

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

**REPORT ON STATE LEGISLATION**

REPORT NO. 3

October 2009

<b>GEORGIA</b>	HB 581 (Act No. 49)	ENACTED April 21, 2009 EFFECTIVE April 21, 2009, or as noted
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Administration

Provides that notwithstanding certain provisions of law, allows private and confidential information or records to be disclosed by the state auditor only in accordance with the law and federal regulations after notice and review, upon the written direction of the Commissioner issued in advance of such disclosure.

Gives additional powers to the Georgia State Financing and Investment Commissioner regarding federal funds for authorization or payment of public debt.

Extensions and Special Programs

Provides that, effective on and after January 1, 2010, claimants who have exhausted all rights to regular unemployment benefits, who are unemployed, enrolled in and making satisfactory progress in a state-approved training program or in a job training program authorized under the Workforce Investment Act of 1998, will be entitled to an additional amount of benefits equal to 26 times their average weekly benefit amount for the most recent benefit year, less any deductible earnings. Such training program must prepare claimants who have been separated from a declining occupation or have been involuntarily and indefinitely separated from employment due to a permanent reduction of operations at the claimant's place of employment for entry into a high-demand occupation.

Provides for the optional extended benefits (EB) "on" indicator based on the seasonally adjusted total unemployment rate (TUR). Provides for up to 13 weeks of EB if the average TUR for the most recent 3 months is at least 6.5 percent and is 110 percent of the rate for the corresponding 3-month period in either or both of the 2 previous years. Provides for up to an additional 7 weeks of EB if the state is in a high unemployment period. (The average TUR is at least 8 percent and is 110 percent of the rate for the corresponding 3-month period in either or both of the 2 previous years.) This TUR provision is effective for weeks of unemployment beginning on or after February 1, 2009, and is applicable through the week ending 3 weeks prior to the last week for which the Federal government pays 100 percent of most EB costs or any extension that does not impose any new condition upon receipt of such federal funding.

Defines "eligibility period" with respect to the EB program related provisions in the Recovery Act of 2009, and any extension that does not impose any new condition upon receipt of such

federal funding to also mean the period consisting of the weeks during which individuals are eligible for EUC08 when such weeks begin in an EB period, and if their eligibility for such EUC08 ends within such EB period, any weeks thereafter which begin in such period, except as otherwise limited.

### Financing

Deletes the requirement to use Reed Act moneys for unemployment benefit payments made to individuals who qualify because of use of the alternative base period.

Provides that for calendar quarters beginning on or after July 1, 2009, when an employer's combined amount of quarterly contributions and assessments due does not exceed \$5, such amount may be a de minimis amount with respect to that calendar quarter, and that quarterly payment of such de minimis amount, otherwise due before the last day of the month next following the end of the calendar quarter, may be deferred, at the employer's option until the January 31 reporting date next following, if the employer:

- Files all quarterly wage and tax reports, including a report of such de minimis amount due;
- Timely pays all other amounts due; and
- Makes full payment of any deferred de minimis amount by the January 31 report date next following.

Provides that in the event that an employer fails to make such demimis payments, any such deferred de minimis amount will become delinquent as of the date originally due, and the employer will be subject to all the provisions of law.

Suspends for calendar years 2010 and 2011, the rate increase required occurring when the calculated state-wide reserve ratio is less than 1.7 percent and at least 1.25 percent.

Requires that the state's share of the distribution for unemployment compensation administration under the Recovery Act of 2009 be credited to the state's account in the Unemployment Trust Fund and be used solely for unemployment insurance program administration.

### Nonmonetary Eligibility

Modifies the definition of "bona fide in the labor market" by providing that no otherwise eligible individuals will be ineligible for benefits solely because of seeking, applying for, or accepting only part-time work instead of full-time work, provided they worked part-time during a majority of the weeks in the base period, and they are available for at least 20 hours of work per week.

**IDAHO**      HB 248  
                  (CH 238)

ENACTED April 24, 2009  
EFFECTIVE as noted

### Monetary Entitlement

Provides that if a claimant has insufficient wages in the regular base period to establish eligibility, the base period will be the last 4 completed calendar quarters immediately preceding the beginning of a benefit year. (Effective on and after October 1, 2009.)

Provides that if a claimant has insufficient wages in the base period to establish eligibility due to a medically verifiable temporary total disability, the alternate base period will be the last 4 completed calendar quarters immediately prior to the Sunday of the week in which a medically verifiable temporary total disability occurred. (Effective on and after October 1, 2009.)

### Nonmonetary Eligibility

Provides that a claimant will not be denied regular unemployment benefits relating to availability for work, active search for work, or refusal to accept work, solely because of seeking only part-time work, if it is determined that a majority of the weeks of work in his/her base period were for less than full-time work. Defines "seeking only part-time work" to mean seeking work that has comparable hours to the claimant's part-time work experience in the base period, except that a claimant must be available for at least 20 hours of work per week. (Effective on and after January 1, 2010.)

Extends the time period job training can be completed from 1 year to 2 years, except that this requirement may be waived pursuant to rules the director may prescribe. (Effective on and after January 1, 2010.)

Provides that, effective on and after January 1, 2010, a claimant otherwise eligible for regular benefits will be eligible for training extension benefits if the department determines that all of the following criteria are met:

- (i) The claimant is unemployed;
- (ii) The claimant has exhausted all rights to regular unemployment benefits, and all rights to extended benefits and all rights to increased benefits provided for in the Recovery Act enacted on February 17, 2009;
- (iii) The claimant is enrolled in a training program approved by the department or in a job training program authorized under the Workforce Investment Act of 1998, as amended; except that the training program must prepare the claimant for entry into a high-demand occupation if the department determines that the claimant separated from a declining occupation or has been involuntarily and indefinitely separated from employment as a result of a permanent reduction of operations at the claimant's place of employment. A "declining occupation" is one where there is a lack of sufficient current demand in the claimant's labor market area for the occupational skills for which the claimant is qualified by training and experience or current physical or mental capacity and the lack of employment opportunities is expected to continue for an extended period of time, or the claimant's occupation is one for which there is a seasonal variation in demand in the labor market and the claimant has no other skills for which there is current demand. A "high-



work when offered because of being in training with the approval of the director or in a job training program pursuant to the Workforce Investment Act of 1998. (These above TEB provisions are applicable to any week of unemployment benefits beginning on or after July 5, 2009.)

### Financing

Appropriates future federal funds received by the state pursuant to Section 903 of the Social Security Act (SSA) due to this enactment to be placed in the unemployment compensation trust fund; delays the July 1 computation date until such funds are received, but no later than September 5, 2009, if the funds are not received on or before that date. Requires the contribution rate table to use data as of July 1, 2009, except for inclusion on the unemployment compensation trust fund balance of funds received pursuant to Section 903 of the SSA.

### Monetary Entitlement

Establishes an alternative base period as the last 4 completed calendar quarters immediately preceding the first day of the benefit year for individuals with insufficient base period wages to establish a regular base period; provides that wages falling in the alternative base period are not available for reuse in a subsequent benefit year. (Applicable to any new claim with an effective date on or after July 5, 2009.)

### Nonmonetary Eligibility

Provides that an individual is a part-time worker if a majority of the weeks of work in the base period includes part-time work; provides that part-time workers are not required to be available for, seek, or accept full-time employment. (Applicable to any week of unemployment benefits beginning on or after July 5, 2009.)

**IOWA** SB 478 ENACTED and EFFECTIVE May 26, 2009  
(CH 179)

### Extensions and Special Programs

Requires the employing unit to provide that the duration of the shared work plan will not exceed 52 weeks (was 26 weeks) as a condition of approval.

Removes other language limiting short-time compensation to 26 weeks during the individual's benefit year.

**MAINE** SB 541 ENACTED and EFFECTIVE April 16, 2009  
(CH 33)

### Extensions and Special Programs

Adopts the extended benefits program optional trigger based on the seasonal adjusted total unemployment rate (TUR) for the most recent 3-month period equaling or exceeding 6.5 percent and the average TUR equaling or exceeding 110 percent of the TURs for either or both of the corresponding 3-month periods in the 2 preceding calendar years and provides for a high unemployment period (HUP) when the TUR reaches or exceeds 8 percent and the 110 percent requirement is met from February 17, 2009, until the week ending December 12, 2009, or until the week ending 3 weeks prior to the last week for which federal sharing is authorized by Section 2005(a) of the Recovery Act of 2009. Provides for up to an additional 7 weeks of benefits to eligible individuals during a HUP. (Retroactive to February 17, 2009.)

### Financing

Establishes the Emergency Unemployment Benefit Reimbursement Fund to reimburse eligible reimbursing employers for the cost of extended benefits paid as a result of the trigger of the TUR “on” indicator. Appropriates and allocates \$600,000 to this fund from the general fund from 2009 to 2010.

### Nonmonetary Eligibility

Provides that an individual will not be disqualified for voluntarily quitting if the leaving:

- was caused by the illness or disability of the claimant or immediate family member and precautions to protect the employment were taken by notifying the employer of the need for time off, a change or reduction in hours or a shift change and being advised by the employer that such notification cannot or will not be accommodated (previously, the claimant had to notify the employer of the reasons for the absence and by promptly requesting reemployment when again able to resume employment);
- was necessary to accompany, follow or join the claimant’s spouse in a new place of residence, and the claimant is in all respects able, available, and actively seeking suitable work (previously, the claimant had to clearly show within 14 days of arrival at the new place of residence an attachment to the new labor market);
- was necessary to protect the claimant or any member of the claimant’s immediate family from domestic abuse or the leaving was due to domestic violence that caused the claimant reasonably to believe that the claimant’s continued employment would jeopardize the safety of the claimant or any member of the claimant’s immediate family and the claimant made all reasonable efforts to preserve the employment.

<b>MARYLAND</b>	HB 740 (CH 288)	SB 576 (CH 287)	ENACTED May 7, 2009 EFFECTIVE October 1, 2009, or as noted
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### Monetary Entitlement

Increases, effective October 1, 2009, the maximum weekly benefit amount from \$380 to \$410; the minimum qualifying wages needed in the base period to qualify for the maximum weekly benefit amount from \$13,680 to \$14,760; and the high quarter wages needed in the base period to

qualify for the maximum weekly benefit amount from \$9,096.01 to \$9,816.01. Applicable to claims filed establishing a new benefit year on or after October 4, 2009.

Increases, effective October 1, 2010, the maximum weekly benefit amount from \$410 to \$430; the minimum qualifying wages needed in the base period to qualify for the maximum weekly benefit amount from \$14,760 to \$15,480; and the high quarter wages needed in the base period to qualify for the maximum weekly benefit amount from \$9,816.01 to \$10,296.01. Applicable to claims filed establishing a new benefit year on or after October 3, 2010.

**MICHIGAN**      HB 4668      ENACTED and EFFECTIVE April 13, 2009  
(PA No. 18)

### Financing

Deletes obsolete provisions providing that the nonchargeable benefits account will be charged with the share of extended benefits otherwise charged to the account of a contributing employer, during a period when extended benefits are paid based on the average rate of total unemployment with respect to benefit charges for extended benefits paid for weeks of unemployment beginning the week after the week in which effective and ending the week ending January 17, 2004.

**MONTANA**    HB 645      ENACTED May 14, 2009  
(CH 489)      EFFECTIVE May 14, 2009, or as noted

### Extensions and Special Programs

Provides that training benefits are available to individuals who have exhausted all rights to regular unemployment compensation benefits and who are attending an approved worker training program.

Provides that unemployed individuals participating and making satisfactory progress in a state-approved training program or a job training program authorized by the Workforce Investment Act of 1998 that is necessary for individual's reemployment is eligible to receive training benefits if the:

- individual was separated from a declining occupation, or involuntarily and indefinitely separated from employment as a result of a permanent reduction of operations at the individual's place of employment;
- training enhances the individual's marketable skills and earning power and the training is targeted to those industries or skills that are in demand within the labor market.

Provides that training benefits must be paid at the individual's average weekly benefit amount during the applicable benefit year and under the same terms and conditions as regular benefits.

Training benefits are payable only for weeks during which the individual is attending an approved training program.

### Financing

Noncharges employers' accounts for payment of training benefits.

### Monetary Entitlement

Modifies the definition of base period to include the 4 most recently completed calendar quarters immediately preceding the first day of the individual's benefit year if the individual does not have sufficient wages to qualify for benefits under the regular base period.

### Nonmonetary Eligibility

Provides that, except as otherwise provided, an individual may not be denied regular unemployment compensation benefits solely because the individual is seeking only part-time work. To qualify, the majority of the individual's work weeks in the base period must have been part-time.

**NORTH DAKOTA** HB 1362  
(CH 446)

ENACTED and EFFECTIVE April 9, 2009

### Administration

Requires the agency to respond to a written request by a staffing service to allow the staffing service to use the staffing service's unemployment insurance tax rate instead of the client company's tax rate, if the difference in the tax rate between the staffing service's and client company's tax rate reduces the taxes and the reduction exceeds \$500 within 15 days of receiving all required information.

Requires the agency to send notices of tax rate determinations annually to the staffing service.

Provides that any report relating to the Federal Unemployment Tax Act which is required to be submitted to the Federal Internal Revenue Service regarding a staffing service must be submitted with the employer identification number of the staffing service.

**NORTH DAKOTA** SB 2101  
(CH 443)

ENACTED and EFFECTIVE April 22, 2009

### Financing

Adds that calculations of unemployment compensation contribution rates for the following employers must be rounded to the nearest one-hundredth of one percent:

- new employers assigned a rate that is 90 percent of the positive employer maximum rate or a rate of 1 percent, whichever is greater, unless classified in construction services; and

- employers assigned rates according to the positive employer rate group schedule or the negative employer rate group schedule.

**TENNESSEE**            SB 1971                    ENACTED and EFFECTIVE May 13, 2009  
                                   (CH 209)

Appeals

Provides that non-resident parties to an appeal may petition to obtain judicial review of decisions by filing in the Chancery Court of the County where the employer is located, except that any petition for judicial review of tax liabilities must be filed in Davidson County.

**TEXAS**                    HB 1637                    ENACTED and EFFECTIVE May 19, 2009  
                                   (CH 42)

Extensions and Special Programs

Amends the definition of “normal weekly hours of work” under the shared work unemployment compensation program to mean the number of hours in a week that an employee ordinarily works for a participating employer or an average of 40 hours per week over a 2-week pay period, whichever is less. (Previously, meant the number of hours in a week ordinarily worked for a participating employer or 40 hours.)

**VERMONT**                HB 442                    ENACTED AND EFFECTIVE June 9, 2009  
                                   (Act No. 2)

Administration

Establishes an unemployment trust fund reform study committee to study reform of the unemployment trust fund.

Financing

Increases the taxable wage base from \$8,000 to \$10,000 from January 1, 2010, through December 31, 2010.

Monetary Entitlement

Maintains the maximum weekly benefit amount of \$425 from July 1, 2009, through June 30, 2010.

**WEST VIRGINIA**    SB 540                    ENACTED May 7, 2009  
                                   (CH 205)                    EFFECTIVE May 7, 2009, or as noted

Monetary Entitlement

Allows individuals to elect to voluntarily have state income taxes withheld and deducted from their payment of unemployment compensation at the appropriate state withholding rate, effective for payments made on and after January 1, 2010.