

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. 2
August 2008

ALABAMA HB 428 ENACTED and EFFECTIVE May 29, 2008
(Act No. 501)

Financing

Extends from March 31, 2008, to September 30, 2010, the quarterly 0.06 percent special assessment used to fund the Employment Security Enhancement Fund, applicable to certain employers.

Extends from March 31, 2008, to September 30, 2010, the current tax rate structure for determining an employer's contribution rate.

Monetary Entitlement

Provides that with respect to benefit years effective on or after July 6, 2008, an individual will serve a 1-week waiting period with no benefits payable after the 13th compensable week of paid benefits within a benefit year and prior to the 14th compensable week of benefits. The waiting week will not be counted as a week of unemployment.

ALABAMA SB 147 ENACTED and EFFECTIVE May 16, 2008
(Act No. 396)

Financing

Modifies the SUTA dumping prevention provisions that mandate transfer of experience by requiring that the rates of both employers be recalculated and made effective in accordance with the date such transfer or transfers occurred. (Previously, the rates were effective January 1 of the calendar year the transfer or transfers occurred.)

COLORADO SB 139 ENACTED May 20, 2008
(CH 239) EFFECTIVE August 6, 2008

Administration

Requires the Department to electronically notify employers quarterly of the federal law against hiring or continuing to employ unauthorized aliens and of the availability of the optional participation requirements for the federal electronic verification program (e-verify program) to verify the work eligibility status of new employees. Requires the Department and the Secretary of State to post this information on their respective web sites and to provide a link to the e-verify program.

COLORADO HB 1180 ENACTED and EFFECTIVE June 2, 2008

(CH 369)

Nonmonetary Eligibility

Provides that an individual who quits to relocate due to the transfer of the individual's spouse who is an active duty member of the U.S. armed forces is eligible for benefits. (Previously, eligibility was limited to individuals who relocated due to the spouse's transfer for medical related purposes in time of war or armed conflict.) Provision is repealed effective July 1, 2018.

Deletes the requirement for a claimant who quits to relocate with a military spouse to report all job separations when an additional claim is filed during a benefit year due to a recurrence of unemployment.

COLORADO SB 204 ENACTED May 21, 2008
(CH 266) EFFECTIVE August 6, 2008

Nonmonetary Eligibility

Creates an exception to the requirement that deputies of the Division of Employment and Training in the Department of Labor and Employment issue decisions on all claims for unemployment benefits to exclude cases when the claimant did not file a continued claim for benefits.

CONNECTICUT HB 5628 ENACTED May 12, 2008
(CH 567) EFFECTIVE October 1, 2008

Financing

Requires employers and persons or organizations that function as employer agents who make contributions or payments in lieu of contributions for 250 or more employees to contribute/pay electronically.

FLORIDA SB 854 ENACTED June 17, 2008
(CH 165) EFFECTIVE July 1, 2008

Nonmonetary Eligibility

Provides that an individual hired as a day laborer with a temporary help firm has voluntarily quit and is disqualified for benefits for failing to report for reassignment the next business day provided the individual was given notice upon completion of the latest assignment that work is available the next business day and that the individual must report for reassignment the next business day.

Modifies the definitions of "temporary help firm" to include a labor pool and "temporary employee" to include a day laborer performing day labor employed by a labor pool.

ILLINOIS HB 5368 ENACTED and EFFECTIVE July 16, 2008
(P.A. 95-736)

Financing

Provides for noncharging of benefits paid to individuals who left work to accompany a spouse reassigned from one military assignment to another.

Nonmonetary Eligibility

Provides that an individual has not left work voluntarily without good cause to accompany a spouse reassigned from one military assignment to another.

IOWA

SB 2160

ENACTED May 15, 2008

EFFECTIVE July 1, 2008 unless specified

Financing

Specifies that an accounting firm, UI accounting firm, or other entity that demonstrates a continuous pattern of failing to participate in initial determinations to award benefits must be denied permission to represent any employers in unemployment insurance matters.

Specifies that the penalty for each delinquent or insufficient report must not be less than \$35. (Previously, not less than \$10 for the first delinquent or insufficient report; not less than \$25 for the second; and not less than \$50 for subsequent.)

Provides that an employer must pay all costs associated with a subpoena, including service fees and court costs, for investigations of an employer liability issue, to complete audits, secure reports, or assess contributions. Refusing or negligently failing to honor a subpoena must result in a penalty of \$250.

Overpayments

Provides that benefits paid to an individual and not received as the result of fraud or willful misrepresentation must not be recovered, if the employer did not participate in the initial determination and overpayment occurred as a result of a subsequent reversal on appeal.

MARYLAND

HB 749
(CH 669)

ENACTED May 22, 2008

EFFECTIVE June 1, 2008

Nonmonetary Eligibility

Provides that it is good cause for an individual to voluntarily quit to follow a spouse if the spouse serves in the US military or is a civilian employee of the military or of a federal agency involved in military operations, and the spouse's employer requires a mandatory transfer to a new location.

NEW JERSEY

SB 1698
(CH 20)

ENACTED and EFFECTIVE June 19, 2008

Financing

Changes the date for calculating the Unemployment Trust Fund Reserve Ratio from March 31, 2008, to June 30, 2008, for the experience rating year beginning July 1, 2008, only.

Appropriates \$260 million to the Department from the General Fund for deposit in the unemployment compensation fund.

NEW YORK

SB 7737
(CH 369)

ENACTED July 21, 2008

EFFECTIVE October 26, 2008

Nonmonetary Eligibility

an Indian tribe, resulting in unemployment insurance coverage of such services.

Defines "tribal units" to include subdivisions, subsidiaries, or business enterprises wholly owned by an Indian tribe.

Allows tribes to pay contributions or elect to make reimbursements on the same schedule as nonprofit organizations.

Requires an Indian tribe that elects to make reimbursements to file a surety bond or post a deposit.

Provides that failure to make required payments within 90 days will result in the loss of option to make reimbursements. Reinstatement can be made after one year when failure is corrected.

Failure to make required payments will cause loss of coverage of services performed for tribe and cause the tribe to be liable for Federal Unemployment Tax Act taxes.

Specifies that the Commissioner will notify the Internal Revenue Service of any termination or reinstatement of coverage of services provided for a tribe.

Provides that extended benefits not reimbursed by the federal government shall be reimbursed by the tribe.