R/D: Depending on amount	D
IL	R	R: When individual is reinstated after suspension/dis-charge and receives full compensation for period if charges reversed	R	IN	R: Excludes greater of first $3 or 1/5 WBA from other than BP employer	R: Excludes greater of first $3 or 1/5 WBA from other than BP employer. Employer with-holds amount of benefits paid and remits to UI agency.	R: Excludes greater of first $3 or 1/5 WBA from other than BP employer
IA			R: If employer designates a specific vacation period, benefits are reduced for that period of time. If not, reduction is limited to 1 week.	KS	R	D: Employer withholds amount of benefits paid and remits to UI agency	R
KY		R: Benefits will be reduced 100% for overpayments caused by back pay award		LA			R
ME	R	X[1]	X[2]	MD	R: Not applicable to pay attributable to any period outside the terms of an employment agreement, which specifies scheduled vacation or holiday periods		R: Not applicable to pay attributable to any period outside the terms of an employment agreement, which specifies scheduled vacation or holiday periods
MA	D			MI	R	R	R
MN	R: 55% deducted as long as amount is less than WBA	R	R: Only applies if temporary or seasonal layoff, not if permanent separation	MS		D: Employer withholds amount of benefits paid and remits to UI agency	
MO	Reportable during week of holiday	R: Employer withholds amount of benefits paid and remits to UI agency	R	NV	Treated as wages the week in which it is paid	D: Employer withholds amount of benefits paid and remits to UI agency	D

Table 5-20: STATES WITH HOLIDAY PAY, BACK PAY AND VACATION PAY PROVISIONS

State	Holiday	Back Pay	Vacation	State	Holiday	Back Pay	Vacation
NY	D		D	NM		R: By regulation	
NC		D: Employer withholds amount of benefits paid and remits to UI agency	D	ND	Reportable during week of holiday	Not reportable	Reportable when received unless individual takes vacation prior to layoff
OH			R	OR	May be deductible depending on circumstances		May be deductible depending on circumstances
PA	R	R	R: Only deductible if individual has a return to work date	PR			R
RI			R	SD	R		
TN		R		UT	R	R	R
VT		R	R	VA	Reportable during week of holiday	R	R
WA	R: If assigned to the week claimed rather than accrued	Employer withholds amount of benefits paid and remits to UI agency	R: If assigned to the week claimed rather than accrued	WV	D	D	D: Except if individual is totally unemployed and if pay is accumulated prior to unemployment
WI	R: Only when allocated by close of such week, payable at full wage rate, and individual has notice[2]		R: Only when allocated by close of such week, payable at full wage rate, and individual has notice[3]	WY	D: Allocated to week the holiday occurs	R	D

R = weekly benefit reduced by weekly prorated amount of the payment D = benefits denied for the week of receipt

[1] If a payment, which is awarded or authorized by the National Labor Relations Board, a court, or any other administrative agency of government for any settlement of a dispute, is for, or equivalent to, wages for a specific period of time, then that payment will be considered wages with respect to the week or weeks which are covered by the award, providing the individual receives the back payment.

[2] Individual is ineligible for benefits for any week in which s/he receives 32 hours or more of sick pay, holiday pay, or vacation pay totaling over $500, by itself or in combination with wages.

[3] Individual is ineligible for benefits for any week in which s/he receives vacation pay in an amount exceeding the equivalent of 4 weeks' wages. However, if total amount of vacation pay is less than WBA, WBA will be reduced by the amount of vacation pay received.

Retirement Payments—FUTA requires states to reduce the weekly benefit amount of any individual by the amount, allocated weekly, of any "governmental or other pension, retirement or retired pay, annuity, or any other similar periodic payment which is based on the previous work of such individual...." This requirement applies only to payments made under a plan maintained or contributed to by a base-period or chargeable employer which affected eligibility for or increased the amount of the retirement pay. States are permitted to

reduce benefits on less than a dollar-for-dollar basis by taking into account the contributions made by the individual to the plan in question. (This effectively means the FUTA requirement is limited to 100 percent employer-financed pensions.) Also, the requirement applies only to those payments made on a periodic (as opposed to lump-sum) basis. As a result, states may choose from a variety of options in creating a retirement pay provision. In 2008, FUTA was amended to prohibit reductions for pensions, retirement or retired pay, annuity, or other similar payment which is not includible in the gross income of the individual because it was a part of a rollover distribution.

Table 5-21: EFFECT OF RETIREMENT PAYMENTS

State	Deducts All BP Employer Pensions (51 States)	Considers Employee Contributions To Pensions	Excludes Pensions Not Affected By BP Work	State	Deducts All Pensions BP Employer (51 States)	Considers Employee Contributions To Pensions	Excludes Pensions Not Affected By BP Work
AL	X		X	AK	X	X	X
AZ	X	X	X	AR	X	X	
CA	X	X	X	CO	X		
CT	X	X	X	DE	X	X	
DC	X	X		FL	X	X	X
GA	X	X	X	HI	X	X	X
ID	X[1]	X		IL	X[2]	X	
IN	X[3]			IA	X	X	X
KS	X	X	X	KY	X	X	X
LA	X			ME	X	X	X
MD	X[4]	X		MA	X	X	X
MI	X	X	X	MN	X		
MS	X			MO	X		X
MT	X	X	X	NE	X	X[5]	
NV	X	X	X	NH	X	X	X
NJ	X	X	X	NM	X	X	
NY	X	X	X	NC	X		
ND	X	X	X	OH			
OK	X[5, 6]		X	OR	X	X	
PA	X	X	X	PR	X	X	X
RI	X	X	X	SC	X	X	
SD	X	X		TN	X	X	X

Table 5-21: EFFECT OF RETIREMENT PAYMENTS							
State	**Deducts All BP Employer Pensions (51 States)**	**Considers Employee Contributions To Pensions**	**Excludes Pensions Not Affected By BP Work**	**State**	**Deducts All Pensions BP Employer (51 States)**	**Considers Employee Contributions To Pensions**	**Excludes Pensions Not Affected By BP Work**
TX	X	X		UT	X		X
VT		X		VI	X		
VA	X[2]			WA	X	X	X
WV	X		X	WI	X	X	X
WY	X	X					

[1] Only reportable if 100 percent funded by employer.
[2] Deducted if BP or chargeable employer.
[3] No deduction if individual uses distribution from pension, retirement or annuity plan to satisfy a severe financial hardship resulting from an unforeseeable emergency that is due to events beyond individual's control.
[4] Excludes lump sums paid at time of layoff or shutdown of operations.
[5] By regulation.
[6] If individual is receiving monthly retirement payments that are required to be deducted from unemployment benefits, 7/30 of the monthly retirement payment will be deducted from each week of benefits.

Effect of Social Security Payments—Social Security payments are sometimes treated different from retirement payments in general. The following table indicates the extent, if any, by which the weekly benefit amount is reduced due to receipt of Social Security payments.

Table 5-22: EFFECT OF SOCIAL SECURITY PAYMENTS							
AL	Not Reduced	AK	Not Reduced	AZ	Not Reduced	AR	Not Reduced
CA	Not Reduced	CO	Not Reduced	CT	Not Reduced	DE	Not Reduced
DC	Not Reduced	FL	Not Reduced	GA	Not Reduced	HI	Not Reduced
ID	Not Reduced	IL	Reduced by 50%	IN	Not Reduced	IA	Not Reduced
KS	Not Reduced	KY	Not Reduced	LA	Reduced by 50%	ME	Not Reduced
MD	Not Reduced	MA	Not Reduced	MI	Not Reduced	MN	Reduced by 50%[1]
MS	Not Reduced	MO	Not Reduced	MT	Not Reduced	NE	Not Reduced
NV	Not Reduced	NH	Not Reduced	NJ	Not Reduced	NM	Not Reduced
NY	Not Reduced	NC	Not Reduced	ND	Not Reduced	OH	Not Reduced
OK	Not Reduced	OR	Not Reduced	PA	Not Reduced	PR	Not Reduced
RI	Not Reduced	SC	Not Reduced	SD	Reduced by 50%[2]	TN	Not Reduced
TX	Not Reduced	UT	Not Reduced	VT	Not Reduced	VA	Not Reduced
VI	Reduced by 100%	WA	Not Reduced	WV	Not Reduced	WI	Not Reduced
WY	Not Reduced						

[1] Unless base period wages were earned while individual was already qualified to receive Social Security benefits.
[2] Reduction will cease once UTF CQ ending balance reaches $30,000,000.

Supplemental Unemployment Payments—A supplemental unemployment payment plan is a system whereby, under a contract, unemployed individuals receive payments from an employer-financed trust fund. The purpose is to provide the individual, while unemployed, with a combined UI and supplemental unemployment benefit payment amounting to a specified proportion of his or her weekly earnings while employed.

There are two major types of such plans: (1) those of the Ford-General Motors type, under which the individual has no vested interest and is eligible for payments only if s/he is laid off by the company; and (2) those under which the individual has a vested interest and may collect if s/he is out of work for other reasons, such as illness or permanent separation.

All states except New Mexico, Puerto Rico, South Carolina, and South Dakota permit supplementation by Ford-General Motors type plans without affecting UI payments.

In 48 states permitting supplementation, an interpretive ruling was made either by the attorney general (27 states) or by the employment security agency (10 states); in Maine, supplementation is permitted as a result of a Superior Court decision and, in the remaining 10 states[1], by amendment of the UI statutes.

Some supplemental unemployment benefit plans of the Ford-General Motors type provide for alternative payments or substitute private payments in a state in which a ruling not permitting supplementation is issued. These payments may be made in amounts equal to three or four times the regular weekly private benefit after two or three weekly payments of state UI benefits without supplementation; in lump sums when the layoff ends or the state benefits are exhausted (whichever is earlier); or through alternative payment arrangements to be worked out, depending on the particular supplemental unemployment benefit plan.

Relationship with Other Statutory Provisions—The eleven states[2] which have no provision for any type of disqualifying income except pensions, and the larger number which have only two or three types, do not necessarily allow benefits to all individuals in receipt of the types of payments concerned. When states do not pay benefits to such individuals, they rely upon the general able-and-available provisions or the definition of unemployment. Many individuals receiving worker's compensation, other than those receiving weekly allowances for dismemberment, are not able to work in terms of the UI law. However, receipt of worker's compensation for injuries in employment does not automatically disqualify an unemployed individual for unemployment benefits. Many states consider that evidence of injury with loss of employment is relevant only as it serves notice that a condition of ineligibility may exist and that an individual may not be able to work and may not be available for work.

[1] AK, CA, CO, GA, HI, IN, MD, NH, OH, and VA.

[2] AZ, DC, HI, ID, NM, ND, OK, SC, VI, VA, and WA.