

Amendments to State Unemployment Insurance Laws

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

REPORT ON STATE LEGISLATION

REPORT NO. 1
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ARKANSAS HB 2374 ENACTED and EFFECTIVE March 22, 2007
(Act No. 454)

Financing

Amends the law to provide that the employer who discharged the individual for testing positive for an illegal drug screen will not be charged for benefits paid to the individual if the benefits are based upon wages prior to the discharge.

Nonmonetary Eligibility

Amends the disqualification provisions for individuals discharged for misconduct as a result of a positive illegal drug screen by adding that individuals will be disqualified from the date of filing the claim until they worked 10 weeks earning in each week wages equal to their weekly benefit amount and until they pass a U.S. Department of Transportation (DOT)-qualified drug screen by testing negative for illegal drugs.

Disqualifies an individual applying for benefits after March 27, 2007, who was rejected for offered employment for failing to:

appear for a U.S. DOT-qualified drug screen after receiving a bona fide job offer of suitable work subject to passage of the drug screen; or
pass a U.S. DOT-qualified drug screen by testing positive for an illegal drug after having received a bona fide job offer of suitable work.

Provides that the disqualification must continue until a U.S. DOT-qualified drug screen is passed.

KENTUCKY SB 171 ENACTED March 21, 2007
(CH 62) EFFECTIVE July 1, 2008

Financing

Requires an application to contain a certificate from the Division of Unemployment Insurance reciting that all employer contributions, interest, penalties, and service capacity upgrade fund assessments have been paid before a corporation can be reinstated.

Extends the deadline for recovery of contributions, interest, or penalties from 5 years to 10.

Removes the time limit (within a worker's benefit year) to make determinations of a

worker's eligibility for benefits based on new information or clerical error in the case of determining the insured status of a worker.

Extends the deadline for commencing proceedings to collect contributions, interest, or penalties via levy from 5 years to 10 years.

MAINE SB 129 ENACTED and EFFECTIVE March 29, 2007
(CH 23)

Financing

Repeals provision that successor employer's contribution rate shall remain as previously determined prior to the acquisition until the end of the current rate period to conform with requirements of the SUTA Dumping Prevention Act of 2004.

NEW JERSEY SB 1646 ENACTED and EFFECTIVE January 29, 2007
(CH 43)

Nonmonetary Eligibility

Provides that unemployment benefits will not be reduced if there has been an eligible rollover distribution from a qualified trust to an eligible retirement plan within 60 days of receipt. Any distributions subject to federal income tax will require reduction in unemployment benefits by the amount of the distribution.

NORTH DAKOTA HB 1057 ENACTED and EFFECTIVE March 2, 2007

Administration

Requires employers employing more than 99 employees at any time to file contribution and wage reports via an electronic method approved by the bureau beginning with the calendar quarter in which the 99 employee requirement is met. Employers not complying with the electronic filing of reports requirements are deemed to have failed to submit their contribution and wage reports. Requires all payers making payments on behalf of more than one employer to make all payments electronically.

NORTH DAKOTA SB 2035 ENACTED and EFFECTIVE March 2, 2007

Financing

Amends the calculation of the tax rate necessary to generate the amount of income needed to reach a solvency balance by adding that the negative rate arrays must have a minimum multiplier of 100 percent.

SOUTH DAKOTA SB 147 ENACTED and EFFECTIVE March 7, 2007

Financing

Excludes from the definition of "wages" employer's contributions to retirement or pension payments, if the payment is made to certain qualified plans provided in federal law, other than certain elective contributions, as of January 1, 2006.

UTAH HB 23 ENACTED and EFFECTIVE March 12, 2007
(CH 133)

Administration

Amends state law to permit the state agency to require employers to file contribution reports on electronic media as well as on magnetic media or in other machine-readable form.

Requires rules to be prescribed to provide standards for determining which contribution reports must be filed on electronic media.

Amends state law to provide that an employer may not be required to file contribution reports on magnetic or electronic media unless the employer is required to file wage data on at least 250 employees during any calendar quarter or is an authorized employer representative who files quarterly tax reports on behalf of 100 or more employers during any calendar quarter.

UTAH SB 15 ENACTED and EFFECTIVE March 14, 2007
(CH 264)

Administration

Provides that the Department of Workforce Services may disclose to an individual the suspected misuse of the individual's personal identifying information and report suspected abuse to appropriate law enforcement agencies responsible for investigating identity fraud violations.

Changes the violation from a class A to a class C misdemeanor for an employee of Workforce Services who makes a disclosure of information obtained from an employing unit or individual or uses the list of applicants for work or claimant information for political purposes.

UTAH SB 103 ENACTED and EFFECTIVE March 13, 2007
(CH 225)

Nonmonetary Eligibility

Clarifies the disqualification provisions related to unreported or underreported work or earnings. Provides that if a fraud determination is based solely on claimant's unreported or underreported work or earnings and the claimant would have been eligible for benefits that week, they do not lose eligibility for that week but are liable for the overpayment and subject to disqualification of benefits for subsequent weeks.

UTAH SB 11 ENACTED and EFFECTIVE March 14, 2007
(CH 263)

Financing

Removes the provision that employers would not be charged for benefits paid due to the 50 percent Social Security benefits offset to an individual's weekly unemployment benefit amount.

Removes the provision that these costs would be funded from federal Reed Act money.

WYOMING SB 66 ENACTED February 28, 2007

Financing

Requires the department by rule and regulation to establish an additional formula to apportion the positive fund balance adjustment factor between employers whose accounts have incurred a benefit ratio of zero and employers whose accounts have incurred a benefit ratio that is greater than zero. For purposes of the apportionment, requires employers who have no established experience period to be treated the same as employers whose accounts have incurred a benefit ratio that is greater than zero. Requires the apportionment formula to reflect:

the proportion of contribution revenue received from each of the two groups of employers during the previous calendar year;
an additional surcharge for employers whose accounts have incurred a benefit ratio that is greater than zero.

WYOMING

HB 75
(CH 177)

ENACTED March 4, 2007
EFFECTIVE July 1, 2007

Financing

Modifies the provision concerning delinquent rates by providing that an employer satisfies his/her delinquent account by paying all contributions, interest and penalties due and submitting all contribution reports due.

Increases the estimated construction cost of any project in Wyoming which requires incremental bond payments for impact industries from at least \$25,000,000 to at least \$100,000,000.

Overpayments

Amends the overpayment provisions to:

permit recoupment, without civil action, of benefits liable for repayment by offsetting against future benefits within 5 years from the effective date of the claim resulting in the overpayment if the claim was nonfraudulent;
provide that the limitation on recoupment extends beyond the 5-year limitation if the claim resulting in the overpayment was fraudulent;
permit the cancellation of amounts of overpayments or penalty due on any overpayments after the expiration of the time period mentioned above when the individual cannot be located (previously, cancellation of amounts of overpayments or penalty due on any overpayments were permitted 5 years after the effective date of the claim resulting in an overpayment when the individual could not be located within the state of Wyoming).